

# AG BUILDINGS FAQ:

## What is an Ag Building?

Ag Buildings are those structures erected on a bona fide farm and exclusively dedicated to farming or agricultural use, such as storage of hay, combines, plow discs, or tractors. Ag Buildings may NOT be used for personal or residential purposes, including (but not limited to) storage of cars, trucks, boats, RVs, residential lawn equipment, sports equipment, household items, or residential construction materials. They also do NOT include dwellings for farm workers.



## What qualifies as a "bona fide farm"?

For the purposes of an Ag Building Use Permit, a farm is defined as a parcel of at least 5 acres primarily used for agricultural purposes. In addition, to qualify as a bona fide farm, the agricultural use on the property must generate a minimum gross annual farm income of \$2,500, or provide a reasonable expectation of that income.

## Is an Ag Building required to meet building code requirements?

No, Ag Buildings are exempt from residential building code requirements and only require one (final) inspection.

## Does the County review construction plans for Ag Buildings?

Ag Buildings in Kent County are exempt from compliance with the building code, so there is no requirement for the County to review the construction plans. However, upon request, we will complete a courtesy review of your plans. Building codes are designed to ensure structural integrity. They protect buildings and the people/property inside them from fire, earthquakes, windstorms and other extreme events. For these reasons, many property owners want to know that their Ag Building will be structurally sound after completion. If you request a courtesy review and it is determined that the proposed construction does not meet the building code, the decision to proceed with the construction plans as-is or have them altered is at your sole discretion.

## Do I need a permit for an Ag Building?

Yes, you need an Ag Building Use Permit from the Division of Inspections & Enforcement. Along with your permit application, you must submit a plot plan showing the location of the Ag Building to be constructed and pay the permit fee(s). In addition, you must complete an affidavit titled, *Certificate of Farm Property*. By signing the affidavit, you affirm that the building will be used exclusively for agricultural purposes; you accept responsibility for the construction of the building; and you relieve Kent County of all responsibility pertaining to the compliances set forth in the building code.

## What are the setback requirements for an Ag Building?

All structures must maintain a minimum 10' separation distance from all parts of septic systems including drain fields. In addition, all structures must comply with any environmental buffers, such as setbacks from wetlands, streams and ditches.

- \* Ag Buildings that house animals, such as enclosures, coops or runs used to house, shelter or sell fowl or livestock may be no closer than 50' from the rear or side property lines, and no closer than 100' from any dwelling located on an adjoining lot.
- \* Chicken houses must be at least 100' from all property lines, and 300' from any dwelling on an adjoining property.
- \* Manure sheds may be no closer than 100' from all property lines, and 200' from any dwelling on an adjoining property.

## I purchased a property with an existing Ag Building, but I want to use the building as a garage or for personal storage. Is that possible?

Since Ag Buildings are not required to meet the building code, it is unknown if they meet the minimum standards to ensure the health, safety and welfare of the people or property they contain. If you want to use an Ag Building for anything other than agricultural purposes, you must convert the Ag Building to a residential accessory structure. The first question to ask is if the building meets the size restrictions and minimum setbacks for a residential accessory structure. If so, submit an As-Built Plan sealed and approved by an Architect or Engineer licensed in the State of Delaware, along with a letter from your Architect or Engineer stating that the building is structurally sound, to the Division of Inspections & Enforcement. If the letter lists any deficiencies found, those items will need to be addressed and inspected by the County. After a satisfactory final inspection, the building may be used for personal or residential purposes.

## Who do I call if I have questions about Ag Buildings?

For questions about setbacks or environmental buffers, contact Planning & Zoning at (302)744-2471. For questions about Ag Building Use Permits, contact Inspections & Enforcement at (302)744-2451.