

COUNTY CHARTER
ARTICLE XIV
PLANNING DEPARTMENT

Section 14.01. Organization. There shall be a planning department consisting of a planning commission, a planning director and the necessary staff.

Section 14.02. Planning Commission Organization. The planning commission shall consist of seven members. At least two members shall have knowledge and awareness of environmental concerns by way of the person's education, training, occupation or experience; at least two members shall have knowledge and awareness of business concerns by way of the person's education, training, occupation, or experience; and at least two members shall have knowledge and awareness of organized labor concerns by way of the person's education, training, occupation, or experience.

This amendment shall take effect upon its approval, and apply to appointments or reappointments made thereafter. All planning commission members presently serving may continue to serve their remaining terms notwithstanding this amendment. The mayor shall phase in this requirement in any order the mayor deems appropriate as terms expire or vacancies arise. At the time of appointment, the mayor shall declare which interest the appointee represents.

(Amended 1992)

Section 14.03. Duties and Functions of the Planning Commission. The planning commission shall:

A. Advise the mayor, council and planning director in matters concerning the planning program for the county.

B. Review the general plan and development plans and modifications thereof developed and recommended by the planning director. The commission shall transmit such plans with its recommendations thereon, through the mayor, to the council for its consideration and action.

C. Review zoning and subdivision ordinances and amendments thereto developed and recommended by the planning director. The commission shall transmit such ordinances with its recommendations thereon, through the mayor, to the council for its consideration and action. The commission shall recommend

approval or rejection of such ordinances in whole or in part and with or without modifications.

D. Hear and determine petitions for varying the application of the zoning ordinance with respect to a specific parcel of land and may grant such a variance pursuant to variance provisions established by the council in the zoning ordinance.

E. Adopt regulations having the force and effect of law pertaining to the responsibilities of the department.

F. Prepare a capital improvement program with the advice of the mayor, complementing and reflecting the State and Federal Programs for the County.

G. Perform such other related duties as may be necessary to fulfill its responsibilities under this charter.

Section 14.04. Director. The planning director shall be appointed and may be removed by the commission. He shall have a college degree in either planning, engineering, architecture, or he shall have had a minimum of five years of training and experience in a responsible planning position, at least three years of which shall have been in an administrative capacity in charge of major planning activities. He shall be the administrative head of the department.

Section 14.05. Powers, Duties and Functions of the Director. The planning director shall:

A. Prepare a general plan and development plans for the improvement and development of the county.

B. Be charged with the administration of the zoning and subdivision ordinance and the regulations adopted thereunder.

C. Prepare zoning and subdivision ordinances, zoning maps and regulations and any amendments or modifications thereto for the council.

D. Consolidate the lists of proposed capital improvements contemplated by the several departments in the order of their priority for the county.

E. Advise the mayor, council and planning commission on matters concerning the planning programs of the county.

Section 14.06. General Plan. The council shall adopt and may, from time to time, modify a general plan setting forth in graphic and textual form policies to govern the future physical development of the county. Such plan may cover the entire county and all of its functions and services or may consist of a combination of plans covering specific functions and services or specific geographic areas which together cover the entire county and all its functions and services. The general plan shall serve as a guide to all future council action concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.

Section 14.07. Development Plan. 'Development plan' means a relatively detailed scheme for the replacement or use of specific facilities within the framework of and implements the general plan.

Section 14.08. Adoption of the General Plan and Development Plans.

The council shall adopt the general plan or any development plan by ordinance. The general plan and all development plans shall be kept on file in the office of the planning department. The current general plan and all development plans and all amendments thereto adopted by resolution prior to January 2, 1977, are hereby ratified without further action of the council. (Amended 1976)

Section 14.09. Subdivision or Consolidation of Land.

A. Subdivision Ordinance. The council shall enact an ordinance governing the subdivision or consolidation of land pursuant to which subdivision regulations shall be promulgated.

B. Approval of Subdivisions. After the enactment of the ordinance governing subdivisions or consolidations of land, no land may be subdivided unless the proposed subdivision plans are in conformity with the subdivision ordinance and regulations and have been approved by the planning commission.

C. Regulations of the Board of Water Supply. The regulations of the board or water supply shall govern the extent to which water mains and all necessary appurtenances shall be installed to and within subdivisions.

Section 14.10. Zoning Ordinance. The council shall enact zoning ordinances which shall contain the necessary provisions to carry out the purpose of the general plan.

Section 14.11. Public Hearings.

A. Prior to the recommending of the general plan or any development plan or any zoning or subdivision ordinances or any amendment thereto, the planning commission shall hold a public hearing thereon at which interested persons shall be afforded a reasonable opportunity to be heard.

B. Prior to the granting of any variance, the planning commission shall hold a public hearing thereon at which interested persons shall be afforded a reasonable opportunity to be heard.

Section 14.12. Appeals. Appeals from any decision of the planning commission shall be instituted in the circuit court within thirty (30) days after service of a certified copy of the decision of the commission. All commission proceedings and appeals shall be in conformity with the Hawaii Administrative Procedure Act.