

LAWS OF DELAWARE
VOLUME 83
CHAPTER 26
151st GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 61

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO RELATED USES OF FARM STRUCTURES IN AN AGRICULTURAL PRESERVATION DISTRICT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 909, Title 3 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 909. District restrictions.

(a) The farmlands and forestlands included in an Agricultural Preservation District ~~shall be~~ are subject to the following restrictions:

(5) The following uses shall be deemed “related uses” for purposes of paragraph (a)(2) of this section:

k. Farm structures in existence at the time of approval of a District or expansion of a District that are no longer used in farming operations, and any related temporary ancillary structure used in conjunction with the existing farm structures, may be used for public and private gatherings, such as weddings, parties, conferences, fundraising ceremonies and other similar events, provided that all of the following requirements are satisfied:

3.A. The area on which the allowed activities are conducted shall be limited must be limited, to the extent ~~feasible~~ feasible, to avoid impacts on current and beneficial agricultural use of the agricultural lands and the lands. Farmland that is in current and beneficial agricultural use may be used for events under this paragraph (a)(5)k.3.A. if all of the following apply:

I. One acre or less of land is used.

II. An area of land equal or greater to the amount in paragraph (a)(5)k.3.A.I. of this section is converted to active beneficial agricultural use.

B. The exterior dimensions of the existing farm structures shall not ~~may~~ be increased in size. size as follows:

I. By no more than 50% of the footprint area of the existing farm structure at the time the structure became part of a District.

II. A canopy attached to the allowed farm structure may not exceed more than 30% of the farm structure’s footprint area.

Approved June 3, 2021