



DelDOT/DDA – Development Coordination

Agricultural Produce Markets & Stands: Classifications



This document provides general classifications used by the Delaware Department of Agriculture regarding Agricultural Produce Markets and Stands and the corresponding DelDOT requirements which apply. There are five (5) levels of classification.

Level 1: Permanent On-Farm Market: Markets which are housed in permanent structures, located on the farm premises, and operate at least half of a calendar year. These locations typically include an existing entrance/driveway and parking for patrons.

- * If appropriate Entrance Permits are in place for the existing farm,
No additional action is required.

- * If the Market is proposing new construction or expansion, the formal DelDOT permitting and approval process is required.

Next steps will include:

Hiring an Engineer/Surveyor, several month process, review fees (varies), bonding and construction of entrance, no permit fee.

Level 2: Temporary/Seasonal On-Farm Markets/Stand: These operations are located on the farm, usually at the end of the entrance lane and are selling produce grown on site. A typical example is the wagon at the end of a farm's driveway, often with an unstaffed "honor box" for payment. These markets/stands are only open during the produce season.

- * If appropriate Entrance Permits are in place for the residence or existing farm,
No additional action is required.

- * If residential permit is required- a few weeks review time, approval required, no permit fee.

Level 3: Seasonal Off-Farm Roadside Markets/Stand: These stands are not located on the farm but instead occupy an existing facility, parking lot or area adjacent to a high traffic roadway. These stands are not permanent but utilize the same location during a season (summer and possibly autumn months). A typical example is a farm wagon or trailer with a roof. These markets/stands typically purchase their produce for resale, or transport it from their off-site growing location. These locations need to account for adequate entrances/driveways and parking for patrons.

- * If re-using an existing entrance/building the Letter of No Contention (LONC) Process may be applicable.
Includes few weeks review time, approval required, no permit fee.

- * If building/placing structures on-site, formal DelDOT permitting and approval process is required.

Next steps will include:

Hiring an Engineer/Surveyor, several month process, review fees (varies), bonding and construction of entrance, no permit fee.

- * If operating on a site for less than 180 days in any consecutive 12-month period, a Temporary/Seasonal Entrance Permit may be applicable.

Includes few weeks review time, approval required, no permit fee.



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Level 4: Mobile/Temporary Off-Farm Roadside Stands: These businesses typically either purchase produce locally/regionally, or transport it from their off-site growing location and sell them at a temporary (off-farm) location such as a parking lot, along the road, back of a truck, or a pop-up tent. These types of stands may move multiple times during one season, utilizing various locations. These locations need to account for adequate parking for patrons which does not impact the adjacent travel lanes or turn lanes (minimum 10 feet of clearance from traffic lanes to parked cars).

- * If structure/occupant is on site for more than (2) days, in a consecutive (14) day period, a Temporary/Seasonal Entrance Permit is required.

Includes few weeks review time, approval required, no permit fee.

Level 5: Retail Store Locations: These operations are not located on the farm premises. These businesses typically purchase produce, either locally or regionally, and resell them.

- * If constructing/modifying a permanent structure or there are building permits that are required, the formal DelDOT permitting and approval process is required.

Next steps will include:

Hiring an Engineer/Surveyor, several month process, review fees (varies), bonding and construction of entrance, no permit fee.

- * If re-using an existing entrance/building the LONC Process may be applicable.

Includes few weeks review time, approval required, no permit fee.