



## Non-Residential Farm Exempt Buildings

Department of Growth Management

May 2012

Nonresidential farm buildings are a permitted accessory use on a property when State of Florida Statutes and zoning requirements are met and are considered to be accessory structures as specified in Section 2.21.00 of the Land Development Code. The following limitations and restrictions shall apply to all accessory structures.

### Zoning:

1. No accessory use or structure shall be installed, constructed, or placed so as to prevent the safe use of any driveway, or to cause a vision obstruction in any intersection vision triangle, or otherwise create a hazard by obstructing the view of pedestrians, cyclists, or motorists.
2. Accessory uses or structures located in side or rear yards shall be no closer than five (5) feet to any property line, except as otherwise specified herein.
3. Accessory uses and structures located in front yards must conform to the front minimum building setback requirement for the zoning district in which it is located, except as otherwise specified herein.

### Florida Statutes:

**Florida Statute 604.50 Nonresidential Farm Buildings** - Notwithstanding any other law to the contrary, any nonresidential farm building or farm fence 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.

**Florida Statute 604.50(2)(a) "Nonresidential farm building"** means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under <sup>2</sup>s. 553.73(9)(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)(a) "Farm"** means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

**Florida Statute 553.73 (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.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

**Exemption Submittal Requirements:** The basic information required to obtain an exemption from the building permit requirements is as follows:

1. \_\_\_\_\_ Proof of property ownership. This can be a recorded deed, closing statement, or property tax information.
2. \_\_\_\_\_ A copy of a certified survey or site plan.
3. \_\_\_\_\_ Proof of Farm. This can be either a farm serial number assigned by USDA Farm Services or classification as agricultural land under Florida Statute 193.461. Any of the following classifications by the Property Appraiser are agricultural.

Rural Homesite  
Cropland II  
Cropland III  
Cropland IV  
Timber II (natural)  
Timber II (planted)  
Timber III(natural)  
Timber III(planted)  
Timber IV(natural)  
Timber IV(planted)  
Swamp and wasteland  
Pasture II  
Pasture III  
Pasture IV

4. \_\_\_\_\_ Exemption Affidavit. A fully completed, signed, and notarized Exemption Affidavit.

For further information, please contact one of our offices:

1804 Lewis Turner Blvd  
Fort Walton Beach, FL 32547  
(850) 651-7180

812 East James Lee Blvd.  
Crestview, FL 32539  
(850) 689-5080

## EXEMPTION FOR NONRESIDENTIAL FARM BUILDING

This is to certify that I, \_\_\_\_\_ am exempt from the requirements for a Building Permit under s.553.73 (10)(c) Florida Statutes, Building Construction Standards.

The proposed structure(s) as depicted on the attached site plan is/are to be a nonresidential farm building(s) on a farm.

Owner \_\_\_\_\_

Owner Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ Parcel ID # \_\_\_\_\_

Location of Farm \_\_\_\_\_ Product of Farm \_\_\_\_\_

Type of Structure \_\_\_\_\_ Use of Structure \_\_\_\_\_

Zoning District \_\_\_\_\_ Future Land Use \_\_\_\_\_ Flood Zone \_\_\_\_\_

**Setbacks:**

Front - Allowed \_\_\_\_\_ Proposed \_\_\_\_\_

Sides - Allowed \_\_\_\_\_ Proposed \_\_\_\_\_

Rear - Allowed \_\_\_\_\_ Proposed \_\_\_\_\_

**This exemption applies to the structure only and does not exempt the applicant from any electrical, plumbing, mechanical, or gas permits for this building.**

Additional permits may be required from other governmental entities.

I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

\_\_\_\_\_  
Owner Signature

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by

\_\_\_\_\_.

Personally Known \_\_\_\_\_

Produced Identification \_\_\_\_\_

Type of Identification \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Florida, Signature

(Seal)