

Senate Engrossed House Bill

~~agency; licensing; information~~
~~(now: hoophouses; building permits; exemption)~~
(now: hoophouses; polyhouses; regulation; compliance)

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 186
HOUSE BILL 2846

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 6.4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 9-469; AMENDING TITLE 11, CHAPTER 2, ARTICLE 9, ARIZONA
REVISED STATUTES, BY ADDING SECTION 11-324; RELATING TO PLANNING AND
ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 6.4, Arizona Revised
3 Statutes, is amended by adding section 9-469, to read:

4 9-469. Building permits; hoophouses; exemption; existing
5 zoning regulations; compliance; administrative
6 review; definitions

7 A. NOTWITHSTANDING ANY OTHER LAW, CONSTRUCTION OF A HOOPHOUSE OR
8 POLYHOUSE IS EXEMPT FROM MUNICIPAL BUILDING PERMIT REQUIREMENTS IF THE
9 HOOPHOUSE OR POLYHOUSE MEETS ALL OF THE FOLLOWING REQUIREMENTS:

10 1. THE STRUCTURE DOES NOT HAVE A PERMANENT ANCHORING SYSTEM. THE
11 STRUCTURE SHALL BE ANCHORED IN A WAY THAT ALLOWS REMOVAL AND RELOCATION OF
12 THE STRUCTURE AT THE DISCRETION OF THE PROPERTY OWNER AND IN A MANNER THAT
13 PREVENTS UNINTENDED DETACHMENT OR RELOCATION.

14 2. THERE IS NO TEMPORARY OR PERMANENT STORAGE OF SOLVENTS,
15 FERTILIZERS, GASES OR OTHER CHEMICALS OR FLAMMABLE MATERIALS.

16 3. THE STRUCTURE IS NOT WIDER THAN THIRTY-ONE FEET AND THERE IS AN
17 UNOBSTRUCTED PATH OF NOT MORE THAN ONE HUNDRED FIFTY FEET FROM ANY POINT
18 TO A DOOR OR FULLY ACCESSIBLE WALL.

19 4. THE COVERING OF THE STRUCTURE IS OF MATERIAL NOT GREATER THAN
20 TWELVE MILS IN THICKNESS, THAT CONFORMS TO THE NATIONAL FIRE PROTECTION
21 ASSOCIATION STANDARD METHODS OF FIRE TESTS FOR FLAME PROPAGATION OF
22 TEXTILES AND FILMS (NFPA 701) AND THAT YIELDS APPROXIMATELY FOUR POUNDS OF
23 MAXIMUM IMPACT RESISTANCE TO PROVIDE EGRESS THROUGH THE WALL.

24 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF A HOOPHOUSE OR
25 POLYHOUSE IS LOCATED ON A LOT LESS THAN ONE ACRE IN SIZE WITHIN A
26 RESIDENTIAL COMMUNITY, A MUNICIPALITY MAY ADOPT AN ORDINANCE TO REGULATE
27 THE STRUCTURE'S HEIGHT ABOVE THE FENCE LINE.

28 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF A HOOPHOUSE OR
29 POLYHOUSE CONTAINS A DEVICE THAT IS SUBJECT TO EXISTING MUNICIPAL
30 ELECTRICAL OR MECHANICAL CODES AND REGULATIONS, A PERMIT SHALL BE REQUIRED
31 FOR THE DEVICE. IF THE HOOPHOUSE OR POLYHOUSE IS CONNECTED TO A POTABLE
32 WATER SYSTEM, A PERMIT SHALL BE REQUIRED FOR THE BACKFLOW PREVENTION
33 DEVICES CONTAINED WITHIN THE POTABLE WATER SYSTEM.

34 D. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A HOOPHOUSE OR
35 POLYHOUSE SHALL COMPLY WITH ALL HEIGHT, SETBACK AND LOT COVERAGE
36 REQUIREMENTS CONTAINED IN THE MUNICIPAL ZONING AND LAND USE REGULATIONS
37 FOR DETACHED ACCESSORY BUILDINGS OR STRUCTURES.

38 E. A MUNICIPALITY MAY ESTABLISH AN ADMINISTRATIVE REVIEW PROCESS
39 FOR A HOOPHOUSE OR POLYHOUSE CONSTRUCTED PURSUANT TO THIS SECTION AND MAY
40 REQUIRE A PERSON WHO INTENDS TO BUILD A HOOPHOUSE OR POLYHOUSE TO SUBMIT
41 TO THE MUNICIPALITY DOCUMENTATION THAT CONTAINS INFORMATION REGARDING THE
42 CONSTRUCTION OF THE HOOPHOUSE OR POLYHOUSE, INCLUDING THE MATERIALS BEING
43 USED, SO THE MUNICIPALITY MAY DETERMINE IF THE PLANNED CONSTRUCTION MEETS
44 THE REQUIREMENTS OF THIS SECTION.

1 F. FOR THE PURPOSES OF THIS SECTION:
2 1. "HOOPHOUSE" OR "POLYHOUSE" MEANS A GREENHOUSE USED EXCLUSIVELY
3 FOR PRODUCING AND STORING LIVE PLANTS.
4 2. "PERMANENT ANCHORING SYSTEM":
5 (a) MEANS A STRUCTURALLY ENGINEERED ASSEMBLY OF COMPONENTS DESIGNED
6 TO AFFIX A STRUCTURE TO THE GROUND ON A PERMANENT BASIS.
7 (b) INCLUDES PERMANENT FOUNDATIONS AND ANCHORS.
8 Sec. 2. Title 11, chapter 2, article 9, Arizona Revised Statutes,
9 is amended by adding section 11-324, to read:
10 11-324. Building permits; hoophouses; exemption; existing
11 zoning regulations; compliance; administrative
12 review; definitions
13 A. NOTWITHSTANDING ANY OTHER LAW, CONSTRUCTION OF A HOOPHOUSE OR
14 POLYHOUSE IS EXEMPT FROM COUNTY BUILDING PERMIT REQUIREMENTS IF THE
15 HOOPHOUSE OR POLYHOUSE MEETS ALL OF THE FOLLOWING REQUIREMENTS:
16 1. THE STRUCTURE DOES NOT HAVE A PERMANENT ANCHORING SYSTEM. THE
17 STRUCTURE SHALL BE ANCHORED IN A WAY THAT ALLOWS REMOVAL AND RELOCATION OF
18 THE STRUCTURE AT THE DISCRETION OF THE PROPERTY OWNER AND IN A MANNER THAT
19 PREVENTS UNINTENDED DETACHMENT OR RELOCATION.
20 2. THERE IS NO TEMPORARY OR PERMANENT STORAGE OF SOLVENTS,
21 FERTILIZERS, GASES OR OTHER CHEMICALS OR FLAMMABLE MATERIALS.
22 3. THE STRUCTURE IS NOT WIDER THAN THIRTY-ONE FEET AND THERE IS AN
23 UNOBSTRUCTED PATH OF NOT MORE THAN ONE HUNDRED FIFTY FEET FROM ANY POINT
24 TO A DOOR OR FULLY ACCESSIBLE WALL.
25 4. THE COVERING OF THE STRUCTURE IS OF MATERIAL NOT GREATER THAN
26 TWELVE MILS IN THICKNESS, THAT CONFORMS TO THE NATIONAL FIRE PROTECTION
27 ASSOCIATION STANDARD METHODS OF FIRE TESTS FOR FLAME PROPAGATION OF
28 TEXTILES AND FILMS (NFPA 701) AND THAT YIELDS APPROXIMATELY FOUR POUNDS OF
29 MAXIMUM IMPACT RESISTANCE TO PROVIDE EGRESS THROUGH THE WALL.
30 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF A HOOPHOUSE OR
31 POLYHOUSE IS LOCATED ON A LOT LESS THAN ONE ACRE IN SIZE WITHIN A
32 RESIDENTIAL COMMUNITY, A COUNTY MAY ADOPT AN ORDINANCE TO REGULATE THE
33 STRUCTURE'S HEIGHT ABOVE THE FENCE LINE.
34 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF A HOOPHOUSE OR
35 POLYHOUSE CONTAINS A DEVICE THAT IS SUBJECT TO EXISTING COUNTY ELECTRICAL
36 OR MECHANICAL CODES AND REGULATIONS, A PERMIT SHALL BE REQUIRED FOR THE
37 DEVICE. IF THE HOOPHOUSE OR POLYHOUSE IS CONNECTED TO A POTABLE WATER
38 SYSTEM, A PERMIT SHALL BE REQUIRED FOR THE BACKFLOW PREVENTION DEVICES
39 CONTAINED WITHIN THE POTABLE WATER SYSTEM.
40 D. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, A HOOPHOUSE OR
41 POLYHOUSE SHALL COMPLY WITH ALL HEIGHT, SETBACK AND LOT COVERAGE
42 REQUIREMENTS CONTAINED IN THE COUNTY ZONING AND LAND USE REGULATIONS FOR
43 DETACHED ACCESSORY BUILDINGS OR STRUCTURES.
44 E. A COUNTY MAY ESTABLISH AN ADMINISTRATIVE REVIEW PROCESS FOR A
45 HOOPHOUSE OR POLYHOUSE CONSTRUCTED PURSUANT TO THIS SECTION AND MAY

1 REQUIRE A PERSON WHO INTENDS TO BUILD A HOOPHOUSE OR POLYHOUSE TO SUBMIT
2 TO THE COUNTY DOCUMENTATION THAT CONTAINS INFORMATION REGARDING THE
3 CONSTRUCTION OF THE HOOPHOUSE OR POLYHOUSE, INCLUDING THE MATERIALS BEING
4 USED, SO THE COUNTY MAY DETERMINE IF THE PLANNED CONSTRUCTION MEETS THE
5 REQUIREMENTS OF THIS SECTION.

6 F. FOR THE PURPOSES OF THIS SECTION:

7 1. "HOOPHOUSE" OR "POLYHOUSE" MEANS A GREENHOUSE USED EXCLUSIVELY
8 FOR PRODUCING AND STORING LIVE PLANTS.

9 2. "PERMANENT ANCHORING SYSTEM":

10 (a) MEANS A STRUCTURALLY ENGINEERED ASSEMBLY OF COMPONENTS DESIGNED
11 TO AFFIX A STRUCTURE TO THE GROUND ON A PERMANENT BASIS.

12 (b) INCLUDES PERMANENT FOUNDATIONS AND ANCHORS.

APPROVED BY THE GOVERNOR MAY 6, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2024.