

183/2006 Coll.

ACT
of 14th March 2006

on town and country planning and building code (Building Act)

The Parliament passed this Act of the Czech Republic:

PART ONE

INTRODUCTORY PROVISIONS

§ 1

The subject-matter of legislation

(1) This Act governs, in the matters of town and country planning, particularly the objectives and tasks of town and country planning, the system of authorities of town and country planning, the town and country planning instruments, the assessment of the impacts on area sustainable development, decision-making within the area, possibilities of consolidation of procedures pursuant to this Act with procedures of the environmental impact assessment, conditions for construction, land development and for preparation of the public infrastructure, records of planning activity and qualification requirements for planning activity.

(2) This Act governs, in the matters of the building code, particularly the permission of buildings and their alterations, landscaping and facilities, use and removal of structures, supervision and special powers of building offices, position and authorisation of the authorized inspectors, system of building offices, duties and responsibilities of persons within the preparation and realization of structures.

(3) Furthermore the Act governs the conditions for the design activity and the structures realizations, general conditions for construction, purpose of expropriation, entry to the grounds and into the structures, protection of public priorities and some other issues related to the subject-matter of this legislation.

§ 2

Basic concepts

(1) Within this Act it is understood as

- a) a change in the area the change of its use or spatial arrangement, including of location of structures and their changes,
- b) a building ground the ground, whose part or a set of grounds, limited and determined to location of a structure by means of a planning permission or a regulatory plan,
- c) a developed ground the ground entered in the Land Registry as a building plot and other building plots in principle within a complete fence, forming a continuous complex with residential buildings and outbuildings,
- d) a developed area the area limited by the plan or by procedure pursuant to this Act; if the municipality has not delimited the developed area in this manner, the developed area is the developed part of the municipality delimited as at 1st September 1966 and marked in the real property registration maps (hereinafter referred to as "urban area"),

- e) a ground without development potential, which is not possible to develop in the territory of the municipality, which has not issued the plan, i.e.
1. ground of land of public greenery and a park¹ serving to general use;
 2. in the urban area the agricultural ground or a set of neighbouring agricultural grounds in the area larger than 0.5 ha, provided that into this set of agricultural grounds there are not included gardens in area smaller than 0.1 ha and the grounds, which are parts of the developed building grounds;
 3. in the urban area the forest ground or a set of neighbouring forest grounds in area smaller than 0.5 ha,
- f) a non developed area the grounds not included into the developed area or the area with development potential,
- g) an area the part of the territory formed by a ground or a set of grounds, which is limited within the policy of the development, the principles of development or plan or possibly within the development material in respect to the existing or required manner of its use and its significance,
- h) an area of a supranational or national importance the area, which with its significance, range or use will influence the territory of more municipalities or more municipal districts in the territory of the Capital City of Prague, or possibly the area of more administrative regions,
- i) a corridor the are limited for location of running of transport and public infrastructure or measures of non-constructional nature,
- j) an area with development potential limited for location within the plan or in development principles,
- k) a public infrastructure the grounds, structures, facilities, i.e.
1. the transport infrastructure, for example, the structures of roads, railways, waterways, airports and the facilities related to them;
 2. public infrastructure, which are the lines and the structures and to them operationally related facilities of technical equipment, for example, water mains, distribution reservoirs, waste water sewage, waste water treatment plants, structures and facilities for waste disposal, transformer stations, power distribution lines, communication lines of public communication network and electronic communication equipment, product pipe lines;
 3. public services, which are the structures, facilities and lands serving, for example, for training and education, social services and care of family, health services, culture, public administration, protection of inhabitants;
 4. public space¹,
- established or utilized as public priorities,
- l) a public work the structure for the public infrastructure, which is determined for the development or protection of the territory of a municipality, region or state, limited within the issued planning documentation,
- m) a public benefit measure the measure of non-constructional nature serving to reduction of endangering of the area or to protection of natural, cultural and archaeological heritage, limited within the planning documentation,
- n) planning documentation
1. development principles;
 2. plan;
 3. regulatory plan.

(2) Within this Act it is further understood as

¹ §34 of Act No. 128/2000 Coll., on municipalities (local governments).

(2) If for the planning permission proceedings, by which the decision on change in use of the area or the protective zone is issued, there is another administrative body competent pursuant to special regulations than the building office, the mentioned body decides only in accordance with the binding assessment of the building office.

§ 85

Participants in the planning permission proceedings

(1) The participants in the planning permission proceedings are

- a) the applicant,
- b) the municipality, within the territory of which the required programme shall be realized.

(2) Furthermore the participants in the planning permission proceedings are

- a) owner of the ground or the structure, within which the required programme shall be realized, if the participant is not the applicant, or the subject, which has a real right to this land or the structure, if it does not refer to the case mentioned within letter d),
- b) persons, whose proprietary or another real right to the neighbouring structures or neighbouring grounds or the structures built up on them may be directly affected by the planning permission,
- c) persons, who are specified in the special regulation,
- d) associations of the owners of flat units pursuant to the special regulation³⁵; in the event that the association of the owners of flat units, pursuant to a special legal regulation, has not a legal status, the owner, whose co-owner's share in house property is more than one half.

(3) The participants in the proceedings are not the tenants of flats, non-residential facilities or land.

§ 86

Application for the issuance of the planning permission

(1) The application for the issuance of the planning permission contains, apart from general elements, the basic data on the required programme and identification data of the grounds and structures.

(2) The applicant attaches to the application

- a) documents proving his/her proprietary right or the document on the right based on the contract to realize the structure or the measure to grounds or structures; these documents are attached if it is not possible to verify these rights in the Land Registry,
- b) decision of the respective authorities pursuant to special regulations, binding assessments, if they were procured before the commencement of the proceedings, if it is not a coordinated binding assessment pursuant to § 4 par. 6 issued by the administrative authority, which is competent to issue the planning permission,
- c) assessments of the owners of the public transport and technical infrastructure,
- d) documentation of the programme.

³⁵ Act No. 72/1994 Coll., by which there are regulated certain co-ownership relations to buildings and certain relations to flats and non-residential spaces and are supplemented certain acts (the Act on ownership to flats), as amended by subsequent regulations.

(3) If the applicant has not the proprietary right or a document on the right, based on the contract to realize the structure or the measure, to the ground or the structure, the applicant submits the consent of their owner or the agreement on the land subdivision; this is not applied if it is possible to expropriate or to exchange the ground or the structure.

(4) If it is required by the programme of the environmental impact assessment, the applicant attaches to the application the assessment of the appropriate authority pursuant to a special regulation^{11, 36}. If the assessment is performed concurrently with the planning permission proceedings, the applicant will attach the documentation of the impact of the programme on the environment.

(5) If a special regulation stipulates or if the proposed programme, with its negative impacts, shall exceed the limit values stipulated by special regulations beyond the ground boundaries determined for its realization, the applicant submits concurrently the application for the issuance of the decision on the protective zone.

(6) Contents' essentials of the application for the issuance of the planning permission and its annexes are determined by the statutory implementing regulation.

§ 87

Planning permission proceedings commencement

(1) Building office notifies of the commencement of planning permission proceedings and orders the public oral debate about the application, if it is purposeful, the authority joins it with the inspection on the spot; the authority notifies of holding of the public oral debate not less than 15 days in advance. If within the area there has been issued the plan or the regulatory plan, the notification of commencement of the planning permission proceedings is delivered to the participants mentioned above in § 85 par. 1 and to the respective authorities separately, to the participants in the proceedings mentioned in § 85 par. 2 by means of a public notice.

(2) The applicant ensures that the information on his programme and on the fact that he/she submitted the application for the issuance of the planning permission proceedings would be immediately put up after the public oral debate was ordered, in the place determined by a building office or in a publicly accessible place at the structure or the ground, on which the programme shall be realized, and this until the public oral debate holding. Part of the information is the graphic representation of the programme, or possibly another material, from which it is possible to conclude about the architectural and urban planning form of the programme and its impact on the surroundings. If the applicant does not meet the mentioned duty, the building office orders the repeated public oral debate.

(3) If more persons from the public take part in the public oral debate and if this fact could lead to obstruction of the purpose of the public oral debate, the building office calls upon them to elect their common authorized person. Provision on the common authorized person and the common representative pursuant to the rules of administrative procedure is applied accordingly.

(4) Contents' essentials of the information stated in paragraph 2 are determined by the statutory implementing regulation.

§ 88

Planning permission proceedings suspension

Building office suspends the planning permission proceedings, apart from the reasons mentioned in the rules of administrative procedure, also in the case that the programme places such requirements on public transport and public infrastructure that it is not possible to realize the programme without building the appropriate new structures and facilities or the adaptation of the existing ones, and the building office, at the same time, calls upon the applicant to submit the contracts for planning.

³⁶ For example, § 70 of Act No. 114/1992 Coll., on protection of nature and landscape, as amended by Act No. 218/2004 Coll., § 23 of Act No. 100/2001 Coll., as amended by Act No. 93/2004 Coll.

(2) The building office prohibits location or the use of the product that fulfils the function of the structure by resolution, which is the first act within the proceedings, if it was not documented the fulfilment of requirements pursuant to paragraph 1, or if it came to a negative environmental impact in its surroundings; due to same reasons the office may order also its removal pursuant to § 129 par. 1 letter a).

Building permit proceedings

§ 109

(1) Participant in the building permit proceedings is

- a) developer,
- b) owner of the structure where a change or maintenance works shall be realized, unless he/she is a developer, if it is not a case stated in letter g),
- c) owner of the ground where a structure shall be realized, unless he/she is a developer,
- d) owner of the structure on the ground where a structure shall be realized, and a subject who has the right to this ground or the structure corresponding to an easement, if their rights may be directly affected by the designed structure,
- e) owner of the neighbouring ground or the structure in it, if his/her right may be directly affected by the designed structure,
- f) subject who has the right to the neighbouring ground corresponding to an easement, if this right may be directly affected by the designed structure,
- g) association of the owners of the flat units pursuant to the special regulation³⁵ within the building permit proceedings, which refer to the house or the common parts of the house or the ground; in the case that the association of the owners of the flat units pursuant to the special regulation has not the legal status, the owner, whose co-owner's share in common parts of the house is more than a half.

(2) The participant in the proceedings is not a tenant of a flat, a non-residential space or a ground.

§ 110

(1) Application for a building permit contains, apart from general essentials, the basic data on the required programme and the identification data on the grounds and structures.

(2) The developer attaches to the application

- a) documents proving his/her proprietary right or the right based on the contract to realize the structure or the measure or the right corresponding to easement to the ground or the structure, if the building office cannot verify the existence of such a right in the Land Registry,
- b) design documentation,
- c) plan of structure inspections,
- d) binding assessments, or the assessments or other documents required by special regulations⁴, if the developer procured them in advance.

(3) Design documentation is submitted in duplicate, and if the municipal office is not the building office in the area of the structure, except for the structures within the power of the military or other building offices, it is submitted in triplicate. If the developer is not the owner of the structure, there shall attached one more copy.