

APPENDIX H: SPOT DEVELOPMENT

Overview and Definition

Spot zoning is a problem in many communities. Spot zoning is defined as:

A change in zoning that is contrary to adopted plans and violates sound principles of planning and zoning. Spot zoning is characterized by the following:

- Individuals seeking to have property rezoned for their private benefit.
- Usually the amount of land involved is small and limited to one or two owners
- The proposed rezoning gives privilege not generally extended to property similarly located in the area.
- Applications show little or no evidence or interest in:
 - The general welfare of the public;
 - The effect on surrounding property;
 - Whether all uses (not just the proposed development) in the proposed zoning district sought are appropriate in the location proposed; or
 - Conformity to the comprehensive plan.

Simply stated, spot zonings are zonings that are inconsistent with local plans, for the sole benefit of the landowner. Spot zonings result in land use patterns, which individually, may seem harmless, but establish patterns for development that may result in sprawl and the eventual degradation of the town's rural character. Spot zonings work against sound planning. If repeatedly approved, spot zonings deem the plan useless.

In the Town of Little River, spot zonings/development for residential development are becoming a particular problem. Areas shown on the plan as natural areas and agricultural areas are facing residential development pressure. The Oconto County Zoning Ordinance permits residential development in areas zoned Agricultural provided a minimum lot size of 10 acres is provided. This requirement quickly consumes valuable farmland and natural areas.

Zoning Applications that are Inconsistent with the Town Plan

It must be understood that the Town of Little River does expect to receive applications for rezoning, from time to time, that are inconsistent with the Town's Adopted Comprehensive Smart Growth Plan. Development requests that are inconsistent with the plan are not necessarily spot zonings. It is very possible that a rezoning petition will be received for a use that was not anticipated at the time the plan was developed. In these situations, the Plan Commission must still consider the application.

Developers and residents should understand the plan maps are intended to direct development to certain areas where facilities and services are available.

It is important to remember that a **plan is not a static document**. It must evolve to reflect current conditions. If not regularly **reviewed and amended**, it will become ineffective.

Applications for rezoning and development that are inconsistent with the plan and plan maps must still be considered. In some situations, it may be desirable to amend the plan (and maps) to accommodate a compatible, but previously unplanned use. Likewise, a change in county or regional policy, technological changes, or environmental changes may also impact the plan.

Any change to the plan (including the plan maps) must be considered in the context of all nine required plan elements, including the visions, goals and policies expressed in this document. If an amendment is to be approved, the process must include a formal public hearing and distribution per the requirements of the Wisconsin Smart Growth Law. Any amendment must be recommended by the Plan Commission and approved by the Town Board **before** rezoning is approved and development is permitted.

Strategies for Addressing Residential Spot Zoning Requests

A desirable strategy to address the issue of residential spot zoning is to coordinate with the county to approve a special “*rural overlay zone*” in the Town of Little River. An “*overlay zone*” would include special zoning requirements that would only be in effect in the Town of Little River. If desired by the Oconto County Zoning Office, the proposed “*rural overlay zone*” could be expanded to the entire county as a general zoning change. The intent of the “*rural overlay zone*” is to address the particular land use development concerns facing the Town of Little River through the Oconto County Zoning Ordinance.

The proposed “*overlay zone*” would:

- **Only apply to new residential uses in areas zoned Agricultural under the Oconto County Zoning Ordinance, areas shown as agricultural or natural areas on the *Town of Little River Smart Growth Comprehensive Plan Future Land Use Maps* and properties within 1,000 feet of a quarry operation.**
- Prohibit residential development on 10-acre parcels or larger as a use by right.
- Only permit new residential development by conditional use permit.
- Establish a minimum lot size of 20,000 square feet to prevent situations where large lots are created that unnecessarily usurp prime farmland.
- Direct new dwellings to parcels that are undesirable for farming due to soil conditions, location or irregular lot size.
- Direct new development to the edges of existing farm fields and forested areas.
- Limit the total number of potential rural lot divisions per property. This would require a record keeping system to keep track of the total number of splits permitted and recorded per parcel. This strategy has been used successfully in Jefferson County.

Goal, Objectives & Policies

OVERALL GOAL:

Maintain the town's rural character by limiting residential development in agricultural and other natural areas of the town.

OBJECTIVE:

Coordinate with Oconto County to develop and approve a special "*rural overlay zone*" in the Town of Little River.

POLICY:

The Town of Little River will recommend denial of any spot zoning request to Oconto County. The town's determination of a spot zoning will be made when an application for rezoning demonstrates little or no evidence or interest in:

- **The general welfare of the public;**
- **The effect on surrounding property;**
- **Whether all uses in the zoning sought are appropriate in the location proposed;**
- or
- **Conformity to the comprehensive plan.**