

# NON-CONVERSION AGREEMENT FOR STRUCTURES IN THE 100-YEAR FLOODPLAIN

(Basements, Attached & Detached Garages, Sheds, Storage Rooms - Crawl Spaces Greater Than 6 Feet in Height)

Application has been made for a **Conditioned Permit** to build a \_\_\_\_\_

which does not conform to the elevation requirements of Town/County(s) \_\_\_\_\_ Floodplain Ordinance.

Permit # \_\_\_\_\_

Property Owner \_\_\_\_\_

Address \_\_\_\_\_

Flood Protection Elevation at the site is: \_\_\_\_\_ feet (NGVD/NAVD)

Deed Date and Reference (Block, Parcel Tax Map folio etc.): \_\_\_\_\_

**In consideration for the granting of a Conditioned Permit for the above structure which does not conform to the requirements of the Floodplain Ordinance of (Town/County) \_\_\_\_\_, the Property Owner agrees to and understands the following:**

1. That the enclosed area, if permitted, shall be used solely for parking of vehicles, limited storage, or access to the building and will never be used for human habitation or living quarters without first becoming fully compliant with the Floodplain Ordinance in effect at the time of conversion.
2. That all interior walls, ceilings, and floors below the Flood Protection Elevation Level shall be unfinished and/or constructed of flood resistant materials.
3. That mechanical, electrical, or plumbing devices shall not be installed below the Flood Protection Elevation Level.
4. The walls of the enclosed areas below the Flood Protection Elevation Level shall be equipped with at least two water equalizing vents which permit the automatic entry and exit of flood water with total openings of at least one square inch for every square foot of enclosed area below flood level. The vents shall be on at least two different walls, and the bottoms of the vents shall be no more than one foot above grade.
5. Understand that the requested structure may increase the risk to life and property, and may be subject to increased premium rates for flood insurance from the National Flood Insurance Program.
6. That any variation in construction beyond what is permitted shall constitute a violation and be abatable as such.
7. By receiving this permit the applicant agrees to notify any prospective buyer of the existence of this agreement. It shall be the responsibility of the applicant to transfer the notification agreement at closing to the new owner via notarized signature, and forward a copy of all agreements to the Floodplain Administrator. Failure to notify or transfer the agreement shall subject the violator to penalties as set forth in the Floodplain Ordinance.

7. That this **Non-conversion Agreement** becomes part of Permit # \_\_\_\_\_ and grants the Building Official and/or Floodplain Administrator the ability to inspect and enforce the provisions of this **Agreement** at any time.

8. **The owner understands that the primary reason for the execution of this agreement is to prevent conversion of spaces originally designed only for limited storage, parking of vehicles or access to the building, into living quarters that will put humans and damageable contents in danger from flooding.**

\_\_\_\_\_  
Owner's Signature / Date/ Printed Name

\_\_\_\_\_  
(Additional) Owner's Signature / Date /Printed Name

Type of ID: \_\_\_\_\_

Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

SEAL:

\_\_\_\_\_  
Notary Public Signature

Note: This Agreement must be used whenever a permit to build or substantially improve an enclosed storage, parking or building access structure is requested *within* the 100- floodplain below the Design Flood Elevation. This Agreement must be signed whenever Permits or variances are to be issued, for example, garages and accessory structures and foundation enclosures which exceed 6 feet in height. This agreement must be recorded as a deed restriction by the Clerk of Court prior to the Certificate of Occupancy being issued.

Note: The phrase "Flood Protection Elevation level" is defined as the Base Flood Elevation (BFE) as depicted on an official FEMA Flood Insurance Rate Map (FIRM) or a Community determined BFE. This level may be increased by the Community's adoption of a higher elevation standard, such as "Freeboard".