

## 17.86 – Rezoning and Annexations

### 17.86.010 – Purpose

The purpose of this Chapter is to establish the rules and procedures for the review of requests to rezone a property prior to annexation into the City of Hollister. Unincorporated properties within the City's Sphere of Influence who wish to annex into the City of Hollister shall first receive approval of a Prezone of the property prior to application to the Local Area Formation Commission (LAFCO) for annexation.

### 17.86.020 – Applicability

- A. **Contiguous Property.** An Applicant or Property Owner(s) may request rezoning of a property which is contiguous to the City of Hollister's City Limit Line as required by Government Code Section 56741.
- B. **Non-Contiguous Property.** If an Applicant or Property Owner wishes to annex a property into the City of Hollister that is not contiguous to the City Limit Line, the request shall include all properties between the parcel and the City Limit Line, so that the entire annexation area is contiguous to the City.
- C. **City-Initiated Prezone.** The City of Hollister may prezone a property in accordance with Government Code Sections 56737-56759.

### 17.86.030 – General Plan Amendment Required

- A. **Concurrent Application.** All requests for a Rezoning shall be accompanied by a concurrent request for a General Plan Amendment and shall be initiated in accordance with Section 17.XXX, General Plan Amendment Initiation
- B. **Inaction.** In the event that the City Council approves a Prezone and General Plan Amendment initiation request and the applicant fails to apply for the Prezone and General Plan Amendment within six months, the initiation request shall be deemed withdrawn and future amendment requests will need to go through the initiation process.

### 17.86.040 – Review Procedures

- A. **Application Filing.** Prior to filing a formal application for Rezoning, the applicant shall have received City Council authorization to proceed with the associated General Plan Amendment as outlined in Section 17.86.030.
  - 1. Formal applications for Rezoning shall be timely filed following authorization to proceed, as required by Section 17.XX, General Plan Amendment.

- B. **Project Review.** City staff will process the application in accordance with Chapter 17.74, Permit Procedures, Chapter 17.84, Zoning Ordinance Amendments.
- C. **Notice.** Notice of the hearings shall be given in compliance with Chapter 17.XX.
- D. **Planning Commission Action.** The Planning Commission shall review Prezone applications and shall make a written recommendation to the Council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in 17.86.050.
- E. **City Council Actions.** Upon receipt of the Commission's recommendation, the Council may make one of the following actions during a public hearing:
  - 1. **Approve.** Approve the Prezone as proposed or approve in modified form based upon the findings contained in 17.86.050. If the Council proposes to adopt any substantial modifications to the amendment, which was not previously considered by the Planning Commission during its hearing(s), the proposed modification shall first be referred back to the Planning Commission for further consideration and recommendation.
  - 2. **Remand.** The City Council may remand the Prezone back to the Planning Commission for further discussion or consideration based on feedback by the Council.
  - 3. **Deny.** The City Council may deny the proposed amendment based upon the findings contained in 17.84.040. No action by the City Council is a denial of the proposed amendment.
- F. **Final Action.** Action of the City Council is final.

#### **17.86.050 – Findings for Prezones**

In approving or denying a request for a Prezone, the Planning Commission and City Council shall make the following findings:

- A. The proposed prezone is internally consistent with all other provisions of the General Plan and any adopted specific plans.
- B. The proposed prezone would be compatible with the existing and planned development in the surrounding area.
- C. The proposed prezone would not be detrimental to the public interest, health, safety, convenience, or welfare.

- D. The affected site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for proposed or anticipated uses or development.

#### **17.86.060 - Application to LAFCO**

- A. **Application to LAFCO.** Upon approval by the City Council of a request for a Prezone, the City shall apply for annexation of the property into the City as required by the San Benito Local Agency Formation Commission (LAFCO). All application materials and fees required by LAFCO shall be submitted to the City by the Applicant.

#### **17.86.070 – Zoning Upon Annexation**

- A. **Effective.** The prezoning designation shall become effective upon approval of the annexation by LAFCO via an approved Resolution. Once approved, the Zoning Map and General Plan Land Use Map shall be amended to accurately reflect the zoning and land use designations for the property.
- B. **Limit on Rezones.** After annexation, an Applicant or Property Owner may not apply for a rezone or general plan amendment for a period of two years following the effective date of the annexation, except as may be allowed by Government Code Section 56375(e).

#### **17.86.080 - Expiration of Prezone**

- A. **Expiration of Prezone.** Upon approval by the City Council, a Prezone shall expire within one (1) year of approval if the Applicant has failed to provide the necessary materials in accordance with Section 17.86.060 above or if LAFCO denies the annexation.