

Improvement of legal fundamentals for land development plans implementation in Ukraine

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Main reason for improvement legislation

New social-economical conditions

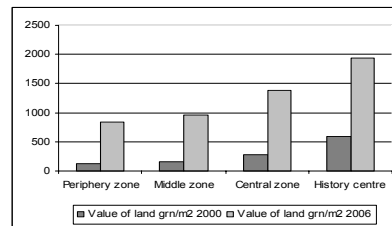
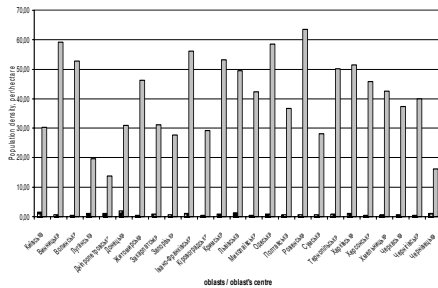
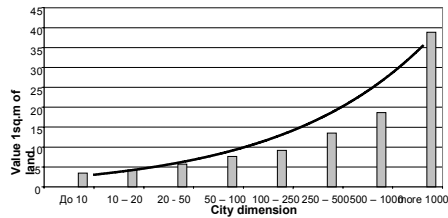
- new conception of property right;
- separation of right on land and building;
- monopolistic centralized state system of land development financing turned to great of independent investors;
- local self-government rights transferred management mechanisms to local level and made relations between deferent levels of authority more complicated
- 50% of the built-up land - private property (at the beginning 2000s)

violation of the law

- self-acquisition of municipal land (without right)
- land use Legal not allowed
- Construction without "Building permit"
- Construction not allowed by "Building permit"

Peculiarities of urban land

- 11,5 % of land in Ukraine - land of cities and other settlements
- 3% of land – land of big cities
- 68% population is resided in big cities
- Existing of primary and secondary property markets



Urban planning legislation

*The first urban law "**About urban planning fundamentals**" (1992)*

Before, urban laws have never been in Ukraine

*The next law "**About planning and building up of territory**" (2000)*

At the same time urban development tasks regulated by

- "***The conception of sustainable development of the localities in Ukraine***" (1999)
- ***government urban and building standards, norms, and rules***

Framework of Urban planning documentation

Urban planning documentation determine:

- directions of land use and development
- general requirements and restrictions for land development

This system has a strict hierarchy and is worked at:

- national level
- region level
- local level

Framework of urban planning documentation at national level

- **General scheme of Ukraine territory planning**

Scale 1:1000000

comprehensive analysis of social, economical, ecological, epidemiological and sanitary conditions of territory development throughout the country

- **Scheme of territory planning for extra-valuable land**

Scale 1:500000

*The extra-valuable land is territory around Black and Azov Seas, international transport lines, frontier territories etc.
(by special decree of government)*

Framework of urban planning documentation at region level

Region level

- **Scheme of territory planning of Autonomous Republic of Crimea**

Scale 1:100000

- **Schemes of oblasts territory planning**

Scale 1:50000

- **Schemes of rayons territory planning**

Scale 1:25000

Framework of urban planning documentation at local (municipal) level

- **General plan**

Scale 1:25000; 1:10000; 1:5000
(depending on city dimension)

integrates economical, environmental, cultural, infrastructural, housing and other aspects.

The strategic tasks are concretized by

- **Detailed plan**

Scale 1:2000

- **Building up Plan**

Scale 1:500

They don't take into account property right and owners interest

Framework of urban planning documentation at local (municipal) level

■ **Territory Division Plan**

(covers land blocks which are built up with many-storied dwelling houses)

Scale 1:2000

Main aims are delimitate dimensions and boundaries of:

- land around existed and projected houses both residential and public
- not built-up area, which can be used without worsening of living conditions
- existed and projected servitudes

Framework of urban planning documentation at local (municipal) level

■ **"Rules of territory building up"**

(normative-legal document)

The main aim -to generalize of land use conditions and restrictions and popularize among population

The textual part contains requirements for:

- planning, building up, reconstruction of urban land
- land relation between participants during construction, renewal of buildings and infrastructure
- getting of building permit
- basic data for designing
- elaboration, agreement, expertise and approval of project for construction
- putting of constructions into operation

Zoning plans

Establish zones and determine:

- possibilities and priorities of land use at the delimited zones
- list of restriction of land use and their meaning
- marginal construction density, number of storeys or height of building
- marginal distance between building, boundary of roads and boundary property, etc.

The process of them formation is very slow

Legislation which regulate question of ownership and environment protection

- **Codes**
 - Land Code (2001), Civil Code (2006), Water Code and Forest Code
- **laws**
 - "About Ownership" (1991)
 - "About Responsibility of Companies, their Associations, Institutions and Organizations for Breaches in City-Building Sector" (1994)
 - "About Land Management" (2003)
 - "About Environment Protection"
 - "About Land Protection" (2003)
 - "About Public Control of Use and Protection of Lands" (2003)
 - "About Division of State and Communal Lands" (2004)
 - "About state registration of right on real estate and their restrictions" (2004)
- **other laws, standards, norms and rules**

Cadastre law is still not passed

Mechanisms of Implementation of planning decisions

permit system.

Owner must:

- transfer municipal land property to private ownership or land lease
- Get an agreement about land plot using or changing of land plot using
- get the permit for elaboration of survey and design works
- get the basic data for designing
- agree, expertise and approval of survey and design works at certain authority
- get the permit for construction
- get of the permit for setting building into exploitation
- Register the right no land and building

The owners and investors problems

The largest problems for owners and investors:

- Legislation is not correspondent with each other
- Responsibilities of authorities are not clear divided
- Permit system is very complicated
- Restriction list can be define after getting all permits
- Cost for getting of permits can be more than predictable one
- Total investment too much more than suppositional one

Concept of Urban Code code was accepted in 2007

Urban Code aims at improvement and development of legal base in:

- city-building sector
- settlement of city-building documentation matters
- responsibilities of national and local government in land development
- improvement and facilitation of permit procedures in placing, design and construction of facilities
- raising of openness and transparency of decision-making and access for information

Moreover

Laws "About Cadastre", "About Property Formation" should be accepted

Thank you for your attention