



(No Fee)

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.



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- 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.

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***



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

(No Fee)
 RECEIVED

APR 05 2018

INDIAN RIVER COUNTY
 BUILDING DEPARTMENT

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, Brian + Kelley Stolze am exempt from the requirements for a Building Permit under Florida Statutes 553.73(10) (c), Florida Building Code 101.2, Indian River County Ordinance 401.14. The proposed construction, as depicted on the attached site plan is to be a nonresidential farm building on a farm.

Property Owners Name: Brian + Kelley Stolze
 Address of Property: 7150 37th St. 7120 37th St.
 Mailing Address: 7220 41st St.
 Phone Number: 772 473 9588 Email: briancaribeanlawn@gmail.com
 Legal Description: The east 10 acres of the west 20 acres of tract 14, section 30, T5 32 south Range 39 E
 Parcel #: 32393000001014000002.1 Block: _____ Lot: _____
 Specific Directions to Job Site: West of 66th Ave
 *Contractor: DBA: IRPM Name: STEVE KOVALESKI
 License Number: CBC1250257 Comp Card Number: 12316
 Address: 1816 19th Place
 City/State/Zip Code: Vero Beach FL 32960
 Phone: 772 567-3099 Fax: 772 567 3097 Cell: 772 480-2332
 Type of Structure: Metal Building
 Use of Structure: Storage of farm equipment / Administration Work.
 Use of Site: Live farm & Cattle 00G
 Zoning District: A-1 Future Land Use: 00G Flood Zone: X Map #: _____
 Setbacks: North Side Proposed: 940.92 South Side Proposed: 191.01
 East Side Proposed: 176.29 West Side Proposed: 103.53

Additional permits may be required from other governmental entities.

Sub- Contractor Information:

Electrical Contractor:
 DBA: BIP DIPIETRO ELECTRIC, INC. License Holders Name: ROBERT DIPIETRO, SR.
 State License Number: EC 0002782 Comp Card Number: 2204

Plumbing Contractor:
 DBA: Allstar Plumbing, Inc. License Holders Name: Tracy G. Harp
 State License Number: CF 0054887 Comp Card Number: 6299

Mechanical Contractor:
 DBA: Jimmys Air Conditioning & Refrig License Holders Name: James Dupuis
 State License Number: CFAC 1814821 Comp Card Number: _____



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Roofing Contractor:
 DBA: N/A pre engineered Metal bldg's License Holders Name: _____
 State License Number: _____ Comp Card Number: _____
 Gas Contractor:
 DBA: N/A License Holders Name: _____
 State License Number: _____ Comp Card Number: _____

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.

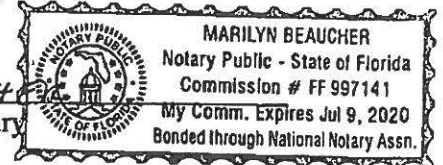
B.T. Stolze (Owner's Signature) BRIAN T. STOLZE (Printed Name)

State of Florida
County of Indian River

Sworn to and Subscribed before me, the 14th Day of MARCH, 2018 by Brian T. Stolze (who is personally known to me or has produced _____ as identification.

(Type of Identification)
Marilyn Beaucher
Signature of Notary Public

MARILYN BEAUCHER
Print, Type or Stamp of Notary



Notes:

- *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)
 - 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.
 - 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.
 - 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: _____

Building Division

Approved:
Disapproved:
Reason: _____

Reviewed By: Susan Rohani
Date: 4/15/18

Reviewed By: _____
Date: 5/22/18



Caribbean Lawn and Landscaping, Inc.

7220 41st Street

Vero Beach, FL 32967

Telephone (772) 569-8680

Fax (772) 569-2119

www.caribbeanlawn.com

NON-RESIDENTIAL FARM BUILDING AND OFFICES

The goal is to develop an efficient nursery operation that not only optimizes plant growth, but also expedites harvesting and sales. A dedicated container nursery will be developed, with a pesticide storage building; pole barn for equipment stored in an organized manner; in house equipment repair/mechanical shop, shade house, production beds, recycling pond, with retention areas, roadways, customer and employee parking, meeting, conference, breakrooms & executive office space with facilities to clean up and be presentable.

Sincerely,

Brian Stolze

Owner

Caribbean Lawn and Landscaping Takes Pride in Always Keeping Your Property Looking It's Best!

ATTACHMENT 1