



**REPUBLIC OF ALBANIA
COUNCIL OF MINISTERS**

(Draft)

DECISION

No. _____, Dated _____

ON

ADOPTION OF MODEL PLANNING REGULATION

In reliance of Article 100 of the Constitution and point 5 of Article 88 of the Law No. 10119, dated 23.4.2009, "On Territorial Planning", as amended, upon proposal of the Minister of Public Works and Transport, the Council of Ministers,

DECIDED:

1. To adopt the Model Planning Regulation as provided for in Attachment 1 of this decision and a constituent part of it.
2. The Model Planning Regulation sets out the goal and objectives based on point 2 of Article 88 of the Law No. 10119, dated 23.4.2009, "On Territorial Planning", as amended.
3. The Model Planning Regulation shall be applied by local planning authorities for their local, cross-local, and integrated planning process in the absence of and until the adoption of local planning and development control instruments for their administrative territory, in accordance with specifications provided in Articles 44, 47, and 53 of the Law No. 10119, dated 23.4.2009, "On Territorial Planning", as amended.

This decision becomes effective 15 days after its publication in the Official Journal.

**PROPOSING MINISTER
SOKOL OLLDASHI**

**PRIME MINISTER
SALI BERISHA**

ATTACHMENT 1

MODEL PLANNING REGULATION

CHAPTER I
GENERAL PROVISIONS

Article 1

Purpose

The Model Planning Regulation seeks to promote sustainable planning and development of the territory by serving as the sole instrument on which the local planning authority shall base for reviewing the development applications and issuing of permits until they have adopted the local planning and development control instruments for their administrative territory.

Article 2

Object

1. This regulation sets out the model rules and standards on development of land or structures on it, defines the area of its application, and stipulates the rules and standards to be applied by planning authorities and developers.
2. The model planning regulation contains rules, criteria, and standards on:
 - a) Determination of current use of land in an area;
 - b) Development intensity and parameters used to define the value of prevailing intensity in a given area;
 - c) Setting of boundaries of an area that will be studied with a Detailed Local Plan in accordance with the uniform development control regulation, and of the area for which the current development intensity and current use will be defined, *and based on which the project included in the development application will be prepared.*

Article 3

Definitions

3. The terms, as applied in this regulation, shall have the following meaning:
 - a. “Category of land use” is the category of permitted development in accordance with an applicable planning instrument, which is carried out or proposed to be carried out by a developer.

Comment [1]:
8/12/10 3:46 PM

Florian Xhafa August 12, 2010 3:56 PM
Article 1 was a repetition of the Law, therefore it was not necessary.)

Comment [2]:
8/12/10 3:46 PM

I suggest the removal of this, because the points are indicative, while this part of the sentence is normative (it explains the need, thus it cannot be included in this paragraph).

- b. **The base category and subcategory of use of land and structures on it** are categories and subcategories of use as set forth in the model planning regulation.
 - c. **Conditioned category of land use is an authorized category of development**, which is prohibited in a zone by means of applicable planning instrument or which is conditionally permitted.
 - d. **Prohibited category of land use** is the category of prohibited development in an area.
 - e. **Zoning** is the division of a territory in zones for the purpose of planning and development control of the territory.
 - f. **Rezoning** is the repeated zoning that aims to modify the current use or the one as proposed by an effective planning instrument.
 - g. **Land use zoning** is the division of a territory in zones in accordance with categories of use of land or structures on it for the purpose of territorial planning and control development.
 - h. **Spatial typology of land use** is the character of a zone based on the compactness combination of type and volume of structures, the way of their establishment in a territory, road scheme, and public spaces.
 - i. **Activity** is the current use of land or structures on it describing what is occurring in a parcel or in an object while they are monitored.
 - j. **Function** is the economic purpose that the land or the structures on it are or should be serving to. A function may be realized through several different activities established in the land characterized by that function. In general, the functions and the activities determine the various categories of land use.
 - k. **Homogenous use** is the use characterized by the existence of structures that serve to the same function, by a function similar to the entire surface of land, and by compatible activities that serve to the same function. In many cases, the structures may also be uniform.
 - l. **Family** is a small unit of social life organization, consisting of husband, wife, children or other close people, who live together (*to be updated as per the concept of residences for one or more families*)
4. Other terms used in this Regulation have similar meaning with those stipulated in Article 3 of the Law No. 10119, dated 23.4.2009, "On Territorial Planning", as amended.

CHAPTER II
USE OF LAND AND STRUCTURES ON IT

SECTION 1
SPECIFICATION OF CATEGORIES OF USE OF LAND AND STRUCTURES

Article 4
Purpose of Zoning

Territory zoning aims at:

1. Promoting the sustainable development of territory by ensuring a clean and attractive environment, public health, public safety, economic development opportunities, and economic, social, and moral wellbeing;
2. Harmonizing the use of land and structures on it, within a zone and among the zones, with the aim of ensuring access to services and shelter for all social classes;
3. Preserving the value of property or promoting the increase of the value of property in a zone and preserving the balance of value of property at urban level;
4. Change of base of tax on property – establishment of key criteria on calculation of tax on property;
5. Conserving or improving the values and character of a zone in conformity with the harmonization of public and private interest in the development of a zone;
6. Improving the movement system in a zone, regulation of traffic, ensuring access to each zone as well as public space for parking in a zone.

Article 5
Purpose of Determination of Base Categories of Use of Land and Structures on It

The determination of base categories of use of land or structures on it seeks to:

1. Facilitate the zoning process according to the manner of land use, by establishing model standards on zoning process in accordance with the land use as well as with the terminology and codes used in the ranking of zones resulting from this zoning;
2. Unify the key methodology, terminology, and codes utilized during a zoning process in accordance with the land use in a planning instrument, without restricting the use of methodologies, manners and other types of zoning in general;
3. Create a comparative base on categories of use of land and structures on it, which are specified by the planning authorities in various territories;
4. List the categories of use of land and structures on it, which will be referred to by local

authorities or a developer, while drafting a planning instrument, a detailed local plan, or while preparing a project to be included in the development application.

Article 6

Base Categories of Use of Land and Structures on It

1. The base categories of use of land and structures on it serve to determine the base categories of permitted development. They serve as reference in the process of zoning in accordance with the land use, carried out by a planning authority, and to determine the permitted, forbidden, and conditioned use in each category.
2. The base categories of use of land and structures on it are specified according to three systems: urban, agricultural, and natural:
 - a. The urban system includes the base categories A, B, C, and E, and subcategories F.1, F.3, F.5, F.7, and F.8, as specified herein for the base categories and subcategories.
 - b. The natural system includes the base subcategories F.2, F.4, F.6, and, as case may be, E.7 and E.8, as set forth herein for the base subcategories.
 - c. The agricultural system includes the base category C.
 - d. In each and every case, the inclusion of a structure or land use in a system is closely related with the function of the structure and parcel or parcels.
3. During the zoning process in accordance with the land use, the planning authority will consider and use the following categories and codes:
 - a. Use of land and structures on it for residence: A. Residence
 - b. Mixed use of land and structures on it: B. Mixed Use
 - c. Use of land and structures on it for Industry: C. Industry
 - d. Use of land and structures on it for agriculture: D. Agriculture
 - e. Use of land and structures on it for services: E. Services
 - f. Special use of land and structures on it: F. Special Use
4. The use of land by the base category A, for residence, includes all those permitted developments undertaken for permanent or temporary residential purposes. The residential areas are considered so if use of the land and structures on it is residential for not less than 90% of the built surface, and the other permitted uses in these areas will be determined in accordance with Article 14 of this regulation.
5. The mixed use of land and structures on it includes all those permitted developments undertaken for various usage purposes and do not include forbidden uses as set forth in Article 15 of this regulation. In the zones of this land and structure use category, the dwelling constitutes at least 40% of the permitted use, as measured by the construction

surface.

6. The use of land and structures on it for industry includes all those permitted developments as specified in Article 14 of this regulation and does not include development for residential purposes.
7. The use of land and structures on it for agriculture includes permitted development as specified in Article 14 of this regulation and may include, as necessary, non-intensive development for residential purposes as long as the dwelling is a supportive function of the category use intended for these zones.
8. The use of land and structures on it for services includes permitted development as specified in Article 14 of this regulation, carried out for provision of services, and where, as case may be, not more than 10% of the zone and its structures are utilized for residential purposes, in accordance with the construction area size.
9. The special use of land and structures on it includes the permitted developments and functions stipulated in Article 14 of this regulation.

Comment [3]:

What does this mean, as it is neither explained nor specified in the Article of definitions?

Article 7

Subcategories of Use of Land and Structures on It

1. The base subcategories of use of land and structures on it serve to define the base subcategories of permitted developments and functions. They are used as calculable reference in the zoning process in accordance with the land use carried out by the planning authority and to specify the permitted, forbidden, and conditioned uses in each subcategory. These subcategories must be used in each and every case, but they do not restrict the planners in the creation of zones in accordance with other categories and for various planning purposes that are not set out in this regulation.
2. The base subcategories specify the permitted developments for each base category. The planning authority is entitled to elaborate in details the base subcategory in its planning instruments, in compliance with the permitted, forbidden, and conditioned uses, in accordance with the Articles 14, 15, and 16 of this Regulation.
3. The following are the base subcategories of use of land and structures on it, which every planning authority will use during the zoning process and for each base category:
 - A. Use of land and structures for residence
 - A.1 Residence in individual buildings of villa type;
 - A.2 Residence in condominium building of all types;
 - A.3 Mixed dwelling in individual and condominium buildings
 - B. Mixed use of land and structures on it
 - B.1 Mixed zone with residence prevailing;

Comment [4]:

This sentence is incomplete and does not make sense.

- B.2 Mixed zone with commercial service and offices prevailing;
- B.3 Mixed zone with recreational services prevailing;
- B.4 Mixed zone with public services, schools, and healthcare centers prevailing.

C. Use of land and structures on it for industry

- C.1 Industrial parks, structures and territories of various sizes, adapted and intended for industrial processes of the heavy, processing, and chemical industry, including those for fuel deposits;
- C.2 Industrial parks, structures and territories of various sizes, adapted and intended for industrial processes of the light, processing, and foodstuff industry, logistics parks;
- C.3 Mixed industrial and commercial zone;
- C.4 Extraction and processing of construction materials;
- C.5 Extraction and processing of minerals;

D. Use of land and structures on it for agriculture

- D.1 Agricultural cultivated zones;
- D.2 Agricultural uncultivated or fallow land
- D.3 Zones intended for supportive activities for agriculture and livestock such as residence, provisional or light permanent structures for storage, processing, and sheltering of animals, etc.;
- D.4 Infrastructure of irrigation and drainage of arable land

E. Use of land and structures on it for services

- E.1 Distribution structures and networks for road and railway transport, including terminals and stations, administration of drinkable water, sewage, and surface water in the constructed areas, removal of solid waste, power supply, road system, national and civil defense, and fire protection, veterinary service, as well as electronic communication networks;
- E.2 Structures and territories adapted for education and healthcare;
- E.3 Structures and territories adapted for social services, orphanages, rehabilitation institutions, retirement houses, social care centers;
- E.4 Structures and territories adapted for governmental institutions;
- E.5 Structures and territories adapted for offices, business centers as well as complementary and supportive commercial services;

- E.6 Structures and territories adapted for commercial centers and retail and wholesale stores
- E.7 Open or semi-open, manmade or natural public spaces, urban, natural, downtown, suburban, botanical, and zoo parks, public spaces not accessible to traffic, water elements and ancillary spaces within urban areas;
- E.8 Structures and territories adapted for entertainment and sports activities;
- E.9 Zone of hotels and recreation buildings.

F. Special use of land and structures on it

- F.1 Structures, installations, and territories adapted for public infrastructures intended for production and treatment, such as hydropower stations, thermo central, power substations, sewage treatment implants, drinkable water processing implants, landfills, incinerators, harbors, airports, heliports, etc.;
- F.2 Surface waters as well as natural and manmade water sources, including water shores;
- F.3 Cemeteries;
- F.4 Protected natural zones and monuments of nature in conformity with the applicable legislation;
- F.5 Historic, archeological areas and monuments of culture in conformity with the applicable legislation;
- F.6 Forests, pastures, grassland
- F.7 Structures and territories adapted for religious purposes;
- F.8 Structures and territories adapted for military purposes.

SECTION 2

CATEGORIES OF URBAN ROAD SYSTEM

(Should we refer to the Council of Ministers' Decision No. 574, dated 27.07.2010?)

Article 8

Purpose of Categorization of Urban Road System

1. Categorization of urban road system according to this regulation aims to:

- A. Unify the terminology and method of planning of road networks and urban traffic system in dwelling areas, for use in the drafting of general and sectoral local instruments of territorial planning;
- B. Unify the categories of urban road system for territorial planning purposes with the categorization stipulated by the Traffic Code;
- C. Facilitate the process of determination of zones to Detailed Local Plans or for measuring the current development intensity and identification of current functions in accordance with the specifications of the uniform development control regulation.

2. Categorization of urban road system in this regulation is used and serves as reference for categorizations made during the planning process as necessary in the effective instrument. This base categorization does not restrict the planning authority to use other ways to classify the road systems in a given territory during analysis and studies on transport and traffic for the purpose of drafting urban transport plans and general local plans.

Article 9

Base Categories of Urban Road System

1. The base categories of road system are specified in this regulation and may be further detailed by planners and local authorities for their territorial planning needs. The base categories of road system are:

- a. Highway
- b. Main urban roads
- c. Secondary urban roads
- d. Local urban roads

2. Other technical specifications and details for each category as set forth in paragraph 1 of this Article are stipulated in the uniform development control regulation and in the Law No. 8378, dated 22.07.1998, "The Traffic Code of the Republic of Albania".

3. The specifications of the Law No. 8378, dated 22.07.1998, "Traffic Code of the Republic of Albania" shall be used for planning non-urban categories of the road system.

Article 10

Highway

1. For the purpose of this regulation and for territorial planning use, the highway will be the road of high speed traffic, whose function is to carry traffic and to ensure, through its special structures, the entry to and exit from the town or residential areas. From the technical viewpoint, the highway is compatible with the provisions of the Law No. 8378, dated 22.07.1998, "The Traffic Code of the Republic of Albania", for categories A. Highway and B. Main Interurban Road.

2. The highway:

- a. Is not intended for the bordering properties located alongside it;
- b. Cannot be generally used for the establishment of other services and infrastructures;
- c. Cannot have public transportation stations, or stands for pedestrians and motorbikes;
- d. Does not allow for urban public transportation lines, movement of pedestrians or any other vehicle driving at a speed lower than 60 km/hour;
- e. Does not have crossroads, railway lines and tramway at same level

Interurban public transport and other movement at lower high speed may be carried out in special dedicated and protected tracks or in parallel roads.

Comment [5]:

This article entails many normative parts that are not specifically delegated by law to the Council of Ministers. Therefore, they should either be removed or transformed into indicative criteria referring to applicable law that regulates the operation of this traffic system.

Comment [6]:

Confusing definition (avoids legal clarity)

Article 11

Main Roads

1. The main road is a fast urban track carrying traffic in long distance within urban zones and at the same time serves to the use of bordering land and parcels located alongside it. It allows for crossroads at same level;

2. The space of the main road may be used for the establishment of structures for public infrastructure dependent on the compatible type and without affecting the space and function of the road;

3. This road includes the traffic of pedestrians and various vehicles; therefore, it has space for the movement of pedestrians and bicycles, limited space for parking, bus stops for urban public transportation, reserves lanes, public greenery, and, optionally, public lateral squares;

4. A secondary function of the urban main road is the creation of spaces to ensure light, air, and sunlight in consolidated intensive development urban areas;

5. From the technical viewpoint, the main road is compatible with the Category D. Main Urban Road, as set forth in the Law No. 8378, dated 22.07.1998, "The Traffic Code of the Republic of Albania".

Article 12

Secondary Urban Road

1. The secondary urban road is an urban road that serves to consolidate the road network and the general traffic in the dwelling areas by:

- a. Connecting the dwelling areas and neighborhoods with one another;
- b. Ensuring the shift or serving the non-busy traffic in short distances;
- c. Filtering the traffic from local roads before the capacity of these roads is exceeded and directing it to the main roads or to the urban structures for important daily activities, such as shopping malls, hospitals, etc.;
- d. Serving the use of land and bordering properties located alongside it;

2. The secondary urban road will allow for all traffic components, including parking places for private vehicles, but organized in opposite direction of the normal driveway.

3. The space of the secondary urban road may be used for installation of public infrastructure without affecting the operation and function of the road and at the same time must ensure sunlight, air, and light in the areas it passes through.

4. From the technical viewpoint, the secondary urban road is compatible with the Category E. Secondary Urban Road, as set forth in the Law No. 8378, dated 22.07.1998, "The Traffic Code of the Republic of Albania".

Comment [7]:
Not included in Article 3:
Definitions

Comment [8]:
What does this mean?

Comment [9]:
You might better say: decrease the
density of traffic...

Comment [10]:
What are they?

Article 13

Local Roads

1. Local urban road is a road of low speed, within urban zones and usually inside dwelling areas. It serves to:

- a. Ensure access for vehicles and residents in the use and parcels located alongside it;
- b. Carry low traffic in the areas it serves but without allowing heavy and public transport vehicles, except when the local road is situated in a mixed use zone, without residential prevalence, or in zones of industrial, commercial or recreation use;
- c. Provide opportunities for the installation of public infrastructure, but without affecting its operation and space;
- d. Play the role of public space, provide light, air, and sunlight for neighboring properties, become obstacle to fire, and allow for the drive of fire brigade vehicles.
- e. Provide space for public road greenery, parking in the zone and for public squares;

2. From the technical viewpoint, the local road is compatible with the Categories F and E, as set forth in the Law No. 8378, dated 22.07.1998, "The Traffic Code of the Republic of Albania", but this can be improved in accordance with the needs of the area it serves to and of the quality of urban landscape.

SECTION 3

PERMITTED, CONDITIONED, AND FORBIDDEN CATEGORIES OF USE OF LAND AND STRUCTURES ON IT IN A ZONE

Article 14

Permitted Categories of Use of Land and Structures on It

1. The permitted categories of the use of land and structures on it in a zone are the categories of developments permitted in that zone, in accordance with the specifications of this regulation on the base categories and subcategories and in compliance with the applicable planning instruments.
2. The permitted categories of the use of land and structures on it share the mutual benefits, do not fall into contradiction with the purpose of the zoning, functions, and nature of the base categories and subcategories of the use of land and structures on it in a zone, comply with the terms stipulated in the effective planning legislation and instruments, with the provisions on environment and health safety and, as case may be, with historic and cultural values for the current and authorized uses and functions in the zone and adjacent land.

Article 15

Forbidden Categories of Use of Land and Structures on It

1. The forbidden categories of the use of land and structures on it in a zone are the categories of developments prohibited in that zone, in accordance with the specifications of this regulation on the base categories and subcategories and in compliance with the applicable planning instruments.
2. The forbidden categories of the use of land and structures on it in a zone are:
 - a. Categories that are in conflict with the zoning purposes in accordance with the specifications of this regulations and applicable planning instruments;
 - b. Uses of a base category and subcategory required by a rezoning process and that differ from the current one and from what is foreseen in the applicable planning instruments;
 - c. Any use which, regardless of the base category and subcategory it belongs to, causes environmental pollution beyond the parameters and standards stipulated in the environmental legislation, harms the health and, as case may be, damages the structures and monuments of cultural heritage;
 - d. Any development in agricultural land that, even though it complies with the base category and subcategory of the use of land and structures on it, exceeds the authorized standards and parameters of development intensity in accordance with the specifications of this regulation and applicable planning instruments;

- e. A development is considered forbidden, when it falls into at least one of the cases stipulated in letters (a) to (e) of paragraph 2 of this Article;
- f. Developments classified in base subcategories of categories C and D, subcategories F.1, F.3, and F.8 are not permitted in the zones with mixed use of category B, as provided in this regulation. Exception to this are those functions and activities of subcategories C.2 and C.3, when they are classified as small and family business and do not cause environmental pollution, in excessive quantity and quality from the pollution caused by a residence.
- g. The uses of subcategories of category C and subcategories F.1, F.3, and F.8 are not permitted in the zones with dwelling use of category A, as provided in this regulation. Exception to this are those functions and activities of subcategories C.2 and C.3, when they are classified as small and family business and do not cause environmental pollution, in excessive quantity and quality from the pollution caused by a residence.

Article 16

Conditioned Categories of Use of Land and Structures on It

1. Conditioned categories of use of land and structures on it in a zone are the development categories in that zone classified in the base categories and subcategories permitted for the zone, but that are not permitted to be carried out in that zone or that are permitted to be carried out on conditionally.
2. Determination of conditioned categories for each zone will be conducted by means of an assessment of compatibility of a use with the criteria set forth in Article 16 of this regulation, based on which the general forbidden categories will be defined.

CHAPTER III
ZONES FOR WHICH THE CURRENT INTENSITY AND FUNCTION ARE
DEFINED OR ARE SUBJECT TO DRAFTING OF DETAILED LOCAL PLANS

SECTION 1
CRITERIA ON DETERMINATION OF ZONES

Article 17

**Criteria for Determining the Zones within Which Development Is Carried Out in
Compliance with Model Planning Regulation**

1. The development application submitted in the absence of local planning instruments and based on the model development regulation shall contain the borderline of the zone within which is located the parcel where the development will be carried out. This zone shall be larger than the surface of the land in which development is requested to be carried out. Its boundaries will be determined by local authorities in accordance with the same criteria used to determine the boundaries of structural units and subunits when drafting general local plans, as provided for in Articles 18 and 19 of this regulation.
2. To respond to development applications in the absence of local planning instruments, local planning units shall divide their territory in structural units and subunits on the basis of current land use and other elements of existing status in accordance with the criteria of division of units and subunits stipulated in Articles 18 and 19 of this regulation. This division may have been conducted in advance or can be carried out upon receiving a development application in order to respond to that application. This division of territory of the local government unit in structural units and subunits as well as in land use zones in accordance with the model planning regulation shall be approved by the municipal council.
3. According to the case, the zone, as specified in paragraph 1 of this Article, may be similar with one or more structural subunits. In general, structural units and subunits are part of the study prepared for general local plans and are stated so in the uniform planning regulation
4. The structure, format, and content of the plan of this zone are defined in the uniform planning regulation in accordance with the specifications of the Detailed Local Plan.

Article 18

Minimal Criteria for Determining Structural Units

The minimal criteria to define the borders of the structural units are:

1. Appropriate size for drafting Detailed Local Plans as provided for in the uniform planning regulation;
2. Existence of an acceptable balance between uses and functions within each

structural unit with regard to indicators of development intensity, which must be guaranteed in each and every unit;

3. Coexistence of uses of land and structures on it that are compatible and do not constitute cases of forbidden uses or, as case may be, existence of homogenous use of land and structures on it;

4. Bordering with the main current and proposed road system and, according to the case, with other natural and manmade boundaries, which create entities of clearly readable character in the territory;

5. Compactness of current spatial typology as defined from the compactness of type and volume of structure, way of their establishment in the territory, road scheme, and public spaces;

6. Importance of the structural unit to the territorial city-forming history of the territory under study;

7. Existence of identities and particular features that the structural unit might have, including values of cultural heritage and important environmental aspects.

Article 19

Minimal Criteria for Determining Structural Subunits

1. A structural subunit is a subdivision of the structural unit; it is done for the purpose of planning and application of planning instruments and constitutes the smallest cell of planning in a territory. Any development application shall be based on indicators and conditions of development imposed by the structural subunit.

2. Structural subunits shall be created in compliance with the specifications of paragraph 4 of this Article and from the superposition of the map of categories of use of land and structures on it, in accordance with the intended or current case, with the other maps of land use plans as specified by the uniform planning regulation, and, minimally, with activities, functions, and zones of natural or historic character as well as proposed spatial typology.

3. In the absence of planning instruments, the local government unit creates structural subunits of the current status relying on the current information on the territory.

4. In any case, the minimal criteria to determine a structural subunit include:

a. Ensuring compactness of current or intended spatial typology;

b. Existence of uniform indicators of development intensity;

c. Existence of homogenous use of land and structures on it, in accordance with the base categories and subcategories of use, including homogenous functions or activities. In case the subunit has a mixed use, we have one of the cases of category B.

d. Existence, according to case, of important values of cultural heritage and important aspects of environment and health;

- e. Bordering with the road network, regardless of categories;
- f. Predetermination, as necessary, of a zone for the realization of a project of city importance through an applicable local planning instrument;

CHAPTER IV DEVELOPMENT INTENSITY

Article 20

Indicators of Development Intensity in a Zone

Intensity of development in a zone is the entirety of indicators that describe the level of exploitation of its sustaining capacity aiming to preserve or improve its urban and environmental quality. These indicators may change in value and form in accordance with the permitted, conditioned or prohibited use of land. The norms, standards, and rules for each indicator are defined in the Uniform Development Control Regulation.

The indicators to be generally used to measure development intensity in an area are:

1. Indicators of density
2. Indicators of height
3. Indicators of distances
4. Indicators of quality

Article 21

Indicators of Density

The indicators of density are:

1. Gross dwelling density, which defines the maximal number of residents that can be accommodated in a unit of gross territorial surface. It is calculated as the ratio of number of residents with the gross surface of the unit under consideration and is expressed in residents per hectare.
2. Gross territorial surface is the surface of the zone included within the parameter of a Detailed Local Plan or structural subunit and includes the buildable surface area, the surface of roads for internal traffic, as well as the surface intended for the provision of public services and infrastructure in the zone;
3. Net dwelling density, which defines the maximal number of residents that can be accommodated in a unit of net territorial surface. It is calculated as the ratio of number of residents and the net surface of the unit under consideration and is expressed in residents per hectare.

4. Gross territorial surface is the surface of the zone included within the parameter of a Detailed Local Plan or structural subunit. This is calculated by subtracting from the gross territorial surface the surface of squares and roads for internal traffic and public parking as well as the surface intended for the provision of public services and infrastructure. The net territorial surface includes surfaces intended for construction, roads, and private parking lots.
5. Intensity of net exploitation is the rate that indicates the intensity of use of residential territory. It is calculated as the ratio of the sum of surface area of dwelling stories and net territorial surface and is expressed in m^2/m^2 ;
6. Intensity of net construction is the rate that indicates the intensity of construction in a residential territory. It is calculated as the ratio of maximal constructible or constructed volume and net territorial surface and is expressed in m^3/m^2 ;
7. Rate of territory exploitation is the ratio of surface occupied by buildings and net territorial surface and is expressed in percentage (%);
8. Rate of territory exploitation for public purpose is the ratio of surface occupied for public use and gross territorial surface and is expressed in %;
9. The net density of buildings is the ratio of the total number of buildings and the net surface of the territory and is measured in buildings per hectare. It is used when applicable local instruments predetermine the typology of the buildings; buildings have an almost uniform typology in terms of shape, volume, and use. It is usually useful for agricultural use that aims to decrease the number of buildings per hectare by increasing the parcel or zone to be developed.

Article 22

Indicators of Height

The indicators of height are:

1. The overall height of building, expressed in the overall number of stories, is equal to the sum of stories under and above the ground, including attics or garrets. The minimal height of stories for use, functions, and various activities is foreseen in the special normative acts. The uniform development control regulation specifies the minimal criteria on calculation of the roof as a complete or half story and consideration of the ground floor as 1.5 or 2 stories.
2. The height of a building is also expressed in meters and is a result of measuring the height of various façades of the building itself. The height of each façade is measured:
 - a. From the mean sidewalk base level, first and above floor level of use up to the ceiling of the top floor for buildings with flat terrace and for buildings high-pitched at 35%;
 - b. From the mean sidewalk base level, first and above floor level of use up to mean

point of cover structure if the cover has a slant of more than 35%;

3. In the case of buildings erected in sloping terrain, the height is measured from the point with mean base level of the front view of the building;
4. The maximal height of the building is the maximal permitted height. When expressed in stories, it constitutes the maximal number of stories above the ground, including the attic or garret. When expressed in meters, it is measured from the mean base level of the sidewalk alongside the main front view of the building up to the maximal level of the ceiling of the top story cover.
5. The average height of buildings is the average of maximal heights of buildings in the territory under study of the Detailed Local Plan or within a structural subunit.

Article 23

Indicators of Distances

The indicators of distances are:

1. Distances between buildings with similar or different height, according to length of façades of juxtaposed buildings, as measured in meters;
2. Minimal distances between blank façades, as measured in meters;
3. Minimal distances between façades with windows for certain categories of buildings and zones;
4. Minimal distances between façades when they have consoles, as measured in meters;
5. Minimal distances between façades without consoles and with consoles protruded from the property parameter in each direction of its borderline, as measured in meters;
6. Minimal distances between façades without consoles and with consoles up to the boundary of the road, as measured in meters;
7. Other distances for use of agricultural and natural systems and special uses, in accordance with the applicable sectoral legislation.

Article 24

Indicators of Quality

The indicators of quality include:

1. Indicators in m^2 /resident of activities prevailing in a territory of residential use or mixed use of dwelling prevalence. These indicators are described in the uniform development control regulation and include the net residential surface per inhabitant, surface for social structures per inhabitant, green surface per inhabitant, space for public parking per inhabitant, road and public square surface per inhabitant, etc.;
2. Indicators in m^2 /user or in permitted, minimal and maximal distances for zones with

homogenous use, function, and activity and not residential, in accordance with base subcategories of land use, but not of category A, and subcategory B.1, as stipulated in the model planning regulation. These indicators are established by means of special normative acts.

Article 25

Determination of Development Intensity in a Zone

In the absence or availability of local and cross-local planning instruments, the development intensity in a zone is determined upon consideration of all above indicators. Specific cases are:

1. All indicators of density, distance and height shall be used in zones of base category A, base subcategory B.1 and E.9 of land use and in historic residential areas in case of availability of applicable local or cross-local planning instrument. The indicators of quality are used dependent on specific functions and activities established in the zone, in conformity with the norms stipulated in the uniform development control regulation and with the effective planning instruments;
2. Quality indicators are used in other base categories and subcategories, different from those foreseen in paragraph 1 of this Article, in case of availability of applicable planning instruments. Density, distance, and height indicators are used on case by case basis and dependent on specific functions and activities per each use in conformity with the uniform development control regulation and with the applicable sectoral legislation;
3. In the absence of local or cross-local planning instruments, the indicators that should minimally be used to determine the current development intensity in a zone serving as reference for the parcel or parcels to be developed shall be:
 - a. Indicators of points 1, 3, 6, 7, and 8 of Article 21 for indicators of density;
 - b. Indicator of point 2 of Article 22 for indicators of height;
 - c. Any of the indicators of Article 23 for indicators of distances that suits the case to be developed;
 - d. Any of the indicators of Article 24 for indicators of quality that suits the case to be developed;

CHAPTER V
TRANSITIONAL AND FINAL PROVISIONS

Article 26

Training, Information and Awareness

Prior to the coming into effect of this regulation and after its full effectiveness, the NTPA undertakes, according to an action plan, training programs, education, and awareness program for planning authorities and the public, employing all the communication forms so as to raise public interest and improve the skills of the officials of planning authorities with a view to implementing the provisions of this regulation, and informing the public on their content, functions of the public authorities under them, as well as the rights and responsibilities of stakeholders and public in this regard.

Comment [11]:

This serves for nothing. I think it should be removed altogether.