

## **Chapter 17.02 - Title, Purpose and Authority**

### **17.02.010 – Title**

This Title (Title 17) shall be known as the Zoning Ordinance of the City of Hollister.

### **17.02.020 - Purpose**

This Zoning Ordinance carries out the policies of the Hollister General Plan by classifying and regulating the uses of land and structures within the City of Hollister. This Zoning Ordinance is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity and general welfare of residents and businesses in the City. More specifically, the purposes of this Zoning Ordinance are to:

- A. Provide standards for the orderly growth and development of the City that will assist in maintaining a high quality of life.
- B. Implement the Hollister General Plan by encouraging the uses of land designated by the General Plan and avoiding conflicts between land uses.
- C. Maintain a balanced distribution of land uses throughout the City. Provide open space resources for passive and active recreational activities and protect the public from natural safety hazards.
- D. Provide a diversity of areas characterized by differing land use activities, scale and intensity, while maintaining community identity and quality development.
- E. Conserve and protect the natural resources of the City.
- F. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewage and other public facilities and utilities.
- G. Conserve and protect the natural resources of the City.
- H. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewage and other public facilities and utilities.
- I. Maintain Hollister as a unique, distinctive and secure environment for the City's residents and businesses.

### **17.02.020 - Authority, Relationship to General Plan.**

This Zoning Ordinance is enacted based on the authority vested in the City of Hollister by the State of California, including but not limited to the State Constitution; Sections 65800 et seq., of the California Government Code; the California Environmental Quality Act, Housing Act, Subdivision Map Act, and the Health and Safety Code.

### **17.02.030 – Conformity Required**

This Zoning Ordinance applies to all land uses, subdivisions, and development within the City of Hollister, as follows.

- A. **New Land Uses, Structures, and Changes to Them.** Compliance with the following requirements is necessary for any person or public agency to lawfully establish a new land use or structure, to alter or replace any land use or structure except as provided herein:
1. The proposed use of land must be allowed within the zoning district that applies to the site.
  2. The proposed use of land or structure must be legal or nonconforming and shall satisfy all applicable requirements of this Zoning Ordinance, including but not limited to minimum lot area, height limits, required yard and street setbacks, parking standards, residential density, and sign standards.
  3. Any land use permit or other approval required in this Zoning Ordinance shall be first obtained in compliance with Permit Procedures in this Zoning Ordinance.
  4. Any land use proposal may not be processed or approved where there is an existing violation of Municipal Code (See Section 1.16.100, Refusal to Issue Licenses or Other Entitlements), unless such process shall serve to directly resolve the violation.
- B. **Issuance of Building, Drainage or Grading Permits.** Building, drainage or grading permits may be issued by the City only when the proposed land use or structure satisfies the requirements of subsection A of this section, and when the Community Development Director determines that the site was subdivided in compliance with all applicable requirements of Title 16, Subdivisions, of the Hollister Municipal Code.
- C. **Subdivision of Land.** Any subdivision of land within the City of Hollister occurring after the effective date of this Zoning Ordinance shall be consistent with the minimum lot size requirements of this title, the subdivision requirements of Title 16 (Subdivisions), and all other applicable requirements of this Zoning Ordinance.
- D. **Continuation of an Existing Land Use or Structure.** It is unlawful and a violation of the Municipal Code for anyone to maintain the use of a parcel that violates any provision of Title 17, Zoning. However, the requirements of this Zoning Ordinance are not retroactive in their effect on a land use that was lawfully established before this Zoning Ordinance or any applicable amendment became effective.

Any alteration, expansion or modification to an existing use or structure shall comply with all provisions of this Zoning Ordinance, specifically including Section 17.112, Nonconforming Uses and Structures.

- E. **Effect of Zoning Ordinance Changes on Projects in Progress.** The enactment of this Zoning Ordinance or amendments to its requirements may have the effect of imposing different standards on new land uses than those that applied to existing land uses, development and/or structures. Following the effective date of this Ordinance, or any amendments to this Ordinance, the following provisions shall apply.
1. **Projects With Pending Applications.** All land use permit and subdivision applications that have been determined by the Community Development Department to be complete before the effective date of this Zoning Ordinance or any amendment will be processed in compliance with the requirements in effect when the application was accepted as complete.
  2. **Approved Projects Not Yet Under Construction.** Any approved development for which construction has not begun as of the effective date of this Zoning Ordinance or amendment may still be constructed as approved, as long as required building permits have been obtained before the expiration of any applicable land use permit or before the expiration of any approved time extension granted.
  3. **Approved Subdivisions Not Yet Recorded.** Any approved subdivision for which a parcel or final map has not been recorded as of the effective date of this Zoning Ordinance or any amendment may still have a parcel or final map recorded in compliance with the approved tentative map, as long as recordation occurs before the expiration of the tentative map or, where applicable, before the expiration of any approved time extension granted under Title 16, Subdivisions.
  4. **Projects Under Construction.** A structure that is under construction on the effective date of this Zoning Ordinance or any amendment need not be changed to satisfy any new or different requirements of this Zoning Ordinance.
- F. **Other Requirements May Still Apply.** Nothing in this Zoning Ordinance eliminates the need for obtaining any other permits required by the City, or any permit, approval, or entitlement required by other chapters of the Hollister Municipal Code or the regulations of any City department or any county, regional, state, or federal agency.
- G. **Conflicting Permits and Licenses to be Void.** All permits or licenses shall be issued by the City in compliance with the provisions of this Zoning Ordinance, after

the effective date of this Zoning Ordinance or any applicable amendment. Any permit or license issued in conflict with this Zoning Ordinance shall be void.

#### **17.02.040 – Responsibility for Administration**

This Ordinance shall be administered by the Hollister City Council, Planning Commission, and Community Development Director as follows:

##### **A. Community Development Director.**

1. **Appointment.** The Community Development Director shall be appointed by the City Manager.
2. **Duties and Authority.** The Director shall have the following responsibilities:
  - a. Head and manage the day-to-day and long-range functions of the Community Development Department.
  - b. Have the responsibility to perform all of the functions designated by Government Code Section 65103.
  - c. Have the responsibility and authority to approve or disapprove applications identified in Chapter 17.72, Authority and Permit Decisions.
  - d. Perform the duties and functions prescribed in this Zoning Ordinance, including but not limited to the review of development projects.
  - e. Perform any other responsibilities assigned by the City Manager or City Council.
3. **Assignment of Duties.** Except where otherwise provided by this Title, the responsibilities of the Community Development Director may also be carried out by Department employees under the supervision of the Director.

##### **B. Planning Commission.**

1. **Appointment.** The Planning Commission shall consist of five (5) members that reside within the City of Hollister City Limits. The members shall be appointed by the City Council and shall serve in compliance with the provisions of the Municipal Code and the adopted Planning Commission Bylaws.
2. **Meetings.** Regular meetings of the Planning Commission shall be held in accordance with the adopted Planning Commission Bylaws.

3. **Duties and Authority.** The Planning Commission shall have the responsibility and authority to:
  - a. Approve or disapprove applications identified in Chapter 17.72, Authority and Permit Decisions and applications elevated to the Planning Commission by the Community Development Director.
  - b. Make a recommendation on applications identified in Chapter 17.72, Authority and Permit Decisions to the City Council.

### **17.02.050 – Interpretations of Provisions**

The Community Development Director is assigned the responsibility and authority to interpret the provisions and requirements of Title 17, Zoning. This Section provides the rules for resolving questions regarding the meaning or applicability of any part of the Ordinance.

#### **A. Language.**

1. **Abbreviated Titles and Phrases.** For the purpose of brevity, the following phrases, personnel and document titles are shortened hereafter in this Title 17 of the Hollister Municipal Code. The City of Hollister is referred to hereafter as the "City." Title 17 of the Hollister Municipal Code is referred to hereafter as "this Zoning Ordinance." The Community Development Director is referred to hereafter as "Director." The City Council is referred to as the "Council." The Planning Commission is referred to as the "Commission," and the Community Development Department is referred to as the "Department." "Buildings and Structures" are referred to hereafter as "structures."
2. **Terminology.** When used in this Zoning Ordinance, the words "shall," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
3. **Number of Days.** Whenever a number of days are specified in this Zoning Ordinance, or in any permit, condition of approval, or notice given as provided in this Zoning Ordinance, the number of days shall be construed as calendar days. Time limits will extend to the following working day when the last of the specified number of days falls on a weekend or City holiday.
4. **Minimum Requirements.** When interpreting and applying the regulations of this Zoning Ordinance, all provisions shall be considered to be minimum requirements, unless stated otherwise (e.g., height limits and site coverage

requirements for structures, and the numbers and size of signs allowed are maximums, not minimums).

**B. Allowable Uses of Land.** If a proposed use of land is not specifically listed in in the Use Table for the zoning designation of the project site, the use shall not be allowed, except as follows:

1. **Permitted.** The Director may determine that a proposed use not listed in this title is allowable if all of the following findings are made:
  - a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a higher level of activity/intensity or population density than the uses listed in the district;
  - b. The proposed use will meet the purpose/intent of the zoning district that is applied to the site;
  - c. The proposed use will be consistent with the goals and policies of the General Plan and any applicable Planned Development or Specific Plan; and
  - d. The use will comply with all local, state, and federal laws.
2. **Equivalent to a Listed Use.** When the Director determines that a proposed, but unlisted, use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and provisions of this Zoning Ordinance apply.

**C. Conflicting Requirements.**

1. **Other Municipal Code Provisions.** If conflicts occur between requirements of this Zoning Ordinance, or between this Zoning Ordinance and other regulations of the City, the most restrictive shall apply.
2. **General Plan and Specific Plans.** When conflicts occur between the requirements of this Zoning Ordinance and standards adopted as part of the General Plan any specific plan, the requirements of the General Plan or specific plan shall apply.
3. **Private Agreements.** It is not intended that the requirements of this Zoning Ordinance are to interfere with, repeal, abrogate or annul any easement, covenant, or other agreement that existed when this Zoning Ordinance became effective. This Zoning Ordinance applies to all land uses and

development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The City may not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

- D. **Procedure for Interpretation.** The Director shall respond in writing to any request for interpretation of the provisions of this Zoning Ordinance.
1. **Request for Interpretation.** A request for an interpretation shall be made in writing and submitted to the Department. The request shall specifically state the provision(s) in question and provide any information to assist in the review.
  2. **Record of Interpretations.** Whenever the Director determines that the meaning or applicability of any of the requirements of this Zoning Ordinance are subject to interpretation generally or as applied to a specific case, the Director may issue an official interpretation. Official interpretations shall be:
    - a. In writing, and shall quote the provisions of this Zoning Ordinance being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for the interpretation; and
    - b. Distributed to the Council, Commission, City Attorney, City Clerk, and Department staff. Any provisions of this Zoning Ordinance that are determined by the Director to need refinement or revision will be corrected by amending this Zoning Ordinance as soon as is practical. Until amendments can occur, the Director will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the section that is the subject of the interpretation.
- E. **Referral.** The Director may refer any interpretation of this Zoning Ordinance to the Planning Commission for a decision during a public hearing.
- F. **Appeal.** Any interpretation of the Zoning Ordinance by the Community Development Director may be appealed to the Planning Commission as provided in Chapter 17.78, Appeals.

#### **17.02.060 - Continuity of Provisions**

The provisions of this title, to the extent that they are substantially the same as those in prior effect relating to the same subject matter, shall be constructed as restatements and continuations thereof and not as new enactments. No substantial property right accrued, or action or proceeding commenced prior to the effective date of the ordinance codified

in this title, is affected by the provisions hereof, but all procedures hereafter taken shall conform to the provisions of this title.

### **17.02.070 – Partial Invalidation of Zoning Ordinance**

If any article, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this Zoning Ordinance is for any reason held to be invalid, unconstitutional or unenforceable, these decisions shall not affect the validity of the remaining portions of this Zoning Ordinance. The Hollister City Council hereby declares that this Zoning Ordinance and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more portions of this Zoning Ordinance may be declared invalid, unconstitutional or unenforceable.