

CHAPTER 344
FORMERLY
SENATE BILL NO. 260

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO ACTIVITIES ON PROPERTIES ENROLLED IN THE AGRICULTURAL LANDS PRESERVATION PROGRAM

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

Section 1. Amend § 909(a)(5), 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 subject to the following restrictions:

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

b. Hayrides, horseback riding, guided tours, ~~barn parties~~ and petting zoos shall be allowed, provided that said activities are limited to no more than 50 persons on the premises at a time. Notwithstanding the foregoing, educational tours and agricultural demonstration events shall not be subject to the 50 person limitation.

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:

1. The property with improvements on which the allowed activities are conducted must be owned by the Person subject to the District Agreement or Preservation Easement.

2. The area on which the allowed activities are conducted cannot be subdivided from the agricultural lands.

3. The area on which the allowed activities are conducted shall be limited to the extent feasible to avoid impacts on current and beneficial agricultural use of the agricultural lands and the exterior dimensions of the existing farm structures shall not be increased in size.

4. The person seeking to conduct activities allowed under this paragraph k shall submit to the Foundation Board, in advance and on an application form provided by the Foundation, a detailed description and plan of the proposed activities.

5. The application shall have been approved by the Foundation, subject to such terms and conditions deemed necessary and desirable to protect the agricultural value of the property, which terms and conditions shall be subject to the enforcement provisions set forth in § 920(a) of this Title.

6. The person seeking to conduct activities allowed under this subsection shall have agreed, in writing, to comply with the terms and conditions set forth in the Foundation Board's approval.

1. Annual and Semi-Annual events related to agricultural commodities and agricultural enterprises during the growing season, and other annual and semi-annual events during the non-primary growing season., subject to case by case review and approval by the Foundation Board, and if approved subject to such terms and conditions imposed to protect the agricultural value of the property, which terms and conditions shall be subject to the enforcement provisions set forth in § 920(a) of this Title.

Approved August 01, 2016