

SUMMARY
RELATING TO AGRICULTURAL BUILDING PERMITS ACT 203 (13)

- I. The following agriculture buildings and structures that are not used for dwelling or lodging units and no more than 1000 SF are exempt from building permits and building code requirements subject to the restrictions in Section III:
- 1) Nonresidential manufactured pre-engineered commercial buildings and structures;
 - 2) Single stand-alone recycled ocean shipping or cargo containers (properly anchored);
 - 3) Notwithstanding the one thousand square foot floor area restriction, agricultural shade cloth structures, cold frames, or greenhouses not exceeding twenty thousand square feet in area per structure; provided that where multiple structures are erected, the minimum horizontal separation between each shade cloth structure, cold frame, or greenhouse is fifteen feet;
 - 4) Aquacultural or aquaponics structures, including above-ground water storage or production tanks, troughs, and raceways with a maximum height of six feet above grade, and in-ground ponds and raceways, and piping systems for aeration, carbon dioxide, or fertilizer or crop protection chemical supplies within agricultural or aquacultural production facilities;
 - 5) Livestock watering tanks, water piping and plumbing not connected to a source of potable water, or separated by an air gap from such a source;
 - 6) Non-masonry fences not exceeding ten feet in height and masonry fences not exceeding six feet in height;
 - 7) One-story masonry or wood-framed buildings or structures with a structural span of less than twenty-five feet and a total square footage of no more than one thousand square feet, including farm buildings used as:
 - (A) Barns;
 - (B) Greenhouses;
 - (C) Farm production buildings including aquaculture hatcheries and plant nurseries;
 - (D) Storage buildings for farm equipment or plant or animal supplies or feed; or
 - (E) Storage or processing buildings for crops; provided that the height of any stored items shall not collectively exceed twelve feet in height;
 - 8) Raised beds containing soil, gravel, cinders, or other growing media or substrates with wood, metal, or masonry walls or supports with a maximum height of four feet;
 - 9) Horticultural tables or benches no more than four feet in height supporting potted plants or other crops; and
 - 10) Nonresidential indigenous Hawaiian hale that do not exceed five hundred square feet in size, have no kitchen or bathroom, and are used for traditional agricultural activities or education;
- II. The following agriculture buildings and structures exempt from building permits subject to the restrictions in Section III:
- 1) Nonresidential manufactured pre-engineered and county pre-approved commercial buildings and structures consisting of a total square footage greater than one thousand square feet but no more than eight thousand square feet; and
 - 2) One-story wood-framed or masonry buildings or structures with a structural span of less than twenty-five feet and a total square footage greater than one thousand square feet but

no more than eight thousand square feet constructed in accordance with county, national, or international prescriptive construction standards, including buildings used as:

- (A) Barns;
- (B) Greenhouses;
- (C) Farm production buildings, including aquaculture hatcheries and plant nurseries;
- (D) Storage buildings for farm equipment, plant or animal supplies, or feed; or
- (E) Storage or processing buildings for crops; provided that the height of any stored items shall not collectively exceed twelve feet in height.

III. Restrictions on Sections I & II

- 1) The aggregate floor area of the exempted agricultural buildings shall not exceed:
 - (A) Five thousand square feet per zoning lot for lots of two acres or less;
 - (B) Eight thousand square feet per zoning lot for lots greater than two acres but not more than five acres; and
 - (C) Eight thousand square feet plus two per cent of the acreage per zoning lot for lots greater than five acres; provided that each exempted agricultural building is compliant with the square foot area restrictions in Section I & II;
- 2) The minimum horizontal separation between each agricultural building, structure, or appurtenance thereto is fifteen feet;
- 3) The agricultural buildings, structures, or appurtenances thereto are located on a commercial farm or ranch and are used for general agricultural or aquacultural operations, or for purposes incidental to such operations;
- 4) The agricultural buildings, structures, or appurtenances thereto are constructed or installed on property that is used primarily for agricultural or aquacultural operations, and is two or more contiguous acres in area or one or more contiguous acres in area if located in a nonresidential agricultural or aquacultural park;
- 5) Upon completion of construction or installation, the owner or occupier shall provide written notice to the appropriate county fire department and county building permitting agency of the size, type, and locations of the building, structure, or appurtenance thereto. Such written notification shall be provided to the county agencies within thirty days of the completion of the building, structure, or appurtenance thereto. Failure to provide such written notice may void the building permit or building code exemption, or both, which voidance for such failure is subject to the sole discretion of the appropriate county building permitting agency;
- 6) No electrical power and no plumbing systems shall be connected to the building or structure without first obtaining the appropriate county electrical or plumbing permit, and all such installations shall be installed under the supervision of a licensed electrician or plumber, as appropriate, and inspected and approved by an appropriate county or licensed inspector or, if a county building agency is unable to issue an electrical permit because the building or structure is permit-exempt, an electrical permit shall be issued for an electrical connection to a meter on a pole beyond the permit-exempt structure in accordance with the installation, inspection, and approval requirements in this paragraph;
- 7) Disposal of wastewater from any building or structure constructed or installed pursuant to this section shall comply with chapter 342D; and
- 8) Permit-exempt structures shall be exempt from any certificate of occupancy requirements.

- 9) Shall not apply to the construction or installation of any building or structure on land in an urban district.
- 10) Shall not apply to buildings or structures used to store pesticides or other hazardous material unless stored in accordance with federal and state law.