



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-106

AMENDING LAW ON SPATIAL PLANNING No. 2003/14

Assembly of Republic of Kosovo

In support of article 65 (1) of the Constitution of the Republic of Kosovo,

Taking into account the adoption of the Law on Special Protective Zones and the need to ensure full harmonization with the Law on Spatial Planning hereby adopts the following:

Approves

LAW AMENDING LAW ON SPATIAL PLANNING No. 2003/14

Article 1

Article 1 of Law nr. 2003/14 on Spatial Planning (promulgated by UNMIK-Regulation no. 2003/30 from 10.09.2003), shall be amended as follows:

1.1. With this Law are regulated: conditions and manner of spatial planning, development and spatial regulation; types and content of plans; drafting and procedure of drafting the plans; determines competencies of central and local administration entities for drafting and implementation of Spatial Planning documents; observation of Law implementation, and activities by which spatial planning and regularization is undertaken in Kosovo .

1.2. The purpose of this Law is to ensure planned, sustainable and balanced spatial development, good governance and utilization and protection of space, as a general national value.

Article 2

Article 2 shall be amended as follows:

The first sentence of Article 2 starting with “key expressions” shall be deleted.

“**Spatial Plan**” means the plan for regularization, utilization and development of space, such as the municipal territory, special area, national park and the territory of Kosovo. The Spatial Plan, with provisions of this Law, is the Spatial Plan for Kosovo, the Spatial Plan for Special Area, and the Municipal Development Plan. This plan prescribes timelines and includes realistic investment projections”.

The following definitions shall be added:

“**The Urban Plan**” means the Urban Development Plan and Urban Regulatory Plans.

After the definition “settlement” the following definition:

“**Informal settlements**” are settlements which are inhabited by individuals and which does not enable the inhabitants to enjoy the appropriate living standard, respectively appropriate accommodation. As such, the informal settlements can have the following characteristics:

- a) Informal ownership of the property,
- b) Inadequate or privation in elementary services,
- c) Inadequate participation or non participation in governance, and
- d) High dangerousness.

Definitions “**Construction Line**” and “**Regulation Line**”, in English version will be the same
The definition “**Urban Development Plan**” in English version will be the same.

The definition “**Ministry**” in English version will be the same.

The definition “**Urban-technical norms**” in English version will be the same.

The definition “**Construction Plot**“, to be replaced with words “Construction Parcel”

The definition “**Land Use**” “**Urban Documentation**”, ‘**Cadastral Plot**’, ‘**Preparatory Works**’ and ‘**Building Regulations**’ to be deleted.

After definition “**Protective Zone**”, the following definition shall be added

“**Special protective Zone**” are established by the Law on Special protective Zones. Special protective Zones shall be an area defined by a map, or by a defined area surrounding a monument, building, group of buildings, ensemble, village, or historic town center that is safeguarded from any development or activity which could damage its historical, cultural, architectural or archeological context, natural environment or aesthetic visual setting.

Article 3

In Article 3 is added cultural heritage after natural resources.

Article 4

In Article 5 The title 'Implementation of spatial plans' becomes „Responsibilities of institutions on Spatial Planning“

A paragraph 5.4 shall be added as follows:

5.4. Municipalities shall be establishing unit for spatial planning within 12 months from entry into force of this law.

Article 5

In Article 6 After paragraph 3, 3 additional paragraphs to be added:

6.4. Members of the Council shall not be officers, managers, owners or employees of the legal person undertaking professional activities of spatial planning, which shall be engaged in the plan during the time of a respective plan drafting.

6.5. The Council provides opinions, proposals and remarks to spatial planning documents and other documents stipulated by this Law, and approved by the Municipal Assembly.

6.6. Lacking the required cadre in establishing the Council of Planning Experts, several Municipalities may establish a Joint Council of Planning Experts.

Article 6

The Article 7.3 shall be amended as follows:

7.3. Officials, managers, owners or employees of legal persons, which during the time of drafting of respective plans, shall be engaged within the plan, may not be members of the Council.

Article 7

The Article 8.3 shall be amended as follows:

8.3 All people who have completed relevant studies and have at least two years of experience in the field of Spatial and Urban Planning shall be subject to the professional exam in the field of spatial and urban planning.

Article 8

In Article 12 two paragraphs shall be added as follows:

12.3 Notwithstanding this article, Special Protective Zones as established by the law on Special Protective Zones, shall be identified in the Spatial Plan for Kosovo.

12.4 If there are Special Protective Zones within Special Areas, Spatial Plans for Special Areas shall be drafted in compliance with the Provisions of the Law on of Special protective Zones.

The remaining paragraphs shall be renumbered accordingly.

In article 12, paragraph 5, words “at least” to be deleted.

Article 9

Article 13 shall be amended as follows:

The paragraph 1, the words “instead of words “areas and villages within the Municipality” shall be replaced with: “and rural areas of the Municipality”.

13.2. Municipalities, within which Special protective Zones exist, shall implement the provisions of the Law on Special protective Zones when drafting their Municipal Development Plan.

Paragraph 5 is deleted.

In the paragraph 7, the words: “at least”, to be deleted.

The paragraph 9, the words: “15 days”, shall be replaced with “30 days”

Article 13 shall contain the Paragraph 13.10, with this content:

13.10.:“In cases when the Ministry shall not provide consent within the deadline by article 13.9, it has to be given written reason about non approval.

Article 10

The article 14 shall contain the Paragraph 14.2 with the following content:

14.2. Urban Development Plans shall be drafted in compliance with guarantees/protections afforded to Special Protective Zones

The paragraph 7 shall be removed and two following paragraphs shall be added:

14.8 Before finalization of the Urban Development Plan, the Municipality shall make the draft available to the public and agencies, departments and other entities for review and comment. The duration of review and comments shall be thirty (30) days.

14.9. At the conclusion of review and comment time, the draft shall be submitted to the Municipal Assembly for final approval, including a short summary of comments made during public debate.

Article 11

The following paragraphs shall be added:

15.3 Before finalization of Urban Regulatory Plan, Municipality will make the draft Plan available to public and agencies, departments and other entities for review and comment. The duration of review and comment shall be 30 days.

15.4 At the conclusion of review and comment time, the draft shall be submitted to the Municipal Assembly for final approval, including a short summary of comments made during public debate.

15.5. Urban Regulatory Plans shall be drafted in .in compliance with guarantees afforded to Special protective Zones.

Article 12

The Article 16.4, point (a) shall be amended to contain the following:

- (a) The Ministry, for spatial plans, which will be adopted by the Government and Assembly of Kosovo;

Article 18 – Data base for Spatial Planning

The following paragraph shall be added:

18.5. Municipality shall be established and maintenance a system for spatial planning of municipality, which shall be related and in harmony with system of data's in the country.

Article 13

In the article 21, the words “shall in so far as possible attempt” shall be deleted and replaced with the words: “shall attempt” and shall read as follows:

The Ministry by Special Act shall determine special rules necessary for implementation of this Law. The rules shall attempt to preserve the environment and promote natural values in accordance with the principles and goals of this Law and the Spatial Plan for Kosovo.

Article 14

In Article 22 the following paragraph shall be added:

22.2 In determining areas for construction of towns and other settlements as per Paragraph 1 of this Article, in accordance with the respective Plan as per this Law, informal settlements shall be included and treated, with the aim of their regularization.

In the article 22.3 the words “housing buildings” shall be replaced by the word “buildings” and reads as follows:

Article 22.3 until the approval of the Municipal Development Plan, no buildings may be constructed on land contrary to the designation of the fertile agricultural land.

Article 15

The Article 23 shall be amended as follows:

Article 23.6 - If the proposed construction of a building or other improvement on a land plot is inconsistent with the requirements of the applicable Urban Regulatory Plan or does not comply with applicable location conditions, the person proposing the construction must obtain a location approval from the Municipal authorities in addition to obtaining a building permit under Article 25. Procedures for applying for location approvals shall be established by the Ministry by Special Act and shall be in compliance with the protection afforded to Special Protective Zones.

Article 16

The article 24 shall be amended as follows:

24.1 In exceptional cases, when no Municipal Development Plan and/or Urban Development Plan has been adopted yet and when further delays in drafting a Urban Development Plan would result in uncontrolled development contrary to the interest of the community, Municipal Assembly may adopt, by a motivated decision, temporary conditions for spatial regulation.

24.2. In addition temporary conditions for spatial regulation in special areas shall get the approval of competent authorities for spatial plans for special areas

24.3. Such temporary conditions should be adopted under the following conditions:

- (a) the area considered for development is not under protection under the auspices of another law and/or due to its environment, cultural, historical, and/or social value
- (b) the need for urbanizing the area responds primarily to the economical, social, and cultural interests of the local community
- (c) the temporary conditions for urbanization are subject to public review and comments of the community before being finalized and adopted by the Municipal Assembly
- (d) Conditions for public review and comments applicable for spatial plans apply to the decision for temporary conditions.

24.5 By temporary conditions from the paragraph 1 of this article, shape and size of the construction parcel, distances between regulatory lines, construction lines, road infrastructure and other infrastructure of general interest, placement of construction objects in relation to objects bordered with boundaries of neighboring construction parcels, conditions of environmental protection, and methods of access to necessary infrastructure shall be determined.

24.6 Construction made in accordance with conditions on spatial regularization as per Paragraph 1 of this Article, shall be incorporated in the respective Urban Regulatory Plan.

24.7 The change of the basic land use of existing objects may be made only by permit of competent authority in field of urbanism, in accordance with the respective plan, with the proposal of the competent body for urbanism, approved by a decision of the Municipal Assembly.

Article 17

In article 26.1 the word “municipal” shall be deleted and the article reads as follows:

26.1. The authorities shall issue urban permits to any applicant as long as the proposed construction complies with the present Law, other laws, and all applicable Municipal Development Plans and Municipal regulatory plans. The procedure for issuance of urban permits shall be established in a special Act of the Ministry.

Amend following paragraphs as follows:

26.2 - The Ministry issues an urban permit for constructions of country level importance.

26.3 The Ministry, by special act, shall determine the important objects on which the Ministry shall issue urban permits.

26.4 In appeal to the Ministry’s decision to refuse the urban permit, an administrative dispute may be raised.

In article 26.3 the word “municipal” will be changed with the word “competent” and reads as follows:

Upon the request of the holder of the urban permit, the authority may amend or supplement the permit according to the procedure established for its issuance.

Article 18

Article 27 is amended and added as follows:

Instead of the title of Article 27 „Refusal of proposal for issuing the urban permit“, the following is proposed: „Refusal of the request for urban permit“.

In the paragraph 27.2, in the beginning shall be deleted “municipality”. The words “permit for construction” shall be replaced with the words: “urban permit” and the words “21 days” shall be replaced with the words “30 days”.

Article 27.2 shall read as follows:

The competent authority shall either issue the urban permit or a denial of the permit, including a written explanation of the reason of denial within 30 days of the date of receipt of the request for issuance of a permit.

Article 19

Article 32 shall be amended as follows:

Spatial and urban planning entities of the municipality shall draft spatial and urban plans within the deadline of 12 months from the date of entry into force of this Law and relevant secondary legislative acts.

Article 20

Article 34 shall be amended as follows:

The Government of Kosovo and the Ministry shall issue the specific acts and harmonize existing acts within a deadline of six months from the date of entry into force of this Law, at the latest.

Article 21

Add a new article as follows

The implementation of article 14 the changes and fulfillment of this law shall be started after insurance the potential means of the budget from donators, in the rate which is represent in financial declaration at department of consolidating budget.

Article 22

This Law shall enter into force after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 03/L-106
10 November 2008

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI