

Appellant completed and signed
a notarized AFFIDAVIT
for a Building Permit Exemption
regarding a Non-Residential Farm
Building

In the Affidavit, Appellant certified that
the information provided is

“true and correct,”

**and that the use of the structure
complies with Florida Statutes
governing the exemption for
nonresidential farm building.**

The Affidavit makes clear that:

**The exemption is for the
structure only,**

**and any change in the use of the structure could
change the exempt status.**

**Each non-residential farm building is subject to
review for agricultural exemption.**

What is a non-residential farm building?

F.S. s. 604.50(2)(d) - “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.”

Put simply, a non-residential farm building is:

- **The BUILDING, not the land.**
- **PRIMARILY used for agricultural purposes.**
- **NOT a dwelling.**

What is a “dwelling”?

Florida Building Code, Residential, Ch. 2:

“Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.”

Living Space ...

Florida Building Code, Residential, Ch. 2:

A “living space” is a space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

Appellant's exempted
building is not primarily used
for agricultural purposes.

It is **PRIMARYLY** a
DWELLING.





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The first floor of the exempt building is 30x50'. That is 1,500 square feet.

The second story
is approximately
600 square feet.

The total area inside the building is approximately 2,100 square feet.

The saddle-making workshop
is approximately 12x12' which is
144 square feet.

The workshop is
only 7%
of the building's total square footage.

The building is
PRIMARYLY
comprised of
LIVING SPACES.

That means the Appellant's
exempt building
is primarily a
DWELLING.

Because it is a dwelling,
even if it's intended to be a
dwelling,
the Appellant **MUST** get the
required permits to bring the
building into compliance.

The Building Department asks that:

- 1. Appellant and her daughter cease occupying the building.**
- 2. Within 90 days to either: (a) obtain a permit for and install a mobile/manufactured home, or (b) obtain a permit for a single-family residence.**
- 3. Immediately secure the pool according to the Florida Building Code.**

Upon the occurrence of #s 2 and 3 above, the Building Department will consider issuing another Non-Residential Farm Building Exemption.