

How to spot a spot zoning

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When considering a rezoning, remember four key criteria to avoid creating a spot zone.



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Planning commissions are occasionally presented with requests to change the current zoning of a parcel or parcels to a different zoning district. Sometimes, it is the planning commission that proposes a rezoning of one or more parcels. A rezoning is an amendment of the zoning map and it requires a specific set of steps to be followed in order to ensure due process (see "[For Adoption of a Zoning Ordinance Amendment](#)"). It is the same process for amending the text of the zoning ordinance.

Rezoning property requires consistency with the community's master plan, according to the [Michigan Planning Enabling Act](#). The master plan should include criteria, or guidance for considering zoning amendments. The plan should guide the planning commission with the appropriate zoning district to rezone a property and move towards consistency with the plan. The plan should also guide the planning commission as to when the rezoning is appropriate; for instance, once there are public utilities in place that can serve residential use of a certain density. The [zoning plan](#) portion of the master plan will be key to this review for consistency (also see "[All rezonings are not good rezonings](#)").

A rezoning is sometimes alleged as being a spot zoning. This practice gets its name from the appearance of a small spot of a different color (i.e., zoning district) on a zoning map that otherwise has a large contiguous area in a single zoning district around the spot. Spot zoning is not easily defined and identified, though generally, to be considered a spot zone, the circumstances in question must satisfy the following four criteria:

- The area is small compared to districts surrounding the parcel in question.
- The new district allows land uses inconsistent with those allowed in the vicinity.
- The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
- The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

Rezonings that have the characteristics of spot zoning run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone.

The most important thing is consistency with the master plan. Remember, the master plan should have been prepared with extensive public engagement and that process is intended to create a consensus vision of future land use and infrastructure – including the future configuration of zoning districts.

To learn more about spot zoning, read the [Michigan State University Extension](#) public policy brief, "[Removing Spot Zoning From the Fabric of Zoning Practice](#)," or contact a [land use educator](#) for assistance.