

Resolution

No. _____

REFERRING TO THE LANAI, MAUI, AND MOLOKAI
PLANNING COMMISSIONS A PROPOSED BILL TO
AMEND SECTION 19.36A.070, MAUI COUNTY CODE,
RELATING TO LANDSCAPING REQUIREMENTS
UNDER THE OFF-STREET PARKING AND LOADING
ORDINANCE

WHEREAS, the Council is considering a proposed bill to increase the density of shade trees, and establish minimum criteria for shade trees, in parking areas specified in Section 19.36A.070, Maui County Code; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commissions review proposed land use ordinances and amendments thereto, and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.36A.070, MAUI COUNTY CODE, RELATING TO LANDSCAPING REQUIREMENTS UNDER THE OFF-STREET PARKING AND LOADING ORDINANCE", a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Lanai, Maui, and Molokai planning commissions for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That it respectfully requests that the Lanai, Maui, and Molokai planning commissions transmit their findings and recommendations to the Council as expeditiously as possible; and
3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, the Lanai Planning Commission, the Maui Planning Commission, and the Molokai Planning Commission.

Resolution No. _____

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel

County of Maui

MICHAEL J. HOPPER

lu:misc:017areso01:cmn

ORDINANCE NO. _____

BILL NO. _____ (2013)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.36A.070, MAUI COUNTY CODE, RELATING TO LANDSCAPING REQUIREMENTS UNDER THE OFF-STREET PARKING AND LOADING ORDINANCE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 19.36A.070, Maui County Code, is amended by amending subsection A to read as follows:

"19.36A.070 Walls, fences, and landscaping. A. Wherever any portion of a parking area abuts property zoned for residential or duplex use, a five-foot high fence or wall shall be erected along the abutting portion of the property line. In addition, landscape planting shall be provided as follows:

1. In the A-1 apartment, H-1, H-2, and H-M hotel, B-R resort commercial, B-1, B-2, and B-3 business, M-1 and M-2 industrial, two-family (duplex) and airport districts, and in any mixed-use, industrial, commercial, multi-family, and business districts within any project district, four-foot wide front and two-foot wide side and rear yard planted areas shall be provided immediately adjacent and parallel with each respective portion of a property line where a parking area immediately abuts. For projects that include building structures greater than two stories, front yard planted areas shall be twenty-five percent of the required front yard setback, and three-foot wide side and rear yard planted areas shall be provided immediately adjacent and parallel with each respective portion of a property line where a parking area immediately abuts.

2. Large crown shade trees shall be provided at minimum regular intervals for every [five] three spaces throughout each parking area[. Appropriate hedge material and/or earth mounds, and shrubs shall be provided in linear masses to function as visual screens.], and shall meet the following criteria:

a. Shade trees shall be at least six feet tall, with a minimum caliper of two inches in diameter, and twelve inches above ground at the time of planting;

b. Shade trees shall be guaranteed for a minimum of twenty-four months and conform with the most recent edition of the American Standard for Nursery Stock published by the American Association of Nurserymen, and be maintained pursuant to provisions of the Maui County Planting Plan;

c. Shade trees shall have an expected height, at maturity, consistent with provisions indicated in the Maui County Planting Plan;

d. Shade trees shall provide a minimum of four hundred square feet of canopy shading at maturity per tree; or a total of twenty-five percent tree canopy shading of the entire parking area, whichever is greater, within fifteen years of the initial planting;

e. If any shade tree is removed, it must be replaced in a manner consistent with provisions of this section;

f. Shade trees shall be planted so as not to interfere or damage adjacent buildings, neighboring properties, public utilities, traffic control devices, street lighting, and public rights-of-way. Should the shade trees cause a nuisance or damage the aforementioned, the property owner shall be held liable; and

g. Covered parking areas, covered parking structures, and parking areas shaded by photovoltaic structures are exempt from the requirements of this section.

3. Appropriate hedge material and/or earth mounds, and shrubs shall be provided in linear masses to function as visual screens.

[3.]4. The landscape planting plan(s) shall specify plant species, sizes, quantities, total tree canopy area given to each species, total tree canopy provided by all trees at maturity, and locations.

[4.]5. Each landscape planted area shall be regularly irrigated and maintained.

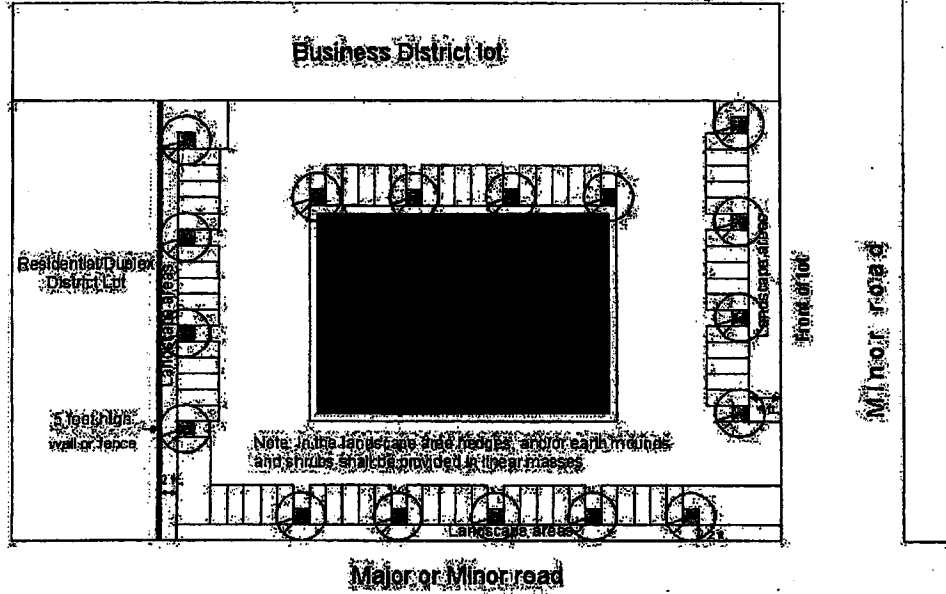
[5.]6. All landscape planting and irrigation plans shall be subject to final approval by the planning director.

[6.]7. It is encouraged that the landscaping area be incorporated into a storm water management plant to increase recharge and percolation of storm water."

SECTION 2. Section 19.36A.070, Maui County Code, is amended by amending subsection B by replacing the existing diagrams with the new diagrams as follows:

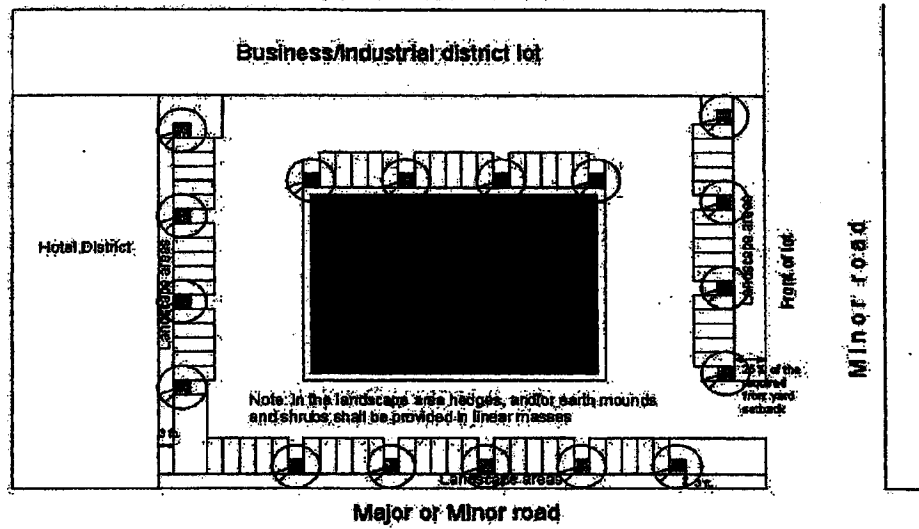
"B. The following diagrams illustrate examples of the application of this section:

19.36A.070 Fences and landscaping



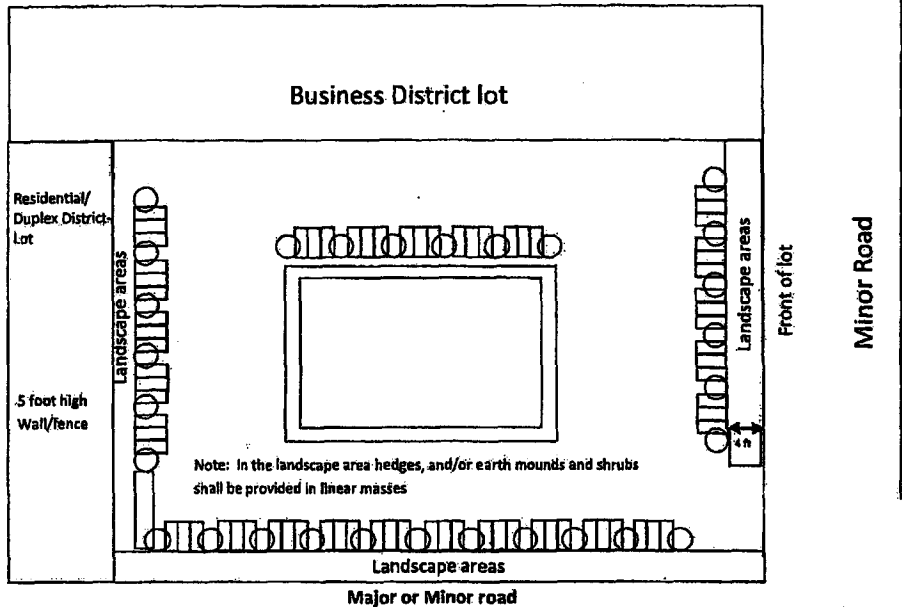
FOR DEMONSTRATION ONLY. FINAL PLANS SHALL BE APPROVED BY THE DIRECTOR OF PLANNING.

Fences and landscaping



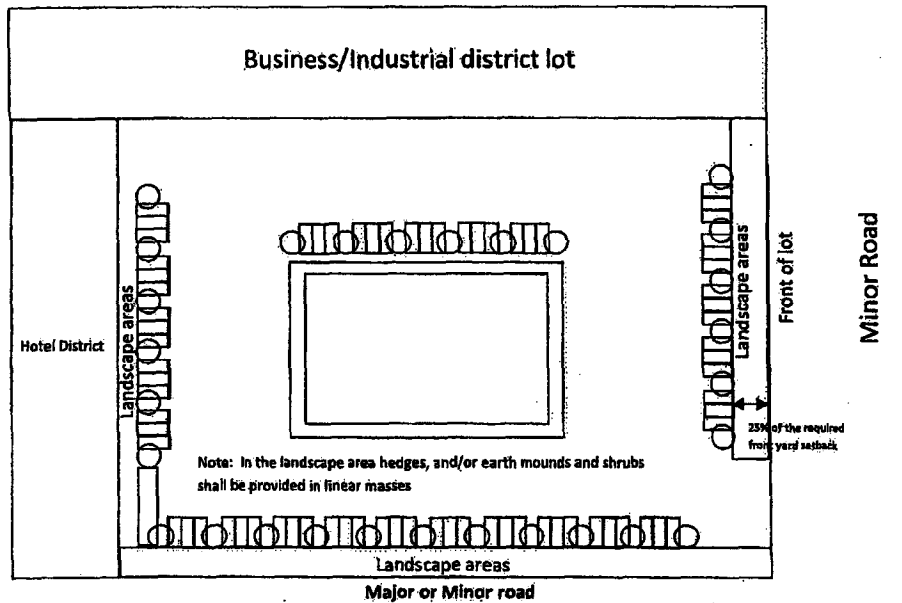
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19.36A.070 Fences and landscaping



"FOR DEMONSTRATION ONLY. FINAL PLANS SHALL BE APPROVED BY THE DIRECTOR OF PLANNING"

Fences and Landscaping



"FOR DEMONSTRATION ONLY. FINAL PLANS SHALL BE APPROVED BY THE DIRECTOR OF PLANNING"

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

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requirements.rev 9-30-13.doc