

**CITY OF UNION CITY
ORDINANCE**

ORDINANCE NO. 2021-8

**AN ORDINANCE AMENDING CHAPTER 223 “LAND DEVELOPMENT” OF THE
CODE OF THE CITY OF UNION CITY**

WHEREAS, the Municipal Land Use Law (“MLUL”) (N.J.S.A. §§ 40:55D-1 *et seq.*) enables municipalities to adopt, and subsequently amend, zoning ordinances relating to the nature and extent of the uses of land, buildings and structures within a municipality; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62, all provisions of such zoning ordinance or amendment or revision shall either be substantially consistent with the land use plan element and housing element of the municipality’s Master Plan or designed to effectuate such plan elements; and

WHEREAS, pursuant to N.J.S.A. 40:55D-89, a municipality shall provide for a general reexamination of their Master Plan at least every ten years; and

WHEREAS, Union City (the “City”) conducted a general reexamination of the Master Plan, and prepared a Master Plan Reexamination Report (the “Reexamination Report”), which was adopted by the Planning Board by resolution¹ on May 3, 2021; and

WHEREAS, the Reexamination Report reevaluated the City’s land uses and zoning ordinance and determined that there have been significant changes in conditions and circumstances since the zoning ordinance was last amended;

WHEREAS, these changed conditions predominately relate to the desired development pattern of the City; and

WHEREAS, the Reexamination Report recommends amendments to certain aspects of the City’s zoning ordinance to more accurately represent the development pattern of the City; and

WHEREAS, the Planning Board simultaneously adopted an update to the City’s Master Plan Land Use Element, which was duly noticed and adopted in accordance with the MLUL, to reflect and incorporate the recommendations in the Reexamination Report; and

WHEREAS, Chapter 223 of the Code of the City of Union City (the “Code”) regulates zoning and establishes permissible and conditional uses within the City; and

¹ N.J.S.A. § 40:55D-89 (“the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination . . .”).

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners, of the City of Union City, County of Hudson, State of New Jersey as follow:

SECTION ONE:

The following sections of the City of Union City Code, Chapter 223, are hereby amended as stated:

1. Section 223-5.C Definitions, the definition for "DWELLING, THREE-FAMILY - A building containing three dwelling units only" is deleted.
2. Section 223-8.B.(2)(j) is amended to read: "Parking areas in connection with existing and proposed residences in the R Low Density Residential District and existing and proposed one- and two-family dwellings in any zone or district."
3. Section 223-8.B.(4) is amended to read: "Prevailing setback. In order to maintain the character of the established building streetscape in residential neighborhoods, the average of the front setback of each existing building on the same side of the same street within the same block within 100 feet shall be calculated in those districts noted to require a prevailing setback calculation within the Schedule of Bulk Regulations at the end of this chapter. In no event shall the front yard setback in the R Residential District be less than the minimum required as detailed in the Schedule of Bulk Regulations."
4. Section 223-11.G.(1) is amended to read: "All electric power, telephone, cable television, Internet and other utility lines serving new development, other than an individual one- and two-family homes shall be placed underground, subject to utility company requirements."
5. Section 223-11.O.(4)(a) is amended to read: "For single-and two-family -dwellings: Parking spaces shall measure 8 ½ feet in width by 16 feet in length."
6. Section 223-11.O.(5) is amended to read: "Size of aisles. The width of all aisles providing direct access to individual parking spaces shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving parking spaces placed at an angle other than 90°. Single- and two-family- dwellings are exempt from the following." The table following the text remains unchanged.
7. Section 223-11.O.(6) is amended to read: "Maximum grade of parking areas. Single- and two-family dwellings are exempt from the following." The table following the text remains unchanged.
8. Section 223-11.O.(7)(c) is amended to read: "Access drives for newly constructed single- and two-family-dwellings shall not be less than 10 feet wide with a curb cut not more than a 15-foot wide."

9. Section 223-11.O.(9)(e) is amended to read: "Parking areas, loading areas and driveways, except for one-family or two-family residences, shall be curbed with granite or concrete. The driveway shall be concrete or other material approved by the enforcing agency."
10. Section 223-19.C is deleted in its entirety.
11. Section 223-19.D is deleted in its entirety.
12. Section 223-42.A.(2)(c) is deleted. Subsections (d), (e), (f), (g), and (h) are renumbered in order as subsections (c), (d), (e), (f), and (g).
13. Section 223-44.F.(2) is amended to read: "The minimum setback from the nearest lot line of a one-family or two-family home shall be 100 feet."
14. Section 223-44.F(4) is amended to read: "No WT technology shall be located on any one- or two-family residential property nor on any nonconforming use."
15. Section 223-46.A.(2) Parking Schedule II(a) Parking Requirements for Residential Land Uses is Amended to delete the parking requirement for Three Family Dwellings and Figure 223c referenced in that standard.
16. Section 223-46.A.(2) Parking Schedule II(a) Parking Requirements for Residential Land Uses footnote "d" is deleted in its entirety.
17. Section 223-46.B(6) is amended to read: "The minimum setback for any parking area or driveway shall be five feet in all zones; however, there shall be no minimum setback for parking areas or driveways in connection with existing and proposed residences in the R Low Density Residential District or for existing and proposed one-and two-family -dwellings in any zone or district. Notwithstanding, parking in these areas shall not obstruct any City sidewalks and/or City rights-of-way."

SECTION TWO:

The Land Development 223 Attachment 1, entitled "Schedule of Bulk Regulations," is hereby amended as follows in accordance with Attachment A of this Ordinance:

1. R Zone Minimum Yards – Principal Building (feet) for Front Yards is amended to read "7 or prevailing setback per § 223-8B(4), whichever is greater."
2. R Zone Minimum Yards – Principal Building (feet) for Rear Yards is amended to read "20" and footnote (2) associated with that standard is amended to read "2. Clear and unobstructed. Mechanical/HVAC equipment is only permitted in rear yards and a minimum 20-foot rear yard setback is provided."
3. R Zone Maximum Height – Principal Building Stories is amended to read "3" and Feet is amended to read "38".

4. R Zone Maximum Coverage Building is amended to read “65%” and Lot is amended to read “95%”
5. R Residential Density standard is deleted in its entirety.

SECTION THREE:

Severability. If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION FOUR:

Repealer. To the extent that any provision of the Code of the City of Union City is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control. In all other respects, the Zoning and Land Use Regulations Ordinance of the City of Union City shall remain unchanged.

SECTION FIVE:

In order to avoid accidental repeal of existing provisions, the City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION SIX:

This Ordinance shall take effect upon passage and publication as required by law. This Ordinance shall only apply prospectively from its effective date and shall not be applied retroactively.

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on May 4, 2021 and will be further considered after a Public Hearing held on May 18, 2021 at the Union City Housing Authority, Hillside Pavilion, 3911 Kennedy Boulevard, Union City, New Jersey.

INTRODUCED:

ATTEST:

Erin Knoedler
City Clerk

DATE