



**INDIAN RIVER COUNTY/CITY OF VERO BEACH
BUILDING DIVISION**

1801 27th Street, Vero Beach, FL 32960 772 266-1260

Verification of Exemption for Nonresidential Farm Building*

Generally, nonresidential farm buildings are an allowed accessory use on an agricultural property when State of Florida Statutes and licensing requirements are met. Local and state requirements are listed below:

Indian River County Ordinance Section 401.14 Agricultural exemption

Nothing contained in this article shall be construed to apply to or affect buildings, structures or appurtenances located outside the corporate limits of municipalities and used solely for housing or storing agricultural animals, supplies, equipment or products by person, firm, or corporations engaged in agriculture. The exemption shall be construed consistent with applicable state exemptions and the Florida Building Code. **Note: Structures complying with this section are exempt from Building Permit requirements; no Building Permit is required.**

Florida Statute 553.73(10)(c) and Florida Building Code 102.2 (c)

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(c) Nonresidential farm buildings on farms.

Florida Statute 604.50 Nonresidential Farm Buildings

- (1) Notwithstanding any provision of law to the contrary, any nonresidential farm building, farm fence, or farm sign that is located on lands used for bona fide agricultural purposes is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations. A farm sign located on a public road may not be erected, used, operated, or maintained in a manner that violates any standard provided in s. 479.11(4), (5)(a), and (6)-(8).
- (2) As used in this section, the term:
 - (a) **“Bona fide agricultural purposes”** has the same meaning as provided in s. 193.461(3)(b).
 - (b) **“Farm”** has the same meaning as provided in s. 823.14.
 - (c) **“Farm sign”** means a sign erected, used, or maintained on a farm by the owner or lessee of the farm which relates solely to farm produce, merchandise, or services sold, produced, manufactured, or furnished on the farm.
 - (d) **“Nonresidential farm buildings”** means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10) (c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

Florida Statute 823.14 (3) Definitions – As used in this section:

- (a) **“Farm”** - means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.
- (b) **“Farm operation”** means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with production of farm, honeybee, or apiculture products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Florida Statute 193.461(3)(b)

(3)(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified agricultural. The term “bona fide agricultural purposes” means good faith commercial use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

- a. The length of time the land has been used.
- b. Whether the use has been continuous.
- c. The purchase price paid.
- d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.
- f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- g. Such other factors as may become applicable.

2. Offering property for sale does not constitute a primary use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.



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Application and Interpretation of the above regulations:

“Nonresidential farm buildings on farms” – means any nonresidential structure constructed on a farm for the purpose of supporting the production of farm or aquaculture products. (i.e. farm maintenance shops, farm office buildings that do not include dwelling units or barracks, packing sheds, drying sheds, loading docks and ramps, hay barns, horse barns without dwelling units or barracks under the same roof, cow barns, chicken coops, poultry facilities, milking parlors, hog parlors, veterinarian facilities located on the farm for the care and maintenance of the farm owner’s animals, clam raceways, walk-in coolers and similar agriculture and aquaculture primary structures, support structures and support facilities). **These structures may be exempt from Building Permits.**

“Residential farm buildings on farms” – means any habitable or non-habitable residential structure or residential accessory structure; or any structure supporting residential uses, including primary or accessory uses. (i.e. dwellings, guest houses, horse barns with dwelling units or barracks under the same roof, carports, porches, hobby shops, workshops, free standing garages, pet shelters, storage buildings used for storing non-farm related vehicles or materials, docks used for recreational purposes, swimming pools, masonry fences or other structures used for landscaping or residential purposes or similar nonagricultural purposes). **These structures are not exempt from Building Permits.**

Zoning Criteria: ADVISORY WARNING: Although current Florida Statutes and a 2013 AGO Advisory Legal Opinion state that a non-residential farm building on a farm is exempt from zoning requirements and land development regulations, staff strongly recommends that the following requirements be satisfied:

1. Minimum setbacks. Within all agricultural zoning districts (A-1, A-2, and A-3), the minimum building setback from any property line is 30 feet.
2. No portion of the structure may encroach into an easement.

Floodplain Requirements: All structures which are partially or wholly within a Special Flood Hazard Area (“Flood Zone”) are subject to Type B or C Floodplain Development Permitting issued through the County Engineering Division, including structures exempt from the Florida Building Code (reference County Code section 930.08(2)).

Obtaining an Exemption Determination: To obtain an exemption determination from the Building Division, an application form (no fee) must be completed and submitted to the Building Division. Application information is as follows:

1. **Proof of ownership** - This can be in the form of a recorded warranty deed, Property Appraiser, lease and owner’s consent, or other verifiable means of proving ownership.
2. **Construction site plan** - A survey, sketch, or other legible drawing drawn to scale which shows: property boundaries and dimensions; any easements or rights-of way; any existing or proposed buildings with distances between buildings; setbacks from property lines for all existing or proposed buildings, including the proposed construction; any water bodies or jurisdictional wetlands on the property, right of way connection to public road and locations of flood zones.
3. **Floor Plan** – A floor plan of each structure proposed for construction, depicting the agricultural use of all areas of each structure and the overall dimensions of the structure.
4. **Proof of Farm** - Agricultural Classification from Property Appraiser (info from website is acceptable).
5. **Exemption Affidavit** - A fully completed, signed and notarized Verification of Exemption Affidavit (form attached).

For further information contact Building Division at (772) 226-1260.

***** THIS LIST IS INTENDED ONLY AS A GUIDE FOR APPLICATION SUBMITTAL
AND MAY OR MAY NOT BE ALL INCLUSIVE*****

Verification of Exemption Affidavit for Nonresidential Farm Building*

Note: This exemption is applicable only for property with Agricultural Classifications determined or as applied by the Indian River County Property Appraiser.

This is to certify that I, _____ am exempt from the requirements for a Building Permit under Florida Statutes 553.73(10) (c), Florida Building Code 101.2, Indian River County



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Ordinance 401.14. The proposed construction, as depicted on the attached site plan or sketch is to be a nonresidential farm building on a farm.

Property Owners Name:
Address of Property:
Mailing Address:
Phone Number: Email:
Legal Description:
Parcel #: Block: Lot:
Specific Directions to Job Site:
*Contractor: DBA: Name:
License Number: Comp Card Number:
Address:
City/State/Zip Code:
Phone: Fax: Cell:
Type of Structure:
Use of Structure:
Use of Site:
Zoning District: Future Land Use: Flood Zone: Map #:
Setbacks: North Side Proposed: South Side Proposed:
East Side Proposed: West Side Proposed:

Additional permits may be required from other governmental entities.

Sub- Contractor Information:

Electrical Contractor:
DBA: License Holders Name:
State License Number: Comp Card Number:
Plumbing Contractor:
DBA: License Holders Name:
State License Number: Comp Card Number:
Mechanical Contractor:
DBA: License Holders Name:
State License Number: Comp Card Number:
Roofing Contractor:
DBA: License Holders Name:
State License Number: Comp Card Number:
Gas Contractor:
DBA: License Holders Name:
State License Number: Comp Card Number:



(No Fee) Elective

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I certify that all the foregoing information is accurate and that all work will be conducted and completed in compliance with all applicable laws regulating construction and zoning. This structure will not be utilized for habitation or as a dwelling.

(Owner's Signature)

(Printed Name)

Table with 2 columns: Acknowledgement for Person in an Individual Capacity and Acknowledgement for Person in a Representative Capacity. Each column contains fields for State of Florida, County, date, means of acknowledgment, and notary information.

Notes:

- 1. *To qualify as an owner/builder, the owner of the property must personally appear at the Building Division and sign this application. (FS §489.103.7)
2. Change of Use or Occupancy may require after the fact building permits with demonstrated code compliance including, but not limited to, destructive testing and inspections.
3. If requested by the applicant, plan review and inspections will be completed upon approval of a permit application and payment of required fees creating a permanent record of the construction completed for future use.
4. Construction Industry Licensing Laws, Mechanic's Lien Law, and Insurance Requirements
There are no exemptions from state and county construction industry licensing law, mechanic's lien law, insurance requirements and worker's compensation law.

Planning Division

Approved: []

Disapproved: []

Reason: _____

Reviewed By: _____

Date: _____

Building Division

Approved: []

Disapproved: []

Reason: _____

Reviewed By: _____

Date: _____

*This verification document is elective. It serves as a benefit to the current and future owners and to the County. It simply notes to the address record the intended use and verification of the exemption.