

SPOT ZONING



- In Connecticut, case law suggests that there are two elements in determining whether a Zoning Map Amendment is considered "Spot Zoning":
 - (1) A change of zone affecting only a small area of land;
 - (2) A change which is out of harmony with the comprehensive plan for the good of the community as a whole. (Fuller, p.58)
- The Spot Zoning concept has become obsolete because the size of the parcel involved in a zone change is immaterial if the commission's actions meets the two part test for a zone change:
 - (1) The zone change is in accordance with the comprehensive plan and
 - (2) It is reasonably related to the normal police power purposes in § 8-2 of the General Statutes. Where a proposal is inconsistent with the comprehensive plan, it cannot be upheld. (Fuller, p. 60)

Spot Zoning

n. a provision in a general plan which benefits a single parcel of land by creating a zone for use just for that parcel and different from the surrounding properties in the area. Example: in a residential neighborhood zoned for single-family dwellings with a minimum of 10,000 square feet, the corner service station property is zoned commercial. Spot zoning is not favored, since it smacks of favoritism and usually annoys neighbors. An existing commercial business can be accommodated by a "zoning variance" (allowing a non-conforming use for the time being) or a "grandfathered" right to continue a use existing when the zoning plan was adopted and which will terminate if the building is torn down.

<http://dictionary.law.com/default2.asp?selected=1997&bold=%7C%7C%7C%7C>

Citations:

Fuller, Robert A., Connecticut Practice, Volume 9 - Land Use Law and Practice, Second Edition, St. Paul, Minnesota, 1999

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