



TOWN OF GOLDEN BEACH

One Golden Beach Drive, Golden Beach, FL 33160
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NON-CONVERSION AGREEMENT FOR ENCLOSURES BELOW THE BASE FLOOD ELEVATION OR DESIGN FLOOD ELEVATION

This DECLARATION made this ___ day of ___, 20____, by _____ (“Owner”) having an address at _____ in the Town of Golden Beach, Florida designated in the Tax Records as Folio # _____ as recorded in the public records of Miami Dade County in Book No. _____, Page No. _____.

WITNESSETH:

WHEREAS, the Owner has applied for a permit to construct, improve, or repair the property owned by _____ (name) at _____ (address) in the Town of Golden Beach and:

- 1) It is identified by building Permit No. _____, dated _____;
- 2) It is located on a flood hazard area identified on Flood Insurance Rate Map Panel # _____, dated _____;
- 3) It is located in flood zone(s):

_____ Base Flood Elevation _____
 _____ Base Flood Elevation _____
 _____ Base Flood Elevation _____

Seaward of LiMWA or community defined Coastal A Zone limit: Yes No

Seaward of Coastal Construction Control Line: Yes No

Florida Department of Environmental Protection 100-Year Storm Elevation _____ (NGVD).

- 4) It is designed to conform to the requirements of the Town of Golden Beach Floodplain Management Ordinance referred herein as “Land Development Regulations,” of Golden Beach and the most current edition of the Florida Building Code - Residential; 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, the Owner agrees to record this DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT) in the public records of Miami Dade County 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 the Owner, his heirs, personal representatives, successors and assigns.

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

- 1. The structure or part thereof to which these conditions apply is:
 - An enclosure that is below the Base Flood Elevation or Design Flood Elevation.

- A detached, allowable accessory structure that is not elevated.
- 2. Enclosed areas below the Base Flood Elevation or Design Flood Elevation, whichever is higher, shall be used solely for parking of vehicles, limited storage, or access to the building. All interior walls, ceilings and floors within the enclosed area shall be unfinished or constructed of flood damage-resistant materials and shall not be used for recreational or habitable purposes. Installation of minimal electrical, mechanical and plumbing equipment, devices and fixtures as allowed by the Florida Building Code.
- 3. The walls of the enclosed areas below the Base Flood Elevation or Design Flood Elevation of the structure or part thereof identified in #1 shall be designed to breakaway. The breakaway walls shall not be altered in any way that prevents the walls from breaking away, as designed, under flood conditions.
- 4. The breakaway walls of the enclosed areas below the Base Flood Elevation or Design Flood Elevation 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.
- 5. Any conversion, alteration, modification, improvement, repair or changes from these conditions constitute a violation of the Permit and this agreement, and may render the structure non-compliant with minimum requirements, and result in higher NFIP flood insurance rates. The Town of Golden Beach, as the jurisdiction issuing the Permit and enforcing this agreement, may take any appropriate legal action to correct any violation.
- 6. A duly appointed representative of the City is authorized to enter the property for the purpose of inspecting the exterior and interior of the enclosed area to verify compliance with this Declaration. Such inspections will be conducted upon due notice to the Owner and no more frequently than once year. More frequent inspections may be conducted if the annual inspection discovers a violation of the Permit
- 7. Other conditions: _____

In witness whereof the undersigned set hands and seals this ____ day of _____, 20 ____.

Owner's Name (Printed)	Signature of Owner	Date
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Owner's Name (Printed)	Signature of Owner	Date
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Witness's Name (Printed)	Signature of Witness	Date
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Sworn to and Subscribed before me this _____ day of _____, 20 ____.

(SEAL)

Signature – State of Florida Notary Public

Personally known _____ OR, Produced Identification _____
Type of ID Produced _____

(DOCUMENT MUST BE RECORDED AND PROOF OF RECORDING PROVIDED)