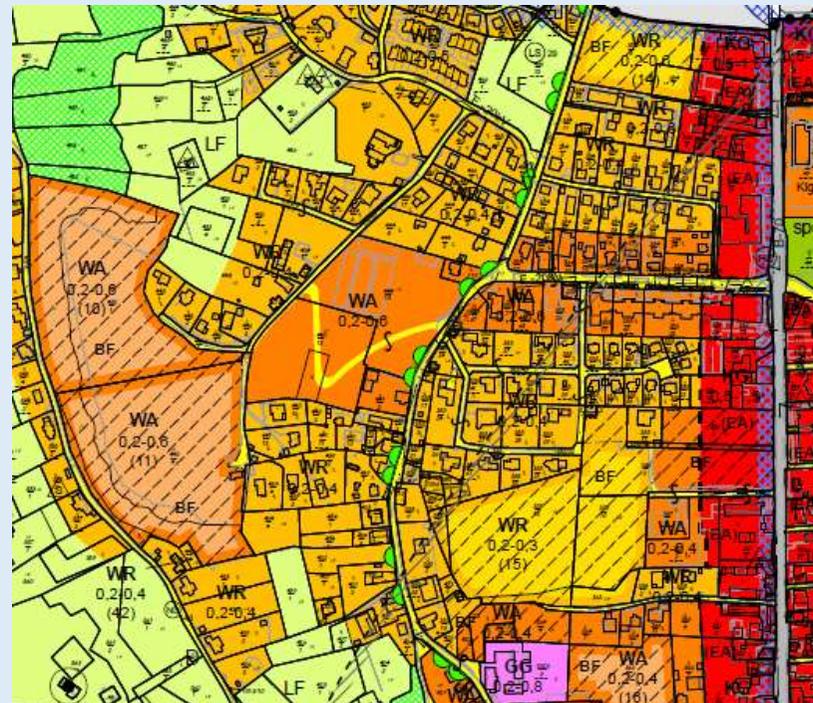


Permitting and Building Control Procedures

2.2 Planning and Zoning



Christine Schwabinger

2.2.1 General settings of the structure of the law

Review

- Analysing the existing **Town and Country planning law of Cyprus** with all the regulations (13) and mandates (19) till 2014 it is very easy to lose the survey. The law is **overloaded** and this also came out from the reviews of the stakeholders. All the amendments are established in specific documents separated from the law itself, and **no consolidated version** is available. It is also not really comprehensible which amendment is the newest one.
- Further on you can find detailed **building regulations**, the obliged fees to pay **also in the planning law** although there is a separate Street and Building regulation. On the other hand you find regulations about the **zoning maps in the Street and Building regulations** which you miss totally in the Town and Country planning law.
- The structure of the law, reviewing from the table of content is divided into 10 parts. These parts are sometimes very long and also a little disarranged and showing a mixture of the planning instruments, the procedures, concerned areas (regional, local, districts), fees which have to be paid and so on.
- If you look for the meaning of words and determinations you find the **definitions in the whole document**, which makes it often difficult to find them.
- Looking more carefully to the content of the general law you miss very import **inputs concerning environmental and climate issues and sustainable planning**. These new topics, like uses of sustainable energy by windpark, photovoltaic, determinations about percentage of green public spaces **were added lately in the mandates**.
- From the stakeholders we got to know that all **environmental assessment proofs** are also checked by the environmental department too, this causes **big delays** as it's not made at the same time.
- In the law there are determinations concerning the spatial planning instruments for example the island plan and the local plan. They are described and to each instrument you get the information about the planning procedure. This **procedure and the notification are repeated in all details**, although they are very often the same. This makes the law overloaded and confusing.
- The stakeholders are **missing planning tools in the law**.

2.2.1 General settings of the structure of the law

Suggestions, proposals

- Considering the above considerations, it is therefore recommended to find a new easy, readable, not overloaded structure. This means that all the existing mandates, regulations and amendments are put into one Town and Country planning law together, including always the last updates. A law is very often read by people who are not legal experts, by private people, technical experts and politicians, that's why it **should be structured and written in a very simple way**. The invited stakeholders at the first mission in Cyprus also stated that they are partly heading for a “**radical change**” of the law and/or a new law. Due to the Turkish occupation the planning legislation has a delay as planning started in 1990. In 26 years there were no big changes in law. That's why the stakeholders have a big interest in changes of the law and specially also of the planning structure.
- As there is also a determined separate Street and building regulation, it would be also comprehensible to **delete too detailed building regulations from the planning law** and put it there.
- On the other hand the regulations concerning spatial planning, like for example **determinations to the zoning maps should be placed in the Town and Country planning law**.
- If there is a hierarchical planning system (**a top down structure**) like in Austria, the planning instruments should be structured in that way. A building permit could for example only be given when the area is dedicated as building land or changed into building land. The building permit has to take into account the provisions of the zoning map (if there is one), of the land-use map and of the development concept (bottom up).
- To find the **definition of the used terms** in the law it would be helpful to **set them at the beginning** of the law.
- If there is a need to mention building regulations in the spatial planning law, then it would be helpful to set a link to the building regulations or put also at the beginning necessary definitions about building issues.

2.2.1 General settings of the structure of the law

Suggestions, proposals

- With the climate change and the awareness raising of the concerned people, during the last decades, new topics concerning sustainability were put through the mandates in form of determinations in the planning law. It is very difficult to find them in the “main” law itself and you could think this is not covered in Cyprus. These topics are mainly concerning **environmental issues and could be set in the law** after the table of content, and the definition of terms as a **kind of general basic principles** at the beginning. Connected with these necessary determinations there are also important issues for planning like keeping up the characteristic landscape, avoiding of using conflicts and matching of different urban or rural subspaces. Looking to different spatial planning laws in other European countries you find them very often in a similar way.
- The **environmental assessment proof**: According to the European guidelines certain plans or projects which give an impact to the environment need the procedure of an assessment proof. To have the “**doublecheck**” with the planning and the environmental department it will deliver a good quality. But to avoid postponing the planning process could be made **at the same time**.
- During the first **mission we got to know that the planning department is on the way to install** working groups for the content. This is a very much appreciated idea and should be done within a certain time again and again, including of course **evaluations** from the experiences.
- Adding planning tools to the law could make the law additionally overloaded. But there could be made some separate guidelines which are also determined. In Styria, for example, we are delivering the **spatial planning department guidelines** for sustainable energy spatial planning, guidelines for a green planning, guidelines for the strategic environmental planning, a determination for how to produce the land use maps (a so called standard for map symbols) where it is also set in which electronic way it has to be delivered to add it to the Styrian GIS system. So if there are some changes in these guidelines you don't have to change the whole law. Guidelines could be made with planners!
- **Health and safety regulations have nothing to do with spatial planning**. They should be implemented separately or with in the building regulations.

2.2.2 Planning Instruments

The Island Plan

The purpose of making the so called Island Plan for Cyprus was that the plan should indicate the **general policy in promoting and controlling development** and may indicate the governmental intention of immovable property. It is including **the location of population, industry and commerce, tourism, the matter of transport and public services**. It should define areas of special social, historic and architectural or cultural interest or natural beauty and other matters of more than local importance. The plan should be reviewed by the Minister who is in charge and reported every year. After the evaluation of the plan, there should have been made detailed amendments. During the first mission it came out, that this **Island plan was never finished**, due to the historical development.

Review

- The meaning of this plan was in a way to have a **kind of national plan for the Island** with general settings.
- Putting in the plan the determinations that the plan should be reviewed and evaluated every year is for sure a big task, but will help to make the system robust.

The Island Plan

Suggestions, proposals

- Having a kind of **national plan is very common in different European countries**. It gives a useful basis for the other planning instruments which are more on a regional and local level. In Austria we don't have a national plan. Austria has itself 9 federal states with 9 different laws dealing with spatial planning. In Styria we have excellent regional plans with strict determinations especially concerning protected areas (natural protected, priority areas for raw materials, green zones, priority areas for industrial zones, priority areas for settlements and for agriculture. These regional plans are above the local land use plans in order of hierarchical ranking. The local plans in Styria are very much influenced by political decisions. So the regional plans help significantly to get a sufficient planning without political or economic influence as they can really exclude building up areas in some places.
- So in a way for Cyprus **a national plan with a kind of general settings** which are applicable for the whole Island can make the spatial planning quality better. After a couple of years they could be evaluated.
- In Austria there is a so called **benching of spatial and regional planning** – a top down planning system: Regional plan (for a district of the province of Styria) – a development concept (shows a long term development of around 15 years for the municipality with further development building up areas) – the local plan of the municipality – the zoning map (for certain bigger real estate areas mainly bigger than 3,000 m²) – finally the building permit for single houses. This means you just get an approval for your building when the planning fits to the above mentioned instruments.

The local Plan

The survey of any area in coordination with a plan, according to the law, is the so called Local Plan. Such areas should be defined by the reference to a map.

The purpose of a local plan in Cyprus is

- To secure orderly development in interests of health, amenities, convenience and general welfare of community,
- To indicate general principles of development, to define sites of particular purposes, to protect features or areas of social, historical or architectural importance and
- To safeguard routes of highways, pipelines and other services.

The content of the local plan:

- A local plan should include a map and descriptive matter
- specifying the population for the area
- indicate the proposed general use zone for land and buildings
- define the roads, public and other buildings and works, airfields, parks, pleasure grounds, nature reserves and other open spaces
- allocate areas for use for residential, agricultural, industrial, touristic, commercial and other purposes of any class specified in plan

The local Plan

Further provisions can be made:

- Distances between buildings, distance between buildings and boundaries and distance between buildings and centre of the road
- The proportion or ratio of land in respect to building sites
- The minimum size of building sites
- The height of buildings, the floor area of buildings
- The extent of immovable property to be laid out and exclusively reserved for the parking of vehicles and for the creation of public parking places
- Population density in any area and the allocation of public open spaces

The Minister is here also responsible for the elaboration or amendment of the local plan.

The local Plan

Review

- So in a way the local plans in Cyprus are quiet similar to local plans (land-use map) in other European countries. But with the possibility of putting in the “further provisions” it gets a **mixture of a local plan already including zoning map contents**. This makes the plan overloaded and if there are some changes in these provisions, which are very much concerning the real estate and the building itself, the whole plan has to be changed and postpone the planning process and the permits.
- Due to the stakeholders there is also a **poor database for planning**, the cataster is not often updated

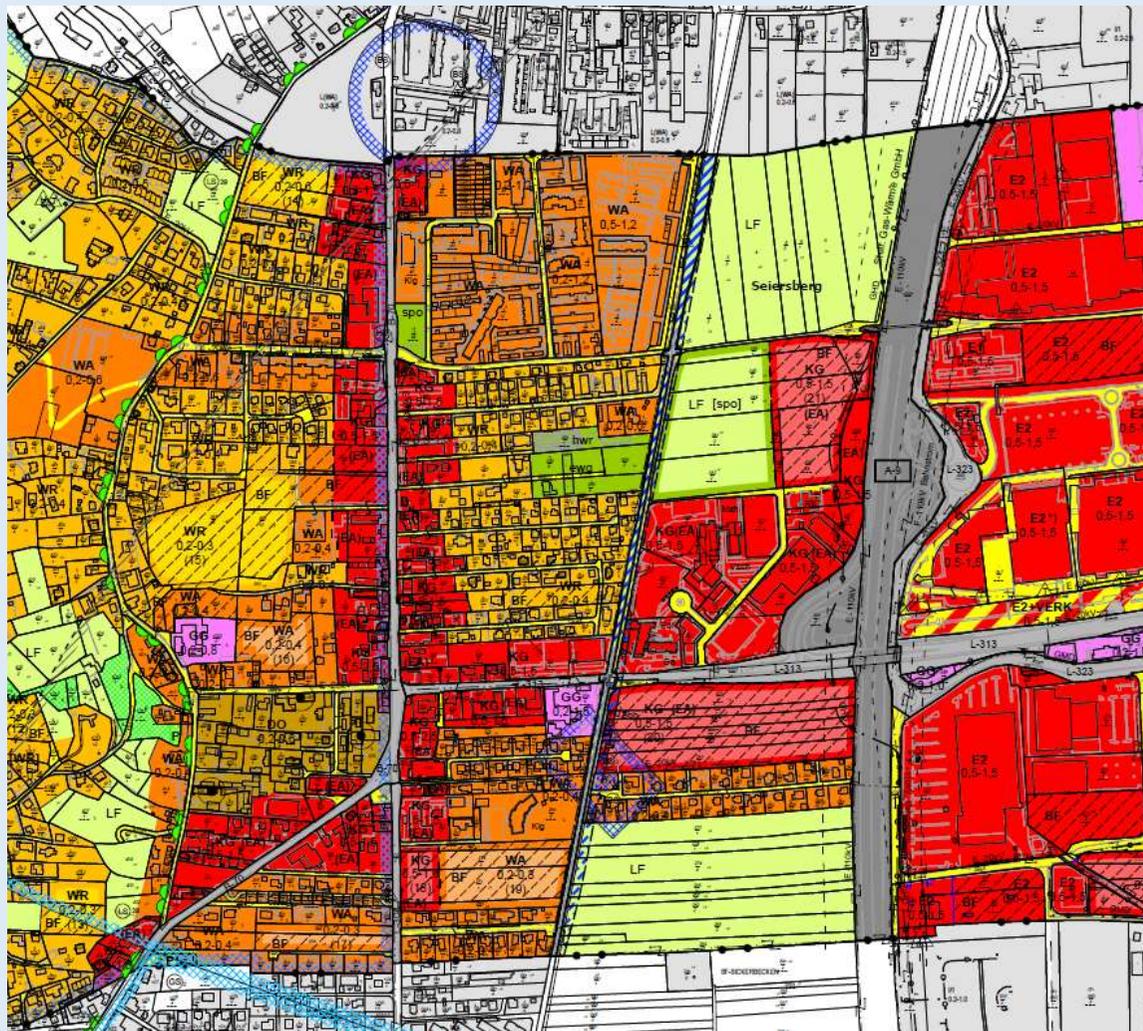
The local Plan

Suggestions, proposals

- The purpose and the main content is set up in a **very high quality** way as it also contains open space issues which are very important in the Mediterranean area to cool down heat islands specially in cities.
- The so called “**further provisions**” which are very much concerning the real estate and the building itself, **are too detailed for this planning instrument**. They should be all set in the zoning plans. The reason is, if a building needs to be changed (in size, heights for example the whole plan has to be changed and postpone the planning process and the permits. So in a way the planning permit and building permit are separated too. They have to fit to the land-use map.
- It is **not very clear for me if the very strict detailed building regulations are needed in a local plan**. Due to the stakeholder discussions it came out that that because of strict regulations in the planning law it there are big delays for the final permits and there are always changes needed because of deviations. In the Styrian spatial planning law it is since 2010 possible for the municipalities within the development concept (which is a long term planning instrument for the municipalities) to create so called area guidelines. They should be an area wide preparation for the separate zoning maps with already set very rough regulations for different parts of the municipality for buildings. This guideline is done very generally, regulating for example the amount of floors, the kind of roof and green areas. according to the existing buildings in the surrounding.
- The data base for the **cataster should be updated** more often.
- The plans **should be delivered in an electronic way**.

Landuse plan

Gemeinde Seiersberg Flächenwidmungsplan Nr. 4.00 - ENDBESCHLUSS - Stmk. ROG 2010, LGBl. Nr. 49/2010 idF LGBl. Nr. 44/2012



LEGENDE (gem. Planzeichenverordnung 2007, LGBl. Nr. 57/2011) mit Angaben der entsprechenden Gesetzstellen des Stmk. Raumordnungsgesetzes 2010, LGBl. Nr. 49/2010 idF LGBl. Nr. 44/2012

I. Darstellung der vom Gemeinderat zu beschließenden Nutzungsarten gem. Stmk. ROG 2010 idGf (§ 24(1))

A. Baugelände (§ 30 (1))

WR Reine Wohngebiete	VE Verkehrsflächen für fließenden Verkehr
WA Allgemeine Wohngebiete	VF Verkehrsflächen für ruhenden Verkehr
KB Kerngebiete	C. Freiland (§ 33)
EA Einkaufszentren Ausschlussbereiche	LF Lands- und forstwirtschaftliche Nutzung
GG Gewerbegebiete	SONDERNUTZUNGEN IM FREILAND (§ 33 (3) Z.1)
IT Industriegebiete 1	swg Sondernutzung im Freiland für Erwerbsgärtner
DO Dorfgebiete	spo Sondernutzung im Freiland für Sportzwecke (spo) mit spezifischer Nutzung
EA1 Gebiete für Einkaufszentren 1	esp = Bissport, esp = Stocksport
EA2 Gebiete für Einkaufszentren 2	bsp = Ballsportfußball
EB ¹ betrifft bestehenden Lebensmittelladen. Es gilt der rechtlich engere Bestand gem. § 2 (3) Wortlaut zum 4. April	bsp = BallsportTennis
	psp = Piste alpin
	sea Sondernutzung im Freiland für öffentliche Parkanlage für Erholungszwecke - private Parkanlage
	sea Sondernutzung im Freiland für Sportanlagen
	swr Sondernutzung im Freiland für Hochwasserrückhalteanlage

AUFSCHLÜSSUNGSGEBIETE (§ 29 (3))
beispielfähige Darstellung

(1A) Aufschlüsselungsgebiete zB Allgemeines Wohngebiet mit laufender Nr. z. Wortlaut

SANIERUNGSGEBIETE (§ 29 (4))
(LW) = Lärm (Deckung im Erläuterungsbericht)
Lärmsanierungsgebiete entl. A9, L303, L313, L323, B67, B70, Feldkronenstraße u. Mitterstraße

BEBAUUNGSDICHTEN (§ 30)

(B7) Bauweise mit festgelegten Bebauungsformen

BEBAUUNGSDICHTEN (§ 30 (4))

0,2-0,4 Mittel- und hochzuflussige Bebauungsdichte

ZEITLICH FOLGENDE UND ÜBEREINANDER-LIEGENDE NUTZUNGEN (§ 25 (2))

(WR) Baulandbereich / Wald mit zeitlich folgender Nutzung Reines Wohngebiet

(GG) Baulandbereich mit zeitlich folgender Nutzung Gewerbegebiete

(spo) Zeitlich folgende Sondernutzung im Freiland für Sportzwecke

(VE) Verkehrsfläche mit Baulandüberlagerung zB Gebiet für Einkaufszentren 2

VERKEHR Räumlich überlagernde Nutzung Verkehrsfläche mit Sondernutzung im Freiland - Schneesäule - Schusskanal

ewg-wr Gezielteweise überlagernde Nutzung zB Erwerbsgärtner mit Reines Wohngebiet.

II. Darstellung von Flächen und Objekten, deren Festlegung nicht dem Cameralisten obliegt, die jedoch gem. Stmk. ROG 2010 idGf (§ 25 (7)) ersichtlich zu machen sind bzw. festgelegt werden.

A. Flächen, die durch rechtswirksame überörtliche Planungen für eine besondere Nutzung bestimmt sind.

VERKEHRSANLAGEN

- Eisenbahn (GKB Vorprojekt 2012, (eisenbahntechnisch nicht genehmigt))
- Bundesautobahn A9 Pymnautobahn
- L-303 Predingstraße L313 Feldkronenstraße L323 Neuseilerbergstraße
- Landesstraßen: B7 Grazer Bundesstraße B70 Padker Bundesstraße
- Schi

B. Flächen und Objekte, für die aufgrund von Bundes- oder Landesgesetzten Nutzungsbeschränkungen bestehen.

NATUR- UND LANDSCHAFTSSCHUTZ

- Gesetzlicher Landschaftsteil Nr. 1349
- Landschaftsschutzgebiet Nr. 29
- Biodtop. Bioode Nr. 6171
- Naturdenkmal Nr. 141 u. 178,179

WASSERSCHON- UND -SCHUTZGEBIETE

- Grundwasserschongebiet 1 u. 2 Graz - Feldkronen
- Grundwasserschongebiet 2 Kaisdorf
- Brunnenschutzbereich 1 u. 2
- Hequellenschutzbereich Töbebad

WASSERWIRTSCHAFTLICHE NUTZUNGSBESCHRÄNKUNGEN UND HOCHWASSERGEFÄHRDUNGSBEREICHE

- Hochwassergefährdungsbereich 30jährlich
- Hochwassergefährdungsbereich 100jährlich

III. Anlagen und Einrichtungen, die wirtschaftlichen, sozialen und kulturellen Zwecken dienen (§ 26 (7))

A. Anlagen und Einrichtungen

- Errichtung von Anlagen und Einrichtungen
- Ga Gemeindeamt
- Pa Poststation
- Ki Kindergarten
- Vsch Volksschule
- RK Rotes Kreuz
- Pa Feuerwehrhaus
- Tiz Theaterzentrum
- Arh Betreutes Wohnen für Senioren
- Wb Bau-Vereinbarung
- Bsh Bushaltestelle geplant
- Mh Menzweiche

GEWÄSSER

- Öffentliche und private Gewässer
- WR Hochwasserrückhaltebecken
- Retentionsteiche

VERDORGUNGSANLAGEN

- Versorgungsanlagen (Transformator, Hochbehälter, Umspannwerk, Gendy)
- Hochspannungsfreileitung
- Hochspannungserdkabel
- Rohleitung Gas (Hochdruck/Mitteldruck)

SICHERHEITS-, BAUBESCHRÄNKUNGS- UND SCHUTZ-ZONEN SOWIE SONSTIGE GEFÄHRDUNGS-, ABSTANDS- UND BAUVORTE

- Sicherheitszone Flugplatz (Horizontalfächen B, C, E, u. F)
- Leitungs- und Hochspannungsschutzzonen
- Baubeschränkungszonen entlang Autobahn A9

DENKMAL- UND ORTBILDSCHUTZ

- Denkmalgeschütztes Gebäude/Bauwerk
- Archaische Bodendenkmäler

WÄLDER LT. FORSTGESETZ

- Waldflächen

NUTZUNGSBESCHRÄNKUNG DURCH IMMISSIONEN

- Fluglärmbeeinträchtigung Flughafen Graz-Thalerhof (Querschnittswert GdB L_{eq}) gem. REPRO Graz und Graz-Umgebung (LGBl. Nr. 73/2012)
- Tierhaltungsbetriebe (G < 20) Grenzschwellenabstände im Differenzplan z. 4. PVP

NUTZUNGSBESCHRÄNKUNG DURCH ALLTAGEN

Die Abfahrlinien und Verkehrsflächen erfolgen plangrafisch gemäß Wortlaut zum Flächenwidmungsplan Nr. 4.00 § 7 (Erläuterungsblätter) Abs. 1 im Erläuterungsbericht.

Zusätzliche Planangaben:

- Wärmegrenze bei Unterscheidungsbedarf
- Gebietszusammenhang über Trennungselemente hinweg
- Gebietsanträge laut Naturbestandsdaten PA, GIS-Quellz. Stand August 2012

The Zoning Map

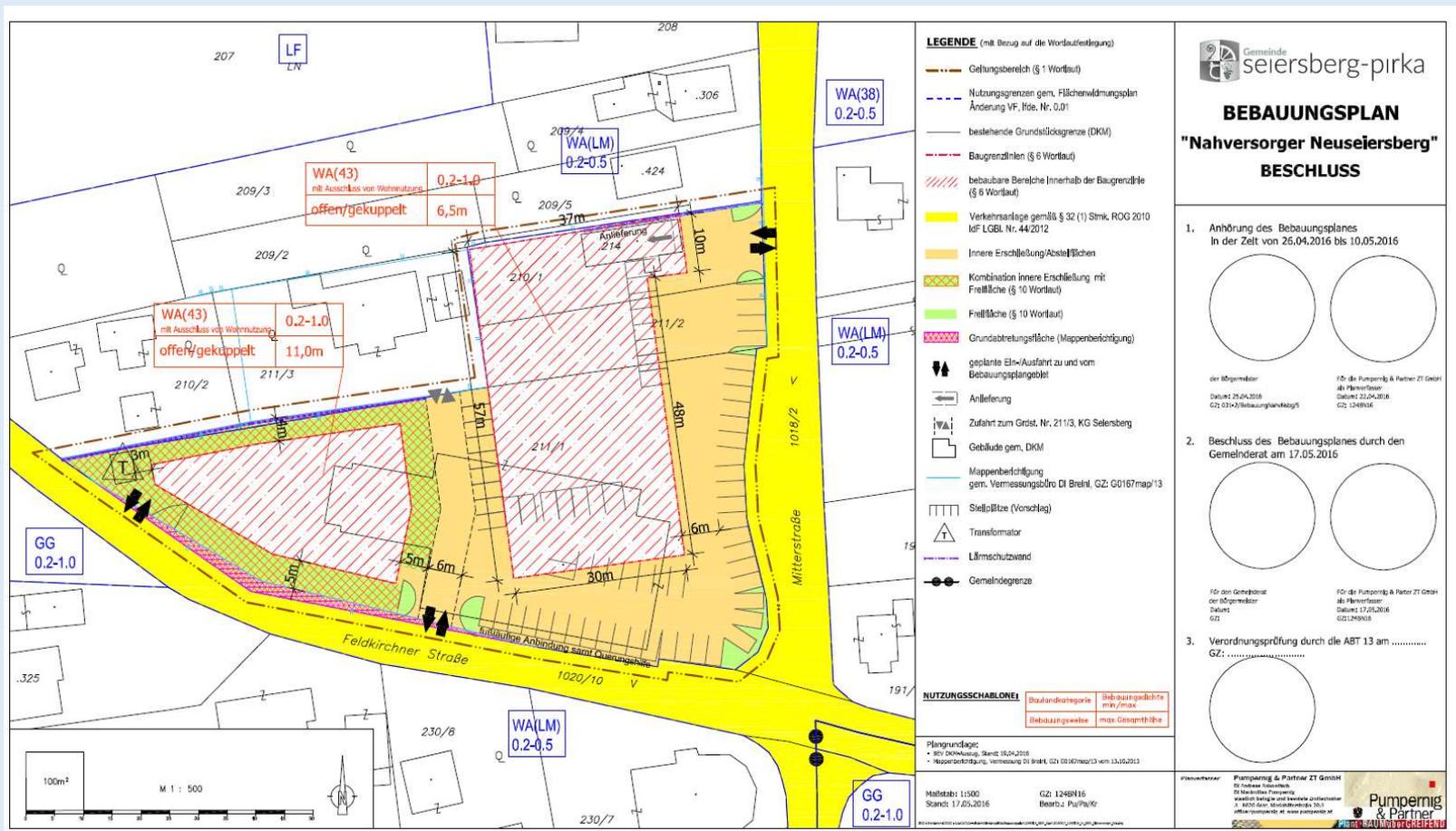
Review:

- In the **Street and building regulation** you find some **issues of zoning**. This is very much confusing as it is not completed and is not written down in a chapter where you expect it.
- The **different regulations** of heights of buildings, distances to borders and roads or similar, type, design of houses, number of floors, building degrees, determinations for open spaces and fences **are all spread across different paragraphs** and separated additionally due to the purpose of the building (residential, commercial, industrial etc).

Suggestions, proposals

- As already mentioned all these regulations are concerning the content of a zoning map. **This is another separate planning instrument and should be set into the Town and Country planning law.**

The Zoning Map



The Area Scheme

Review:

- In the Town and Country law there is also mention of a so called area scheme. It is not really clear what is meant with it. It is for sure concerning just **a part of a local map**. It seems that these schemes also have to follow the same procedures like the local map. And that you can change also just separate area schemes, without changing the whole local map.

Suggestions, proposals

- **Stakeholders suggested to disclaim area schemes** because when you change a part of local map you finally have to adapt the whole map
- In Austria it is possible to have these so called **intermediate changes of a land-use map**, but of course the whole map has to be updated continuously. But in Styria, for example, the land use-maps are renewed completely after 10 years. So a change in between is sometimes necessary, especially concerning economical needed changes.

2.2.3 Who is the planning – who is the checking authority?

Reviews:

- Engineers are in charge for planning with just one year **experience**
- There is **a lack of a sufficient knowledge of consulting people** concerning AutoCad and planning
- being allowed by law to be a designer/planer and a supervision engineer for same project is not good for the quality of planning.
- According to the stakeholders input there are **too many authorities involved**
- 46 planning and building authorities all over Cyprus are too much
- There is **no time limit for the checking authority**
- District officer: competent authority for planning for example for Nicosia and villages (is this **a third** additionally planning authority besides the planning and building authority?), brings also **time delays**.

2.2.3 Who is the planning – who is the checking authority?

Suggestions, proposals

- The **chamber should give guidelines** for the minimum time of practise for planners. As one year practise it is far too less. In Austria, for example, it is 3-5 years and you need a certificate which you get after a very intensive training and test. **Updating knowledge** by trainings afterwards should be mandated also.
- Also the **experts in the authorities** (in the planning departments) **need regular training** on their issues and topics.
- To involve several authorities or departments in the checking process is normally a good way for ensuring high quality. But there should be a certain time period set where the **different departments check the plans, projects etc. at the same time**. This keeps up the quality but saves a lot of time. In Austria there is for the big changes (so called revision of a plan of a municipality) and intermediate changes of local maps and zoning plans for a certain time (etc.. 8 weeks) where the drafts of plans are officially published and all departments can give their statements at this certain period.
- **Reducing the amount of planning authorities** in the country is needed. Maybe it is good to have for some planning issues more a regional authority and for detailed planning the municipality as a local authority.
- Stakeholders mentioned that there should be a **penalty** if a planner delivers his work incorrectly.
- There should be set **time limits for the checking authority**

2.2.4 Procedures, Planning permissions

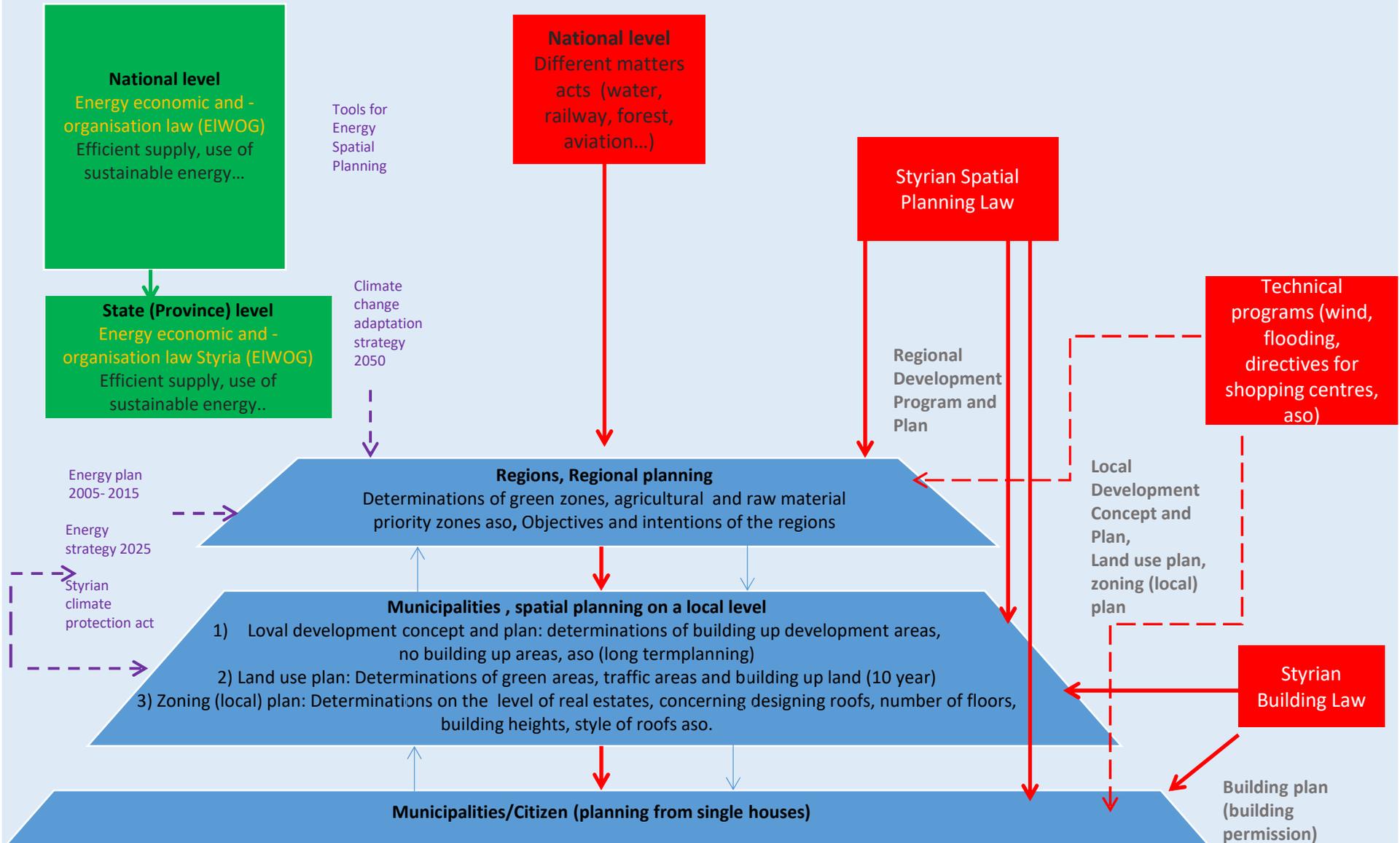
Review:

- As already mentioned before in the law **the procedure of the planning is very often the same** and repeated in many parts of the law, but seems to be very complicated and lasting too long.
- **In local plans there might be also detailed information about the building** and the real estate itself. This **causes big delays** in getting a planning permit, as a planning permit is always needed.
- Additionally to the authority (planning department) also the environmental department is checking the environmental assessment proof.
- The stakeholder stated that very often **the documents** which are coming to the planning department **for a check are not complete**. Photographs, plans etc. can be missing from the outset.
- **Planning permissions for touristic projects takes too long**
- It takes too long for getting a title deed

2.2.4 Procedures, Planning permissions

Suggestions, proposals

- **Separating local plans from zoning maps**
- The environmental assessment proof: According to the European guidelines certain plans or projects which give an impact to the environment need the procedure of an assessment proof. To have a “**double-check**” with the planning and the environmental department means that there is a good quality delivered at the end. But to avoid postponing the planning process this could be **made at the same time**.
- To avoid that with the delivered documents there are missing necessary photographs, plans etc. the department who is in charge should **deliver a list for the necessary papers** and documents and send them from time to time updates to the planners.
- It needs to be discussed if it is necessary to get a building permit when the building was planned according to a zoning map. **In many countries for the so called small projects there is no planning permit needed**, the applicants just have to send the papers to the building authority and announce the planning there.
- Also for touristic project there should be a co-ordination between the planning and touristic department to shorten the procedures
- It seems that not just the Town and Country planning law **should be changed or improved**, but also the **procedures itself**.
- Getting a title deed should not be connected with planning and building permits as it delays the process.



Regional plan

REGIONALES ENTWICKLUNGSPROGRAMM REGION STEIRISCHER ZENTRALRAUM

Vorrangzonen gemäß Beschluss der Stmk. Landesregierung vom 7. Juli 2016

VORRANGZONEN § 5

Legende

-  Vorrangzonen für Industrie und Gewerbe
-  Landschaftliche Vorrangzonen
-  Rohstoffvorrangzonen
-  Grünzonen

Planungsinformation

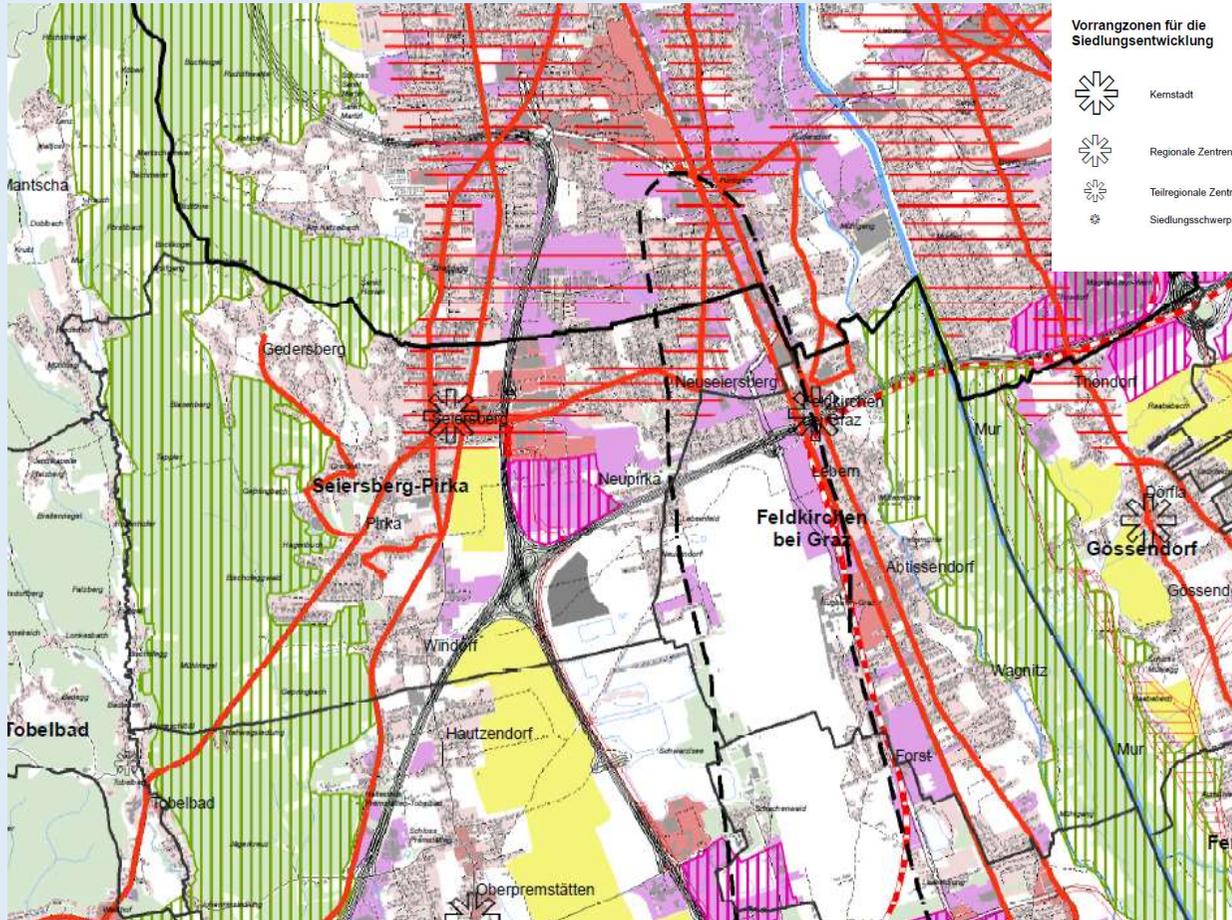
Bauland aus Flächenwidmungsplänen

-  Wein-, Dorf- und Erholungsgebiete (D,O,W,E)
-  Kerngebiete und Einkaufszentren (K,G,EZ)
-  Industrie- und Gewerbegebiete
-  Ökologische Korridore
-  Wald
-  Gewässer

Vorrangzonen für die Siedlungsentwicklung

-  Kernstadt
-  Regionale Zentren
-  Teilregionale Zentren
-  Siedlungsschwerpunkt

-  Fließgewässer
-  Fluglärmbelastungszone (Dauerschallpegel 60 dB)
-  Eisenbahn
-  Eisenbahn Projekte
-  Autobahnen, Schnellstraßen
-  Landesstraßen (B)
-  Landesstraßen (L)
-  sonstige Straßen
-  Straßenprojekte
-  Hauptlinien des öffentlichen Verkehrs
-  ÖV Bereich innerstädtische Bedienungsqualität
-  Bezirksgrenzen
-  Gemeindegrenzen



Thanks for your attention

Contact:

Christine Schwabberger

Provincial Government of Styria

Department for spatial planning

Email: christine.schwabberger@stmk.gv.at