
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,
18 the minimum horizontal separation between each shade



1 cloth structure, cold frame, or greenhouse is fifteen
2 feet;

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

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

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

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

20 (A) Barns;

21 (B) Greenhouses;



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



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 Statutory material to be repealed is bracketed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

3 SECTION 3. This Act shall take effect on January 1, 2022.



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 1/1/2022. (CD1)

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

