**✅ Short Notes on Legal Bases of Urban & Regional Planning**

**(Sections 1 & 2)**

**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**.

**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**.

**🔹 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

**🔹 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

**🔹 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**

**4. Key Legal Concepts in Planning**

**🔸 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

**🔸 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

**🔸 C. Nuisance**

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

| **Private Nuisance** | **Public Nuisance** |
| --- | --- |
| Affects nearby property owner | 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

**🔸 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)**

**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

**2. Due Process**

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

**🔸 TYPES OF DUE PROCESS:**

**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

**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.

**4. Freedom of Religion and Expression**

**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)**

**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**.

**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.

**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

**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

**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).

**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**.

**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).

**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.

**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 (SEPAs)**
   * 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.

**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**.

**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).

**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**.

**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**.

**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.

**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.

**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**

**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**

**🧱 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.

**🏗️ 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.

**⚖️ 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).

**🚨 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.

**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*

**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**:
  + **Concept Plan**: General vision, including layout, land uses, and open space.
  + **Preliminary Plan**: More detail on lot sizes, road networks, infrastructure.
  + **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.

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*

**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**.

**2. Types of Law Affecting Planning**

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

**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.

**4. Due Process & Equal Protection**

| **Concept** | **Key Points** |
| --- | --- |
| **Due Process** | Legal fairness: notice, hearing, and right to defend. Two types: **Procedural** (fair process) and **Substantive** (valid reason). |
| **Equal Protection** | Everyone must be treated equally under the law. |

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

**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** |
| --- | --- |
| **Zoning Ordinance** | Regulates land use, density, height, setbacks, parking, etc. Includes a **zoning map**. |
| **District Types** | Residential, Commercial, Industrial, Agricultural, Mixed-use, Overlays. |
| **Standards** | 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** |
| --- | --- |
| **Flexible Zoning** | Allows deviations from standard zoning (e.g., conditional-use permits). |
| **Overlay Zones** | Extra rules layered on base zones (e.g., historic districts). |
| **Cluster Development** | Smaller lots in exchange for open space. |
| **Performance Zoning** | Focus on effects like noise, traffic, not use type. |
| **Inclusionary Zoning** | Mandates or incentivizes affordable housing. |
| **Form-Based Codes** | Focus on building form, not just use. |

**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.