



Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, Florida 33470
561.793.2418 fax 561.793.2420

AGRICULTURAL VERIFICATION CHECKLIST FORM - (FBC 8th Edition 2023)
THE FOLLOWING INFORMATION & DOCUMENTS ARE REQUIRED FOR PERMIT PROCESSING

- ☐ Completed Affidavit of Proposed Nonresidential Farm Structure Form
- ☐ Flood Plain Development Application and Elevation Certificate, if applicable. (Included in this package)
- ☐ Current copy of the property Survey indicating the location of the proposed structure and relation to the Flood Zone

REQUIREMENTS

Permits for Non-residential farm buildings

An Application/Affidavit are required to state the classification of the property for limitations on permitting requirements per Florida Statute (FS) 823.14 (Right to Farm Act) or FS 604.50 (Non-residential farm buildings) to apply. Lands must be classified as Agricultural by the Palm Beach County Appraiser under the procedures outlined in FS 193.461. A copy of the latest application form (DR-482) that was submitted for agricultural classification can be provided to the Town as additional documentation of ongoing agricultural activities. **Regardless of the type of use, all buildings constructed within a Flood Zone are subject to flood development permit per FS 604.50, even agricultural structures that are exempt from other types of permit requirements.**

Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24. Therefore, the applicant will need to provide an Elevation Certificate for new construction reflecting an elevation of at least 1 foot above base flood elevation -OR- provide an Elevation Certificate demonstrating enclosed flood-resistant construction area below design flood elevation has flood openings that meet the criteria and are installed in accordance with FBC 8th – Section R322.2.2.1 (ONLY if enclosed area is solely used for parking of vehicles, building access or storage).

Zoning 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: Minimum setbacks. Within the Agricultural Residential District, the minimum building setbacks are: Front Setback – 50 ft from front property line, Rear Setback -25 ft from any property line, Side Setback – 25 ft from side property line, and Side Street Setback for properties that abut a street on more than one side -40 ft from property line if adjacent to a street. No portion of the structure may encroach into an easement.

Best Management Practices: Agricultural uses are granted exemption from local land development regulations as these uses are preemptively regulated by the State of Florida Department of Environmental Protection, Department of Agriculture and Water Management Districts. Best management practices (BMPs) have been developed by the Florida Department of Agriculture for agricultural commodities to protect public water supplies and minimize impacts to water resources.

Information on BMPs for equine and other agricultural commodities are available on the web at:
<https://www.fdacs.gov/Agriculture-Industry/Water/Agricultural-Best-Management-Practices>

GENERAL INFORMATION

Floodplain Development application is processed by the Gov-Easy permitting por



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- ☐ New Construction
☐ Existing Structure
☐ Transfer Ownership

AFFIDAVIT OF PROPOSED NONRESIDENTIAL FARM STRUCTURE

***To determine if this structure requires a Floodplain Development Application, please provide documentation indicating the proposed location on the property.

Section 604.50, Florida Statutes, states in part: “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 provisions implementing Local, State or Federal Floodplain Management regulations.”

This portion to be completed by the owner or authorized agent:

I _____ (Property owner or authorized agent), attest that the proposed structure, farm fence or farm sign indicated below will meet the following criteria:

	Section 604.50, Florida Statutes Criteria	Select the appropriate box below
A.	It is a temporary or permanent building or support structure; and	<input type="checkbox"/>
B.	It is located on lands used for bona fide commercial agricultural purposes; and	<input type="checkbox"/>
C.	1. It is classified as a non-residential farm building on a farm; or 2. It is used primarily for agricultural purposes; and	<input type="checkbox"/> <input type="checkbox"/>
D.	1. It is located on land that is an integral part of a farm operation and is classified as agricultural by the Property Appraiser; and	<input type="checkbox"/> <input type="checkbox"/>
E.	It is not intended to be used as a residential dwelling;	<input type="checkbox"/>

F.	If fill covers 20% or more of the lot, a SFWMD permit will be obtained <i>South Florida Water Management District: (561) 686-8800.</i>	<input type="checkbox"/>
G.	Structures are located in SFHA Special Flood Hazard Area "AE" with B.F.E. and Elevation Certificate will be provided.	<input type="checkbox"/>
H.	Requirements of FS 633.202 16a have been met and communicated with the Palm Beach County Fire Department. <i>Palm Beach County Fire: (561) 233-0050</i>	<input type="checkbox"/>

DISCLAIMER: IF THE PROPERTY'S AGRICULTURAL CLASSIFICATION IS REVOKED, THE STRUCTURE MAY BE DEEMED NON-CONFORMING IN ACCORDANCE WITH THE FLORIDA BUILDING CODE AND TOLG DEVELOPMENT REGULATIONS. THE BURDEN IS ON THE PROPERTY OWNER TO ESTABLISH THE EXEMPTION.

REQUIRED INFORMATION

Owner: _____

Address: _____

Phone: _____

Email: _____

Type of Structure: _____

Occupancy/Intended Use: _____

(Describe agricultural use of building; if a non-agricultural use is also proposed, provide the percentage of the structure being used by each use.

DECLARATION OF PROPERTY OWNER

I/WE UNDERSTAND THAT THIS AFFIDAVIT CONSTITUTES MY/OUR APPLICATION FOR AN EXEMPTION UNDER F.S. 604.50 AND IS PART OF THE OFFICIAL RECORD OF THE BUILDING DIVISION. UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING AFFIDAVIT AND THAT THE FACTS STATED THEREIN ARE TRUE. FURTHER, I UNDERSTAND THAT ANY KNOWINGLY FALSE INFORMATION PROVIDED MAY CONSTITUTE PERJURY, A FELONY OF THE THIRD DEGREE AND THAT THE TOWN OF LOXAHATCHEE GROVES WILL PURSUE ALL LEGAL REMEDIES AVAILABLE TO IT.

OWNER

DATE



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FLOODPLAIN DEVELOPMENT APPLICATION

(Required for new construction and improvements in SFHA "AE")

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development of buildings, structures, and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make an application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the applicable flood development requirements and all other applicable codes have been satisfied.

PROPERTY INFORMATION:

Owner: _____

Address: _____

Phone: _____ Email: _____

Type of Structure: _____

Occupancy/Intended Use: _____

(Describe the agricultural use of the building; if a non-agricultural use is also proposed, provide the percentage of the structure being used by each use.)

REQUIRED SUBMITTAL CHECKLIST:

Information for development in flood hazard areas shall be submitted prior to improvement:

The site plan or construction documents for any development subject to the requirements of the flood ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

- ☐ Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
- ☐ Base flood elevations or floodway data included on the FIRM or in the Flood Insurance Study,

- Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
- Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
- Existing and proposed alignment of any proposed alteration of a watercourse.

INSPECTIONS:

Development for which a floodplain development permit or approval is required shall be subject to inspection to determine compliance with the requirements of the flood development regulations and the conditions of issued floodplain development permits or approvals.

Buildings, structures, and facilities exempt from the *Florida Building Code*, lowest floor inspection: Upon placement of the lowest floor, including the basement, and prior to further vertical construction, the owner of a building, structure, or facility, or the owner's authorized agent, shall submit the certification of elevation (Elevation Certificate) of the lowest floor prepared and sealed by a Florida-licensed professional surveyor.

Final Inspection: As part of the final inspection, the owner or owner's authorized agent shall submit a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentation (Elevation Certificate) shall be prepared and sealed by a Florida-licensed professional surveyor.

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DECLARATION OF PROPERTY OWNER

I, the owner of the property referenced on Page 1 of this form, do hereby certify that I have read the foregoing, and am aware of my responsibilities and liabilities for construction work on the above-described property.

OWNER

DATE