

# **Bond Case Briefs**

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## **ZONING - MASSACHUSETTS**

### **Bellis Circle, Inc. v. City of Cambridge**

**Massachusetts Land Court., Department of the Trial Court, Middlesex County - July 15, 2013 - Not Reported in N.E.2d - 2013 WL 3777029**

The City of Cambridge implemented a Zoning Ordinance that rezoned plaintiff's property - a vacant parking lot - from the C1-A zone to Residential C (the "Amendment"). In a Land Court Action, plaintiff sought to annul the Amendment on the grounds (a) that it was arbitrary and capricious and constituted an abuse of discretion which exceeded the authority of the City Council, and (b) that it was illegal reverse spot zoning. Plaintiff claimed that by subjecting the property to reverse spot zoning, the City infringed upon its right to equal protection guaranteed by the Fourteenth Amendment to the United States Constitution, in violation of 42 U.S.C. § 1983.

At issue was whether the City Council's adoption of the Amendment "was a valid exercise of local zoning power." Plaintiff claimed that the Amendment was not a valid exercise of the City's zoning power because it constituted reverse spot zoning. Reverse spot zoning occurs when a zoning change singles out one lot or a small area for more restrictive treatment than that imposed on other parcels in the same zoning district.

Whether the Amendment constituted spot zoning and thereby denied Plaintiff its right to equal protection under the law "turned not on what parcel has been singled out, or even on the effect on the parcel, but rather on whether the change can fairly be said to be in furtherance of the purposes of the Zoning Act."

In essence, Plaintiff's claim was that the Amendment was poor land use planning, enacted with insufficient study. But given the broad authority of municipalities to legislate zoning changes and the deference to which such legislative decisions are entitled, poor planning is not the same as spot zoning. This case comes to down to a difference of opinion as to the appropriate zoning classification for the Property. Although reasonable minds may differ, the Amendment had not been shown to be substantially unrelated to the public health, safety, or general welfare, nor arbitrary or unreasonable. Rather, the enactment of the Amendment constituted a valid exercise of the City's police power.

Because the City Council's enactment of the Amendment was valid, it was not spot zoning. Summary judgment must be entered for the City, dismissing Plaintiff's claims of spot zoning in the Land Court Action.