

Introduced by: Borough Manager
Requested by: Borough Assembly
Drafted by: Assembly Member Lynch
P&Z Commission
Introduced: 10/20/2011
Postponed: 10/20/2011
Amendment: 01/19/2012
Public Hearing: 01/19/2012
Adopted: 01/19/2012

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2012-10**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
AMENDING THE KODIAK ISLAND BOROUGH CODE OF ORDINANCES
TITLE 15 BUILDINGS AND CONSTRUCTION BUILDINGS CHAPTER 15.10 BUILDING
CODES BY ADDING SECTION 15.10.180 HOOP HOUSES AND TITLE 17 ZONING BY
AMENDING SECTIONS 17.25.090, 17.50.020, 17.60.020, 17.65.020, 17.65.030,
17.70.020, 17.75.020, 17.80.020, 17.85.020 AND 17.160.010
TO INCLUDE HOOP HOUSES**

WHEREAS, there has been an increased use of poly-tunnels (hoop houses) nationwide, and in Kodiak, as a practical and inexpensive means of growing fruits and vegetables; and

WHEREAS, the Kodiak Island Borough does not specifically address building permits and zoning compliance for hoop houses; and

WHEREAS, the Kodiak Island Borough proposes an exemption from the building permit and zoning compliance processes and the exemption would:

- 1) apply to all non-retail hoop houses, either those utilized by home gardeners, commercial farmers, farm markets, or residential homeowners, and apply uniformly throughout the Kodiak Island Borough; and
- 2) not burden growers with the permit requirements of the building and construction code and the attendant fees, such as site plans signed and sealed by a licensed architect or engineer, building subcode permit fees, etc.; and
- 3) greatly enable gardeners to grow vegetables, fruits, and other specialty crops in our challenging climate at times of the year in which it would otherwise be impossible. Growers who sell or utilize their hoop house produce locally benefit from the extra income, improved nutrition and the community benefits from the availability of fresh, locally grown food; and

WHEREAS, a hoop house is defined as a structure that has the sides and roof covered with flexible plastic material, such as polyethylene or polyvinyl, and is used to provide plants with frost protection or increased heat; and

WHEREAS, temporary growing structures that are solely used for commercial production of horticultural plants are exempt from the requirements of the State Building Code. The structures continue to be subject to requirements adopted by local jurisdictions, including local zoning and building setbacks; and

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WHEREAS, such structures are not “buildings” in the traditional sense, they are not expected to be lasting permanent structures, and the cost of the engineering designs and constructing such permanent building standards is unnecessary and makes them economically infeasible for nursery operators; and

WHEREAS, there will be a review every two years of this ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: This ordinance is of a general and permanent nature and shall become a part of the Kodiak Island Borough Code of Ordinances; and

Section 2: Title 15 *Buildings and Construction* Chapter 15.10 *Building Codes* of the Kodiak Island Borough Code of Ordinances is amended by adding Section 15.10.180 hoop houses as follows:

**Chapter 15.10
Building Codes**

Sections:

- 15.10.010 Adoption of building and other codes.
- 15.10.020 Repealed.
- 15.10.030 Copies on file for sale.
- 15.10.040 Repealed.
- 15.10.050 Remote area exemption.
- 15.10.060 Plan check and approval.
- 15.10.070 Repealed.
- 15.10.080 Uniform Building Code Section 2305 amended.
- 15.10.090 Uniform Building Code Appendix Chapter 33 amended.
- 15.10.100 Sanitation facilities.
- 15.10.110 Building permit fees.
- 15.10.120 Temporary structures.
- 15.10.130 Roof snow load.
- 15.10.140 Repealed.
- 15.10.150 Repealed.
- 15.10.160 Footings — General
- 15.10.170 Certificate of occupancy.
- 15.10.180 **Hoop houses.**

15.10.180 Hoop houses.

A. A “hoop house” or “high tunnel,” used exclusively for the production or storage of live plants, shall be exempt from the permit requirements of the Kodiak Island Borough Building Code if it meets the following criteria:

- 1. There is no permanent anchoring system or foundation;**
- 2. There is no storage, temporary or otherwise, of solvents, gases, or other chemicals or flammable materials.**
- 3. The structure is no wider than 31 feet and no greater length than 150 feet;**

- 92 4. The covering of the structure is of a flexible polyethylene material no
93 greater than ten mils in thickness;
94 5. The support structure of the hoop house is made of non-combustible
95 materials, e.g. metal and hoop house must be purchased as a kit per the
96 USDA high tunnel program. Installation is per manufacturers
97 recommendations.
98 6. The structure is not utilized for retail sales.
99 7. The structure is located no closer than two feet from all property lines.

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101 Section 3: Title 17 Zoning Chapter 17.25 Definitions Section 17.25.090 H
102 Definitions is amended to add the following:

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104 "Hoop house" means a structure with sides and roof covered with flexible plastic
105 material, used to provide plants with frost protection or increased heat. A hoop
106 house must meet the following criteria:

- 107 1. There is no permanent anchoring system or foundation;
108 2. There is no storage, temporary or otherwise, of solvent, gases, or other
109 chemicals or flammable materials;
110 3. The structure is no wider than 31 feet and no greater length than 150 feet;
111 4. The covering of the structure is of a flexible polyethylene material no
112 greater than ten mils in thickness;
113 5. The support structure of the hoop house is made of non-combustible
114 materials, e.g. metal and hoop house must be purchased as a kit per the
115 USDA high tunnel program. Installation is per manufacturers'
116 recommendations;
117 6. The structure is not utilized for retail sales; and
118 7. The structure is located no closer than two feet from all property lines.
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120 **Section 4:** Title 17 Zoning Chapter 17.50 C – Conservation District Section 17.50.020
121 *Permitted Uses* of the Kodiak Island Borough Code of Ordinances is amended as follows:
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123 **Chapter 17.50**
124 **C – CONSERVATION DISTRICT**
125

126 **17.50.020 Permitted principal uses and structures.**

127 The following land uses and activities are permitted in the conservation district:

- 128 A. All of the permitted principal uses and structures in the NU natural use zoning district;
129 B. Agricultural activities and related structures, including commercial livestock grazing;
130 with a written conservation plan between the land owner or lease holder and the
131 Kodiak soil and water conservation district, in those areas historically established for
132 livestock grazing consisting of the northeast portion of Kodiak Island east of a line
133 drawn from Crag Point on Sharatin Bay to the mouth of Wild Creek in Ugak Bay, and
134 including Chirikof Island and Sitkinak Island.

- 135 C. Commercial fishing activities and related structures, including mariculture activities and
- 136 related structures;
- 137 D. Commercial guiding and/or outfitting activities (e.g., hunting, fishing, photography, etc.)
- 138 and related structures (e.g., lodges) containing provisions for no more than six clients;
- 139 E. Parks;
- 140 F. Recreational activities (including recreational mining activities);
- 141 G. Single-family dwellings/recreational cabins and associated home occupations;
- 142 H. Timber harvesting activities and transportation and utility facilities constructed in
- 143 support of permitted timber harvesting activities;
- 144 I. Churches;
- 145 J. Bed and Breakfasts;
- 146 K. Vacation homes; and
- 147 L. Hoop houses.

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149 **Section 5:** Title 17 Zoning Chapter 17.60 RR2-Rural Residential Two District Section
150 17.60.020 Permitted Uses of the Kodiak Island Borough Code of Ordinances is amended
151 as follows:

152

Chapter 17.60

153

RR2 – Rural Residential Two District

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17.60.020 Permitted uses.

156 The following land uses and activities are permitted in the rural residential two district:

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- 157 A. Accessory buildings;
- 158 B. Agricultural buildings and activities;
- 159 C. Churches;
- 160 D. Fishing activities when an owner-occupied dwelling is present on the premises;
- 161 E. Greenhouses;
- 162 F. Home occupations;
- 163 G. Horticultural buildings and activities;
- 164 H. Single-family dwellings;
- 165 I. Vacation homes;
- 166 J. Bed and breakfasts; and

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169 **Section 6:** Title 17 Zoning Chapter 17.65 RR-Rural Residential District Section
170 17.65.020 Permitted Principal Uses and Structures of the Kodiak Island Borough Code of
171 Ordinances is amended as follows:

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Chapter 17.65

174

RR – Rural Residential District

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17.65.020 Permitted principal uses and structures.

177 The following land uses and activities are permitted in the rural residential two district:

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180 C. Bed and breakfasts; and

181 **D. Hoop houses.**

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183 **Section 7:** Title 17 *Zoning* Chapter 17.65 *RR-Rural Residential District* Section
184 17.65.030 *Permitted Accessory Uses and Structures* of the Kodiak Island Borough Code
185 of Ordinances is amended as follows:

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187 17.65.030 Permitted accessory uses and structures.

188 A. Accessory buildings.

189 B. Home occupations.

190 **C. Hoop houses.**

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192 **Section 8:** Title 17 *Zoning* Chapter 17.70 *RR1-Rural Residential One District* Section
193 17.70.020 *Permitted Uses* of the Kodiak Island Borough Code of Ordinances is amended
194 as follows:

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Chapter 17.70

196

RR1 – Rural Residential One District

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198 **17.70.020 Permitted uses.**

199 The following land uses are permitted in the rural residential one district:

200 A. Accessory buildings;

201 B. Agricultural buildings and activities;

202 C. Churches;

203 D. Fishing activities when an owner-occupied dwelling is present on the premises;

204 E. Greenhouses;

205 F. Horticultural buildings and activities;

206 G. Single-family dwellings;

207 H. Home occupations;

208 I. Vacation homes;

209 J. Bed and breakfasts;

210 K. Recreational cabins; and

211 **L. Hoop houses.**

212

213 **Section 9:** Title 17 *Zoning* Chapter 17.75 *R1-Single-Family Residential District* Section
214 17.75.020 *Permitted Uses* of the Kodiak Island Borough Code of Ordinances is amended
215 as follows:

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Chapter 17.75

217

R1 – Single-Family Residential District

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219 **17.75.020 Permitted uses.**

220 The following land uses and activities are permitted in the single-family residential district:

221 A. Accessory buildings;

222 B. Churches;

223 C. Greenhouses;

- 224 D. Home occupations;
- 225 E. Parks and playgrounds;
- 226 F. Single-family dwellings; and
- 227 **G. Hoop houses.**

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229 **Section 10:** Title 17 Zoning Chapter 17.80 *R2-Two-Family Residential District* Section
230 17.80.020 *Permitted Uses* of the Kodiak Island Borough Code of Ordinances is amended
231 as follows:

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Chapter 17.80

234

R2 – Two-Family Residential District

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17.80.020 Permitted uses.

237 The following land uses are permitted in the two-family residential district:

- 238 A. Accessory buildings;
- 239 B. Beauty shops;
- 240 C. Churches;
- 241 D. Clinics;
- 242 E. Greenhouses;
- 243 F. Home occupations;
- 244 G. Hospitals;
- 245 H. Parks and playgrounds;
- 246 I. Professional offices;
- 247 J. Schools;
- 248 K. Single-family dwellings;
- 249 L. Two-family dwellings;
- 250 M. Vacation homes;
- 251 N. Bed and breakfasts; and
- 252 **O. Hoop houses.**

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254 **Section 11:** Title 17 Zoning Chapter 17.85 *R3-Multifamily Residential District* Section
255 17.85.020 *Permitted Uses* of the Kodiak Island Borough Code of Ordinances is amended
256 as follows:

257

Chapter 17.85

258

R3 – Multifamily Residential District

259

17.85.020 Permitted uses.

261 The following land uses are permitted in the multifamily residential district:

- 262 A. Accessory buildings;
- 263 B. Beauty shops;
- 264 C. Boardinghouses;
- 265 D. Churches;
- 266 E. Clinics;
- 267 F. Greenhouses;

- 268 G. Home occupations;
- 269 H. Hospitals;
- 270 I. Multifamily dwellings;
- 271 J. Parks and playgrounds;
- 272 K. Professional offices;
- 273 L. Schools;
- 274 M. Single-family dwellings;
- 275 N. Two-family dwellings;
- 276 O. Vacation homes
- 277 P. Bed and breakfasts; and
- 278 **Q. Hoop houses.**

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280 **Section 12:** Title 17 Zoning Chapter 17.160 Accessory Buildings Section 17.160.010
281 *Intent* of the Kodiak Island Borough Code of Ordinances is amended as follows:

282 **17.160.010 Intent.**

283 **It is the intent of this chapter to set forth standards for the size and location of**
284 **accessory buildings. Hoop houses shall not be subject to the limitations of this**
285 **chapter in all zoning districts where hoop houses are permitted.**

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287 **Section 13:** This ordinance shall become effective upon adoption.

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289 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
290 **THIS NINETEENTH DAY OF JANUARY, 2012**

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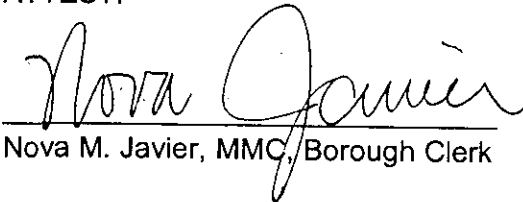
296 ATTEST:

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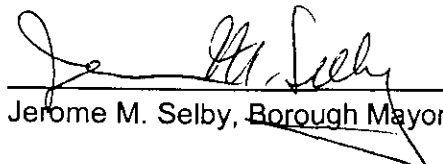
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Nova M. Javier, MMC, Borough Clerk

KODIAK ISLAND BOROUGH


Jerome M. Selby, Borough Mayor