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# 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  
7 six feet above grade, and in-ground ponds and  
8 raceways, and piping systems for aeration, carbon  
9 dioxide, or fertilizer or crop protection chemical  
10 supplies within agricultural or aquacultural  
11 production facilities;

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

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

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



- 1 (A) Barns;
- 2 (B) Greenhouses;
- 3 (C) Farm production buildings including aquaculture
- 4 hatcheries and plant nurseries;
- 5 (D) Storage buildings for farm equipment or plant or
- 6 animal supplies or feed; or
- 7 (E) Storage or processing buildings for crops;
- 8 provided that the height of any stored items
- 9 shall not collectively exceed twelve feet in
- 10 height;
- 11 (8) Raised beds containing soil, gravel, cinders, or other
- 12 growing media or substrates with wood, metal, or
- 13 masonry walls or supports with a maximum height of
- 14 four feet;
- 15 (9) Horticultural tables or benches no more than four feet
- 16 in height supporting potted plants or other crops; and
- 17 (10) Nonresidential indigenous Hawaiian hale that do not
- 18 exceed five hundred square feet in size, have no
- 19 kitchen or bathroom, and are used for traditional
- 20 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 on January 1, 2050.



**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. Effective 1/1/2050. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

