

Bond Case Briefs

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ZONING - NEW JERSEY

Myers v. Ocean City Zoning Bd. of Adjustment

Superior Court of New Jersey, Appellate Division - January 16, 2015 - A.3d - 2014 WL 7565888

Landowners brought action against city seeking to compel city to adopt zoning change or to endorse, affirmatively, maintenance of zoning ordinance notwithstanding proposed change. The Superior Court entered judgment in favor of landowners. City appealed.

The Superior Court, Appellate Division, held that statute addressing a governing body's authority to adopt a zoning ordinance and the ordinance's conformity with municipality's master plan, stating that the body "may adopt or amend a zoning ordinance" and that "[s]uch ordinance shall be adopted after the planning board has adopted the land use plan element and the housing plan element of a master plan" does not require a governing body to affirmatively act in response to a master plan re-examination report; rather, the statute imposes conditions upon a governing body when it decides to act.