

Ocean City, New Jersey Need Not Address Zoning Master Plan Change

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A New Jersey appeals court has ruled that a municipality is not required to respond to a proposed zoning change recommended by the town's planning board in a master plan reexamination report. Under New Jersey's *Municipal Land Use Law* (MLUL), municipal planning boards are responsible for preparing master plans and reexamining those master plans at least every ten years. Among other things, the periodic reexamination reports may recommend specific changes to zoning ordinances. In *John E. Myers vs. Ocean City*, the Ocean City planning board, in its periodic master plan reexamination report, recommended changes to the zoning ordinance. Ocean City's governing body simply ignored the recommendation. An affected property owner sued and the trial court decided that the governing body must either adopt an ordinance consistent with the change proposed in the reexamination report, or affirmatively reject the change after holding a hearing. The Appellate Division reversed the trial court's decision, deciding that the MLUL does not require a governing body to affirmatively act in response to a master plan recommendation, so long as the existing ordinance is "substantially consistent" with the master plan's land use and housing plan elements.

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