



Non-Residential Farm Buildings – Permitting Process and Exemptions

Non-residential farm buildings located on lands classified as agricultural by the Property Appraiser, are exempt from the Florida Building Code (except for code provisions implementing local, state, or federal floodplain management regulations) under Section 604.50 Florida Statutes.

Pursuant to Florida Statutes Section 193.461, annually, the Charlotte County Property Appraiser classifies all lands in the County as agricultural or non-agricultural based on the property's use as of January 1. Lands may not be classified as agricultural unless an application is filed by the property owner on or before March 1. Before classifying land as agricultural, the Property Appraiser may require the owner to furnish information as may reasonably be required to establish that the lands were actually used for a bona fide agricultural purpose.

The Charlotte County Community Development Department must rely on the Charlotte County Property Appraiser's agricultural classification to consider whether an exemption to the Florida Building Code is applicable.

In some instances, the timeframe to file with the Charlotte County Property Appraiser is not conducive to farming activities resulting in a period of time where a bona fide agricultural use could exist on land that has not yet received an agricultural classification. Under Florida law, in the absence of an agricultural classification, a building permit is required for any structure.

The Building Official is authorized to issue a phased permit under Florida Building Code Section 105.13 for the construction of a building or structure before construction documents have been submitted. Property owners and/or their licensed contractors may apply for this type of permit in advance of receiving the agricultural classification from Charlotte County Property Appraiser.

However, the holder of a phased permit for the building or structure may proceed with construction at the property owner's risk and without assurance that a permit for the entire structure will be granted. If the Charlotte County Property Appraiser denies agricultural classification, all construction shall immediately cease and the property owner must, within 30 days, either (a) remove the structure, or (b) submit full construction documents and bring the structure into compliance with the Florida Building Code and Charlotte County Code. Failure to do so will subject the property owner to enforcement under Ch. 162, Florida Statutes, and Charlotte County Code § 1-1-15.

Permit Submittal Requirements:

1. Building permit application
2. Site plan for the proposed building or structure
3. Non-Residential Farm Building Affidavit
4. Proof of application for agricultural exemption

Non-Residential Farm Building Affidavit

As witnessed by my signature, I, [Affiant] _____ hereby affirm that the property located at [property address] _____ is being used as a farm as defined in Section 823.14, Florida Statutes.

The proposed structure is a Non-Residential Farm Building as defined by Section 604.50, Florida Statutes, and will be used for bona fide agricultural purposes on land that is an integral part of a farm operation.

I have applied, or intend to apply, to the Charlotte County Property Appraiser's Office for an agricultural land classification in accordance with Section 193.461, Florida Statutes for the current year or next application period.

I certify and swear that the building and all items (including all equipment, vehicles, machinery, and materials) stored within the structure shall be used primarily for agricultural purposes on the subject property.

The structure will not to be used as a residential dwelling or, for sleeping purposes, or any other use other than described above.

I request the Building Official to accept my building permit application pursuant to Florida Building Code Section 105.13 Phased Permit Approval.

I understand that with the phased permit, the construction of the proposed non-residential farm building is at my own risk and without assurance that the entire structure will meet the Florida Building Code. If the agricultural land classification is granted by the Property Appraiser, the structure will be considered exempt from the Florida Building Code and the permit will be closed.

I understand that IF THE AGRICULTURAL LAND CLASSIFICATION IS DENIED by the Charlotte County Property Appraiser's Office, all buildings or structures must comply with the Florida Building Code and Charlotte County Code. Violations of the Florida Building Code and/or the County's Code may result in fines, liens, County removal of the structure(s) at Owner's cost, and any other legal recourse available to the County pursuant to Section 162, Florida Statutes and County Code Section 1-1-15.

Under penalties of perjury, I declare that I have read the foregoing Non-Residential Farm Building Affidavit and that the facts stated in it are true.

Owner Signature

Owner Printed Name

State of _____, County of _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, on this _____ day of _____, 20____, by

_____ who ☐ is personally known to me or who ☐ has produced _____ as identification and who

☐ did/did not take an oath.

Notary Seal

Signature of Notary: _____

Notary's Printed Name: _____