



This space provided for applicant reference

Project Number: _____

Description: _____

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<https://www.mygovernmentonline.org/>

Guidelines and Checklist for Agricultural Farm Building Permits

Guidelines

- This permit would be required if the applicant were constructing an agricultural farm building that meets the following criteria **Provisions 8330-8333 taken from Del Code.** :
 - A property under 10 acres must be zoned AC or AR and must be County assessed as Farmland after providing proof of income to Kent Conservation District compliant with 8333 below.
 - A property over 10 acres must be zoned AC or AR and follow the provisions of Del Code below.
 - **§ 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.

**** Documents Required on Next Page ****

Kent County Building Permits
Inspections and Enforcement
 555 Bay Road, Dover, DE 19901
 (302) 744-2451
 Email: Inspections@co.kent.de.us



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Guidelines and Checklist for Agricultural Farm Building Permits - continued

Documents Required – can be uploaded or provided to Permit Office

<input type="checkbox"/>	Plot Plans - Drawing of the Agricultural building showing measurements from all four property lines. Also include measurements from any tax ditches, blue line streams, wetlands if applicable. If building is a manure shed, measurements from it to neighboring homes adjoining the property.
<input type="checkbox"/>	Construction Plans – If greater than 10,000 sq ft.
<input type="checkbox"/>	Notarized Ag Waiver Form to be filled out by property owner. This form can be found on: http://co.kent.de.us/inspections-enforcement/forms-and-policies.aspx
<input type="checkbox"/>	Town Letter – If the property is in the town of Bowers, Farmington, Felton, Frederica, Hartly, Houston, Kenton, Leipsic, Little Creek, Magnolia, Woodside, or Viola; then Town approval letter or Town Permit must be provided when applying for Kent County Building Permit.
<input type="checkbox"/>	Owner Approval Letter is required if the applicant does not own the property