



Agricultural Review

Palm Beach County
Planning, Zoning, and Building Department
October 1, 2024

Overview

- ▶ Property owners utilizing lands for agriculture may be exempt from County building permits if the existing or proposed use of the building qualifies as a Nonresidential Farm Building under Florida Statute 604.50.
- ▶ Nonresidential Farm Buildings are not exempt from floodplain management regulations as well as permits from other federal, state, and local agencies.
 - ▶ Wells for agricultural irrigation withdrawals are subject to South Florida Water Management District regulations.
 - ▶ Plumbing and/or a septic system may be subject to the Department of Health regulation.
 - ▶ Utilization of an existing Nonresidential Farm Building on property with an Agricultural Classification for Agritourism Activities requires inspection by Palm Beach County Fire Rescue if the structure is functioning as a Class 1 or Class 2 farm structure per Florida Statute 633.202(16)(b)(3)(a) or (b).

Florida Statutes - Bona Fide Agriculture

- ▶ Florida Statute 193.461(3)(b) defines bona fide agriculture as good faith commercial agricultural use of the land. Good faith commercial agricultural use of the property is defined as the pursuit of an agricultural activity for a reasonable profit or at least upon a reasonable expectation of meeting investment cost and realizing a reasonable profit.
- ▶ Pursuant to Florida Statute Florida statutes such as 604.50 or 823.14 (Right to Farm Act), buildings and structures may be exempt from building codes provided:
 - ▶ The primary use of the temporary or permanent building or support structure is for agricultural purposes; and
 - ▶ The building or structure is located on land that is an integral part of a farm operation; or
 - ▶ The building or structure is located on land that has an Agricultural Classification from the Property Appraiser; and
 - ▶ The building is not intended for use as a dwelling such as a groom's quarters, farmworker housing, caretaker's quarters, or watchman's quarters.

Zoning Division - Agricultural Assessment

- ▶ Proposed or existing buildings on an agricultural property may be exempt from zoning approval and building permits subject to:
 - ▶ Verification that the use of the site meets the Agricultural definitions
 - ▶ Verification that the buildings and/or site improvements are utilized for the Ag Use
- ▶ The Zoning Division reviews agricultural properties upon request for a Use Verification to address a Code Compliance issue, and/or prior or concurrent to Floodplain Review for a nonresidential farm building through the Building Division
- ▶ Applicant submits **Form #133, Affidavit of Bona Fide Agricultural Purposes Non-Residential Farm Building**, to Zoning to determine if zoning approval is necessary.
 - ▶ No fee or survey required
 - ▶ Forms will be reviewed by Fire Rescue when the non-residential farm building's maximum occupancy exceeds 35 persons per Florida Statute 633.202(2)(b)(1).
- ▶ If the Zoning Division determines that a zoning approval is not necessary, staff will issue a **Zoning Use Verification Letter** or comment accordingly in the Building Division ePZB module, and the Floodplain Review can proceed
 - ▶ If zoning approval is necessary, applicant will be directed to the approval process.

Required Documents - Preliminary Agricultural Assessment

- ▶ The documents required for a Preliminary Agricultural Assessment consist of the following:
 - ▶ Submittal of **Affidavit of Bona Fide Agricultural Purposes Non-Residential Farm Building Form #133** with attachments:
 - ▶ Exhibit A. Complete the information in Exhibit A and provide a legible sketch, site plan, or signed and sealed survey, that depicts the location of the structure(s) with these details: dimensions and use(s). If available, provide flood zone, elevations, and a copy of the PAPA Property Record Card (include sketch of Ag Class land area).
 - ▶ Exhibit B. **Agricultural Justification Statement** and **Agricultural Documentation** (see Form 133 for details and examples).

Required Documents - Preliminary Agricultural Assessment

- ▶ **Justification Statement** requires the following:
 - ▶ Describe other agricultural lands under same ownership.
 - ▶ Describe how long this property been in bona fide commercial agricultural use.
 - ▶ Describe the short and long-term agricultural plans for this property.
 - ▶ Provide the anticipated annual income from this agricultural venture.
 - ▶ State whether this property part of a government agricultural program, and if so, provide associated documentation and provide which program and how much acreage is involved.
 - ▶ Describe land or site improvements that have been made or are planned to be made and how these improvements are related to the commercial agricultural use.
 - ▶ Describe proposed land or site improvements, including buildings, planned for construction on the site, including location and dimensions, including use of the alteration/structure as related to the farm operation, including the need for the size, scale, and extent of the proposed alteration/structure for the specific agricultural use.
 - ▶ Describe the bona fide agricultural use(s) including specifics regarding the agricultural operation, including acreage and quantities for bees, nursery, tree farming, crops, pasture, and equestrian

Required Documents - Preliminary Agricultural Assessment

- ▶ **Agricultural Documentation.** Examples of documentation include:
- ▶ 1. Wholesale Nursery (refer to F.S. 581.131 and F.S. 581.141), showing the Physical Location as the subject Property
 - ▶ a. FDACS Division of Plant Industry Application for Certificate of Nursery Registration
 - ▶ b. FDACS Division of Plant Industry Certificate of Nursery Registration (in effect/not expired)
 - ▶ c. FDACS Division of Plant Industry Plant Inventory Report
 - ▶ d. FDACS Division of Plant Industry Inspection Report
- ▶ 2. Horse Boarding, Training, Breeding and Sales (refer to 5H-26.004, F.A.C, 5C-22, F.A.C., F.S. 585.145, Rule 5C-31.006)
 - ▶ a. Copy of horse boarding agreement or stall rental agreement (showing the address, legal description, or Parcel Control Number for the subject Property and number of horses boarded)
 - ▶ b. Bill of Sale (to evidence sale of horses in compliance with Rule 5H-26.004)
 - ▶ c. FDACS Division of Animal Industry Contagious Equine Metritis Quarantine Facility Certificate and/or Inspection and Approval Checklist (Address of Quarantine Facility should be subject Property)
 - ▶ d. FDACS Division of Animal Industry Application for Premises Registration and/or Certificate of Premises Registration (Premises should be same as subject Property)
 - ▶ e. Breeders' Certificate

Required Documents - Preliminary Agricultural Assessment

- ▶ **Agricultural Documentation continued ...**
- ▶ 3. Aquaculture (refer to F.S. 597.004 and Ch. 5L-3, F.A.C.), showing the Physical Location as the subject Property
 - ▶ a. FDACS Division of Aquaculture Certificate of Registration (in effect/not expired)
 - ▶ b. FDACS Division of Aquaculture Application for Certificate of Registration
 - ▶ c. Confirmation of Enrollment in Aquaculture Best Management Practices
 - ▶ d. Confirmation of Implementation of Aquaculture Best Management Practices
 - ▶ c. FDACS Division of Animal Industry Inspection Report
- ▶ 4. Apiaries/Beekeeping (refer to F.S. 586.045)
 - ▶ a. FDACS Division of Plant Industry Application for Beekeeping Registration (showing the Physical Location as the subject Property)
 - ▶ b. FDACS Division of Plant Industry Certificate of Beekeeping Registration
 - ▶ c. Proof of Crop/Livestock Insurance

Required Documents - Preliminary Agricultural Assessment

- ▶ **Agricultural Documentation continued ...**
- ▶ **5. Livestock/Cattle Grazing and Breeding (refer to F.S. 585.145)**
 - ▶ a. FDACS Division of Animal Industry Application for Premises Registration (showing the Premises Information as the subject Property)
 - ▶ b. Proof of Crop Insurance
 - ▶ c. Proof of Enrollment in and Implementation of Cow-Calf Best Management Practices
- ▶ **6. Livestock/Poultry Hatchery and Breeding (refer to 5C-16.021, F.A.C.)**
 - ▶ a. FDACS Division of Animal Industry National Poultry Improvement Plan Participation Agreement Application
 - ▶ b. FDACS Certification Card and Flock Approval Number
 - ▶ c. FDACS Division of Animal Industry Inspection Report
- ▶ **7. Aviculture/Bird Breeding (refer to F.S. 379.3761 and FWCDLE 619)**
 - ▶ a. FWC License to Possess Class III Wildlife for Exhibition or Public Sale (showing the Facility Address as the subject Property)
 - ▶ b. Copy of FWC Captive Wildlife Critical Incident/Disaster Plan
- ▶ **8. Miscellaneous Agricultural Uses**
 - ▶ a. Request a copy of any federal or state certificate, license or permit required for the agricultural activity.

Limitations

- ▶ The Agricultural Review is exclusively for commercial agricultural operations and related buildings or site improvements. The following items cannot be exempted from Building Permit.
 - ▶ All or a portion of the building will be used for any residential purpose such as groom's quarters, watchman's quarters, or farmworker housing.
 - ▶ The covenants and restrictions encumbering the property or Property/Homeowner Association rules prohibit the use of the property for any commercial and/or agricultural use or buildings.
 - ▶ The property owners plan to act as a contractor through the limited Owner/Builder exemption from having a licensed contractor perform the work and the costs of the work exceed \$75,000.
 - ▶ A new building that will be used primarily to house, shelter, transport or otherwise accommodate members of the general public for agritourism activities.
 - ▶ The building will be used for purposes not recognized as bona fide agriculture such as a retain nursery, commercial landscape and lawn maintenance company, storage of personal vehicles, equipment and household effects including boats, RVs and ATVs.
 - ▶ The building will not be used primarily for commercial agricultural purposes.