

# City Planning Act

(Act No. 100 of June 15, 1968)

## Contents

Chapter I General Provisions (Article 1 through Article 6)

Chapter II City Planning

Section 1 Details of City Planning (Article 6-2 through Article 14)

Section 2 Decisions on and Revisions to City Plans (Article 15 through Article 28)

Chapter III Restrictions etc. in City Planning

Section 1 Regulation of Development etc. (Article 29 through Article 52)

Section 1-2 Regulation of Building etc. in Areas Scheduled for Urban Development etc. (Article 52-2 through Article 52-5)

Section 2 Regulation of Building etc. in Areas for Urban Development Facilities etc. (Article 53 through Article 57-6)

Section 3 Regulation of Building etc. in Scenic Areas (Article 58)

Section 4 Regulation of Building etc. in Areas for District Planning etc. (Article 58-2 and Article 58-3)

Section 5 Land Use Measures etc. in Unused Land Promotion Areas (Article 58-4 through Article 58-11)

Chapter IV City Planning Projects

Section 1 Approval etc. of City Planning Projects (Article 59 through Article 64)

Section 2 Execution of City Planning Projects (Article 65 through Article 75)

Chapter V Deliberations etc. of the Infrastructure Council and Prefectural City Planning Councils etc. (Article 76 through Article 78)

Chapter VI Miscellaneous Provisions (Article 79 through Article 88-2)

Chapter VII Punitive Provisions (Article 89 through Article 97)

## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to promote the sound development and orderly improvement of cities by stipulating the details of city planning and decision procedures therefor, city planning restrictions, city planning projects and any other necessary matters concerning city planning, thereby contributing to well-balanced national development and the promotion of public welfare.

(Fundamental Principle of City Planning)

Article 2 City plans shall be established based on the fundamental principle that healthy, cultural urban lifestyles and functional urban activities should be secured while maintaining a healthy balance with the agriculture, forestry and fishery industries, and that reasonable land use under due regulation should be promoted for this reason.

(Responsibilities of the National and Local Governments and Residents)

- Article 3 (1) National and local governments are obliged to endeavor to adequately implement improvement, development and other plans for cities.
- (2) City residents shall cooperate with measures that national and local governments enact to achieve the purpose of this Act and are obliged to make efforts to develop a good urban environment.
- (3) National and local governments are obliged to endeavor to propagate knowledge and provide information on city planning to the residents of cities.

(Definitions)

- Article 4 (1) "City plan" as used in this Act means a plan concerning land use, improvement of urban facilities, and urban development projects for the sake of promoting the sound development and orderly improvement of cities pursuant to the provisions of the next Chapter.
- (2) "City planning area" as used in this Act means an area designated in accordance with stipulations in the immediately following Article; and "quasi-city planning area" refers to an area designated pursuant to the provisions of Article 5-2.
- (3) "District or zone" as used in this Act means a district, zone or block listed in the items of paragraph (1), Article 8.
- (4) "Project promotion area" as used in this Act means those areas listed in the items of paragraph (1), Article 10-2.
- (5) "Urban facility" as used in this Act means those facilities listed in the items of paragraph (1), Article 11 that are to be stipulated in a city plan.
- (6) "City planning facility" as used in this Act means those facilities listed in the items of paragraph (1), Article 11 that have been stipulated in a city plan.
- (7) "Urban development project" as used in this Act means those projects listed in the items of paragraph (1), Article 12.
- (8) "Area scheduled for urban development etc." as used in this Act means those areas listed in the items of paragraph (1), Article 12-2.
- (9) "District planning etc." as used in this Act means those plans listed the items of paragraph (1), Article 12-4.
- (10) "Buildings" as used in this Act mean buildings stipulated in item (i), Article 2 of the Building Standards Act (Act No. 201 of 1950), and "build" refers to the

act of building stipulated in item (xiii) of the same Article.

- (11) "Special structures" as used in this Act means concrete plants or other structures that may degrade the environment of the surrounding area as stipulated by Cabinet Order (hereinafter referred to as "category 1 special structures"); or golf courses or other large-scale structures stipulated by Cabinet Order (hereinafter referred to as "category 2 special structures").
- (12) "Development activity" as used in this Act means altering the zoning, shape or quality of land to make it available mainly for the construction of buildings or special structures.
- (13) "Development area" as used in this Act means an area of land on which development activities are conducted.
- (14) "Public facilities" as used in this Act mean roads, parks and other facilities made available for public use as stipulated by Cabinet Order.
- (15) "City planning projects" as used in this Act mean projects for the improvement of a city planning facility and urban development projects implemented pursuant to the provisions of this Act having obtained permission or approval under provisions set forth in Article 59.
- (16) "Executor" as used in this Act means the individual that executes a city planning project.

(City Planning Area)

Article 5 (1) The Prefectures shall designate as city planning areas those areas in cities, or in applicable town and village central urban areas that meet conditions for population, number of employed individuals and other matters stipulated by Cabinet Order, that require integrated urban improvement, development and preservation in due consideration of natural and social conditions and the current situations and shifts in population, land use, traffic volume and other matters stipulated by Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. When necessary, areas that extend beyond the said municipality may also be designated as city planning areas.

- (2) In addition to the areas designated in accordance with the provision of the preceding paragraph, the Prefectures shall designate as city planning areas any urban development areas defined under the National Capital Region Development Act (Act No. 83 of 1956), urban development areas defined under the Kinki Region Development Act (Act No. 129 of 1963), urban development areas defined under the Chubu Region Development Act (Act No. 102 of 1966), and any other areas that require new development and preservation as residential cities, industrial cities or as other types of cities.
- (3) When the Prefectures attempt to designate city planning areas pursuant to the provisions of the preceding two paragraphs, they must hear the opinions of the relevant municipalities and the Prefectural City Planning Council in

advance, and they must confer with and obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism.

- (4) Regarding city planning areas that extend over two or more Prefectures, the Minister of Land, Infrastructure, Transport and Tourism-notwithstanding the provisions of paragraphs (1) and (2)-shall hear the opinions of said Prefectures in advance and make a designation. In this case, the relevant Prefectures must hear the opinions of the relevant municipalities and the Prefectural City Planning Council in advance of offering their opinion.
- (5) Designation of city planning areas shall be executed by public notice pursuant to the provisions of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism.
- (6) The provisions of the preceding paragraphs shall apply mutatis mutandis to the revision or abolition of city planning areas.

#### (Quasi-City Planning Areas)

Article 5-2 (1) The Prefectures may designate as quasi-city planning areas those areas outside of city planning areas in which the construction of a considerable number of buildings and other structures (hereinafter referred to as "buildings etc.") or land preparation is actually conducted, including areas in which construction is scheduled, giving due consideration to natural and social conditions, the current situation of land use regulations set forth in the Act Concerning Establishment of Agricultural Promotion Areas (Act No. 58 of 1969), and the current situation and developments concerning other matters stipulated in Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism, and where it is recognized that that future integrated city improvement, development and preservation risks hindrance if measures are not taken to organize land use or conserve the environment.

- (2) When the Prefectures attempt to designate quasi-city planning areas pursuant to the provisions of the preceding paragraph, they must hear the opinions of the relevant municipalities and the Prefectural City Planning Council in advance.
- (3) Designation of quasi-city planning areas shall be executed by public notice pursuant to the provisions of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism.
- (4) The provisions of the preceding three paragraphs shall apply mutatis mutandis to the revision or abolition of quasi-city planning areas.
- (5) When all or part of a quasi-city planning area is designated as a city planning area, said quasi-city planning area shall be abolished or changed to an area that does not overlap said city planning area notwithstanding the provisions of the preceding paragraph.

(Basic Surveys Concerning City Planning)

Article 6 (1) Approximately every 5 years, the Prefectures shall conduct surveys of the current situation and forecasts of population size, working population per industry, urban land area, land use, traffic volume and any other matters stipulated in Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism to serve as basic surveys concerning city planning pursuant to the provisions of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) When deemed necessary, the Prefectures may conduct surveys of the current situation and forecasts of land use and any other matters stipulated in Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism to serve as basic surveys concerning city planning in quasi-city planning areas pursuant to the provisions of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) When deemed necessary to conduct the basic surveys pursuant to the provisions of the preceding two paragraphs, the Prefectures may request the municipalities to submit documents and provide other necessary cooperation.

(4) The Prefectures must notify the mayors of the relevant municipalities of the results of the basic surveys conducted in accordance with the provisions of paragraphs (1) or (2) pursuant to the provisions of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism.

(5) The Minister of Land, Infrastructure, Transport and Tourism -- when deemed necessary to enforce this Act -- may request from the Prefectures the results of the basic surveys conducted in accordance with the provisions of paragraphs (1) or (2).

## **Chapter II City Planning**

### **Section 1 Details of City Planning**

(Policy for Improvement, Development and Preservation of City Planning Areas)

Article 6-2 (1) Regarding city planning areas, the policy for improvement, development and preservation of said city planning areas shall be set forth in city plans.

(2) The following matters shall be set forth in the policy for improvement, development and preservation of city planning areas:

(i) Objectives of the city plan;

(ii) Whether or not a decision has been made on area classification stipulated in paragraph (1) of the immediately following Article, and if applicable, the decision-making policy for said area classification;

- (iii) In addition to the matters listed in the preceding items, the policy for major city planning decisions concerning land use, urban facility improvement and urban development projects.
- (3) City plans stipulated for city planning areas (including urban facilities established outside of city planning areas pursuant to provisions in the second sentence of paragraph (1) in Article 11 (hereinafter referred to as "out-of-area urban facilities") must be grounded in the policy for improvement, development and preservation of city planning areas.

(Area Classification)

Article 7 (1) When deemed necessary to prevent unregulated urbanization and promote planned urbanization in city planning areas, classification between urbanization promotion areas and urbanization control areas (hereinafter referred to as "area classification") may be stipulated in city plans. However, area classification for the following city planning areas shall be stipulated.

- (i) City planning areas that include all or part of the following land areas:
  - (a) Existing urban areas provided for in paragraph (3), Article 2 of the National Capital Region Development Act or suburban development else provided for in paragraph (4) of the same Article.
  - (b) Existing urban areas provided for in paragraph (3), Article 2 of the Kinki Region Development Act or suburban development else provided for in paragraph (4) of the same Article.
  - (c) Urban areas provided for in paragraph (3), Article 2 of the Chubu Region Development Act.
- (ii) In addition to areas listed in the preceding items, city planning areas established by Cabinet Order in large cities.
- (2) Urbanization promotion areas shall be those areas where urban areas have already formed and those areas where urbanization should be implemented preferentially and in a well-planned manner within approximately the next 10 years.
- (3) Urbanization control areas shall be those areas where urbanization should be controlled.

(Urban Redevelopment Policy etc.)

Article 7-2 (1) Regarding city planning areas, necessary items shall be stipulated in city plans according to the following policy (hereinafter referred to as "urban redevelopment policy etc.").

- (i) Policy for urban redevelopment pursuant to the provisions of paragraph (1) or paragraph (2), Article 2-3 of the Urban Renewal Act (Act no. 38 of 1969);
- (ii) Policy for development of residential urban areas pursuant to the provisions of paragraph (1), Article 4 of the Act on Special Measures

Concerning the Promotion of Housing and Residential Land Supply in Major Urban Areas (Act No. 67 of 1975);

(iii) Policy for development of core business urban areas pursuant to the provisions of Article 30 of the Act Concerning the Promotion of the Development of Regional Core Urban Areas and the Relocation of Facilities for Industrial Business (Act No. 76 of 1992);

(iv) Policy for disaster prevention block improvement pursuant to the provisions of paragraph (1), Article 3 of the Act Concerning the Promotion of Disaster Prevention Block Improvement in Concentrated Urban Areas (Act No. 49 of 1997. Hereinafter referred to as "Concentrated Urban Areas Development Act").

(2) City plans stipulated for city planning areas (including those concerning out-of-area urban facilities) must be grounded in the urban redevelopment policy.

(Districts and Zones)

Article 8 (1) Regarding city planning areas, the following districts, zones and blocks shall be established as necessary:

(i) Category 1 low-rise exclusive residential districts, category 2 low-rise exclusive residential districts, category 1 medium-to-high-rise exclusive residential districts, category 2 medium-to-high-rise exclusive residential districts, category 1 residential districts, category 2 residential districts, quasi-residential districts, neighborhood commercial districts, commercial districts, quasi-industrial districts, industrial districts, and exclusive industrial districts (hereinafter collectively referred to as "use districts");

(ii) Special use districts;

(ii)-2 Special use restriction districts;

(ii)-3 Exceptional floor area ratio districts;

(ii)-4 High-rise residential attraction districts;

(iii) Height control districts or high-level use districts;

(iv) Specified blocks;

(iv)-2 Special urban renaissance districts provided for in paragraph (1), Article 36 of the Act on Special Measures Concerning Urban Renaissance (Act No. 22 of 2002);

(v) Fire prevention districts or quasi-fire prevention districts;

(v)-2 Specified disaster prevention block improvement zones provided for in paragraph (1), Article 31 of the Concentrated Urban Areas Improvement Act;

(vi) Landscape zones provided for in paragraph (1), Article 61 of the Landscape Act (Act No. 100 of 2004);

(vii) Scenic districts;

(viii) Parking place development zones provided for in paragraph (1), Article 3 of the Parking Places Act (Act No. 106 of 1957);

- (ix) Port zones;
  - (x) Special historic natural features conservation zones provided for in paragraph (1), Article 6 of the Act on Special Measures Concerning Conservation of Historic Natural Features of Ancient Cities (Act No. 1 of 1966);
  - (xi) Category 1 or category 2 special historic natural features conservation zones provided for in paragraph (1), Article 3 of the Act on Special Measures Concerning Conservation of Historic Natural Features and Development of Living Environment etc. in Asuka Village (Act No. 60 of 1980);
  - (xii) Green space conservation districts provided for in Article 5 of the Urban Green Space Conservation Act (Act No. 72 of 1973), special green space conservation districts provided for in Article 12 of the same Act or tree planting districts provided for in paragraph (1), Article 13 of the same Act;
  - (xiii) Distribution business zones provided for in paragraph (1), Article 4 of the Act Concerning the Improvement of Urban Distribution Centers (Act No. 110 of 1966);
  - (xiv) Productive green zones provided for in paragraph (1), Article 3 of the Productive Green Space Act (Act No. 68 of 1974);
  - (xv) Conservation zones for clusters of traditional structures provided for in paragraph (1), Article 83-3 of the Cultural Properties Protection Act (Act No. 214 of 1950);
  - (xvi) Aircraft noise control zones or aircraft noise control special zones provided for in paragraph (1), Article 4 of the Act on Special Measures Concerning Countermeasures against Aircraft Noise around Specified Airports (Act No. 26 of 1988).
- (2) Regarding quasi-city planning areas, districts or zones provided for in items (i) through (ii)-2, (iii) (limited to the section pertaining to height control), (vi), (vii), (xii) (limited to the section pertaining to green space conservation districts provided for in Article 5 of the Urban Green Space Conservation Act) or (xv) shall be established as necessary.
- (3) Regarding districts and zones, the following matters shall be stipulated in city plans:
- (i) Type of district or zone (for special use districts, the type of special use district that clarifies the special purpose that should be achieved with its designation), location and area;
  - (ii) Matters stipulated in the following items for each of the following districts or zones listed:
    - (a) Use districts: Floor-area ratio of buildings (ratio of the total floor-area of buildings to the site area. The same shall apply hereinafter) provided for in paragraph (1), Article 52, items (i) through (iv) of the Building Standards Act and the minimum site area for buildings provided for in item (i),



- paragraph (2), Article 53 of the same Act (Concerning minimum site area for buildings, this is limited to those cases in which it is necessary to secure the urban environment in the said district);
- (b) Category 1 low-rise exclusive residential districts or category 2 low-rise exclusive residential districts: Building coverage ratio (ratio of the building area to the site area. The same shall apply hereinafter.) provided for in item (i), paragraph (1), Article 53 of the Building Standards Act; the minimum required setback distance from the external wall provided for in Article 54 of the same Act (limited to those cases in which it is necessary to conserve a favorable dwelling environment for low-rise housing); and building height limits provided for in paragraph (1), Article 55 of the same Act;
  - (c) Category 1 medium-to-high-rise exclusive residential districts, category 2 medium-to-high-rise exclusive residential districts, category 1 residential districts, category 2 residential districts, quasi-residential districts, neighborhood commercial districts, commercial districts, quasi-industrial districts, industrial districts, or exclusive industrial districts: Building coverage ratio provided for in items (i) through (iii) and (v), paragraph (1), Article 53 of the Building Standards Act;
  - (d) Special use restriction districts: Outline of uses of special buildings etc. that should be restricted;
  - (e) Exceptional floor area ratio districts: Maximum height limit of buildings (limited to those cases in which it is necessary to secure the urban environment in the said district);
  - (f) High-rise residential attraction districts: Maximum floor-area ratios and building coverage ratios for buildings (limited to those cases in which it is necessary to secure the urban environment in the said district; the same applies to paragraph (16) of the immediately following Article) provided for in item (v), paragraph (1), Article 52 of the Building Standards Act, and minimum site area for buildings (limited to those cases in which it is necessary to secure the urban environment in the said district; the same applies to paragraph (16) of the immediately following Article);
  - (g) Height control districts: Maximum or minimum height of buildings (Maximum height of buildings in quasi-city planning areas; the same applies to paragraph (17) of the immediately following Article);
  - (h) High-level use districts: Maximum and minimum floor-area ratio, maximum building coverage ratio, minimum building area of buildings, and restrictions on the location of walls (Restrictions on the location of walls are limited to those walls that face roads (including planned roads defined in city plans; the same applies in the immediately following item.) within the site and with which a functional space must be secured to

improve the urban environment; the same applies to paragraph (18) of the immediately following Article);

(i) Specified blocks: Floor-area ratio of buildings, maximum height of buildings and restrictions on the location of walls

(iii) Other matters stipulated by Cabinet Order

(4) In addition to matters provided for in items (i) and (iii) of the preceding paragraph, matters that should be stipulated in city plans concerning special urban renaissance districts, specified disaster prevention block improvement zones, landscape zones and green space conservation districts shall be stipulated separately by an Act.

Article 9 (1) Category 1 low-rise exclusive residential districts are districts designated to conserve a favorable dwelling environment for low-rise housing.

(2) Category 2 low-rise exclusive residential districts are districts designated primarily to conserve a favorable dwelling environment for low-rise housing.

(3) Category 1 medium-to-high-rise exclusive residential districts are districts designated to conserve a favorable dwelling environment for medium-to-high-rise housing.

(4) Category 2 medium-to-high-rise exclusive residential districts are districts designated primarily to conserve a favorable dwelling environment for medium-to-high-rise housing.

(5) Category 1 residential districts are districts designated to conserve the dwelling environment.

(6) Category 2 residential districts are districts designated primarily to conserve the dwelling environment.

(7) Quasi-residential districts are districts designated to conserve the dwelling environment concordant with the promotion of convenience to conduct business suitable to the roadside characteristics of the region.

(8) Neighborhood commercial districts are districts designated to promote the convenience to conduct commercial business and other businesses whose primary concern is the provision of daily necessities to residents of residential areas in the neighborhood.

(9) Commercial districts are districts designated primarily to promote the convenience to conduct commercial business and other businesses.

(10) Quasi-industrial districts are districts designated primarily to promote convenience for industries that are not likely to degrade the environment.

(11) Industrial districts are districts designated primarily to promote convenience for industries.

(12) Exclusive industrial districts are districts designated to promote convenience for industries.

(13) Special use districts are districts designated within use districts to promote

land use suitable to the characteristics of said district and to realize a special purpose, such as environmental protection, that complement the designation of said use districts.

- (14) Special use restriction districts -- located in districts containing land without a use designation (excluding urbanization control areas) -- are districts designated to outline the use of special buildings etc. that require restriction to ensure that reasonable land use in line with the characteristics of said district is implemented in order to develop or maintain a favorable environment
- (15) Exceptional floor area ratio districts -- adequately situated and located in category 1 medium-rise exclusive residential districts, category 2 medium-rise exclusive residential districts, category 1 residential districts, category 2 residential districts, quasi-residential districts, neighborhood commercial districts, commercial districts, quasi-industrial districts, industrial districts, or exclusive industrial districts that contain land on which public facilities stand -- are districts designated to promote high-level land use by utilizing building floor area deemed unused pursuant floor-area ratio limits provided for in paragraphs (1) through (9), Article 52 of the Building Standards Act.
- (16) High-rise residential attraction districts are districts in which maximum floor area, maximum building coverage ratio and minimum site area of buildings are established within the floor area ratio of 400% or 500% in city plans concerning category 1 residential districts, category 2 residential districts, quasi-residential districts, neighborhood commercial districts, or quasi-industrial districts as provided for in item (ii), paragraph (1), Article 52 of the Building Standards Act in order to make appropriate divisions between residential and non-residential uses and to attract highly-convenient high-rise residential buildings.
- (17) Height control districts are districts designated within use districts for which maximum or minimum building heights are stipulated in order to maintain the urban environment or to promote enhanced land use.
- (18) High-level usage districts are districts in which maximum and minimum limits on the ratio of the total floor area of buildings to the site area, maximum floor-area ratio, minimum building coverage ratio, minimum building area of buildings, and restrictions on the location of walls are stipulated in order to promote reasonable and sound high-level land use and to improve urban functions in use districts.
- (19) Specified blocks are blocks designated within districts where the improvement and development of blocks will be implemented to promote the renewal of urban areas, and in which the maximum floor-area ratio, building height, and restrictions on the location of walls are stipulated.
- (20) Fire prevention districts or quasi-fire prevention districts are designated to control fire hazards in urban areas.

(21) Scenic districts are districts designated to maintain the scenic beauty of cities.

(22) Port zones are zones designated to manage and administer harbors.

Article 10 In addition to the provisions provided for expressly in this Act, restrictions on buildings and other structures in the districts in zones shall be provided for separately by an Act.

(Project Promotion Areas)

Article 10-2 (1) Regarding city planning areas, the following areas shall be stipulated as necessary in city plans:

- (i) Urban redevelopment promotion areas provided for in paragraph (1), Article 7 of the Urban Renewal Act;
  - (ii) Land readjustment promotion areas provided for in paragraph (1), Article 5 of the Act on Special Measures Concerning the Promotion of Housing and Residential Land Supply in Major Urban Areas;
  - (iii) Residential-block construction promotion areas provided for in paragraph (1), Article 24 of the Act on Special Measures Concerning the Promotion of Housing and Residential Land Supply in Major Urban Areas;
  - (iv) Land readjustment promotion areas for core business urban development provided for in paragraph (1), Article 19 of the Act Concerning the Promotion of the Development of Regional Core Urban Areas and the Relocation of Facilities for Industrial Business.
- (2) In addition to the type, name, location, area limits, and other matters stipulated by Cabinet Order, other matters concerning project promotion areas stipulated in separate Acts shall be stipulated in city plans.
- (3) Restrictions regarding the construction of buildings and other activities within project promotion areas shall be stipulated separately by an Act.

(Unused Land Use Promotion Areas)

Article 10-3 (1) When the need arises in city planning areas, unused land use promotion areas shall be designated in city plans for those areas that satisfy the following conditions:

- (i) Land in the said area has not been used for a considerable period of time for housing, project facilities or any other use and satisfies other conditions stipulated by Cabinet Order;
- (ii) The fact that the land in said area satisfies the conditions of preceding item leads to an extreme impairment in promoting the planned use of land in or around said area;
- (iii) Promoting effective and appropriate use of land in said area contributes to enhancing functions in said city;

- (iv) The scope of the area is approximately 5000 m<sup>2</sup> or more;
- (v) Said area is located within an urbanization promotion area.
- (2) The name, location, area limits, and other matters stipulated by Cabinet Order concerning unused land use promotion areas shall be stipulated in city plans.

(Urban Disaster Recovery Promotion Area)

- Article 10-4 (1) When the need arises in city planning areas, urban disaster recovery promotion areas shall be designated in city plans provided for in paragraph (1), Article 5 of the Act on Special Measures Concerning Disaster-Stricken Urban District Reconstruction (Act No. 14 of 1995).
- (2) In addition to the name, location, area limits, and other matters stipulated by Cabinet Order, other matters concerning urban disaster recovery promotion areas stipulated in separate Acts shall be stipulated in city plans.
  - (3) Restrictions regarding the construction of buildings and other activities within urban disaster recovery promotion areas shall be stipulated separately by an Act.

(Urban Facilities)

- Article 11 (1) Regarding city planning areas, the following facilities shall be stipulated as necessary in city plans: In especially necessary cases, these facilities may be stipulated for areas outside of said city planning area.
- (i) Roads, urban rapid-transit railroads, parking places, motor vehicle terminals and other traffic facilities;
  - (ii) Parks, green areas, classes, cemeteries, and other open spaces for public use;
  - (iii) Waterworks, electricity supply facilities, gas supply facilities, sewer systems, wastewater treatment facilities, garbage incinerators, and other supply and treatment facilities;
  - (iv) Rivers, canals, and other waterways;
  - (v) Schools, libraries, research facilities, and other educational and cultural facilities;
  - (vi) Hospitals, nursery schools, and other medical and social welfare facilities;
  - (vii) Markets, slaughterhouses, and crematoria;
  - (viii) Collective housing facilities (i.e., collective housing facilities with 50 or more dwellings per estate, attached roads and other facilities);
  - (ix) Collective government and public office facilities (i.e., national or local government buildings and attached roads and other facilities);
  - (x) Distribution business parks;
  - (xi) Other facilities at stipulated by Cabinet Order.
  - (2) The type, name, location, area limits, and other matters stipulated by Cabinet

Order concerning urban facilities shall be stipulated in city plans.

- (3) Regarding roads, rivers, and other urban facilities stipulated by Cabinet Order -- in addition to what is provided for in the preceding paragraph -- when it is necessary to promote appropriate and reasonable land use, the multi-level limits of underground or open spaces of said urban facilities may be stipulated in city plans. In such cases, when stipulating multi-level limits underground, the minimum offset distance from said multi-level expanse and the maximum load (including loads set according to said offset distance) may also be stipulated.
- (4) In addition to matters stipulated in this Act, matters concerning urban facilities pertaining to urban disaster prevention provided for in Article 30 of the Concentrated Urban Areas Development Act, urban facilities pertaining to resolutions of or changes to city plans pursuant to paragraph (1), Article 51 of the Act on Special Measures Concerning Urban Renaissance and urban facilities and distribution business parks pertaining to city plans established upon additional discussion pursuant to the provisions of Article 19 of the Urban Railway Promotion Act (Act No. 41 of 2005) that should be stipulated in city plans shall be stipulated separately by an Act.
- (5) Regarding the urban facilities listed below, the scheduled executors of city planning projects for the urban facilities concerned may be stipulated in the city plans from among national agencies or the local government for those urban facilities listed in the item (i) or (ii), and from the individuals provided for in Article 10 of the Act Concerning the Improvement of Urban Distribution Centers for those urban facilities listed in item (iii), except in cases stipulated in the provisions of paragraph (1), Article 12-3.
- (i) Collective housing facilities with an area of at least 20 hectares;
  - (ii) Collective government and public office facilities;
  - (iii) Distribution business parks
- (6) City plans in which the scheduled executors for urban facilities have been designated pursuant to the provisions of the preceding paragraph cannot be changed to city plans in which scheduled executors are not designated.

(Urban Development Projects)

Article 12 (1) Regarding city planning areas, the following projects shall be stipulated as necessary in city plans:

- (i) Land readjustment projects provided for in the Land Readjustment Act (Act No. 119 of 1954);
- (ii) New housing and urban development projects provided for in the New Housing and Urban Development Act (Act No. 134 of 1963);
- (iii) Industrial park development projects provided for in the Act Concerning the Development of the Suburban Consolidation Zone and Urban

- Development Zones of the National Capital Region (Act No. 98 of 1958) and industrial park development projects provided for in the Act Concerning the Development of the Suburban Consolidation Zone and Urban Development Zones of the Kinki Region (Act No. 145 of 1964);
- (iv) Urban redevelopment projects provided for in the Urban Renewal Act;
  - (v) New urban infrastructure projects provided for in the New Urban Infrastructure Act (Act No. 86 of 1972);
  - (vi) Residential-block construction projects provided for in the Act on Special Measures Concerning the Promotion of Housing and Residential Land Supply in Major Urban Areas;
  - (vii) Disaster prevention block improvement projects provided for in the Concentrated Urban Areas Development Act.
- (2) The type, name, execution area and other matters stipulated by Cabinet Order concerning urban development projects shall be stipulated in city plans.
- (3) Regarding land readjustment projects, the location of public facilities and matters concerning building lots, in addition to the provisions of the preceding paragraph, shall be stipulated in city plans.
- (4) In addition to the provisions of this Act, matters that should be stipulated in city plans concerning urban development projects shall be provided for separately by an Act.
- (5) Regarding urban development projects listed in items (i), (iii) or (v), the scheduled executors of said urban development projects may be stipulated in the city plans from among the individuals designated as executors in the Acts concerning these projects (excluding paragraph (1), Article 45 of the New Housing and Urban Development Act), except in cases stipulated in the provisions of paragraph (1), Article 12-3.
- (6) City plans pertaining to urban development projects for which scheduled executors have been designated pursuant to the provisions of the preceding paragraph cannot be changed to city plans in which scheduled executors are not designated.

(Scheduled Areas for Urban Development Projects Etc.)

Article 12-2 (1) Regarding city planning areas, the following scheduled areas shall be stipulated as necessary in city plans:

- (i) Scheduled areas for new housing and urban development projects;
- (ii) Scheduled areas for industrial park development projects;
- (iii) Scheduled areas for new urban infrastructure projects;
- (iv) Scheduled areas for collective housing facilities with an area of at least 20 hectares;
- (v) Scheduled areas for collective government and public office facilities;
- (vi) Scheduled areas for distribution business parks.

- (2) The type, name, area limit, scheduled executor and any other matters stipulated by Cabinet Order concerning scheduled areas for urban development projects etc. shall be stipulated in city plans.
- (3) For scheduled projects listed in items (i) through (iii) or (vi) in paragraph (1), the scheduled executors shall be stipulated in the city plans from among the individuals designated as executors in the Acts concerning these projects (excluding paragraph (1), Article 45 of the New Housing and Urban Development Act), and for scheduled projects listed in items (iv) and (v), they shall be designated from national agencies or the local government.
- (4) When city plans concerning scheduled areas for urban development projects etc. are stipulated, the city plans for the urban development projects or for urban facilities construction in the scheduled areas for urban development projects etc. must be stipulated within three years from the day on which the notification concerning said city plan is issued pursuant to the provisions of paragraph (1), Article 20.
- (5) When city plans for urban development projects or for urban facilities construction in areas scheduled for urban development projects etc. are stipulated within the period provided for in the preceding paragraph, said city plans shall cease to be effective going forward on the day following the day on which the period provided for in the preceding paragraph terminates, if they have not been stipulated after a lapse of 10 days counting from the day following the day on which the notification concerning said city plan is issued pursuant to the provisions of paragraph (1), Article 20.

(Matters to be Stipulated in City Plans Concerning Urban Development Projects or Urban Facilities Construction in Scheduled Areas for Urban Development Projects etc.)

Article 12-3 (1) City plans for urban development projects or for urban facilities construction in scheduled areas for urban development projects etc. shall stipulate scheduled executors.

- (2) Execution areas or areas and the scheduled executors of city plans provided for in the preceding paragraph must be the areas and the scheduled executors stipulated in the city plans for the scheduled areas for urban development projects etc.

(District Planning Etc.)

Article 12-4 (1) Regarding city planning areas, the following plans shall be stipulated as necessary in the city plans:

- (i) District plans;
- (ii) Disaster prevention block improvement zone plans provided for in paragraph (1), Article 31 of the Concentrated Urban Areas Development Act;



- (iii) Historic scenery maintenance and improvement district plans provided for in paragraph (1), Article 31 of the Act Concerning the Maintenance and Improvement of Historic Scenery (Act No. 40 of 2008);
  - (iv) Roadside district plans provided for in paragraph (1), Article 9 of the Act Concerning the Improvement of the Areas along Trunk Roads (Act No. 34 of 1980);
  - (v) Rural district plans provided for in paragraph (1), Article 5 of the Rural Districts Improvement Act (Act No. 63 of 1987).
- (2) The type, name, location, area limit and any other matters stipulated by Cabinet Order concerning district plans shall be stipulated in city plans.

(District Plans)

Article 12-5 (1) District plans are plans to improve, develop, and conserve favorable environments that suit the qualities of each block through uniformity in building design, public facilities layout, and the layout of other facilities and shall be stipulated in areas with land that falls under any of the following items:

- (i) Areas with land designated as use districts;
  - (ii) Of areas without land designated as use districts, those that fall under any of the following sub-items:
    - (a) Areas with land on which projects concerning the development of urban residential areas or on which the preparation of other buildings or land will be conducted or has been conducted;
    - (b) Areas with a certain measure of land on which disorderly construction of buildings or site preparation has been conducted or is scheduled to be conducted, and on which there a risk that an inadequate block environment may be established as is determined from the state of public facilities development, land use trends etc.
    - (c) Areas with land on which favorable dwelling environments or other types of excellent block environments have been established in residential urban areas.
- (2) In addition to the provisions of paragraph (2) in the immediately preceding Article, the following matters regarding district planning shall be stipulated in city plans.
- (i) Objectives of said district plan;
  - (ii) Policy concerning improvement, development and preservation of said area;
  - (iii) Plans concerning the construction of roads, parks, and other facilities stipulated by Cabinet Order (hereinafter referred to as "zone facilities") to be used primarily by the residents in block, the construction of buildings etc. and land use (hereinafter referred to as "district development plans").
- (3) Regarding district plans in areas that satisfy the following conditions, to

promote reasonable and sound high-level usage and enhance urban functions, urban areas which should undergo uniform and comprehensive redevelopment or development improvement (hereinafter referred to as "redevelopment promotion districts" may be stipulated in city plans:

- (i) Areas with land whose usage is currently changing significantly or is certainly expected to change significantly;
  - (ii) Areas with land that requires the construction of public facilities of adequate location and scale in order to promote reasonable and sound high-level usage;
  - (iii) Areas with land on which promoting high-level usage of land in said area contributes to enhancing urban functions in said city;
  - (iv) Areas with land designated as use districts.
- (4) Regarding district plans in areas that satisfy the following conditions, to promote the enhancement of convenience for commerce or other business activities through the construction of theaters, shops, restaurants or other large-scale buildings that accommodate these types of uses (hereinafter referred to as "specified large-scale buildings"), urban areas which should undergo uniform and comprehensive development improvement (hereinafter referred to as "development improvement promotion districts") may be stipulated in city plans:
- (i) Areas with land whose usage is currently changing significantly or is certainly expected to change significantly;
  - (ii) Areas with land that requires the construction of public facilities of adequate location and scale to promote the enhancement of convenience for commerce or other business activities through the construction of specified large-scale buildings;
  - (iii) Areas with land on which the enhancement of convenience for commerce or other business activities through the construction of specified large-scale buildings contributes to enhancing urban functions in said city;
  - (iv) Areas with land designated as category 2 residential districts, quasi-residential districts, or industrial districts or areas with land with no designated use districts (excluding urbanization control areas).
- (5) Regarding district plans that stipulate redevelopment promotion districts or development improvement promotion districts, in addition to matters listed in paragraph (2), the following necessary matters for said redevelopment promotion districts or development improvement promotion districts shall be stipulated in city plans:
- (i) Basic policy for land use;
  - (ii) Location and scale of roads, parks and other facilities stipulated by Cabinet Order (excluding city planning facilities and zone facilities).
- (6) When stipulating redevelopment promotion districts or development

improvement promotion districts in city plans, and when projects for the construction of public facilities that should be built along with other buildings and site preparation are not expected to be conducted for the time being, and when exceptional circumstances arise such that the location and scope of other facilities provided for in item (ii) of the preceding paragraph cannot be stipulated, the stipulation of location and scope of those facilities provided for in the same item for said redevelopment promotion districts or development improvement promotion districts shall not be required.

- (7) Of the following matters listed for district development plans (excluding minimum floor-area ratio for buildings, minimum building area for buildings and minimum height for buildings etc. in district development plans for urbanization control districts), those matters required to achieve the objectives of the district plan shall be stipulated
- (i) Location and scope of zone facilities;
  - (ii) Use restrictions for buildings etc., maximum and minimum floor-area ratios for buildings, maximum floor coverage ratios for buildings, site area for buildings or minimum building area, restrictions on the location of walls, restrictions on structure placement in the wall setback area (i.e., the area of land between the line established as the limit on the restriction on wall location and the outer boundary of the site; the same shall apply hereinafter), maximum and minimum height of buildings etc., restrictions on the shape, color or other designs of buildings etc., minimum green coverage ratio of buildings (i.e., the green coverage ratio provided for in the Urban Green Space Conservation Act), and any other matters concerning buildings etc. stipulated by Cabinet Order;
  - (iii) Matters concerning the conservation of existing woodlands, grasslands and other areas required to secure a favorable dwelling environment;
  - (iv) In additions to the matters listed in the preceding three items, any other matters concerning land use stipulated by Cabinet Order;
- (8) When stipulating district plans in the city plans, in cases where there are exceptional circumstances that make it impossible to stipulate district development plans for all or part of the said areas, the stipulation of district development plans for all or part of the said areas shall not be required. In such cases, when stipulating district development plans for part of the areas with district plans, the areas for the district development plans concerning said district plans must be stipulated in city plans.

(District Development Plans Stipulated upon Classification into Plans in Which the Maximum Floor-Area Ratio of Buildings Is Based on the Qualities of the Area and Plans Which Are Based on Conditions of Public Facility Construction)

Article 12-6 In district development plans, when it is deemed especially necessary to promote the appropriate and reasonable use of land in areas with land on which public facilities of an adequate location and scale have not been built, maximum floor area-ratio for buildings listed in item (ii), paragraph (7) of the immediately preceding Article shall be classified into the figures in each of the following items, and figures listed in item (i) may be stipulated to exceed figures listed in item (ii).

- (i) Figures based on the qualities (in redevelopment promotion districts and development improvement promotion districts, the qualities of the area after land use has changed in accordance with the basic policy for land use) of the area of said district development plan;
- (ii) Figures based on conditions of public facility construction within the area of said district development plan.

(District Development Plans That Classify Areas and Adequately Allocate Building Floor Area)

Article 12-7 In district development plans (excluding those for redevelopment promotion districts and development improvement promotion districts; the same shall apply hereinafter), when adequately allocating the floor-area ratio of buildings in areas with land on which there are public facilities of adequate location and scale within the use district is deemed especially necessary in order to promote reasonable land use based on characteristics of the area of said district development plan, the areas of said district development plan shall be classified and the maximum floor area-ratio for buildings listed in item (ii), paragraph (7), Article 12-5 shall be stipulated. In such cases, the total value obtained when multiplying the maximum floor-area ratio of buildings stipulated for each division of the area of the district development plan by the area of each said area must not exceed the total value obtained when multiplying the floor area ratio of buildings stipulated each use district of the area of the district development plan by the area of each said area.

(District Development Plans to Promote High-Level Usage and the Renewal of Urban Functions)

Article 12-8 In district development plans (excluding those for redevelopment promotion districts and development improvement promotion districts) for areas with land on which public facilities of an adequate location and scale has been built within use districts (excluding category 1 low-rise exclusive residential districts and category 2 low-rise exclusive residential districts), when it is deemed especially necessary to promote reasonable and sound high level use and to renew urban functions, and when maximum and minimum floor-area ratio, maximum building coverage ratio, minimum building area of

buildings, and restrictions on the location of walls (Restrictions on the location of walls are limited to those walls that face roads (including planned roads defined in city plans; the same applies hereinafter in this Article) within the site and with which a functional space must be secured to improve the urban environment, restrictions may be stipulated for said walls that face roads (limited to those restrictions on walls included herein).

(District Development Plans that Adequately Allocate Residential and Non-Residential Uses)

Article 12-9 In district development plans (excluding those for redevelopment promotion districts and development improvement promotion districts; the same applies hereinafter in this Article) when the adequate location of residential and nonresidential uses is deemed especially necessary to promote reasonable land use based on qualities of the area (in redevelopment promotion districts, the qualities of the area after land use has changed in accordance with the basic policy for land use) of said district development plan, maximum floor area-ratio for buildings listed in item (ii), paragraph (7), Article 12-5 shall be classified into the figures in each of the following items, and figures listed in item (i) may be stipulated to exceed figures listed in item (ii).

(i) Figures pertaining to buildings available entirely or partially for residential use

(ii) Figures pertaining to other buildings

(District Development Plans that Guide Construction of Buildings with Heights, Arrangements and Forms Based on the Qualities of the Area)

Article 12-10 In district development plans when the construction of buildings with heights, arrangements and forms based on the qualities of the area (in redevelopment promotion districts and development improvement promotion districts, the qualities of the area after land use has changed in accordance with the basic policy for land use) is deemed especially necessary to promote reasonable land use, restrictions on the location of walls, (limited to restrictions including those on walls facing roads (including planned roads defined in city plans, facilities provided for in item (ii), paragraph (5), Article 12-5, or roads that are zone facilities), restrictions on the construction of the structures in the wall setback area (limited to restrictions including those cases when it is necessary to secure continuous, effective unused land in said setback area) and maximum building heights shall be stipulated.

(District Development Plans for the Integrated Construction of Buildings Etc. Above or Underneath Roads)

Article 12-11 In district development plans, in addition to the matters stipulated

in paragraph (7), Article 12-5, when it is deemed appropriate to conduct the integrated the construction of buildings etc. above or beneath roads-which are city planning facilities-along with the construction of said roads (limited to roads devoted to vehicular traffic and elevated and other structures from which vehicles cannot access roadsides) in order to promote adequate and reasonable land use, the areas with said roads which are city planning facilities that should be used together with the sites of buildings etc. may be designated. In such cases, the construction limits of buildings (i.e., the required limits on building construction when developing roads-which are city planning facilities- or the established vertical scope for open spaces or underground areas) in the said area must be stipulated.

(District Development Plans for the Construction of Adequately- Located Specified Large-Scale Buildings)

Article 12-12 In district development plans for development improvement promotion districts, in addition to the matters stipulated in paragraph (7), Article 12-5, when it is deemed especially necessary to build adequately-located specified large-scale buildings based on the qualities of the area of said district development plan after land use has changed in accordance with the basic policy for land use in order to promote reasonable land use, the uses that should be drawn from among theaters, shops, restaurants or other types of uses and the land that should be used as sites for specified large-scale building that accommodate these uses may be stipulated.

(Matters That Should Be Stipulated in City Plans for Disaster Prevention Block Improvement Zone Plans Etc.)

Article 12-13 Matters, in addition to the provisions item (ii), paragraph (4), Article 10 that should be stipulated in city plans for disaster prevention block improvement zone plans, historic scenery maintenance and improvement district plans, roadside district plans and rural district plans shall be stipulated separately by an Act.

(City Planning Standards)

Article 13 (1) City plans stipulated for city planning areas (including those concerning out-of-area facilities; the same shall apply in the following paragraph) shall conform to the National Spatial Plan, the National Capital Region Development Plan, the Kinki Region Development Plan, the Chubu Region Development Plan, the Hokkaido Comprehensive Development Plan, the Okinawa Promotion Plan and any other plans based on Acts concerning national plans or regional plans (including pollution prevention plans if they have been stipulated for said cities; the same shall apply in paragraph (3)) and

national plans for roads, rivers, railways, ports, airports and other facilities; and they must, in consideration of the said city's characteristics, uniformly and comprehensively stipulate matters concerning land use, urban facility construction and urban development projects required for the sound and orderly development of said cities in accordance with the following provisions. In such cases, consideration must be given to the improvement in preservation of the natural environment in said cities.

- (i) A policy for the improvement, development and preservation of city planning areas, aiming to realize the comprehensive improvement, development and preservation of city planning areas as integrated cities with due consideration given to development trends in said cities and the current conditions and future expectations of population and industry, shall be stipulated so that city plans are appropriately established based on this policy;
- (ii) Area classification shall be conducted with consideration given to development trends and the current conditions and future expectations of population and industry in said cities, while maintaining a balance between convenience for industrial activities and the preservation of the residential environment, to allow for the reasonable use of national land and to facilitate efficient public investment;
- (iii) An urban redevelopment policy shall be stipulated for urban areas that require planned redevelopment;
- (iv) A policy for development of residential urban areas shall be stipulated in order to promote the development of good residential urban areas provided for in paragraph (1), Article 4 of the Act on Special Measures Concerning the Promotion of Housing and Residential Land Supply in Major Urban Areas;
- (v) A policy for development of core business urban areas shall be stipulated to contribute to the achievement of the agreed basic plan provided for in paragraph (1), Article 8 of the Act Concerning the Promotion of the Development of Regional Core Urban Areas and the Relocation of Facilities for Industrial Business as it pertains to the core urban areas of paragraph (2), Article 2 of the same Act;
- (vi) A policy for disaster prevention block improvement shall be stipulated to promote the improvement of blocks in concentrated urban areas provided for in item (i), Article 2 of the Concentrated Urban Areas Development Act as disaster prevention blocks pursuant to item (ii) of the same Article;
- (vii) Districts and zones shall be stipulated by the adequate allocation of land to residential, commercial, industrial and other uses, giving consideration to the natural conditions of the land and land use trends, so as to maintain and enhance urban functions, while protect the residential environment, increase convenience for commerce, industry etc., developed a favorable landscape,

- maintain scenic beauty, prevent pollution etc., allowing for maintenance of the urban environment. In these cases, at least use districts shall be stipulated for urbanization promotion areas, and as a rule, use districts shall not be stipulated for urbanization control areas;
- (viii) Project promotion areas shall be stipulated primarily for areas of land within urbanization promotion areas or city planning areas that have not been designated as either urbanization promotion areas or urbanization control areas, and where it is deemed necessary to expedite planned improvement or development of the urban area by the entitled persons concerned;
  - (ix) Unused land use promotion areas shall be stipulated primarily for areas of land where it is deemed necessary to promote effective and adequate use by the entitled persons concerned;
  - (x) Urban disaster recovery promotion areas shall be stipulated for areas of land where it is deemed necessary to promote planned construction and improvement and to encourage the immediate and sound reconstruction of urban areas where a considerable number of buildings have been destroyed as a result of a major fire, earthquake or other disaster;
  - (xi) Urban facilities shall be stipulated to allow for effective urban activities and preserve a favorable urban environment by situating facilities of adequate scale at necessary locations, giving consideration to the current conditions and future expectations of land use, traffic etc. In such cases, at least roads, parks and sewerage systems shall be stipulated for urbanization promotion areas or city planning areas that have not been designated as either urbanization promotion areas or urbanization control areas; and compulsory education facilities shall be additionally stipulated for category 1 low-rise exclusive residential districts, category 2 low-rise exclusive residential districts, category 1 medium-to-high-rise exclusive residential districts, category 2 medium-to-high-rise exclusive residential districts, category 1 residential districts, category 2 residential districts, and quasi-residential districts;
  - (xii) Urban development projects shall be stipulated for areas of land within urbanization promotion areas or city planning areas that have not been designated as either urbanization promotion areas or urbanization control areas and where uniform development and/or improvement is deemed necessary;
  - (xiii) Areas scheduled for urban development projects etc. shall be stipulated for areas of land within urbanization promotion areas or city planning areas that have not been designated as either urbanization promotion areas where uniform development and/or improvement pertaining to urban development projects is deemed necessary and in areas of land in which urban facilities



- comply with the standards of the first sentence of item (xi);
- (xiv) District plans, aiming to secure functions concerning disaster prevention, safety and sanitation etc. in each block of said areas and to ensure reasonable land-use based on the qualities of the areas in order to develop and maintain favorable environments-giving consideration to the current conditions and future expectations of public facility development, building construction and land use-shall be stipulated in a manner that allows for orderly development activities and building or facility construction in accordance with said plan. In such cases, district plans listed in sub-items a. through c. shall be stipulated pursuant to said provisions of sub-items (a) through (c).
- (a) District plans in urbanization control areas: Giving consideration to the conditions of urbanization in urbanization promotion areas, district plans shall be stipulated such that planned urbanization is not hindered in said city planning areas by promoting urbanization in and around areas with district plans etc.
- (b) District plans that stipulate redevelopment promotion areas: District plans, aiming to promote reasonable and sound high-level use of land and the renewal of urban functions, shall be stipulated in order to implement the uniform and comprehensive redevelopment or development improvement of urban areas. In such cases, regarding category 1 low-rise exclusive residential districts and category 2 low-rise exclusive residential districts, plans shall be stipulated to ensure that the protection of the favorable dwelling environment pertaining to low-rise housing around redevelopment promotion areas is not hindered.
- (c) District plans that stipulate development improvement promotion areas: District plans, aiming to enhanced convenience for commerce and other business through the construction of specified large scale-buildings, Shelby stipulated in order to implement the uniform and comprehensive development improvement of urban areas. In such cases, regarding category 2 residential districts and quasi-residential districts, plans shall be stipulated to ensure that the protection of the favorable dwelling environment around development improvement promotion areas is not hindered.
- (xv) Disaster prevention block improvement zone plans, aiming to provide the necessary functions for preventing the spread of fire and for securing evacuation if a fire or earthquake occurs in one of the blocks in said area and aiming to promote the reasonable and sound use of land, shall be stipulated in a manner that allows for uniform and comprehensive improvement of urban areas.
- (xvi) Historic scenery maintenance and improvement district plans shall be

stipulated in a manner that allows for the maintenance and improvement of a favorable urban environment that has been developed in unison with the surrounding urban area, with the activities that reflect the unique history and traditions of the people in the area and with buildings of high cultural value where those activities are conducted, and that allows for the reasonable and sound use of land.

- (xvii) Roadside district plans shall be stipulated in order to prevent nuisances arising from road traffic noise and to promote adequate and reasonable land use. In such cases, regarding roadside district plans that stipulate roadside redevelopment promotion areas (i.e., roadside redevelopment promotion areas provided for in paragraph (3), Article 9 of the Act Concerning the Improvement of the Areas along Trunk Roads; the same shall apply hereinafter), plans, aiming to promote reasonable and sound high-level use of land and the renewal of urban functions, shall be stipulated in a manner that allows for the implementation of uniform and comprehensive redevelopment or development improvement of urban areas, of which those plans for category 2 low-rise exclusive residential districts shall be stipulated to ensure that the protection of the favorable dwelling environment pertaining to low-rise housing around roadside redevelopment promotion areas is not hindered.
- (xviii) Rural district plans shall be stipulated in order to develop dwelling environments in balance with agricultural management conditions and to promote adequate land use.
- (xix) In applying the standards listed in the preceding items, consideration shall be given to the results of the basic surveys for city planning conducted pursuant to the provisions of paragraph (1), Article 6 and the results of surveys on population, industry, housing, construction, traffic, factory location and the like conducted by the government in accordance with the law.
- (2) City plans stipulated for city planning areas must stipulate plans for the construction of housing and the development of residential environments so that the inhabitants of said cities may enjoy healthy, cultural urban lifestyles.
- (3) City plans stipulated for quasi-city planning areas must comply with national plans, regional plans or national plans concerning facilities, and they must give consideration to the qualities of the area stipulate any items necessary for ensuring orderly land use or environmental conservation in accordance with the following provisions. In such cases, consideration must be given to the improvement or preservation of the natural environment and to the improvement of production conditions for the agriculture, forestry and fishery industries.
- (i) Districts and zones shall be stipulated in such a manner that the

environment of the area is adequately maintained by protecting the residential environment, developing favorable landscapes, preserving scenic beauty, and preventing pollution, with consideration given to the natural conditions of the land and land use trends.

- (ii) The standards listed in the preceding item shall be applied based on the results of the basic surveys for city planning provided for in the provisions of paragraph (2), Article 6.
- (4) In addition to matters stipulated in the preceding three items, standards required to formulate city plans concerning the urban redevelopment policy and other policies, districts and zones listed in item (iv)-2, item (v)-2, item (vi), item (viii) and items (x) through (xvi), paragraph (1), Article 8, project promotion areas, urban disaster recovery promotion areas, distribution business parks, urban development projects, scheduled areas for urban development projects etc. (excluding areas listed in items (iv) and (v), paragraph (1), Article 12-2), disaster prevention block improvement zone plans, historic scenery maintenance and improvement district plans, roadside district plans, and rural district plans shall be stipulated separately by an Act.
- (5) Necessary standards for stipulating district plans in city plans, in addition to matters provided for in paragraphs (1) and (2), shall be stipulated by Cabinet Order.
- (6) Necessary technical standards for the formulation of city plans shall be stipulated by Cabinet Order.

#### (Drawings and Documents of City Plans)

Article 14 (1) City plans shall be represented by general drawing, project drawings and project plans pursuant to the provisions of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism.

- (2) Indication of area classification or of the following areas on project drawings and project plans must be such that the holders of land rights can easily discern whether their land is included in either urbanization promotion areas or urbanization control areas, or whether it is included in any of the areas listed below:
  - (i) Areas of districts provided for in item (ii) paragraph (1) or in paragraph (2), Article 2-3 of the Urban Renewal Act that are stipulated in the urban redevelopment policy;
  - (ii) Areas of disaster prevention and redevelopment districts (i.e., disaster prevention and redevelopment districts provided for in item (i), paragraph (1), Article 3 of the Concentrated Urban Areas Development Act) and that are stipulated in the policy for disaster prevention block improvement;
  - (iii) Areas of districts or zones;
  - (iv) Areas of project promotion areas;

- (v) Areas of unused land use promotion areas
- (vi) Areas of urban disaster recovery promotion areas;
- (vii) City planning facilities areas;
- (viii) Urban development project execution areas;
- (ix) Areas of scheduled areas for urban development projects etc.
- (x) District planning areas (when part of the district planning area is designated as a redevelopment promotion area or a development improvement promotion area, or when a district development plan has been stipulated, then both the district planning area and either the redevelopment promotion area or the development improvement promotion area; or the area of the district development plan);
- (xi) Areas of disaster prevention block improvement zone plans (when zonal disaster prevention facilities (i.e., zonal disaster prevention facilities provided for in item (ii), paragraph (2), Article 32 of the Concentrated Urban Areas Improvement Act; the same shall apply below in this item and in paragraph (1), Article 33), specified building zone improvement plans (i.e., specified building zone improvement plans provided for in item (ii), paragraph (2), Article 32 of the Concentrated Urban Areas Improvement Act; the same shall apply below in this item and in paragraph (1), Article 33) or district improvement plans for disaster prevention block improvement zone plans (i.e., disaster prevention block improvement zone plans provided for in item (iii), paragraph (2), Article 32 of the Concentrated Urban Areas Improvement Act; the same shall apply below in this item and in paragraph (1), Article 33) are stipulated, the areas of disaster prevention block improvement zone plans and the areas of zonal disaster prevention facilities, the areas specified building zone improvement plans or the areas of district improvement plans for disaster prevention block improvement zone plans;
- (xii) Areas of historic scenery maintenance and improvement district plans (regarding the areas of some historic scenery maintenance and improvement district plans, when area with land provided for in item (iii), paragraph (3), Article 31 of the Act Concerning the Maintenance and Improvement of Historic Scenery or district improvement plans for historic scenery maintenance and improvement districts (i.e., historic scenery maintenance and improvement district plans provided for in item (iv), paragraph (2) of the same Article) are stipulated, the areas of historic scenery maintenance and improvement district plans and areas of said designated land or areas of the district improvement plans for historic scenery maintenance and improvement district);
- (xiii) Areas of roadside district plans (regarding the areas of some roadside district plans, when roadside redevelopment promotion areas or roadside district improvement plans (i.e., roadside district improvement plans

- provided for item (ii), paragraph (2), Article 9 of the Act Concerning the Improvement of the Areas along Trunk Roads; the same shall apply hereinafter) are stipulated, the areas of roadside district plans and the areas of either the roadside redevelopment promotion areas or the roadside district improvement plans);
- (xiv) Areas of rural district plans (regarding the areas of some rural district plans, when rural district improvement plans provided for in paragraph (3), Article 5 of the Rural Districts Improvement Act; the same shall apply hereinafter) are stipulated, the areas of rural district plans and the areas of rural district improvement plans);
- (3) In cases where a multi-level scope for the development of urban facilities is stipulated for city planning facilities areas pursuant to the provisions of paragraph (3), Article, indication of this multi-level scope on project drawings and in project plans must be such that individuals scheduled to build buildings in the said areas can easily discern whether or not said buildings will be built outside of this multi-level scope and whether or not the minimum offset distance from the multi-level scope stipulated pursuant to the provisions of the latter half of this paragraph have been secured.

## **Section 2 Decisions on and Revisions to City Plans**

(City Plan Stipulators)

Article 15 (1) The following city plans shall be stipulated by the Prefectures, and all other city plans shall be stipulated by the municipalities:

- (i) City plans concerning the policy for improvement, development and preservation of city planning areas
- (ii) City plans concerning area classification;
- (iii) City plans concerning urban redevelopment policy;
- (iv) City plans concerning any of the districts or zones listed in item (iv)-2), items (ix) through (xiii) and item (xvi), paragraph (1), Article 8 (concerning zones listed in item (ix) of the same paragraph, those pertaining to important ports provided for in paragraph (2), Article 2 of the Port and Harbor Act (Act no. 218 of 1950); concerning zones listed in item (xii), paragraph (1), Article 8, those pertaining to all green space conservation zones provided for in Article 5 of the Urban Green Space Conservation Act; suburban special green space conservation zones provided for in item (iii), paragraph (2), Article 4 of the Act for the Conservation of Suburban Green Zones in the National Capital Region (Act No. 101 of 1966); and suburban special green space conservation zones provided for in paragraph (2), Article 6 of the Act Concerning the Development of Conservation Areas in the Kinki Region (Act No. 103 of 1967);

- (v) City plans concerning any of the districts and zones, urban facilities and fundamental urban facilities stipulated by Cabinet Order that should be resolved from the stance of a wider area beyond the area of one municipality;
  - (vi) City plans concerning urban development projects (excluding small-scale land readjustment projects stipulated by Cabinet Order, urban redevelopment projects, residential block improvement projects and disaster block improvement projects);
  - (vii) City plans concerning areas scheduled for urban development projects etc.
- (2) When city plans falling under item (v) of the preceding paragraph no longer fall under that item, or when city plans that do not fall under the same item have come to fall under that item due to municipal mergers or any other reasons, said city plan must be decided by each municipality or Prefecture.
- (3) City plans stipulated by municipalities shall be based on the municipalities' basic plans for construction, and they must comply with city plans stipulated by the Prefectures.
- (4) When city plans stipulated by municipalities conflict with city plans stipulated by the Prefectures, the city plans stipulated by the Prefectures shall take priority so long as any conflict is concerned.

#### (Compilation of Prefectural City Plans)

- Article 15-2 (1) Municipalities, when it is deemed necessary, may offer to the Prefectures items that should be included in proposed city plans stipulated by the Prefectures.
- (2) When deemed necessary to conduct the basic surveys pursuant to the provisions of the preceding two paragraphs, the Prefectures may request the municipalities to submit documents and provide other necessary cooperation.

#### (Convening of Public Hearings Etc.)

- Article 16 (1) When deemed necessary in compiling proposed city plans, excluding those instances provided for in the following paragraph, the Prefectures or municipalities shall perform any required measures, such as convening public hearings, in order to reflect the opinions of residents.
- (2) Proposals of district plans to be stipulated in city plans, pursuant to provisions of Prefectural or Municipal Ordinance on methods for submitting opinions and other matters stipulated by Cabinet Order, shall be compiled upon seeking the opinions of the owners of the land within the areas pertaining to said proposal and other stakeholders stipulated by Cabinet Order.
- (3) Municipalities, in the Municipal Ordinance mentioned in the preceding paragraph, may stipulate the method by which residents or stakeholders can offer proposals concerning the decision or revision of city plans concerning district plans etc. or concerning the items that should be included in proposed

city plans.

(Public Inspection Etc. of City Plans)

- Article 17 (1) When Prefectures or municipalities are deciding on city plans, prior to the decision and pursuant to the provisions of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism, public notice to that effect shall be issued, and the proposed city plan shall be made available for public inspection for two weeks from the day of public notice.
- (2) When public notice provided for in the preceding paragraph has been issued, any of the residents or stakeholders of said municipalities may submit a written opinion pertaining to the proposed city plan made available for public inspection to the Prefectures for plans drafted by Prefectures, or to the municipalities for plans drafted by the municipalities, at any time before the expiration of the period of public inspection.
- (3) Regarding proposed city plans concerning a specified block, stakeholder consent, as stipulated by Cabinet Order, must be obtained.
- (4) Regarding proposed city plans concerning unused land use promotion areas, opinions must be heard from land owners, surface rights owners, and any other holders of rights for use or profit stipulated by Cabinet Order concerning the land within said unused land use promotion areas.
- (5) Regarding proposed city plans that stipulate scheduled city planning project executors, the consent of said scheduled executors must be obtained. However, this shall not be the case for items where the provisions of paragraph (2), Article 12-3 apply.

(Relationship with Ordinances)

Article 17-2 The provisions of the preceding two Articles shall not hinder the Prefectures or municipalities in stipulating by Ordinance the necessary provisions for items (limited to those items that do not violate the stipulations of the preceding two Articles) concerning the procedures for deciding city plans pertaining to residents or stakeholders.

(Decision of City Plans by the Prefectures)

- Article 18 (1) The Prefectures shall decide on city plans after hearing the opinions of the municipalities concerned and upon the deliberation of Prefectural City Planning Councils.
- (2) When the prefectures are in the process of submitting proposed city plans to the Prefectural City Planning Councils for discussion pursuant to the provisions of the preceding paragraph, they must submit an abstract of the written opinions submitted pursuant to the provisions of paragraph (2), Article 17 to the Prefectural City Planning Councils.

- (3) When the Prefectures are deciding on city plans (excluding minor plans stipulated by Cabinet Order) for city planning areas pertaining to large cities and the cities around them, or for any other city planning areas stipulated by Cabinet Order, or when they are deciding on city plans of grave national importance as stipulated by Cabinet Order, they must consult with the Minister of Land, Infrastructure, Transport and Tourism and obtain his permission in advance pursuant to the provisions of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism.
- (4) The Minister of Land, Infrastructure, Transport and Tourism shall engage in the consultation provided for in the preceding paragraph from the stance of promoting the coordination of national interests.

(Basic Policy Concerning Municipal City Planning)

- Article 18-2 (1) Municipalities shall stipulate a basic policy concerning city planning (hereinafter referred to as "basic policy" in this Article) based on each municipality's basic plans for construction stipulated upon the deliberation of the municipal assemblies and the policy for improvement, development and preservation of city planning areas.
- (2) Municipalities, when in the process of stipulating the basic policy, shall perform any required measures, such as convening public hearings, in order to reflect the opinions of residents.
  - (3) Municipalities, having decided on the basic policy, must issue public notice and notify the Prefectural governor without delay.
  - (4) City plans stipulated by the municipalities must be based on the basic policy.

(Decision of City Plans by Municipalities)

- Article 19 (1) Municipalities shall decide on city plans after deliberation by the Municipal City Planning Councils (or to the Prefectural City Planning Council of the Prefecture in which the municipality is located if no Municipal City Planning Council has been established in said municipality).
- (2) When municipalities submit proposed city plans to Municipal City Planning Councils or to Prefectural City Planning Councils for discussion, they must submit an abstract of the written opinions submitted pursuant to the provisions of paragraph (2), Article 17 to the Municipal City Planning Councils or Prefectural City Planning Councils.
  - (3) When municipalities are in the process of deciding on city plans for city planning areas (including matters concerning out-of-area facilities stipulated for city planning areas, but of those items in the process of being stipulated in said city plan regarding district plans, limited to the location and scale of zone facilities and other matters stipulated by Cabinet Order), they shall consult with the Prefectural governor in advance and must obtain his consent.



- (4) Prefectural governors shall engage in the consultation provided for in the preceding paragraph from the stance of a wider area beyond the area of one municipality, or from the stance of compliance with city plans that the Prefecture has stipulated or is in the process of stipulating.
- (5) Prefectural governors, when deemed necessary for engaging in the consultation in paragraph (3), may request the municipalities concerned to submit reference materials, express their opinions, proffer explanations and provide any other necessary cooperation.

(Public Notice Etc. of City Plans)

- Article 20 (1) Upon deciding on city plans, the prefectures or the municipalities shall issue a public notice to that effect, and they must send copies of the drawings and documents provided for in paragraph (1), Article 14 to the Minister of Land, Infrastructure, Transport and Tourism and the Mayors of the municipalities concerned for cases decided upon by the Prefectures, and to the Minister of Land, Infrastructure, Transport and Tourism and the Prefectural governors for cases decided upon by the municipalities.
- (2) The Prefectural governors and the Mayors of municipalities, pursuant to the provisions of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism, must make the drawings and documents and copies thereof mentioned in the preceding paragraph available for public inspection at the offices of said Prefectures or municipalities.
  - (3) City plans shall go into effect on the date of public notice provided for in paragraph (1).

(Revisions to City Plans)

- Article 21 (1) When city planning areas or quasi-city planning areas are revised, or in cases where it becomes evident that city plans should be revised as a result of the basic surveys concerning city planning provided for in paragraph (1) or paragraph (2), Article 6 or as a result of surveys conducted by the government provided for in item (xviii), paragraph (1), Article 13, or when city plans concerning unused land use promotion areas are deemed to have achieved their objectives, the Prefectures or the municipalities must revise said city plans without delay.
- (2) The provisions of Articles 17 through 18 and of the preceding two Articles shall apply mutatis mutandis to revisions to city plans (excluding minor revisions by Cabinet Order regarding the provisions of Article 17, paragraphs (2) and (3) of Article 18, and paragraphs (2) and (3) of Article 19). In such cases, regarding the revision of city plans that change scheduled executors, "said scheduled executors" in paragraph (5), Article 17 shall read "the original scheduled executors and the new scheduled executors".

(Proposals Concerning the Decision of City Plans Etc.)

Article 21-2 (1) Of city planning areas or quasi-city planning areas, regarding those collective areas of land exceeding the suitable scope stipulated by Cabinet Order to serve as areas of land that should be uniformly improved, developed or preserved, the owners of said land, or the holders of surface rights or leasehold rights with perfection requirements for the purpose of owning buildings (excluding impromptu facilities or other facilities clearly built for temporary use; hereinafter referred to as "lease rights" in this Article) may, individually or jointly, propose to the Prefectures or municipalities that city plans (excluding those concerning the policy for the improvement, development and preservation of city planning areas and the urban redevelopment policy) be decided or revised. In such cases, they must provide a draft of the city plan pertaining to said proposal.

(2) Specified non-profit organizations established under paragraph (2), Article 2 of the Act to Promote Specified Non-Profit Activities (Act No. 7 of 1998) with the purpose of promoting community development activities, regular incorporation associations, regular incorporation foundations or any other non-profit corporations, the Urban Renaissance Agency, local housing corporations or any other organizations designated by the Ministry of Land, Infrastructure, Transport and Tourism as possessing experience and knowledge concerning community development, or organizations designated as equivalent to these by Prefectural or Municipal Ordinance may propose to the Prefectures or municipalities that city plans for the areas of land provided for in the preceding paragraph be decided or revised. The second sentence of the same paragraph shall apply *mutatis mutandis* to these cases.

(3) Proposals provided for in the preceding two paragraphs (hereinafter referred to as "plan proposals") shall be made according to the following provisions pursuant to the provisions of Ordinances of the Ministry of Land, Infrastructure, Transport and Tourism:

- (i) The content of city plan drafts pertaining to said plan proposals complies with the standards concerning city plans based on the provisions of Article 13 and other laws;
- (ii) The consent (limited to those cases in which the total land area of the land owned by consenting individuals and the land to which consenting individuals have lease rights is at least two-thirds of the total area of land within said area) of at least two-thirds of the landowners within the area in which land (excluding land owned by the national or local government for public facilities; the same applies later in this item) subject to drafts pertaining to said city plan proposals has been granted.

(Decisions by Prefectures or Municipalities on Plan Proposals)

Article 21-3 When plan proposals are made, the Prefectures or municipalities shall determine without delay whether not city plans based on plan proposals (i.e., city plans realized from all or part of the plan proposal pertaining to the city plan draft; the same shall apply hereinafter) require a decision or a revision, and if a decision or a revision on said city plan is deemed necessary, they must draft a proposal thereof.

(Submitting Drafts of City Plans Based on Plan Proposals for Discussion by the Prefectural City Planning Councils Etc.)

Article 21-4 The Prefectures or municipalities, when in the process of deciding or revising city plans based on plan proposals (excluding those entirely realized from drafts of city plans pertaining to said plan proposals) and when sending city plan drafts to the Prefectural City Planning Council or Municipal City Planning Council pursuant to the provisions of paragraph (1), Article 18 or paragraph (1), Article 19 (including cases that apply *mutatis mutandis* under Article 21), must submit city plan drafts pertaining to said plan proposals along with proposals of said city plan.

(Measures to be Taken When City Plans Based on Plan Proposals are not Decided Upon)

Article 21-5 (1) When Prefectures or municipalities have decided that decisions on or revision to city plans based on plan proposals are not necessary, they must notify the individual that made said plan proposal thereof without delay.

(2) Prefectures or municipalities, when in the process of issuing notification provided for in the preceding paragraph, must submit the draft of the city plan pertaining to said plan proposal to the Prefectural City Planning Council (or to the Municipal City Planning Council if a Municipal City Planning Council has been established in said municipality) and hear its opinions.

(City Plans Stipulated by the Minister of Land, Infrastructure, Transport and Tourism)

Article 22 (1) City plans pertaining to areas spanning two or more Prefectures shall be stipulated by the Minister of Land, Infrastructure, Transport and Tourism. In such cases, "the Prefectures" in Article 15, Article 15-2, paragraph (1) and paragraph (2) in Article 17, paragraph (1) in Article 21, paragraph (1) and paragraph (2) in Article 21-2, and Article 21-3 and "Prefectural governors" in paragraph (3) through paragraph (5), Article 19, shall read "the Minister of Land, Infrastructure, Transport and Tourism"; and "the Prefectures or municipalities" in Article 17-2 shall read "the municipalities"; and "the Prefectures" in paragraph (1) and paragraph (2) in Article 18, shall read "the

Minister of Land, Infrastructure, Transport and Tourism"; and "the Prefectures" in paragraph (4) in Article 19 shall read "the Minister of Land, Infrastructure, Transport and Tourism"; and "the Prefectures or" in paragraph (1) in Article 20, paragraph (4) in Article 21, and the preceding Article shall read "the Minister of Land, Infrastructure, Transport and Tourism or"; and "to the Minister of Land, Infrastructure, Transport and Tourism for cases decided upon by the Prefectures" in paragraph (1) in Article 20, shall read "to the Prefectural governors concerned for cases decided upon by the Minister of Land, Infrastructure, Transport and Tourism".

- (2) The Minister of Land, Infrastructure, Transport and Tourism shall stipulate city plans based on proposals drafted by the Prefectures.
- (3) Interim measures that should be taken shall be stipulated by Cabinet Orders in those cases where, due to Prefectural mergers or for any other reasons, the areas of city plans extending over two or more Prefectures have become areas within one Prefecture, or the areas of city plans within one Prefecture have become areas extending over two or more Prefectures.

(Coordination with Other Administrative Organs)

Article 23 (1) When the Minister of Land, Infrastructure, Transport and Tourism is in the process of stipulating city plans concerning the policy for the improvement, development and preservation of city planning areas (limited to those items listed in item (ii), paragraph (2), Article 6-2; the same shall apply below in this Article and in paragraph (3), Article 24) or concerning area classification, or when he is in the process of giving consent to the decision on or revision of such plans, or when the Prefectures are in the process of stipulating plans concerning the policy for the improvement, development and preservation of city planning areas or concerning area classification (excluding those areas that require the consent of the Minister of Land, Infrastructure, Transport and Tourism), the Minister of Land, Infrastructure, Transport and Tourism or the Prefectures must consult with the Minister of Agriculture, Forestry and Fisheries in advance .

- (2) When the Minister of Land, Infrastructure, Transport and Tourism is in the process of stipulating city plans concerning the policy for the improvement, development and preservation of city planning areas or concerning area classification, or when he is in the process of granting consent to the decision on or revision of such plans, he must consult with the Minister of the Environment in advance.
- (3) The Minister of Health, Labor and Welfare, when deemed necessary, may express his opinion to the Minister of Land, Infrastructure, Transport and Tourism concerning the policy for the improvement, development and preservation of city planning areas, area classification and city plans

concerning use districts.

- (4) City plans concerning port zones shall be stipulated based on plans proffered by port administrators provided for in paragraph (1), Article 2 of the Port and Harbor Act.
- (5) When the Minister of Land, Infrastructure, Transport and Tourism is in the process of stipulating city plans concerning urban facilities, or when he is in the process of granting consent to the decision of or revision to such plans, he must consult in advance with the heads of the national administrative organs that have the authority to grant dispositions such as licenses, permission or approval regarding the establishment or operation of said urban facilities.
- (6) When the Minister of Land, Infrastructure, Transport and Tourism, the Prefectures or the municipalities are in the process of stipulating city plans concerning urban facilities or city plans concerning scheduled areas for urban development projects pertaining to urban facilities, they must consult in advance with the administrators of said urban facilities or other individuals stipulated by Cabinet Order.
- (7) When the municipalities are in the process of stipulating limits for the building or constructions of buildings etc. in district development plans pursuant to the provisions of Article 12-11, they must consult in advance with the administrators of roads-which are urban facilities-provided for in the same Article.

(Handling City Plans when City Planning Areas are Designated for Quasi- City Planning Areas)

Article 23-2 When city planning areas are designated for all or part of quasi-city planning areas, it shall be considered that city plans established in areas that overlap with said city planning areas concerned are stipulated for said city planning areas.

(Guidance Etc. of the Minister of Land, Infrastructure, Transport and Tourism)

- Article 24 (1) The Minister of Land, Infrastructure, Transport and Tourism, when he deems it necessary concerning matters of grave importance to national interest, may issue guidance to the Prefectures, or to municipalities via Prefectural governors, to the effect that they should, within a fixed period of time, perform the required measures to designate city planning areas or to decide on or revise city plans. In such cases, Prefectural governors or the municipalities must adhere to this guidance unless they have justifiable reasons not to do so.
- (2) The heads of the national administrative organs may, concerning matters under their jurisdiction that may seriously affect the national interest, request the Minister of Land, Infrastructure, Transport and Tourism to issue guidance

provided for in the preceding paragraph.

- (3) The provisions of paragraphs (1) and (2), Article 23 shall apply *mutatis mutandis* to guidance provided for in paragraph (1) pertaining to city plans concerning the policy for improvement, development and reservation of city planning areas or area classification, and the provisions of paragraph (5), Article 23 shall apply *mutatis mutandis* to guidance issued provided for in paragraph (1) pertaining to city plans concerning urban facilities.
- (4) When the Prefectures or municipalities, without justifiable reason, fail to perform the required measures issued as guidance pursuant to the provisions of paragraph (1) by the prescribed deadline, the Minister of Land, Infrastructure, Transport and Tourism may, after obtaining the confirmation of the Panel on Infrastructure Development that no justifiable reasons exist, perform said measures on his own accord. However, the Minister of Land, Infrastructure, Transport and Tourism shall issue guidance to the Prefectural governors on the measures to be performed by the municipalities, excluding those cases in which the Minister of Land, Infrastructure, Transport and Tourism has deemed it necessary to perform measures on his own accord.
- (5) The Prefectural governors shall, when they receive guidance pursuant to the provisions of the proviso in the preceding paragraph, take measures pertaining to said guidance.
- (6) Prefectural governors may, if they deem necessary, order municipalities to perform necessary measures for the decision on or revision to city plans within a stipulated period of time.
- (7) When it is deemed necessary for the decision on or revision to city plans, Prefectural governors may, of their own accord or in accordance to the requests of said municipalities, apply to the heads of national administrative organs concerned for the formulation of or revision to national land plans, regional plans, or national plans concerning facilities pertaining to city planning areas or quasi-city planning areas provided for in paragraph (1), Article 13.
- (8) When an application from the preceding paragraph has been proffered, the heads of national administrative organs concerned must decide on the matters pertaining to said application and notifying the Prefectural governors of the results.

(Entry for Investigations Etc.)

Article 25 (1) The Minister of Land, Infrastructure, Transport and Tourism, the Prefectural governors, or the Mayors of municipalities, when it is necessary to enter land in the possession of other individuals in order to conduct surveys or investigations for the purpose of deciding on or revising city plans, may enter said land on their own accord or consign another individual to enter said land within the limits necessary.

- (2) Any individual that intends to enter land in the possession of another individual pursuant to the provisions of the preceding paragraph must notify the possessor of the land no later than three days prior to the date of entry.
- (3) Any individual that intends to enter land in the possession of another individual on which there are buildings and/or is enclosed by a fence pursuant to the provisions of the preceding paragraph must notify the possessor of the land prior to entry.
- (4) Entry into the land provided for in the preceding paragraph before sunrise or after sunset shall not be made, excluding those cases to which the possessor of the land has consented.
- (5) The possessor of the land may not refuse or prevent entry under the provisions of paragraph (1) unless there is a justifiable reason.

(Obstacle Removal, Test Drilling of Land Etc.)

Article 26 (1) When individuals, who under the provisions of paragraph (1) of the preceding Article conduct surveys or investigations by entering land in the possession of other individuals, intend under absolute necessity to fell or remove plants, fences, etc. impeding them (hereinafter referred to as "obstacles"), to conduct test drilling or boring of the land or to fell or remove obstacles for that purpose (hereinafter referred to as "test drilling etc."), if they cannot obtain the consent of the owners and possessors of the obstacles or land, they may fell or remove the obstacles by obtaining the permission of the Mayors of the municipalities that have jurisdiction over the land on which the obstacles are located, or they may conduct test drilling etc. by obtaining the permission of the Prefectural governors that have jurisdiction over said land. In such cases, when the Mayors of municipalities are in the process of giving permission, they must provide the owners and possessors of the obstacles an opportunity in advance to express their opinions; and when prefectural governors are in the process of getting permission, they must provide the owners and possessors of the obstacles an opportunity in advance to express their opinions.

- (2) Individuals who intend to remove obstacles or conduct test drilling etc. pursuant to the provisions of the preceding paragraph must inform the owners and possessors of said obstacles or land of their intentions no later than three days prior to the day of intended removal or test drilling etc.
- (3) When obstacles are about to be felled or removed pursuant to the provisions of paragraph (1) (excluding cases in which obstacles are about to be removed or felled in line with a test drilling or boring of land), if it is difficult to obtain the consent of the owners and possessors of the obstacles due to their absence from the place, and when felling or removal does not incredibly damage the existing state, the Minister of Land, Infrastructure, Transport and Tourism, the

Prefectures, the municipalities or and individuals ordered or commissioned thereby may, upon obtaining the permission of the mayors of the municipalities that have jurisdiction over the area in which said obstacles located, immediately fell or remove said obstacles, notwithstanding the provisions of the preceding two paragraphs. In such cases, they must notify the owners and possessors without delay that they have felled or removed said obstacles.

(Carrying Identification Cards Etc.)

Article 27 (1) Individuals who are about to enter land possessed by other individuals pursuant to the provisions of paragraph (1), Article 25 must carry identification cards.

(2) Individuals who intend to fell or remove obstacles or to conduct test drilling etc. pursuant to the provisions of paragraph (1), Article 26 must carry identification cards and written permission from the Mayors of the municipalities or the Prefectural governors.

(3) Identification cards and written permission provided for in the provisions of the preceding two paragraphs must be displayed whenever requested by any concerned parties.

(Compensation for Losses Incurred from Entry into Land Etc.)

Article 28 (1) When actions provided for in paragraph (1), Article 25 or paragraph (1) or paragraph (3), Article 26 cause losses to other individuals, the Minister of Land, Infrastructure, Transport and Tourism, the Prefectures, or the municipalities must compensate those individuals for losses that would not ordinarily occur.

(2) Regarding compensation for losses provided for in the provisions of the preceding paragraph, the individuals that caused the loss must consult with the individuals that incurred the loss.

(3) When consultations provided for in the preceding paragraph do not reach a conclusion, the individuals that caused the loss or the individuals that incurred the loss may, pursuant to the provisions of Cabinet Orders, file a lawsuit provided for in paragraph (2), Article 94 of the Compulsory Purchase of Land Act (Act No. 229 of 1951) with the Expropriation Committee.

### **Chapter III Restrictions, etc. in City Planning**

#### **Section 1 Regulations on Development Activities, etc.**

(Permission for Development Activities)

Article 29 (1) Persons who intend to perform development activities in city planning areas or quasi city planning areas shall obtain permission in advance from the prefectural governors concerned (in areas within designated cities



provided by Article 252-19 paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), core cities provided by Article 252-22 paragraph (1) of the same Act, and special ordinance cities provided by Article 252-26-3 paragraph (1) of the same Act (hereinafter referred to as "designated cities, etc."), the heads of the relevant designated cities; hereinafter the same shall apply in this Section) pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. However, this shall not apply to the development activities indicated below:

- (i) Development activities performed in urbanization promotion areas, city planning areas where urbanization promotion areas or urbanization control areas have not been established, and/or quasi city planning areas, where the scale of such activities is less than the scale specified by Cabinet Order for each area classification;
- (ii) Development activities performed in urbanization control areas, city planning areas where urbanization promotion areas or urbanization control areas have not been established, and/or quasi city planning areas, for the purpose of constructing buildings for agriculture, forestry or fisheries specified by Cabinet Order or buildings for dwelling by persons engaged in these sectors;
- (iii) Development activities performed for the purpose of building stations or other railway facilities, libraries, community halls, transformer substations or similar buildings necessary for the public interest specified by Cabinet Order as those cause no trouble to appropriate and reasonable land use and environmental preservation in the development areas and surrounding areas;
- (iv) Development activities performed as the execution of city planning projects;
- (v) Development activities performed as the execution of land readjustment projects
- (vi) Development activities performed as the execution of urban redevelopment projects;
- (vii) Development activities performed as the execution of residential blocks development projects;
- (viii) Development activities performed as the execution of disaster prevention blocks improvement projects;
- (ix) Development activities performed on reclaimed land for which license provided by Article 2 paragraph (1) of the Public Waters Reclamation Act (Act No. 57 of 1921) has been obtained but public notice provided by Article 22 paragraph (2) of the same Act has not been given;
- (x) Development activities performed as emergency measures necessitated by unforeseen disasters;

- (xi) Routine administrative activities, minor activities and other activities as may be specified by Cabinet Order.
- (2) Persons who intend to perform development activities in areas outside city planning areas or quasi city planning areas on a scale greater than that specified by Cabinet Order that will lead to formation of a certain degree of urban area shall obtain permission in advance from the prefectural governors concerned pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. However, this shall not apply to the development activities indicated below:
  - (i) Development activities performed for the purpose of constructing buildings for agriculture, forestry or fisheries specified by Cabinet Order or buildings for dwelling by persons engaged in these sectors;
  - (ii) Development activities listed in items (iii), (iv) and (ix) through (xi) of the preceding paragraph.
- (3) Concerning application of provisions given in paragraph (1) item (i) and the preceding paragraph in cases where development area covers two or more areas among urbanization promotion areas, city planning areas where urbanization promotion areas or urbanization control areas have not been established, quasi city planning areas, and/or areas outside city planning areas or quasi city planning areas, this shall be prescribed by Cabinet Order.

(Procedure of Application for Permission)

- Article 30 (1) Persons who intend to obtain the permission provided by paragraph (1) and/or paragraph (2) of Article 29 (hereinafter referred to as "development permission") shall, pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, submit to the prefectural governors a written application in which the following matters are described:
- (i) Location, extent and scale of the development area (if the development area is divided into work areas, the development area and work area);
  - (ii) Use of the buildings or special structures scheduled to be built in the development area (hereinafter referred to as "scheduled buildings etc.");
  - (iii) Design relating to the development activities (hereinafter referred to as "design" in this Section);
  - (iv) Construction executor (means either the contractor of the development activities-related construction or the person who executes the construction himself/herself without putting out the construction to contract; the same shall apply hereinafter);
  - (v) Other matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (2) To the written application set forth in the preceding paragraph, a document

certifying that the consent prescribed in Article 32 paragraph (1) has been obtained, a document describing the progress of the consultation prescribed in paragraph (2) of the same Article and other drawings and documents specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism shall be attached.

(Designer Qualifications)

Article 31 In the case referred to in the preceding Article, the design drawings and documents pertaining to the design (referring to drawings necessary for executing the development activities-related construction specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism (except for full size drawings and the like) and specifications) shall be those prepared by persons holding the qualifications specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Consent of Public Facility Administrators, etc.)

Article 32 (1) Persons who intend to apply for development permission shall first consult with and obtain the consent of administrators of development activities-related public facilities

(2) Persons who intend to apply for development permission shall first consult with persons who will administer public facilities that will be established as a result of the development activities and/or the development activities-related construction and with any other persons specified by Cabinet Order.

(3) Current and/or prospective administrators of public facilities prescribed in the preceding two paragraphs shall take part in the consultations provided by the said paragraphs from the viewpoint of securing appropriate administration of the public facilities concerned.

(Development Permission Criteria)

Article 33 (1) Upon receipt of application for development permission, prefectural governors shall grant the development permission if they judge that the development activities pertaining to the said application conform to the following criteria (if prefectural ordinances described in paragraph (4) and paragraph (5) are established, restrictions specified by such prefectural ordinances shall be included) and that procedure for the application does not violate the provisions of this Act or orders based on this Act.

(i) In the case listed in (a) or (b) below, the use of scheduled buildings etc. shall conform to the restriction on such use set forth in (a) or (b); provided, however, that this shall not apply to the use that conforms to the use to be induced, within the area of the urban regeneration special areas, established in such urban regeneration special areas.

- (a) In cases where use districts, special use districts, special use restriction districts, physical distribution districts and/or classifications provided by Article 39 paragraph (1) of the Port and Harbor Act (hereinafter referred to as "use districts, etc.") are specified with regard to the land in the development area pertaining to the relevant application, the restriction on the use within the relevant use districts, etc. (including the restriction pursuant to Article 49 paragraph (1) or (2) or Article 49-2 of the Building Standards Act (including the cases where these provisions are applied mutatis mutandis pursuant to Article 88 paragraph (2) of the same Act) or by prefectural ordinances provided by Article 40 paragraph (1) of the Port and Harbor Act);
- (b) In cases where the use districts, etc. are not specified with regard to the land in the development area pertaining to the relevant application (which shall be limited to the land within city planning areas (excluding urbanization control areas) or quasi city planning areas), the restriction on the use pursuant to the provisions of Article 48 paragraph (13) and Article 68-3 paragraph (7) of the Building Standards Act (which shall be limited to a part pertaining to Article 48 paragraph (13) of the same Act) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 88 paragraph (2) of the same Act).
- (ii) In cases of development activities other than development activities carried out with the primary purpose of building residences for own private dwelling, roads, parks, open spaces and other vacant spaces for public use (including reservoir facilities intended for fire service which are built in case it is difficult to secure sufficient water for fire service otherwise) shall be of scale and structure that will cause no inconvenience from the viewpoints of environmental preservation, disaster prevention, traffic safety and the efficiency of business activities considering the following items and shall be properly located; and main roads in development areas shall be designed so as to connect with considerably large roads outside of the development areas. In this case, if city plans relating to the relevant vacant spaces have been established, the design shall be in conformance with it.
  - (a) Scale and shape of the development area and the conditions of its surroundings;
  - (b) Topography of land in the development area and nature of the ground;
  - (c) Uses of scheduled buildings, etc;
  - (d) Scale and layout of the sites of scheduled building, etc.
- (iii) Sewers and other drainage facilities shall be designed considering the following matters with structure, capacity and appropriate layout that allow effective removal of the sewage prescribed by Article 2 item (i) of the Sewerage Act (Act No. 79 of 1958) in the development areas and will not

- cause any damage in the development areas and surrounding areas by inundation etc. In this case, if city plans relating to the said drainage facilities have been established, the design shall conform to these:
- (a) Precipitation in the relevant area;
  - (b) Matters listed in sub-items (a) through (d) above and conditions in the discharge destination.
- (iv) In cases of development activities other than development activities carried out with the primary purpose of building residences for own private dwelling, waterworks and other water supply facilities shall be designed considering the matters listed in item (ii) sub-items (a) through (d) with structure, capacity and appropriate layout that will not hinder anticipated demand in the relevant development areas. In this case, if city plans relating to the said waterworks and other water supply facilities have been established, the design shall conform to these.
- (v) In cases where district plans, etc. (which shall be limited to those in which, according to the classification of district plans, etc. listed in the following sub-items (a) through (e), matters specified in such (a) through (e) are specified) are established with respect to land in the development area pertaining to the relevant application, the uses of scheduled buildings, etc. and/or the design of development activities shall be specified in accordance with the contents laid down in the said district plans, etc.
- (a) district plans: redevelopment, etc. promotion areas or development improvement promotion areas (both of which shall be limited to those where the layout and scale of facilities prescribed by Article 12-5 paragraph (5) item (ii) are specified) or district improvement plans;
  - (b) disaster prevention blocks improvement district plans: zone disaster prevention facilities district, specified building district improvement plans or disaster prevention blocks improvement district improvement plans;
  - (c) historic scene maintenance enhancement district plans: historic scene maintenance enhancement district improvement plans;
  - (d) roadside district plans: roadside redevelopment, etc. promotion districts (which shall be limited to those where the layout and scale of facilities prescribed in Article 9 paragraph (4) item (ii) of the Act for the Improvement of Roadsides along Trunk Roads are specified) or roadside districts improvement plans;
  - (e) rural hamlet district plans: rural hamlet district improvement plans;
- (vi) Uses of public facilities, schools and other facilities for the public interest and of scheduled buildings, etc. in the development areas shall be distributed in a manner that improve convenience in the development areas and the preservation of environment in the development areas and surrounding areas, considering the purpose of the relevant development activities.

- (vii) Design shall be established so that ground improvement, construction of retaining walls or drainage facilities or other necessary measures for securing safety are taken with regard to the land in the development area for the purpose of preventing disasters caused by ground sinkage, landslides or flooding or others. In this case, if the land in the development area, in whole or in part, is the land within the housing land development construction regulated area provided by Article 3 paragraph (1) of the Act on the Regulation of Housing Land Development (Act No. 191 of 1961), the plan for the development activities-related construction in the said land shall conform to the provision of Article 9 of the same Act.
- (viii) In cases of development activities other than development activities carried out with the primary purpose of building residences for own private dwelling, building and/or constructing non-residential buildings or special structures for private work, the development areas shall not include land in disaster risk areas provided by Article 39 paragraph (1) of the Building Standards Act, landslide prevention areas provided by Article 3 paragraph (1) of the Landslide etc. Prevention Act (Act No. 30 of 1958), sediment disaster special alert areas provided by Article 8 paragraph (1) of the Act for Promotion of Measures to Prevent Sediment Disasters in Sediment Disaster Alert Areas, etc. (Act No. 57 of 2000), and any areas specified by Cabinet Order as unsuitable for development activities; provided, however, that this shall not apply to the case where there is deemed to be no hindrance because of conditions in the development areas and surrounding areas.
- (ix) In cases of development activities whose scale is greater than that specified by Cabinet Order, the development design, in order to preserve the environment of the development areas and surrounding areas, shall include taking of necessary measures such as preservation of trees and preservation of surface soil which are needed for ensuring growth of plants in the development area, considering the purpose of the development activities and the matters listed in item (ii) sub-items (a) through (d).
- (x) In cases of development activities whose scale is greater than that specified by Cabinet Order, the development design, in order to preserve the environment of the development areas and surrounding areas, shall include setting up of green zones and other buffer zones necessary for preventing deterioration of the environment due to noise, vibrations, etc. considering the matters listed in item (ii) sub-items (a) through (d).
- (xi) In cases of development activities whose scale is greater than that specified by Cabinet Order, the said development activities shall be deemed to cause no hindrance from the viewpoint of the convenience of transport by roads, railways, etc.
- (xii) In cases of development activities other than development activities

carried out with the primary purpose of building residences for own private dwelling, building and/or constructing non-residential buildings or special structures for private work (excluding development activities whose scale is greater than that specified by Cabinet Order considering that suspension of the said development activities may lead to damage caused by flooding, landslide and sediment runoff, etc. in the relevant development areas and surrounding areas), the applicants shall possess sufficient funds and credit to carry out the said development activities.

(xiii) In cases of development activities other than development activities carried out with the primary purpose of building residences for own private dwelling, building and/or constructing non-residential buildings or special structures for private work (excluding development activities whose scale is greater than that specified by Cabinet Order considering that suspension of the said development activities may lead to damage caused by flooding, landslide and sediment runoff, etc. in the relevant development areas and surrounding areas), construction executors shall possess the necessary capacity to complete the relevant development activities-related construction.

(xiv) Consent shall be obtained from a considerable number of persons who have such rights which may prevent the execution of the relevant development activities or the execution of the relevant development activities-related construction with regard to the land within the area of the land where the relevant development activities are to be executed or the land where the relevant development activities-related construction are to be executed or buildings or other structures on such land.

(2) Detailed technical provisions necessary for applying the standards prescribed in any of the items of the preceding paragraph shall be prescribed by Cabinet Order.

(3) In cases where, in consideration of the special nature of local natural conditions and the present state and future prospects for development of public facilities, construction of buildings and other land use conditions, it is deemed difficult to realize preservation of the environment, prevention of disasters and promotion of conveniences only by detailed technical provisions specified by Cabinet Order set forth in the preceding paragraph, or cases where it is deemed that no impediments to preservation of the environment, prevention of disaster and promotion of conveniences will arise even if the said detailed technical provisions are not followed, local governments may strengthen or relax restrictions established by the said detailed technical provisions by ordinance in accordance with the standard specified by Cabinet Order.

(4) Local governments may, if they deem necessary for the formation and/or maintenance of good living environments, etc., limit the areas, purposes and uses of scheduled buildings and establish restrictions concerning the minimum

site area of scheduled buildings in development areas by ordinances in accordance with the standard specified by Cabinet Order.

- (5) Landscape administrative bodies (which mean landscape administrative bodies prescribed in Article 7 paragraph (1) of the Landscape Act) may, if they deem necessary to ensure the formation of a good landscape, prescribe the content of restrictions established by landscape plans provided by Article 8 paragraph (1) of said Act concerning development activities in ordinances as the development permission criteria within the landscape planning areas provided by Article 8 paragraph (2) item (i) of said Act in accordance with the standard specified by Cabinet Order.
- (6) If designated cities, etc. and municipalities other than those that are specified pursuant to the provision of Article 252-17-2 paragraph (1) of the Local Autonomy Act to handle all the affairs belonging to the authority of prefectural governors pursuant to the provisions of this Section (hereinafter referred to as "administrative processing municipalities" in this Section) intend to establish ordinances pursuant to the provisions of the preceding three paragraphs, they shall consult with and obtain the consent of the prefectural governors in advance.
- (7) With regard to development activities to be executed on a reclaimed land for which the public notice provided by Article 22 paragraph (2) of the Public Waters Reclamation Act has been made, if there exists a provision concerning matters prescribed in respective items of paragraph (1) (if ordinances provided by paragraphs (4) and (5) are established, matters specified by such ordinances are included) in the conditions for license provided by Article 2 paragraph (1) of said Act concerning the relevant reclaimed land, such provision shall be the development permission criteria, and the standards prescribed in respective items of paragraph (1) (if ordinances provided by paragraphs (4) and (5) are established, restrictions specified by such ordinances are included) shall apply only when they do not contradict such conditions.
- (8) In addition to what is provided for in paragraph (1), the development permission criteria in urban redevelopment promotion areas shall be prescribed by law separately.

Article 34 Notwithstanding the provision of the preceding Article, prefectural governors shall not grant development permission with respect to development activities pertaining to urbanization control areas (excluding development activities having the primary purpose of constructing Category 2 special structures) unless they deem that the development activities and their application procedure pertaining to the relevant application conform to the requisites specified by said Article and the development activities pertaining to the relevant application conform to any of the following items:



- (i) Development activities carried out with the primary purpose of constructing buildings specified by Cabinet Order that are necessary from the viewpoint of public interest and made available for use by inhabitants who live in the relevant development areas and surrounding areas and stores, workshops and similar buildings for selling, processing or repairing commodities necessary for the everyday life of such inhabitants;
- (ii) Development activities carried out with the purpose of building or constructing buildings or Category 1 special structures necessary for effectively utilizing mineral resources, sightseeing resources and other resources that exist in urbanization control areas;
- (iii) Development activities carried out with the purpose of building or constructing buildings or Category 1 special structures used for projects specified by Cabinet Order that require special conditions in respect of temperature, humidity, air, etc. but cannot be easily built or constructed in urbanization promotion areas because of the necessity of meeting such special conditions;
- (iv) Development activities carried out with the purpose of building or constructing buildings for use in agriculture, forestry or fisheries (except buildings specified by Cabinet Order mentioned in Article 29 paragraph (1) item (ii)), and/or buildings or Category 1 special structures necessary for disposing, storing or processing agricultural, forest or marine products produced in urbanization control areas;
- (v) Development activities carried out in the land pertaining to rights provided by Article 2 paragraph (3) item (iii) of the Act for Promotion of Infrastructure Development for Vitalizing Agriculture and Forestry, etc. in Specified Rural Areas (Act No. 72 of 1993), established or transferred as prescribed in plans to promote transfer of ownership rights, etc. for which a public notice is made pursuant to the provision of Article 9 paragraph (1) of said Act in accordance with the purpose of use prescribed in said plans to promote transfer of ownership rights, etc. (which shall be limited to the construction of buildings being infrastructure facilities for vitalizing agriculture and forestry, etc. prescribed in item (ii) of said paragraph).
- (vi) Development activities carried out with the purpose of building or constructing buildings or Category 1 special structures used for projects that will contribute to the coordination or combined operation with other business operators or vitalized accumulation of small and medium enterprises that are conducted by small and medium enterprises supported by prefectures in a joint effort with the State or the Organization for Small and Medium Enterprises and Regional Innovation, Japan.
- (vii) Development activities carried out with the purpose of building or constructing buildings or Category 1 special structures used for projects that

- are closely linked to projects in industrial factories currently used for industrial purposes in urbanization control areas in cases where it is necessary to build or construct such buildings and structures in urbanization control areas in order to secure greater efficiency of these projects;
- (viii) Development activities carried out with the purpose of building or constructing buildings or Category 1 special structures used for storing or treating hazardous materials specified by Cabinet Order, the building or construction of such buildings or structures in urbanization promotion areas is specified by Cabinet Order as being inappropriate.
  - (ix) Development activities carried out with the purpose of building or constructing buildings or Category 1 special structures which, in addition to what are provided for in the foregoing respective items, are specified by Cabinet Order as buildings or Category 1 special structures whose building or construction in urbanization promotion areas is difficult or inappropriate.
  - (x) Development activities carried out with the purpose of building or constructing buildings or Category 1 special structures, in district planning or rural hamlet district planning areas (which shall be limited to areas where district improvement plans or rural hamlet district improvement plans are established), that conform to the contents of the district plans or the rural hamlet district plans in question.
  - (xi) Development activities carried out within areas that are located adjacent or close to urbanization promotion areas, that are deemed to form integrated daily living areas with those urbanization promotion areas because of their natural and social conditions, that generally have 50 or more consecutive buildings (including those in the urbanization promotion area), that is designated by prefectural ordinances (or, in case of areas within designated cities or administrative processing municipalities, the designated city or administrative processing municipalities in question; hereinafter the same shall apply in this item and the next item) in accordance with the standard specified by Cabinet Order, the use of scheduled buildings, etc. of which does not fall under the use specified by prefectural ordinances as being detrimental to environmental preservation in the development areas and surrounding areas.
  - (xii) Development activities with their areas, purposes or use of scheduled buildings, etc. being limited by prefectural ordinances in accordance with the standard specified by Cabinet Order as those that are considered to have no fear of promoting urbanization in and around development areas and to be difficult or extremely inappropriate to implement in urbanization promotion areas.
  - (xiii) Development activities executed as the exercise of right concerning the relevant land by persons who, at the time when city plans concerning

urbanization control areas are fixed or when the urbanization control areas are expanded by changing the relevant city plans, had land or held rights other than ownership concerning the use of land for the purpose of building buildings for own dwelling or business or of constructing Category 1 special structures for own business and who had notified prefectural governors of such matters as specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism within six months counting from the date of the decision or change of the relevant city plans in accordance with such purpose (which shall be limited to development activities executed within the period specified by Cabinet Order).

- (xiv) Development activities, in addition to what are provided for in the preceding respective items, that are deemed by prefectural governors based on the deliberations at the Development Investigation Committee to have no fear of promoting urbanization in and around development areas and to be difficult or extremely inappropriate to implement in urbanization promotion areas.

(Special Provisions regarding Development Permission)

Article 34-2 (1) With respect to development activities executed by the State or prefectures, designated cities, etc. or administrative processing municipalities; partial affairs associations, wide area local public bodies, total affairs associations, office affairs associations in which prefectures, designated cities, etc. or administrative processing municipalities participate, or port authorities; or local development corporations for which prefectures, designated cities, etc. or administrative processing municipalities are establishing bodies (hereinafter referred to as "Prefectures, etc.") within city planning areas or quasi city planning areas (excluding development activities listed in respective items of Article 29 paragraph (1)) or within areas outside city planning areas or quasi city planning areas (excluding development activities whose scale is smaller than that specified by Cabinet Order under paragraph (2) of said Article and development activities listed in respective items of said paragraph), the development permission shall be deemed to have been granted when the consultation between the relevant State agencies or the Prefectures, etc. and prefectural governors is effected.

- (2) The provision of Article 32 shall apply mutatis mutandis to the State agencies or the Prefectures, etc. that intend to hold the consultation set forth in the preceding paragraph, the provision of Article 41 shall apply mutatis mutandis to the case where prefectural governors intend to effect the consultation under the said paragraph and the provision of Article 47 shall apply mutatis mutandis to the case where the consultation under said paragraph is effected.

(Notice of Granting or Not Granting of Permission)

Article 35 (1) When prefectural governors receive applications for development permission, they shall make the disposition of either granting or not granting the permission without delay.

(2) The disposition set forth in the preceding paragraph by the prefectural governors shall be made by notifying the relevant applicant in writing.

(Permission of Revisions, etc.)

Article 35-2 (1) Persons who have received development permission and intend to revise matters listed in any item of Article 30 paragraph (1) shall receive permission from the prefectural governors. However, this shall not apply to following cases; where the development activities pertaining to the application for permission of revision are those pertaining to permission provided by Article 29 paragraph (1) fall under the development activities listed in any item of said paragraph; where the development activities pertaining to the application for permission of revision are those pertaining to permission provided by paragraph (2) of said Article fall under development activities whose scale is smaller than that specified by Cabinet Order under said paragraph or development activities listed in any item of said paragraph; or where such persons intend to execute minor changes specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) Persons who intend to obtain the permission set forth in the preceding paragraph shall submit a written application describing matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism to the prefectural governors.

(3) When persons who have received development permission and executed a minor change specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism under the proviso of paragraph (1), they shall notify prefectural governors of such circumstance without delay.

(4) The provision of Article 31 shall apply *mutatis mutandis* to cases where the development activities-related construction after the change falls under the construction specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism under said Article; the provision of Article 32 shall apply *mutatis mutandis* to cases where it is intended to make changes to matters relating to public facilities that are related to development activities or to public facilities that will be established as a result of the relevant development activities or the relevant development activities-related construction, or cases where it is intended to make changes to matters concerning development activities pertaining to the consultation with persons specified by Cabinet Order under said Article and are prescribed by Cabinet Order; the provisions of Article 33, Article 34 and the immediately preceding

Article and Article 41 shall apply mutatis mutandis to permission pursuant to the provision of paragraph (1); the provision of Article 34-2 shall apply mutatis mutandis to cases where the State or the Prefectures, etc. is required to receive the permission under the said paragraph pursuant to the provision of paragraph (1); and the provision of Article 47 paragraph (1) shall apply mutatis mutandis to permission pursuant to the provision of paragraph (1) and notification pursuant to the provision of paragraph (3). In this case, the term "matters listed below" in Article 47 paragraph (1) shall be deemed to be replaced with "the date of permission for change or notification and matters listed in items (ii) through (vi) and pertaining to the relevant change".

- (5) With respect to the application of provisions contained in the next Article, Article 37, Article 39, Article 40, Articles 42 through 45, and Article 47 paragraph (2) to the cases set forth in paragraph (1) or paragraph (3), contents of the permission pursuant to the provision of paragraph (1) or contents after the change pertaining to the notification pursuant to the provision of paragraph (3) shall be regarded as the contents of the development permission.

(Inspection for Completion of Construction)

- Article 36 (1) When persons who have received the development permission complete the relevant development activities-related construction for all of the relevant development areas (if the development area is divided into work areas, each work area) (with respect to a part of construction relating to public facilities among the development activities-related construction, the relevant public facility-related construction), they shall notify the prefectural governors of such circumstance pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (2) When prefectural governors receive the notification pursuant to the provision of the preceding paragraph, they shall inspect whether or not the relevant construction are in conformity with the contents of the development permission without delay and when, as a result of such inspection, they find that the relevant construction are in conformity with the contents of the relevant development permission, they shall grant the persons who were granted the relevant development permission a certificate of inspection passed according to the form specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (3) When prefectural governors have granted a certificate of inspection passed pursuant to the provision of the preceding paragraph, they shall give public notice to the effect that the relevant construction has been completed without delay pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Building Restrictions, etc.)

Article 37 No buildings or special structures shall be constructed on land in the development area for which development permission has been granted until the time when the public notice provided by paragraph (3) of the preceding Article is given. However, this shall not apply to cases falling under any of following items:

- (i) If temporary buildings or special structures to be used for executing the relevant development activities-related construction are built or constructed, and where the prefectural governors find that such construction will cause no inconvenience;
- (ii) If persons who have not given the consent prescribed in Article 33 paragraph (1) item (xiv) build buildings or construct special structures as the exercise of their rights.

(Discontinuance of Development Activities)

Article 38 If persons who have obtained development permission discontinue the development activities-related construction, they shall notify the prefectural governors of such circumstance without delay pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Administration of Public Facilities Established by Development Activities, etc.)

Article 39 If public facilities are established as a result of development activities or the development activities-related construction for which the development permission is granted, the public facilities shall, on the day following the day on which the public notice provided by Article 36 paragraph (3) is given, come under the administration of the municipalities in which the public facilities are located. However, if there are separate administrators provided for by other laws, or when a special provision is made concerning the administrators by the consultation provided by Article 32 paragraph (2), the public facilities shall come under the administration of such persons.

(Possession of Land used for Public Facilities)

Article 40 (1) If new public facilities are to be established to replace former public facilities as a result of development activities or the development activities-related construction for which the development permission is granted, the land used for the former facilities and owned by the State or local governments shall belong to the persons who have obtained the relevant development permission as of the day following the day of the public notice provided by Article 36 paragraph (3) and the land used for the new public facilities established to replace the former public facilities shall belong to the

State or the relevant local governments as the case may be as of that day.

- (2) The land used for public facilities established as a result of development activities or the development activities-related construction for which the development permission is granted, excluding the land provided for in the preceding paragraph and the land administered by the persons who have obtained the development permission, shall, as of the day following the day of the public notice provided by Article 36 paragraph (3) belong to the persons who are to administer the relevant public facilities pursuant to the provision of the preceding Article (if that person is a local governments administering the relevant public facilities as Type 1 statutory entrusted functions as prescribed in Article 2 paragraph (9) item (i) of the Local Autonomy Act (hereinafter simply referred to as "Type 1 statutory entrusted functions"), then the State).
- (3) If the land provided for the use of arterial streets constituting city planning facilities or of such other important public facilities specified by Cabinet Order in urbanization promotion areas belongs to the State or local governments pursuant to the provision of the preceding paragraph, the former owners (the persons who owned the relevant land as of the day of the public notice provided by Article 36 paragraph (3) ) may, unless otherwise agreed to in the consultation provided by Article 32 paragraph (2) in connection with the bearing of the expenses as the result of the relevant change of possession, request that the State or local governments to bear the amount of the expenses required for the acquisition of the relevant land, in whole or in part pursuant to the provision of Cabinet Order.

(Designation of Building Coverage Ratio, etc. of Buildings)

- Article 41 (1) When prefectural governors deem it necessary in granting development permission for development activities in areas of land where no use districts have been designated, they may prescribe restrictions on the building coverage ratio of buildings, height of buildings, position of wall surfaces, and site, structure and equipment of buildings with respect to the land in the relevant development area.
- (2) In areas of land where restrictions have been prescribed pursuant to the provision of the preceding paragraph with respect to the site, structure and equipment of buildings, no buildings shall be built in violation of the restrictions. However, this shall not apply to the case where the prefectural governors give their permission deeming that the construction will not hinder the preservation of the environment in the relevant areas and surrounding areas or that it is unavoidable from the standpoint of public interest.

(Restrictions on Buildings, etc. on Land with Development Permission)

- Article 42 (1) After the issuance of the public notice provided by Article 36

paragraph (3), any person shall not, in development areas where development permission has been granted, newly build nor newly construct any buildings or special structures other than the scheduled buildings, etc. pertaining to the relevant development permission; nor shall any persons reconstruct any buildings or change their uses to make them different from the scheduled buildings pertaining to the relevant development permission. However, this shall not apply to cases where the prefectural governors have given permission for the act deeming that it will cause no hindrance from the standpoint of promoting convenience in the relevant development areas or of preserving the environment in the development areas and surrounding areas and to cases where use districts, etc. have been prescribed for the land in the relevant development areas in cases of such buildings or Category 1 special structures falling under any of the structures designated by the Cabinet Order under Article 88 paragraph (2) of the Building Standards Act.

- (2) With respect to activities conducted by the State, the permission pursuant to the provision of the proviso in the preceding paragraph shall be deemed to have been given when the consultations between the relevant State agencies and the prefectural governors is effected.

(Restrictions on Buildings, etc. on Land Other than Land with Development Permission)

Article 43 (1) Without obtaining the permission of the prefectural governors, any person shall not, in any area in urbanization control areas other than development areas for which the development permission has been granted, newly build any buildings other than those prescribed in Article 29 paragraph (1) item (ii) or (iii) or newly construct any Category 1 special structures, nor shall remodel them to buildings other than those prescribed in item (ii) or (iii) of said paragraph by reconstructing any buildings or changing their uses. However, this shall not apply to the following kinds of new building, reconstruction or change of use of buildings or new construction of Category 1 special structures:

- (i) New construction, reconstruction or change of use of buildings or new construction of Category 1 special structures performed as the execution of city planning projects;
- (ii) New construction, reconstruction or change of use of buildings or new construction of Category 1 special structures performed as emergency measures necessitated by unforeseen disasters;
- (iii) New construction of temporary buildings;
- (iv) New construction, reconstruction or change of use of buildings or new construction of Category 1 special structures performed within the area of land where development activities listed in Article 29 paragraph (1) item (ix)



or other development activities specified by Cabinet Order have been executed;

(v) Routine administrative activities, minor activities and other activities as may be specified by Cabinet Order.

(2) Criteria for permission pursuant to the provision of the preceding paragraph shall be prescribed by Cabinet Order following the cases of the criteria for development permission prescribed by Articles 33 and 34.

(3) With respect to new construction, reconstruction or change of use of buildings or new construction of Category 1 special structures under the main clause of paragraph (1) (excluding those listed in respective items of said paragraph) performed by the State or local governments, the permission provided by said paragraph shall be deemed to have been given when the consultations between the relevant State agencies or Prefectures, etc. and the prefectural governors is effected.

(Succession of Status Based on Permission)

Article 44 The heirs or other general successors of persons who obtains the development permission or the permission provided by paragraph (1) of the preceding Article shall succeed to the status based on the said permission held by the successee.

Article 45 Persons who acquire the ownership of land in the relevant development area or the right to execute the relevant development activities-related construction from persons who shall have obtained development permission may succeed to the status under the relevant development permission that shall have been held by the persons who shall have obtained the said development permission by obtaining the recognition of the prefectural governors.

(Development Register)

Article 46 Prefectural governors shall prepare and maintain a development register (hereinafter referred to as "register").

Article 47 (1) When prefectural governors grant the development permission, they shall enter in the register matters listed below concerning the land pertaining to the said permission:

(i) Date of the development permission;

(ii) Uses of scheduled buildings etc. (excluding buildings and Category 1 special structures within areas in use districts, etc.);

(iii) Kind, location and area of public facilities;

(iv) In addition to what are listed in the preceding three items, contents of the

- development permission;
- (v) Contents of the restrictions pursuant to the provision of Article 41 paragraph (1);
  - (vi) In addition to what are specified by the preceding respective items, matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (2) When prefectural governors have executed the construction completion inspection pursuant to the provision of Article 36 and deem that the relevant construction area in conformity with the contents of the relevant development permission, they shall put a supplementary note in the register to that effect.
- (3) The same rule as in the preceding paragraph shall also apply when the permission pursuant to the provisions of the proviso of Article 41 paragraph (2) or of Article 42 paragraph (1), and also when the consultation provided by paragraph (2) of said Article is effected.
- (4) If any change occurs on matters listed in respective items of paragraph (1) as the result of disposition pursuant to the provision of Article 81 paragraph (1), the prefectural governors shall make necessary revisions in the register.
- (5) Prefectural governors shall keep the register in custody so that it is made available for public perusal and shall deliver its copy on request.
- (6) Matters for the preparation, perusal etc. and other matters necessary for the register shall be prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Support by the State and Local Governments)

Article 48 For the purpose of promoting development of good urban districts in urbanization promotion areas, the State and local governments shall make effort to provide necessary technical advice and financial or other support to persons who have been granted development permission in urbanization promotion areas.

Article 49 Deleted

(Appeal)

Article 50 (1) Any person who are dissatisfied with dispositions made pursuant to the provisions of Article 29 paragraph (1) and/or paragraph (2), Article 35-2 paragraph (1), the proviso of Article 41 paragraph (2), the proviso of Article 42 paragraph (1) or Article 43 paragraph (1) or inactions pertaining to those (which means inaction prescribed in Article 2 paragraph (2) of the Administrative Appeal Act (Act No. 160 of 1962)) or with dispositions of supervision pursuant to the provision of Article 81 paragraph (1) rendered against persons who shall have violated these provisions may apply for

investigation to the Development Investigation Committee.

- (2) When the Development Investigation Committee receives the application for investigation pursuant to the provision of the preceding paragraph, it shall render rulings within two months from the day on which it receives the application for investigation.
- (3) When the Development Investigation Committee renders rulings set forth in the preceding paragraph, it shall first hold public oral proceedings by requesting the attendance of the applicant of the investigation, the administrative agency ordering the disposition, and other persons concerned or their representatives.

Article 51 (1) Any person who are dissatisfied with dispositions made pursuant to the provisions of Article 29 paragraph (1) and/or paragraph (2), Article 35-2 paragraph (1), the proviso of Article 42 paragraph (1) or Article 43 paragraph (1), if the reasons for their dissatisfaction involve adjustment with a mining enterprises, stone-quarrying enterprises or gravel-gathering enterprises, may apply for a ruling to the Environmental Dispute Coordination Commission. In this case, the person cannot appeal under the Administrative Appeal Act.

- (2) The provision of Article 18 of the Administrative Appeal Act shall apply mutatis mutandis to cases where the administrative agency ordering the disposition shall have instructed by mistake that an application for investigation may be made with regard to the dispositions prescribed in the preceding paragraph.

(Relations between Application for Investigation and Suit)

Article 52 Any suit for revocation of a disposition prescribed in Article 50 paragraph (1) (excluding suits involving matters for which an application for a ruling may be made to the Environmental Dispute Coordination Commission pursuant to the provision of paragraph (1) of the preceding Article) may not be instituted until after the ruling of the Development Investigation Committee based on the application for investigation with regard to the relevant dispositions shall have been rendered.

### **Section 1-2 Regulations on Building, etc. within Areas in Scheduled Areas for Urban Area Development Projects, etc.**

(Restrictions on Building, etc.)

Article 52-2 (1) Any person who intends to change the shape or character of land, build building or construct other structures in areas prescribed in city plans relating to the scheduled areas for urban area development projects, etc. shall obtain the permission of the prefectural governors. However, this shall not

apply to the activities listed in the following:

- (i) Routine administrative activities, minor activities and other activities as may be specified by Cabinet Order;
  - (ii) Activities performed as emergency measures necessitated by unforeseen disasters;
  - (iii) Activities performed as the execution of city planning project or similar activities specified by Cabinet Order.
- (2) The provision of Article 42 paragraph (2) shall apply *mutatis mutandis* to the permission pursuant to the provision of the preceding paragraph.
- (3) After public notice pursuant to the provision of Article 20 paragraph (1) shall have been given in connection with city plans relating to urban area development projects or urban facilities pertaining to scheduled areas for urban area development projects, etc., the provision of paragraph (1) shall not apply in the areas of the land pertaining to the relevant public notice.

(Preemption etc. of Land and Buildings, etc)

Article 52-3 (1) When a public notice pursuant to the provision of Article 20 paragraph (1) (including the cases where applied *mutatis mutandis* pursuant to Article 21 paragraph (2)) shall have been given in connection with city plans relating to scheduled areas for urban area development projects, etc., the scheduled project executors shall promptly give public notice of matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and at the same time shall, pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, take necessary measures to cause right holders concerned to fully understand that there are restrictions pursuant to the provisions of paragraphs (2) to (4) inclusive concerning transfer-for-counter value of land within areas in the relevant scheduled areas for urban area development projects, etc or land and buildings or other structures affixed thereto (hereinafter referred to as "land and buildings, etc.").

- (2) Persons who intend to transfer for counter value any land and buildings, etc. within areas in the scheduled areas for urban area development projects, etc. after a lapse of ten days counting from the day following the day when the public notice pursuant to the provision of the preceding paragraph is made shall notify the scheduled project executors in writing of the relevant land and buildings, etc., the amount of their estimated counter value (if the estimated counter value is in a form other than money, the amount obtained by estimating it in terms of money on the basis of current prices; hereinafter the same shall apply in this Article), the parties to whom they intend to transfer the relevant land and buildings, etc., and other matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

However, this shall not apply to cases where the relevant land and buildings, etc., in whole or in part, is subject to the provision of Article 46 of the Cultural Properties Protection Act (Act No. 214 of 1950) (including the cases where applied *mutatis mutandis* pursuant to Article 83 of said Act).

- (3) When scheduled project executors give notice, within thirty days after the notification pursuant to the provision of the preceding paragraph, to persons who have given notification to the effect that they will purchase the land and buildings, etc. pertaining to the notification, it shall be considered that the sale involving the relevant land and buildings, etc. shall have been effected between the scheduled project executors and the persons who shall have given the notification at a price equivalent to the estimated counter value mentioned in the notification documents.
- (4) Persons who shall have given the notification pursuant to the provision of paragraph (2) shall not transfer the relevant land and buildings, etc. during the period set forth in the preceding paragraph (if, during that period, the scheduled project executors give notice to the effect that they will not purchase the land and buildings, etc. pertaining to the notification, the period up to that time).
- (5) Scheduled project executors who shall have purchased land and buildings, etc. pursuant to the provision of paragraph (3) shall manage it in such a way that city plans pertaining to the relevant land are conformed to.

#### (Demands for Purchase of Land)

- Article 52-4 (1) Owners of land in areas prescribed in city plans relating to scheduled areas for urban area development projects, etc. may demand scheduled project executors to purchase the relevant land at current prices pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. However, this shall not apply to cases where the relevant land is the subject of rights belonging to other persons or where buildings, other structures or trees prescribed in Article 1 paragraph (1) of the Act concerning Growing Trees (Act No. 22 of 1909) stand on the relevant land.
- (2) The price of land to be purchased pursuant to the provision of the preceding paragraph shall be determined by agreement between the scheduled project executor and the owners of the land. The provision of Article 28 paragraph (3) shall apply *mutatis mutandis* in this case.
  - (3) The provision of paragraph (5) of the preceding Article shall apply *mutatis mutandis* to scheduled project executor who shall have purchased land pursuant to the provision of paragraph (1).
  - (4) After public notice pursuant to the provision of Article 20 paragraph (1) shall have been given in connection with city plans relating to urban area

development projects or urban facilities pertaining to scheduled areas for urban area development projects, etc., the provision of paragraph (1) shall not apply in the areas of the land pertaining to the relevant public notice.

(Compensation for Loss)

Article 52-5 (1) In cases where changes are made in the areas prescribed in city plans relating to scheduled areas for urban area development projects, etc., if there exist, among the owners of, or persons having interests in, the land which shall have come to be outside the scheduled areas for urban area development projects, etc. as a result of the changes, any persons who shall have suffered losses as a result of the changes by reason of the fact that the relevant city plans shall have been decided, the scheduled project executors shall compensate the losses, and in cases where the city plans relating to the scheduled areas for urban area development projects, etc., lose their validity pursuant to the provision of Article 12-2 paragraph (5) because of the fact that the city plans relating to the urban area development projects or urban facilities pertaining to scheduled areas for urban area development projects, etc., shall have not been prescribed, if there exist, among the owners of; or persons having interest in, the land within the relevant scheduled areas for urban area development projects, etc., any persons who suffer losses owing to the fact that the relevant city plans shall have been decided, the persons who are responsible for deciding the city plans relating to the urban area development projects or urban facilities pertaining to the relevant scheduled areas for urban area development projects, etc., shall compensate the losses respectively.

- (2) Any person shall not demand compensation for losses pursuant to the provision of the preceding paragraph after a lapse of one year counting from the day when they become aware of the losses.
- (3) The provisions of paragraphs (2) and (3) of Article 28 shall apply mutatis mutandis to the case of paragraph (1).

**Section 2 Regulations on Building, etc. in Areas of City Planning  
Facilities, etc.**

(Building Permission)

Article 53 (1) Persons who intend to build buildings within areas of the city planning facilities or work execution areas of urban area development projects shall obtain permission from the prefectural governors pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. However, this shall not apply to the following activities:

- (i) Minor activities specified by Cabinet Order

- (ii) Activities performed as emergency measures necessitated by unforeseen disasters;
  - (iii) Activities performed as the execution of city planning project or similar activities specified by Cabinet Order.
  - (iv) Activities performed in areas of city planning facilities for which the minimum distance of separation and maximum load are established pursuant to the provision of the second sentence of Article 11 paragraph (3) and that conform to the minimum distance of separation and the maximum load in question.
  - (v) Such activities as performed in areas of roads, which are city planning facilities prescribed in Article 12-11, which should be utilized concurrently as the sites for buildings, etc., and as specified by Cabinet Order as not imparting any major hindrance on improvement of roads which are the relevant city planning facilities.
- (2) The provision of Article 42 paragraph (2) shall apply mutatis mutandis to permission pursuant to the provision of the preceding paragraph.
- (3) After the public notice prescribed in Article 65 paragraph (1) shall have been given, the provision of paragraph (1) shall not apply in the areas of land pertaining to the relevant public notice.

(Criteria for Permission)

Article 54 When prefectural governors receive applications for permission pursuant to the provision of paragraph (1) of the preceding Article, and if the relevant application falls under any of the following items, they shall grant the permission:

- (i) The relevant building conforms to the city plans, among city plans relating to city planning facilities and/or urban area development projects, that provides for buildings;
- (ii) In cases where the multi-level scope for development of urban facilities in areas of city planning facilities is established pursuant to the provision of Article 11 paragraph (3), the relevant construction is recognized to be executed outside of said multi-level scope and not to cause any major hindrance to the development of said city planning facilities. However, in cases where the said multi-level scope is established for spaces in development of urban facilities, which are roads, this shall be limited to cases where Cabinet Order establishes the building construction as not causing hindrance in terms of safety, fire protection and public sanitation.
- (iii) The relevant buildings are deemed to comply with the following conditions and to be easily capable of relocation or removal:
  - (a) The number of stories is two or less and there is no basement;
  - (b) The main structural parts (which means the main structural parts

prescribed in Article 2 item (v) of the Building Standards Act) are of wooden construction, steel-frame construction, concrete-block construction or other construction similar thereto.

(Special Provisions, etc. regarding the Criteria for Permission)

Article 55 (1) Notwithstanding the provision of the preceding Article, prefectural governors may, with respect to the building of buildings executed in a land within the areas designated by them for the land in the areas of city planning facilities or in the work execution areas of urban area development project (excluding land readjustment projects and new city foundation development projects) (hereinafter referred to as "scheduled project sites" in the next Article and in Article 57), refrain from granting the permission provided by Article 53 paragraph (1). However, this shall not apply to the building of buildings on land for which persons concerned shall have given a notice, pursuant to the provision of paragraph (2) of the next Article, to the effect that they will not purchase it.

(2) Persons who intend to execute city planning projects or any other persons specified by Cabinet Order may request prefectural governors to designate the land pursuant to the provision of the preceding paragraph or to designate them as the other party of the proposal for the purchase of land pursuant to paragraph (1) of the next Article or of the notification pursuant to the main clause of Article 57 paragraph (2).

(3) Prefectural governors may designate persons who shall have requested the designation of land pursuant to the provision of the preceding paragraph as the other party of the proposal for the purchase of land pursuant to paragraph (1) of the next Article or of the notification pursuant to the main clause of Article 57 paragraph (2).

(4) When prefectural governors designate the land pursuant to paragraph (1) or, based on the proposal made pursuant to the provision of paragraph (2) or pursuant to the provision of the preceding paragraph, designate the other party of the proposal for the purchase of land pursuant to the provision of paragraph (1) of the next Article or the notification pursuant to the main clause of Article 57 paragraph (2), the prefectural governors shall give a public notice to that effect pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Purchase of Land)

Article 56 (1) When prefectural governors (if there are persons for whom public notice shall have been given pursuant to the provision of paragraph (4) of the preceding Article as the other party of the proposal for the purchase of land, then such persons) receive from the owners of land within scheduled project



sites a proposal to the effect that the relevant land should be purchased by a reason that, if the building of the buildings is not permitted pursuant to the provision in the main clause of paragraph (1) of the preceding Article, it will greatly impede the utilization of the land, they shall, unless there are special reasons, purchase the relevant land at the current price.

- (2) Persons who shall have received the proposal pursuant to the provision of the preceding paragraph shall notify the owners of the relevant land whether they will or will not purchase the relevant land without delay.
- (3) If persons, who shall have been publicly notified as being the other party of the proposal for the purchase of land pursuant to the provision of paragraph (4) of the preceding Article, give notice pursuant to the provision of the preceding paragraph to the effect that they will not purchase the land, they shall immediately notify the prefectural governors of such effect.
- (4) Persons who shall have purchased the land pursuant to the provision of paragraph (1) shall manage the land in conformance with the city plans pertaining to the said land.

(Preemption etc. of Land)

- Article 57 (1) When a public notice with regard to city plans relating to urban area development projects pursuant to the provision of Article 20 paragraph (1) (including the cases where applied *mutatis mutandis* pursuant to Article 21 paragraph (2)) or a public notice pertaining to urban area development projects or city planning facilities within urbanization promotion areas and/or city planning areas that have not been designated as either urbanization promotion areas or urbanization control areas pursuant to the provision of Article 55 paragraph (4) shall have been given, prefectural governors (if there are persons for whom public notice shall have been given pursuant to the provision of paragraph (4) of said Article as the other party of the notification pursuant to the provision of the main clause of the next paragraph, then such persons: hereinafter the same shall apply in this Article) shall promptly give public notice of matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and at the same time shall take necessary measures to cause right holders concerned to fully understand that there are restrictions pursuant to the provisions of paragraphs (2) to (4) inclusive concerning transfer-for-counter value of land within the scheduled project sites pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (2) Persons who intend to transfer for counter value any land within the scheduled project sites after a lapse of ten days counting from the day following the day when the public notice pursuant to the provision of the preceding paragraph is made (excluding persons who intend to transfer for counter value

land and buildings or other structures affixed thereto) shall notify prefectural governors in writing of the relevant land, the amount of their estimated counter value (if the estimated counter value is in a form other than money, the amount obtained by estimating it in terms of money on the basis of current prices; hereinafter the same shall apply in this Article), the parties to whom they intend to transfer the relevant land and other matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. However, this shall not apply to cases where the relevant land, in whole or in part, is subject to the provision of Article 46 of the Cultural Properties Protection Act (including the cases where applied *mutatis mutandis* pursuant to Article 83 of said Act) or is included in the land where city planning projects pertaining to the relevant public notice provided by Article 66 after a lapse of ten days counting from the day following the day when the public notice shall have been given.

- (3) When prefectural governors give notice, within thirty days after the notification pursuant to the provision of the preceding paragraph, to persons who have given notification to the effect that they should purchase the land pertaining to the notification, it shall be considered that the sale with regard to the relevant land shall have been effected between prefectural governors and the persons who shall have given the notification at a price equivalent to the estimated counter value mentioned in the notification documents.
- (4) Persons who shall have given the notification pursuant to the provision of paragraph (2) shall not transfer the relevant land during the period set forth in the preceding paragraph (if, during that period, prefectural governors give notice to the effect that they will not purchase the land pertaining to the notification, the period up to that time).
- (5) The provision of paragraph (4) of the preceding Article shall apply *mutatis mutandis* to persons who shall have purchased the land pursuant to the provision of paragraph (3).

(Special Provisions regarding Areas, etc. of City Planning Facilities for Which Scheduled Project Executors Are Designed)

Article 57-2 With respect to areas of city planning facilities and work execution areas of urban area development projects pertaining to city plans for which the scheduled project executors are designed (hereinafter referred to as "areas, etc. of city planning facilities for which scheduled project executors are designed"), the provisions of Articles 53 through 57 shall not apply; rather, such areas shall be governed by the provisions of Articles 57-3 through 57-6. However, if public notice shall have been given pursuant to the provision of Article 60-2 paragraph (2), this shall not apply to areas of city planning facilities and the work execution areas of urban area development projects pertaining to the said

public notices.

(Restrictions on Buildings, etc.)

Article 57-3 (1) The provisions of Article 52-2 paragraphs (1) and (2) shall apply mutatis mutandis to the alteration of the shape and quality of land, building of buildings and construction of other structures in areas, etc. of city planning facilities for which scheduled project executors are designed.

(2) The provision of the preceding paragraph shall not apply to the areas of land pertaining to the public notice after the public notice prescribed in Article 65 paragraph (1) have been made.

(Preemption etc. of Land and Buildings, etc.)

Article 57-4 The provision of Article 52-3 shall apply mutatis mutandis to the transfer for counter value of any of land and buildings, etc. in areas of city planning facilities for which scheduled project executors have been designed. In this case, the term "relating to scheduled areas for urban area development projects, etc." in paragraph (1) of said Article shall be deemed to be replaced with "relating to urban facilities or urban area development projects for which scheduled executors shall have been designed"; the term "within areas in the relevant scheduled areas for urban area development projects, etc." shall be deemed to be replaced with "in the areas of the relevant city planning facilities and work execution areas of the urban area development projects"; and the term "within areas in the scheduled areas for urban area development projects, etc." in paragraph (2) of the same Article shall be deemed to be replaced with "in areas of city planning facilities and work execution areas of urban area development projects for which scheduled executors shall have been designed".

(Demand for Purchase of Land)

Article 57-5 The provisions of Article 52-4 paragraphs (1) to (3) inclusive shall apply mutatis mutandis to demands for purchase of land in areas of city planning facilities construction projects for which scheduled project executors have been designed.

(Compensation for Losses)

Article 57-6 (1) If the areas prescribed in city plans or the work execution areas shall have been changed within two years counting from the day of public notice with regard to city plans relating to urban area development projects or urban facilities for which scheduled project executors have been designed pursuant to the provision of Article 20 paragraph (1) and if owners or related parties of land that has come to be outside said areas or work execution areas by reason of the changes suffer losses by a reason that the relevant city plan is

established, the relevant scheduled project executors shall compensate such losses.

- (2) The provisions of Article 52-5 paragraphs (2) and (3) shall apply mutatis mutandis to the cases referred to in the preceding paragraph.

### **Section 3 Regulations on Building, etc. in Scenic Districts**

(Regulations on Building, etc.)

Article 58 (1) Ordinances of local governments may establish necessary regulations for maintaining the urban scenery in respect of the construction of buildings, development of housing land, felling of trees and bamboos and other activities in scenic districts in accordance with the standard specified by Cabinet Order.

- (2) The provision of Article 51 shall apply mutatis mutandis to appeal on dispositions made pursuant to the provisions of ordinances based on the provision of the preceding paragraph.

### **Section 4 Regulations on Building, etc. in District Planning Areas, etc.**

(Notification, etc. of Building, etc.)

Article 58-2 (1) Persons who intend to make alterations to the shape and quality of land zoning, construct buildings or perform any other activities specified by Cabinet Order in district planning areas (which shall be limited to areas of redevelopment promotion areas or development improvement promotion areas (which shall be limited, in either case, to those areas for which the layout and scale of facilities prescribed by Article 12-5 paragraph (5) item (ii) are decided) or areas for which areas improvement plans are established) shall, pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, notify mayors of municipalities of the type and location of activities, design and methods of execution, scheduled date of construction commencement and other matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism no later than thirty days prior to the day when the said activities are to be started. However, this shall not apply to the following activities:

- (i) Routine administrative activities, minor activities and other activities as may be specified by Cabinet Order;
- (ii) Activities performed as emergency measures necessitated by unforeseen disasters;
- (iii) Activities performed by the State or local governments;
- (iv) Activities performed as the execution of city planning projects or similar activities specified by Cabinet Order.

- (v) Activities that require permission provided by Article 29 paragraph (1) and other activities as may be specified by Cabinet Order
- (2) If persons who shall have submitted notification pursuant to the provision of the preceding paragraph intend to revise matters pertaining to the notifications that are specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, such person shall, pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, notify mayors of municipalities of their intentions no later than thirty days prior to the day when the activities pertaining to the relevant revision of the matter are to be started.
- (3) Upon receiving the notification pursuant to the provisions of paragraph (1) or the preceding paragraph, and if mayors of municipalities judge that the activities pertaining to notification do not conform to district plans, they may recommend to persons who shall have submitted the relevant notification to revise the design or to take other necessary measures relating to the activities pertaining to the notification.
- (4) If mayors of municipalities shall have given recommendations pursuant to the provision of the preceding paragraph and judges necessary, they shall make effort to ensure that persons who shall have received such recommendations to broker or take other necessary measures for the disposition of rights of land.

(Regulations on Building, etc. Based on Other Acts)

Article 58-3 Regulations on construction of buildings and other activities in areas of district plans, etc., in addition to what are prescribed by the preceding Article, shall be provided for by law separately.

## **Section 5 Measures, etc. concerning Land Use in Unused Land Use Promotion Areas**

(Responsibilities, etc. of Landowners, etc.)

- Article 58-4 (1) Persons who hold ownership rights, surface rights and other rights aimed at securing the use or appropriation of land within unused land use promotion areas shall make effort to attain the objectives of city plans relating to the relevant unused land use promotion areas by seeking the effective and appropriate use of the relevant land as promptly as possible.
- (2) When municipalities judge necessary from the viewpoint of attaining the objectives of city plans relating to unused land use promotion areas, municipalities shall offer guidance and advice to persons who hold ownership rights, surface rights and other rights aimed at securing the use or appropriation of land within the relevant unused land use promotion areas concerning matters linked to promoting the effective and appropriate use of the

relevant land.

(Responsibilities, etc. of the State and Local Governments)

Article 58-5 For the purpose of promoting planned land use in the unused land use promotion areas and surrounding areas, the State and local governments shall make efforts to make decisions on district plans and other city plans, execute land readjustment projects and take other necessary measures.

(Notification of Unused Land)

Article 58-6 (1) Mayors of municipalities shall, if it is deemed that land (excluding land pertaining to notification pursuant to the provision of Article 28 paragraph (1) of the National Land Utilization Act (Act No. 92 of 1974) and land owned by the State, local governments and port authorities) belonging to owners of land within the relevant unused land use promotional areas conforms to the following conditions after two years elapse counting from the day after public notice is given pursuant to the provision of Article 20 paragraph (1) concerning city plans relating to unused land use promotion areas(including cases where applied mutatis mutandis pursuant to Article 21 paragraph (2)), notify the relevant landowners (when surface rights and/or other rights aimed at securing the use or appropriation of all or part of the said land as specified by Cabinet Order are fixed, then these right holders and the relevant landowners) that the relevant land is unused land pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism:

- (i) The land in question constitutes a single estate covering at least 1,000 square meters;
  - (ii) Two years have elapsed since the landowners acquired the land in question;
  - (iii) The land is not used for residential or business facilities or other uses, and it conforms to other conditions specified by Cabinet Order;
  - (iv) It is specifically necessary to promote the effective and appropriate use of the relevant land in order to promote planned use of the land and surrounding areas.
- (2) Mayors of municipalities shall notify prefectural governors of this fact without delay when they send a notice pursuant to the provision of the preceding paragraph.

(Notification of Plans Pertaining to Unused Land)

Article 58-7 Persons who shall have received notice pursuant to the provision of paragraph (1) of the preceding Article shall, pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, notify mayors of municipalities of plans to utilize or dispose of the unused land

pertaining to the notice within six weeks counting from the day following the day when said notice shall have been received.

(Recommendations, etc.)

Article 58-8 (1) Mayors of municipalities may, when notifications pursuant to the provision of the preceding Article are given and if they judge that utilizing or disposing of the relevant unused land according to the plans pertaining to the notification would impede promotion of the effective and appropriate use of the said land, they may set reasonable periods of time and recommend to the parties that submitted the notification that they revise the plans pertaining to the notification or take other necessary measures.

(2) Mayors of municipalities may, when they give recommendations pursuant to the provision of the preceding paragraph and if they judge necessary, request the recommended parties to make reports of measures that shall have been taken based on the recommendations.

(Consultations for Purchase of Unused Land)

Article 58-9 (1) When persons who shall have received recommendations from mayors of municipalities pursuant to the provision of paragraph (1) of the preceding Article do not comply with the recommendations, mayors of municipalities shall designate parties to hold consultations for purchase from among local governments, land development corporations and/or other corporations specified by Cabinet Order that wish to purchase the unused land pertaining to the relevant recommendations (hereinafter referred to as "local governments, etc." in this Section) and notify the persons that received the recommendations that the said parties will hold consultations for purchase by showing the aim to purchase.

(2) Local governments, etc. designated as parties for holding consultations pursuant to the provision of the preceding paragraph may hold consultations for purchase of the relevant unused land with the parties that received notice for a period of six weeks counting from the following day after the said notice was issued. In this case, person who shall have received such notice shall not refuse to hold the consultation for the purchase of the relevant unused land.

(Purchase Price of Unused Land)

Article 58-10 When local governments, etc. purchase unused land pursuant to the provision of the preceding Article, the price shall be set based on posted prices pursuant to the provision of Article 6 of the Land Prices Public Announcement Act (Act No. 49 of 1969) (if the relevant land exists in areas other than those subject to prices public announcement, then based on appropriate estimated prices calculated taking trading prices, etc., of similar

neighboring land into account).

(Utilization of Purchased Unused Land)

Article 58-11 Local governments, etc. shall effectively and appropriately utilize unused land that they shall have purchased pursuant to the provision of Article 58-9 so that it conforms to the city plans pertaining to the unused land.

## **Chapter IV City Planning Projects**

### **Section 1 Approval etc. of City Planning Projects**

(Project Executors)

Article 59 (1) City planning projects shall be executed by municipalities upon obtaining the approval of the prefectural governor (the Minister of Land, Infrastructure, Transport and Tourism, in case of execution as Type 1 statutory entrusted functions).

(2) Prefectures may, by obtaining the approval of the Minister of Land, Infrastructure, Transport and Tourism, execute city planning projects in cases where it is difficult or inappropriate for municipalities to execute city planning projects and in other cases where special circumstances exist.

(3) State agencies may, by obtaining the recognition of the Minister of Land, Infrastructure, Transport and Tourism, execute city planning projects that have important bearing on the national interests.

(4) Parties other than State agencies, prefectures and municipalities, may execute city planning projects by obtaining the approval of the prefectural governor, either in cases where they have already been granted the license, permission or approval of administrative organs, if such disposition is necessary for the execution of the projects, or under other special circumstances.

(5) When prefectural governors intend to give their approval set forth in the preceding paragraph, they shall hear the opinions of the heads of the local governments concerned in advance.

(6) When the Minister of Land, Infrastructure, Transport and Tourism or prefectural governors intend to give the approval or recognition pursuant to the provisions of any of the paragraphs from (1) to (4), if the relevant city planning projects are ones that will close or alter irrigation or drainage facilities or any other facilities provided for public use necessary for preservation or use of agricultural land, or if the relevant city planning projects are likely to affect any land improvement project plans pertaining to management, construction or improvement of any of these facilities, he/she shall hear the opinions of the persons who manage the said facilities or the persons who perform the projects based on the relevant land improvement



project plans, with regard to the relevant city planning projects. However, this shall not apply to minor projects specified by Cabinet Order.

- (7) City planning facility construction projects and urban area development projects pertaining to city plans, for which the scheduled project executors have been designated, may be executed only by the persons so designated.

(Application for Approval or Recognition)

Article 60 (1) Any person seeking the approval or recognition set forth in the preceding Article shall, pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, submit a written application containing the items listed below to the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor.

(i) Name of project executors

(ii) Kind of city planning projects

(iii) Project plans

(iv) Other items specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism

- (2) The following items shall be included in the project plans of item (iii) of the preceding paragraph:

(i) Project sites (sites where the city planning project are to be executed; the same shall apply hereinafter), indicating whether the projects involve expropriation or use

(ii) Outline of the design

(iii) Project execution period

- (3) The documents listed below shall be attached to the written application provided by paragraph (1) pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(i) Drawings indicating project sites

(ii) Drawings and documents showing outline of the design

(iii) Financial plans

(iv) When dispositions of administrative organs such as granting of a license, permission, approval, etc. are necessary for the execution of projects, either documents certifying that such dispositions have been taken or written opinions of the relevant administrative organs

(v) Other drawings or documents specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism

- (4) The provision of Article 14 paragraph (2) shall apply mutatis mutandis to the indication of the project sites provided by paragraph (2) item (i) or item (i) of the preceding paragraph.

(Obligation to Apply for Approval or Recognition, etc.)

Article 60-2 (1) Scheduled project executors shall apply for the approval or recognition provided by Article 56 concerning the relevant city planning facility construction projects or urban area development projects within two years counting from the day of the issue of public notice pursuant to the provision of Article 20 paragraph (1) (public notice pursuant to the provision of Article 20 paragraph (1), as applied mutatis mutandis pursuant to Article 21 paragraph (2) concerning the relevant city plans in cases where city plans having no designated scheduled project executors have been changed to ones where the scheduled project executors are designated) concerning city plans relating to the city planning facilities or urban area development projects in question.

(2) In cases where applications for approval or recognition provided by the preceding paragraph are not made within the period set forth in the said paragraph, the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor shall, without delay, give public notice to that effect pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Compensation for Loss)

Article 60-3 (1) In cases where the public notice pursuant to the provision of paragraph (2) of the preceding Article has been given, if any of landowners or persons having interests in the land within the relevant city planning facility areas or work execution areas of urban area development projects, suffer a loss owing to the fact that the relevant city plans have been established, the relevant scheduled project executors shall compensate for the loss.

(2) The provisions of Article 52-5 paragraph (2) and (3) shall apply mutatis mutandis to the case referred to in the preceding paragraph.

(Criteria for Approval etc.)

Article 61 The Minister of Land, Infrastructure, Transport and Tourism or prefectural governors may give the approval or recognition provided by Article 59 if the procedures of application are not in violation of any laws and regulations and the projects pertaining to the application fall under any of the following items:

- (i) The substance of the projects is in conformity with city plans and the project execution period is appropriate.
- (ii) In cases where dispositions of administrative organs, such as granting a license, permission, approval, etc. are necessary with regard to the execution of the project, the dispositions have been taken or it is certain that the dispositions will be taken.

(Public notice of Approval etc. of City Planning Projects)

Article 62 (1) When the Minister of Land, Infrastructure, Transport and Tourism or prefectural governors have given the approval or recognition provided by Article 59, they shall, without delay, give notice of the names of the project executors, the kind of city planning projects, the project execution period and the project sites pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism; also the Minister of Land, Infrastructure, Transport and Tourism shall send to the prefectural governors concerned and the mayors of municipalities concerned, and the prefectural governors to the Ministry of Land, Infrastructure, Transport and Tourism and the mayors of municipalities concerned, copies of the drawings and documents listed in Article 60 paragraph (3) items (i) and (ii).

(2) The mayors of municipalities shall, pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, have the copies of drawings and document set forth in the preceding paragraph open to public inspection at the offices of the relevant municipalities until the end of the project execution period pertaining to the public notice set forth in the preceding paragraph or until the day when they receive the notice provided by Article 30 paragraph (2) of the Compulsory Purchase of Land Act, which applied mutatis mutandis under the provision of Article 30-2 of the said Act which applies pursuant to the provision of Article 69.

#### (Changes in Project Plans)

Article 63 (1) Any person who intends to make change in the project plans provided by Article 60 paragraph (1) item (iii) shall obtain the recognition of the Minister of Land, Infrastructure, Transport and Tourism in cases of State agencies, the approval of the Minister of Land, Infrastructure, Transport and Tourism in cases of a prefecture and a municipality which intends to execute projects as Type 1 statutory entrusted function, or the approval of the prefectural governor in cases of any other person. However, this shall not apply to such minor changes in the outline of the design specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The provisions of Article 59 paragraph (6) and the three preceding Articles shall apply mutatis mutandis to the approval or recognition set forth in the preceding paragraph.

#### (Succession to Status Established on Basis of Approval)

Article 64 (1) The status established on the basis of the approval provided by Article 59 paragraph (4) may be succeeded to by obtaining the recognition of the prefectural governor pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, besides cases of inheritance and other general succession.

- (2) When the status based on the approval provided by Article 59 paragraph (4) has been succeeded to, any dispositions, procedures, or other acts that have been made, taken or done pursuant to the provisions of this Act or the order based on this Act by the successee shall be deemed to have been made, taken or done by the successors, and any dispositions, procedures, or other acts that have been made, taken or done with respect to the successee shall be deemed to have been made, taken or done with respect to the successors.

## **Section 2 Execution of City Planning Projects**

(Restrictions on Building etc.)

- Article 65 (1) After the public notice pursuant to the provision of Article 62 paragraph (1), or the public notice pursuant to the provision of Article 62 paragraph (1), as applied mutatis mutandis pursuant to Article 63 paragraph (2) pertaining to inclusion of new project sites have been made, if, within the relevant project sites, any person intends to change the shape or character of land or build a building or construct other structure which may hinder the execution of city planning projects, or to set up or pile up any kind of the articles not readily movable specified by Cabinet Order, they shall obtain the permission of the prefectural governor.
- (2) When applications for permission set forth in the preceding paragraph have been made, the prefectural governor who intends to give permission shall seek opinions from the project executor in advance.
- (3) The provision of Article 42 paragraph (2) shall apply mutatis mutandis to permission pursuant to the provision of paragraph (1).

(Measures to Make Public Execution of Projects)

- Article 66 When the public notice prescribed in paragraph (1) of the preceding Article has been made, the project executor shall, without delay, notify publicly the matters specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. They also shall, pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, take necessary measures for informing the right holders concerned that, with regard to transfer-for-counter value of land and buildings, etc. within the project sites, there are restrictions pursuant to the provision of the next Article and shall try to obtain the cooperation of the inhabitants of the project sites and the neighboring land with regard to the city planning projects by taking measures such as explaining to them the outline of the project in question and hearing their opinions.

(Preemption of Land and Buildings, etc.)

- Article 67 (1) Any person who intends to make transfer-for-counter value of land and buildings, etc. within the project sites after ten days elapse counting from the next day of the public notice set forth in the preceding Article shall submit to the project executor written notification describing the relevant land and buildings, etc., the amount of estimated counter value (in cases where the estimated counter value is in a form other than money, its amount estimated in terms of money on the basis of current prices; hereinafter the same shall apply in this Article), the party to which the relevant land and buildings, etc. is to be transferred, and other items specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. However, this shall not apply to the case if all or part of the relevant land and buildings, etc. are subject to the provision of Article 46 of the Cultural Properties Protection Act (including the cases where applied mutatis mutandis pursuant to Article 83 of the same Act ).
- (2) When project executors give notice, within thirty days after the notification pursuant to the provision of the preceding paragraph, to persons who have given notification to the effect that they should purchase the land and buildings, etc. pertaining to the notification, it shall be considered that the sale with regard to the relevant land and buildings, etc. shall have been effected between the project executors and the persons who shall have given the notification at a price equivalent to the estimated counter value mentioned in the written notification.
- (3) The person who has submitted the notification provided by paragraph (1) shall not transfer the relevant land and buildings, etc. during the period set forth in the preceding paragraph (in cases where the project executor gives notice within the period to the effect that he/she does not intend to purchase the land and buildings, etc. pertaining to the notification, the period up to that time).

(Request to Purchase Land)

- Article 68 (1) Any owner of land within project sites concerning which the expropriation procedures are deferred pursuant to the provision of Article 31 of the Compulsory Purchase of Land Act, which are applied to it pursuant to the provision of the next Article, may request the project executor to purchase the relevant land at current prices pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. However, this shall not apply to cases where the relevant land constitutes the subject of a right belonging to any other person or where any building or other structures or any trees prescribed in Article 1 paragraph (1) of the Act Concerning Standing Trees exist on the relevant land.
- (2) The prices of land to be purchased pursuant to the provision of the preceding paragraph shall be determined by agreement between the project executor and

the owner of the land.

- (3) The provision of Article 28 paragraph (3) shall apply mutatis mutandis to the case referred to in the preceding paragraph.

(Expropriation or Use of Land etc. for City Planning Projects)

Article 69 City planning projects shall be deemed to be projects falling under one of the items of Article 3 of the Compulsory Purchase of Land Act and the provisions of the same Act shall apply to them.

Article 70 (1) With regard to city planning projects, the accreditation of projects pursuant to the provision of Article 20 of the Compulsory Purchase of Land Act (including the cases where applied mutatis mutandis pursuant to Article 138 paragraph (1) of the same Act) shall not be made but the approval or recognition pursuant to the provision of Article 59 shall be substituted for it, and the public notice pursuant to the provision of Article 62 paragraph (1) shall be deemed to be that of the accreditation of projects pursuant to the provision of Article 26 paragraph (1) of the Compulsory Purchase of Land Act (including the cases where applied mutatis mutandis pursuant to Article 138 paragraph (1) of the same Act).

- (2) With regard to land that is newly incorporated into project sites by changing the project plan, the term "Article 59" in the preceding paragraph shall be read as "Article 63 paragraph (1)", and the term "Article 62 paragraph (1)" shall be read as "Article 62 paragraph (1) applied mutatis mutandis pursuant to Article 63 paragraph (2)".

Article 71 (1) With regard to city planning projects, the provisions of Article 29 and Article 34-6 of the Compulsory Purchase of Land Act (including the cases where these provisions are applied mutatis mutandis pursuant to Article 138 paragraph (1) of the same Act) shall not apply to them. If there are any reasons that correspond to the reasons by which the accreditation of projects become null and void pursuant to the provision of Article 29 paragraph (1) of the same Act (including the cases where applied mutatis mutandis pursuant to Article 138 paragraph (1) of the same Act), the public notice of accreditation of projects pursuant to the provision of Article 26 paragraph (1) of the same Act (including the cases where applied mutatis mutandis pursuant to Article 138 paragraph (1) of the same Act) shall be deemed to have been made at the time when the reasons occurred, notwithstanding the provision of paragraph (1) of the preceding Article, and the provisions of Article 8 paragraph (3), Article 35 paragraph (1), Article 36 paragraph (1), Article 39 paragraph (1), Article 46-2 paragraph (1), Article 71 (including the cases where they are applied mutatis mutandis or where they serve as examples to be followed) and Article 89

paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 138 paragraph (1) of the same Act) of the same Act shall apply.

- (2) If, after the ruling for acquisition of rights has been given, no petition for ruling on handing over of the property are made by the time when the project execution period pertaining to the public notice pursuant to the provision of Article 62 paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 63 paragraph (2)) elapses, the decision for commencement of the procedures for acquisition-of-right rulings and rulings for acquisition of rights previously given shall be deemed to have been revoked after elapse of that period.

Article 72 (1) If any project executor intends to defer the procedures for expropriation or use pursuant to the provision of Article 31 of the Compulsory Purchase of Land Act applied pursuant to the provision of Article 69, they shall, at the time when he/she intends to obtain the approval or recognition pursuant to the provisions of Article 59 or Article 63 paragraph (1), submit a written petition containing statements to that effect and description of the bounds of the project site, for which the procedures for expropriation or use are to be deferred pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism. In this case, the bounds of the project site for which the procedures are to be deferred shall be indicated on the drawings listed in Article 60 paragraph (3) item (i) (including the cases where applied mutatis mutandis pursuant to Article 63 paragraph (2)).

- (2) The provision of Article 14 paragraph (2) shall be applied mutatis mutandis to the indication of the bounds of the project site pursuant to the provision of the preceding paragraph.

- (3) When the petition provided by paragraph (1) have been submitted, the Minister of Land, Infrastructure, Transport and Tourism or the prefectural governor shall, at the time when they give public notice pursuant to the provision of Article 62 paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 63 paragraph (2)), also give public notice to that effect that procedures for expropriation or use following the project approval or recognition will be deferred and indicate the bounds of the project site for which the procedures will be deferred.

Article 73 In addition to what is provided for by the provisions of the preceding four Articles, the application of the Compulsory Purchase of Land Act to city planning projects shall be governed by the provisions of the following items.

- (i) The provision of Article 28-3 of the Compulsory Purchase of Land Act (including the cases where applied mutatis mutandis pursuant to Article 138 paragraph (1) of the same Act) and the provision of Article 142 of the same

Act shall not apply, and the term "Article 28-3 paragraph (1)" in Article 89 paragraph (3) of the same Act shall be read as "Article 65 paragraph (1) of the City Planning Act".

- (ii) The periods prescribed in Article 34 of the Compulsory Purchase of Land Act and in the second sentence of Article 100 paragraph (2) of the same Act shall terminate when the project execution period pertaining to the public notice given pursuant to the provision of Article 62 paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 63 paragraph (2)) have elapsed.
- (iii) The term "drawings mentioned in Article 26-2 paragraph (2)" in Article 34-4 paragraph (2) of the Compulsory Purchase of Land Act shall be read as the "drawings and documents mentioned in Article 62 paragraph (2) of the City Planning Act (including the cases where applied mutatis mutandis pursuant to Article 63 paragraph (2))".
- (iv) The term "the accreditation of projects becomes null and void pursuant to the provisions of Article 29 or Article 34-6" in Article 92 paragraph (1) of the Compulsory Purchase of Land Act shall be read as "the time limit for applications for ruling on expropriation or use prescribed in Article 39 paragraph (1) has elapsed".
- (v) The term "this Act" in Article 139-3 of the Compulsory Purchase of Land Act shall be read as "this Act applied pursuant to the provision of Article 69 of the City Planning Act"; the term "the projects listed in each item of Article 17 paragraph (1), or projects that have received project accreditation from the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 27 paragraph (2) or paragraph (4)" shall be read as "city planning projects that have received the approval by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 59 paragraph (1) or (2) of the City Planning Act, or the recognition by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of paragraph (3) of the same Article"; the term "projects pursuant to the provision of Article 17 paragraph (2) (excluding projects that have received project accreditation by the Minister of Land, Infrastructure and Transport and Tourism pursuant to the provisions of Article 27 paragraph (2) or (4))" shall be read as "city planning projects that have received approval by the prefectural governor pursuant to the provisions of Article 59 paragraph (1) or (4) of the City Planning Act"; and the term "Article 25 paragraph (2) and Article 28-3 paragraph (1)" described in item (i) of the same Article shall be read as "Article 25 paragraph (2)".

(Measures for Livelihood Rehabilitation)

Article 74 (1) Any person who may lose his/her basis of living as a result of



giving up land, etc. needed for the execution of city planning projects may request the project executor to use his/her good offices of measures for livelihood rehabilitation including the implementation of the matters listed below in cases where such measures should be taken in addition to the compensation due to them.

- (i) Acquisition of housing land, land suitable for development of arable land, or other land
  - (ii) Acquisition of residence, shops, or other buildings
  - (iii) Aid for finding employment, vocational guidance, or vocational training
- (2) When the project executor receives the request made pursuant to the provision of the preceding paragraph, he/she shall, whenever the circumstances permit, make efforts to take the measures pertaining to the said request.

(Beneficiary's Contribution)

- Article 75 (1) In cases where any person is greatly benefited by city planning projects, the State, prefectures or municipalities may burden him/her with a part of the expenses required for the relevant city planning projects, within the limit of the benefit accruing to him/her from the city planning projects.
- (2) In the case referred to in the preceding paragraph, the scope of the persons from whom the contribution will be collected and the method of collecting contributions shall be prescribed by Cabinet Order for contributions to be levied by the State, and by prefectural or municipal ordinances for contributions to be levied by a prefecture or municipality.
- (3) In cases where any person fails to pay beneficiary's contributions pursuant to the provisions of the preceding two paragraphs (hereinafter referred to as "contributions" in this Article), the State, prefecture or a municipality (hereinafter referred to as "the State etc." in this Article) shall press him/her for payment by designating the time limit for payment in a letter of reminder.
- (4) In the case referred to in the preceding paragraph, the State etc. may collect fees in arrears within the limit not exceeding the amount calculated by multiplying the amount of contributions by the rate of 14.5% per annum pursuant to the provision of Cabinet Order (in the case of a prefecture or municipality, prefectural or municipal ordinances).
- (5) In cases where any person who has received a letter of reminder pursuant to the provision of paragraph (3) fails to pay the amount he/she should pay by the time limit designated in the letter of reminder, the State etc. may, following the example of the disposition for arrears of national taxes, collect contributions and fees in arrears prescribed in the preceding two paragraphs. In this case, the order of the statutory lien on contributions and fees in arrears shall come after national taxes and local taxes.
- (6) Fees in arrears shall take precedence over contributions.

- (7) The rights to collect contributions and fees in arrears shall be extinguished by prescription if they are not exercised within five years.

## **Chapter V Investigation, Deliberations, etc. by the Panel on Infrastructure Development, and Prefectural City Planning Councils etc.**

(Investigation, Deliberations, etc. by the Panel on Infrastructure Development)

Article 76 (1) The Panel on Infrastructure Development shall carry out investigation and deliberations of important matters concerning city planning in response to consultation by the Minister of Land, Infrastructure, Transport and Tourism.

- (2) The Panel on Infrastructure Development may submit a recommendation to administrative organs concerned with respect to important matters concerning city planning.

(Prefectural City Planning Councils)

Article 77 (1) Prefectural City Planning Councils shall be established in prefectures in order to carry out investigation and deliberations on matters placed under their jurisdiction by this Act, and other matters concerning city planning in response to consultation by the prefectural governor.

- (2) Prefectural City Planning Councils may submit a recommendation to the administrative organs concerned on matters concerning city planning.
- (3) Necessary matters concerning the organization and operation of Prefectural City Planning Councils shall be prescribed by prefectural ordinances in accordance with the standard specified by Cabinet Order.

(Local City Planning Councils)

Article 77-2 (1) Local City Planning Councils may be established in municipalities in order to carry out investigation and deliberations on matters placed under their jurisdiction by this Act, and other matters concerning city planning in response to consultation by the mayors of municipalities.

- (2) Local City Planning Councils may submit a recommendation to the administrative organs concerned on matters concerning city planning.
- (3) Necessary matters concerning the organization and operation of Local City Planning Councils shall be prescribed by municipal ordinances in accordance with the standard specified by Cabinet Order.

(Development Investigation Committee)

Article 78 (1) Development Investigation Committee shall be established in prefectures and designated cities etc. in order to force to make decisions in response to the application for investigation prescribed in Article 50 paragraph

- (1) and perform other matters placed under their jurisdiction by this Act.
- (2) Development Investigation Committee shall consist of five or seven members.
- (3) The members shall be appointed by prefectural governors or the heads of designated cities, etc. from among such persons having excellent experience and knowledge in law, economics, city planning, architecture, public sanitation or administration and being capable of making fair judgments concerning the public welfare.
- (4) No person falling under any of the following items may become a member of Committee:
  - (i) Bankrupt person who has not be reinstated;
  - (ii) A person sentenced to imprisonment without work or a heavier penalty, whose execution of sentence has not been completed or excused.
- (5) If any member of Committee comes to fall under either of the two items of the preceding paragraph, the prefectural governors or the heads of the designated cities etc. shall dismiss such member.
- (6) When any member of Committee appointed by the prefectural governors or the heads of the designated cities etc. falls under either of the following two items, the prefectural governors or the heads of the designated cities etc. may dismiss such member:
  - (i) When it is deemed that the member is unable to perform his/her duties owing to his/her mental or physical defect;
  - (ii) When it is deemed that the member is in breach of his/her work obligations or commit such other misconduct as to render himself/herself unfit to serve as a member.
- (7) No member of Committee may participate in proceedings concerning decisions to be made in response to the application for investigation prescribed in Article 50 paragraph (1) with respect to any cases connected to his/her own interests or interest of family members within third degree of kinship.
- (8) In addition to what is provided for in paragraphs (2) through (7), the necessary matters concerning the organization and operation of Development Investigation Committee shall be prescribed by prefectural ordinances or ordinances of designated cities etc. in accordance with the standard specified by Cabinet Order.

## **Chapter VI Miscellaneous Provisions**

(Conditions of Permission etc.)

Article 79 Conditions necessary from the standpoint of city planning may be attached to permission, approval and recognition given pursuant to the provisions of this Act. In this case, the conditions must not be such so as to impose unjust obligations upon persons who have obtained the relevant

permission, approval or recognition.

(Reports, Recommendations, Assistance, etc.)

Article 80 (1) To the extent necessary for the enforcement of this Act, the Minister of Land, Infrastructure, Transport and Tourism may request project executors other than State agencies to submit reports and materials or may give necessary recommendations or advice to them; prefectural governors may request and advise project executing municipalities and parties that have received permission, approval or recognition pursuant to the provisions of this Act in a same manner, and the heads of designated cities, etc. may request and advise those who have received permission or recognition pursuant to the provisions of this Act in a same manner.

(2) Municipalities or project executors may seek the technical assistance of staff members possessing expert knowledge concerning city planning or city planning projects in order to make decisions on or revisions to city plans or to prepare for or execute city planning projects, from the Minister of Land, Infrastructure, Transport and Tourism or prefectural governors.

(Supervisory Dispositions etc.)

Article 81 (1) The Minister of Land, Infrastructure, Transport and Tourism, prefectural governors, or the heads of designated cities, etc. may, with respect to any person falling under any of the following items, to the extent necessary for city planning, revoke permission, approval, or recognition given pursuant to the provisions of this Act (excluding those pertaining to decision or change of city plans; hereinafter the same shall apply in this Article), alter it, suspend its effect, change its conditions or attach new conditions to it, or order such persons to discontinue the construction or other activities, or set reasonable time limits and order such persons to rebuild, move or remove buildings and other structures or objects (hereinafter referred to as "structures etc." in this Article), or to take some other measures necessary for rectifying the violations:

- (i) Any person who has violated any of the provisions of this Act or the orders based on this Act or acted in violation of dispositions made in accordance with such provisions, or any person who, despite knowing that such violations exist, has obtained by transfer the land or structures etc. pertaining to such violations or have obtained rights to use such land or structures pertaining to such violation via lease and so forth;
- (ii) With respect to construction that is in violation of the provisions of this Act or the orders based on this Act or a disposition made pursuant to such provisions, the client or contractor (including subcontractors of the contracted construction) or the person who is performing or have performed such construction for themselves without resorting to contracts;

- (iii) Any person who does not conform to the conditions attached to permission, approval or recognition given pursuant to the provisions of this Act;
  - (iv) Any person who has obtained permission, approval or recognition pursuant to the provisions of this Act by fraud or some other illegal means.
- (2) In cases where the Minister of Land, Infrastructure, Transport and Tourism, prefectural governors or the heads of designated cities, etc. intend to order any person to take necessary measures pursuant to the provision of the preceding paragraph, if, without any fault on their part, they cannot know with certainty the person to whom the orders for the relevant measures are to be given, they may, at the expense of such person, take the relevant measures themselves, or make the ordered or commissioned person take the measures. In this case, the Minister of Land, Infrastructure, Transport and Tourism, prefectural governors or the heads of designated cities, etc. shall set reasonable time limits and give public notice in advance to the effect that the relevant measures shall be taken and that if such measures are not taken within the fixed time limit, they or the person ordered or commissioned will take the measures.
- (3) In cases where the Minister of Land, Infrastructure, Transport and Tourism, prefectural governors or the heads of designated cities etc. have issued orders pursuant to the provision of paragraph (1), they shall give public notice with regard to such circumstances by erecting signs or resorting to other methods specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (4) The signs set forth in the preceding paragraph may be erected on land, structures etc., or the sites of structures etc. pertaining to the orders pursuant to the provision of paragraph (1). In this case, the owners, managers or occupants of the land, structures etc. or sites of structures etc. pertaining to the said orders shall not refuse or obstruct erection of the relevant signs.

(Spot Inspection)

- Article 82 (1) The Minister of Land, Infrastructure, Transport and Tourism, prefectural governors or the heads of designated cities etc., or the persons ordered or commissioned by any of them, when it is necessary for exercising the powers pursuant to the provision of the preceding Article, may enter into the relevant land in order to inspect the said land, objects on the said land, or the status of construction being executed on the said land.
- (2) Any person who intends to enter into other person's land pursuant to the provision of the preceding paragraph shall carry his/her identification card indicating his/her status.
- (3) The identification card prescribed in the preceding paragraph must be shown, if requested by any of the parties concerned.
- (4) The authority to carry out spot inspection pursuant to the provision of

paragraph (1) shall not be construed as the power vested for criminal investigation.

(State Subsidies)

Article 83 The State may, within the limits of the budgetary appropriation, subsidize local governments for part of the expenses necessary for important city planning or city planning projects pursuant to the provision of Cabinet Order.

(Land Funds)

Article 84 (1) For purchasing land pursuant to the provisions of Article 56 and 57, and for purchasing land in the areas of city planning facilities and in the work execution areas of urban area development projects, land listed in the items of Article 1 paragraph (1) of the Act Concerning Lending of Urban Development Funds (Act No. 20 of 1966) and other land specified by Cabinet Order, prefectures or designated cities etc. may establish Land Funds as the funds pursuant to Article 241 of the Local Autonomy Act.

(2) For ensuring the source of the Land Funds pursuant to the provision of the preceding paragraph, the State shall make effort to accommodate the prefectures or designated cities, etc. with necessary funds or use its good offices or extend other assistance for this purpose.

(Taxation Measures etc.)

Article 85 For the purpose of realizing proper execution of city planning, the State or local governments shall take taxation measures and other proper measures for promoting effective use and curbing speculative transactions of land in urbanization promotion areas.

(Delegation of Authority of Minister of Land, Infrastructure, Transport and Tourism)

Article 85-2 The authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed by this Act may be partially delegated to the Directors of Regional Bureaus or the Director of the Hokkaido Regional Development Bureau pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Delegation of Authority of Prefectural Governors)

Article 86 Prefectural governors may delegate such clerical works pertaining to port zones as come under their authorities pursuant to the provisions of Chapter III Section 1 to the heads of port authorities pursuant to the provision of Cabinet Order.

(Special Provisions regarding Designated Cities)

Article 87 When the Minister of Land, Infrastructure, Transport and Tourism or prefectural governors intend to decide on or change city plans pertaining to city planning areas that include areas of designated cities provided by Article 252-19 paragraph (1) of the Local Autonomy Act (hereinafter referred to simply as "designated cities" in this Article and the next Article), they shall consult with the heads of the relevant designated cities.

Article 87-2 (1) In areas of designated cities, irrespective of the provision of Article 15 paragraph (1), the city plans listed in items (iv) through (vii) of the same paragraph (excluding plans concerning those specified by Cabinet Order as urban facilities that should be determined from the viewpoint of wide areas beyond the bounds of a single designated city), shall be established by the designated cities.

(2) Concerning the application pursuant to the provision of Article 19 paragraph (3) (including the cases where applied *mutatis mutandis* pursuant to Article 21 paragraph (2); hereinafter the same shall apply in this Article) in cases where designated cities intend to establish city plans prescribed in Article 18

paragraph (3) pursuant to the provision of the preceding paragraph, the term "prefectural governors" in Article 19 paragraph (3) shall be replaced with "the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism" and the provisions of paragraph (4) and (5) of the same Article shall not be applied.

(3) The Minister of Land, Infrastructure, Transport and Tourism, from the viewpoint of coordinating with national interests, shall hold consultations provided by Article 19 paragraph (3) as it is replaced and applied pursuant to the provision of the preceding paragraph.

(4) When designated cities intend to hold consultations with the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of Article 19 paragraph (3) as it is replaced and applied pursuant to the provision of paragraph (2), they shall, in advance, hear the opinions of the prefectural governors and attach them to the written records of consultations.

(5) Prefectural governors offer their opinions set forth in the preceding paragraph, from the viewpoint of realizing coordination of wide areas beyond the boundaries of a single municipality, and from the viewpoint of securing compliance with city plans that have been or are about to be established by the prefectures.

(6) Prefectural governors may request the municipalities concerned for submission of materials, expression of opinions, explanations, or any other

cooperation when they acknowledge that they are necessary for offering their opinions provided by paragraph (4).

(7) In cases where designated cities established the city plans provided by paragraph (1) pertaining to city planning areas that cover two or more prefectures, the provisions of the three preceding paragraphs shall not apply.

(8) With regard to the application of the provision of Article 77-2 paragraph (1) to designated cities, the term "may be established" described in the same paragraph shall be replaced with "shall be established".

(Special Provisions regarding Major Cities etc.)

Article 87-3 Such clerical works to be handled by prefectures pursuant to the provisions of Article 26, Article 27, Chapter III (excluding Section 1) and Article 65 paragraph (1) as may be specified by Cabinet Order shall, in designated cities etc., be handled by the relevant designated cities etc. pursuant to the provision of Cabinet Order. In this case, the provisions concerning prefectures in this Act shall be applied to the designated cities etc. as provisions that concern designated cities etc.

(Special Provisions regarding Tokyo Metropolis)

Article 87-4 (1) For areas containing special wards, city plans to be established by municipalities pursuant to the provision of Article 15, which are specified by Cabinet Order, shall be established by the Tokyo Metropolitan Government.

(2) Such clerical works to be handled by municipalities pursuant to the provision of Chapter II Section 2 (excluding Article 26 paragraph (1) and (3) and Article 27 paragraph (2)) pertaining to city plans established by the Tokyo Metropolitan Government pursuant to the provision of the preceding paragraph shall be handled by the Tokyo Metropolitan Government. In this case, the provisions concerning municipalities in these provisions shall be applied to the Tokyo Metropolitan Government as provisions that concern the Tokyo Metropolitan Government.

(Division of Clerical Works)

Article 87-5 (1) The following affairs out of clerical works to be handled by local governments pursuant to the provisions of this Act shall be regarded as Type 1 statutory entrusted functions:

(i) Clerical works to be handled by prefectures pursuant to the provision of Article 20 paragraph (2) (including the cases where applied mutatis mutandis pursuant to Article 21 paragraph (2) pertaining only to clerical works to make copies of drawing and documents sent by the Minister of Land, Infrastructure, Transport and Tourism available for public inspection; the same shall apply in the next item), and the provision of Article 22 paragraph



- (2), the first sentence of paragraph (1) and paragraph (5) of Article 24, and Article 65 paragraph (1) (limited to parts pertaining to clerical works to give permission of city planning projects that received approval pursuant to the provisions of Article 59 paragraph (1) or (2), or the recognition pursuant to the provision of paragraph (3) of the same Article by the Minister of Land, Infrastructure, Transport and Tourism);
- (ii) Clerical works to be handled by municipalities pursuant to the provisions of Article 20 paragraph (2) and Article 62 paragraph (2) (including the cases where applied *mutatis mutandis* pursuant to Article 63 paragraph (2) pertaining only to clerical works to make copies of drawing and documents sent by the Minister of Land, Infrastructure, Transport and Tourism available for public inspection).
- (2) Clerical works to be handled by municipalities pursuant to the provision of Article 20 paragraph (2) (including the cases where applied *mutatis mutandis* pursuant to Article 21 paragraph (2) pertaining only to clerical works to make copies of drawing and documents sent by prefectures available for public inspection) and Article 62 paragraph (2) (including the cases where applied *mutatis mutandis* pursuant to Article 63 paragraph (2) pertaining only to clerical works to make copies of drawing and documents sent by prefectural governors available for public inspection) shall be regarded as Type 2 statutory entrusted functions prescribed in Article 2 paragraph (9) item (ii) of the Local Autonomy Act.

(Delegation to Cabinet Order)

Article 88 In addition to what is provided for in this Act, matters necessary for enforcement of this Act shall be prescribed by Cabinet Order.

(Transitional Measures)

Article 88-2 In cases where Cabinet Orders or the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism are established, revised or abolished pursuant to the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be prescribed by Cabinet Orders or the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism within the bounds deemed to be reasonably necessary in line with such establishment, revision or abolition.

## **Chapter VII Penal Provisions**

Article 89 (1) If any parties that execute city planning projects by obtaining approval pursuant to the provision of Article 59 paragraph (4) (hereinafter referred to as "special project executors") or officers or employees of juridical

persons who are special project executors have received or demanded bribes or promised to receive the same in connection with their duties pertaining to the relevant city planning projects, they shall be punished by imprisonment with work not exceeding three years. If they have committed improper acts or have failed to perform required acts, they shall be punished by imprisonment with work not exceeding seven years.

- (2) If any parties that were special project executors or the officers or employees of juridical persons who are special project executors have received or demanded bribes or promised to receive the same for having committed improper acts or having failed to perform required acts during their tenure of office, in response to solicitation, in connection with their duties pertaining to the relevant city planning projects, they shall be punished by imprisonment with work not exceeding three years.
- (3) If any special project executors or the officers or employees of juridical persons who are special project executors have, in response to solicitation, caused bribes to be given to third parties or promised to cause such bribes to be given in connection with their duties pertaining to the relevant city planning projects, they shall be punished by imprisonment with work not exceeding three years.
- (4) Bribes received by offenders or by third persons knowing them to be such shall be confiscated. When it is not possible to collect such bribes either in whole or in part, the equivalent value shall be collected from them.

Article 90 (1) Any person who has given, offered, or promised to give the bribes prescribed in paragraphs (1) through (3) of the preceding Article shall be punished by imprisonment with work not exceeding three year or a fine not exceeding two million yen.

- (2) If any person, who has committed the offenses set forth in the preceding paragraph, surrenders himself/herself to the police, the penalty may be mitigated or remitted.

Article 91 Any person who has violated the orders given by the Minister of Land, Infrastructure, Transport and Tourism, prefectural governors, or the heads of designated cities etc. pursuant to the provision of Article 81 paragraph (1) shall be punished by imprisonment with work not exceeding one year or a fine not exceeding five hundred thousand yen.

Article 92 Any person who falls under any of the following items shall be punished by a fine not exceeding five hundred thousand yen:

- (i) Any person who, in violation of the provision of Article 25 paragraph (5), has refused or obstructed the entry into land pursuant to paragraph (1) of the

same Article;

- (ii) Any person who, in the cases prescribed in Article 26 paragraph (1), has removed obstacle without obtaining the permission of the mayor of municipality or has carried out trial excavation etc. of the land without obtaining the permission of the prefectural governor;
- (iii) Any person who, in violation of the provisions of Article 29 paragraph (1) or (2), or of Article 35-2 paragraph (1), has carried out development activities;
- (iv) Any person who, in violation of the provisions of Article 37 or Article 42 paragraph (1), has built any buildings or constructed special structures;
- (v) Any person who, in violation of the provision of Article 41 paragraph (2), has built any buildings;
- (vi) Any person who, in violation of the provisions of Article 42 paragraph (1) or Article 43 paragraph (1), has changed the usage of buildings;
- (vii) Any person who, in violation of the provision of Article 43 paragraph (1), has built any buildings or constructed Category 1 special structures;
- (viii) Any person who, in violation of the provision of Article 58-7, has not submitted notification or has submitted false notification.

Article 92-2 Any person who, having been requested to submit reports pursuant to the provision of Article 58-8 paragraph (2), has failed to submit reports or has submitted false reports, shall be punished by a fine not exceeding three hundred thousand yen.

Article 93 Any person who falls under any of the following items shall be punished by a fine not exceeding two hundred thousand yen:

- (i) Any person who, in violation of the provisions of Article 58-2 paragraph (1) or (2), has not submitted notification or have submitted false notification;
- (ii) Any person who, having been requested to submit reports or materials pursuant to the provision of Article 80 paragraph (1), has failed to submit the reports or materials, or has submitted false reports or materials;
- (iii) Any person who has refused, obstructed or evaded spot inspections pursuant to the provision of Article 82 paragraph (1).

Article 94 When any representative of a juridical person, or any agent or employee of or any other person working for a juridical person or individual has committed any of the violating acts set forth in the preceding three Articles with regard to the business or the property of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the respective Articles.

Article 95 Any person who falls under any of the following items shall be liable to a non-penal fine not exceeding five hundred thousand yen:

- (i) Any person who, in violation of the provision of Article 52-3 paragraph (2) (including the cases where applied *mutatis mutandis* pursuant to Article 57-4), Article 57 paragraph (2), or Article 67 paragraph (1), has transferred land or land and buildings, etc. for value without submitting notification;
- (ii) Any person who, in submitting the notification of Article 52-3 paragraph (2) (including the cases where applied *mutatis mutandis* pursuant to Article 57-4), Article 57 paragraph (2), or Article 67 paragraph (1), has submitted false notification;
- (iii) Any person who, in violation of the provision of Article 52-3 paragraph (4) (including the cases where applied *mutatis mutandis* pursuant to Article 57-4), Article 57 paragraph (4), or Article 67 paragraph (3), has transferred the land and buildings, etc. concerned during the period set forth in the said paragraph.

Article 96 Any person who, in violation of the provisions of Article 35-2 paragraph (3) or Article 38, has failed to submit notification or has submitted false notification, shall be liable to a non-penal fine not exceeding two hundred thousand yen.

Article 97 In the ordinances based on the provision of Article 58 paragraph (1), provisions concerning only the imposition of fines may be established.