

Resolution

No. 22-258

REFERRING TO THE LĀNAʻI, MAUI, AND
MOLOKAI PLANNING COMMISSIONS AND
ADVISORY COMMITTEES TO THE MAUI
PLANNING COMMISSION A PROPOSED BILL
AMENDING CHAPTERS 12.24 AND 19.36, MAUI
COUNTY CODE, RELATING TO THE
LANDSCAPE PLANTING PLAN

WHEREAS, the Council is considering a proposed bill to amend Chapters 12.24 and 19.36, Maui County Code, relating to the landscape planting plan; and

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

WHEREAS, Section 2.28.050, Maui County Code, authorizes the advisory committees to provide recommendations to the Maui Planning Commission on matters within its community plan area; now, therefore,

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

1. That it refers the proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 12.24 AND 19.36, MAUI COUNTY CODE, RELATING TO THE LANDSCAPE PLANTING PLAN," a copy of which is attached as Exhibit "1," to the Lānaʻi Planning Commission, Maui Planning Commission, and Molokai Planning Commission for findings and recommendations in accordance with Section 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, and to the Hāna Advisory Committee, South Maui Advisory Committee, and Pāʻia-Haʻikū Advisory Committee to the Maui Planning Commission for findings and recommendations;

2. That it respectfully requests the Planning Commissions and Advisory Committees transmit their findings as expeditiously as possible; and
3. That certified copies of this Resolution be transmitted to the Mayor, the Planning Director, the Lānaʻi Planning Commission, the Maui Planning Commission, the Molokai Planning Commission, the Hāna Advisory Committee, the South Maui Advisory Committee, and the Pāʻia-Haʻikū Advisory Committee.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

paf:wal:22-077b

INTRODUCED BY:

Kelly T. King

KELLY TAKAYA KING

Exhibit "1"

ORDINANCE NO. _____

BILL NO. _____ (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTERS
12.24 AND 19.36, MAUI COUNTY CODE, RELATING
TO THE LANDSCAPE PLANTING PLAN

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

SECTION 1. Section, 12.24A.040, Maui County Code, is amended to read
as follows:

"Section 12.24A.040. Landscape planting plan. A. Contents.
The landscape planting plan [shall be advisory and shall] must include[,
but not be limited to,] the following:

1. The objectives and policies of the County for the establishment of landscape planting and the preservation and protection of trees and the environment in the County.
2. [Guidelines] Requirements for the establishment of landscape planting on streets, in parking areas, and in parks.
3. [Guidelines] Requirements for the maintenance and care of landscape planting and exceptional trees in public areas.
4. [Contain an] An official list of street trees.
5. [Designate] Designation of the type of trees [which] that are suitable for planting in the various geographical locations of the County as delineated in the general plan.
6. [Identify] Identification of the types of street trees for planting within the rights-of-way of streets, avenues, roads, or highways under the jurisdiction of the County.
7. [Identify] Identification of the types of park trees for planting within public parks and recreational areas under the jurisdiction of the County.

B. Adoption.

1. The draft landscape planting plan may consist of separate parts, as determined by the committee, and may be submitted in parts for public hearing, and to the council [and mayor] as provided for in subsections 12.24A.040(B)(2) and 12.24A.040(B)(3).

2. The committee [shall] must hold at least one public hearing on the draft landscape planting plan prior to its submission to the [mayor] council. Prior to the holding of the public hearing, the landscape planting [shall] must be submitted to the council for its review and [comment] enactment by ordinance.

3. After holding a public hearing, the draft landscape planting plan may be amended or approved by the committee and [shall] will take effect upon approval by [the mayor] ordinance.

4. Upon its approval by ordinance, the landscape planting plan [shall serve as an advisory] is a mandatory document to all County departments.

[5. Any subsequent, substantive change in the landscape planting plan shall be subject to the provisions of subsections 12.24A.040(B)(2) and 12.24A.040(B)(3).]

C. Enforcement. After the landscape planting plan's enactment by ordinance, violations of the landscape planting plan are subject to enforcement under section 19.530.030."

SECTION 2. Subsection A of Section 19.36B.080, Maui County Code, is amended to read as follows:

"A. To provide maximum shade over hardscape, visual screening, and aesthetics, landscaping [shall] including canopy trees must be provided for all parking areas in all zoning districts, excluding parking areas for single-family dwellings, accessory dwellings, farm dwellings, farm labor dwellings, and duplex dwellings. During review of a building permit application and prior to the issuance of a certificate of occupancy, the department [shall] must require the submittal of a landscape plan that shows compliance with the following landscaping standards:

1. A planted area with a minimum size of four-feet wide in the front and two-feet wide on the sides and rear [shall] must be provided around the area containing parking spaces, loading spaces, and aisles, except where vehicles access the property or where buildings are situated between the parking area and roadways or an adjacent lot.

a. For visual screening, the planted area [shall] must have appropriate hedge material in linear masses that will reach at least four feet in height when mature.

b. A solid five-foot-high barrier or wall [shall] must be erected along the abutting portion of the lot line wherever any portion of the planted area abuts a lot with:

- i. Existing adjacent dwelling units, or
- ii. A zoning designation based on chapter 19.08 (residential districts), [of this code,] chapter 19.09

[of this code] (R-0 zero-lot line residential district), chapter 19.10 of [this code] (two-family (duplex) districts), or a project district containing a district or subdistrict with a residential principal permitted use.

iii. The director may waive the requirement for the barrier or wall to allow a sidewalk between parking areas and adjacent residential properties or if an adjacent residential property is designated for residential mixed use development.

2. [One tree shall] A minimum of one tree must be provided in the parking area for every five parking spaces, distributed as evenly as practicable throughout the parking area and appropriately maintained to provide [maximum shade to the extent practicable] a minimum of 50 percent canopy coverage of the hardscape. The Maui County landscape planting plan, as defined in subsection 12.24A.020 [of this code, shall] must be referenced [in order] to choose appropriate trees, planting methods, and maintenance. The director [shall] must grant the following exceptions upon request and a showing of reasonable cause:

a. Any parking space that is completely covered by another parking space located directly above it, such as in a parking garage, may be excluded from the count of parking spaces used in determining the number of required trees.

b. Required trees may be planted elsewhere on the lot if it is not practicable for them to be planted in the parking area, such as when parking spaces are partially covered or when solar or photovoltaic carports are present.

c. As an alternative means to provide visual relief, if solar or photovoltaic carports are situated in a manner that makes it impracticable to plant the required trees anywhere on the lot, appropriate additional hedge material may be planted elsewhere on the lot in linear masses that will reach at least four feet in height when mature.

d. Modifications recommended by the Maui County arborist committee[, pursuant to] under chapter 12.24A [of this code].

3. Each required tree and landscape planted area [shall] must be maintained to comply with the requirements of this chapter and [shall] must be regularly irrigated by an automated system. If any required tree or landscaping is removed, it [shall] must be replaced by a tree or landscaping of the same species and maturity, or the department may require the submittal of a revised landscape plan.

4. In addition to any required landscaping, at the parking space terminus of standard-sized non-parallel parking spaces, up to

two feet of the pavement may be replaced with landscaping as described below:

- a. The area [shall] must be planted with a low-growing ground cover or grass (no trees or hedges) so that the end of a vehicle can extend over the area.
 - b. The area [shall] must be located at the same or a lower elevation than the adjacent parking spaces and designed to allow the surface water to flow into this area.
 - c. Tire stops or curbs with openings for the passage of water [shall] must be installed on the pavement to protect the ground cover from vehicle tires.
 - d. The area [shall] does not satisfy any front, side, or rear landscaping requirements.
5. [To the extent practicable, the] The landscaping area [shall] must be incorporated into any drainage or storm water management plans to increase recharge and percolation of storm water.
6. The application for a landscape plan [shall] must include a site plan drawn to scale and [shall] provide the information as required by the director to show compliance with this title, including lot boundaries, parking area location and dimensions, planted area dimensions, and plant information such as plant species, sizes, quantities, locations, and irrigation details.”

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 takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

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INTRODUCED BY:

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