

ZONING OF LAND IN ECONOMICALLY WELL-BEING COUNTRIES

In order to help Ukraine to analyze the need for zoning, it is necessary to consider the practice of zoning in the U.S. and other countries, particularly in Europe, to determine the best ones. However, it found that the zoning in all these countries is very different due to historical, cultural and economic needs of the country. Zoning is not static, it constantly updated, edited and modernized over the world.

In general, the zoning system in Europe can be divided into three categories according to the administrative structures: 1) the local structure - Spain, Germany, Canada, Austria, 2) national structure - Croatia, Iceland, Romania, and 3) the absence of such a structure - Moldova, Slovakia, Armenia .

Many highly developed countries use a two-tier system of zoning. The first level covers a continuous area of the municipality and provides a strategy for growth and development. At this level, defined purpose of the land helps the municipality to decide who should take account of public services such as transportation systems and utilities. The second level covers the entire municipality as well as some of its parts, such as the center of the city planning of streets and land distribution. This level property shows the plans made at the first level, and shows the specific designation of zoning. Documentation of the second level has the power of local legislation and is mandatory for local authorities and private land owners and investors.

During the last few years a number of European countries adopted a system of strategic planning, derived from a common policy, which launched the United Kingdom. The system differs from systems of most countries, since each property owner must have not only the ownership or lease of land, but also a separate right planning. Not just any new construction, but also significantly change of the purpose of the existing property requires permission for planning. Minor changes in the type of purpose use are considered "permitted construction" and not require planning permission.

In Canada, there are two legal documents. First, «Building Code» where these demands of building (each province has its own code). Second - «Comprehensive Zoning By Law Consolidation Town

of North York» - is a practical scheme of functional zoning of the city indicating the limitations of a technical nature and possible uses of a particular land. This zoning is developed by each city individually.

In Germany is fixed three-tier system of planning land use and protection: national, federal and municipal. Each of the 16 federal states have broad powers to establish their own systems of planning and land use regulation.

Thus, in Germany there are 2 cities planning tool areas: a plan for land use and development plan. Originally the plan of land using is developed that defines the border areas and specialization. Then above the plan of land use is the plan of development, which determines the permitted uses of the territory zoning. The procedure for approval of these documents is difficult and long, its main components - environmental study and public discussion. But no authority has provided a building permit if the proposed project is contrary to approved plans. If the investor insists on changing the approved plans it is necessary to under go through again a long and complex approval process plans.

State regulation of relations that emerge according to the use of private land ownership in the United States performed by various ways: subdivision control, building codes, private covenants, zoning, etc. It's considered as a common practice of zoning.

To spread the zoning and ensure uniformity of statutory law in 1924, U.S.A. Department of Commerce has developed and published a model state law authorizing the zoning (Standart State Zoning Enabling Act). Currently, legislation based on the Standard Model Law and in the 20's, operates in most states.

Zoning plan in the U.S.A. is a local development plan and according to the composition of design, calculation and analytical and graphics, it's very similar to the detailed plan of the territory. Developed "American zoning" after approval of plan of use (in the UK - "developer plan") and based on the cadastre - collection register documents of land users and property owners with existing owners of rights to use the coefficients add, reconstruction and new construction. To apply Anglo-Saxon developer experience is impossible, the French experience for Ukraine is closer to implement the principles and methods of planning and city management to access the "prefectural" administrative division of municipalities. That's why it is necessary to reform and implement a new system of zoning of cities.

Taking into consideration foreign experience, not adapted to our specific conditions of the transition state of the economy, social institutions can lead to the discrediting of local regulations. Therefore,

direct application of a foreign practice of zoning is considered unreasonable and not very practical. As in other countries, zoning in Ukraine should reflect its own political history, national culture and needs of the economy. For this purpose Ukraine needs to adopt its own zoning law of the land.

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