



Village of Estero Declaration of Land Restriction Non-Conversion Agreement

This form is for use in Flood Zones VE, AE, AH and A for proposed development, substantial improvement, alteration, or repair for buildings with enclosures below the required elevation.

This DECLARATION made this _____ day of _____, 20____ by _____ ("Owner(s)") having an address at: _____

WITNESSETH:

WHEREAS, the Owner is the record owner of all that real property located at _____, Estero, FL 33928, designated in the Tax Records as parcel number: _____, and being that same property acquired by the Owner by deed dated _____, _____, and recorded as instrument # _____ among the Official Records of Lee County Clerk of Circuit Court.

WHEREAS, the Owner has applied for a permit to construct a structure on that property and:

- 1) It is identified by Permit Number _____ ("Permit");
- 2) It is located in a special flood hazard area identified on the effective Flood Insurance Rate Map Panel # _____, dated _____.
- 3) It is located in Flood Zone _____ Base Flood Elevation: _____
- 4) It is designed to conform to the requirements of Section 7-3.- Flood Hazard Reduction Standards of the Village of Estero Code referred herein as "Regulations," of the Village of Estero, Florida and the *Florida Building Code*, if applicable; and
- 5) If unauthorized improvements, modifications, alterations, conversions or repairs are made to it in the future, the structure could be made noncompliant by such unauthorized actions, including such actions by future owners.

WHEREAS, in accordance with Village Code Section 7-302.A.3., Owner must agree not to convert or modify the type of enclosure selected above in any manner that is inconsistent with the terms of the Permit and Village Code.

NOW, THEREFORE, the Owner agrees to record this DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT) on the deed of the property recorded in the above-cited land records and certifies, accepts, and declares that the following covenants, conditions, and restrictions are placed on the affected property as a condition of granting the Permit, and affects rights and obligations of the Owner and any future owners, and shall be binding on current Owner, his/hers/its heirs, personal representatives, successors, and assignees.



Village of Estero Declaration of Land Restriction Non-Conversion Agreement

THE PERMITTED STRUCTURE SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE *FLORIDA BUILDING CODE*, OR LOCAL FLOODPLAIN MANAGEMENT REGULATIONS, AS APPLICABLE, AND IS SUBJECT TO CONDITIONS as follows:

- 1) The structure or part thereof to which these conditions apply is:
☐ An enclosure that is below an elevated building ☐ A crawl/underfloor space enclosed by perimeter walls and is more than 5 feet in height ☐ A detached accessory structure that is not elevated.
- 2) The structure or part thereof identified in #1 shall be used solely for parking of vehicles, storage, or access to an elevated building, as applicable.
- 3) As required by the *Florida Building Code* or local Regulations, as applicable, the walls of the structure or part thereof identified in #1 shall be equipped with flood openings. The flood openings shall not be blocked, covered, manually closed or modified in any way that would alter the intended performance to allow floodwaters to automatically enter and exit.
- 4) As required by the *Florida Building Code* or local Regulations, as applicable, the walls of the structure or part thereof identified in #1 shall be designed to break away. The breakaway walls shall not be altered in any way that prevents the walls from breaking away, as designed, under flood conditions.
- 5) As required by the *Florida Building Code* or local Regulations, as applicable when located within the VE flood zone, building materials used below the elevation required by the *Florida Building Code*, shall be flood damage-resistant materials and unfinished.
- 6) Any conversion, alteration, modification, improvement, repair, or change in use of the structure or part thereof identified in #1:
 - a) Shall not occur without the issuance of a permit by the Village of Estero Building Department, or any successor department; and
 - b) Depending on the nature of work, such permit may require full compliance with the *Florida Building Code*.
- 7) Any repair, conversion, alteration, modification, improvement, repair, or change in use of the structure or part thereof identified in #1 or any other unpermitted variation beyond what is explicitly authorized by permit constitutes a violation of the Permit, local Regulations, and the *Florida Building Code* and shall be subject to enforcement action to correct such violation.

WARNINGS

Unauthorized conversion, alteration, modification, improvement, repair, or change in use of the permitted structure or part thereof identified in #1 may render the structure uninsurable by the National Flood Insurance Program or increase the cost for flood insurance commensurate with the increased risk.

Unauthorized conversion of an enclosure below the lowest floor of an elevated building for uses other than permitted uses, or the unauthorized conversion of an accessory structure for uses other than permitted uses, exposes occupants to increased risk of death and injury. The local jurisdiction issuing the Permit shall not be held liable for any damage or injury to occupants.



Village of Estero Declaration of Land Restriction Non-Conversion Agreement

Owner Signature

Date

Owner Name

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me, by means of ☐ physical presence OR ☐ online notarization, on this _____ day of _____, 20____, by _____, who is ☐ personally known to me OR ☐ produced _____ as identification.

Notary Public (Print Name)

Notary Public Seal

Notary Public (Signature)

Owner Signature

Date

Owner Name

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me, by means of ☐ physical presence OR ☐ online notarization, on this _____ day of _____, 20____, by _____, who is ☐ personally known to me OR ☐ produced _____ as identification.

Notary Public (Print Name and Notary No.)

Notary Public Seal

Notary Public (Signature)