

501

Decree

of November 10th 2006

on general land use requirements

Ministry for Regional Development stipulates in accordance with §193 and §194, letter a) of the Act No. 183/2006 Coll., on town&country planning and building regulations (the Building Act):

Part one

General provisions

§1

Introductory provisions

This decree specifies general land use requirements when delimiting areas and grounds, when specifying conditions of their use and situating constructions thereon, and when deciding on construction changes and construction impact on land use.

§2

Basic terminology

This decree understands the following terms:

a) *residential building*

1. is a residential house where more than half of the total floor area meets the requirements on permanent residence and is meant for this purpose,
2. is a family house where more than half of the total floor area meets the requirements on permanent residence and is meant for this purpose; a family house may consist of not more than three independent flats, may have not more than two ground and overground floors, one lower basement, and an attic,

b) *family leisure time building* is a construction which volume parameters and appearance correspond to requirements of a family leisure time and which is meant for this purpose; a family leisure time building may have not more than two ground and overground floors, one lower basement, and an attic,

c) *accommodation facility building* is a construction or its part where accommodation is provided together with related services; an accommodation facility building is neither a residential house, a family house, nor a family leisure time building; accommodation facilities are ranked into categories

1. hotel that is an accommodation facility with at least 10 rooms for guests,

- equipped in order to provide temporary accommodation and related services;
2. motel that is an accommodation facility with at least 10 rooms for guests, equipped in order to provide temporary accommodation and related services to motorists;
 3. boarding house that is an accommodation facility with at least 5 rooms for guests, with a limited extent of social and accessory services but where the accommodation services are provided at the hotel level quality;
 4. other accommodation facilities that are, particularly, hostels, dormitories, lodging houses, residential colleges, campsites, and groups of cottages or bungalows equipped for temporary accommodation.

Part two

Requirements on delimitation of grounds

(Related to §43 of the Building Act)

Volume I

General requirements on delimitation of grounds

§3

(1) To meet and fulfil the tasks and objectives of town & country planning (§18 and §19 of the Building Act) and to respect the different demands on environment the area shall be segmented by a plan into the grounds, that have usually more than 2000 sq.m. each, while taking into account the purpose, detail of description, and rendering within the plan.

(2) The grounds are delimited by

a) existing or required use (hereinafter only “the grounds with different land use”); these grounds are delimited in order to specify area conditions, particularly for complementing, conditional, or non-contradicting activities, for further segmentation of grounds into plots, and for determination of public priorities protection on these grounds, as e.g. protection and preservation of natural and cultural heritage, civilizational, architectonic, and urban values,

b) importance; by importance there are distinguished, particularly, the grounds with development potential, stand-by grounds (§36, par. 1 of the Building Act), grounds for changes of existing built-up areas, grounds for recovery or reuse of degraded areas, and grounds for reconstruction and reclamation measures within the area [§43, par. 1, §19, par. 1, letter l) of the Building Act]. A way of use is usually determined for these grounds.

(3) Grounds with different land use are delimited with respect to specific conditions and area character, particularly in order to avoid conflicts of incompatible activities and requirements on arrangement and use of the area.

(4) Grounds with different land use may be further more detailed classified

pursuant to specific conditions and character of an area. In special, justified cases, provided that the reasons are included in the rationalization of a general nature measure by which a plan is issued, there may be specified grounds with different land use than stipulated in §4 to 19.

(5) General requirement on delimitation of grounds is to create and protect, in a safe manner, the publicly accessible spaces¹ within developed areas and within the areas with development potential, to protect existing roads allowing safe pass through landscape, and to create new roads if needed.

Volume II

Grounds with different land use

§4

Residential grounds

(1) Residential grounds are usually delimited separately in order to assure conditions for dwelling in a quality environment that offers undisturbed and safe stay and everyday recovery and relaxation of its inhabitants, accessibility of public spaces and public services.

(2) Residential grounds include plots of residential blocks of flats, plots of family detached houses, plots related to transport and technical infrastructure, and plots of public spaces. Plots for family leisure time activities constructions may be included in the residential grounds only if they meet conditions according to §20, par. 4. and 5. Among the residential grounds there may be included grounds of the related public services except grounds for constructions² of retail shops larger than 1000 sq.m. A part of residential grounds may be grounds of other constructions and facilities, that do not degrade environment quality and dwelling location within the delimited area, that are compatible with dwelling, and that serve the inhabitants within the delimited area.

§5

Leisure time activities grounds

(1) Leisure time activities grounds are usually delimited separately in order to assure conditions for recovery and relaxation within a quality environment.

(2) Grounds for leisure time activities include usually grounds for family relaxation buildings, grounds for other constructions and facilities, that are related and compatible with relaxation, e.g. public spaces, public services, public campsites, lidos, meadows for leisure time activities, and further grounds for related transport and technical infrastructure, that do not degrade environment quality within the delimited area, and that are compatible with leisure time activities.

1 §34 of the act No. 128/2000 Coll., on municipalities (municipal administration), as amended by later regulations

2 §3 of the decree No. 137/1998 Coll., on general technical construction requirements

§6

Public services grounds

(1) Public services grounds are usually delimited separately in order to assure conditions for suitable situation, accessibility, and use of public services constructions, and to create conditions for their utilisation in accordance with their purpose.

(2) Public services grounds include, in particular, plots of public services constructions and facilities for education, social care services, family care, healthcare, culture, public administration, protection of inhabitants. Further they include grounds for constructions and facilities of retail shops, physical training and sports, accommodation, boarding, services, science and research, spa services, and grounds for related transport and technical infrastructure and public spaces. Public services grounds must be delimited in a direct relation to transport infrastructure grounds with sufficient capacity and must be accessible from them.

§7

Public spaces grounds

(1) Public spaces grounds are usually delimited separately in order to assure conditions for adequate situation, extent, and accessibility of public spaces¹ plots, and for their use in accordance with their importance and purpose.

(2) Public spaces grounds include usually existing and proposed grounds of individual public spaces types, and further grounds of related transport and technical infrastructure and public services, that are compatible with public spaces purpose.

§8

Mixed residential grounds

(1) Mixed residential grounds are usually delimited separately if it is not reasonable, taking into account the development character, its urban structure, and way of its use, to segment an area into residential grounds and public services, and it is necessary to exclude situating constructions and facilities, that degrade environment quality within the area, e.g. for mining, metallurgy, chemistry, heavy engineering, rehabilitation services.

(2) Mixed residential grounds include usually grounds for constructions for dwelling, or for constructions for family relaxation, public services grounds and public spaces grounds, and further grounds for related transport and technical infrastructure. Mixed residential grounds may be only plots under such constructions and facilities, that do not disturb use of constructions and facilities situated in its surrounding by their operation and technical equipment, and that do not degrade environment quality of the related area, e.g. non-disturbing production and services, agriculture, that do not increase the area traffic by their nature and capacities.

Transport infrastructure grounds

(1) Transport infrastructure grounds are usually delimited separately if the use of transport infrastructure and facilities grounds due to heavy traffic and its negative impacts excludes ranking such grounds among areas with other way of use, and further when delimiting of transport grounds is necessary for transport accessibility assurance, e.g. production spaces, public services areas for retail shops, raw materials mining areas.

(2) Transport infrastructure grounds include usually grounds for constructions and facilities of roads, railways, water ways, airports and other transport means. Transport infrastructure grounds may be classified as follows:

- a) road transport grounds
- b) railway transport grounds
- c) air transport grounds
- d) water transport grounds
- e) logistic centres as grounds of combined transport means.

(3) Road transport grounds include usually plots³ of roads as highways, I., II., and III. class roads, I., and II. class local roads, exceptionally also III. class local roads, that are not included in other grounds, included plots where the components of communications are located, e.g. embankments, cuttings and trenches, retaining walls, bridges, and attendant and separating greenery, and further plots of transport facilities and transport services constructions, e.g. bus stations, terminals, buses and trucks parking places, common and terrace garages and parking places, road maintenance complexes, patrol stations.

(4) Railway transport grounds include usually railway perimeter⁴, including embankments, cuttings and trenches, retaining walls, bridges, yards, and attendant greenery, further grounds for railway transport equipment, e.g. stations, stops, platforms, and access roads, operation buildings, and grounds of carriage and wagon works, car shops, depots, reloading areas, and administration buildings.

(5) Air transport grounds include usually grounds of airports⁵, grounds of service roads, garages, and parking spaces.

(6) Water transport grounds include usually grounds of water areas meant for water ways, e.g. channels and navigable river parts, grounds of embankments for water transport, grounds of ports and harbours, sluices, reloading points, and related grounds of roads and technical infrastructure.

(7) Logistic centres as grounds of combined transport include usually grounds for constructions and facilities of combined transport terminals, and grounds for related production and warehousing.

³ Act No. 13/1997 Coll., on roads, as amended by later regulations.

⁴ Act No. 266/1994 Coll., on railways, as amended by later regulations.

⁵ Act No. 49/1997 Coll., on civil air transport and on changes and amendments to the Act No. 455/1991 Coll., on trading business activities (the Trade Law), as amended by later regulations

§10

Technical infrastructure grounds

(1) Technical infrastructure grounds are usually delimited separately when use of these technical infrastructure grounds excludes their classification as grounds of other land use type, and when other use of these grounds is impossible. In other cases only the routes of technical infrastructure are delimited within the grounds of other land use type.

(2) Technical infrastructure grounds include, particularly, the grounds of lines, constructions and operation related facilities of technical equipment, e.g. water mains, water tanks, sewerage, sewage disposal plants, constructions and facilities for waste disposal, transformer stations, power lines, communication lines of public communication network, electronic facilities of public communication network, and product lines. Parts of these grounds may be also grounds of related transport infrastructure.

§11

Manufacture and warehousing grounds

(1) Manufacture and warehousing grounds are usually delimited separately if the use of grounds for e.g. manufacture constructions and warehousing, and agriculture constructions², due to negative impacts over these grounds borders, excludes classification of the grounds with such impacts as areas of other land use type.

(2) Manufacture and warehousing grounds include usually grounds of constructions and facilities for manufacture and warehousing², e.g. for mining, metallurgy, heavy engineering, chemistry, warehousing complexes, grounds of agriculture constructions², and grounds related to public infrastructure. Manufacture and warehousing grounds are delimited in a direct relation to transport infrastructure grounds and must be accessible from the latter.

§12

Combined manufacture grounds

(1) Combined manufacture grounds are usually delimited separately when it is not reasonable to segment the area, due to its character, into e.g. manufacture and warehousing grounds, transport and technical infrastructure grounds, minerals mining grounds, and specific grounds.

(2) Combined manufacture grounds may include plots for residential buildings in exceptional and justified cases only.

§13

Aquatic and water resources grounds

(1) Aquatic and water resources grounds are delimited in order to assure conditions for water management, protection against water harmful impacts or drought, regulation of area regimen, and other purposes stipulated by legal

regulations dealing with water, landscape protection and preservation.

(2) Aquatic and water resources grounds include grounds of water areas, riverbeds⁶, and other grounds meant for prevailing water management use.

§14

Agriculture grounds

(1) Agriculture grounds are usually delimited separately in order to assure conditions for prevailing agriculture use.

(2) Agriculture grounds include, particularly, grounds of agriculture land resources⁷, grounds of constructions, facilities, and other measures for agriculture, and grounds of related transport and technical infrastructure.

§15

Forest grounds

(1) Forest grounds are usually delimited separately in order to assure land use conditions for forest⁸.

(2) Forest grounds include, particularly, the grounds meant for forest functions⁹, grounds of constructions and facilities for forestry, and grounds of related transport and technical infrastructure.

§16

Natural grounds

(1) Natural grounds are usually delimited separately in order to assure conditions for landscape protection and preservation¹⁰.

(2) Natural grounds include usually grounds of national parks, grounds within the 1. and 2. zones of landscape preserved areas, grounds in other specifically preserved areas, grounds of European significant localities including contractually preserved grounds, grounds of biocentres¹¹, and exceptionally also grounds of related transport and technical infrastructure.

§17

Combined undeveloped grounds

(1) Combined undeveloped grounds are usually delimited separately when it is

6 Act No. 254/2001 Coll., on water and changes of some acts (the Water Act), as amended by later regulations.

7 §1 of the act No. 334/1992 Coll., on protection and preservation of agriculture land resources, as amended by later regulations.

8 §2 of the act No. 289/1995 Coll., on forests and changes and amendments of some acts (the Forest Act), as amended by later regulations.

9 §3 of the act No. 289/1995 Coll.

10 Act No. 114/1992 Coll., on landscape protection and preservation, as amended by later regulations.

11 §1 of the decree No. 395/1992 Coll., that implements some provisions of the act No. 114/1992 Coll., as amended by later regulations.

not reasonable to segment the area, due to the undeveloped area character or its protection, into e.g. water areas, water resources, agriculture grounds, and forests.

(2) Combined undeveloped grounds usually include grounds meant for forest functions, grounds of agriculture land resources, or grounds of water areas and riverbeds without distinguished prevailing land use type. Combined undeveloped grounds may be also grounds of natural or nature close ecosystems¹⁰ and grounds of related transport and technical infrastructure.

§18

Minerals mining grounds

(1) Minerals mining grounds are usually delimited separately in order to assure conditions for economic minerals and raw materials use, and protection of environment at mining and minerals processing activities.

(2) Minerals mining grounds include usually grounds of surface mines, quarries and sandpits, grounds for temporary storage of unused minerals and wastes, like stock-piles, dump piles and sumps, further grounds of reclamations, and grounds of constructions and technological equipment for mining. Grounds of related transport and technical infrastructure may be also included in minerals mining grounds.

§19

Specific grounds

Specific grounds are usually delimited separately in order to assure specific conditions required, in particular, for constructions and facilities of country defence and security, civil defence, prison service, storages of hazardous materials; related transport and technical infrastructure grounds may be included in the specific grounds.

Part three

Requirements on delimitation of grounds and situating constructions on them

Volume I

Requirements on delimitation and use of grounds

§20

(1) In accord with aims and objectives of town & country planning, respecting area relations and character, the general requirement is to delimit grounds, specify conditions of their use, and situate constructions on them in such manner, that does not impair environment quality and area value.

(2) If there is nothing else stipulated by a plan, only the grounds for residential buildings and family relaxation, grounds of public spaces, grounds of public services related and compatible with dwelling, not impairing its quality and environment quality within the developed area, and grounds of related transport and technical infrastructure may be delimited within a developed area.

(3) A plot is always delimited in such manner, that its properties, especially its size, location, planar and space layouts, enable its use for the proposed purpose, and it is connected to a publicly accessible road¹².

(4) A building ground [§2, par. 1, letter b) of the Building Act] is always delimited in such manner, that its properties, especially its size, location, planar and space layouts, and foundation conditions, enable situation, realization, and use of a construction for the proposed purpose, and it is connected to a publicly accessible road¹² with sufficient capacity.

(5) A building ground is always delimited in such manner, that the following issues are resolved

a) situating parking sites for the ground use purpose, and use of the constructions thereon in the extent of relevant Czech technical standard's requirements on designing local roads, which is ensured by meeting the requirements of this decree,

b) treatment of wastes and sewer water, according to special regulations¹³, that are generated on the ground by its use or by use of the constructions thereon,

c) infiltration of rain water (§21, par. 3) or its reception on the ground in a capacity of 20 mm daily rain total before draining it into a watercourse or drainage – common for a public use, or separated for a separate drainage of rain water¹⁴ – public rain or common drainage.

(6) When delimiting a building ground or changing the use of a developed ground the proof of meeting the par. 5 requirements may be evidenced by a regulatory plan, or by a documentation for planning permission issuance even with using other grounds.

(7) A solid road³, at least 2,5 m wide, ending not further than 50 m from the building, must lead to each family house construction, or to each family leisure time building, or to a continuous group of such buildings.

§21

Grounds for residential or family leisure time buildings

(1) Parking sites and places of grounds for residential or family leisure time buildings according to §20, par. 5 and 6, must be located at a real walking distance, not further than 300 m, if technically possible.

(2) Family leisure time buildings require one parking place per one building.

¹² Act No. 13/1997 Coll.

Decree No. 104/1997 Coll., that implements the act on roads, as amended by later regulations.

¹³ Act No. 185/2001 Coll., on wastes and changes of some other acts, as amended by later regulations.
Act No. 254/2001 Coll., as amended by later regulations.

¹⁴ Act No. 274/2001 Coll., on water mains and sewerage for public use and on changes of some acts (the Act on Water Mains and Sewerage), as amended by later regulations.

(3) Infiltration of rain water on the grounds for residential buildings is sufficient [§20, par. 5, letter c)] if the ratio of the infiltration capable ground size to the total ground size is

- a) for a detached family house and family leisure time building – at least 0,4
- b) for a terraced house and block of flats – 0,3

(4) On the ground for residential buildings there is possible to situate a block of flats or a family house and further the constructions, landscaping and facilities that are necessary for a safe ground utilisation, and directly related and conditional to dwelling.

(5) On the ground of a block of flats there may be situated further a garage and constructions and facilities listed in §103, par. 1, letter a), points 1 and 5, letter d), point 5 of the Building Act.

(6) On the ground of a family house there may be situated further a garage and constructions and facilities listed in §103, par. 1, letter a), points 1, 4, and 5, letter d), point 5 of the Building Act. Further, one building for entrepreneurs activity may be situated on the ground for a family house, that corresponds by its parameters to §104, par. 2, letter d) of the Building Act, if it is impossible, due to space and operational reasons, to assure the said functions within the family house itself.

(7) On the ground of a family leisure time building there may be situated constructions and facilities listed in §103, par. 1, letter a), points 1, 4, and 5, letter d), point 5 of the Building Act.

§22

Public spaces grounds

(1) The least width of a public space, which part is a access road to a ground with block of flats, is 12 m. If it is a one way road the width may be 10,5 m at minimum.

(2) The least width of a public space, which part is a access road to a ground with a family house, is 8 m. If it is a one way road the width may be 6,5 m at minimum.

(3) Part of the public spaces specified in paragraphs 1 and 2 is at least one lane for pedestrians with minimum width of 2 m enabling barrierless usage.

(4) Public spaces grounds for use by persons specified in §2, par. 2, letter e) of the Building Act within areas with development potential shall be delimited in a minimum size of 500 sq.m., and minimum width of 10 m, within mutual walking distances of 300 m from each other. In justified case these grounds may be delimited with a minimum size of 1000 sq.m. and mutual walking distances of 600 m from each other. Transport space for local roads used for traffic and parking is excluded from this size. These grounds may be replaced by parts of publicly accessible grounds of public services constructions in adjacent areas, or by other public spaces corresponding to these parameters.

Volume II

Requirements on constructions situation

§23

General requirements on constructions situation

(1) Constructions depending on their type and need shall be situated in such manner that allows their connection to technical infrastructure² networks and roads, and so that their situation on the ground allows, apart from protected zones of electricity distribution lines, an access for fire brigade vehicles and fire brigade intervention. Connection of buildings to roads must comply, by its parameters, style, and manner, with the requirements for safe building utilisation and safe and smooth traffic on adjacent roads¹⁵. Depending on type and character of building, the connection must also comply with requirements on transport services, parking, and access of fire brigade vehicles.

(2) Constructions shall be situated in such manner that neither the construction nor its part protrudes to a neighbouring ground. Situating or changing a construction on the ground border or within its proximity must not hinder from building on the neighbouring grounds.

(3) A superstructure [§2, par. 5, letter a) of the Building Act] is inadmissible if the proposed modifications could disturb well-preserved historical, urban, and architectonic values of the place, or architectonic integrity, e.g. of the continuous street development.

(4) A change of construction [§2, par. 5 of the Building Act] must not disturb urban and architectonic values of existing development.

(5) Outside building ground there may be situated only building site establishment structures, and connections of the buildings to the technical infrastructure networks² and roads.

§24

Special requirements on constructions situation

(1) Electricity distribution lines and electronic communication lines are usually placed under ground within the municipalities developed areas.

(2) Sufficient room for arriving supply vehicles and for parking of these vehicles during loading and unloading shall be assured at constructions for gathering of higher number of persons², constructions for retail services², constructions for accommodation, constructions for manufacture and storage², and constructions for agriculture².

(3) Garages, parking sites and places, in particular for lorries, buses, tractors, and other transport vehicles, shall be situated outside residential grounds, grounds for leisure time activities, public services, combined residential grounds, except garages, parking sites and places intended for them within enclosed spaces of agriculture constructions², and except parking sites and

¹⁵ Act No. 12/1997 Coll., on safe and smooth traffic on roads, as amended by later regulations.

places for special cars of police force, fire brigade vehicles, medical aid cars, caravans, and mobile homes, if it is not against restrictions arising from special regulations¹⁶.

(4) Car services and workshops, petrol stations including facilities for fuel manipulation, particularly re-loading stations, filling stations, washing ramps, evaporating plants, other constructions like workshops, warehouses, heating oil tanks, scrap-yards, dumps, where manipulation with stuffs hazardous for ground or underground water takes place, e.g. toxic or corrosive substances, radioactive materials, must not be situated within the I. and II. level protective zones of drinking water resources¹⁷, within the first level protective zones or closer temporary protective zones of natural healing resources, or natural mineral drinking waters¹⁶.

(5) Petrol stations shall be situated outside residential grounds, grounds for leisure time activities, and public spaces¹⁸.

§25

Distances between constructions

(1) Distances between constructions must comply with urban, architectonic, environmental, hygienic, veterinary requirements, and with requirements of ground and underground water protection, state monument preservation, fire prevention, security, civil defence, serious accidents prevention¹⁹, requirements on day lighting and sun exposure, and on environment quality preservation. Distances must further allow constructions maintenance and utilisation of spaces between constructions for technical or other equipment or activities, e.g. technical infrastructure.

(2) If there is a free space between family houses, their distance must not be shorter than 7 m, and their distances from grounds common borders must not be shorter than 2 m. In particularly tight space conditions the distance between family houses may be decreased to 4 m, provided that there are no windows leading from dwelling rooms in opposite walls; in such case the par. 4 does not apply.

(3) If there is a free space between family leisure time buildings, their distance must not be shorter than 10 m.

(4) Distance of a standing alone garage, of a construction specified in §103, par. 1, letter a) of the Building Act, and of a construction for entrepreneurial activity corresponding by its parameters to §104, par. 2, letter d) of the Building Act, situated on a family house ground, from common borders of family houses grounds must not be shorter than 2 m.

16 Decree No. 423/2001 Coll., that specifies a way and extent of assessment of natural healing resources and sources of natural mineral waters, and further details of their utilisation, requirements on environment and equipment of natural spa resorts, and expert assessment necessities of possible utilisation of natural healing resources and climatic conditions for healing, natural mineral water for production of natural mineral waters, and on natural spa resorts environment status (decree on resources and spa resorts).

17 Act No. 254/2001 Coll., as amended by later regulations.

Act No. 114/1992 Coll., as amended by later regulations.

18 Act No. 311/2006 Coll., on fuels.

19 Act No. 59/2006 Coll., on prevention of serious accidents caused by hazardous chemicals or chemical compounds.

(5) In order to preserve existing development values and in accord with them, a family house, garage, and other constructions and facilities related to the family house utilisation, may be situated at the very ground border. In such case there are no construction openings, particularly windows, or vents, allowed in the wall at the ground border; rain water flow off or snow fall from the construction on a neighbouring ground must be prevented; neither the construction nor its part may protrude to the neighbouring ground.

(6) Outer edges of a walking area of a family house, as e.g. a terrace, or balcony, that is elevated over adjacent ground more than 2 m, must be at least 3 m from the neighbouring ground border.

(7) Distance of facades with dwelling rooms windows must be at least 3 m from a main road or local road edge; this requirement does not apply for buildings situated within gap sites of terraced development, and for buildings which situation is specified by the issued planning documentation.

(8) Distances are measured on the shortest connecting lines between outer surfaces of peripheral walls, balconies, loggias, terraces, from grounds borders and road edges.

Part four

Common final provisions

§26

Exemptions

Under conditions specified by §169 of the Building Act there is an exemption possible from provisions of §20, par. 3 and 7, §21, par. 5, 6 and 7, §25, par. 2, 3, 4, 5 and 7.

Part five

Effect

§27

This decree takes effect as of January 1st 2007.

Minister:

Mgr. Gandalovič, in his own writing