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DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

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.

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

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farm structure's footprint area.

SYNOPSIS

The Agricultural Lands Preservation Act allows existing farm structures that are no longer in use, but which existed when the farmland was placed in the preservation program, to be converted to use for public gatherings under specific limitations. Experience has shown that these existing limitations do not adequately allow for renovation and modernization of these farm structures to accommodate the public gathering uses. This Act provides flexibility so a farm owner may upgrade the otherwise unused farm structures, while continuing to provide protection regarding agricultural activities conducted on the farmland.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Ennis