

Kent



County

Department of Planning Services  
Division of Inspection & Enforcement

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Director

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**CERTIFICATE OF FARM PROPERTY**

Property  
Owner(s): \_\_\_\_\_

Address \_\_\_\_\_

Property ID Number \_\_\_\_\_

Zoning: \_\_\_\_\_

Description of Building Size and Usage (example: hay storage, farm tractor and implement storage, etc.)

\_\_\_\_\_  
\_\_\_\_\_

I certify that the above buildings or structures to be erected on my farm will be used exclusively for farming or agriculture, and are necessary for the operation of a farm owned or leased by me. I further certify that my property meets the size and income requirements of one of the three options listed below.

- Land **under 10 acres** must be zoned AC or AR and be County assessed as Farmland by providing proof of income of **\$10,000 per year** as referenced in 9 Delaware Code, Chapter 83, § 8333 below.
- A parcel of **at least five 5 acres** zoned AC or AR with a reasonable expectation of a minimum gross annual farm income of **\$2,500 per year** as referenced in § 105-4 B.30 of the Kent County Code. A farm business plan is required with the application to verify the minimum income requirement.
- Land **over 10 acres** must be zoned AC or AR and be County assessed as Farmland by providing proof of income of **\$1,000 per year** as referenced in 9 Delaware Code, Chapter 83, § 8333 below.

## Delaware Code

### **§ 8330 Agricultural use land.**

Land shall be deemed to be in agricultural use when devoted to the production for sale of plants and animals useful to man, including but not limited to: forages and sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. 9 Del. C. 1953, § 8330B; [56 Del. Laws, c. 373, § 1](#); [70 Del. Laws, c. 186, § 1](#);

### **§ 8331 Horticultural use land.**

Land shall be deemed to be in horticultural use when devoted to the production for sale of fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. 9 Del. C. 1953, § 8330C; [56 Del. Laws, c. 373, § 1](#);

### **§ 8332 Forest use land.**

Land shall be deemed to be in forest use when devoted to tree growth in such quantity and so spaced and maintained as to constitute in the opinion of the State Forester a forest area. 9 Del. C. 1953, § 8330D; [56 Del. Laws, c. 373, § 1](#);

### **§ 8333 Criteria for land use.**

Land shall be deemed to be actively devoted to agricultural, horticultural or forestry use when:

- (1) Not less than 10 acres are in such use, and the gross sales of agricultural, horticultural or forestry products produced thereon together with any agricultural program payments and sales of commodities received under government entitlement programs have averaged at least \$1,000 per year within a 2-year period of time immediately preceding the tax year in issue, or there is clear evidence of anticipated yearly gross sales and such payments amounting to at least \$1,000 per year, within a 2-year period of time; or
- (2) Less than 10 acres are in such use and the gross sales of agricultural, horticultural or forestry products produced thereon together with any agricultural program payments and sales of commodities received under government entitlement programs shall have averaged at least \$10,000 per year within a 2-year period of time immediately preceding the tax year in issue, or there is clear evidence of anticipated yearly gross sales and such payments amounting to at least \$10,000 per year within a 2-year period of time. In computing such anticipated yearly gross sales for land under 10 acres in such use, the maximum amount computed from future sales of forestry products shall be not more than \$2,000 annually.

In applying these criteria, and in determining whether the minimum acreage requirements are met, all contiguous parcels of land held by identical owners in identical proportions of ownership and in identical legal form of title shall be considered as a single unit.

**Kent County Code**

**§ 105-4 B. 30 Agricultural and farm buildings.**

All farm buildings, except dwellings used exclusively for farming or agriculture of any nature on a parcel of at least 5 acres and with a reasonable expectation of a minimum gross annual farm income of \$2,500 are exempt from this code, except that a plot plan shall be provided showing the location of the building to be constructed and Agricultural Building Use Permit obtained from the Division of Inspections & Enforcement at the cost as approved by the Kent County Levy Court.

I further acknowledge that I will be responsible for the construction of the building or structure and that I will relieve Kent County of all responsibility pertaining to the compliances as set forth in the Building Code.

\_\_\_\_\_  
Property/Farm Owner or Lessee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Date