

## Attachment 1

### **ORDINANCE NO. XXXX-22**

#### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY APPROVING MUNICIPAL CODE AMENDMENT, AT-22-001 AND AT-22-002, TO AMEND TITLE 18, ZONING, OF THE UNION CITY MUNICIPAL CODE TO UPDATE CHAPTERS 18.24, 18.31, 18.32, 18.34, 18.50, 18.54, 18.72 AND 18.100**

**WHEREAS**, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, welfare, and morals of their citizens; and

**WHEREAS**, the City's Zoning Code currently regulates all development within the City; and

**WHEREAS**, the City Council desires to amend Title 18 provisions to 1) add objective design standards for single-family residences, accessory dwelling units and SB 9 projects; 2) update and streamline review processes for various types of development projects; 3) update Code language to reflect current practices, for internal consistency, and to clarify terminology; and 4) add "Seasonal Sales Lots" (i.e., pumpkin patches and holiday tree lots) to the list of conditionally permitted uses included in Chapter 18.50, Civic Facility (CF), Zoning District; and

#### **PLANNING COMMISSION REVIEW**

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed amendments associated with AT-22-001 on August 18, 2022, at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report and Desk Item dated August 18, 2022 and all written and oral testimony, and adopted Resolution No. 9-22 recommending approval of the amendments. The staff report, Desk Item and resolution are incorporated herein by reference; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed amendments associated with AT-22-002 on September 1, 2022, at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report dated September 1, 2022 (including background reports) and all written and oral testimony, and adopted Resolution No. 10-22 recommending approval of the amendments. The staff report, Desk Item and resolution are incorporated herein by reference; and

#### **CITY COUNCIL REVIEW**

**WHEREAS**, the City Council held a duly noticed public hearing on the proposed amendments on September 13, 2022, at which time all interested parties had the opportunity to be heard. The City Council considered a staff report dated September 13, 2022 and September 27, 2022 (including background reports) and incorporated herein by reference, the Planning

Commission recommendation, and all written and oral testimony before taking action on the amendments; and

**WHEREAS**, the amendment to the Municipal Code propose to amend Chapters 18.24, 18.31, 18.32, 18.34, 18.50, 18.54, 18.72 and 18.100, as shown in Exhibit A, which is attached hereto and incorporated herein by reference; and

**WHEREAS**, a red-lined version of the amendment is shown in Exhibit B, which is attached hereto and incorporated herein by reference.

**THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The above recitals are true and correct and made a part of this Ordinance.

**SECTION 2. CEQA.** Approval of the amendments is exempt from environmental review in accordance with California Environmental Quality Act Guidelines section 15061(b)(3), the general exemption for projects with no potential for significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Municipal Code Amendment will have a significant effect on the environment

**SECTION 3. Findings.** The City Council makes the following findings in support of approving this Ordinance, based on the whole of the record before it.

1. The proposed Municipal Code Amendments are consistent with the General Plan,
2. The proposed Municipal Code Amendments are necessary and desirable to achieve the purposes of Title 18.

**SECTION 4. Approval.** The City Council hereby approves the amendments to the Municipal Code, more particularly, amending Chapters 18.24, 18.31, 18.32, 18.34, 18.50, 18.54, 18.72 and 18.100, as shown in attached Exhibit A, which is incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

**SECTION 5. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 6. Publication and effective date.** Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance

with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on the 27th day of September 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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CAROL DUTRA-VERNACI  
Mayor

ATTESTED:

APPROVED AS TO FORM:

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ANNA M. BROWN  
City Clerk

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KRISTOPHER J. KOKOTAYLO  
City Attorney