

**DECLARATION OF LAND RESTRICTION
(NONCONVERSION AGREEMENT)**

FOR USE IN FLOOD HAZARD AREAS FOR PROPOSED DEVELOPMENT THAT INCLUDES (1) ENCLOSURES BELOW ELEVATED BUILDINGS, (2) CRAWL/UNDERFLOOR SPACES THAT ARE MORE THAN 4 FEET IN HEIGHT, AND (3) ACCESSORY STRUCTURES THAT ARE NOT ELEVATED AND ARE LARGER THAN 300 SQUARE FEET IN AREA (FOOTPRINT).

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

WITNESSETH:

WHEREAS, the Owner is the record owner of all that real property located at _____ in the _____ the Election District of _____ County, designated in the Tax Records as map _____, parcel _____, plat _____, and being that same property acquired by the Owner by deed dated _____, 20____, and recorded among the Land Records of _____ County, Maryland at liber _____, folio _____.

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

- (1) Is identified by Permit Number _____ ("Permit");
- (2) Is located in a flood hazard area identified on Flood Insurance Rate Map Panel # _____;
- (3) Conforms to the requirements of the Floodplain Management Regulations of _____ ("Regulations"); and
- (4) May be made noncompliant with the terms and conditions of the Permit by later conversion, modification, or alteration, including such actions by future owners,

WHEREAS, 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 shall be binding on the Owner, his heirs, personal representatives, successors, and assigns.

THE STRUCTURE AUTHORIZED SHALL BE 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 that is more than 4 feet in height.
 - An accessory structure that is not elevated and that is larger than 300 square feet in area (footprint).

Owner: _____
Address: _____
Permit No. _____

2. Enclosures below elevated buildings, including crawl/underfloor spaces, shall be used solely for parking of vehicles, limited storage, or access to the elevated building. Accessory structures shall be used solely for parking of vehicles and limited storage.

3. If the structure or accessory structure is located in any flood zone designated Zone A (including A, AE, AO, AH, or A1-30), the walls of the enclosure below the lowest floor, including crawl/underfloor space walls, or the walls of the accessory structure, shall be equipped with flood openings as required by the Regulations and the Maryland Building Performance Standards. The flood openings shall not be blocked, covered, or modified in any way that would alter the intended performance to allow floodwaters to automatically enter and exit.

4. If the structure is located any flood zone designated Zone V (including VE or V1-30), the walls of the enclosure below the lowest floor shall be designed to break away as required by the Regulations and the Maryland Building Performance Standards. The breakaway walls shall not be altered or in any way that affects their intended performance under flood conditions.

5. Any conversion, alteration, modification, improvement or change in use of the enclosure below the elevated building, including crawl/underfloor space, or the accessory structure:

- a. Shall not occur without the issuance of a permit by the local permit authority; and
- b. May require full compliance of the building with the elevation requirements of the Regulations.

6. Any conversion, alteration, modification, improvement or change in use that is not authorized by permit constitutes a violation of the Permit and shall be subject to enforcement action by the local permit authority to correct such violation.

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

8. The illegal conversion of an enclosure below the lowest floor or illegal conversion of an accessory structure to habitable uses exposes occupants to increased risk of death and injury. The local jurisdiction issuing the Permit shall not be held liable for any increase in damage or injury to occupants.

9. Other conditions:

The community's Floodplain Administrator, or their designee, shall have the right to enter the property to periodically inspect the area for compliance.

Owner: _____

Address: _____

Permit No. _____

SIGNATURES:

OWNER:

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

Owner _____(Seal)

Owner _____(Seal)

NOTARY:

STATE OF MARYLAND, _____ of _____, TO WIT:

I hereby certify that on this _____ day of _____, 20____, before me the subscriber, a Notary Public of the State aforesaid, personally appeared _____ and _____, known to me, or satisfactorily proven to be the person(s) whose name is subscribed to the foregoing instrument, who acknowledged that he has executed it for the purposes therein set forth, and that it is his act and deed.

In witness whereof, I have set my hand and Notarial Seal, the day and year first written above.

My commission expires on _____