



**AFFIDAVIT OF BONA FIDE AGRICULTURAL PURPOSES
NON-RESIDENTIAL FARM BUILDING - INSTRUCTIONS**

Complete the information within this form regarding the existing or proposed use of the building to confirm that it qualifies as a Nonresidential Farm Building under Florida Statute 604.50. The Zoning Division will determine if a Zoning approval is necessary for a proposed or existing agricultural use of a property concurrent or preceding the submittal of a Floodplain Review. Non-residential Farm Buildings (structures and fences) are exempt from the Florida Building Code and Palm Beach County's Building Code, and therefore, exempt from needing a building permit. Non-residential Farm Buildings are not exempt from floodplain management regulations as well as permits from other federal, state, and local agencies. Email questions to PZB-ZoningCompliance@pbc.gov

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 Statutes such as 604.50 or 823.14 (Right to Farm Act), buildings and structures may be exempt from building codes provided:

1. The primary use of the temporary or permanent building or support structure is for agricultural purposes; and
2. The building or structure is located on land that is an integral part of a farm operation; or
3. The building or structure is located on land that has an Agricultural Classification from the Property Appraiser; and
4. The building is not intended for use as a dwelling such as a groom's quarters, farmworker housing, caretaker's quarters, watchman's quarters or any other name synonymous with a dwelling use.

Setbacks and Easements. Non-residential Farm Buildings must adhere to setback requirements and avoid encroachment in a recorded right-of-way and easement for drainage, utilities, water and wastewater, etc. If the property is subject to an easement, a letter of consent from the easement holder may be required for Floodplain Review to confirm that there are no unauthorized easement encroachments or removal agreements required. Property Development Regulations related to setbacks may not apply if the Applicant can demonstrate that the setbacks will hinder the use of the property for agricultural purposes.

Do not use this Affidavit if:

- The structures will not be used primarily for commercial agricultural purposes.
- All or a portion of any structure will be used for any residential purposes.
- The covenants and restrictions encumbering your property or Property/Homeowner Association rules prohibit the use of your property for any commercial and/or agricultural use or buildings.
- Any newly proposed structures are included that will be used primarily to house, shelter, transport or otherwise accommodate members of the general public for agritourism activities.
- The structures will be used for purposes not recognized as bona fide agriculture such as a retain nursery, commercial landscape and lawn maintenance company, hunting lodge, storage of personal vehicles, equipment and household effects including boats, RVs and ATVs.

Attachments. Please provide the following attachments with the completed Affidavit:

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) and details regarding the dimensions, use, and floor plan. If available, provide flood zone, elevations, and a copy of the PAPA Property Record Card (include sketch of Ag Class land area).

Exhibit B. Provide a written Justification Statement with Agricultural Documentation including, but not limited to, the following:

- Describe other agricultural lands under your ownership.
- Describe how long this property has been in bona fide commercial agricultural use.
- Describe your short and long-term agricultural plans for this property.
- Provide your anticipated annual income from this agricultural venture.
- State whether this property is 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 you have made or plan to make and how these improvements are related to the commercial agricultural use.
- Describe proposed land or site improvements, including buildings you plan to construct 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:
 - Bees - acreage, number of hives, months on site
 - Nursery - acreage, acres potted, acres planted, acres irrigated
 - Trees - acreage, tree type, root stock
 - Crops - acreage, type, acres planted
 - Pasture - acreage, type of livestock, months on site
 - Equestrian - acres, stables, typical number



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This is to certify that I, _____ (print full name as it appears on Deed if owned by an individual or Corporate Filing if owned by an entity), have personal knowledge regarding the existing or proposed use on the property that I own, control, or manage identified in Exhibit A, and I am qualified to provide the following facts to affirm under oath that the use of the property is for bona fide agricultural purposes, and that the identified structure(s) within Exhibit A will be used primarily for agricultural purposes.

I certify that the property identified in Exhibit A is used as a farm, and the land, structure(s), machinery, and other appurtenances are used in the production of farm product(s) and/or aquaculture product(s) as defined in Section 823.14, Florida Statutes.

I certify that the structure(s) identified within this affidavit are or will be used primarily for agricultural purposes as detailed in Exhibit A, which specifically and further explains how the structures will support the commercial agricultural uses of the property.

The occupancy limit for the structure(s) is identified in Exhibit A. I understand that a nonresidential farm building on land classified as Agricultural may be subject to annual inspection and rules adopted by the State Fire Marshal.

I certify that the land where the structures are located, or will be located, are used for good faith commercial agricultural purposes and is (check one) with associated documentation provided as Exhibit B:

_____ currently classified as agricultural land under Florida Statute 193.461 by the Property Appraiser, or
_____ an integral part of a farm operation that produces farm or aquaculture products as part of a commercial agricultural operation.

I certify that the structure(s) are nonresidential farm building(s), as defined in Florida Statute 604.50 and not intended to be used as residential dwellings or residential living quarters.

I understand that the construction of new structures to be used primarily to house, shelter, transport, or otherwise accommodate members of the general public for agritourism activities requires a Building Permit.

I certify that the proposed new structures will not be used primarily to house, shelter, transport, or otherwise accommodate members of the general public for agritourism activities.

I understand that if the land is no longer used for bona fide agricultural purposes and the structures are no longer used primarily for agricultural purposes or if the structures are used as a residential dwelling or living quarters, then the agricultural exemption is no longer valid. I understand that I may, at that time, be required to apply for a building permit due to the change in use and/or occupancy, and that the structures may be deemed non-conforming in accordance with the Florida Building Code and Palm Beach County Unified Land Development Code (ULDC), and may need to be removed at my expense if the requirements of these Codes cannot be met.

I further understand that pursuant to section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree.

Further Affiant say naught.

OWNER

(Name in print)

(Signature)

(Name of company, if applicable)

(Address, City, State, Zip)

NOTARY PUBLIC INFORMATION

STATE OF FLORIDA, COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this ____ day of _____, 20____, by _____ (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification.

(Name in print)

(Signature)

My Commission Expires on: _____

NOTARY'S SEAL OR STAMP



AFFIDAVIT OF BONA FIDE AGRICULTURAL PURPOSES
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PART 1. FARM INFORMATION			
Farm Name:		Date:	
Applicant Name:		Phone:	
Site Address:			
Mailing Address:			
PCN No:		Email Address:	
PAPA Use Classification:		Acres:	
PBC Tax Receipt No.:		State License No.:	
PART 2. SITE DETAILS			
Describe the existing use of the property below, number of structures and type, number of dwelling units, and the type of agricultural use.			
Existing Use of the Property:			
Describe the proposed use of the property below, and the type of agricultural use. If no additional structures or uses are proposed in addition to such described above under Existing Use, indicate "No Change".			
Proposed Use of the Property:			
Describe the how the property is legally entered, whether from a road or easement, and if any changes are proposed.			
Legal Access:			
Describe the type, location, and heights of existing fencing on the property below and indicate if the fencing has been installed with a building permit.			
Existing Fencing:			
Describe the type, location and heights proposed fencing on the property below, or if no changes are proposed, indicate 'No Change'.			
Proposed Fencing:			
Describe the native vegetation and drainage features on the site below.			
Existing Vegetation and Drainage:			
Describe the proposed changes (if any) to native vegetation and drainage, including clearing vegetation and site improvements such as excavation or fill. If no changes are proposed, indicate "No Change".			
Proposed Vegetation and Drainage:			
Describe any code violation on the site below, including the Code Violation case number, and specify if and how this agricultural assessment proposes to resolve such violation.			
Code Violation:			
Describe the current and proposed potable water and sanitary sewer or septic for the site. If the site will be used for Agritourism, include permit numbers from the Health Department below and attach the permit. If the building requires plumbing and/or a septic system, contact the Department of Health. If you plan to install a well for agricultural irrigation withdrawals, contact South Florida Water Management District.			
Water/Sewer/Septic:			

PART 3. STRUCTURAL DETAILS					
Describe any current or proposed structures on the site below, including type, dimensions, square footage, and agricultural use, and whether the structure shall be used for agritourism. Per FAC69-67 each structure shall be individually identified as one of the following: Pole barn, Tent, Non-residential farm building not used for agritourism, or a Class 1, 2, or 3 farm structure used for agritourism. If you plan to use an existing Non-residential Farm Building on property with an Agricultural Classification for Agritourism Activities, contact Palm Beach County Fire Rescue for the mandatory fire inspection. In the Justification Statement and Sketch, indicate the Building Type and Number corresponding with this table. Refer to Table 1: Non-residential Farm Building Classifications – Fire Safety, on page 3 for descriptions of each structure type.					
Building Type		Dimensions & Sq. Ft.	Agricultural Use	Proposed Setbacks*	Proposed Occupancy
Pole Barn:	1				
	2				
Tent:	1				
	2				
Non-Res. Farm Building:	1				
	2				
Class 1 Farm Structure:	1				
	2				
Class 3 Farm Structure:	1				
	2				
Class 3 Farm Structure:	1				
	2				

* Indicate the distance in feet from each property line. Structures must meet setbacks set by the site's zoning district. Property Development Regulations related to setbacks may not apply if the Applicant can demonstrate in the Justification Statement that the setbacks will hinder the use of the property for agricultural purposes.

Table 1: Non-residential Farm Building Classifications – Fire Safety

Structures	Requirements	Occupancy Limit	FFPC Applicability
Agricultural pole barn (treated as a non-residential farm building)	70% or more of the perimeter walls are permanently open and allow free ingress/egress	None	Exempt
Tent	Up to 900 square feet.	None	
Non-Residential Farm Building (as defined in S. 604.50 F.S.)	Used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land for tax purposes, and is not intended to be used as a residential dwelling.	Up to 35 persons	
		Over 35 persons	Subject to local inspection and the FFPC.
Agritourism Uses & Structures			
Class 1 farm structure used for agritourism activity (except for agricultural pole barns)	Non-residential farm building used by the owner for agritourism activity 12 times per year or fewer.	Up to 100 persons	Subject to local inspection and alternative standards in the State Fire Marshal rules, but exempt from FFPC.
Class 2 farm structure used for agritourism activity (except for agricultural pole barns)	Non-residential farm building used by the owner for agritourism activity.	Up to 300 persons	
Class 3 farm structure used for agritourism activity (except for agricultural pole barns)	New/additional or existing structure or facility used for the primary purpose of housing, sheltering or otherwise accommodating the general public.	None	Subject to local inspection and the FFPC.



**AFFIDAVIT OF BONA FIDE AGRICULTURAL PURPOSES
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Provide as Exhibit B a written Justification Statement with Agricultural Documentation.

Examples of Agricultural Documentation. Florida law requires that individuals engaged in certain agricultural activities register with the Florida Department of Agriculture and Consumer Services (FDACS) before engaging in the sale or raising of farm commodities. Here are some of the types of documentation that a Property Owner engaged in bona fide agriculture may provide to support that they are operating as bona fide agriculture:

1. Wholesale Nursery (refer to F.S. 581.131 and F.S. 581.141), showing 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
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
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
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. Copy of any federal or state certificate, license or permit required for the agricultural activity.