

# Spot Zoning is spot on (6)

The Bethlehem Gadfly 2 W. Market St., Gadfly's posts, Serious Issues October 26, 2018

*(6th in a series of posts on 2 W. Market St.)*

**Bill Scheier:** “if there was ever spot zoning, 2 W. Market would be it.”

**Attorney Tim Stevens:** “we are asking City Council to reject any movement forward of the petition to rezone that particular block on the corner of New Street and Market Street. If the petition to rezone is advanced he would expect the individuals behind him will launch a very forceful legal challenge on numerous grounds. The first being **spot zoning**. The second that it is not consistent with the Comprehensive Plan that is supposed to promote neighborhoods, not erode them and a variety of other claims.”

## **Defining spot zoning:**

Spot zoning was defined by the Pennsylvania Department of Community and Economic Development as “a singling out of one lot or small area for different treatment from that accorded to similar surrounding land from which it is indistinguishable in character for the economic benefit (or detriment) of the property owners.” Another key element of spot zoning is that it is usually at odds with a community’s comprehensive plan. Spot zoning may be ruled invalid as an “arbitrary, capricious and unreasonable treatment” of a limited parcel of land by a local zoning ordinance.

In their decision for **Township of Plymouth v. County of Montgomery (1987)**, the Court stated the following regarding spot zoning:

*“The key point when a municipal governing body puts on blinders and confines its vision to just one isolated place or problem within the community, disregarding a community-wide perspective, that body is not engaged in lawful zoning, which necessarily requires that the picture of the whole community be kept in mind while dividing it into compatibly related zones by ordinance enactments. In other words, legislation as to a spot is the antithesis of zoning, which necessarily functions within a community-wide framework. Zoning, to be valid, must be in accordance with a rational and well-considered approach to promote safety, health and morals and a coordinated development of the whole municipality.”*

(Now Gadfly says it’s not going to hurt any of us to learn a little technical vocabulary to throw around at cocktail parties.)