

## **LAW ON SPATIAL AND URBAN PLANNING**

("Official Gazette of the Republic of Macedonia", No. 4/96; 8/96; 28/97; 18/99;) and  
70/96; 5/97; 76/99 (decisions of The Constitutional Court)

Note: See "Official Gazette of RM" No 53/2001

### **GENERAL PROVISIONS**

#### Article 1

This Law shall regulate the planning of space, the types and content of the plans, the designing and procedure of adoption of the plans, allocation of construction land, determination of the terms for constructing and supervision over the Law enforcement.

#### Article 2

The spatial and urban planning is continuous process provided through designing, adoption and implementation of spatial and urban development plans that comply with each other.

Adoption of State Spatial Plan and urban development plan is required.

#### Article 3

The designing and adoption of spatial and urban development plans shall be considered as issues of public interest.

#### Article 4

The spatial and urban planning shall provide more equal spatial development, rational arrangement and use of the space, as well as living and working conditions for the citizens.

The spatial and urban planning shall involve measures for protection and promotion of the environment and nature, protection from war destruction, natural and technological catastrophes.

#### Article 5

The following terms used in this law shall designate:

- spatial plan is a plan for arranging and use of land in wider area, such as: area of the municipality and the city of Skopje; region, national park or the state territory;
- urban development plan is a plan for arranging and using land in narrower area, such as town, district, village or other area planned to be constructed;
- purpose of land is the purpose for using the land or constructing particular types of facilities on the land, determined by a plan;

- urban area is a land determined with boundaries planned for constructing or arranging;
- the infrastructure is a map of the existing and planned underground and surface installations and facilities in the area of transportation, electric installations, gas pipelines, oil pipeline, water supply and sewerage, heating, telecommunications and other installations;
- urban rehabilitation measures are planned measures through which the quality of housing and living of the citizens in particular region improves;
- barriers are artificial construction obstacles in the cities and other urban areas that hinder the smooth movement of disabled persons;
- investor is a legal or natural person who acquired a decision on construction terms based on law;
- constructing lot is a land planned for construction of facility and yard including installations that support the facility;
- regulation line is a line that separate the constructing lot from the public transportation area;
- construction line is a line that determine the border to which the facility may be constructed;
- level presentation is a vertical presentation including technical data on the location and the inclination of the street network and the reference for planned facilities and terrain;
- road axe network is a graphic representation including technical data on the vertical and horizontal location of the crossing points and the road axes in regard to the terrain;
- updated geodetic bases are geodetic maps in adequate scale, including representation of the latest existing constructed facilities and installations on particular area and vertical presentation of the terrain including the method of isohypses and
- construction terms are terms that determine the type, size, method of construction and other terms for construction of a facility.

## Article 6

The provisions of the Law on General Administrative Procedure shall be applied for implementation of the spatial and urban development plans, unless otherwise stipulated by this Law.

## II. SPATIAL PLANNING

### a. Types and content of plans

#### Article 7

Depending on the space that is a subject of planning, the following plans shall be adopted:

1. Spatial plans:
  - state spatial plan;
2. Urban development plans:
  - general urban development plan;
  - detailed urban development plan;
  - urban development documentation for settlement in a municipality and
  - urban development plan for border crossing and locality with facilities of public interest.

#### Article 8

The state spatial plan shall be a basis for arranging and using of the space on the territory of the Republic of Macedonia.

The state spatial plan shall encompass: basic purpose of the land, guidelines for arranging and using the space, space arrangement of the facilities from the economic and non-economic sector, settlement network, space arrangement of the road and other network, guidelines and measures for protection and promotion of the environment and nature, measures for protection from war destruction, natural and technological catastrophes, provisions for implementation of the plan and adequate graphic presentations.

In order to implement the State Spatial Plan, if necessary, the following plans may be designed: spatial plan of region, national park, City of Skopje area and municipality, if necessary.

#### Article 9

The spatial plan under Article 8 paragraph 3 of this Law shall plan the arrangement and usage of the region space, the national park, the City of Skopje and municipality, in more details.

The spatial plan under paragraph 1 of this Article shall encompass: guidelines for arranging and using of the space, space arrangement of the settlements and facilities from the economic and non-economic sector, road and other infrastructure network, plan measures for protection and promotion of the environment and nature, measures for protection from war destruction, natural and technological catastrophes, provisions for implementation of the plan and adequate graphic presentations.

## Article 10

The general urban development plan shall be adopted for settlement area, economic complex and other areas planned for construction.

The general urban development plan shall particularly encompass: the purpose of the land and functional organization of the area encompassed in the plan, including the borders of the scope of the urban area, general pipelines and facilities of road and other infrastructure, basic terms for constructing housing, economic, public, sport and recreational and other facilities, construction and regulation lines and maximum peak elevations, plan measures for protection and promotion of the environment and nature, the natural and constructing heritage, urban rehabilitation measures and measures for protection from war destruction, natural and technological catastrophes, provisions for implementation of the plan, balance indicators and adequate graphic presentations.

## Article 11

The detailed urban development plan shall be adopted for particular parts of settlements and other areas for which a general urban development plan has been adopted.

The detailed urban development plan shall particularly encompass: plan for the purpose of the space and facilities, plan for constructing lot and area for construction of facilities determined with regulation and construction lines, maximum height of the facilities and other more precise construction terms, road network plan including level presentation and axe network including geodetic data, solutions for secondary pipelines and infrastructure facilities, terms for prevention from the architectural barriers, urban rehabilitation measures, plan measures for protection and promotion of the environment and nature, the natural and constructing heritage, protection from war destruction, natural and technological catastrophes, provisions for implementation of the plan, balance indicators and adequate graphic presentations.

The detailed urban development plan shall be designed on updated geodetic bases.

## Article 12

The urban development documentation for settlement within the municipality shall be adopted for settlement of rural character.

The urban development documentation under paragraph 1 of this Article shall particularly encompass: the purpose of the area including the borders of the scope, basic road and other infrastructure, terms and regime for construction and adequate graphic presentations.

b. Designing and procedure for adopting plans

## Article 13

The Government of the Republic of Macedonia shall adopt annual program for designing the plans under Article 17 of this Law.

The annual program under paragraph 1 of this Article shall be financed from the State Budget.

#### Article 14

The urban development plan for particular settlement areas, districts and parts thereof may also be designed outside the program under Article 13 paragraph 1 of this Law.

The plans designing under paragraph 1 of this Article shall be financed by the municipalities and the City of Skopje and the interested legal entities and natural persons.

#### Article 15

The Government of the Republic of Macedonia shall establish a public company for designing of the plans under Article 7 of this Law.

The public company shall have a status of legal entity with rights, liabilities and responsibilities stipulated by a law.

The public company operations shall comprise the following activities:

- designing of spatial plans;
- designing of urban development plans;
- preparation of expert analysis, studies and information on the planning terms, monitoring and control over the plan implementation;
- preparation of planning regulations, principles and standards and
- preparation of construction terms (spatial and urban development plan certificates), upon request of the investors and other interested legal entities and natural persons.

The Government of the Republic of Macedonia shall adopt a regulation for determination of the public company organization under paragraph 1 of this Article.

#### Article 16

An organization or institution authorized by the Ministry responsible for the urban issues may also design urban development plan, excluding the general urban development plan.

The authorization under paragraph 1 of this Article may be granted to an organization or institution which has employed at least three full-time authorized persons – licensed for designing spatial and urban development plans.

The person responsible for designing spatial and urban development plans may be a graduated architect licensed for performing this activity. He shall be required in the team to involve experts in different areas having at least university degree.

An exam shall have to be taken for granting license under paragraph 3 of this Article, to the Commission formed by the Minister responsible for the urban issues.

The Minister responsible for the urban issues shall prescribe the method and program for taking exam for granting the license.

#### Article 17

The plans under Article 7 of this Law shall be prepared as a draft and proposal of a plan.

An expert discussion shall be organized with the representatives of the bodies and organizations on the territory encompassed in the plan, about the draft state spatial plan, the spatial plans of the region, the national park, the City of Skopje and the municipality, the general urban development plan, as well as about the urban development plan for border crossing and for the locality with facilities of public interest.

A public survey shall be conducted in regard to the draft detailed urban development plan and the urban development documentation for the settlement in the municipality.

The expert discussion about the draft state spatial plan, the spatial plans for the region and the national park shall be organized by the Ministry competent for the urban development affairs.

The expert discussion about the spatial plan of the municipality and the City of Skopje and about the general urban development plan, as well as about the public survey for the detailed urban development plan and the urban development documentation for the settlement in the municipality shall be organized by the municipality, or the City of Skopje.

#### Article 18

The public survey under Article 17 paragraph 3 of this Law, shall be conducted by presentation of the plan in the public, for at least 15 days, within period of which the interested citizens and legal entities of the area encompassed in the plan, submit their written comments, on a questionnaire to the organizer of the public survey.

An announcement shall be published in the media on the time and place where the plan is displayed.

The Ministry responsible for the issues in the area of urban development shall prepare a report on the expert discussion and public survey stipulated under Article 17 paragraphs 2 and 3 of this Law. This report shall include explanation regarding the unaccepted comments, which shall be attached to the draft plan which is to be adopted.

#### Article 19

The draft plans under Article 7 of this law shall be subject to expert revision, prior to the expert discussion and public survey.

The expert revision of the spatial and urban development plans shall be carried out by expert institution or commission appointed by the Minister responsible for the issues in the area of urban planning.

The expert commission under paragraph 2 of this Article shall consist of representatives of the administrative bodies and recognized scientists and experts.

#### Article 20

The amendments to the plans stipulated under Article 7 of this law shall be implemented in a procedure same as the one prescribed for their adoption, unless otherwise regulated by this law.

The need of amending the spatial and urban development plan shall be determined through the revision of the plan The revision shall be required after a period of:

- 15 years for spatial plan;
- 10 years for general urban development plan; and
- 5 years for the other urban development plans.

The urban development plans, which haven't been revised after the expiration of the periods stipulated under paragraph 2 of this Article, shall not be considered as adopted.

#### Article 21

The bodies, organizations and enterprises shall submit data and other available documentation to the person who prepares the plans under Article 7 of this law.

#### Article 22

The Parliament of the Republic of Macedonia shall adopt State Spatial Plan.

The spatial plan of the region, national park, area of the City of Skopje and the municipality, urban development plans for the border crossings and other localities including facilities of public interest, shall be adopted by the Government of the Republic of Macedonia.

The municipality shall adopt urban development plans under Article 7 item 2 lines 1, 2 and 3 of this Law.

The City of Skopje shall adopt general urban development plans of the City of Skopje.

The municipality in the district of the City of Skopje shall adopt detailed urban development plan and urban development documentation for a settlement located in the area of the municipality.

The urban development plans stipulated under paragraphs 3, 4 and 5 of this Article, may be implemented upon granting approval from the Ministry responsible for the issues related to the urban development.

The plans for which approval stipulated under paragraph 6 has not been granted, shall be considered as unaccepted.

#### Article 23

The approval under paragraph 6 of Article 22 of this Law shall confirm that the plan is adopted in accordance with the provisions of this Law, regulation adopted based on this Law and other regulations.

The approval under paragraph 1 of this Article shall be issued within 30 days after submission of the request of the adopter of the plan, and unless it is issued within this period, it shall be considered issued.

#### Article 24

In case of emergency (natural and other catastrophes causing extensive damages), the Parliament of the Republic of Macedonia, the Government of the Republic of Macedonia, the Council of the municipality, i.e. the City of Skopje may in a short procedure adopt amendments to the plans under Article 7 of this Law, in which case the provisions of Article 17 of this law shall not apply, and the plans shall be prepared as draft-plans.

#### Article 25

It may be constructed in settlement which does not have urban development documentation for settlement in municipality until the adoption of the documentation, under terms and manners determined in a by-law by the municipality. The by-law shall be adopted upon prior approval granted by the Ministry responsible for the issues related to the urban development.

#### Article 26

Non-constructed land, planned in the urban development plan for particular purpose, may temporarily be used by the time of the implementation of the plan, however no longer than 2 years, under terms and manners prescribed by a regulation.

#### Article 27

The Minister responsible for issues related to the urban development shall prescribe:

- precise content and method of plan graphic processing (Article 7);
- method and program for taking exam for obtaining license (Article 16);
- manner and procedure for adopting plans (Articles 17 and 18);
- planning standards and principles (Articles 10, 11 and 12);
- manner and procedure for the urban rehabilitation measures (Article 11); and
- manner of utilization of non-constructed land (Article 26).



### **III. ALLOCATION OF CONSTRUCTION LAND**

#### **Article 28**

Construction and other land planned for constructing (hereinafter referred to as construction land) managed by the Government shall be allocated to natural persons or legal entities for facility construction.

The Decision on allocation of construction land shall determine the investor – user of construction land.

The allocation of construction land shall be made by the Ministry responsible for issues related to urban development.

An appeal to the Government of the Republic of Macedonia may be filed against the Decision under paragraph 3 of this Article.

#### **Article 29**

A construction land shall be allocated by public auction and by immediate agreement.

When construction land is allocated by public auction, the initial price of the land shall be the price determined in the Program for arranging construction land, which may not be lower than the market price.

Compensation shall be paid when the construction land is allocated by immediate agreement. The compensation shall be determined in the Program for arranging construction land.

When the construction land subject to allocation is not covered by the Program for arranging construction land, the amount of the compensation shall be the value of necessary investments for its arranging in accordance with the law.

The funds generated from the allocated construction land shall be considered revenues of the municipality, i.e. the City of Skopje, and shall be used for compensating the costs for arranging the construction land.

#### **Article 30**

The detailed terms, method and procedure for allocation of construction land shall be prescribed by the Government of the Republic of Macedonia.

The rights and obligations of the Republic of Macedonia and the investor – construction land beneficiary, shall be stipulated by an agreement.

### **IV. CONSTRUCTION TERMS**

#### **Article 31**

The investor shall be issued a decision on construction terms for construction, outbuilding, construction of a superstructure and reconstruction of facilities.

The decision on construction terms shall contain general and urban development and architectural terms determined in the plans stipulated under Article 7 of this Law, the acts under Articles 25 and 34 of this Law and graphic presentation which is a certificate of the plans for the facility which will be built and the land necessary for its operations, as well as the terms of the special regulations in the area of defense, transportation and communications, the vital supply systems (water, electricity, gas and sewerage), protection from earthquakes, fires, technological catastrophes, environment and agricultural land protection, and protection of the goods of public interest.

The decision on construction terms under paragraph 1 of this Article shall contain terms determined by additional principles and Book of Rules in the area of architecture, stipulated by a law.

#### Article 32

For issuing a decision on terms for constructing economic, business and public facilities, the construction terms may be determined according to already prepared urban development plan.

The urban development plan shall contain ideological projects of facilities and infrastructure, prepared on the basis of the investor program.

For construction of facilities that may pollute the environment through their operations the construction terms shall be determined according to already prepared environment protection elaborate.

#### Article 33

The decision on construction terms shall be valid for two years for facilities of public interest, and one year for other facilities, period within which the investor shall be required to provide construction approval.

In case a new urban development plan is adopted, and the investor hasn't started with the construction, the decision on construction terms, issued on a basis of the previous plan, shall cease being valid prior to the expiration of the period stipulated under paragraph 1 of this Article.

#### Article 34

As an exception, for areas outside a settlement for which a spatial plan has been adopted, or in settlement for which a general urban development plan has been adopted, while detailed urban development plan has not been adopted, the construction terms for facility of public interest determined by a law and economic facilities of importance for the Republic of Macedonia may be determined by an act of the Government of the Republic of Macedonia.

### Article 35

Based on the construction terms determined by the urban development plans, the administrative body responsible for geodetic issues shall prepare a report containing geodetic data on the land of the facility necessary for its regular operations and other data necessary for solving property relations, allocation of land and determining the construction right, in accordance with the law.

### Article 36

Upon obtaining the decision on construction terms, the investor shall pay compensation intended for financing the preparation of spatial and urban development plans, as follows:

- 1% of the average salary in the economic sector of the Republic of Macedonia for the previous year, by m<sup>2</sup> planned net construction area, paid by the investor for construction of new facility;
- 0.5% of the average salary in the economic sector of the Republic of Macedonia for the previous year, by m<sup>2</sup> planned net construction area, paid by the investor for construction of a superstructure and outbuilding of the facility;
- 0.3% of the average salary in the economic sector of the Republic of Macedonia for the previous year, by m<sup>2</sup> planned net construction area, paid by the investor for facility reconstruction;

The funds intended for preparation of spatial and urban development plans, under paragraph 1 of this Article, shall be considered revenues of the Republic of Macedonia.

### Article 37

The owners of constructed facilities in the municipality, the City of Skopje and other urban areas planned for construction, shall pay compensation in the amount of 50% of the determined tax on a basis of property tax, for using urban area.

The public revenue office shall determine and collect the compensation under paragraph 1 of this Article, by a special decision in accordance with the provisions on the Property Tax Law.

The funds under paragraph 1 of this Article shall be considered revenues of the Republic of Macedonia, and shall be used for preparation of spatial and urban development plans.

### Article 38

Upon request of the party, the expenses not related to issuing administrative acts, shall be covered by the applicant.

The Minister responsible for issues in the area of urban development shall adopt a Book of Rules for the amount of expenses under paragraph 1 of this Article.

## V. SUPERVISION

### Article 39

The Ministry responsible for issues in the area of urban development shall supervise the enforcement of this law, as well as the regulations adopted on the basis of this law.

### Article 40

The issues in the area of urban development, stipulated under Article 39 of this Law, shall be carried out by the State Inspectorate for construction and urban development, as a body within the Ministry of Urban Development, Construction and Environment.

### Article 41

The issues of the urban development inspection shall be carried out by urban development inspectors.

A person with university education, graduated architect, having at least two years of working experience may be appointed as urban development inspector.

### Article 42

The urban development inspector has an identity card. The form and method of issuing the identity card shall be prescribed by the Minister responsible for issues in the area of urban development.

### Article 43

When inspecting, the urban development inspector shall particularly check:

- whether the construction of the facility in particular area has been carried out in compliance with the plans under Article 7 of this Law;
- whether the construction terms has been issued in compliance with the plans under Article 7 of this Law;
- whether the facility is being constructed in compliance with the plans under Article 7 of this Law.

### Article 44

When inspecting, the urban development inspector has a right and duty to order:

- demolishing the facility or part thereof and bringing the area in its initial condition, in case it is currently or has been constructed contrary to the provisions of Article 43 line 1 of this Law; and

- ceasing the further facility construction, if constructed contrary to the provisions of Article 43 line 3 of this Law;

When the urban development inspector adopts a decision on demolishing or ceasing the further construction of the facility, in accordance with paragraph 1 lines 1 and 2 of this Article, s/he shall notify the institution authorized for issuance of construction approval.

If the urban development inspector finds that the construction of the facility is not in compliance with the plans stipulated under Article 7 of this Law and the construction terms, and the authorized body has annulled the construction approval, s/he shall adopt decision on demolishing the facility.

If the facility construction continues even after the adoption of the decision on ceasing further construction of facility, in accordance with paragraph 1 lines 1 and 2 of this Article, the urban development inspector shall adopt a decision on demolishing the additionally constructed part of the facility.

#### Article 45

If the urban development inspector finds that the issuance of the construction terms is not in compliance with the plans stipulated under Article 7 of this Law, s/he shall submit a proposal to the authorized body for annulment of the decision on determining the construction terms (Article 43 line 2).

#### Article 46

The appeal against the decision under Article 44 of this Law shall not postpone the implementation of the decision.

When demolishing the commenced or already constructed facility or its part, when it has been built contrary to the provisions of Article 43 Lines 1 and 3 of this Law and in case the decision on demolishing has been adopted in compliance with Article 44 paragraphs 3 and 4 of this Law, the investor shall not be entitled to compensation.

If the decision on demolishing is adopted in compliance with Article 44 paragraph 1 line 1 and paragraphs 3 and 4 of this Law, the expenses for demolishing the facility or its part and removing the material shall be covered by the investor.

#### Article 47

The appeal against the decision under Article 31 of this Law, in second instance procedure shall be resolved by the Committee of the Government of the Republic of Macedonia.

The appeal against the decision under Article 44 of this Law, in second instance procedure shall be resolved by the authorized Committee of the Government of the Republic of Macedonia.

#### Article 48

If the findings of the urban development inspector indicate that a facility is being built on a state-owned land without a decision on construction terms, after the enactment of this law, the constructed facility shall become a property of the state.

### **VI. PENALTY PROVISIONS**

#### Article 49

The authorized person in the company and other legal entity, as well as the natural person who as an investor constructs a facility contrary to the spatial and urban development plan, without having obtained decision on construction terms, shall be sanctioned with sentence from three to six months of imprisonment or charged with a fine.

#### Article 50

A company or other legal entity shall be fined from five to twenty salaries for offence, if it fails to demolish or cease the construction of facility or performing other activities, on order of the urban development inspector (Article 44).

The authorized person in the company and other legal entity shall be charged with a fine from one to three salaries for offence pertaining to paragraph 1 of this Article.

The authorized person of the body, organization, company and other legal entity shall be charged with a fine from one to three salaries for offence if s/he fails to submit data and other available documentation, necessary for preparation of spatial and urban development plans (Article 21).

A natural person shall be fined from quarter to half of the salary for offence, if s/he fails to demolish or cease the construction of facility or performing other activities, on order of the urban development inspector (Article 44).

A legal entity or natural person, who failed to pay compensation for the previous year, shall be charged with a fine in the amount of three times of the determined compensation for using urban area (Article 37).

### **VII. TRANSITIONAL AND CLOSING PROVISIONS**

#### Article 51

The basic urban development plans adopted prior to the effectiveness of this Law, shall be applied as general urban development plans, till their compliance with this law, however no longer than two years, after which the plans will not be considered adopted.

The urban development projects adopted prior to the effectiveness of this Law shall be applied as general urban development plans, till their compliance with this law, however no longer than two years.

If the detailed urban development plans adopted before December 31, 1999 are not complied with this law after the expiration of two years from the adoption of the Law, they will be considered as non-adopted.

The urban development plans for small settlements shall be in effect till the adoption of the urban development documentation for settlement in a municipality.

If the detailed urban development plans are not complied with the provisions of this Law, the general urban development plans adopted in accordance with the provisions of this Law shall be applied as detailed urban development plans.

#### Article 52

The public company under Article 15 of this Law shall be established within six months after this law becomes effective.

The companies registered for preparation of spatial and urban development plans shall prepare the plans under Article 7 of this Law and finish the commenced plans till the establishment of the public company stipulated under Article 15 of this Law.

The regulation stipulated under Article 15 paragraph 4 of this Law shall be adopted within three months after this Law becomes effective.

#### Article 53

Each company or institution registered for preparation of spatial and urban development plans shall submit to the Ministry responsible for the issues in the area of urban development original documentation and basis for each plan within three months after this Law becomes effective.

#### Article 54

If after the adoption of spatial or urban development plan, a facility is constructed without having a decision on construction terms till this Law becomes effective is confirmed with the adopted plan, the procedure for issuing a decision on construction terms shall be implemented in accordance with the provisions of this Law.

The provisions of Article 48 of this Law shall be applied if the investor of the facility stipulated under paragraph 1 of this Article fails to cease the procedure for issuance of decision on construction terms within one year after the adoption of the plan which confirms the construction of the facility.

#### Article 55

The procedure for allocation of construction land, commenced before the day of enforcement of this law shall be finished according to the provisions of the Law on Construction Land and the provisions adopted based on it.

#### Article 56

The urban development plans for which the procedure for their adoption was commenced before this law became effective, shall be adopted in accordance with the provisions of the Law on System of Urban Planning (Official Gazette of the Republic of Macedonia no. 38/85, 18/89, 38/90, 62/93).

#### Article 57

The Government of the Republic of Macedonia shall adopt the regulation under Article 30 of this Law within three months from the date when this Law enters into force.

The Minister responsible for the issues in the are of urban development shall adopt more precise regulation under Articles 16, 27, 38 and 42 of this Law within three months from the date when this Law enters into force.

The by-laws that were in effect till the date when this Law entered into force shall be applied till the adoption of the regulations under paragraph 1 of this Article.

#### Article 58

On the date this Law enters into force, the Law on System of Urban Planning (Official Gazette of the Republic of Macedonia no. 38/85, 18/89, 38/90, 62/93) and Articles 14, 36, 37 and 37a of the Law on Construction Land ("Official Gazette of the Republic of Macedonia" No. 10/79, 18/89 and 21/91) shall no longer be in effect.

#### Article 59

This Law shall enter into force on the eighth day from the date of its publication in the 'Official Gazette of the Republic of Macedonia'.



## **LAW ON AMMENDMENTS TO THE LAW ON SPATIAL AND URBAN PLANNING**

### Article 1

In Article 26 of the Law on Spatial and Urban Planning (Official Gazette of the Republic of Macedonia no. 4/96), a new paragraph 2 is added which reads:

“The funds from the compensation for allocation of temporary utilization of non-constructed land shall be considered a state revenue.”

### Article 2

After Article 26, a new Article is added which reads:

#### “Article 26a

The owner of the facility may be granted with an approval for urban development rehabilitation measures, till the implementation of the urban development plan, in order to provide the necessary hygienic and technical living conditions in residential facilities constructed in accordance with the regulations in effect during the period of their construction, which are not prescribed in the urban development plan.”

### Article 3

The words in the brackets “hereinafter referred to as construction land” in Article 28 shall follow the words “managed by the Government”

### Article 4

Article 29 shall be modified and read:

“Compensation shall be paid for allocation of construction land.

The funds generated from allocated construction land shall be considered state revenues.

The construction land shall be allocated by public auction and immediate agreement.

Compensation shall be paid in the amount of the market price of the land when the construction land is allocated by immediate agreement. When the construction land is allocated by public auction, the market price shall be initial price in the bidding.

As an exception to paragraph 1 of this Article, compensation shall not be paid when the construction land is allocated for construction of facilities for the needs of the

administrative body and organization, the bodies of the municipality, i.e. the City of Skopje and for public and other facilities of public interest stipulated in the Law.”

#### Article 5

Article 31 paragraph 1 should read: “The Ministry responsible for issues in the area of urban development shall grant the investor with a decision on construction terms for construction, outbuilding, construction of a superstructure and reconstruction of facilities.”

Paragraph 3 shall be followed by a new paragraph 4, which reads:

An appeal may be filed against the decision on construction terms to the Committee of the Government of the Republic of Macedonia authorized for resolving administrative matters related to the urban development in second instance procedure.”

#### Article 6

New line 3 shall be added in Article 44 paragraph 1, which reads:

“- demolishing the facility and bringing the area in its initial condition, in case when a decision on construction terms has not been issued.”

Paragraph 2 shall be followed by a new paragraph 3 which reads:

“If the urban development inspector finds that the facility is currently or has been constructed without having prior decision on construction terms, in accordance with paragraph 1 line 3 of this Article, s/he shall take decision on demolishing the facility.”

#### Article 7

The words under Article 50 paragraph 1 “from five to twenty salaries” shall be replaced by the words “from Denar 50,000 to 200,000.”

The words under paragraph 2 and 3 “from one to three salaries” shall be replaced by the words “from Denar 10,000 to 22,000.”

The words under paragraph 4 “from quarter to half salaries” shall be replaced by the words “from Denar 2,000 to 5,000.”

Paragraph 5 shall be deleted.

#### Article 8

The words under Article 51 paragraph 1 “no longer than two years, after which the plans will not be considered adopted” shall be deleted.

The words under paragraph 2 “no longer than two years” shall be deleted.

Paragraphs 3 and 5 shall be deleted.

## Article 9

New paragraph 2 shall be added in Article 54, which reads:

The facility shall be considered illegally constructed and The Ministry responsible for issues in the area of urban development shall issue a decision on demolishing the facility if the investor of the facility stipulated under paragraph 1 of this Article fails to initiate a procedure for issuance of decision on construction terms within one year after the adoption of the plan which approves the construction of the facility.”

## Article 10

Article 54 shall be followed by a new Article 54a which reads:

### “Article 54a

A decision may be issued on construction terms regarding determination of the area covered by the facility, determination of construction line, maximum height of the facility and other detailed construction terms, based on the previous urban development project which complies the construction with the neighboring existing facilities of certain persons or complex, in accordance with the general urban development plan, till the compliance of the existing detailed urban development plans with the provisions of this Law.”

## Article 11

Article 56 shall be amended and read:

“The urban development plans for which the procedure for their adoption was initiated before this law became effective, shall proceed in accordance with the provisions of this Law.

The detailed urban development plans, which are in a procedure for adoption initiated by the City of Skopje, shall be adopted by the municipality of the area of the City of Skopje the plan refers to.

## Article 12

This Law shall enter into force on the date of its publication in the 'Official Gazette of the Republic of Macedonia'.

## **LAW ON AMMENDMENTS TO THE LAW ON SPATIAL AND URBAN PLANNING**

### Article 1

Line 8 of Article 5 of the Law on Spatial and Urban Planning (Official Gazette of the Republic of Macedonia no. 4/96 and 28/97), shall be modified and read:

“- investor shall be a legal entity or natural person who invest funds in construction of facility.”

Line 15 shall be modified and read:

“- construction terms shall be considered the certificate of the plan of the facility to be constructed, the land on which it will operate including general and urban and architectural terms.”

### Article 2

Following paragraph 3 of Article 8, a new paragraph 4 shall be added, which reads:

“The water supply base, the general plan for running the forests, the general hunting and economic base, power resources development strategy and other bases for particular activities shall be complied with the State Spatial Plan.”

### Article 3

New Article 12a shall follow Article 12, which reads:

#### “Article 12a

Urban development plan for border crossing and locality with facilities of public interest shall be adopted for the area of border crossing and the area of locality with facilities of public interest.”

### Article 4

The words “spatial and” under Article 16 paragraphs 2 and 3 shall be deleted.

### Article 5

Following the words “national park” under Article 14 paragraph 4, the words “and urban development plan for border crossing and locality with facilities of public interest” shall be added.

## Article 6

Paragraph 3 of Article 18 shall be replaced with two new paragraphs 3 and 4, which read:

“The Ministry responsible for the issues in the area of urban development shall prepare a report on the expert discussion on the plans stipulated under Article 17 paragraph 4 of this Law, with explanation for the unaccepted comments.

The municipality, i.e. the City of Skopje shall prepare a report on the expert discussion and the public survey on the plans stipulated under Article 17 paragraph 5 of this Law, with explanation for the unaccepted comments.”

## Article 7

Paragraph 2 of Article 20 shall be modified and read:

“The spatial planning shall be conducted for the period of at least:

- 5 years for detailed urban development plan;
- 10 years for general urban development plan, urban development documentation for settlement in a municipality, urban development plan for border crossing and locality with facilities of public interest; and
- 15 years for spatial plan;”

Paragraph 3 shall be modified and read:

“After the adoption of spatial and urban development plan, the previous plan shall no longer be in effect.”

## Article 8

Two new Articles 21a and 21b shall be added, which read:

### “Article 21a

Urban development norms and standards for spatial planning from various areas included in the integral spatial planning shall be applied when preparing spatial and urban development plan.

The Minister responsible for issues in the area of urban development shall adopt urban development standards and norms stipulated under paragraph 1 of this Article, upon previously obtained opinion from the Ministries responsible for the respective areas.

## Article 21b

The bases for proportional arranging and utilization of area, creation of conditions for human existence and work for the citizens shall be determined by the urban development planning standards and norms.

For the purpose of the integral system of spatial planning, the planning standards and norms shall determine the parameters for planning of the public roads, waters, environment protection, protection from fires, sheltering, protection of monuments and archeological localities.”

## Article 9

In the forth line of Article 23 paragraph 1, after the word “Law” a period (.) shall be placed, and the words “and other regulations” shall be deleted.

## Article 10

Line 4 of Article 27 shall be deleted.

## Article 11

Article 31 shall be modified and read:

“The Ministry responsible for issues in the area of urban development shall announce construction terms for construction of facility, within 10 days after the submission of application.

The construction terms shall contain general and urban development and architectural terms determined in the plans stipulated under Article 7 and the acts under Articles 25 of this Law and graphic presentation, which is a certificate of the plan.

The construction terms shall be a basis for preparation of urban development project and project documentation for facility construction.”

## Article 12

Article 32 shall be modified and read:

“The urban development project shall be prepared for economic, business, resident and other facilities, by applying standards and norms for spatial planning, with the organization of the area becoming operational through the facility ideological projects.

The preparation of urban development project shall be followed by preparation of project documentation for facility construction.”

## Article 13

Article 33 and 34 shall be deleted.

#### Article 14

The words “by the urban development plans” under Article 35 shall be replaced by the words “according to the plans under Article 7 of this Law, or the by-law under Article 25 of this Law”, while following the words “geodetic issues” new words “ex officio” shall be added.

#### Article 15

Paragraph 1 of Article 36 shall be modified and read:

“Before obtaining a construction approval, the investor shall pay compensation intended for financing the preparation of spatial and urban development plans in the amount of 0.5% of the average salary of the economic sector of the Republic of Macedonia of the previous year, by square meter of the construction area in accordance with the project documentation for construction of new facility or outbuilding of the existing facility.”

New paragraph 3 shall follow paragraph 2, and read:

“In case the Republic of Macedonia is the investor of the facility, the compensation stipulated under paragraph 1 of this Article shall not be paid.”

#### Article 16

Article 40 shall be modified and read:

“The inspection over the implementation of this Law shall be carried out by the State Inspectorate for construction and urban development.”

#### Article 17

Article 43 shall be modified and read:

“When inspecting, the urban development inspector shall particularly check whether the construction of the facility has been carried out in compliance with the plans under Article 7 and the by-law under Article 25 of this Law”

#### Article 18

Article 44 shall be modified and read:

“If the urban development inspector during the inspection finds that the facility is currently or has been constructed contrary to the provisions of this Law, s/he shall adopt a decision on demolishing the construction of the facility or its part and bringing the area in its initial condition and shall notify the service authorized for issuance of construction approval.”

## Article 19

Article 45 shall be deleted.

## Article 20

When demolishing the commenced or already constructed facility or its part, when it has been built contrary to the provisions of this Law and in case the decision on demolishing has been adopted, the investor shall not be entitled to compensation.

If the decision on demolishing is adopted, the expenses for demolishing the facility or its part and removing the material shall be covered by the investor.”

## Article 21

Paragraph 1 of Article 47 shall be deleted.

## Article 22

New Article 47a shall follow Article 47, and read:

### Article 47a

The administrative acts adopted by the urban development inspectors shall be carried out by the urban development police.

Urban development policeman may be an employee having at least secondary-school education in the area of urban development and construction, and at least one-year work experience in this area.”

## Article 23

The words “without having obtained a decision on construction terms” under Article 49 shall be deleted.

## Article 24

The Minister responsible for the issues in the area of urban development and construction shall adopt more precise regulation stipulated by this Law within three months from the date when this Law enters into force.

## Article 25

The words “or cease the construction of” under paragraphs 1 and 4 of Article 50 shall be deleted.

## Article 26

On the date when this Law enters into force, items 3 and 4 of paragraph 1 of Article 10 of the Law on Sanitary and Health Inspection (Official Gazette of the Republic



of Macedonia No. 19/95), Articles 369 and 370 of the Law on Security of Road Transportation (“Official Gazette of the Republic of Macedonia” No. 14/98), paragraph 2 of Article 6 of the Law on Public Roads (Official Gazette of the Republic of Macedonia No. 26/96), Articles 7, 8, 10 and 13 of the Law on Protection of Air from Polluting (Official Gazette of the SRM No. 20/74), Article 19 of the Law on Protection of National Parks (Official Gazette of SRM No. 33/80), Article 9 and item 1 of paragraph 1 of Article 95 of the Law on Protection from Fire (Official Gazette of the SRM No. 43/86, 37/87, 51/88, 36/90 and Official Gazette of the Republic of Macedonia No. 12/93) and Articles 43 and 44 of the Law on Protection of Monuments (Official Gazette of SRM No. 24/73, 42/76 and Official Gazette of the Republic of Macedonia No. 12/93) shall no longer be in effect.

#### Article 27

This Law shall enter into force on the eighth day from the date of its publication in the 'Official Gazette of the Republic of Macedonia'.