

## Short Notes on Legal Bases of Urban & Regional Planning

(Sections 1 & 2)

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### 1. Introduction

#### ◆ Purpose of Studying Legal Bases

- Urban and regional planning decisions **must operate within a legal framework.**
- Understanding legal foundations helps planners:
  - **Apply laws properly**
  - **Avoid legal challenges**
  - Ensure plans are **enforceable and legitimate**

#### ◆ Why It Matters:

- Good plans fail without legal backing.
  - Laws **protect rights, define responsibilities, and guide development.**
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### 2. Legal Mechanisms for Planning Implementation

Urban plans are implemented through various **legal tools**, which ensure that objectives and policies are carried out effectively.

#### ◆ Key Mechanisms:

##### 1. Zoning

- Divides land into districts (e.g., residential, commercial, industrial)
- Controls **land use, building size, location, and density**
- Prevents **land-use conflicts** (e.g., factory next to a school)

##### 2. Subdivision Regulations

- Govern how land can be divided for development
- Set rules for **infrastructure, lot size, street layout**, etc.
- Ensure **safe, orderly development and public service access**

### **3. Capital Improvement Programs (CIP)**

- Plan and fund **public infrastructure** like roads, schools, and utilities
- Aligns **budgeting** with long-term development plans

### **4. Design Review**

- Evaluates proposed development projects for **aesthetic and functional quality**
- Ensures **visual harmony**, accessibility, and compliance with local character

### **5. Historic Preservation Controls**

- Protects **culturally significant buildings** and districts
- Maintains historical identity and prevents unauthorized alterations or demolition

### **6. Sign Regulations**

- Controls the **size, location, and type** of signage in urban areas
- Helps preserve the **visual environment** and reduce clutter

### **7. Voluntary Agreements (Contracts)**

- Legal agreements between public authorities and developers or landowners
- May include **community benefits**, infrastructure provision, or development conditions

## **3. Sources of Planning Law**

Planning laws come from **three major sources: Constitutional, Statutory, and Common Law.**

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### ◆ **A. Constitutional Law**

- Based on **federal and state constitutions**
- Provides **fundamental rights** and **limits** government powers
- Key influences on planning:
  - **Property rights** protections

- Restrictions on **taxation** and **government spending**
  - Vary by state → may be interpreted **differently** across jurisdictions
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#### ◆ **B. Statutory Law**

- No comprehensive federal land-use law, but federal laws still influence planning:
    - **Housing, transportation, taxation, environmental regulation**
  - Most planning authority comes from **state statutes**:
    - States give “**enabling powers**” to local governments
  - Local governments adopt **ordinances** or **bylaws** (e.g., zoning codes)
  - This forms the **legal framework** for land-use regulation
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#### ◆ **C. Common Law**

- Originates from **court decisions and legal tradition**
  - Historically based on **nuisance law**
  - Used when:
    - **Statutes are unclear**
    - **No regulation exists**
  - Still relevant in **interpreting zoning laws** and resolving **land-use disputes**
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### 4. Key Legal Concepts in Planning

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#### ◆ **A. Property Rights**

- Known as the "**Bundle of Rights**" – all legal rights attached to property ownership:
  - **Use and enjoy** the property
  - **Exclude others**
  - **Sell, lease, mortgage, donate**

- **Subdivide or build**
- Control use within the law

 **Elements of Property Rights:**

- Timber cutting
  - Farming
  - Mineral extraction
  - Water use
  - Building/development
  - Airspace control
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◆ **B. Police Power**

- The legal **authority of government** to regulate for public good
- Used to **preserve health, safety, welfare, and morals**
- **Zoning laws, land-use rules, design standards** all derive from police power
- Power is:
  - **Reserved to the state**
  - **Delegated to local governments** via enabling acts

 **Examples:** Prohibiting noisy industries near schools, setting height limits, requiring green spaces

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◆ **C. Nuisance**

- A **legal concept** where a land use harms another's rights

**Private Nuisance**

Affects nearby property owner

**Public Nuisance**

Affects general public or community

Example: Loud factory beside a home Example: Pollution harming a neighborhood

- Zoning was created in part to **prevent nuisance conflicts**
  - Even today, **approved land uses** can still become a nuisance based on how they're operated
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#### ◆ **D. Vested Rights**

- A **developer's legal protection** to continue a project, even if laws change
- Occurs when:
  - Substantial investment is made
  - Based on **government approvals** or permits
  - There is **reasonable reliance** on those approvals

 **Example:** If a developer gets a building permit and starts construction, they may have a vested right to finish, even if zoning laws change afterward

## Short Notes on Legal Due Process & Equal Protection

(Sections 1 & 2)

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### 1. Constitutional Foundation

#### ◆ 14th Amendment – Core Principle

“No state shall... deprive any person of life, liberty, or property, without due process of law; nor deny to any person... equal protection of the laws.”

#### ◆ Key Points:

- Applies to **state and local governments**
  - Protects against **unfair treatment** and **arbitrary government actions**
  - Closely related to other fundamental rights:
    - **Freedom of religion**
    - **Freedom of expression**
    - **Protection against unlawful property takings**
  - Forms the **constitutional backbone** of planning and land-use law
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### 2. Due Process

**Due process** protects individuals from losing their **life, liberty, or property** without **just legal procedures** or **valid legal reasons**

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#### ◆ TYPES OF DUE PROCESS:

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#### A. Procedural Due Process

Ensures a **fair procedure** before the government makes decisions affecting individuals

#### Key Requirements in Urban Planning:

1. **Notice** – Affected parties must be informed of planned action

2. **Opportunity to be heard** – They must have a chance to respond or object
3. **Impartial decision-maker** – Free from bias or conflict of interest
4. **Formal hearings** (in quasi-judicial decisions) – With rules for fairness
5. **Right to present and challenge evidence** – Including witnesses
6. **Decision must be based on the record** – Supported by facts and clear reasoning

 **Applies most in:**

- Rezoning hearings
  - Planning commission or zoning board decisions
  - Permit approvals that impact property rights
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## B. Substantive Due Process

Focuses on the **content of the law itself** – whether it's **fair, reasonable**, and serves a **valid public interest**

 **What courts look at:**

1. **Does the law have a legitimate government goal?** (e.g., public safety, aesthetics)
2. **Is the method used reasonably related to the goal?**

 **Examples in Planning:**

- Zoning law requiring building setbacks for fire safety
- Design review ordinances for maintaining neighborhood character
- Limiting building height to preserve views

 A law can **violate substantive due process** even if fair procedures were followed, **if the law itself is irrational or unfair.**

## 3. Equal Protection Clause

Guarantees **fair and equal treatment** under the law for all persons in similar situations

◆ **Key Points:**

- Found in the **14th Amendment**

- **Applies to state and local governments**
- **Federal protection** comes through the **Due Process Clause** of the 5th Amendment
- Aims to **prevent discrimination** and **unjustified distinctions** in legal treatment
- Especially relevant in:
  - **Zoning decisions**
  - **Permit approvals**
  - **Land use restrictions** that may impact certain groups or neighborhoods

 **Example:** If two similar housing projects are treated differently without valid reason, it could violate equal protection.

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## 4. Freedom of Religion and Expression

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### A. Freedom of Religion

Ensures the government neither promotes nor restricts religious practice

◆ **Two Main Clauses:**

1. **Establishment Clause** – No government sponsorship or support of religion
2. **Free Exercise Clause** – Individuals can practice religion freely

◆ **Government Laws Must:**

- Have a **clearly secular purpose**
- Not **advance or inhibit** religion
- Avoid **excessive entanglement** with religious institutions

◆ **Relevance to Urban Planning:**

- Zoning laws affecting **churches/mosques**
- Restrictions that **burden religious land use**
- Laws subject to:
  - **Religious Freedom Restoration Act (RFRA)**

- Religious Land Use and Institutionalized Persons Act (RLUIPA)
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## B. Freedom of Expression

Protects people's rights to express themselves in various forms

### ◆ Planning-Related Issues:

- Sign regulations
- Adult entertainment zoning
- Use of public space for **picketing, demonstrations, or leafleting**
- Placement of **newspaper racks**

### O'Brien Test – For judging regulation of expressive activities:

1. Does the law **serve an important government interest?**
2. Is the interest **unrelated to suppressing expression?**
3. Is the restriction's **impact on expression minimal** and no broader than needed?

 If the answer is **no to any**, the regulation may be **unconstitutional**.

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## 5. Overbreadth and Vagueness

Regulations affecting constitutional rights (especially expression and religion) must be **precise and narrowly focused**

### ◆ Overbreadth

- Law **regulates more behavior than necessary**, including **protected activities**
- **!** Leads to **invalidity in court**

### ◆ Vagueness

- Law is **too unclear or ambiguous**
- People can't understand what's allowed or forbidden
- Encourages **discriminatory or arbitrary enforcement**

 **Example:** A sign code that says “no offensive signs” without defining “offensive” is likely too vague and overbroad.

## Chapter 3

### 1. Eminent Domain

#### Definition and Purpose

- **Eminent domain** is the **government’s legal power** to take private property for **public use**, provided that **just compensation** is paid to the property owner.
- It is a **fundamental governmental power** essential for public infrastructure, urban development, and national interest.

#### Condemnation Process

- **Condemnation** refers to the **legal procedure** through which the government exercises eminent domain.
- The process typically includes:
  - Notifying the landowner
  - Determining public necessity
  - Assessing compensation
  - Providing an opportunity to **dispute the compensation**

#### Government Authority and Just Compensation

- At all levels (local, state, and federal), governments may use eminent domain only for **authorized public purposes** and within **constitutional limits**.
- The law requires **just compensation**, often interpreted as the **fair market value** of the property.
- Courts oversee whether the process meets constitutional requirements and whether the compensation is appropriate.

#### Expansion to Regulatory Takings

- Traditional eminent domain involves **direct appropriation**, but modern legal interpretation includes **regulatory actions** that severely **limit property use**.

- This expansion has led to the concept of **regulatory takings**, where government regulations have the same effect as appropriation.
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## 2. Regulatory Takings

### Definition and Types

- Regulatory takings occur when a **government regulation** limits the use of private property **to such an extent** that it becomes **equivalent to a physical taking**, without the formal condemnation process.

### 1. Permanent Physical Invasion (Per Se Taking)

- Occurs when the regulation causes **permanent and exclusive denial** of property use (e.g., forced installation of public structures on private land).

### 2. Total Economic Deprivation

- When a regulation removes **all viable economic or productive use** of a property, it is treated as a **categorical taking**, even if the property is still in private hands.

### 3. Partial Regulatory Impact

- More common are cases where regulations **limit development or use** but do not eliminate value entirely.
- These situations are complex and lead to **case-by-case judicial review**.

### Court Considerations

Courts assess whether a regulatory action constitutes a taking using the following factors:

- **Economic Impact:** How much value has been lost due to the regulation?
- **Investment-Backed Expectations:** Was the regulation foreseeable or a sudden burden?
- **Nature of Government Action:** Is the regulation serving a broad public purpose or unfairly targeting individual owners?

### Inverse Condemnation

- If a landowner believes a regulation has "taken" their property without formal procedures, they may file an **inverse condemnation lawsuit** to:
  - Challenge the regulation's validity, or

- Seek just compensation for the loss
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### **3. Ethiopian Legal Tools for Eminent Domain**

#### **Constitutional Basis (1995 Constitution)**

- The **Federal Democratic Republic of Ethiopia's Constitution (1995)** recognizes the state's power to **expropriate land** for public use.
- However, it mandates that **fair compensation** must be provided to affected individuals.

#### **Proclamation No. 1161/2019**

- Known as the **Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation**.
- Establishes the **legal framework** for:
  - When and how land can be taken
  - Calculation of compensation
  - **Procedural fairness** for landholders
- Protects the **rights of displaced persons**, ensuring compensation for:
  - Land
  - Buildings
  - Income loss
  - Relocation expenses

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### **4. Eminent Domain Practices**

#### **Limitations by Constitution and Statutes**

- The use of eminent domain is restricted by:
  - **Constitutional safeguards**
  - **National and regional legislation** that defines purposes, procedures, and limits

## Common Uses

- **Local Governments** use eminent domain to acquire land for:
  - **Schools**
  - **Roads and highways**
  - **Public buildings**
  - **Redevelopment of slums or blighted areas**
- **State Governments** may acquire land for infrastructure like highways, utility corridors, and health facilities.
- **Federal Government** is limited to purposes **authorized by the Constitution** and is bound by due process and public interest criteria.

## Partial and Temporary Takings

- Eminent domain does **not always involve full ownership** transfer:
  - It can involve taking **only a portion** of the property.
  - Or granting the state a **temporary use** (e.g., during construction projects).

## Dispute Rights and Fair Market Value

- Property owners have the **right to contest**:
  - The **public use justification**
  - The **compensation amount**
- Compensation is generally based on the **fair market value**, though disputes often arise over how that value is determined.

## 5. Challenges in Eminent Domain

### Defining “Public Use”

- A central issue in eminent domain is determining whether the government's objective qualifies as **public use**.
- Historically, public use referred to facilities like **roads, schools, and government buildings**.

- Over time, courts have allowed broader interpretations—such as **redevelopment projects**, even when the land is ultimately transferred to private entities—provided the outcome benefits the public.

### **Determining “Just Compensation”**

- Another legal challenge is establishing **what amount of compensation is fair**.
- The standard is usually **fair market value**, but disputes often arise over:
  - Appraisal methods
  - Valuation of partial takings
  - Impact on remaining property

### **Expansion of “Public Use” to Private Redevelopment**

- In some redevelopment projects, land is taken from private owners and transferred to **other private developers** for investment and economic purposes.
  - Though controversial, this has been upheld in certain court cases, provided it serves a broader public goal (e.g., job creation, urban renewal).
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## **6. Development Exactions**

### **Definition and Application**

- **Development exactions** are conditions placed on developers requiring them to:
  - **Dedicate land** (e.g., parkland or right-of-way)
  - **Construct infrastructure** (e.g., roads, sidewalks)
  - **Pay monetary contributions** (e.g., impact fees for schools, utilities)
- These conditions aim to offset the **public costs** created by the private development.

### **Legal Tests**

Courts apply **two key tests** to determine the legality of exactions:

#### **1. Essential Nexus**

- There must be a **direct connection** between the exaction and a **legitimate public interest** (e.g., traffic impact, school overcrowding).

## 2. Rough Proportionality

- The **burden placed on the developer** must be proportionate to the **impact of the development**.
- This ensures fairness and prevents excessive demands.

## State Variations and Enabling Legislation

- Some states have adopted laws that define or limit the types of exactions that local governments can require.
  - These laws vary by state and are typically found in **planning or zoning enabling legislation**.
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## 7. Givings

### Definition

- **Givings** refer to situations where government actions **increase the value of private property**—the opposite of takings.

### Examples

- Extending new **public roads** or **infrastructure**
- Creating **parks** or **protected areas**
- Installing **utilities** (water, sewer lines)
- Zoning upgrades that make land more **developable**

### Current Legal Status

- Unlike takings, **givings are not formally addressed in legal frameworks**.
  - However, some argue they should be considered when assessing the overall impact of regulations (e.g., in takings cases as **offsets** to losses).
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## 8. Federal Environmental Legislation Impacting Planning

Federal environmental laws create both **opportunities and constraints** for planning at all government levels. Planners must understand how these laws influence development permissions, environmental assessments, and land use regulations.

## **Major Statutes**

### **1. Clean Air Act**

- Regulates air emissions from stationary and mobile sources.

### **2. National Environmental Policy Act (NEPA)**

- Requires **Environmental Impact Statements (EIS)** for federal projects.

### **3. Endangered Species Act**

- Protects habitats of endangered species, restricting land development in sensitive areas.

### **4. Clean Water Act**

- Controls discharges into water bodies and regulates wetland development.

### **5. CERCLA (Superfund Law)**

- Addresses the cleanup of hazardous waste sites.

### **6. RCRA**

- Governs the management of hazardous and non-hazardous solid waste.

### **7. Safe Drinking Water Act**

- Protects the quality of drinking water supply systems.

## **Implications for Planning Practice**

- These laws often **limit development**, especially in environmentally sensitive or hazardous areas.
- They can also **enhance long-term sustainability**, guide environmental planning, and offer **funding mechanisms** for cleanups and infrastructure.

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## **9. State Enabling Legislation**

### **Definition and Role**

- **Enabling legislation** is the legal tool by which states **delegate police powers** (including planning and zoning) to local governments.

- It **authorizes local authorities** to prepare plans, enforce zoning codes, and manage land development.
- Such laws typically define:
  - The **scope of authority**
  - **Procedures** to be followed
  - **Organizational frameworks**
  - **Duties and responsibilities** of planning bodies

### **Examples of Enabling Instruments**

1. **Standard State Zoning Enabling Act**
  - Early model law that provided a blueprint for zoning legislation across states.
2. **Model Land Development Code (American Law Institute)**
  - A more modern and comprehensive framework for regulating land use.
3. **Growing Smart Legislative Guidebook**
  - Developed to help states modernize their planning laws and encourage smart growth.
4. **State Environmental Policy Acts (SEPAAs)**
  - These mirror NEPA at the state level, requiring environmental reviews for state-level projects.

### **Procedural vs. Substantive Statutes**

- **Procedural statutes** define **how** planning must be conducted (e.g., public hearings, notice).
- **Substantive statutes** define **what** may be done (e.g., land use designations, density limits).

# Zoning Regulation

## 1. Definition and Purpose of Zoning

- **Zoning** is a **legislative tool** used to control how land is used in urban areas.
- It involves **dividing land into zoning districts**, where each district has a unique set of **legal rules and conditions** that guide development.
- The main aspects regulated through zoning include:
  - **Type of buildings** allowed (e.g., residential, commercial, industrial)
  - **Population density**
  - **Height, size, and placement** of structures (e.g., setbacks, floor area ratio)
  - **Parking requirements** and **landscaping standards**
- Zoning serves as a fundamental mechanism in urban planning to:
  - Achieve **greater physical order**
  - Promote **organized development**
  - Ensure **public health, safety, and welfare**
- It works in combination with **comprehensive plans**, building codes, and infrastructure policies to guide the long-term development of cities.

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## 2. History and Evolution of Zoning

- **Zoning in the United States** began in the **late 1800s and early 1900s**, especially in fast-growing cities like **New York, San Francisco, and Chicago**.
- These early zoning laws emerged in response to:
  - **Tenement overcrowding**
  - **Close proximity of industrial and residential zones**
  - Urban issues such as **disease (tuberculosis, dysentery)**, **crime**, and **poor sanitation**
- The first zoning ordinances aimed to **separate incompatible land uses**—for instance, keeping factories away from homes.

- A major turning point came in **1925** with the **Standard Zoning Enabling Act**:
    - Issued by the **U.S. Department of Commerce** during Herbert Hoover's administration
    - Served as a **model law** for local governments across the U.S.
    - Emphasized that zoning should be based on **comprehensive, democratically determined plans**, not arbitrary decisions
  - Over the decades, zoning evolved to regulate:
    - **Signage**
    - **Architectural design and aesthetics**
    - **Landscaping requirements**
    - **Environmental and hazard protections**, including special districts (e.g., for flood zones or historic preservation)
  - Today, zoning remains central to **maintaining land use compatibility**, supporting **community goals**, and **enhancing urban quality of life**.
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### **3. Zoning Ordinance Structure**

A **zoning ordinance** is a formal document adopted by a local government to regulate land use. Its structure includes the following core components:

#### **A. District-Based Regulations**

Each zoning district regulates:

- **Permitted land uses** (residential, commercial, industrial, etc.)
- **Density or intensity** of development (e.g., units per hectare)
- **Building dimensions**, such as:
  - Maximum **height**
  - Building **bulk** (volume, massing)
  - **Setbacks** (distance from street or neighboring properties)
- **Parking requirements**: number, layout, and design

- **Design standards**, which may include landscaping, lighting, and accessibility

## B. Cross-District Standards

- These are **general rules** that apply to all or multiple zones, covering:
  - **Nonconforming uses**
  - **Environmental buffers**
  - **Public access requirements**

## C. Administrative Procedures

- Include **procedures for zoning map amendments (rezoning)**, variance applications, and special permits.
- Also include enforcement processes and penalties for noncompliance.

## D. Zoning Maps

- Every ordinance includes **an official zoning map**, which visually represents:
    - **District boundaries**
    - **Overlay zones** (e.g., for flood protection, historic preservation)
  - Changes to district designations require **formal amendments** (public hearing, council vote).
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## 4. Background of Zoning in the U.S.

- The **origin of zoning** in the U.S. was inspired by **19th-century German zoning practices**.
- The central purpose was to:
  - **Protect the value of private property**
  - Promote orderly growth and **avoid land use conflicts**
  - Ensure **access to light, ventilation**, and **open spaces**
- The U.S. Department of Commerce's **Standard Zoning Enabling Act** helped systematize zoning across the country by:
  - Establishing **model legislation** for states to adopt

- Promoting the idea that **zoning must align with comprehensive urban plans**
- By the **1950s**, zoning was widely used, and districts were commonly categorized as follows:

### **Residential Districts**

- Based on housing type:
  - **Single-family**
  - **Multifamily**
  - With limitations on **density and lot size**

### **Commercial Districts**

- Divided into subcategories:
  - **Central Business Districts (CBDs)**
  - **General Business**
  - **Highway Commercial**
  - **Institutional and Office Zones**

### **Industrial Districts**

- Include:
  - **Light industrial** (e.g., warehousing)
  - **Heavy industrial** (e.g., factories)

### **Additional District Types**

- **Agricultural zones**
- **Conservation areas**
- **Institutional zones** (e.g., university campuses)
- **Mixed-use zones** (allowing a combination of residential, commercial, etc.)
- **Special-purpose zones**, such as:
  - **Historic preservation**
  - **Flood hazard mitigation**

These zoning categories and overlays ensure that different land uses are **planned**, **coordinated**, and **sensitive to local needs and priorities**.

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## 5. Typical Elements of a Zoning Ordinance

Although zoning ordinances vary by jurisdiction, most follow a **standard structure** that includes the following elements:

### A. General Provisions

- Define the **purpose and scope** of the ordinance.
- Provide legal backing by linking the zoning goals to **community values** and the **comprehensive plan**.

### B. Use Standards

- Identify **which land uses** are allowed in each district (e.g., residential, commercial, industrial).
- May include **permitted, conditional, and prohibited uses**.

### C. Intensity and Density Standards

- Set limits on how much development is allowed.
  - **Floor Area Ratio (FAR)**
  - **Dwelling units per hectare**
  - **Coverage limits**

### D. Dimensional Standards

- Regulate **lot size, building height, setbacks, and bulk**.

### E. Development Standards

- Address site-specific elements such as:
  - **Landscaping**
  - **Access and circulation**
  - **Environmental buffers**
  - Development on **hazardous or sensitive lands** (e.g., flood zones)

## **F. Nonconformity Standards**

- Define how to handle **existing developments** that do not comply with new zoning rules.
- Includes **grandfathering, phasing out, or limited expansion**.

## **G. Review Procedures**

- Procedures for:
  - Site plan review
  - Special use permits
  - Conditional use approvals

## **H. Appeal and Variance Provisions**

- Allow landowners to **appeal zoning decisions** or request **exceptions** due to hardship or unique site conditions.

## **I. Enforcement and Penalties**

- Detail the consequences of **noncompliance**, including fines or legal actions.

## **J. Amendment Process**

- Explains how to **revise the ordinance** through rezonings or text changes.
- Often requires **public hearings** and **official approvals**.

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## **6. Zoning Ordinance Components**

Every zoning system is based on **two key components**:

### **1. Ordinance Text**

- Describes the rules, definitions, standards, and procedures.
- Specifies:
  - Types of zones and allowed uses
  - Development regulations
  - Permitting and appeal processes

### **2. Official Zoning Map(s)**

- Applies the zoning rules to **geographic areas**.
  - Shows the **boundaries** of:
    - General zoning districts
    - **Overlay zones** (e.g., historic, floodplain)
    - **Special-purpose zones**
  - Changes to zoning classifications (rezonings) require a **zoning map amendment**, which is considered a formal change to the ordinance and must follow legal procedures.
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## 7. General Provisions in Ordinances

These provide the **foundational structure** of a zoning ordinance:

### Statement of Purpose

- Explains why the ordinance exists and what it aims to achieve.
- Usually refers to the goals of the **comprehensive plan**.

### Applicability Provisions

- Define the **geographic area** covered and the types of **projects or land uses** subject to the ordinance.
- May include **extraterritorial jurisdiction**, allowing zoning to apply beyond municipal boundaries (if permitted by law).

### Definitions

- Provide **precise meanings** for technical terms, legal phrases, and planning concepts used throughout the ordinance.
- Prevents **ambiguity and misinterpretation**.

### Zoning Map Provisions

- Define **how maps are created**, updated, and accessed.
  - Specify what maps are considered **official** and how their **legal status** is maintained.
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## **8. Administrative Provisions**

These provisions define the **institutional framework** for implementing zoning regulations:

### **Governing Body (e.g., City Council)**

- Holds **final authority** to:
  - Approve ordinance changes
  - Grant rezonings
  - Enact major policy decisions

### **Planning Commission**

- Serves as an **advisory body** to the governing authority.
- Reviews development proposals and may:
  - Conduct public hearings
  - Recommend zoning changes

### **Zoning Board of Appeals (or Adjustment)**

- Handles:
  - **Appeals** of zoning interpretations or enforcement
  - **Variances** for relief from dimensional or use standards
  - **Special/conditional use permits** in some cases

### **Zoning Administrator and Staff**

- Carry out the **day-to-day operations**:
  - Review applications
  - Conduct inspections
  - Enforce compliance
  - Issue permits

### **Special Boards (Optional)**

- Some jurisdictions also have boards for:
  - **Historic preservation**

- **Design review**
  - **Wetland or environmental protection**
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## **9. Zoning in Ethiopia**

Ethiopia currently does **not have a unified national zoning law**, but urban zoning is shaped by **two key legal instruments**:

### **1. Urban Planning Proclamation No. 574/2008**

- Provides the **legal framework** for:
  - Urban development planning
  - Land use regulation
  - Coordination between planning authorities

### **2. Urban Land Lease Policy Proclamation No. 721/2011**

- Regulates **urban land transfers** and leasing processes.
- Covers:
  - **Residential land use**
  - **Commercial land use**
  - **Industrial land use**

#### **Objectives of These Proclamations**

- Guide urban development with legal clarity
- Ensure **consistency in land allocation**
- Promote **equitable access** to services
- Support municipalities in managing growth responsibly

While zoning practices vary across Ethiopian cities, these proclamations provide a **foundation for local authorities** to enforce planning and zoning standards within their jurisdictions.

## Short Note: Zoning Standards in Urban and Regional Planning

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### 1. Use Standards

**Definition:** These standards define **what land uses are allowed or not allowed** in each zoning district. They help shape how land is developed and ensure compatibility between different land uses.

**Categories:**

- **By-right uses:**  
Automatically permitted if all other zoning standards are met (e.g., single-family housing in a residential zone).
- **Conditional/Special uses:**  
Allowed only after **discretionary review**; must meet special conditions to ensure compatibility (e.g., a hospital in a residential area).
- **Accessory uses:**  
Secondary to the main use, such as a **garage or garden shed** next to a home.
- **Prohibited uses:**  
Uses that are **not allowed** in a specific zone (either listed explicitly or implied by exclusion).

---

### 2. Intensity and Density Standards

**Purpose:** Control how **intensively** land is used in a given zoning district.

- **Maximum density:**  
Expressed in **dwelling units per acre**; used in multifamily and planned developments.
- **Minimum lot size:**  
Common for single-family zones; larger lots = lower density.
- **Floor Area Ratio (FAR):**  
Ratio of **building floor area to land area**; commonly used in commercial/non-residential areas.

Example: FAR of 2.0 on a 10,000 sq. ft. lot = 20,000 sq. ft. of building space.

- **Land Use Intensity:**

Links both density and activity level — more people, cars, noise = higher intensity.

---

### 3. Dimensional Standards

These control the **physical size, spacing, and layout** of buildings.

- **Building height:**

Limited by feet or stories (e.g., 35 ft. max in single-family areas).

- **Setbacks:**

Minimum **distance** between buildings and property lines (front, side, rear).

Preserves privacy, sunlight, and open space.

- **Building coverage:**

The % of the lot covered by a building's footprint.

- **Impervious surface limits:**

Controls surfaces that prevent water infiltration (roofs, pavement). Helps with **stormwater management**.

- **Building size/envelope:**

Total volume or area of the building, used to maintain scale in neighborhoods.

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### 4. General Development Standards

These cover the **design and function** of built environments beyond buildings.

#### a. Parking and Loading

- Sets minimum and sometimes maximum **number of parking spaces** (e.g., 1 space per 250 sq. ft. of retail).
- Also applies to **truck loading/unloading**.

#### b. Landscaping

- Requires **trees, shrubs, and green areas**.
- Reduces visual impact, provides shade, and absorbs stormwater.
- Often required around **parking lots** or at **site edges**.

#### c. Environmental/Hazard Standards

- Protects **flood zones, wetlands, aquifers, steep slopes**, etc.
  - Often shown on maps linked to zoning codes.
  - Prevents construction in areas prone to **natural hazards**.
- 

## 5. Nonconformity Standards

**Purpose:** Deal with buildings/uses that were **legal when built** but don't meet **current zoning rules**.

- **Grandfathering:**  
Allows continued use without meeting new rules (e.g., old shop in a residential zone can keep operating).
  - **Amortization:**  
Gradually phases out nonconformities by giving owners time to comply or stop the use (controversial, often limited).
- 

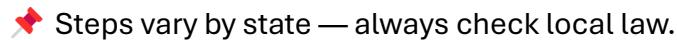
## 6. Development Review Procedures

Defines the steps and documents required to get **approval** for a development project. These include:

- **Comprehensive Plan or Amendments:**  
Long-term vision document.
- **Rezoning:**  
Request to change a land's zoning designation.
- **Conditional/Special Use Permits:**  
Approval for uses allowed only under certain conditions.
- **Site Plan Approval:**  
Detailed design for site layout, including **buildings, roads, parking**.
- **Zoning Compliance and Building Permits:**  
Needed to start construction.
- **Certificates of Occupancy:**  
Confirms that a building complies with regulations and is safe for use.

- **Development Agreements:**

Legal contracts between developers and the government.



Steps vary by state — always check local law.

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## 7. Appeal and Variance Provisions

### **Appeals:**

Process to **challenge a zoning decision** or interpretation — usually to a **zoning board**.

### **Variances:**

Special permissions to **deviate** from specific zoning standards (e.g., build closer to a property line due to unique lot shape).

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## 8. Enforcement Provisions

- Identify **what counts as a violation** (e.g., building without a permit, using land unlawfully).
  - Explain **actions authorities can take**, such as:
    - Stop-work orders
    - Permit revocation
    - Fines or court actions
  - Usually involves a **hearing process** for fairness.
- 

## 9. Amendment Provisions

Describe how the zoning **text or map can be changed**.

- Typically requires:
  - Proposal (from officials or public)
  - **Public notice**
  - **Public hearing**
  - Approval by the **governing body (e.g., city council)**

- ❑ Keeps zoning flexible and responsive to evolving urban needs.

## II. Spatial Consistency Between Zoning Map and Comprehensive Plan

**Purpose:** Ensure that zoning regulations align with the broader long-term planning goals set in the comprehensive plan.

### Differences in Scale and Specificity

- Comprehensive plan maps are **broad and policy-oriented**.
- Zoning maps are **parcel-specific and regulatory**.
- Zoning must be more precise to guide development legally.

### Long-term vs Short-term Focus

- The comprehensive plan is **visionary and long-term**.
- Zoning applies in the **short term** and reflects current conditions.
- Zoning must be adaptable to changing priorities and growth patterns.

### Use of Interim Zoning

- Land designated for future development may be **temporarily zoned** for less intensive uses.
- This avoids premature development before infrastructure or demand is ready.
- Comprehensive plan policies typically determine the **triggers** for zoning changes.

### Role of Overlay Districts

- Overlay districts are applied **in addition to base zoning**.
- Used for environmental protection, historical preservation, or design controls.
- Help refine zoning to respond to **special local concerns** while maintaining overall consistency.

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## III. Subdivision Regulation

### 1. Definition and Purpose

- A subdivision ordinance controls the **division of land** for development purposes.
- Regulates lot layout, street design, utilities, and public infrastructure.

- Based on the **Standard City Planning Enabling Act of 1928**.
- Primarily administered by the **local planning commission**.

## 2. Main Components of Subdivision Ordinances

- **General Provisions:** Purpose and applicability.
- **Review Procedures:** Steps for approval.
- **Performance Guarantees:** Ensure improvements are completed.
- **Vested Rights:** Protect developer's rights over time.
- **Development Standards:** Technical specifications for layout and infrastructure.

## 3. General Provisions

- State the purpose of subdivision regulation (e.g., efficient land use, environmental protection).
- Define the **geographic scope** (including possible extraterritorial jurisdiction).
- Identify exemptions (e.g., small divisions or lot mergers).
- Include a **bar on subdivisions by deed**, which bypass formal review.

## 4. Review Procedures

### a. Sketch Plan

- Informal concept layout of lots, roads, and environmental features.
- Helps identify early issues.

### b. Preliminary Plat

- Shows detailed lot layout, site features, utilities, and roads.
- Reviewed for **technical compliance** with subdivision standards.
- Usually no public hearing required.
- If approved, developer may proceed with infrastructure work.

### c. Final Plat

- A legal document prepared by a surveyor.
- Establishes **exact boundaries** and records dedication of public improvements.

- Required for **sale and development** of lots.
- Often submitted in phases for large developments.

## 5. Performance Guarantees

- Used to **secure the completion** of public improvements.
- Typically in the form of **bonds or letters of credit**.
- Must be posted before recording the final plat or starting construction.
- If the developer fails, the local authority may use the guarantee to complete the work.

## 6. Vested Right Provisions

- Give developers a **legal right** to complete a project under the rules in place at the time of preliminary plat approval.
- Prevents new rules from being applied mid-project.
- Valid only if the developer proceeds with final plat approval within a **set timeframe** (commonly two years).

## 7. Development Standards

### Lot Standards

- Define minimum lot size, width, and shape.
- Restrict irregular lots like “flag lots” or double-frontage lots.

### Block Standards

- Define acceptable block lengths and widths to guide street layout.

### Street Standards

- Cover road width, curvature, pavement, curb and gutter, and sidewalk design.

### Utility Standards

- Specify water and sewage systems, and required easements for future maintenance.

### Stormwater Standards

- Require on-site drainage systems to manage runoff.

- Ensure protection of **natural drainageways** and long-term maintenance.

### **Open Space Standards**

- Require land to be set aside for recreation or protection of sensitive areas.

## **8. Cluster Subdivisions**

- Allow developers to reduce **lot sizes** if the remaining land is preserved as **permanent open space**.
- Encourages **efficient site layout** and conservation design.
- Some regulations offer **density bonuses** or allow additional lots as an incentive for clustering.

### **Short Note: Planned Unit Development (PUD)**

*Legal Bases of Urban and Regional Planning*

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#### **I. Definition and Purpose of PUD**

A **Planned Unit Development (PUD)** is a land use planning tool that merges **zoning** and **subdivision controls** to allow large-scale, unified developments to be planned as a **single entity**.

- PUDs are designed to **promote flexibility**, allowing for the integration of **different land uses** (residential, commercial, recreational) and **housing types** (e.g., townhouses, apartments, single-family homes).
  - The concept emerged in the **post-World War II era** as an alternative to conventional residential subdivisions. Early versions were referred to as **Planned Residential Developments (PRDs)**.
  - A typical PUD includes not only housing but also **open spaces, community amenities**, and infrastructure, laid out in a cohesive plan.
- 

#### **II. Advantages of PUD**

PUDs are valued for their adaptability and comprehensive approach to development. The key benefits include:

- **Design Flexibility:** Developers can tailor development standards to suit the specific site and goals of the project.
  - **Mixed Uses and Housing Diversity:** PUDs allow for **combination of uses** (residential, commercial, institutional) and **variety of housing** styles and densities within the same development.
  - **Environmental Sensitivity:** PUDs can be designed to **preserve natural features**, reduce topographic alterations, and limit environmental damage.
  - **Cost Efficiency:** By relaxing rigid zoning rules (like uniform lot sizes or strict setbacks), PUDs can **lower infrastructure and development costs**, such as road length and utility extensions.
- 

### III. Nature of the PUD Ordinance

To implement PUDs, a **municipality must modify its zoning ordinance** to include specific provisions for PUD projects.

Key characteristics:

- **Integrated with Existing Zoning:** PUD regulations are not standalone—they are **added to existing zoning laws** through amendment.
- **Rezoning Requirement:** Most PUD projects begin with a **rezoning request** to create a PUD district. This is a **legislative action**, often followed by **administrative approval** of the detailed project plan.
- **Dual Process:**
  - **Legislative phase:** Establishes the PUD zoning district.
  - **Administrative phase:** Approves project details (layout, land use, infrastructure).
- **Types of PUD Designations:**
  - **Floating Zone:** Not pre-mapped; location is decided when a developer proposes a project.
  - **Overlay District:** Applies additional standards over existing zoning.
  - **Separate Base District:** Creates an entirely new zoning category.

- **Conditional Use or Special Permit:** Approval through specific project-by-project discretion.
- 

#### **IV. Basic Elements of a PUD Ordinance**

Most PUD ordinances include common elements to guide both developers and regulators:

- **Purpose or Intent Statement:** Explains the goals of allowing PUDs—typically to encourage flexible, innovative, and integrated development.
- **Eligible Zoning Districts and Uses:**
  - Some ordinances allow all uses from the base zoning districts.
  - Others allow more expansive or entirely different uses, encouraging **mixed-use development**.
- **Development Standards:**
  - May cover **density limits, building dimensions, setback rules, and open space requirements**.
  - In some cases, these standards are **loosely defined** to give flexibility.
- **Approval Steps:**
  1. **Concept Plan:** General vision, including layout, land uses, and open space.
  2. **Preliminary Plan:** More detail on lot sizes, road networks, infrastructure.
  3. **Final Plan:** Precise building locations, landscape, grading, and engineering plans.
- **Amendments or Changes to Plans:**
  - Ordinances should clearly define the process for making **minor vs. major changes** to approved PUDs.
  - This helps avoid disputes between developers and authorities during implementation.

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Let me know when you're ready to continue with the remaining sections:

- Modern applications and legal structure of PUDs
- Emerging issues and future challenges

- Comparison with other tools like Master-Planned Communities and Local Development Plans
- PUD in the Ethiopian context

## **V. Application and Modern Use of PUD**

Planned Unit Development has evolved beyond its original suburban residential focus and is now applied in diverse planning contexts across the United States and internationally.

### **Current uses of PUD:**

- **Master-Planned Communities:**  
Large-scale residential developments that include multiple housing types, public amenities, and integrated infrastructure systems.
  - **Mixed-Use Urban Development:**  
Urban PUDs support the integration of **residential, commercial, office, and institutional uses** in dense urban centers.
  - **Brownfield Redevelopment:**  
PUDs are used to **revitalize previously contaminated or underused land**, facilitating its transformation into functional and sustainable spaces.
  - **State-Level Recognition:**  
Many U.S. states—including Colorado, Massachusetts, and New Jersey—have **statutory definitions and frameworks** supporting PUDs as a legal planning tool.
- 

## **VI. Floating Zones and Legal Issues**

### **Floating Zones in PUD:**

- A **floating zone** is not mapped in advance. Instead, it becomes fixed when a PUD proposal is approved.
- This zoning mechanism adds flexibility by allowing site-specific rezonings based on the merits of a proposed development.

### **Legal Concerns:**

- Critics have likened PUDs to **contract zoning** (private deals between developers and municipalities) or **spot zoning** (favoring one property over others).

- **Early legal challenges** questioned whether PUDs complied with uniform zoning principles.

#### **Judicial Support:**

- Courts have generally **upheld the legality of PUDs**, recognizing them as valid tools to promote planning objectives.
  - Legal decisions affirm that **public purpose and consistency with comprehensive plans** justify PUD zoning.
- 

## **VII. Emerging Issues and Future Challenges**

Despite their benefits, PUDs also face implementation challenges:

- **Complex Approval Process:**  
Developers may find PUD procedures **more demanding** than traditional zoning due to the multi-step plan review process.
- **Plan Modifications:**  
Changes made during development can create **conflicts** between the developer and regulating authorities.
- **Lack of Clarity:**  
Ordinances sometimes fail to distinguish between **minor vs. major changes**, leading to procedural confusion.
- **Flexibility vs. Predictability:**  
A key challenge is balancing **adaptability** (a PUD's strength) with the need for **clear rules and expectations**.

To address these issues, municipalities should adopt ordinances that:

- Clarify approval processes.
  - Define how changes are reviewed.
  - Support both innovation and accountability.
- 

## **VIII. PUD vs. Other Planning Tools**

#### **PUD vs. Master-Planned Communities (MPCs):**

- MPCs are large-scale, long-term development projects with a strong **branding and identity** element.
- PUD is a **regulatory mechanism**, whereas MPC is a broader **development concept**.
- MPCs often use PUD zoning to achieve their goals, but PUDs may also apply to smaller or mixed-use sites.

#### **PUD vs. Local Development Plans (LDPs):**

- LDPs are **policy or land-use guidance documents**, often prepared by local governments.
  - PUDs are **implementation tools** embedded in zoning ordinances.
  - While LDPs guide **where** and **what kind** of development should occur, PUDs regulate **how** that development is carried out.
- 

#### **IX. Planned Unit Development in Ethiopia**

- The PUD concept is also used in **Ethiopian urban planning**, though often with **context-specific adaptations**.
- It is applied to manage large-scale urban expansions, particularly where integrated housing, services, and open space are needed.
- Legal and institutional frameworks are **emerging** to support the adoption of PUD tools in line with local planning goals and development realities.

#### **Short Note: Innovations in Local Zoning Regulations**

*Legal Bases of Urban and Regional Planning*

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#### **I. Introduction**

Traditional or **Euclidean zoning**, which emerged in the early 20th century, organizes cities into **single-use districts** (residential, commercial, industrial). However, its limitations have become increasingly evident in modern planning.

#### **Key shortcomings:**

- **Inflexibility:** It applies rigid, one-size-fits-all rules that do not account for local context or evolving urban needs.
  - **Exclusionary nature:** It often **segregates housing types** and populations, contributing to **social inequality** and limiting affordable housing.
  - **Failure to support mixed-use or innovative designs:** Traditional zoning discourages **integrated uses** like combining housing, shops, and offices.
  - **Disconnect from growth management:** It does not address sprawl, infrastructure strain, or sustainable urban development.
- 

## II. Flexible Zoning Approaches

Flexible zoning techniques were introduced to **address rigidities** in conventional zoning and to allow site-specific and use-specific considerations in development.

### a. Origin and Purpose

Introduced as early as the 1950s, flexible zoning **customizes development** to local needs by linking land use approval with **project-level review**.

### b. Conditional-Use or Special-Use Permits

- Allow **non-permitted uses** in a zone if they are **compatible** with its character.
- Subject to **discretionary review** and must meet specific conditions.
- Example: allowing a school or place of worship in a residential area.

### c. Overlay Zoning Districts

- **Superimposed** on one or more underlying zones to address **special purposes** (e.g., historic preservation, environmental protection).
- Allow **additional regulations** without altering the base zone.

### d. Floating Zones

- Described in the ordinance **but not mapped in advance**.
- Applied through **rezoning**, once a proposal meets the zone's standards.
- Offers **location flexibility** and enables **case-by-case evaluation**.

### e. Planned Unit Development (PUD)

- A large, master-planned area developed in **phases**.
  - Allows **mixed uses, diverse housing**, and **greater design freedom**.
  - Requires integrated planning and approval under special regulations.
- 

### **III. Alternative Zoning and Subdivision Techniques**

These tools provide greater **flexibility and responsiveness** in managing growth and land use impacts.

#### **a. Cluster Development / Conservation Design**

- Permits **variation in lot sizes and setbacks** within a development.
- Preserves **open space**, protects natural resources, and allows **concentration** of buildings in one part of a site.
- Used to protect **agricultural land**, floodplains, and recreational spaces.

#### **b. Performance Standards**

- Focus on **controlling externalities** like noise, odor, glare, traffic.
- Originally used for industrial zoning but expanded to other uses.
- Allows **more land use flexibility** by regulating impacts rather than categories.

#### **c. Performance Zoning**

- Defines development intensity using metrics like **FAR, lot coverage, or impervious surface ratios**.
- Focuses on **outcomes** and **environmental performance** instead of land use types.

#### **d. Point Rating Systems**

- Developers must earn **minimum scores** based on criteria (e.g., open space, affordability).
  - Points may allow higher **development intensity** or fast-track approval.
  - Ensures **quality and compatibility** with community standards.
- 

### **IV. Incentive-Based Zoning**

Uses **rewards** to encourage developments that deliver **public benefits**.

#### a. Incentive Zoning

- Developers are granted **increased building height, density**, or other bonuses.
- In return, they provide benefits like:
  - **Affordable housing**
  - **Public parks**
  - **Public amenities**
- Encourages private sector to participate in achieving **public goals**.

#### b. Inclusionary Zoning

- Mandates or encourages a **portion of housing units** (e.g., 15–20%) to be set aside for **low- or moderate-income families**.
  - Can be:
    - **Mandatory** (set-aside required)
    - **Voluntary** (incentivized)
  - Helps address **housing shortages** and promotes **social integration**.
- 

### V. Unified Development Codes (UDC)

UDCs are a modern response to the need for **streamlined, coherent regulation** of development.

#### a. Purpose and Advantages

- Combine zoning, subdivision, environmental, and design rules into a **single code**.
- Reduces **conflicting standards** and duplication.
- Provides **clarity, consistency, and efficiency** in review processes.

#### b. Consolidation of Zoning and Subdivision Rules

- Merges land use planning with **technical requirements** like street design and utility layout.
- Administered by the **same authority**, enabling integrated decisions.

### c. Types of Development Standards Included

- **Circulation Standards:** Ensure safe and efficient movement of **vehicles and pedestrians**, proper access for **emergency and service vehicles**.
- **Utility Standards:** Specify layout of **water, sewage, and power systems** with maintenance access.
- **Stormwater Standards:** Require management of **runoff** through detention/retention facilities and preservation of **natural drainageways**.

## VI. New Urbanism and Traditional Neighborhood Development (TND)

**New Urbanism** is an urban design movement that promotes the creation of **walkable, compact, mixed-use neighborhoods**, reintegrating various aspects of daily life — housing, work, shops, and recreation — into a cohesive urban fabric.

### Principles of New Urbanism:

- Mixed land uses and housing types
- Compact, pedestrian-friendly design
- Strong sense of place and public space
- Transit accessibility
- Integration with the broader urban and natural context

### Traditional Neighborhood Development (TND):

- TND is a **planning model** that emulates **pre-automobile-era neighborhoods**.
- Encourages human-scale design and a balance of uses.
- Features include:
  - Small blocks and narrow streets
  - Central civic spaces and neighborhood centers
  - Integration of commercial and residential uses
  - Street-oriented building placement

### Regulatory Tools:

- TNDs are enabled by:

- **Special zoning districts**
  - **Floating zones**
  - **TND ordinances**
  - Design codes for **building form, streetscapes, and landscaping**
- 

## VII. Transit-Oriented Development (TOD)

**TOD** is a planning strategy that creates **compact, walkable, mixed-use communities centered around transit stations**, especially rail or bus lines.

### Key Features:

- Higher density near transit stops
- Reduced car dependency
- Focus on **walking, cycling, and transit** use
- Diverse land uses and housing options

### Regulatory Forms:

- Enacted through **overlay zones, special zoning districts, or form-based codes**
  - Emphasize **pedestrian-oriented design**, mixed-use buildings, and high-quality streetscapes
  - Require coordination between **land use planning and transportation infrastructure**
- 

## VIII. Form-Based and Transect-Based Codes

Both approaches shift focus away from traditional land use categories and instead regulate **urban form, design, and character**.

### Form-Based Zoning:

- Emphasizes **building form, mass, and streetscape quality** over specific land use.
- Includes:
  - **Regulating plans** (map where standards apply)

- **Building envelope standards** (height, setbacks, fenestration)
- **Architectural and public realm guidelines**
- Encourages **predictable, walkable environments** while allowing **flexibility in use**.

#### **Transect-Based Codes:**

- Organize land into “**ecozones**” on a continuum from **rural to urban**.
  - Each transect zone includes unique design and development standards.
  - Used to achieve a **gradual intensity of development**, from wilderness and agricultural land to urban cores.
  - Encourages **mixed-use** and discourages strict separation of functions.
- 

## **IX. Sign Regulation**

#### **Purpose:**

Sign regulations aim to ensure that signs are:

- **Safe** for drivers and pedestrians
- **Visually orderly** and free from clutter
- **Consistent with community character**
- **Respectful of freedom of expression**

#### **U.S. Legal Context:**

- Under the First Amendment, signs can be a form of **protected speech**.
- In *Metromedia v. City of San Diego*, the U.S. Supreme Court ruled that:
  - Allowing commercial signs but banning non-commercial signs **violates free speech**.
  - Cities must regulate signs **content-neutrally** and not favor commercial interests.

#### **Ethiopian Context:**

#### **Municipal Sign Regulations:**

- Cities like Addis Ababa and Dire Dawa regulate **placement, size, and content** of signs.
- Local ordinances ensure signage does not create **visual pollution** or safety hazards.
- Guidelines focus on **preserving aesthetics and public order**.

#### **Key Provisions:**

- **Permit Requirements:** Most signs require city approval.
- **Language Rules:** Signs must be in **Amharic**, with English or local languages often added.
- **Content Restrictions:** Signs cannot contain **offensive, misleading, or politically sensitive material**.

#### **Types of Signs:**

- **Business signs** (company advertisements)
- **Traffic signs** (regulated by the Ethiopian Road Authority using international standards)
- **Public signage** (used by government or institutions)

#### **Enforcement and Penalties:**

- Unauthorized signs can be **removed**.
- Violations may lead to **fines or legal action**.
- Regulatory bodies include:
  - **Addis Ababa City Administration Trade Bureau**
  - **Ethiopian Road Authority**
  - **Regional Urban Development Bureaus**



## **LEGAL BASES OF URBAN & REGIONAL PLANNING – SHORT STUDY NOTES**

### **1. Why Study Legal Bases?**

- To understand how planning policies are implemented through legal mechanisms like zoning, subdivision regulation, and historic preservation.
- Planning tools are shaped by **constitutional law, statutory law, and common law**.

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## 2. Types of Law Affecting Planning

Type of Law	Description
<b>Constitutional Law</b>	Includes due process, equal protection, and property rights. Both U.S. and state constitutions apply.
<b>Statutory Law</b>	Laws passed by state or federal legislatures. Most land-use power lies with <b>state law</b> (e.g., enabling acts).
<b>Common Law</b>	Based on court decisions, especially <b>nuisance law</b> (private/public interference with land use).

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## 3. Key Legal Concepts

### Property Rights ("Bundle of Rights")

- Includes rights to: occupy, sell, lease, subdivide, build, mortgage, etc.
- Governed by **laws and zoning ordinances**.

### Police Power

- Government's right to regulate for **health, safety, welfare**.
- Used for zoning, aesthetics, public order.

### Nuisance

- **Private:** interferes with individual's land use.
- **Public:** harms community well-being.
- Zoning initially aimed to reduce nuisance.

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## 4. Due Process & Equal Protection

Concept	Key Points
<b>Due Process</b>	Legal fairness: notice, hearing, and right to defend. Two types: <b>Procedural</b> (fair process) and <b>Substantive</b> (valid reason).

Concept	Key Points
<b>Equal Protection</b>	Everyone must be treated equally under the law.

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## 5. Freedom of Religion & Expression

- Regulated under **First Amendment**.
  - Regulations must not excessively burden religious practice.
  - **O'Brien Test** used for expression regulation: must serve a valid state interest and be neutral in content.
- 

## 6. Eminent Domain & Regulatory Takings

Concept	Explanation
<b>Eminent Domain</b>	Government can take property for public use with <b>just compensation</b> .
<b>Regulatory Takings</b>	Overly restrictive regulations may be considered a “taking” requiring compensation.
<b>Inverse Condemnation</b>	Owner sues for compensation when gov’t doesn’t formally take the land but severely limits use.

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## 7. Development Exactions

- Developers required to contribute to infrastructure (e.g., roads, parks).
  - Must pass tests of **essential nexus** and **rough proportionality**.
- 

## 8. State Enabling Legislation

- Delegates police power to local governments for planning/zoning.
  - Includes procedures, authority, and definitions.
-

## 9. Zoning Basics

Term	Description
<b>Zoning Ordinance</b>	Regulates land use, density, height, setbacks, parking, etc. Includes a <b>zoning map</b> .
<b>District Types</b>	Residential, Commercial, Industrial, Agricultural, Mixed-use, Overlays.
<b>Standards</b>	Use standards, intensity/density, dimensional, development, hazard area, nonconformity.

### 📍 Ethiopia's Zoning

- Guided by **Urban Planning Proclamation No. 574/2008** and **Land Lease Policy Proclamation No. 721/2011**.
  - No national zoning law; applied locally.
- 

## 10. Subdivision Regulation

- Governs how land is divided and prepared for development.
  - Includes plat approvals (preliminary/final), lot design, street layout, utilities, and open space.
  - **Performance guarantees** (bonds) ensure infrastructure is completed.
- 

## 11. Planned Unit Development (PUD)

- Flexible development tool allowing mixed uses and custom standards.
  - Requires rezoning and approval of a **master plan**.
  - Used for large, phased developments.
- 

## 12. Innovations in Zoning

Type	Feature
<b>Flexible Zoning</b>	Allows deviations from standard zoning (e.g., conditional-use permits).
<b>Overlay Zones</b>	Extra rules layered on base zones (e.g., historic districts).
<b>Cluster Development</b>	Smaller lots in exchange for open space.
<b>Performance Zoning</b>	Focus on effects like noise, traffic, not use type.
<b>Inclusionary Zoning</b>	Mandates or incentivizes affordable housing.
<b>Form-Based Codes</b>	Focus on building form, not just use.

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### 13. Sign Regulation

- Must balance **free expression** with safety/aesthetics.
- **Metromedia v. San Diego:** non-commercial signs must be treated fairly.

#### Ethiopian Context:

- **Visual pollution** concerns; regulations enforced in cities like Addis Ababa.
- **Multilingual requirement:** often Amharic + English.