

JAN 22 2021

A BILL FOR AN ACT

RELATING TO AGRICULTURAL BUILDINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 46-88, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Notwithstanding any law to the contrary, the
4 following agricultural buildings, structures, and appurtenances
5 thereto that are not used as dwellings or lodging units are
6 exempt from building permit and building code requirements where
7 they are no more than one thousand square feet in floor area:

8 (1) Nonresidential manufactured pre-engineered commercial
9 buildings and structures;

10 (2) Single stand alone recycled ocean shipping or cargo
11 containers that are used as nonresidential commercial
12 buildings and are properly anchored;

13 (3) Notwithstanding the one thousand square foot floor
14 area restriction, agricultural shade cloth structures,
15 cold frames, or greenhouses not exceeding [~~twenty~~]
16 sixty thousand square feet in area per structure;
17 provided that where multiple structures are erected,



1 the minimum horizontal separation between each shade
2 cloth structure, cold frame, or greenhouse is fifteen
3 feet;

4 (4) Aquacultural or aquaponics structures, including
5 above-ground water storage or production tanks,
6 troughs, and raceways with a maximum height of six
7 feet above grade, and in-ground ponds and raceways,
8 and piping systems for aeration, carbon dioxide, or
9 fertilizer or crop protection chemical supplies within
10 agricultural or aquacultural production facilities;

11 (5) Livestock watering tanks, water piping and plumbing
12 not connected to a source of potable water, or
13 separated by an air gap from such a source;

14 (6) Non-masonry fences not exceeding ten feet in height
15 and masonry fences not exceeding six feet in height;

16 (7) One-story masonry or wood-framed buildings or
17 structures with a structural span of less than twenty-
18 five feet and a total square footage of no more than
19 one thousand square feet, including farm buildings
20 used as:

21 (A) Barns;



- 1 (B) Greenhouses;
- 2 (C) Farm production buildings including aquaculture
- 3 hatcheries and plant nurseries;
- 4 (D) Storage buildings for farm equipment or plant or
- 5 animal supplies or feed; or
- 6 (E) Storage or processing buildings for crops;
- 7 provided that the height of any stored items
- 8 shall not collectively exceed twelve feet in
- 9 height;
- 10 (8) Raised beds containing soil, gravel, cinders, or other
- 11 growing media or substrates with wood, metal, or
- 12 masonry walls or supports with a maximum height of
- 13 four feet;
- 14 (9) Horticultural tables or benches no more than four feet
- 15 in height supporting potted plants or other crops; and
- 16 (10) Nonresidential indigenous Hawaiian hale that do not
- 17 exceed five hundred square feet in size, have no
- 18 kitchen or bathroom, and are used for traditional
- 19 agricultural activities or education;



1 provided that the buildings, structures, and appurtenances
2 thereto comply with all applicable state and county zoning
3 codes."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

7

INTRODUCED BY: Mike Gaffney



S.B. NO. 489

Report Title:

Agricultural Structures; Building Permit and Code Exemptions;
Structure Size Limitations

Description:

Increases the maximum area for each agricultural shade cloth structure, cold frame, and greenhouse that could qualify the structure for an exemption from building permit and building code requirements.

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