

LAND USE PLANNING IN IRAN--A CRITICAL SURVEY*

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The year 1973 is an important one in Iran. It marks the tenth anniversary of the white revolution, the completion of the fourth five year plan and the formulation of the fifth one. The last few years have been one of intense economic growth and of rapid change. The country may look back with justifiable pride on many of its achievements. However, a price had to be paid. The explosive growth of cities, particularly Tehran, brought in its wake a host of urban problems, *e.g.*, urban sprawl, traffic congestion, air pollution, housing shortages, a demand for additional or expanded municipal services, and many others. The authorities concerned perceived that a completely uncontrolled growth could not continue indefinitely and studies and master plans for some of the major cities have been commissioned and prepared. There has also been initiated a framework for continuing operation and updating. Land use planning had come, or more properly returned, to Iran.

It is true to say that the best land use plan is valueless if there is no adequate enforcement machinery. It is the purpose of this article to explore the Iranian approach to land use planning and the legal tools provided for

the implementation of plans, and to try to evaluate their adequacy. The approaches, processes and legal tools will be compared to those developed in the United States in the last fifty years, for the purpose of ascertaining whether the American experience may provide any assistance in the solution of Iranian problems, and *vice versa*. Finally, tentative answers will be sought, whether any further means are necessary to tame megalopolis. However, before this analysis is undertaken, a brief description of the urban planning process and of the law of zoning in America will be given, as background information for the Iranian reader.

I. BACKGROUND

(a) *The Urban Planning Process*⁽¹⁾.

Because land is a scarce commodity, the quantity of which is fixed and the demand for which is distributed very unevenly geographically, it is very important that it be used as rationally and effectively as possible. This is the basic premise on which the planning process is based.

All planning has certain basic attributes. First of all it is future oriented, that is to say it attempts to influence future events. Second, planning is continuous, that is to say goals and means are being periodically reevaluated in the light of changed circumstances. Third, planning is based on an ascertainment of facts, that is to say before you can plan you have to have sufficient data; ascertainment of all facts being impossible, it becomes one of the important value judgments when to stop collecting data and start planning. Fourth, planning should be comprehensive, that is to say a plan will be defective unless it includes a large enough area, geographically or functionally. The planning process here discussed is distinct

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from the planning done by an individual land owner (public or private) with respect to the utilization of his land. The basic difference lies in the fact that the plan being prepared does not concern land owned by the planner, or to be acquired by him, but on the contrary is meant to influence and direct the individual actions and plans of others.

Planning, of course, has many aspects and may be approached in any number of ways. For instance, planning may be negative, that is to say the landowner is told what he may not do with his land, but within the constraints of the plan the choice of what to do, or whether to do anything at all, is his alone. On the other hand, positive planning tells a landowner what he must do with his land and sometime even when he must do it. Similarly, planning may be done by specialized governmental agencies (and this is the kind of planning we are most concerned with in this article), or by private individuals or organizations. However, all planning has certain basic characteristics or stages in common⁽²⁾.

Urban planning is a generic process and for analytical purposes it can be divided into six stages. The special comments about process in the discussion of stages which follows are relevant to solving problems in an urban environment and, indeed, planning land development. Although the evolution of the practice of planning in the United States, and the enforcement of the plan primarily by zoning, resulted in an early concern for the latter, the logic of the process calls first for planning which proposes a land use policy, and second for regulations to enforce such policy. The six stages of an urban planning process, which are briefly described below, may be stated as: (1) recognition; (2) specification; (3) proposal; (4) evaluation; (5) decision and (6) effectuation⁽³⁾.

(1) The recognition of a set of problems by a community often initiates

a planning process. In an urban context, the set of problems usually arise from a lack of coordination between various land developments, public and private. The need to set in motion a process of study, planning and choice of action is recognized.

(2) The specification of goals and objectives follows, with an inquiry into measures to be utilized to achieve the community's aspirations. Statements of categorical goals and specification of objectives demand advance thought about criteria to be used. The criteria and standards to be utilized as measures of achievement are specified early, together with the statement of goals and objectives.

(3) Proposals can be evaluated and explored logically after a careful statement of purpose has been made and the need for regulations and restraints has been anticipated. This exploration includes various future possibilities and alternate courses of action, or more simply, the ends-means relationships. The proposals we are talking about may be either plans or designs; but for the purposes of this article we are primarily concerned with urban land use plans. Master plans, general plans and comprehensive plans are synonymous terms, and the latter one is used throughout this article.

(4) An evaluation of possible approaches to the comprehensive plan requires a knowledge of the urban environment, and of the social, economic, geographical and political forces at play. This type of analysis permeates the entire process, but at this stage it comes to the fore, as the merits of the different approaches are tested, the rigor of application increasing as successive possibilities are discarded. These tests are the culmination of knowledge gained in the previous stages and are made in anticipation of the policy decisions made in the subsequent stages. This evaluation tests only comprehensive plans which make later intelligent choices possible.

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(5) Decision is the stage at which the many participants coordinate their activities and work towards the setting of a policy for the future. The process does not end with the selection of a coercive of action and the comprehensive plan as such has no coercive features so that a landowner may chose to remain indifferent to the advice and guidelines contained therein. However, the event accompanying the decision may be persuasive in future land use controversies, by indicating a consensus in the community. If the comprehensive plan is not based on such a consensus, its efficacy is seriously impaired.

(6) The effectuation of a comprehensive plan may be accomplished by the use of zoning, the essential nature of which is described in the following section, or by the use of other legal tools. This regulatory stage, during which binding standards for the bulk of buildings and uses of land are set, depends on the comprehensive plan for guidance and rational. The land use policies of the comprehensive plan should anticipate zoning regulations, but they are most persuasive when they remain general and aloof from the necessary specificity of zoning ordinances. A surge of knowledge about a particular parcel of land occurs at the time of development, and the policies of the comprehensive plan need to be broad and flexible enough to permit a necessary minimum of accomodation and change. It should be mentioned here that comprehensive plans are implemented not only by legal tools of direct enforcement, such as zoning, but also by other means, *e.g.*, fiscal policies, particularly capital improvement programs, which are not discussed in this article.

As we see the above stages evolve logically, each succeeding one building on the knowledge gained and decisions made in the prior one. However, since the urban planning process is a continious one, the stages may, and

usually do, repeat themselves cyclically. The accumulation of knowledge gained during the effectuation stage is as vital as the repetition of the early stages, to the end that the comprehensive plan retain its vitality and serve as a basis for rational choices. The accumulation of such feedback often results in an amendment of the policy of the comprehensive plan, which will be discussed later.

(b) An Outline of American Zoning Law(4).

For planning to have any effect at all there must be enforcement provisions of some kind, and it is in this context that a lawyer assumes an affirmative role. In the choice of enforcement provisions the legislator may rely either on incentives or on penalties (in most cases some combination of both will be found most effective). The incentives approach rewards the landowner for doing what the plan calls for, by means of tax benefits, direct grants, advantageous loans, etc. The penalties approach, on the other hand, punishes the landowner for doing what the plan prohibits, by means of criminal (fines or imprisonment) or civil (tax penalties, money damages, abatement orders, injunctions) sanctions⁽⁵⁾

Considering the complexities of the problems and of modern, comprehensive plans, the legal enforcement tools have to use a whole host of approaches. However, in the United States, the most important of them, or at least the one most frequently discussed, is zoning. It is based on the police power of the state to protect the safety, health, morals and general welfare of society and consists of the division of a locality into distinct areas or zones. Each zone is defined in terms of permitted and prohibited use, and the height and bulk of buildings is prescribed. Thus a zoning enactment consists of a map, which designates the various zones on the ground, and of a

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text which provides the necessary substantive content, as well as the procedural framework⁽⁶⁾.

Zoning is based on a number of assumptions, some of which have never been subjected to, or are incapable of rigorous proof. It is assumed that certain uses are compatible with each other, while others are not. It is further assumed that it is possible to identify compatible and incompatible uses and to devise a hierarchy of them. This leads to the ultimate assumption that the grouping of compatible uses and the separation of incompatible ones, the degree of separation being dictated by the rank of any given use within the hierarchy, will produce a more rational use of land and advance public welfare.

In a widely followed text the purposes of zoning are defined as⁽⁷⁾:

“designed to lessen congestion in the streets; secure safety from fire, panic and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;... [all with due regard] to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land...”

It becomes at once obvious that some of these objectives may be attained directly through zoning, while others will be affected thereby only indirectly. This rather traditional list is currently being expanded by the inclusion of preservation of historical areas⁽⁸⁾ and enhancement of esthetic values⁽⁹⁾.

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As stated previously, all modern zoning regulates use, height and bulk. Use zoning is predicated on a hierarchy of uses, from the highest (least intensive) to the lowest (most intensive), or, in other words, from single family residences to heavy industry. Such zoning may be either cumulative, which was particularly true of earlier enactments, or noncumulative; in the former all higher uses are permitted in the lower use zones, in the latter some uses are classed as mutually exclusive: *e.g.*, not only is industry and business kept out of residential zones, but residential uses are similarly excluded from industrial areas⁽¹⁰⁾.

Within the zones, when uses are listed, they are further subdivided into permitted uses, accessory uses, and conditional uses. Permitted uses are the primary uses of the zone authorized outright, *e.g.*, a single family residence in a residential zone, or professional offices in a commercial zone. Accessory uses are those authorized in connection with permitted uses, but not otherwise; *e.g.*, a garage to be used in connection with a residence, but not one to be used for rental purposes. Finally, conditional uses are those considered as compatible with permitted uses, but which pose special problems which must be solved on an individual basis; *e.g.*, a church or school in a residential area which might be authorized, subject to special conditions relating to such matters as minimum land area, off-street parking, set-backs, screening from adjoining residences, etc⁽¹¹⁾.

Height and bulk zoning directly controls population densities, and indirectly affects such matters as traffic patterns and needs, quantity and type of public services, employment and shopping patterns, and many others. The former limits, in absolute terms, the height of buildings in some, or all zones. The latter defines the relationship between the total land area involved and the portion thereof which may be covered by buildings and also,

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frequently, the maximum bulk of the buildings in relation to the land.

Recently, and still rather tentatively, zoning has been employed either differently, or towards the solution of new problems. Examples of different applications are so-called planned unit developments⁽¹²⁾ and floating zones⁽¹³⁾. An example of the application of zoning towards the solution of novel problems is flood plain zoning⁽¹⁴⁾.

A planned unit development denotes a large scale residential project in which different types of housing (single family residences, townhouses, low-rise apartment houses, and high-rise apartment houses) are mixed according to the plan, and, more importantly, where bulk regulations are applied on a large area basis, rather than on a lot by lot basis. Floating zones, usually but not exclusively applied to light manufacturing, are fully provided for in the text of the zoning enactment, but no area is designated for them on the zoning map. The zone does not become located on the ground until somebody owning a prescribed minimum amount of land applies that his land be so designated. The designation is not automatic, but, on the contrary, decided each time on an individual basis and subject to appropriate conditions. These conditions again deal with bulk and land coverage, off-street parking, landscaping, screenings, etc.

Flood plain zoning is designed to minimize losses caused by floods, by prohibiting, discouraging or limiting development in floodprone areas. It represents a radical departure from the traditional concept of zoning, the aim of which was and is to foster and encourage designated kinds of development. Because of this, and of the severe impact on the landowner, the validity and extent of the permissible sweep of flood plain zoning have not yet been worked out, but are in the process of definition on a case by case basis.

Finally, and very tentatively, experimentation has started with so-called

performance zones. Traditional use zoning consists of lists of permitted and prohibited uses, based on an estimate of their compatibility. The problem with this kind of an approach is two fold. First, in a rapidly changing world a list soon becomes outdated, particularly in an industrial area, and there are recurring problems of accommodation of new and, therefore, unprovided for uses. Second, the mutual compatibility or incompatibility of uses is based more on impressions than on objective standards. To remedy the situation it is suggested that, instead of a list of specific permitted uses, the enactment authorize any use meeting designated standards in terms of smoke, noise, dust, glare, vibration, radioactivity, heat, odor, etc. The concept, at present, is a highly controversial one and will require a lot more work, study and experimentation before it may become workable⁽¹⁵⁾.

There are relatively few problems when zoning is imposed for the first time on an undeveloped area. However, as is more often the case, when zoning (or rezoning) is imposed on a partly or fully developed area, problems are bound to arise. One of the principal ones is the problem of existing uses which were perfectly legal when established, but which have become illegal because of the zoning ordinance. The terms applied to such uses is that of nonconforming use⁽¹⁶⁾.

First we must establish what a nonconforming use is. As a matter of fact the term has multiple meanings; at least four distinct ones. The use itself may be nonconforming (e.g. manufacturing in a residential zone) or the improvements may be nonconforming (e.g., a multifamily structure in a single residence zone, or a building of excessive height or bulk), This gives rise to at least four combinations: (1) nonconforming use in a nonconforming building (e.g., a gasoline filling station in a residential neighbourhood); (2) nonconforming use in a conforming building (e.g., a commercial

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woodworking shop in a single family residence); (3) conforming use in a nonconforming building (e.g., an apartment house in a multiple residence zone where the building violates height or bulk regulations); (4) nonconforming use without improvements (e.g., outdoor fruit and vegetable market in a residential area). It becomes at once obvious that not all nonconforming uses are equally objectionable⁽¹⁷⁾.

The approach first taken, and that still most prevalent, is that a pre-existing nonconforming use, particularly where improvements are involved, may continue indefinitely. In the early years it was hoped that such uses would gradually go out of existence; experience, however, has proved the contrary⁽¹⁸⁾.

In order to qualify for the status of a lawful nonconforming use, the use involved must have been fully lawful prior to the zoning ordinance involved. If the use was for any reason unlawful (e.g., a substantial violation of the building code) it may be eliminated forthwith⁽¹⁹⁾.

While a lawful nonconforming use may be continued, it is not favored. Therefore, either changes in use or expansions of the use are not permitted. Similarly, although routine repairs are permitted, substantial alterations or rebuilding are not permitted. Where destruction exceeds a specified percentage the nonconforming use is terminated and cannot, thereafter, be resumed again. A nonconforming use may also be terminated by abandonment which involves a combination of nonuse for a reasonable time and intent⁽²⁰⁾.

Because of the generally unsatisfactory experience with the continued presence of nonconforming uses people started thinking about ways of eliminating them. The method being currently experimented with in some jurisdictions is that of amortization. The leading case on the essential validity

of the method is *City of Los Angeles v. Gage*⁽²¹⁾. Under this method the non-forming use is given a period of time during which it must cease. The period depends on the type and magnitude of the investment, degree and kind of nonconformity, etc⁽²²⁾. Of course, nonconforming uses which may be characterized as nuisances may be eliminated outright⁽²³⁾.

Zoning has been chosen for more detailed discussion here because of the importance attached to it by American legal experts and because, at the moment, it seems most relevant to Iranian conditions. However, the reader should bear in mind that there are other legal tools in America, which play important roles in the enforcement of land use plans. The principal ones are: (1) official maps; (2) subdivision regulations; (3) easements, covenants real and equitable servitudes, which are increasingly being referred to as private zoning; (4) the law of nuisance. Eminent domain, taxation and urban renewal must also be mentioned in this connection, they are, however, somewhat on the periphery of this topic, since they have significant and independent roles to play outside the land use planning field. Some of them will be mentioned further in the body of this article⁽²⁴⁾.

The above outline is meant as background information only and does not purport to be detailed or exhaustive; the interested reader is invited to consult the various sources cited in the footnotes for further information. Furthermore, the outline is primarily descriptive in nature and value judgements have been avoided; they are reserved for later on in this paper.

II. IRANIAN LAND USE PLANNING LAW AND PRACTICE

Although law is an accessory to planning, it both precedes and follows the planning process itself. It precedes it because it provides the institutional framework within which the planning process can take place. It succeeds it

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because it provides the enforcement tools through which the plan becomes a reality. For these reasons we will begin our discussion of the Iranian experience with a brief description of the law.

(a) The Legal Framework of Land Use Planning in Iran.

The law of land use planning in Iran is in its infancy. It is deficient both in its institutional framework and in the almost total absence of efficient enforcement provisions. A short description of existing legislation follows.

Iran is a highly centralized country and almost all decisions are made at the national level, although, recently, they are beginning to be efforts made towards some degree of decentralization. Most of the comprehensive plans for Iranian cities have been commissioned (or prepared in special cases) by the High Council for Urban Planning and Architecture, which is now the Deputy for Urban Planning and Architecture to the Ministry of Housing and Urban Development [hereinafter the Deputy] under the reorganization occurring with the adoption of the fifth plan. The Plan Organization, now called the Plan and Budget Organization, has determined and assigned the number, the priorities and the funds necessary for the comprehensive plans, pursuant to the provisions of the Plan Organization Law, only Article 17 of which is directly applicable to our subject matter⁽²⁵⁾. This statutory basis is hardly detailed enough to tell the agency what is expected of it. It is, of course, true that too much detail in an enabling statute may stultify growth and creativity. However, absence of almost any mandate fails to give direction and impetus. A successful statute must, somehow, strike a balance between these extremes and art. 17 fails to achieve it.

Beside art. 17, three separate enactments bear, more or less directly,

on our problem; The Municipal Foundations Law; the Eminent Domain Act; and The Direct Taxation Act. Each component of this trilogy addressed itself to a different facet of the problem, and between them they provide the rudiments of a legal framework. The municipalities give hope for local involvement and continual attention to the process. The tax law provides the main enforcement provisions; originally mainly through inducements, but recent amendments have introduced tax penalties as well. Finally, the eminent domain law makes it possible to provide the necessary public services the plans call for.

The sole criterion for the creation of a municipal corporation under Iranian law is a population concentration of five thousand or more⁽²⁶⁾. Once established, the municipality has the attributes of corporate existence⁽²⁷⁾. The statute provides for city council, elected from wards, for four year terms⁽²⁸⁾. The actual business of the municipality is directed by a mayor, elected by the council for a two year term⁽²⁹⁾. Incidentally, the mayor may, but does not have to be a member of the council. The act also prescribes the procedure to be followed by the city government.

The law lists the municipal duties and functions⁽³⁰⁾, most of which have no relation to land use planning as such. A few of them, primarily those concerned with public facilities (streets, sewers, water, schools, hospitals, etc.), do have a bearing on the realization of the goals of a comprehensive plan, but only very indirectly affect private land use decisions. The only municipal power directly related to the enforcement of plan provisions, as against private land owners, is the authority to issue building permits⁽³¹⁾. This fact has forced considerably more detail on Iranian comprehensive plans than would be considered desirable by most American planners, as more fully discussed in the following section. It also introduces the possibility of

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arbitrary action which, of course, should be avoided as far as possible⁽³²⁾.

In connection with the issuance of buildings permits we must also consider the Urban Renewal Law, which grants to municipalities the power to deny permits for up to three years, while a comprehensive plan for the locality is being prepared⁽³³⁾. This power is somewhat akin to interim zoning in American law⁽³⁴⁾. Otherwise the statute imposes a special levy on land, equal to 5 mills⁽³⁵⁾, the proceeds of which are earmarked for certain kinds of civic improvements pursuant to an urban renewal plan approved by the Ministry of State⁽³⁶⁾. New buildings are exempted from the levy for a period of three years, from the date of completion⁽³⁷⁾.

Another statute relating to the carrying out of objectives of comprehensive plans is the eminent domain law, which authorizes the taking of private land for specific public purposes upon the payment of compensation⁽³⁸⁾. Before condemnation, the municipal betterment plans have to be approved by the Ministry of State⁽³⁹⁾. There is also an interesting provision denying compensation for buildings constructed without a permit⁽⁴⁰⁾. This general statute is supplemented by a special one, which grants eminent domain powers for the specific purpose of the execution of comprehensive plans⁽⁴¹⁾.

The principal Iranian land use planning enforcement tool is the tax law⁽⁴²⁾. As already indicated the provisions consist mainly of tax incentives, ranging upwards to an income tax exemption for fifteen years⁽⁴³⁾. These incentives are given for the purpose of stimulating the construction of medium and low income housing. They have been recently liberalized in order to speed up construction of such housing⁽⁴⁴⁾.

Recent amendments to the statute also utilize tax incentives to channel industrial development away from Tehran. This is done by providing that if factories with a minimum of one hundred workers, and located within a

radius of 60 km. from Tehran move completely beyond a radius of 120 km, from Tehran, they shall be exempt from income taxes for periods ranging from ten to fifteen years⁽⁴⁵⁾. The use of tax incentives for the purpose of attracting foreign capital, in the case of a developing country, may well be fully justified. On the other hand, the use of those incentives to achieve other socially desirable goals is much more questionable⁽⁴⁶⁾. The latest amendments seem to be particularly objectionable, since they may actually foster waste or subsidize inefficiency. A marginal business, which is barely surviving because of poor management, may be tempted to move just for the sake of the tax benefit. At the other extreme, a firm may abandon a plan before the end of its economic life, because the added efficiencies of a new plan, together with the tax benefit, make the move advantageous.

The statute also introduces the rudiments of tax penalties into the arsenal of enforcement techniques. These take the form of additional taxes, on a progressive scale, on unutilized lands within the limits of incorporated cities, subject to certain exemptions⁽⁴⁷⁾. The recent amendments drastically increased the rates, particularly in Tehran, and removed the exemption formerly applicable to gardens⁽⁴⁸⁾. The object of the legislation is the prevention of landhoarding with its influence on prices and urban sprawl. Again the object of the legislation is highly desirable, but the means are questionable. The short compliance period given to landowners, in order to avoid the penalty, may result in a rush of hasty, ill conceived, and in the long run, undesirable developments. This is particularly true in view of the fact that the only criterion given to the landowner to avoid the tax, is the erection of a "suitable structure". Because of the high level of construction activity, which is putting great strains on the supply of building materials and skilled labor, resulting in rapid price rises, measures have been introduced

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to reduce building activity(44). This more or less coincides With the passage of the amendment and may pose insoluble dilemmas for many landowners.

The above legal framework helps to explain some, if not all, of the differences between the land use planning procedures followed in Iran and the United States. It also underscores the urgent need for much greater involvement of Iranian lawyers in the process. The creative potential of the legal profession has not encouraged and utilized.

(b) Iranian Planning Procedures and Practices compared to those of the United States. (5^o)

There are many aspects of a comprehensive plan which are similar in Iran and the United States, including the basic nature of the process involved, but it is the differences, and the reasons for these differences, which are of particular interest to us. In most comparative studies of young and old experiences an assumption is made, that the young one will benefit from the older one. Such an unqualified assumption is not justified in our case, since the American practice has been criticized, while the Iranian practice has had a modicum of success. There are many aspects of American planning which may be helpful to Iranians, but the reverse is also true. With this in mind, we shall first explore the common aspects a comprehensive plan in both countries.

A comprehensive plan in both countries is based on the following common principles:

(1) The plan should be a guide for future development of land for private uses, public facilities, utiliteta and transportation.

(2) The plan should state the reasons for the policier therein conta - ined, and the nature of the social, economic' environmental, esthetic, political and other studies on which they are based.

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(3) The map accompanying the report should, by means of general symbols only show the approximate location and extent of land uses, transportation and other public facilities.

(4) The policy recommendation of the plan should include location; density, intensity, capacity, rank-order, and the approximate amount of land needed for each use.

(5) The plan should have a statement of goals and objectives.

(6) The plan should have a statement of means by which it is to be implemented.

(7) The plan should be long-range, the end of the planning term coinciding with the development of a city to some desired level.

(8) The plan should document what choices were considered in the planning process.

(9) The plan should perform an education function by informing people living in the community about urban issues.

(10) The plan should be advisory and amendable.

With this common background in mind, we now explore the differences. As stated above, Iran lacks adequate legal enforcement tools. The only direct sanction is the power of local officials to deny a building permit, where the comprehensive plan justifies such action.⁽⁵¹⁾ Because of this, and in an effort to restrain land speculation, achieve plan objectives, and implement the policies of location and intensity of land uses, the Iranian comprehensive plan has embraced more precision in its written statement and its map than would be acceptable in its American counterpart.

As a result of these constraints the Iranian comprehensive plan may abandon the symbols and general abstractions in mapping and seek an engineering precision; e.g., it may deal with standards such as the height of buildings. The dilemma facing the Iranian planner is whether to have a

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precise plan or a general one. The precise plan may have more immediate utility and may be actually enforceable through existing procedure; however, it sacrifices flexibility and adaptability to changed circumstances. The general plan may provide a better long-range planning vehicle. but it may require subsequent precise plans for implementation and more administrative discretion, which always poses the danger of arbitrary action.⁽⁵²⁾

Once the comprehensive plan has been prepared and approved, subsequent precise plans are contracted for or done by local planning staffs, where available. This is but one example of a slow trend towards some measure of decentralization. They are required for many public projects⁽⁵³⁾ and also for the purpose of review of proposed private developments. Granting administrative authority to local planners is not entirely new in Iran ; however, the professional training warranting such trusts is not yet available in every city. The strengthening of the professional staffs at the local level is one of the more more urgent tasks, and fully appreciated at the national level. As the local planning staffs are strengthened and their competence increases, we may well see a trend towards more general statements of land use policy in comprehensive plans.

The Iranian comprehensive plan has a predecessor in most cities called a guide plan; the American counterpart is generally known as an interim plan. The two terms are synonymous; both plans are general in nature, deal with the location and balance of activities and facilities, containing a bare minimum of information ; both are superseded upon the adoption of comprehensive plans. There is an exception to the above procedure in the case of Iranian small cities. or those lacking priority for planning funds. In these cases the guide plan may never be superseded by a comprehensive one. However such guide plans may be updated and refined

from time to time, as new information becomes available, until they approximate the general of American comprehensive plans.

The Iranian comprehensive plan is long-range in nature, in that it anticipates the complete development of a city to its ultimate size, as envisaged by the planners and other officials involved. Nevertheless, a short range, five year perspective is included in comprehensive plans to relate them to the capital outlay schedules of the successive national development plans. With this short range feature built in, it was expected that comprehensive plans would be reviewed and revised every five years, and thus kept abreast of rapid changes; however, to date, this has not been done. Comprehensive plans are amendable and should be kept up to date, and, therefore, internal provisions aimed at periodic review are highly desirable. However, a scheme calling for the updating development plan and of the comprehensive plans for all cities at the end of successive five year periods creates a lumpy workload, which may not represent the best use of technical resources, even in a centralized planning milieu, such as Iran.

By contrast, the American comprehensive plan is often complemented by a capital improvement program, which specifies the details of proposed public developments for current five year period, including financial considerations. The capital improvement program performs within its sphere a function similar to zoning, and frees the comprehensive plan of the need of specificity; it may thus maintain its long-range and general nature, permitting the planner to focus on the policies, rather than the regulations. Thus the comprehensive plan remains advisory, rather than regulatory in nature, keeping these two interrelated, but distinct functions separated, to the benefit of both.

An Iranian comprehensive plan is usually prepared by an outside

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consultant working under a contract with the Deputy, and occasionally by his staff. When a preliminary plan is completed, it has to be reviewed and approved by: (1) the staff of the High Council; (2) advisory committee of representatives of the High Council's members and its staff; (3) it must be finally approved by the full High Council, with instructions that a final plan be prepared. and (4) finally by the appropriate city council. Thereafter the procedure is essentially repeated, the final product being again reviewed and approved as above⁽⁵⁴⁾.

On the other hand, a typical American comprehensive plan is prepared by a city planning staff, or by a consultant under a contract with a city. The higher levels of government do not participate directly in the process⁽⁵⁵⁾. The federal government only supplies grants in aid, which help defray the cost of planning, while the various states provide contract supervision. State legislation provides the legal framework, within which the planning process takes place, but the actual initiative to proceed with planning and the planning itself is always done at the local level. The plan as prepared must generally first be approved by a planning commission, which is followed by a formal adoption by the city council. While the preceding statement contains a valid generalization, there are many variations in detail, depending on the enabling legislation of the various states. The variation concern things such as nature and length of notices, types of public hearings and manner in which they are conducted, and the actual procedure of final adoption.

III. CRITIQUE AND RECOMMENDATIONS

The existence of grave urban problems, whether in Iran or in the United States, hardly needs documentation. Urban problems, whether in

Detroit, Los Angeles, or Tehran gives rise to similar headaches: traffic congestion, air pollution, skyrocketing costs of municipal services, to name but a few. It is obvious that land use planning devices, by themselves, cannot solve all of these problems. It is equally true, however, that they can and must play an important role. Each passing day adds new evidence to support the proposition that only an interdisciplinary team approach can begin to tackle them: we can no longer afford the luxury of numerous, essentially independent agencies, each doing its own thing.

We have spent nine months in Iran and, between us, visited most of the principal centers. We have talked to planning and housing officials, as well as to our respective colleague in the Faculty of Law and the Department of Urban Planning of the University of Tehran. We have also visited several other Asian countries. If there is one single fact which stands out in our minds, it is the global character of the challenge. With this in mind we would like to make some tentative recommendation. We are fully aware of the dangers of hasty conclusions, reached after a short time. However, we also take into account the fact that an outsider has sometime the advantage of a fresh look, which makes it possible for him to notice things escape the native, simply due to familiarity.

(a) Recommendations for Iran.

Iran urgently needs more effective urban planning, although it has made a remarkable progress in recent years. One of the foremost needs is an increase of professional personnel at the local level. The country needs also a searching reevaluation of the role of the central government and local authorities in the urban planning process. This should involve a three-tier examination of roles and areas of competence as between the Iranian government in Tehran, the provinces (ostans) and local communities. It should

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concern not only the respective functions in the implementation process, but in the planning as well. Such an evaluation can, and should establish a hierarchy of problems, from the point of view of the governmental level of optimum competence.

The Iranian planner should be freed from the present constraints of a specific plan and given his proper role as a long-range policy maker. The planning and implementation functions, although interrelated and equally important, should be separated, with an incidental benefit to both. The team approach to planning needs to be more fully appreciated, particularly with respect to the lawyer's function in the process. The Iranian bar needs a rethinking of its role; its present role perception in this regard is far too narrow.

In order for the above changes to take effect fully, there must be a revision of the institutional framework. The respective roles of the plan Organization and the Deputy, and their staffs, have to be more fully defined. The Municipal Foundation Law needs revision badly, particularly in the area of municipal powers and duties. A clear statement of the municipal role in the urban planning process is overdue. Any amendments to the law should take into account the critical shortage of professional staffs in many provincial centers; expanded powers and responsibilities should be related to the availability of personnel capable of assuming such increased duties.

The major need of Iranian law in the area is that of expanded and efficient enforcement tools; the present law is completely inadequate for the purpose. We are firmly convinced that Iran should adopt an appropriate form of zoning to help enforce its comprehensive plans. Such legislation, properly implemented, would help the cause of a more rational utilization of urban land, and the diversion of industrial expansion away from Tehran

and to the so called development poles. Such an undertaking, however, should be approached with caution.

Concepts developed in the context of one legal system can, and very frequently are transferable into another one. They are also extremely helpful in starting an inquiry or a train of thought⁽⁵⁶⁾. On the other hand, seldom can actual enactments be copied verbatim, particularly where the cultural backgrounds are very different. This is especially true in an area such as land use planning, where the preferences of the people and modes of living are so inextricably interwoven into the details of a plan.

One example, taken at random, may illustrate what we mean. Bulk regulation in zoning is concerned with the relation of buildings to land. The object of such enactments is to control population densities in accordance with the comprehensive plan, to insure adequate light, air and living space, among others. It seems to us that the concept, as such, is equally applicable to Iran as to the United States. When we come to the specifics of an American zoning ordinance, however, we see that these objectives are attained with reference to the American preference for a free-standing house surrounded by an expanse of lawn. All the requirements of set-back, side-yard and back-yard are oriented towards it. This mode of living, however, is totally foreign to Iran, where, incidentally, there is also a strong preference for single family residences. The Iranian house is inward-oriented, surrounded by a high, black wall and touching its neighbors on both sides. In this setting, the concept of a set-back or side-yards is neither acceptable to the people, nor does it make any sense from the point of view of rational land use. Therefore, should Iran experiment with zoning, including bulk regulations, the actual wording of an enactment would have to be geared to this Iranian life-style. The end result to be achieved would be the same, but

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the way it would be accomplished would be very different.

Bearing this in mind let us see what zoning has to offer Iran. For one thing it would separate the present comprehensive plan into two related, but distinct documents; one concerned with goals and objectives, the other with actual enforcement practices, to the great advantage of both. It would also permit a greater degree of decentralization; the comprehensive plan could be still prepared in Tehran and thus fit into the overall, national pattern, while the zoning ordinance could be adopted locally, so that the details of enforcement could more nearly reflect local variations and preferences. The existence of a detailed zoning ordinance would give a landowner a greater feeling of security, knowing what he may or may not do with his land. At the same time the task of the local enforcement officials would be facilitated and the potential for arbitrary action reduced.

By providing or withholding land zoned for industrial purposes the country could more directly influence the location of new manufacturing establishments. The excessive social cost of tax incentives would be eliminated, or at least reduced, if the coercive tools of zoning were gradually used to replace tax incentives. The term gradually is used advisedly, since care should be taken that a precipitous action not result in the creation of more problems than it solves. As experience is gained, appropriate refinements could be introduced and the optimum mix of incentives and penalties, on a sliding scale, could be developed. We are talking here about rather delicate adjustments, particularly in a developing country in transition, which are influenced by different, and often conflicting policy considerations. Therefore, simplistic either-or approaches will not do, and the desirable ends will have to be achieved by the application of both incentives and penalties, together with direct, public expenditures.

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In devising a hierarchy of uses for zoning purposes, the Iranian lawyer and planner will undoubtedly be assisted by the American experience. At the same time cultural differences have to be constantly kept in mind. We doubt very much that the rigid separation of uses practiced generally in American zoning ordinances would be either desirable or acceptable in Iran. The mutual compatibility or incompatibility of uses would have to be established in the light of Iranian conditions and life styles. At the same time the possibility of using performance standards, even if only partly, should be carefully explored. An ordinance partly based on carefully prepared performance standards, which would be in addition to the more traditional list of uses, would be both more easy to enforce and more flexible to accommodate new or changed conditions.

Concepts such as planned unit developments and floating zones seem to have much to offer to Iran. The former would be fully in harmony with present development patterns of major metropolitan centers; primarily Tehran. However, it would provide balance and, by creating bulk regulations on a large scale, insure open spaces⁽⁵⁷⁾. This again is in line with present efforts to create public parks, greenbelts and reforestation schemes; enforced open spaces in private developments would complement these public works. The latter, particularly with reference to light industry, would provide the necessary standards and guidelines, without forcing a rigid, preconceived pattern on industrial growth. Again, this tool would require properly trained, professional personnel and would have to be strictly supervised, because of the obvious potential for corruption.

Should Iran adopt some form of zoning, it would be imposed, at least in the first instance, on existing urban centers. This means that the problem of prior nonconforming uses would have to be faced from the start. The

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approach to be taken should be decided beforehand and be provided for in the enabling legislation. In light of the American experience some kind of an amortization scheme would seem preferable, with the amortization period depending on the degree of incompatibility of the use, magnitude and degree of permanence of the improvements, and other relevant factors. It should be also explored whether the amortization schedules should be set uniformly at the national level, or whether a certain degree of local discretion should be permitted, whereby the local authorities could vary the periods, and perhaps even the classes, within defined limits. Should the latter choice be made, in order to accommodate local variations, it should again be tied to the availability of properly trained local personnel.

It should also be mentioned that, as the experience in the United States and elsewhere clearly shows, the dividing line between regulation in the interest of the public welfare and appropriation, can, at times, be very thin indeed⁽⁵⁸⁾. Since public funds for desirable ends are always limited, there is a very strong temptation to appropriate private land for public use under the guise of regulation, without the payment of compensation. The exact point at which zoning ends and eminent domain begins will never be located with exactitude. However, the problems are very serious ones, raising basic questions of fairness, public policy and social structure, and should be carefully taken into consideration in the framing of enabling legislation, so that the area of conflict and uncertainty can be narrowed down as much as possible.

Finally zoning, as is true of many other legal tools, may be misused and made to serve socially undesirable ends. An example of such misuse in American law is so called economic zoning, which is made to serve the ends of racial and economic segregation⁽⁵⁹⁾. This kind of development should be

avoided in Iran. The geographical separation of the population on the basis of wealth is already very noticeable in Iran, particularly in Tehran where the wealthy are moving to the northern suburbs and the poor are increasingly confined to South Tehran. However, the separation is not yet rigid, and it would be a tragedy indeed, should it become such as a result of a legislative fiat.

Iran has now entered the era of large scale residential developments, primarily of the highrise variety. Most of these projects are not rental but involve the ownership of apartments, somewhat akin to the American condominium⁽⁶⁰⁾. This being the case, thought should be given to the place of private and use planning⁽⁶¹⁾. Should the decision be made to nurture and encourage this kind of planning, it should be put on a firm legal basis. This would involve Legislation making certain that the plans would be enforceable against nonconsenting remote garuantées. Since the law of easements is well developed in Iranian jurisprudence, the necessary doctrinal basis is already available and would only have to be adapted to the task⁽⁶²⁾. At the same time there would be a need for legal machinery to insure that the private plans are integrated with and complement the public ones. Drawing again on the American experience, the same officials who are entrusted with the enforcement of comprehensive plans and, hopefully, zoning ordinances, should also supervise private planning.

(b) Recommendations for the United States.

As we have said before, comprehensive planning in Iran is done by, or under the direction of the Deputy and his staff. All the policy decisions, however, and the final approval of comprehensive plans is in the hands of a council composed of Ministers with urban development projects and interests

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as well as some other well informed persons in responsible positions⁽⁶³⁾. These individuals are actually involved in the review and approval of comprehensive plans for various cities. This mode of operation has the great advantage of coordinating development at the national level, pooling the resources of the various departments involved. It serves also as a means of communication between the various Ministries putting thus into actual operation the idea that one of the important functions of a plan is the creation of channels for the exchange of information and ideas. No corresponding, comprehensive review exists in the United States and represents one of the great weaknesses of the American planning process. The creation of some kind of review and coordination procedure at the National and state level, which would pool the resources of various agencies involved and keep them fully informed of each others actions, would constitute a great advance in American planning. The Iranian procedure has the further advantage that, if the plan has been properly prepared and there has been meaningful local participation in the process, the desires and aspirations at the grass roots level are directly communicated to the highest level of government.

The other important lesson is that centralization of all planning functions at the national level is no panacea. This is mentioned because, as a result of a reaction to excessive decentralization, there is a clamour for more centralized planning. There is an obvious need for regional and even national approaches to various problems. This does not, however, mean that all decisions are best made at the center. Each problem area must be evaluated separately and a decision made as to the level of government best suited to handle it. There also needs to be made a separate evaluation of this kind for both policy decisions and actual enforcement activities. This kind of analysis, which is long overdue, would be much more constructive than

political competition for power among the various political units. Hopefully Iran and the United States, starting from opposite ends of the scale, and drawing on each others experiences, will move towards a better allocation of planning and enforcement provisions, to the great benefit of both countries.

IV. CONCLUSION

This article does not purport to be a definitive treatment of the subject. Rather, it attempts to focus attention on certain urgent needs and suggest tentative approaches, or at least indicate areas of exploration. We have no vested interests in any particular process or legal tool. We do have, however, considerable experience with both successes and failures of certain experiments, which permits us to evaluate the American experience and its applicability or transferability to Iranian conditions. We have also seen enough of the Iranian approach to decide where it can point up improvements in the American scene.

Iran has an illustrious past in the field of city planning and design. Any visitor to Isfahan is immediately impressed by the grandeur and functionality of the Safavid layout; centered, as it is, on the monumental Royal Square (Maidan-e-Shah). To go back two thousand years, persepolis and Susa were built according to a grand design⁽⁶⁴⁾. In view of such a heritage, Iran should try to avoid the pitfalls of exclusive preoccupation with "progress" measured in statistical terms. Quantity cannot be permitted to become the sole criterion. The dreary, speculative, American subdivision of the 1950's, built for a mass market on the gridiron pattern, should be a warning. The new steel factory city named Ariashahr in Isfahan province has a degree of architectural perfection and a carefully studied layout, but the planners and National Iranian Steel Company seem intent on pursuing a

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"modern" society. The total ownership and control by the latter makes this development an exception to the issues discussed in this article. Whether it succeeds will be judged in time, but at present it is not a convincing model for other new or old cities in Iran.

In final analysis, urban planning processes are, or should be concerned with the quality of human environment. They must be but a component, albeit a very important one, of the total concern for nature and the quality of life. The rapidly deteriorating condition of the Caspian Sea and the Persian Gulf are warning signals⁽⁶⁵⁾. Action on the national and international level is called for. With this added urgency, the strengthening of land use planning practices in Iran, and their placement on a firm but flexible legal basis, should receive priority consideration.

FOOTNOTES

- * This article is being published simultaneously in Iran and the United States in essentially the same form. The main difference between the two is part I. BACKGROUND which, in the Iranian version, consists of a summary of American planning processes and zoning law and in the American version, consists of a brief description of Iran.
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1. For more detailed treatment of the subject see, *e.g.*, F. CHAPIN, URBAN LAND USE PLANING (1965); A. GALLION & S. EISNER, THE URBAN PATTERN (2d ed. 1963); M. WOLFE & R. SHINN, URBAN DESIGN WITHIN THE COMPREHENSIVE PLANNING PROCESS (1970); Hear, *The Master Plan: An Impermanent Constitution*, 20 Law & Contemp. Prob. 353 (1955).
2. For an excellent, short discussion, see D. HAGMAN, URBAN PLANNING AND LAND DEVELOPMENT CONTROL LAW 1 - 16 (1971).
3. For a summary of the comprehensive plan, see Appendix I.
4. The Standard, multi volume treatises on zoning, in inverse chronological order, are: R. ANDERSON, THE AMERICAN LAW OF ZONING (1968); E. YOKLEY, ZONING LAW and PRACTICE (3d ed. 1965); C. RATHKOPF, THE LAW OF ZONING AND PLANING (3d ed. 1956); J. METZENBAUM, THE LAW OF ZONING (2d ed. 1955). For an excellent, shorter treatment, see D. HAGMAN, *supra*, note 2, at 66-244.
5. For a graphic representation, see Appendix II.
6. See generally D. HAGMAN, *supra*. note 2, at 100-113.
7. Standard State Zoning Enabling Act sec. 3 Dep't of Commerce, 1926 rev.).
8. *E.g.*, D. HAGMAN, *supra*. note 2, at 96-3.
9. *Id.* at 93-6.
10. *Id.* at 106-8.
11. *Id.* at 102-6.
12. For a thorough discussion of the concept. see Symposium, *Planned Unit Development*. 114 U. Pan L. Rev. 8 (1965).

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13. *E.g.*, D. HAGMAN, *supra.* note 2, at 117-19.
14. *E.g.*, Barike, *Dredging, Filling and Flood Plain Regulation in Michigan*, 17 Wayne L. Rev. 859 (1971).
15. *E.g.*, York, *Controlling Urban Noise Through Zoning Performance Standards*, 4 Urban Law. 689 (1972); Gillespie, *Industrial Zoning and Beyond: Compatibility Through Performance Standards*, 46 J. Urban L. 723 (1969).
16. For a general discussion of nonconforming uses see, *e.g.*, D. HAGMAN, *supra.* note 2, at 146-62.
17. *Id.* at 147.
18. *Id.* at 147-48.
19. *Id.* at 148-49.
20. *Id.* at 149-54.
21. 127 Cal. App. 2d 442, 274 P. 2d 34 (1954).
22. For further discussion see, *e.g.*, Graham, *Legislative Techniques for the Ameritization of the Nonconforming Use*, 12 Wayne L. Rev. 435 (1966).
23. *E.g.*, D. HAGMAN, *supra.* note 2, at 160-62.
24. For discussions of all of these legal tools see, *id.* at 270-76, 245-64, 296-309, 289-95.
25. Law of Planning and Budgeting of Farvardin, 1352, art. 197.
26. Municipal Foundations Law, art. 1.
27. *Id.* art. 3.
28. *Id.* art. 4, 6 & 35.
29. *Id.* art. 29.
30. *Id.* art. 39.
31. *Id.* art. 39, sec. 30.

32. That this is not merely speculation is attested to by the recent discovery of widespread corruption in the town planning department of Tehran, in connection with the issuance of building permits. *Keyhan International*, May 20, 1973, at 3, col. 17; also editorial, *keyhan international*, may 21, 1973, at 4, col. 1.
33. Urban Renewal Law, art. 23, sec. 1.
34. See, e.g., D. HAGMAN, *supra*. note 2, at 84-5.
35. Urban Renewal Law, art. 2.
36. *Id.* art. 15.
37. *Id.* art. 4.
38. Law Relating to the Development of Arterials and Other Necessities of Cities, art. 1 & 4.
39. *Id.* art. 2.
40. *Id.* art. 11.
41. The Law Relating to the Fourth National Development Plan, art. 29.
42. Direct Taxation Act of Esfand 28, 1345, as amended.
43. *Id.* art. 100 & 110.
44. Amendments of Esfand, 1351.
45. *Id.* art 99, Notes 1 & 5.
46. For a discussion of tax incentives and a comparison with direct expenditures, see, e.g., Surrey, *Federal Income Tax Reform: The Varied Approaches Necessary to Replace Tax Expenditures with Direct Governmental Assistance*, 84 Harv. L. Rev. 352 (1970); Mekee, *The Real Estate Tax Shelter: A computerized Expose*, 57 Va. L. Rev. 521 (1971).
47. Direct Taxation Act of Esfand 28, 1345, art. 214.
48. Amendments of Esfand, 1351, art. 215 and Note 3. To Javoid the new tax penalties improvements have to be made within one year.

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49. In order to reduce building activity the Central Bank of Iran imposed credit restrictions for building activities on the banking system, Keyhan International, May 7, 1973, at 2, col. 7. When this was deemed inadequate, particularly in Tehran, the city imposed a temporary freeze on the issuance of building permits, particularly of highrise structures and office buildings. *Id.*, May 15, 1973, at 2, col. 2.
50. For discussions of American planning procedures and practices see, in addition to the works cited in note 2, *supra.*, W. GOODMAN & J. KAUFMAN, CITY PLANNING IN THE SIXTIES (1965); T. KENT, THE URBAN GENERAL PLAN (1964); Loewenstein & McGrath, *The Planning Imperative in America's Future*, 405 *The Annals* 15 (1973). The discussion in this article is also based on Prof. Shinn's experiences as urban planner, teacher and researcher. The best sources of information about Iranian planning practices are the reports of United Nations Consultants who came to Iran at the invitation of the government and conducted studies. The principal ones are: G. KONDRACKI, URBANIZATION AND REGIONAL PLANNING IN IRAN (1967); G. KONDRACKI, URBAN AND MASTER PLANNING IN IRAN (1968); P. TOWFIGHI, HOUSING BUILDING AND PHYSICAL PLANNING IN IRAN (1972). The text of this section, however, is largely based on numerous interviews and conferences which Prof. Shinn had with the Deputy and staff for Urban Planning and Architecture in Tehran, as well as with local planning officials in Shiraz, Bander Abbas, Bushehr, Abadan, Ahwaz, Rasht, Ramsar, Mashad, Isfahan, Rezaiyeh and Zahedan.
- Similarly Prof. Bartke had many interviews and conferences with housing officials, primarily at the Housing Organization of Iran.

51. Municipal Foundations Law, art. 39, sec. 30.
52. See note 32, *supra*.
53. *E.g.*, Urban Renewal Law, art. 15.
54. See Appendix III for the actual time involved and the present state of comprehensive planning for large Iranian cities. Appendix IV summarizes planning activities for the years 1345-51.
55. For a short discussion of the embryonic planning efforts at higher levels, see, *e.g.*, D. HAGMAN, *supra*, note 2, at 36-8. For an excellent, short discussion of intergovernmental relationships, see Wood, *Intergovernmental Relationships in an Urbanizing America*, in *URBANA MERICA: THE EXPERT LOOKS AT THE CITY* 41 (P. Moynihan ed., 1970).
56. For a recent, eloquent plea for more cooperation in the field of comparative law, see Zweigert, *Comparative Law and Legal Development*, 6 *Law & State* 16 (1972).
57. The problem is a real one. Two government assisted, highrise residential projects, in which the occupants will own their apartments, have recently been completed in Tehran, known as the Behjatabad and Sa'i. The projects were formally opened by the Shahanshah who, according to press reports, was dissatisfied with the amount of open space provided and called on planners to remedy this in the future. Keyhan International, May 28, 1973, at 1, col. 1.
58. See, *e.g.*, Johnson, *Constitutional Law and Community Planning*, 20 *Law & Contemp. Prob.* 199 (1955); Dunham, *A Legal and Economic Basis for City Planning*, 58 *Colum. L. Rev.* 650 (1958); Sax, *Taking and the Police Power*, 74 *Yale L.J.* 36 (1964); Michelman, *Property, Utility, and Fairness: Comments on the ethical Foundations of "Just Compensation"*

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- Law*, 80 Harv. L. Rev. 1165 (1967). For the German experience, see Raiser, *The Constitutional Guarantee of Property and Town Planning*, 5 *Law & State* 7 (1972).
59. For a discussion of this problem see, e.g., Sager, *Tight Little Islands: Exclusionary Zoning, Equal Protection, and the Indigent*, 21 *Stan. L. Rev.* 676 (1969); Williams & Wacks, *Segregation of Residential Area Along Economic Lines: Lyonshead Lake Revisited*, 1969 *Wis. L. Rev.* 827; Jackson, *Attacking the Affluent Islands: A Legal Strategy for the 70's*, 1961 *Urban L. Ann.* 3; Pratter, *Gateway to Frustration: Housing in St. Louis*, 4 *Urban Law.* 746 (1972); branfman, Cohen & Torbek, *Measuring the Inevitable Wall: Controls and the Residential Patterns of the Poor*, 82 *Yale L.J.* 483 (1973).
60. The leading textbook on American condominium law is P. ROHAN & N. RESKIN, *CONDOMINIUM LAW AND PRACTICE* (1965); see also Berger, *Gondominium: Shelter on a Statutory Foundation*, 63 *Colum. L. Rev.* 986 (1963); Kenin, *Condominium: A survey of Legal Problems and Proposed Legislation*, 17 *U. Miami L. Rev.* 145 (1962).
61. For a short discussion of private land use planning in the United States, see, e.g., D. HAGMAN, *supra.* note 2, at 296-309.
62. Civil Code of Iran art. 93-108.
63. For the historical background and development of the council, see G. KONDRACKI, *URBANIZATION AND REGIONAL PLANNING IN IRAN* 24-5 (1967).
64. For a discussion of the uses and importance of monumentality, see Johnson, *Why do We Want Our Cities Ugly*, in *THE QUALITY OF MAN'S ENVIRONMENT* 145 (S. Ripley ed. 1968); also Braunfels, *Institutions and Their Corresponding Ideals*, in *id.* at 61; Von Eckardt, *Urban*

Design, in URBAN AMERICA: THE EXPERT LOOKS AT THE CITY 119 (D. Moynihan ed. 1970).

65. The pollution of the Caspian Sea has reached alarming proportions. The Tehran Journal, May 24, 1973, at 3, col. 4. An Iranian delegation has left for Moscow for urgent talks with the U.S.S.R. Keyhan International, June 2, 1973, at 1, col. 7, and *id.* June 3, 1973, at 4, col. 5. There is also increased evidence of pollution of the Persian Gulf and Iran is considering a call for joint action by the littoral states. *Id.* June 3, 1973, at 4, col. 3. An international conference on the Mediterranean, which opened in Beirut, was warned that the sea was in danger of dying. *Id.* June 5, 1973, at 2, col. 7.

APPENDIX I

Comprehensive Plan	Elements		
Contents	Land Use	Transportation	Community Facilities
Policies	class, density, intensity, location, area.	mode, capacity, hierarchy, location.	service, capacity, hierarchy, location.
Principles	neighborhood concept balance tax base and service costs.	demand, mode and hierarchy relationships.	service area and hierarchy relationships.
Objectives	preservation of property values.	access, convenience of movement.	provision of services.
Determinants	population, disposable income, employment, existing city	traffic generation, distribution, existing networks.	population distribution, age, sex, taxable property.
Basic Studies	inventory, analysis, forecast of activity.	origin-destination, modal split, feasibility.	sufficiency - deficiency, market analysis, feasibility.
Implementation Programs	zoning, urban renewal, subdivision.	arterial, capital improvement program.	capital improvement program
Related Planning Programs	<ul style="list-style-type: none"> — environmental impact statements — regional planning — social consequences — urban design 		