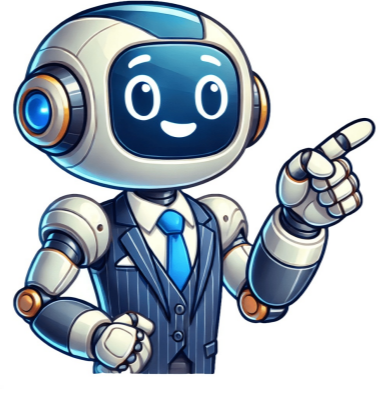


I'm not a robot

































and road networks, health and social services, child day care services, public outdoor recreation areas, schools etc., are adequately established, 11. requirements relating to detailed zoning in respect of parts of the planning area or particular types of project, and guidelines for such plans, 12. requirements relating to further investigations prior to implementation of the plan, and investigations with a view to monitoring and clarifying effects on the environment, health, safety, universal accessibility and other public interests, in connection with implementation of the plan and individual projects within the plan, 13. requirements on the disposition of land-use values and costs related to various joint projects within the planning area pursuant to the Land Consolidation Act, section 20(b), see section 5, second paragraph, 14. which areas are to be set aside for public purposes or as common areas, Section 12-6. Commencement of work on a zoning plan When planning work is commenced, affected public bodies and other interested parties shall be notified. Where the proposer is a party other than the planning authority itself, the planning question shall be put before the planning authority at a meeting. The municipality may give advice on how the plan should be prepared, and may assist in the planning work. The proposer shall in all cases publish notification of the commencement of planning work in at least one newspaper that is commonly read in the locality, and through electronic means. Registered landowners and lessees in the planning area, and as far as possible other rights holders in the planning area and neighbours to the planning area, shall, when they become directly affected, be informed in an appropriate manner that the planning work is to go ahead. Upon notification of commencement and announcement of the planning work, the boundary of the planning area shall be stated. Section 12-9. Consideration of planning programmes in the case of plans with substantial effects In the case of plans which may have substantial effects on the environment and society, planning programmes shall be drawn up pursuant to the provisions of section 4-1. The planning programme may be omitted in the case of specified zoning plans that are in accordance with the land-use element of the municipal master plan or area zoning plan and where the effects are satisfactorily described in an overall plan. A proposal for a planning programme shall be circulated for comment and presented for public scrutiny at the latest upon notification of commencement and announcement of the planning work. The proposal shall also be made available in at least one newspaper that is commonly read in the locality and through electronic means. The time limit for comment shall be at least six weeks. The planning programme shall ordinarily be determined by the municipal council. The municipal council may delegate authority pursuant to the provisions of the Local Government Act. When considering the planning programme the municipal council may decide that an area zoning plan shall be implemented if this is necessary for proper plan clarification and plan implementation in respect of building and construction projects, multi-use and conservation in relation to affected private and public interests. Section 12-10. Consideration of a zoning plan proposal A proposal for a zoning plan shall be circulated for comment and presented for public scrutiny. The planning proposal shall be made available through electronic means. The time limit for comment and for making any objection shall be at least six weeks. Zoning plans with guidelines or limits for future development which may have substantial effects on the environment and society shall contain an impact assessment, see section 4-2, second paragraph. An impact assessment may be omitted in the case of specified zoning plans that are in accordance with the land-use element of the municipal master plan or an area zoning plan and where the effects are satisfactorily described in an overall plan. Registered landowners and lessees, and as far as possible other rights holders in the planning area and neighbours shall, when they become directly affected, be informed in an appropriate manner of the proposed zoning plan and of where it is available. When the time limit for comment expires the municipality shall take the matter up for consideration with the comments received. Section 12-11 also applies to private zoning proposals. Section 12-11. Consideration of a private zoning plan proposal When a proposal for a zoning plan is received by the municipality, the municipality shall as soon as possible, and at the latest twelve weeks or within another time limit that has been agreed with the proposer, decide whether the proposal shall be put forward by being circulated for comment and presented for public scrutiny and considered pursuant to the provisions of sections 12-9 and 12-10. The municipality may concurrently put forward alternative proposals for zoning the land. Should the municipality not find reason to put forward the proposal, the proposer shall be informed by letter. If the proposal is in accordance with the land-use element of the municipal master plan or area zoning plan, a request may be made to put the rejection before the municipal council. Section 12-12. Adoption of a zoning plan When consideration of a proposal for a zoning plan has been completed, it shall be put before the municipal council for adoption, in the event in the form of a choice of alternatives. The case presentation shall show how comments received on the planning proposal and the impacts of the plan have been assessed, and what significance they are assigned. The municipal council must reach a decision at the latest 12 weeks after consideration of the planning proposal is completed. If the municipal council does not agree with the proposal, it may return the matter for renewed consideration. Guidelines may be given for further work on the plan. The municipal council may delegate authority to adopt minor zoning plans pursuant to the provisions of the Local Government Act when the plan is in accordance with limits in the land-use element of the municipal master plan and fewer than four years have elapsed since it was adopted by the municipal council. The municipal council's final decision on the zoning plan may be appealed, see section 1-9. Once the plan is adopted, registered landowners and lessees in the planning area, and as far as possible other rights holders in the planning area and neighbours to the planning area, shall, when they become directly affected, be specially notified by letter. The notification shall contain information on the right of appeal and the time limit for appeal. The plan with a description of the plan shall be announced in at least one newspaper that is commonly read in the locality and be made available through electronic means. Section 12-13. Objection and decision by the Ministry Sections 5-4 to 5-6 apply in respect of objections to a zoning plan. If the objection relates to clearly delimited parts of the plan, the municipal council may nonetheless decide that the other parts of the zoning plan shall have legal effect. The Ministry shall decide whether the objections shall be upheld and may in that connection make such alterations to the zoning plan as are considered necessary. The Ministry may, even if no objection has been made, revoke parts of the plan or make such alterations as are considered necessary, if the plan conflicts with national interests or a regional master plan. This also applies where the plan conflicts with the land-use element of the municipal master plan. The municipality shall have had an opportunity to express its view before the Ministry makes a decision. The Ministry's decision may not be appealed. Section 12-14. Alterations to and revocation of a zoning plan The same provisions apply to the supplementing, alteration and revocation of a zoning plan as to the preparation of a new plan. The municipal council may delegate authority to decide minor alterations to a zoning plan or to decide supplementation within the main lines of the zoning plan. Minor alterations may be delegated to the administration. Before such a decision is made, the matter shall be put before affected authorities, and the owners and lessees of properties that are directly affected by the decision shall be given an opportunity to express their views. See also section 1-9. Section 12-15. Joint consideration of a zoning plan proposal and building application If the municipality and the private party consider it appropriate, an application for a building permit may be considered jointly with a private proposal concerning a zoning plan. In such cases the provisions for zoning plans concerning notification, the time limit for expressing views, the addressee in respect of views expressed and the administrative time limits apply to both decisions. The planning proposal and the building application shall each be decided separately. Chapter 13. Temporary prohibition of a project Section 13-1. Temporary prohibition of a project If the municipality or authority concerned finds that an area should be subject to new planning, it may decide that establishment and alteration of a property or project pursuant to section 1-6 and other projects that are liable to complicate the planning work may not be initiated until the planning question is finally decided. The municipality may consent to a project as mentioned in the first paragraph being implemented if in the municipality's judgement it will not impede planning. If the envisaged plan relates to land for conversion/transformation(?) and renovation involving a zone requiring special consideration and special forms of cooperation and ownership, see sections 11-6(e) and 12-6, the municipality may also decide that the landowner or rights holder may not, without the consent of the municipality, have legal disposal over property in a manner liable to impede or raise the cost of implementing the plan. The municipality shall have such decision registered on the affected properties. Section 13-2. Duration and time limit If the planning question has not been finally decided at the latest four years after the prohibition was imposed, the prohibition shall lapse and the decision registered pursuant to section 13-1, third paragraph, shall be revoked. Any previously submitted proposal for establishment or alteration of a property and application for a building permit shall be immediately taken up for consideration and decision. The municipality may in such case fix property boundaries and the buildings' location, height and building density. Section 13-3. Extension of time limit The municipality may in special cases extend the time limit. Such decision must be made within the expiry of the time limit. When extending the time-limit the municipality or the Ministry may decide that affected landowners shall, immediately or from a specific point in time, be given the right to demand redemption as if the property - or that part of the property that is affected by the building prohibition - had been zoned as a public traffic area, public outdoor recreation area, common area or area designated for transformation (conversion?) and renovation or for state, regional and municipal buildings and cemeteries and cremation gravesites. The provisions of section 15-2 are given corresponding application. Section 13-4. Central government prohibition of building and sectioning In connection with central government planning pursuant to sections 6-3 and 6-4, including in connection with assessment of regional planning provisions, and in other cases where special grounds exist, the Ministry may make a decision as mentioned in section 13-1, first paragraph. The provisions of the Public Administration Act, sections 16 and 27, first and second paragraphs, apply in such case correspondingly in relation to the municipality concerned. V. Impact assessments in relation to projects and plans pursuant to other legislation The provisions of this chapter apply to projects pursuant to other legislation that may have substantial impacts on the environment and society and to specific conservation plans pursuant to the Nature Conservation Act. The purpose of the provisions is to ensure that the environment and society are taken into account during the preparation of the project or plan, and when deciding whether, and on what conditions, if any, the project or the plan may be implemented. Section 14-2. Preparation and consideration of assessment programmes and impact assessments For projects and plans covered by the provisions, a notice including a programme proposal for the assessment process shall be drawn up as early as possible during the preparation of the project or plan. The proposal shall give an account of the project, the need for assessments and arrangements for public participation. The notice including the proposed programme shall be circulated for comment and presented for public scrutiny before the programme is finalised. An application or a planning proposal including an impact assessment shall be prepared on the basis of the finalised assessment programme and circulated for comment and presented for public scrutiny. Section 14-3. Consideration of the impact assessment in the decision on the case The case presentation or grounds for the decision shall show how the impacts of the planning proposal and of comments received on the planning proposal have been assessed, and what significance they are assigned in the decision, particularly as regards choice of alternatives. The decision on the application or plan, with reasons given, shall be made public. In connection with the decision, consideration shall be given, and to the necessary extent conditions imposed, with a view to monitoring and remedying possible negative impacts of substantial significance. The conditions shall be set out in the decision. Section 14-4. Impact assessments in connection with transboundary effects If projects or plans considered pursuant to this chapter may have significant negative environmental impacts in another state, the responsible authority shall alert affected authorities in the state concerned and give them an opportunity to participate in the planning or assessment process pursuant to these provisions. Section 14-5. Costs Costs incurred in preparing a notice with the proposal for an assessment programme and impact assessment shall be borne by the proposer. Section 14-6. Regulations The King may by regulations make provisions concerning which projects and plans are to be covered by this chapter and supplementary provisions concerning assessment programmes and impact assessments. Third part: Implementation Chapter 15. Redemption and compensation Section 15-1. Landowner's right to demand redemption in connection with the land-use element of the municipal master plan If an undeveloped property or a major part of such property is designated in the land-use element of the municipal master plan as land for public traffic areas, public outdoor recreation areas, common areas, public recreation areas or for central government, county and municipal buildings and cemeteries and cremation gravesites, and the property is not zoned or designated for other purposes in the land-use element within four years, the landowner or lessee may demand compensation based on appraisalment, or that expropriation be undertaken immediately, if the restrictions imposed entail that the property can no longer be utilised profitably. If the land is developed, the owner or lessee has the same rights once the buildings have been removed. Section 15-2. Landowner's right to demand redemption in connection with a zoning plan Where a zoning plan entails that the municipality, or other legal entity with the consent of the municipality, has the right pursuant to section 16-2 to expropriate an undeveloped property in its entirety, the landowner or the lessee may demand immediate expropriation where the decision relates to land which is designated in the plan as public traffic areas, public recreation areas, common areas, or for central government, county and municipal buildings and cemeteries and cremation gravesites. The same applies where the right of expropriation encompasses an undeveloped part of a property if the expropriation will cause the property to no longer be regarded as fit to be utilised, based on the entire property's size, location or other factors, in a profitable manner. Claims pursuant to the first paragraph must be filed at the latest three years after the zoning plan was announced pursuant to section 12-12, fourth and fifth paragraphs, or a decision was made known pursuant to section 12-12, last paragraph. If the land is undeveloped, the landowner or lessee has the same rights once the buildings have been removed. The claim must in such case be filed at the latest three years after this point in time. Section 15-3. Compensation for loss in connection with a zoning plan If a zoning plan by virtue of provisions concerning building limits within a road line or for other special reasons entails that a property is spoiled as a building site, and additionally that it can not be utilised in another profitable manner, the municipality shall pay compensation based on appraisalment unless it acquires the property pursuant to section 16-9. The same applies if the zoning plan entails that a property that can only be utilised for agricultural purposes can no longer be operated profitably. In connection with the zoning of nature conservation areas pursuant to this Act, the municipality shall pay compensation based on appraisalment pursuant to the Nature Conservation Act, sections 20, 20(b) and 20(c). Claims for compensation must be filed no later than three years after the zoning plan was announced pursuant to section 12-12, fourth and fifth paragraphs, or the decision was made known pursuant to section 12-12, last paragraph. If the land is developed, the owner or lessee has the same rights once the buildings have been removed. The claim must in such case be submitted at the latest three years after this point in time. Compensation for loss in connection with a zoning plan that is drawn up and adopted by the Ministry or by the municipality pursuant to section 6-4 shall be paid by the central government except as otherwise decided. Where a property is developed in accordance with a zoning plan that gives it a significantly improved utilisation compared with other properties in the area, and the value of the latter is substantially impaired as a result of this, their owners or lessees may, be awarded compensation based on appraisalment from the owner of the first-mentioned property. The compensation amount may not be set higher than the increase in value entailed by the improved utilisation of the property concerned, less the amount of reimbursement that the owner or lessee in such case has been ordered to pay pursuant to the provisions of chapter 18 of the Act as a result of the property's utilisation. Claims for compensation must be filed at the latest three months after the building permit was granted. The owner or lessee of property that is given improved utilisation may demand advance appraisalment to decide the question of compensation once the final zoning plan becomes available. The compensation amount shall fall due for payment when building works are commenced, but at the earliest three months after the amount was finally determined. Chapter 19. Dispensation Section 19-1. Application for dispensation Dispensation requires a reasoned application. Before a decision is made, neighbours shall be notified by means as mentioned in section 21-3. Special notification is however not necessary where the application for dispensation is filed at the same time as an application for a permit pursuant to chapter 20, or where the application clearly does not affect the neighbours' interests. Regional and central government authorities whose field of responsibility is affected directly shall have an opportunity to express their views before dispensation is granted from plans, planning requirements and the prohibition in section 1-8. Section 19-2. Dispensation decision The municipality may grant permanent or temporary dispensation from provisions made in or pursuant to this Act. Conditions may be imposed for such dispensation. Dispensation may not be granted if the considerations behind the provision from which dispensation is granted, or the considerations in the Act's objects clause, are significantly disregarded. In addition, the advantages of granting dispensation must clearly outweigh the disadvantages based on an overall assessment. Dispensation from rules of procedure may not be granted. When dispensation is granted from the Act and regulations to the Act, particular emphasis shall be given to the consequences of such dispensation for health, the environment, safety and accessibility. In the assessment of whether dispensation from plans should be granted, central government and regional frameworks and goals must be assigned particular importance. Moreover, the community should not grant dispensation from plans, provisions of the Act regarding plans and the prohibition in section 1-8 where a directly affected central government or regional authority has expressed a negative view on the application for dispensation. The King may by regulations set a time limit for processing dispensation cases. Section 19-3. Temporary dispensation Temporary dispensation may be granted on a time-limited or indefinite basis. Upon the expiry of the dispensation period, or when ordered to do so, the applicant must at no expense to the municipality remove or alter the work done, or cease the temporarily permitted use, or fulfil the requirement whose postponement has been granted and, if required, restore the previous conditions. Dispensation may be rendered conditional by a declaration in which also the owner or lessee for his part accepts these obligations. Registration of the declaration may be demanded. It is binding on mortgagees and other rights holders in the property regardless of when the right was created and regardless of whether the declaration is registered. Section 19-4. Dispensation authority The authority to grant dispensation rests with the municipality. If it is necessary in order to safeguard national or important regional interests and considerations in specified parts of the shore zone or mountain areas, the King may by regulations temporarily assign the authority to grant dispensation from specific plans, or in respect of specific types of projects, to a regional or central government body. Sixth part: Final provisions The Act enters into force on the date decided by the King. The Planning and Building Act of 14 June 1985 No. 77 Chapters 1 to VII-a shall be repealed from the same date. Section 34-2. Transitional provisions to the planning part The King shall as soon as possible and within two years of the Act's commencement present a document setting out national expectations of regional and municipal planning, see section 6-1. The municipality shall by the end of the first year after the election of a new municipal council and county council prepare and adopt a municipal planning strategy pursuant to section 10-1 and the county authority/regional planning authority must prepare and adopt a regional planning strategy pursuant to section 7-1. Existing national policy guidelines and provisions pursuant to the Planning and Building Act of 1985, section 17-1, shall continue to apply. Changes to such guidelines and provisions shall be made pursuant to the provisions of chapter 6 of this Act. Existing county master plans, municipal master plans, including the land-use element of municipal master plans, zoning plans and building development plans shall apply until they are amended, revoked, replaced or set aside by a new plan pursuant to this Act. The limitation on the right of appeal in section 1-9, second paragraph, second sentence, and in the right to make objections pursuant to section 5-5, last paragraph, apply only in relation to planning decisions made pursuant to this Act. Provisions in and pursuant to the Planning and Building Act of 14 June 1985 No. 77 chapters VIII to XXI, continue to apply in respect of expropriation, site preparation(?), reimbursement, processing of applications, sanctions etc., in respect of plans prepared prior to the commencement of this Act. Earlier zoning plans and building plans remain a basis for expropriation within the ten-year time-limit for expropriation. The exception in the Planning and Building Act of 1985, section 17-2, third paragraph, no.1, in respect of buildings, structures, installations or fencing that are necessary in agriculture shall remain in effect until provisions are adopted pursuant to section 11-11, no. 4, but cease to apply regardless four years after the commencement of the Act. Municipal regulations and bylaws shall apply until they are replaced by new planning provisions, regulations or bylaws. Municipal bylaws made pursuant to the Planning and Building Act section 3, section 69 no. 4, section 78 third paragraph, section 85 third paragraph and section 91(a) first paragraph shall cease to apply no later than eight years after the commencement of this Act. The municipality may grant dispensation from bylaws pursuant to the provisions of chapter 19. Proposals for the land-use element of a municipal master plan, zoning plan and development plan that were presented for public scrutiny upon the commencement of this Act may be finalised pursuant to the provisions in effect when they were presented. The provisions of this Act apply to other plans. In the case of projects requiring an impact assessment pursuant to the provisions of chapter VII-a in the current Act, and where the planning programme has been approved, the impact assessment may be completed pursuant to those provisions. The Ministry may by regulations make further provisions concerning how the provisions of the Planning and Building Act of 14 June 1985 No. 77 shall function together with provisions of the present Act. A zoning plan specifies the use, conservation and design of land and physical surroundings. It consists of a detailed land-use plan map with associated planning provisions and a plan description. The detail level of the plan depends on the purpose of the plan, and whether there is a need for further detailed planning for individual areas. While it is the municipal council that adopts the zoning plan, planning proposals can be put forward by other public actors, or by private actors. An impact assessment is required for zoning plans that may have significant impacts on the environment or society. When is the zoning plan supposed to be prepared? A zoning plan shall always be drawn up before the municipal council can grant permission for major building and construction projects, and for other projects that may have significant impacts on the environment and society. Requirements can also be set for a zoning plan in the land-use element of the municipal master plan. In the municipal planning strategy, the municipality can decide which zoning plans the municipality itself, or in cooperation with other parties, will implement during the coming municipal council term of office. While there is no requirement for a zoning plan for licensable energy plants such as wind power plants, the municipality can prepare a plan for such installations. Area zoning plan and detailed zoning plan There are two types of zoning plans: area zoning plan and detailed zoning plan. The choice of plan type will depend on the level of detail desired and the purpose of the plan. A detailed zoning plan is a plan for the implementation of building and construction projects, multi-use development and conservation. A detailed zoning plan is well suited when plans are to be made for limited projects. A detailed zoning plan is used to follow up and clarify the overall allocation of land in the land-use element of the municipal master plan or in an area zoning plan. While everyone has the right to put forward proposals for detailed zoning plans, it is a statutory requirement that the plan is prepared by experts. The person who puts forward a proposal for a detailed zoning plan, the proposer, is entitled to have the proposal received and considered, and for the municipality to take a position on whether the proposal shall be put forward and presented for public scrutiny. The municipality can put forward alternative proposals. An area zoning plan shows the use of the land and important connections in a larger area. While it is the municipality that prepares an area zoning plan, the municipality can leave it to other authorities and private individuals to carry out the planning work in cooperation with the municipality. Land-use objectives in zoning plans in a zoning plan, the land-use objectives shall be clearly stated for areas to which the plan applies. The land-use objective is shown in a planning map and depicts what types of functions that are to fill the area, what interests or risks exist and what is permitted within the plan. Land-use objectives can be divided into sub-objectives, and combined with other land-use objectives, with zones requiring special consideration and lines, as well as point symbols and labels. The land-use objectives are shown with different colours in the map, which defines what is permitted within the delimited area. For example, the colour yellow on the planning map shows that the area will be used for housing. Light green can be agriculture, nature or recreation objectives, and purple shows commercial buildings. While the land-use objectives are the same for the municipal master plan and zoning plan, there are far more options for combinations and sub-objectives in a zoning plan. Zones requiring special consideration in zoning plans Zones requiring special consideration indicate which special considerations must be taken into account for a given area. Zones requiring special consideration are shown in the planning map and can be used regardless of land-use objective. A special consideration zone can run across different land-use objectives and other zones requiring special consideration. Examples of such zones in the zoning plan may be for danger zones for landslides and floods, areas restricted by other laws, e.g. conservation areas pursuant to the Natural Diversity Act or the Cultural Heritage Act, and noise zones. Zoning plans have the same types of zones requiring special consideration as the land-use element of the municipal master plan, but in the zoning plan the considerations can often be safeguarded by providing detailed provisions for the land-use objectives. Provisions in zoning plans The provisions shall supplement the land-use objectives and zones requiring special consideration shown on the zoning plan map and describe in more detail the conditions for the use of the land. Provisions can be linked to one or more land-use objectives in the plan, or delimited by a special consideration zone. In addition, provisions can be issued that apply to the entire planning area. Planning maps and provisions are formally equivalent, and they must agree. The provisions are an elaboration of the limits established in the planning map itself. The frameworks for such provisions are set out in 14 points in the Act. Provisions that are not authorised in the Planning and Building Act are not valid. A zoning plan shall be able to provide a direct basis for processing of building applications, and the provisions in the zoning plan help to establish the necessary framework for the building application. This may, for example, consist of setting design requirements, conditions for use or protection of nature or buildings, and setting requirements for a special order for the implementation of maps - provisions on order. Plan description Zoning plans shall have a plan description that describes the plan's purpose, main contents and effects, and is adapted to the scope of the individual planning case. It is important that it provides an accurate and good presentation of the planning proposal, and how it alters the planning area and affects the surroundings. In order to provide the best possible basis for public participation and decisions, it is important that the plan description brings out all aspects of a plan and provides a thorough description of the planning proposal. For plans that may have significant impacts on the environment and society, the plan description shall be supplemented with a special assessment and description - an impact assessment - of the plan's impacts on the environment and society. The legal effect of zoning plans An adopted zoning plan is binding for future land use in the area, i.e. the zoning plan decides which use is permitted or prohibited. This means that projects or activities in conflict with the plan are not permitted. The zoning plan does not in principle interfere with existing activities in the area to which it applies. It has no retroactive effect. While the legal effect of the plan applies to the implementation of new projects, planning provisions can in some cases also provide stricter requirements for existing activities, e.g. stricter noise requirements. A building application submitted in accordance with the zoning plan shall be approved. The zoning plan is the basis for expropriation. The legal effect of a zoning plan applies until a new binding plan for all or parts of the area has been adopted. The municipality is responsible for land-use planning, and the municipality can make new zoning plans or alter previous zoning plans as long as a developer has not been granted a building permit. In certain cases, the municipality may also grant a dispensation from the legal effects of the zoning plan. Public participation in zoning plan processes Zoning plans shall be processed in accordance with specific rules for public participation. The person who presents a planning proposal shall facilitate public participation, and the municipality shall make sure that this requirement is met. The municipality also has a special responsibility to include groups that require special facilities. The rules concerning announcement, individual notification and public participation in the planning work ensure that landowners and other affected parties receive information and the opportunity to participate in the planning process. The rules for the preparation and implementation of zoning plans safeguard due process for individuals. The adopted zoning plan shall provide predictability for everyone who is affected by changes in land use.

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