



Owner Declaration and Acknowledgment of Approved Non-habitable Shed Use

Accessory Storage Structure with HVAC Equipment

This Declaration is made this ____ day of _____, 20____, by _____ (the "Owner").

Property Address: _____

Owner's Mailing Address: _____

Parcel ID / STRAP: _____

Shed Permit Number: _____

Shed Description: _____

HVAC Description/Model: _____

Size: _____ Location on property: _____

Purpose and Basis

The structure identified above was permitted and designed as a Risk Category I accessory storage structure based on its approved non-habitable use. The Owner has applied for, or received approval for, HVAC equipment serving the structure. The purpose of this Declaration is to confirm that approval of the HVAC equipment does not authorize conversion of the structure into a dwelling, efficiency, sleeping room, living area, regularly occupied workspace, or another use not approved by the City.

The Owner voluntarily accepts the following conditions as part of the applicable permit approval and intends this Declaration to provide notice to future owners, tenants, occupants, and other persons having an interest in or use of the property.

Owner Declarations and Restrictions

1. **Approved use.** The structure shall remain limited to storage and any other non-habitable accessory use expressly shown on plans approved by the City.
2. **HVAC approval does not authorize conversion.** Installation, inspection, or approval of HVAC equipment provides temperature or humidity control only. It does not authorize a change in the approved use or occupancy of the structure or authorize its use as habitable space. Whether the structure constitutes conditioned space or conditioned floor area for any regulatory purpose shall be determined under the applicable codes and ordinances.
3. **Prohibited uses.** Unless approved through a lawful change of use and all required City permits and approvals, the structure shall not be used as a dwelling unit, efficiency, guest quarters, bedroom, sleeping area, living area, kitchen, office, regularly occupied workspace, studio intended for regular human occupancy, or other habitable or prohibited use.
4. **Prohibited residential activities and features.** The structure shall not be used for living, sleeping, eating, cooking, bathing, or sanitation. A bed or sleeping arrangement, cooking facility, toilet, lavatory, shower, bathtub, clothes washer or dryer, or similar residential fixture



or equipment shall not be installed or maintained unless approved as part of a lawful change of use and authorized under all required permits and approvals.

5. **No unpermitted alterations.** Interior partitions, insulation, wall or ceiling finishes, windows, doors, electrical work, plumbing work, mechanical work, structural work, or other alterations shall not be installed or modified except as shown on City-approved plans and completed under all required permits. Approval of one system or component is not approval of the structure for habitation or another unapproved use.
6. **Future change of use.** Any proposed change from the approved storage use requires prior City approval, compliance with all applicable zoning, floodplain, building, fire, mechanical, electrical, plumbing, energy, and other requirements, and issuance of all required permits before the new use begins.
7. **Duty to maintain and disclose.** The Owner shall maintain the structure in accordance with this Declaration and the approved permits. The Owner shall disclose these restrictions to every purchaser, tenant, occupant, and other person granted use or possession of the property or structure.
8. **Inspection and verification.** Upon reasonable notice and as authorized by law, a duly authorized City representative may inspect the exterior and interior of the structure to verify compliance with the approved permits, applicable codes, and this Declaration. The Owner shall not obstruct a lawful inspection or conceal alterations or prohibited use.
9. **Enforcement.** Any use or alteration inconsistent with the approved permits, approved plans, or approved use may constitute a violation of applicable codes or ordinances. Violations may result in code enforcement proceedings, permit revocation or correction, removal of unpermitted work or prohibited features, restoration of the approved storage use, withholding of approvals or certificates, and any other remedy available to the City. The Owner is responsible for permits, corrective work, fees, fines, costs, and other consequences authorized by law.
10. **No waiver or vested right.** Acceptance or recording of this Declaration does not waive any requirement of law, approve existing or future work that requires a permit, establish a vested right to retain the HVAC equipment or any other improvement, or limit the City's authority to enforce applicable codes and ordinances.
11. **Declaration running with the land.** This Declaration is intended to be recorded in the Public Records of Lee County, Florida, to provide continuing notice of the approved non-habitable use and applicable permit restrictions. It shall bind the Owner and the Owner's heirs, personal representatives, successors, future owners, tenants, occupants, and assigns until released or amended by an instrument authorized by the City and recorded in the Public Records.
12. **Severability and governing law.** If any provision is held invalid or unenforceable, the remaining provisions shall remain effective. Florida law governs, and venue shall lie in Lee County, Florida.



Other Conditions:

OWNER ACKNOWLEDGMENT AND SIGNATURES

The undersigned record owner acknowledges having read and understood this Declaration, confirms that the information provided is true and correct, and voluntarily accepts these restrictions as a condition of the applicable permit approval. By signing, the Owner attests that any and all other record owners and parties holding an ownership interest in the property have been made aware of the application for the proposed permit and the restrictions associated with it.

Owner's Signature

Printed Owner Name

Date

NOTARY ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of [☐] physical presence or [☐] online notarization this ____ day of _____, 20____, by _____, who is [☐] personally known to me or [☐] produced _____ as identification.

Signature of Notary Public

Printed name: _____

Commission number: Expires: _____

Notary seal:



EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Property Address: _____

Parcel ID / STRAP: _____

Insert the complete legal description below or attach a separate legal-description exhibit and identify it here.

Legal description