

**Certificate of Use for Agricultural Purposes may be issued for buildings or structures where:**

- The building or structure is used "for the production of plants and animals useful to man" (i.e. forages and sod crops; trees and forest products; grains and feed crops; bees and apiary products, dairy animals and dairy products; poultry and poultry products; livestock to be raised for product or breeding purposes) for sale to the public.
- The building or structure is not the primary residence. The primary residence of a farmhouse is residential rather than agricultural as a residence is not necessary to the operation of farm lands.
- The building or structure is not a guest house or accessory dwelling unit on the parcel. This use is considered accessory to the residential use.

**Please Note:** This requirement sheet is an interpretation of Title 9 Delaware Code and NCC Unified Development Code

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**Required Paperwork**

All New Castle County forms are available via the County website or Land Use customer service.

- Building Permit Application**
- Two (2) Copies of Current Plot Plan or Record Plan Identifying Existing and Proposed Improvements to Lot**  
(Proposed improvements include all work covered under this project)
- Three (3) Sets of Building Plans** (Plans should be to scale and include a side view and floor plan)
- Confirmation of existing or anticipated agriculture use Del. Code Title 9 § 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.

**Verification of Paid Taxes** Property taxes and sewer billing fees must be paid on the property for which you are requesting a building permit and on any tax parcel that such landowner owns in New Castle County prior to building permit submission (*New Castle County Code 06.03.012.H*). This will be verified as part of the application process.

**Fees:** \$50 per Certificate of Use