

TOWN OF OAK ISLAND
NONCONVERSION AGREEMENT FOR CERTAIN STRUCTURES IN THE FLOODPLAIN

Whereas, a permit application has been submitted and a building permit to be issued to construct, improve, or repair the property at _____ in the Town of Oak Island, NC and

Whereas, the permitted building has the lowest floor in an AE zone or horizontal structural member in a VE zone elevated above the base flood elevations plus one foot and the design and construction of the building meets current building codes and flood damage prevention ordinance requirements, and

Whereas, as a condition of a Certificate of Occupancy, the owner must agree to not alter the building at a later date so as to violate the building code or flood damage prevention ordinance requirements,

Now, therefore, the undersigned owner of said property hereby agrees to the following:

1. That enclosures below the lowest floor or horizontal structural member shall be used solely for parking of vehicles, limited storage, or access to the building and will not be used for human habitation without first becoming fully compliant with the Flood damage prevention ordinance in effect at the time of conversion.
2. That all interior walls, ceilings (excluding separation requirements), and floors in enclosures below the lowest floor or horizontal structural member shall be unfinished, except that an enclosure with a maximum footprint of 299 sq. feet used solely for building access can be finished with flood damage-resistance materials and conditioned; enclosure footprint includes stairwell and elevator areas.
3. That mechanical, electrical, or plumbing device shall not be installed below the Base Flood Elevation.
4. That at least two flood openings shall be installed in the walls of enclosures below the lowest floor which permit the automatic entry and exit of floodwater within the enclosure, openings shall be on at least two different walls with the bottoms of the openings no more than one foot above the inside floor or outside grade. The walls below the lowest horizontal structural member in VE zones shall be engineered break away wall design.
5. I understand it is illegal to change or convert an enclosure below the lowest floor or horizontal structural member to a use or dimension different from the use or dimension authorized in the building permit and different from the requirements as set forth in the current Flood Damage Control Regulations, Section 18 Article IV, Oak Island Code of Ordinances
6. That the owner and subsequent owners agree to allow a representative of the Town of Oak Island in the premises to verify compliance with this agreement at least once each year. The Town representative will provide at least 48 hours' notice of such visit.
7. That this Agreement shall be recorded with the deed to the above property so that subsequent owners are made aware of these restrictions.

Date: _____

Signature of Property Owner

North Carolina, Brunswick County

I, _____, a Notary Public for Brunswick County, North Carolina, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the _____ day of _____, 20____.

My commission expires: _____, 20____.