

Non-residential Farm Building

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

Floodplain Requirements: All structures which are partially or wholly within a Special Flood Hazard Area ("Flood Zone") are subject to Floodplain Development Permitting issued through **Palm Beach County**, including structures exempt from the Florida Building Code. A concurrent Floodplain Development application is required for non-residential farm building verification of exemption applications for proposed structures in the floodplain.

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, the following are required:

- Minimum setbacks. Within the Agricultural Residential District, the minimum building setbacks are:
 - Front Setback – 100 ft from front property line,
 - Rear Setback - 25 ft from any property line,
 - Side Setback – 25 ft from side property line, and
 - Side Street Setback for properties that abut a street on more than one side - 40 ft from property line if adjacent to a street.
- No portion of the structure may encroach into an easement.

Best Management Practices: Agricultural uses are granted exemption from local land development regulations as these uses are preemptively regulated by the State of Florida Department of Environmental Protection, Department of Agriculture and Water Management Districts. Best management practices (BMPs) have been developed by the Florida Department of Agriculture for agricultural commodities to protect public water supplies and minimize impacts to water resources. Information on BMPs for equine and other agricultural commodities are available on the web at: <https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices>

Florida Statute Requirements Related to Agricultural Exemptions

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, 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. (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:

(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.

When is a Building Permit Required?

“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 are typically 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 non-agricultural purposes). These structures are not exempt from Building Permits.