

ATTACHMENT 3

ORDINANCE NO. XXXX-22

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY
APPROVING ZONING TEXT AMENDMENT (AT-22-006) TO UPDATE TITLE 18,
ZONING, FOR CONSISTENCY WITH THE 2023-2031 DRAFT HOUSING ELEMENT
INCLUDING CREATION OF CHAPTER 18.27 AND RELATED MISCELLANEOUS
UPDATES TO CHAPTERS 18.35 and 18.36**

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 Ordinance (Title 18) currently regulates the uses allowed within the City.

PLANNING COMMISSION REVIEW

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments on October 20, 2022, at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report dated October 20, 2022 and all written and oral testimony, and adopted Resolution No. 20-22 recommending approval of the amendments. The staff report 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 November 8, 2022, at which time all interested parties had the opportunity to be heard. The City Council considered a staff report dated November 8, 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 includes the following components, as shown in Exhibit A, which is attached hereto and incorporated herein by reference:

- Addition of Chapter 18.27, Village Mixed Use Zoning District
- Miscellaneous updates to Chapters 18.35 and 18.36 for consistency with the General Plan and Draft Housing Element programs and policies; 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. The City Council adopted Resolution XXXX-22, dated November 8, 2022, and incorporated herein by reference, adopting an Addendum to the 2040 General Plan Environmental Impact Report for the Draft 2023-2031 Housing Element Amendments.

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 as described above and 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 8th day of November 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

CAROL DUTRA-VERNACI
Mayor

ATTESTED:

APPROVED AS TO FORM:

ANNA M. BROWN
City Clerk

KRISTOPHER J. KOKOTAYLO
City Attorney