

**RESOLUTION NO. 2014-05**

**A RESOLUTION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING THE REQUIREMENT FOR A NON-CONVERSION AGREEMENT FOR NEW RESIDENTIAL HOMES**

The Board of Commissioners of the City of St. Pete Beach, Pinellas County, Florida, in a regular meeting held on May 13, 2014, resolves as follows:

**WHEREAS**, The City of St Pete Beach participates in the National Flood Insurance Program, "Community Rating System (CRS)";

**WHEREAS**, Article V of the City's Code of Ordinance titled "Flood Hazard Mitigation Regulation" requires all floor levels below the Base Flood Elevation of the home not to be used for habitation;

**WHEREAS**, The CRS program gives discounts on flood insurance for the City of St. Pete Beach based on various activities;

**WHEREAS**, The Building Department has been requiring at the time of Certificate of Occupancy for new construction a recorded non-conversion agreement but had no specific ordinance or resolution for such requirement;

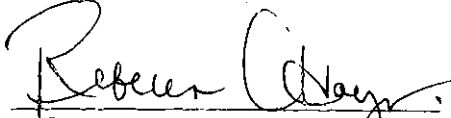
**WHEREAS**, By requiring a recorded non-conversion agreement will give all future owners of the property a notice that the level below the Base Flood Elevation is not be used for habitation;

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA DOES RESOLVE** to require "Non-Conversion Agreement (Attachment A)" at the time of a Certificate of Occupancy being issued.

**INTRODUCED AND PASSED** by the City Commission of the City of St. Pete Beach, Pinellas County, Florida on this 13th day of May, 2014.

  
\_\_\_\_\_  
Maria Lowe, Mayor

ATTEST:

  
\_\_\_\_\_  
Rebecca Haynes, City Clerk

**Attachment "A"**

**NONCONVERSION AGREEMENT - INDIVIDUAL**

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 City of St Pete Beach in the county of Pinellas, designated in the Tax Records as \_\_\_\_\_

WHEREAS, the Owner has applied for a permit or a variance to place a structure on that property that either (1) does not conform, or (2) may be noncompliant by later conversion, to the strict requirements of Chapter 98, Article V of the City Code of Ordinances of St Pete Beach and under Permit Number \_\_\_\_\_

WHEREAS, the Owner agrees to record this DECLARATION and certifies 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.

UPON THE TERMS AND SUBJECT TO THE CONDITIONS, as follows:

1. The structure or part thereof to which these conditions apply is: \_\_\_\_\_

2. At this site, the Base Flood Elevation is \_\_\_\_\_ feet above mean sea level, North American Vertical Datum.

3. Enclosed areas below the Base Flood Elevation shall be used solely for parking of vehicles, limited storage, or access to the building. All interior walls, ceilings and floors below the Base Flood Elevation shall be unfinished or constructed of flood resistant materials. Mechanical, electrical or plumbing devices shall not be installed below the Base Flood Elevation.

4. The walls of the enclosed areas below Base Flood Elevation shall be equipped and remain equipped with vents as shown on the approved construction plans.

5. Any alterations or changes from these conditions constitute a violation of the Permit and may render the structure uninsurable or increase the cost for flood insurance. The jurisdiction issuing the Permit and enforcing the Ordinance may take appropriate legal action to correct any violation.

6. Other conditions: \_\_\_\_\_

7. This Nonconversion agreement becomes part of Permit # \_\_\_\_\_ and grants the City of St Pete Beach the ability to inspect and enforce the provisions of this Agreement at any time.

State of \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by \_\_\_\_\_, who is personally known to me or has produced  
\_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature of Property Owner

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

\_\_\_\_\_  
Printed name of Property Owner

\_\_\_\_\_  
Name of Notary, Printed, Stamped, Typed

NOTARY SEAL