

**CITY OF UNION CITY
ORDINANCE**

ORDINANCE NO. 2019-16

**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 January 22, 2019; 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, 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 Official Zoning Map is amended in accordance with Attachment A of this Ordinance.

SECTION TWO:

The City of Union City Code, Chapter 223, is hereby replaced in its entirety with the text found in Attachment B of this Ordinance.

SECTION THREE:

The Land Development 223 Attachment 1, entitled “Schedule of Bulk Regulations,” is hereby amended in accordance with Attachment C of this Ordinance.

SECTION FOUR:

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 FIVE:

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 SIX:

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 SEVEN:

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.

Effective – November 4, 2019

SECTION EIGHT:

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 NINE:


This Ordinance shall take effect upon passage and publication as required by law.

Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez	x			
Wendy A. Grullon	x			
Celin J. Valdivia	x			
Maryury A. Martinetti	x			
Mayor Brian P. Stack	x			

I HEREBY CERTIFY this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on July 23, 2019 and was adopted after a Public Hearing on October 8, 2019.

INTRODUCED: July 23, 2019
ADOPTED: October 8, 2019

ATTEST:



Erin Knoedler
City Clerk

October 8, 2019

Date