
OPRA request - Highway commercial and commercial zoning laws

1 message

Arlene Sciarappa <opra+request-36841-27f6da62@requests.opramachine.com>

Mon, Nov 28, 2022 at 2:15 PM

To: OPRA requests at Neptune City Borough <Clerk@neptunecitynj.com>

Dear Neptune City Borough,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Copy of zoning ordinances regarding the zoning requirements/parameters for highway commercial zone, and commercial zone, and any differences between the two.

Yours faithfully,

Arlene Sciarappa

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-36841-27f6da62@requests.opramachine.com

Is Clerk@NeptuneCityNJ.com the wrong address for OPRA requests to Neptune City Borough? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=neptune_city_borough

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/highway_commercial_and_commercia

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

RECEIVED
NOV 28 2022

BY: due...12/7/22



Borough of
Neptune City
106 West Sylvania Avenue
Neptune City, New Jersey 07753
732-776-7224
clerk@neptunecitynj.com

December 5, 2022

Arlene Sciarappa
opra+request-36841-27f6da62@requests.opramachine.com

The Borough of Neptune City received your OPRA request for records on Monday, November 28, 2022, the official Records Custodian C. DiCorcia Williams, received your request on Monday, November 28, 2022. As such, the seven (7) business day deadline to respond to your request is December 5, 2022. This response to your request is being provided to you on the 5th business day after the custodian's receipt of said request.

Your OPRA request sought access to the following: *"This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message. Records requested: Copy of zoning ordinances regarding the zoning requirements/parameters for highway commercial zone, and commercial zone, and any differences between the two."*

LIST OF ALL RECORDS RESPONSIVE TO YOUR REQUEST (included the number of pages for each record)	List of all records provided, with redactions, or denied in their entirety.	If records are disclosed with redactions, give a general nature description of the redactions.	If records were denied in their entirety, give a general nature description of the record.	List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
Copy of Zoning Ordinances regarding the zoning requirements/parameters for highway commercial zone, and commercial zone: Response – 2 pages				
	Any differences between the two		No documents responsive to request	

These records are being transmitted to you via OPRA MACHINE, as per your request. Pursuant to N.J.S.A. 47:1A-5. b., the cost associated with this request is \$0.00

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Borough of Neptune City to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,


Corinne DiCorcia Williams, RMC
Borough Clerk

Chapter 139. Zoning

Article IV. Zone Regulations

§ 139-40. HC Highway Commercial Zone.

- A. No premises shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
- (1) Same as permitted in the Residential Commercial (RC) Zone with the exception of any uses intended for residential purposes;
 - (2) Restaurants, drive-in restaurants, diners and other eating and drinking establishments;
 - (3) Municipal buildings and facilities and services essential to the operation and solely intended for the needs of the Borough of Neptune City subject to the general review and recommendation of the Planning Board of the Borough of Neptune City.
- B. Permitted accessory uses.
- (1) Same as permitted in the Residential Commercial Zone with the exception of any use intended for residential purposes.
- C. Conditional uses subject to the issuance of conditional use permit pursuant to borough ordinances:
- (1) Those conditional uses set forth in the Residential Commercial Zone with the exception of any conditional uses related to residential purposes.
- D. Area, yard and building requirements. As specified in the Schedule of Area, Yard and Building Requirements.^[1]
- [1] *Editor's Note: The Schedule of Area, Yard and Building Requirement, referred to herein, is included as an attachment to this chapter.*
- E. Supplemental regulations. Those supplemental regulations set forth in the Residential Commercial Zone.
- Further, there shall be no outdoors storage or display except that garbage and trash awaiting collection shall be stored only in rear yard areas in completely enclosed containers as required by local ordinance and the Site Plan Review Ordinance.

§ 139-41. C Commercial Zone.

- A. No premises shall be used and no structure shall be erected, altered or occupied for any purposes except the following:
- (1) Those uses permitted in the Residential Limited Commercial (RLC) Zone with the exception of any uses intended for residential purposes;
 - (2) Restaurants;

- (3) Theatre, indoor assembly halls, bowling alleys and similar public recreational activities;
- (4) Municipal buildings, facilities and service essential to the operation of and solely intended for the needs of the Borough of Neptune City subject to the general review and recommendation of the Planning Board of the Borough of Neptune City.
- (5) Warehousing, provided (1) that the property is adjacent to Memorial Drive, (2) storage is entirely within an enclosed building, and (3) that the area dedicated for storage does not exceed 1/3 of the total floor area of the building.
[Added 9-25-1989 by Ord. No. 89-11]

- (6) Class 5 Licensed Retailer without a Cannabis Consumption Area.

Hours of operation for Class 5 Retailer License shall be limited to 9 A.M. to 10 P.M. in the C Commercial Zone

B. Permitted accessory uses:

- (1) Same as permitted in the Residential Limited Commercial (RLC) Zone.

C. Conditional uses subject to issuance of conditional use permit pursuant to borough ordinances:

- (1) Same as permitted in the Residential Limited Commercial (RLC) Zone.

D. Area, Yard and Building Requirements. As specified in the Schedule of Area, Yard and Building Requirements.^[1]

- [1] *Editor's Note: The Schedule of Area, Yard and Building Requirements, referred to herein, is included as an attachment to this chapter.*

E. Supplemental regulations.

- (1) Those supplemental regulations as set forth in the Highway Commercial (HC) Zone.

Whereas, the basic intended uses for the zone are not compatible with residential uses, and whereas the intermingling of these uses with residential uses might provide inimical to the health, safety and welfare of person residing within the confines of this zone, all residential uses are hereby excluded from this zone.