



A GUIDE TO MANAGING DEVELOPMENT

MUNICIPAL SPATIAL PLANNING SUPPORT PROGRAMME IN KOSOVO



MUNICIPALITY OF
MAMUSHË/MAMUŠA

Implemented by:

UN HABITAT
FOR A BETTER URBAN FUTURE

Financed by:

**SWEDISH DEVELOPMENT
COOPERATION**



The Case of Municipality of Mamushë/Mamuša

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October 2014

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This document is prepared by MamuşaMamushë/Mamuša Municipality (Department of Development, Planning, Urbanism, Geodesy and Cadastre), supported by the Municipal Spatial Planning Support Programme funded by Sida and implemented by UN-Habitat.

MamuşaMamushë/Mamuša, 2014

I. ABBREVIATIONS

MESP	Ministry of Environment and Spatial Planning
MAFRD	Ministry of Agriculture, Forestry and Rural Development
DDPUGC	Department of Development, Planning, Urbanism, Geodesy and Cadastre
DPS	Department of Public Services
MDP	Municipal Development Plan
MZM	Municipal Zoning Map
DRP	Detailed Regulatory Plan
GCD	General Criteria for Development

II. GLOSSARY

Municipal Development Plan, Municipal Zoning Map and Detailed Regulatory Plan –
the spatial planning documents at the local level.

Terms of construction	terms of construction determining type, size, construction methods, safety requirements, and any other necessary requirement for construction works.
Cadastral parcel	as defined in Law no.04/L-013 on Cadastre, a determined land surface identified by the cadastral parcel number and registered in the cadastre map with a real surface in mapping projection and surface recorded in the Immovable Property Rights Register pursuant to Law No. 2002/5 on the Establishment of Immovable Property Rights Register and Law No. 04/L-009/2011for Amending and Supplementing the Law No.2002/5 on the Establishment of the Immovable Property Rights Register.
Protected Zone	an area around the perimeter of the protected natural resources and cultural heritage, determined by the competent institution, in order to prohibit any development or activity that might cause damage to the visual settings natural resources or cultural heritage.
Construction documents	written, graphical and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a project necessary for obtaining a construction permit.
Construction Permit	a permit issued by competent body, which acts as the legal basis for implementing construction in accordance with this law.
Inspection supervision	inspection of compliance of construction with the construction documents and applicable building code.
Occupancy certificate	Document issued by a competent body certifying a building's compliance with construction documents and applicable building code, and indicating it to be in a condition suitable for occupancy.
Construction Code	The sub-legal act that foresees the determination of minimal requirements for addressing structural power, emergency areas, sanitary, adequate light and ventilation, access, energy savings and life safety concerning new buildings and existing ones, to protect the public health, safety and general welfare of residents. It will be based on the international standards and will include technical norms adjusted for Kosovo.

-definitions are taken from the Law on Spatial Planning, Law No.04/L174, Law no. 04/L-110 on Construction, Oxford dictionaries, <http://dictionary.reference.com/browse/lighting>, <http://www.merriam-webster.com/dictionary/signage>, <http://www.thefreedictionary.com/shopfront>, Wikipedia:http://centralpt.com/upload/375/4785_Buidling%20Height%20Definition.pdf,

Building Line	The distance from the boundary of cadastre parcel and regulatory line and regulation line where the construction of general usable area is allowed.
Regulation Line	The distance from the boundary of cadastral parcel foreseen for the construction of the technical infrastructure, where no kind of construction is allowed.
Building Parcel	A part of cadastre parcel where construction is allowed, according to plan conditions.
Building Height	A vertical distance above a reference datum measured to the highest point of a building.
Building Coverage	The fraction or percentage of a plot's total area which is taken up by buildings.
Decorative Elements	Serving to decorate the building.
Façade	Any face of a building given special architectural treatment.
Mixed Use Zone	An area designated for mixed use of residential buildings, commercial buildings, agricultural, industrial or other activities.
Shop Fronts	The front side of a store facing the street; usually contains display windows.
Roof Pitch	A numerical measure of the steepness of a roof.
Townscape	The visual appearance of a town or urban area.
Streetscape	The design quality of the street and its visual effect.
Lighting	The act of lighting or illuminating an effect achieved by the arrangement of lights.
Signage	Signs considered as a group, street signs or signs giving directions.
Rural Area	An area characterized with a low level of construction, population density and technical, public and social infrastructure, and of employment through development of agriculture, rural tourism, healing centers and of manufacturing that does not pollute the surrounding environment.
Zone	A contiguous group of cadastral parcels with the same classification by use, character, or protected status the zoning definitions.

-definitions are taken from the Law on Spatial Planning, Law No.04/L174, Law no. 04/L-110 on Construction Oxford dictionaries, <http://dictionary.reference.com/browse/lighting>, <http://www.merriam-webster.com/dictionary/signage>, <http://www.thefreedictionary.com/shopfront>, Wikipedia, [http://centralpt.com/upload/375/4785_Buidling%20Height%20DDefinition.pdf](http://centralpt.com/upload/375/4785_Buidling%20Height%20Definition.pdf),

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III. INTRODUCTION

Spatial planning is an activity that aims to spatially coordinate all activities and processes over an area in order to establish long-term sustainable frameworks for social, economic and cultural development as well as taking into account environmental considerations. With its multidisciplinary approach, the key role of spatial planning is to enhance integration between sector policies and plans in order to ensure the rational use of land and preservation of cultural and natural values of the territory.

The spatial planning framework in Kosovo until 2013 was determined by Law on Spatial Planning No.2003/14 and Law No.2003/L-106 on Amending Law on Spatial Planning No.2003/14, however in 2013 the new Law No.04/L-174 on Spatial Planning was approved. The legislation determines the roles and responsibilities of the central and local level in drafting the spatial plans based on the principles of sustainable development as well as procedures for public participation throughout the entire planning process. Moreover, municipalities are obliged to draft spatial planning documents at local level, such as Municipal Development Plan (MDP) and Municipal Zoning Map (MZM) whereas Detailed Regulatory Plans are not obligatory meaning that can be drafted depending on the needs of the municipality for spatial development.

In 2013, Municipality of MamuşaMamushë/Mamuša supported by UN-Habitat/MuSPP has completed its MDP with incorporation of Space Regulation Elements. In 2014, the Municipality and UN-Habitat agreed to continue the cooperation by providing the support in drafting of the practical tool “A Guide to Managing Development in MamuşaMamushë/Mamuša Municipality” with an aim to facilitate the fulfilment of the new planning system requirements.

A Guide to Managing Development in MamuşaMamushë/Mamuša is the handbook that contains the Procedure on building new constructions including treatment of constructions without permit as well as General Criteria for Development.

3.1 COMPONENT 1 – PROCEDURE

This component is a consolidation of laws and bylaws related to constructions in a single document. The document intends to provide municipal staff and the community with steps on building application and issuing terms of construction, construction permits and occupancy certificates based on the criteria set out by the MDP and Component 2. It also describes procedures on treatment of constructions without permit.

3.2 COMPONENT 2 – GENERAL CRITERIA for DEVELOPMENT

The GCD for Settlement Area provides specific and more comprehensive guidelines for types of development. A GCD is important in the planning system because it provides flexible means of identifying additional development controls and standards for addressing development issues at a local level.

The GCD for Settlement Area of MamuşaMamushë/Mamuša contains the key criteria for types of development that commonly occurs in MamuşaMamushë/Mamuša. This document provides the detailed development control measures necessary to ensure the objectives of the MDP of MamuşaMamushë/Mamuša are met at a practical scale; in the assessment of terms of construction and construction permits applications for new development, alternations of existing building, change of use and demolition of buildings within Settlement Area of MamuşaMamushë/Mamuša.

IV. PURPOSE

The purpose of this Guide to Managing Development in MamuşaMamushë/Mamuşa municipality is to practically introduce the procedure for applications, issuance of terms of construction, construction permit, occupancy certificate, procedure for treatment of constructions without permits as well as to set out general criteria for development for settlement area of MamuşaMamushë/Mamuşa appropriate for each zone of area as set by MDP.

The objectives of the document are:

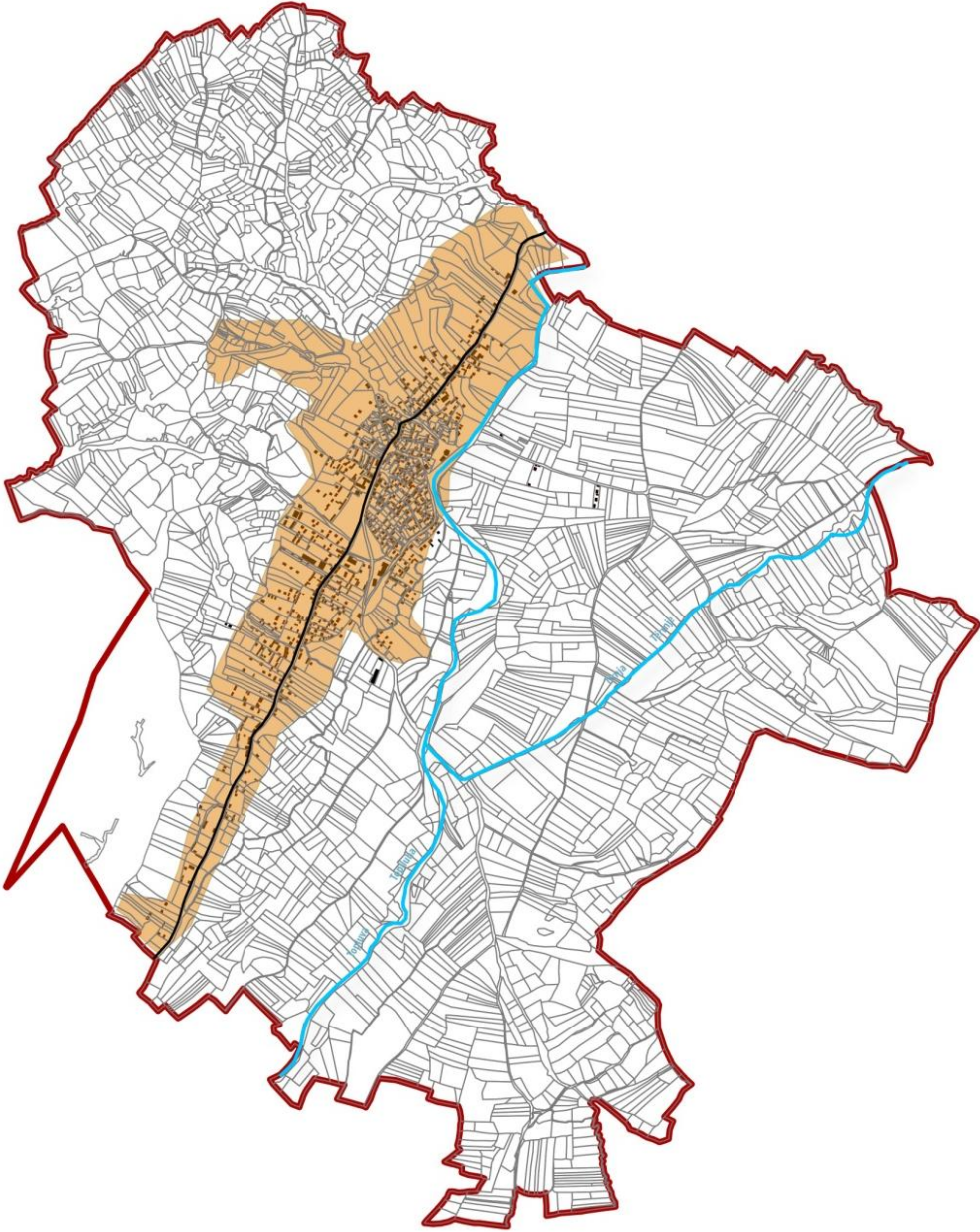
- introduce the community to procedures and steps for applying for terms of construction, construction permits, occupancy certificate and treatment of constructions without permit;
- to simplify the procedures for issuing construction permits;
- to provide more transparent development control system;
- to ensure new development is appropriate for its site and context;
- to provide guidelines for controlling and managing further developments;

As set by MDP the Settlement Area is divided into four Zones:

1. ZONE A
2. ZONE B
3. ZONE C
4. ZONE D

It should be noted that the Guide to Managing Development in Settlement of MamuşaMamushë/Mamuşa, particularly the part on General Criteria for Development, shall serve as a practical tool for municipal officers while undertaking their daily professional tasks in the field of planning and construction until the MZM is drafted.

V. PROCEDURE - COMPONENT 1



5.1 GENERAL INFORMATION

5.1.1 LEGAL FRAMEWORK

The legal framework that regulates construction in Kosovo is the Law on Construction No. 04/L – 110 (Official Gazette No.18/03.07.2012), as well as the Law for Treatment of Constructions without Permit No. 04/L-188 (Official Gazette No.4/21.01.2014).

Bylaws:

- Draft Unified Construction Code;
- Technical Regulation No.03/2009 on Thermal Energy Saving and Thermal Protection in Buildings;
- Administrative Instruction No. 22/2012 on Construction Permit Administrative Fees & Infrastructure Regulatory Charges;
- Administrative Instruction No. 10/2013 on Setting Procedures for Submission and Review of Applications for Terms of Construction and Construction Permits;
- Administrative Instruction No. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy;
- Administrative Instruction No.20/2013 on Manner, Procedure, Enforcement and Amount of Fines Against Participants in Construction;
- Administrative Instruction No.15/2013 on Conditions for Maintaining the Construction Diary and Construction Book;
- Administrative Instruction No. 09/2013 on the Categorization of Construction Works;
- Administrative Instruction No. 08/2013 on Construction Works for which a Construction Permit is not Required;
- Administrative Instruction No. 60/2005 for Closing the Construction Site and on the Way of its Fencing by Construction Inspectorate;
- Administrative Instruction No.33/2007 for Technical Conditions of Buildings on Access of People with Special Needs;
- Administrative Instruction No.06/2011 for Professional Examinations and Licensing for Architects and Engineers in the Field of Construction;
- Administrative Instruction No.18/2014 on Basic Health and Safety Requirements for Treatment of Constructions without Permit;

Note: Given that the planning and construction system is still in the process of reform, the municipality should be mindful of all future amendments of the above mentioned documents and apply them accordingly.

5.1.2 TYPES OF CONSTRUCTIONS

(for more details see Law No. 04/L – 110 on Construction)

TYPES OF CONSTRUCTION

- New construction (including installation);
- Reconstruction
- Repair – renovation, reparation, rehabilitation-improvement (does not require construction permit);
- Construction work that aims at protecting the immovable monuments of cultural heritage;
- Demolition;
- Landscape construction, and
- Installation or erection of temporary construction works.

5.1.3 PARTICIPANTS IN CONSTRUCTIONS

(for more details see Law No. 04/L – 110 on Construction)

PARTICIPANTS IN CONSTRUCTIONS

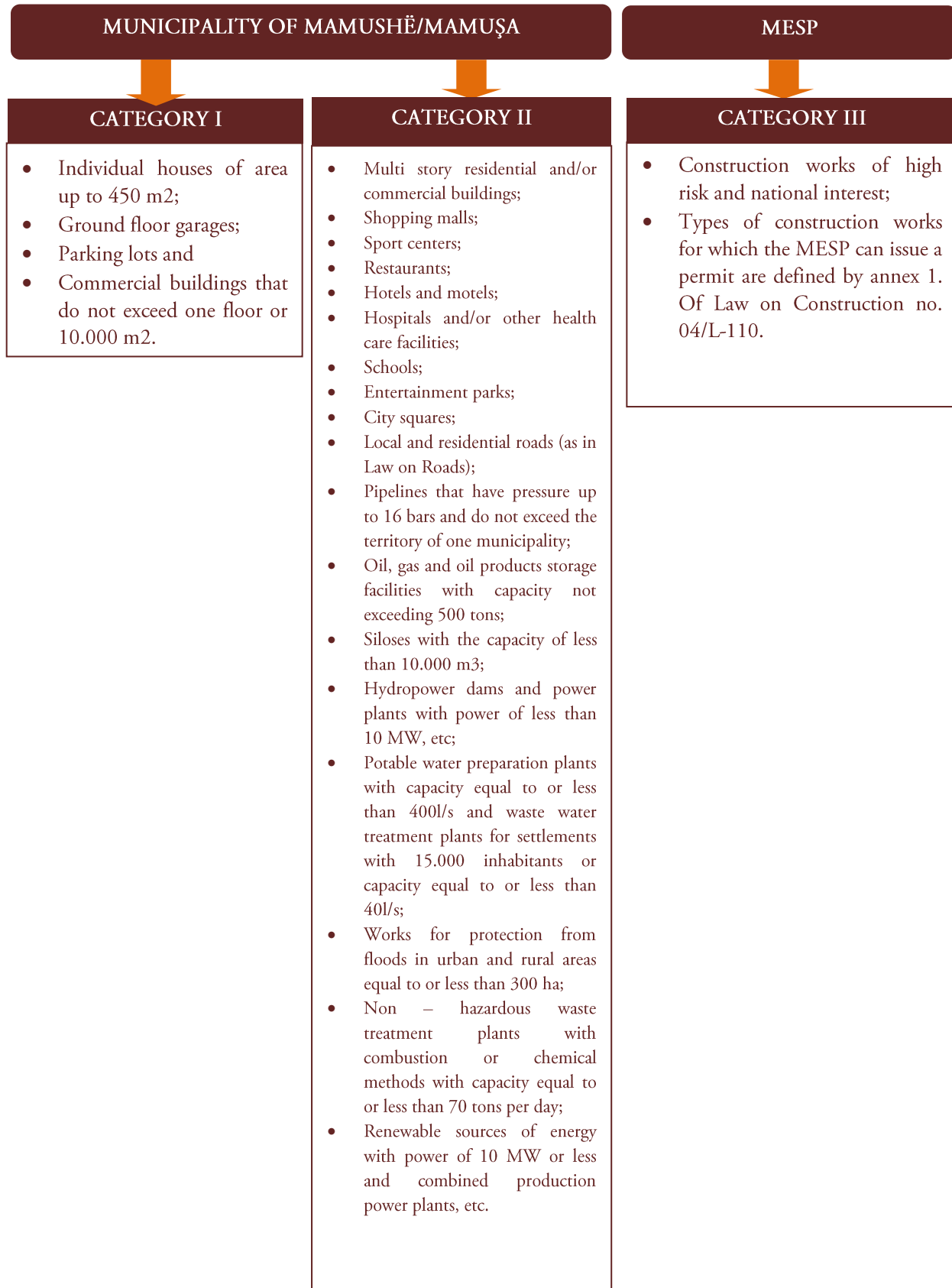
- **Applicant** – the natural or legal person who submits an application for terms of construction, or a construction permit. The applicant can be the owner of the property or the authorized agent of the owner as designated in the Agency Agreement form;
- **Construction Permit Possessor** - the applicant who has been granted a construction permit;
- **Designer** – a licensed natural or legal person who is responsible for preparation of construction documents;
- **Contractor** – person or organization undertaking construction works in accordance with the contract.

5.1.4 CONSTRUCTION CATEGORIES THAT REQUIRE ISSUANCE OF CONSTRUCTION PERMIT AND OF OCCUPANCY CERTIFICATE

(for more details see AI No. 09/2013 on the Categorization of Construction Works and Annex 1 of Law on Construction No. 04/L-110)

CONSTRUCTION CATEGORIES

- **Category I** – construction works with low risk;
- **Category II** – construction works with medium risk; and
- **Category III** – construction works with high risk and of national interest.



Note: For category II and III of construction works, applicants shall be advised by the department of urbanism, to consult the MESP prior to submitting the application for terms of construction to determine whether any additional terms of construction are necessary for the protection of public health, safety, or the environment. The department of urbanism shall also ensure the municipal environmental permit is issued during the procedure for obtaining construction permits (see AI No.10/2012 on Issuance of Municipal Environmental Permit).

5.1.5 CONSTRUCTIONS THAT REQUIRE A CONSTRUCTION PERMIT AND OCCUPANCY CERTIFICATE

- New constructions (including prefabrication);
- Reconstruction of existing construction works;
- Demolition of existing construction works;
- Repair of construction works, if substantial change is made to the construction works as compared to its condition prior to the event of damage from natural disasters, wars and similar events;
- Interventions on facades and structure of an existing buildings (repairs);

5.1.6 CONSTRUCTIONS THAT DO NOT REQUIRE A CONSTRUCTION PERMIT

(see AI no. 08/2013 on Construction Works for which a Construction Permit is not Required)

Construction works that do not fall within the Law on Construction No.04/L-110, Article 14 do not require a construction permit. Furthermore, construction permits are not required for the below mentioned construction works providing that the construction works that are in a private property and comply with spatial planning requirements, requirements for cultural heritage sites and special protective zones, and do not involve any damage or alterations to existing structure, mechanical, electrical, sewerage or isolation installations.

- Detached building measuring less than 10 m² in area and less than 5m in height;
- Fences lower than 1,5 meters that do not incorporate masonry or concrete components (other than footings);
- Decks not forming part of a principal entrance to a dwelling unit and less than 60 cm above ground level;
- Roof tile or shingle replacement and minor repairs to masonry, except that any change in the color or type of roofing or masonry material used must comply with the Construction Code and approved terms of construction;
- Damp proofing basements;
- Installation of air conditioning units or heat pumps in small dwelling units;
- Installation of kitchen or bathroom cupboards without plumbing;
- Installation of satellite dishes serving one dwelling or office space and that are not located within a protected area, special zone, or special protected zone;
- *Pool heaters;*
- Painting and decorating, except that changing the paint color on the exterior of a building must comply with approved terms of construction;
- Landscaping, except that landscaping not in private houses requires approved terms of construction;
- Children's playgrounds, except that children's playgrounds not in private houses are requires approved terms of construction;
- Commercial boards of up to 6 m²;
- Repairs falling within the Law on Construction, Article 3, paragraph 1.11. that do not change the usage designation.
- Repairs defined in subparagraph 1.11.1 of the Law on Construction, exclude moving or removal of load-bearing walls, structural beams, and columns, and change of any required means of egress; and
- Repairs defined in subparagraph 1.11.2 of the Law on Construction exclude alteration, replacement or relocation of any water supply, sewer, drainage, waste, vent or similar piping, electrical wiring or mechanical or other work involving modification to the public health and safety;
- Construction works under Article 25, paragraph 1 of Law on Construction.

5.2 TERMS OF CONSTRUCTION AND CONSTRUCTION PERMIT

5.2.1 CONSULTATION MEETINGS

The applicant prior to submission of application may contact the responsible officer of DDPUGC to discuss regarding the location of construction, project proposal, objectives, initial project design and the process of application.

5.2.2 PRELIMINARY RESPONSIBILITIES

5.2.2.1 Change of use of the agricultural land

The applicant shall apply for the change of use of the agricultural land, only if, the proposed construction is outside construction zone, as defined by MDP. The decision for changing of use of agricultural land 1 – 4 shall be issued by Municipal Assembly followed by the consent of the MAFRD while for the 5-6 category of land the decision will be issued by the Municipal Assembly.(see Law on Agricultural Land No.02/L-26 and Administrative Instruction no.41/2006 for changing the use of agricultural land).

5.2.2.2 Approval by other governmental bodies or entities

The applicant must obtain the necessary approvals from ministries, before applying for a terms of construction or construction permit.

5.2.3 TERMS OF CONSTRUCTION

(see AI no.10/2013 on Setting Procedures for Submission and Review of Applications for Terms of Construction and Construction Permits)

5.2.3.1 Application

APPLICATION - NO	APPLICATION - YES
<p>In case that exist terms of construction determined by:</p> <ul style="list-style-type: none">• Zoning Map• Detailed Regulatory Plan;	<p>In case that:</p> <ul style="list-style-type: none">• there is no Detailed Regulatory Plan;• there is no Zoning Map;• the application is for the Construction works of III-rd category;

a) Applicant shall CONSULT THE MDP and propose the terms of constructions by filling annex no. 1 – Application Form for Terms of Construction and attach the following documents:

- copy of the plan and ownership certificate from the cadastre not older than six months;
- if applicant is not the registered owner of the cadastral parcel, evidence of applicant's authorization by the owner to submit application;
- digital geodesic survey of the cadastral parcel for which the application is submitted and the adjoining cadastral parcels and existing buildings within fifty (50) meters diameter;
- photos of the surrounding environment of the cadastral parcel for which the application is submitted, and photos of existing buildings with a fifty (50) meters diameter;
- for Category II and III of construction works, applicants shall meet with Ministry of Environment and Spatial Planning (MESP) prior to submitting the application for terms of construction to determine whether any additional terms of construction are necessary for the protection of public health, safety or the environment.

5.2.3.2 Receipt, Review and Decision by the DDPUGC

a) **Receipt** - the officer of DDPUGC will receive the application by the applicant and verify if the application is complete. In case the application is not complete the municipality shall inform the applicant for the missing documents.

In case the application is completed the officer of DDPUGC shall fill the annex no 4. Sample Confirmation of Application containing the date when the application was accepted, post it in website of DDPUGC and within 1 day shall deliver it to the responsible persons for review.

b) **Review and Decision** within 5 days after the application acceptance:

- the officer of DDPUGC shall display public notices (annex no. 11 - Public Notice of Application for Terms for Construction) in public streets that fall within fifty (50) meters from the boundaries of the cadastral parcel for which terms of construction are sought. For Category I construction works. The notices shall indicate that citizens have at least within five (5) days can submit the comments for proposed terms of construction, and for Category II and III of construction works the citizens have at least twenty (20) days to submit the comments;
- the officer of DDPUGC shall distribute a copy of the notice to the owners of the neighbouring cadastral parcels and applicant for terms of constructions (in house, office, send it by mail, call him by phone or publish the announcement in a municipal website);
- the officer of DDPUGC shall visit the site for which the application has been submitted to verify that the application documents are true to existing conditions, and that the proposed terms of construction are not inconsistent with the existing constructions that are within fifty (50) meters diameter from the boundary lines of the cadastral parcel;
- the officer of DDPUGC, DPS and external professionals hired by Municipality) shall review all objections that have been received during the review period and shall post them on the web site of DDPUGC within two (2) days of receipt;
- the officer of DDPUGC shall provide written responses to all comments received within 5 days after the conclusion of the comments period and shall post them on the web site of DDPUGC;
- the officer of DDPUGC in fifteen (15) days (constructions of Category I) respectively thirty (30) days (constructions of Category II and III) from the day of receipt the application for terms of constructions

will approve the application or modify proposed terms in order to be consistent with the existing constructions that are fifty (50) meters in diameter from the border line of the cadastral parcel by considering the nature of construction, public comments and planning policies that affect the decision;

- the officer of DDPUGC, DPS and external professionals hired by Municipality shall review by using annex 6. – Sample Terms of Construction Application Review Checklist;
- the officer of DDPUGC shall prepare the decision and determine the terms of construction in writing by consulting the public comments and relevant planning policies (Guide to Managing the Development);
- the officer of DDPUGC shall post the decision to the website of DDPUGC.

Period of Validity of the approved Terms of Construction is one (1) year.

5.2.4 CONSTRUCTION PERMIT

(see AI no.10/2013 on Setting Procedures for Submission and Review of Applications for Terms of Construction and Construction Permit)

5.2.4.1 Application

Applicant shall ensure that the submitted documents provide the sufficient information to show that the proposed construction works are in compliance with terms of construction and Construction Code.

a) **The applicant** shall fill the annex no. 2 – Application Form for Construction Permit, and attach the following documents:

- copy of the plan and ownership certificate from the Cadastre not older than 6 months. If the applicant is not the registered owner of the cadastral parcel, applicant must provide an authorization by the owner to submit application;
- the administrative legal act establishing the terms of construction, if required;
- copies of professional licenses of architects, construction engineers, electrical engineers, mechanical engineers and other consultants that have prepared the technical documentation. Only once such licenses are available through relevant laws and bylaws in Republic of Kosovo. Until that time, the applicants must ensure that the professionals engaged for design and construction are qualified);
- approvals for connecting to the technical infrastructure utilities;
- in case the building has culture heritage values, the approvals as required by the Law on Cultural Heritage for construction works within cultural heritage perimeter;
- necessary approvals from governmental bodies or entities, such as for environmental impact, water, and fire safety;
- 3 hard copies and 1 digital copy in .pdf and .dwg formats, of completed construction documents, and other supporting information as required by the Construction Code;
- in the event that temporary construction works will be required on the construction site, the period of time for which those construction works will be required;
- all construction permit applications and supporting construction documents must be in one of the official languages of the Republic of Kosovo.

5.2.4.2 Receipt, Review and Decision by the DDPUGC

a) **Receipt** - The DDPUGC shall receive the application and based on the checklist for necessary documents (annex no. 3 – Technical Documents Required for Construction Permit Application) verify if it is complete.

If the application is complete, the DDPUGC shall accept the application and:

- issue a written confirmation of application (annex no.4 – Sample Confirmation of Application) including the date by which will inform the applicant for the total amount and the method of calculation of taxes for construction permit based on AI no.22/2012 on Construction Permit Administrative Fees & Infrastructure Regulatory Charges, article 7 and 8 as well as for the Increased Density Infrastructure Regulatory Charge, if any;
- determine a permit reference number to the application;
- post the application in permit tracking system in order that the applicant or reviewers can see the status of the permit application and if necessary add the additional documents. (for more details see annex no. 5 – Sample Permit Tracking Table)
- within 1 day shall forward the application to the responsible officer to continue with reviewing process.

If the application is not complete, DDPUGC shall inform the applicant and provide with the checklist (annex no. 3 – Technical Documents Required for Construction Permit Application) where are presented missing documents and requires to complete them and resubmit.

If the application is accepted and later is identified that is incomplete, the DDPUGC will inform the applicant for the steps that shall be undertaken to complete the documentation within eight (8) days for constructions of I-st category and within fifteen (15) days for constructions of II-nd and III-rd category.

The applicant shall prepare the changes for eight (8) days for constructions of I-st category and fifteen (15) days for constructions of II-nd and III-rd category and resubmit to the DDPUGC.

If the applicant does not respect the deadline after the notice, the DDPUGC can reject the application.

b) **Review and Decision** – The officer of DDPUGC, DPS and external professionals hired by Municipality shall review by using the annex no. 7 - Sample Construction Permit Application Review Checklist, the compliance of the application with terms of construction.

- the officer of DDPUGC shall write the date and initials of reviewer in permit tracking system in website, if construction works are in compliance with terms of construction, to show that this phase is finished and afterwards submits it to other reviewers;
- the officer of DDPUGC, DPS and external professionals hired by Municipality shall reject the application if construction works are not in compliance with terms of construction, by providing to the applicant a written rejection, specifically stating the reason (s) why the application is not compliant with terms of construction.

After the review of application's compliance with terms of construction, the officer DDPUGC, DPS and external professional hired by Municipality shall also verify if the proposed works are in compliance with the Law on Construction, relevant laws and Construction Code by using the annex no. 7-Sample Construction Permit Application Review Checklist.

This review will verify if the construction works fulfils the basic requirements for:

- **Structural resistance and stability;**
- **Mechanical and electrical installations;**
- **Preparation of construction site and water insulation;**
- **Sound insulation;**
- **Plumbing installations;**
- **Energy efficiency;**
- **Environmental Impact Assessment (only for certain construction works of categories II or III as required by Law on Environmental Impact Assessment);**
- **Technical norms for access of peoples with special needs (only for commercial construction of Category I and construction works of Categories II and III);**
- **Fire safety (only for construction works of Categories II and III);**

The officer of DDPUGC shall:

- issue the construction permit (annex no. 8 – Sample Construction Permit) within thirty (30) days for Category I constructions and forty five (45) for Category II and III constructions from the date of receipt of the application;
- when the construction permit is approved, all documents shall contain sign or stamp which states “APPROVED” (containing logo of the department and date of approval);
- inform the applicant by phone, mail or by posting the decision in permit tracking system;
- provide a copy of complete documentation to the applicant;
- archive a copy of decision with all checklists and construction documents;
- note the decision in the online permit tracking system showing the date and the initials of the reviewer;
- notify the applicant by phone, mail or email.

If the DDPUGC rejects an application for construction permit based on nonconformity, it shall provide a thorough explanation of the basis for the rejection. This explanation shall:

- include a reference to the provisions of laws, Construction Code or terms of construction violated;
- be sufficient to guide the applicant on what necessary changes are to bring the proposal into compliance.

Within 6 months, after an application has been rejected, the applicant may request to do the necessary changes to bring the proposal into compliance. The applicant may resubmit the documents at no extra charges, and the documents shall be reviewed by the DDPUGC within thirty (30) days for Category I constructions and within forty five (45) days for Category II and III constructions from the date of receipt of the application.

However, in case of resubmitted documents are not in accordance with the required changes, the application will be rejected and restarting the application process for construction permit will be required from the applicant;

After the approval of the application the responsibilities of the applicant are:

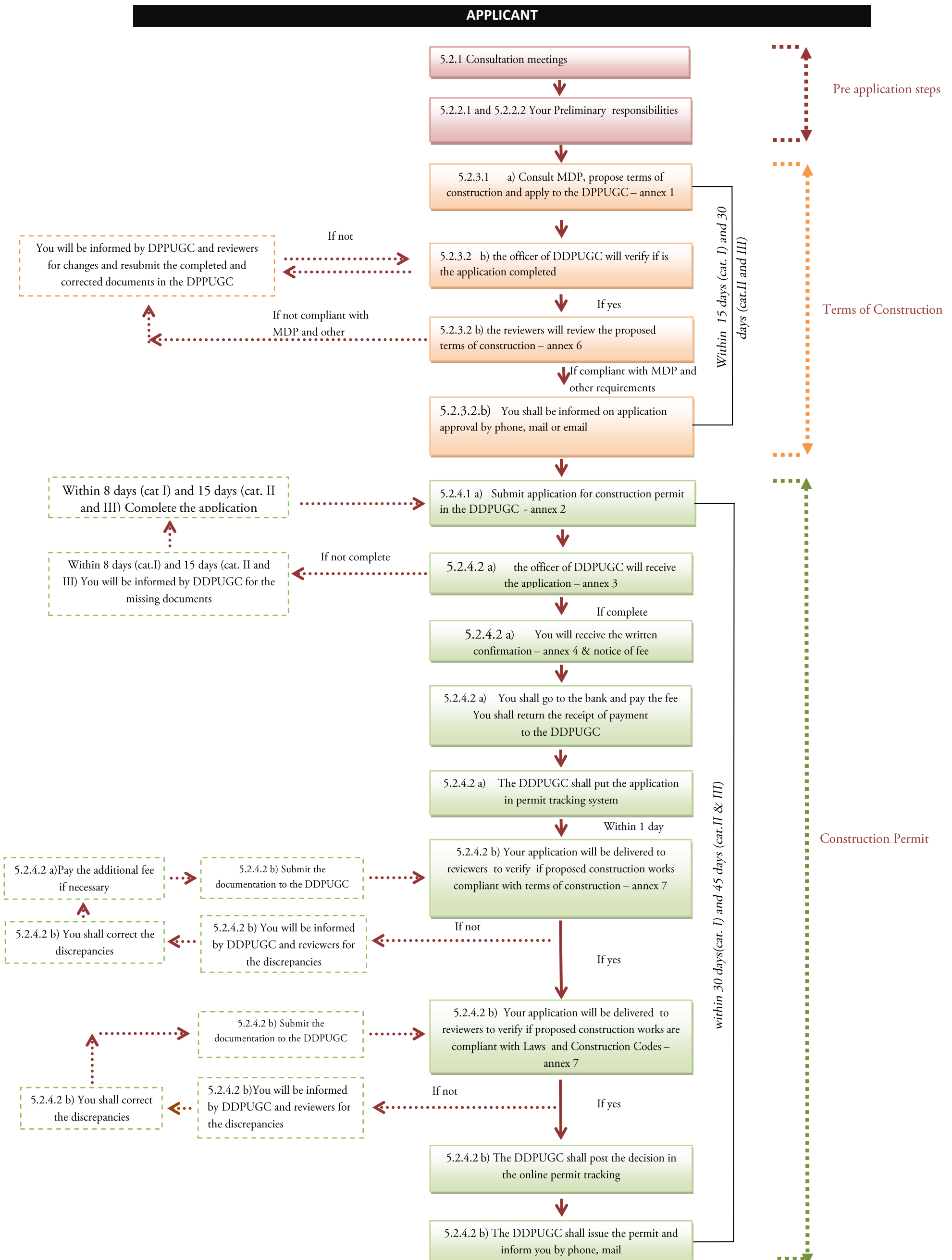
- shall start the construction works within 1 year from the approval date, unless it is extended by his request;
- shall provide the contractor in construction site with:
 - the copy of contract between construction permit possessor and contractor;**
 - construction permit with the copy of construction documentation signed or stamped;**
 - documentation showing the conformity of products and equipments with regulation, requests, and Construction Code;**
 - construction documentation;**
 - construction book and diary** (see AI no.15/2013 for conditions on keeping the construction diary and book)that should contain a register of daily works with date, location and testing results of materials or construction works and description of problems appeared during the construction and inspection and the way how are resolved;
 - card of approved inspections** (approvals will be given as the project progresses);
- shall submit Notice of Intent to Begin Construction at least seven (7) days before beginning construction;
- shall contact the department of urbanism and public services in writing to conduct inspections as required by the law, bylaws and Construction Code;
- the applicant is responsible for ensuring that contractor possesses and utilizes qualified technical expertise on site to ensure that the construction works complies with Construction Code and a reference to the Development Agreement, if any.

Period of Validity of the approved Construction Permit is one (1) year.

5.2.5 PERMITS CONSIDERED ISSUED BY OPERATION OF LAW (Silence is consent)

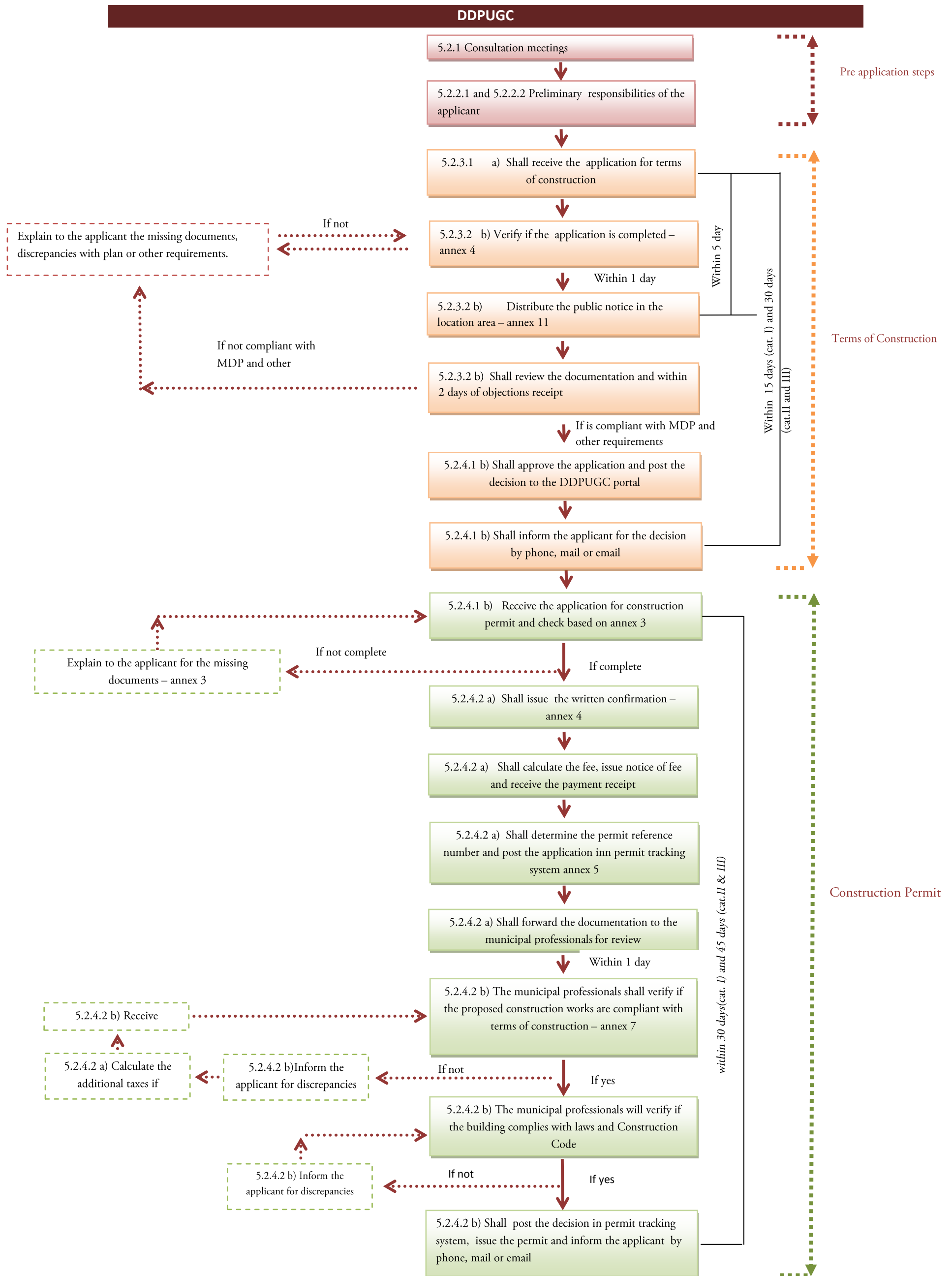
- In the event a DDPUGC fails to issue a decision on a terms of construction application within fifteen (15) respectively thirteen (30) days from the date of receipt of the application, the terms of construction proposed by applicant will be applied;
- In the event a DDPUGC fails to issue a decision on a construction permit application within thirteen (30) respectively forty five (45) days from the date of receipt of the application, the construction permit shall be deemed to be issued by operation of law.

Diagram 5.2.1 Application Phase - applicant



Source: Law on Construction no. 04/L-110 and AI no.10/2013 on Setting Procedures for Submission and Review of Applications for Terms of Construction and Construction Permits)

Diagram 5.2.2 Application phase – DDPUGC



Source: Law on Construction no. 04/L-110 and AI no.10/2013 on Setting Procedures for Submission and Review of Applications for Terms of Construction and Construction Permits)

5.3 CONSTRUCTION SITE

(see Law on Construction 04/L-110)

On construction site the contractor shall have the following documents:

- contract between the construction permit possessor and contractor;
- construction permit and the construction documents;
- documentation that attests to construction products and equipment;
- proof of the quality of construction products;
- construction book and diary; and
- inspection Approval Card

5.4 SUPERVISION OF CONSTRUCTION WORKS

(see Administrative Instruction No. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy)

5.4.1 RESPONSIBILITIES

The inspection of construction works is performed by:

Construction Inspection of Ministry of Environment and Spatial Planning – Central level

Construction Inspection of Municipality – Local level

a) The construction permit possessor and contractor shall:

- contact the DDPUGC and DPS at least seven (7) days in advance to schedule an inspection;
- if necessary, reschedule inspection appointments at least twenty four (24) hours in advance if the work is not ready for the inspection as scheduled;
- ensure that the work is ready for inspection at the time scheduled for inspection;
- ensure that all required documentation is present at the job site, including: INSPECTION APPROVAL CARD, APPROVED PLANS, CONSTRUCTION BOOK AND DIARY, SUPERVISION CONTRACT ON PROFESSIONAL COMMITMENT;
- provide access to and means for inspection of the work;
- perform construction work in compliance with permit and Construction Code;
- do not perform work beyond the phase of construction indicated by the inspection plan without first obtaining inspection approval from the inspectors;
- comply with all valid orders of inspectors related to inspection of the construction work;
- if a phase of construction is not approved, schedule a re-inspection. The protocol explaining the items needing correction must be present for the re-inspection and all corrections must be made prior to scheduling the re-inspection;
- submit any changes to plans that have been stamped “APPROVED” to the DDPUGC and inspectors so that they may be reviewed for compliance with Construction Code and terms of construction prior to the inspection. Changes to plans shall not be reviewed and approved in the field;
- notify the DDPUGS and inspectors if there are substantial changes to the timeline of construction work that was submitted as part of the technical document package.

b) The DDPUGC or DPS - inspectors shall:

- establish procedures that allow permit possessors to easily contact the inspectorate to request inspections;
- develop an inspection plan and provide information about inspection procedures to the permit possessor at the time the permit is issued. (see annex no. 1 attached to the AI no. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy);
- conduct inspections to ensure that the construction is being built in compliance with the construction permit and the Construction Code;
- keep records for all inspection requests, inspection protocols, stop works orders, and other documents pertaining to inspections and issuance of certificates of occupancy;
- record inspection results and occupancy certificates in the online permit tracking system;
- communicate with the public and schedule and conduct inspections effectively, efficiently, in a timely manner so as to minimize delays in the construction work;
- establish office procedures to help inspectors accomplish the duties (see annex no. 2 attached to the AI no. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy);
- ensure that inspections are carried out by qualified and trained inspectors;
- coordinate with other government bodies to accomplish any other necessary inspections; and
- issue occupancy certificates in a timely manner and in accordance with the Law on Construction and AI no. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy.

5.4.2 AUTHORISATION OF THE INSPECTOR

The construction inspector is authorized and has right to inspect the building. The possessor of construction permit and contractor shall allow inspection's access during the performance of the work.

5.4.3 INSPECTION PROCEDURE

- a) Location inspection;**
- b) Foundation inspection (pre - pour);**
- c) Structural inspection (concrete, masonry, steel , timber and roof structures);**
- d) Installations inspection (electrical, plumbing, ducts, and roof;**
- e) Fire safety inspection;**
- f) Final inspection after the works are completed;**
- g) The works that include cultural heritage area shall be performed according to the Law on Cultural Heritage and bylaws;**
- h) Other inspections if necessary may be required by the DDPUGC;**

5.4.4 SCHEDULING THE INSPECTION

The application for inspection shall contain:

- Permit number;
- Address of location that inspection is to be performed;
- Name and telephone number of person making request;
- Type of inspection that is being requested;
- Date inspection is requested (must provide at least 7 days notice); and
- Indicate if the requested inspection is a re-inspection;

5.4.5 CONDUCTING INSPECTION

- DPS-inspectors shall conduct the inspections on the scheduled day. If an inspection cannot be made on the day scheduled; it may be re scheduled with the agreement of the permit possessor or contractor. If the inspection is not conducted on the day agreed, shall be applied the provisions of re inspection procedure;
- DPS-inspectors shall approve that-portion of the construction as completed or shall notify the applicant if the construction fails to comply with the Construction Code;
- To assist in the inspection process, the DPS - inspectors shall use inspection checklists (see annex no. 3 – Inspection Checklist attached to AI no. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy) that shall, at minimum, contain the elements of the checklist;
- If the construction work is completed in accordance with the Law on Construction and Construction Code the inspector shall:
 - sign and issue a protocol in the form of a checklist annex no. 3 Inspection Checklist attached to AI no. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy indicating all items were completed satisfactorily;
 - obtain the signature of the permit possessor or contractor indicating that they received a copy of the protocol;
 - sign the inspection card indicating that the project has passed that stage of the inspection; and
 - enter the approval, with the date and the inspector's initials, in the online tracking system;
- If the work does not comply with Construction Code:
 - sign and issue a protocol in the form of checklist (annex no. 3 Inspection Checklist attached to AI no. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy) noting the non-compliance;
 - obtain the signature of the permit possessor or contractor indicating that they received a copy of the protocol;
 - provide the permit possessor with a reasonable time to remedy the non-compliance, and state that time in the protocol report;
 - enter the failure to pass inspection, with the date and inspector's initials, in online tracking system;

- Any inspector who knowingly issues an inaccurate inspection protocol report, including to pass non-complying construction work or refusing to pass complying construction works, is subject to financial and criminal penalties provided by Law on Construction;
- Inspectors must input the results of each inspection into the online permit tracking system;
- If permit possessor discover that an inspector has failed to report a passing inspection, that failure should be reported to the director of department of public services as soon as possible to avoid delays in issuing occupancy certificate.

Note: The inspectors should consult and inform the DDPUGC regarding the Inspections.

5.4.6 RE-INSPECTION CONDUCTION

The construction works that do not pass the inspection shall be listed in a protocol, and the possessor should be requested to correct them. The copy of the inspection protocol with the works that must be corrected shall be in the construction site.

After the correction the permit possessor shall contact the inspector for re – inspection.

After the correction the inspector shall prepare the re-inspecting schedule and continue with the steps as are mentioned under the inspection schedule part.

5.4.7 PROCEDURES WHEN THE DPS - INSPECTORS DO NOT RESPOND TO THE INSPECTION NOTIFICATION

If the inspector fails to conduct the requested inspection, the permit possessor shall prepare a protocol on the completion of such construction phase. The protocol shall, at a minimum:

- indicate that each item of inspection listed in the annex no. 3 - Inspection Checklist attached to AI no. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy has been conducted and that the construction work has passed the inspection;
- state the name of the competent professional performing such inspection and date of inspection;
- state the date an inspection was to be performed by the DPS and inspectorate of the DPS failed to respond on the day scheduled;
- include photographs showing the condition of the construction work inspected, an overview of the site containing the construction work subject to inspection, and the competent professional carrying out the inspection;
- include the affirmation that “by signing this protocol, I swear and affirm that this private inspection was conducted because the DPS was informed but failed to respond, I did nothing to entice or coerce the department of public services failure to respond, the protocol accurately reflects the results of an inspection which occurred on the above referenced date and the construction works passed this phase of inspection. The statements in this protocol are true and correct to the best of my knowledge. I understand that any falsification of this protocol may subject me to financial or criminal penalties;
- be signed by the permit possessor, the contractor and the individual performing the inspection;
- the inspector’s failure to respond in the time allowed for one inspection does not waive the requirement to request inspections for future phases;

- any person who entices or coerces, or attempts to entice or coerce, inspectors to not respond to an inspection request is subject to financial and criminal penalties provided by Law on Construction.

Inspectors' have a right to enter a construction site at reasonable times to conduct scheduled inspections in accordance with the Law On Construction, Construction Code and AI no. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy.

Inspectors only have a right to enter to conduct an unscheduled inspection when: the inspector identifies that there is a substantial violation of the law or the Construction Code or risk of health or public safety, a fatality or serious injury has occurred, inspector receives a complaint indicating the violation of an act within the inspectorate's competence that indicates a substantial violation of Law on Construction or Construction Code, or an imminent and severe danger to public health and safety.

Inspectors must carry proper identification and must present this identification when they request entry to the premises or structure.

5.4.8 PROHIBITION OF CONSTRUCTION PRODUCTS

In the event that the construction inspection determines that construction materials do not conform to the Construction Code, it may orally forbid the use of such materials. Such oral prohibition shall have immediate effect.

Such oral prohibition shall be presented to the permit possessor in writing within three (3) days. Construction impacted by the non-conformity may be resumed only upon remedy of such non-conformity.

5.4.9 HALTING CONSTRUCTION FOR NONCONFORMITY WITH CONSTRUCTION PERMIT REQUIREMENTS

During the construction works, in case that the building or part of it is not constructed in compliance with the construction permit, inspector can require from the permit possessor to stop the works completely or to stop the part of the work where the discrepancy is identified. In case of the buildings of cultural heritage the construction inspector shall inform the competent body of government (*Regional centre for Historic Monuments*) on the case.

The written stop work order shall be delivered to the property owner, permit possessor or contractor and it shall:

- **specifically describe the condition justifying the stop work order;**
- **state the conditions under which work will be permitted to resume;**

The inspectors may put the official band alongside the construction site and / or may place the notice for stopping the works. This shall remain until the stop work is withdrawn;

The stop work order is valid only for that work that is affected by the violation and does not stop the works on those parts that are not affected by the violation;

After the notice the person shall stop the works immediately. In case that continues with the works the persons shall be the subject of the penalties. Each person that removes the band or notice shall be the subject of the penalties. After the improvement of the discrepancies the person shall inform the department of public services to require the withdrawal of the order.

The DPS - inspectors must conduct a re-inspection within seven (7) days of receiving notice to determine whether the condition that formed the basis of the stop work order has been remedied:

- if the construction works passes inspection, the stop work order shall be immediately lifted;
- If the condition is not remedied, the inspector shall issue a report specifically describing the continuing condition justifying the stop work order, and stating the conditions under which work will be permitted to resume;

If the situation is not improved within deadline the department of urbanism/inspectors shall undertake the following actions:

- order the owner to demolish the construction work that constitutes a violation or unsafe condition at the owner's expense;
- demolish the construction work that constitutes a violation or unsafe condition and recover the cost of the demolition from the owner, contractor, or other party responsible for the non-complying construction;
- Impose a fine on parties responsible for the construction work that constitutes a violation or unsafe condition.

5.4.10 DAMAGES CAUSED TO THE BUILDINGS

- In the event of damage to construction works from force majeure according to Law on Protection from Natural Disasters and from other disasters, repair and reconstruction of such construction works may be performed without a construction permit if no substantial change is made to the construction works as compared to its condition prior to the damage, in exception to the construction works that were constructed without permit.
- In the event that the repairs and reconstructions make a substantial change to the construction works, a construction permit shall be obtained for the repair and reconstruction work within 2 (two) years of the date the damage was incurred. The "substantial change" refers to terms of construction. In case that repairs are made to construction works subject to cultural heritage protection, a construction permit shall be required and harmonization with the legislation on Cultural Heritage.
- repairs and reconstructions may be made based on a decision issued by the Government according to proposal of respective Institutions.

5.4.11 OCCUPANCY CERTIFICATE

5.4.11.1 Application

The applicant shall submit the application within 15 days after the approval of final inspection.

The application is submitted to the DDPUGC:

- inspection approval card showing all required approvals;
- signed copies of any inspection protocols generated by the permit possessor in accordance with the Article 10 of the AI no. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy;
- the geodetic recording facility and external regulation – state realized.

The permit possessor shall also provide evidence of positive results of testing conducted pursuant to the Construction Code, other related laws and regulations, including compliance with the relevant energy efficiency measures. Moreover, the applicant shall present that the issue of access to the road infrastructure and other public services is solved.

5.4.11.2 Receipt, Review and Decision for Application for Occupancy Certificate

After the receipt of the application the DPS and DDPUGC may do the last inspection of the building and construction site.

According to the Law on Construction the occupancy certificate is issued if:

- The requirements of the construction permit are implemented;
- The construction permit possessor and/or contractor have removed and disposed all construction waste from construction site to an adequate construction waste disposal site specifically designated for such purposes, and
- Energy efficiency and saving measures have been implemented.

According to the Law on Construction the DDPUGC shall issue the certificate within 15 days for constructions of I-st category and 30 days for constructions of II-nd and III-rd category from the day of documentation acceptance. In case that the competent body did not inform the applicant for the decision within the set deadline, the certificate is considered issued.

Content of the occupancy certificate:

- The permit tracking number;
- The address of the structure, or other location information;
- The name and address of the owner;
- A description of the construction works for which the certificate is issued;
- A statement that the described structure has been inspected for compliance with the requirements of Construction Code;
- The name of the official of DDPUGC ;
- The version of Construction Code under which the permit is issued;
- Any special requirements or conditions of the construction permit.

5.4.11.3 Refusal to Issue the Occupancy Certificate

If the department of urbanism refuses to issue an occupancy certificate within fifteen (15), respectively thirty (30) days for the cases that fulfil the requirements, the certificate is considered issued.

The permit possessor shall notify the DDPUGC that the time has expired and submit a written demand for issuance of the occupancy certificate.

The DDPUGC shall issue the occupancy certificate within 5 business days from the date of the written demand, the permit possessor may begin the appeals procedures;

The refusal of any responsible employee to issue an Occupancy Certificate once the required conditions are met constitutes a violation of article 36 of the Law on Construction.

5.4.11.4 Application for Certificate for Temporary Use

The temporary occupancy certificate is issued for one part of a construction works before the entire construction works covered by the permit is complete (in case of multifamily apartments or mixed use buildings), if:

- portion of construction works to be issued a temporary occupancy certificate is an independently functioning part in a large, multi-units and / or mixed use project and the building owner desires to occupy portions of the building in phases;
- the independently functioning part can be accessed and occupied safely;
- all vertical load carrying and lateral resisting structural systems have been constructed, inspected and approved;
- the department of public services/inspectors/reviewer has determined that all fire/life safety issues, fire protection system, exiting, sanitary facilities, parking spaces, and accessibility provisions for the portion building to be occupied meet the Construction Code;
- temporary safety measures such as barricades and occupancy separation walls are provided onsite to ensure occupants can safely ingress to and egress from the temporary occupancy certificate area without going through other portions of the building which are still under construction;
- approvals have been obtained from the department of public services/for emergency prior to the issuance of each temporary occupancy certificate.

The validity of the temporary occupancy certificate is 30 days;

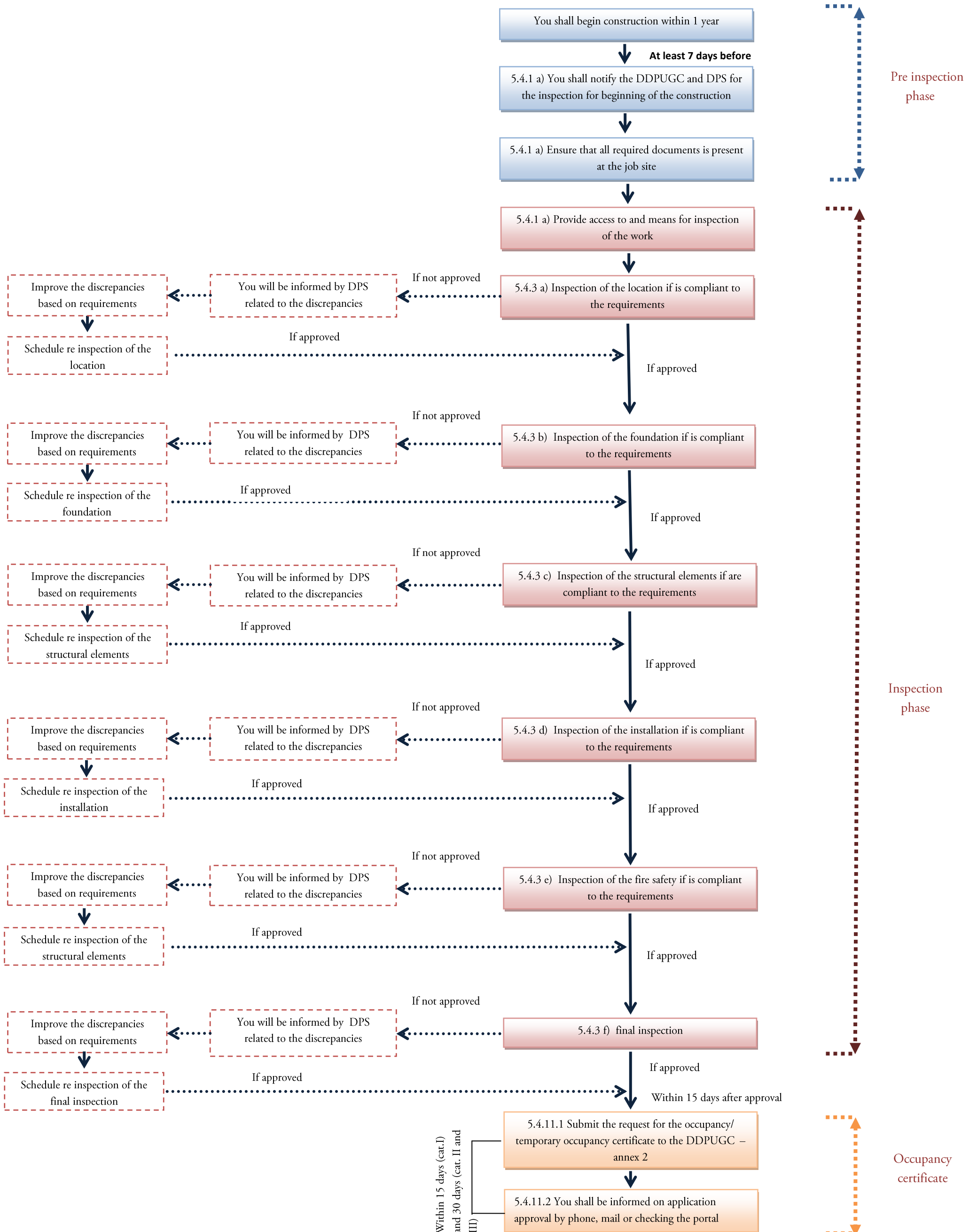
The procedure for application:

- the applicant prepares a phasing plan, which shall include, but not limited to, a site plan, and floor plans showing the different portions of the building to be phased for temporary occupancy certificates;
- if a portion of the building to be issued a temporary occupancy certificate does not meet the Construction Code requirements (e.g. exiting, handicapped access, etc) the applicant shall clearly show on the plan what temporary measures are to be provided to bring it into Construction Code compliance;
- the applicant shall review the phasing plan with the DPS - inspectors. If each portion of the building to be issued a temporary occupancy certificate meets the Construction Code requirements and there is no change required to the approved plans, the request and approval of the temporary occupancy certificate will be handled by the DPS – inspectors;
- if changes to the approved plans are needed to address Construction Code compliance at areas to be considered for a temporary occupancy certificate, then the applicant shall meet with the department of urbanism to review and approve the phasing plan;
- the review will be conducted with the plan reviewers, the inspector and chief inspector;
- if the phasing plan cannot be approved the applicant shall make necessary changes and make another appointment with the plan reviewers to date to review the corrections;
- the DDPUGC shall request that the representative of DPS - emergency shall be involved in the plan review meetings so as to expedite approvals; to attend the meetings for reviewing the phasing plans;
- after the DDPUGC approves the phasing plan , the applicant will obtain the consent by representative of DPS - emergency;
- once the phasing plan is approved and consented by DPS - emergency, it shall be marked “APPROVED”. The applicant, the plan reviewer, the inspector and representative of DPS - emergency will each receive one copy of the approved phasing plan;
- the applicant will contact the inspectors of the DPS when the project is ready for the temporary occupancy certificate inspection;
- the inspectors shall conduct the inspection within seven (7) days of the request, application and shall attempt to coordinate the inspection with any inspection required by the DPS - emergency officer;
- the DDPUGC may charge an administrative fee for temporary occupancy certificate in an amount not greater than 50 Euros;

- the temporary occupancy certificate will be issued when the temporary occupancy certificate inspection is completed and approved;
- the DDPUGC may suspend or revoke the certificate if it is issued in error, or on the basis of incorrect information provided, or when it is determined that the building or portion thereof is in violation of any Construction Code, regulations, and/or the terms and conditions imposed on the phasing plan.

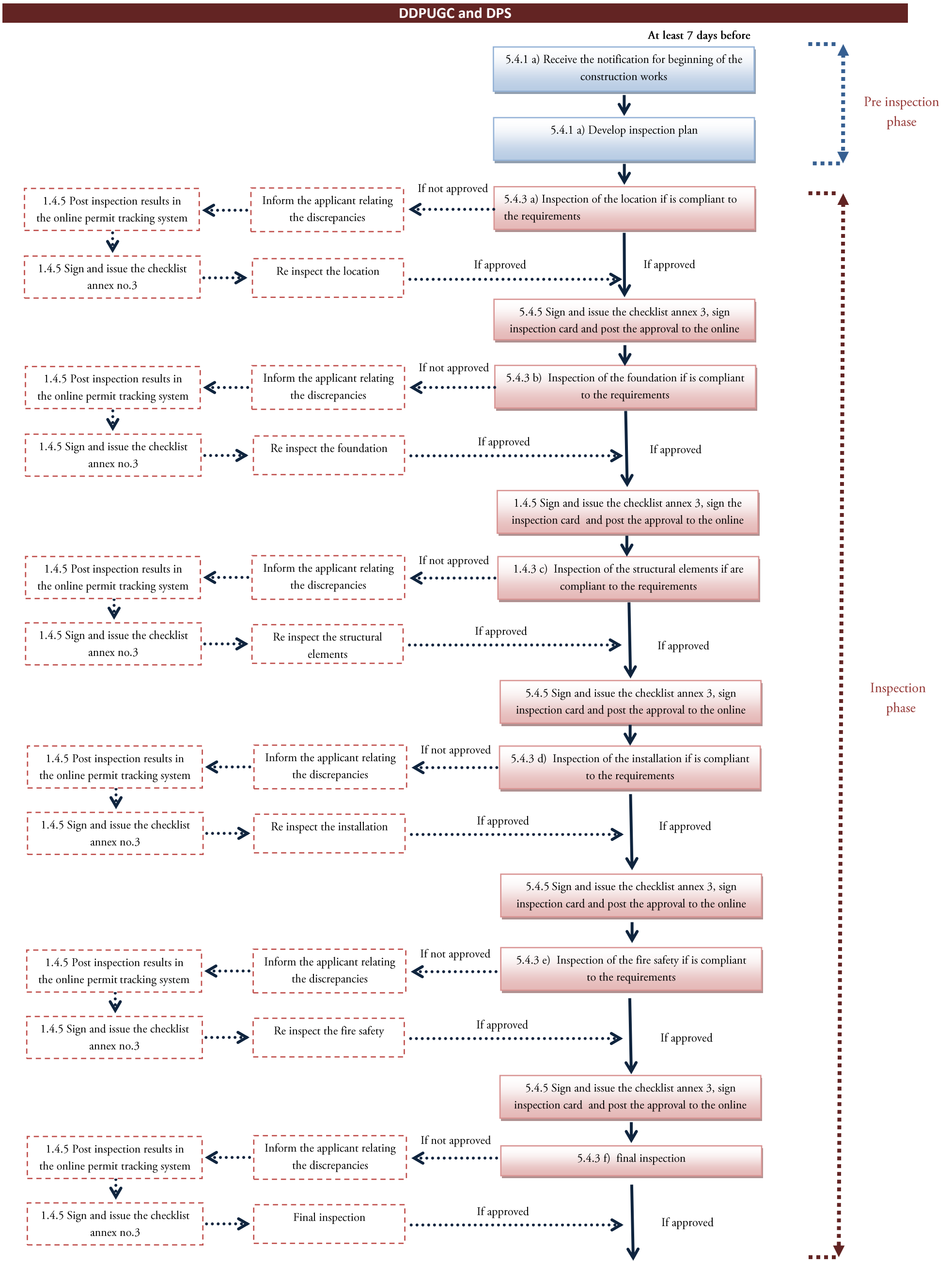
Diagram 5.4.1 Inspection Phase and Occupancy Certificate – applicant

APPLICANT

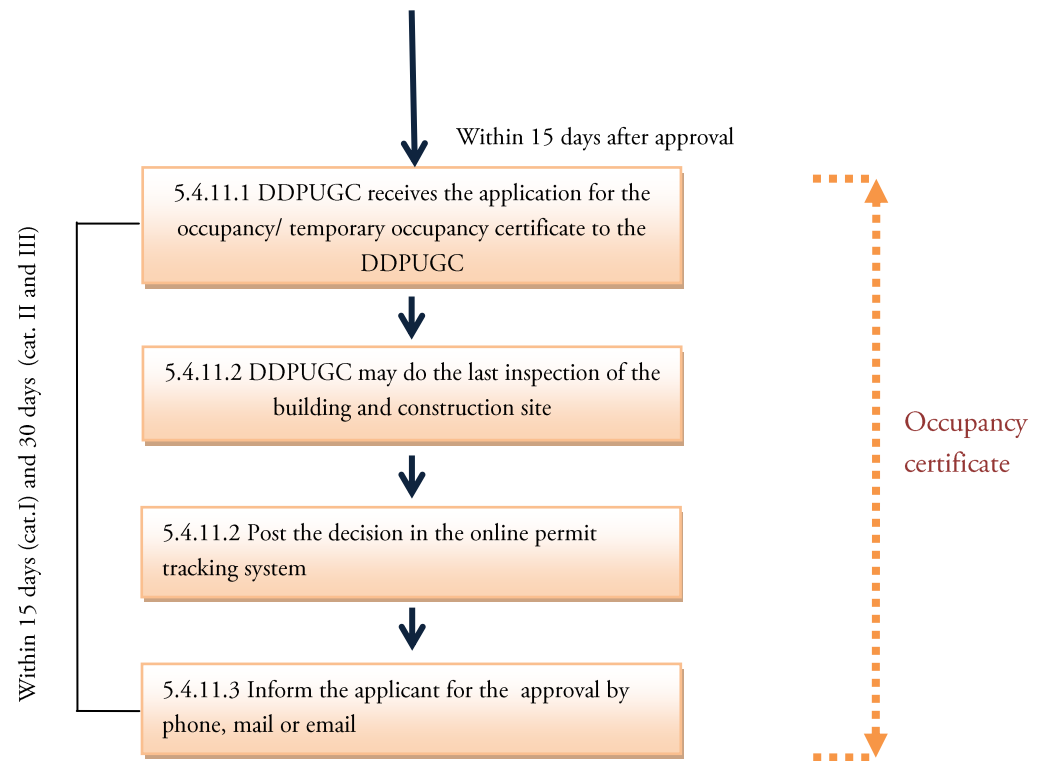


Source: Administrative Instruction No. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy

Diagram 5.4.2 Inspection Phase and Occupancy Certificate – DDPUGC and DPS



Source: Administrative Instruction No. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy



5.5 CONSTRUCTIONS WITHOUT PERMITS

(see Administrative Instruction No.18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy)

In the case of constructions without a permit, the owner of the property shall have thirty (30) days after a stop work order to apply for a permit. Once the permit is received the permit possessor is responsible for complying with all required inspections.

If the owner of the property containing an un permitted construction does not apply for and obtain a construction permit or if the permit application was denied, the inspectors or DDPUGC shall:

- order the owner to demolish the un permitted construction works at the owner's expense or demolish the un permitted construction work and recover the cost of the demolition from the owner, contractor, or other party responsible for the un permitted construction;
- may place a notice in the Cadastre that the construction has been built without a permit and, for completed constructions, that the building has not been granted a certificate of occupancy;
- may impose a fine on parties responsible for the un permitted construction.

5.6 ORDERING the EVACUATION and PROHIBITION of EXISTING BUILDINGS OCCUPANCY

(see Administrative Instruction No. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy)

Inspectors have the authority to immediately order that a building, or portion thereof, be vacated or its occupancy or use be prohibited if the building presents a severe and immediate threat to health and safety;

An inspector's evacuation order shall be validated within three (3) days by obtaining:

- signature from the Chief of inspectorate;
- a second opinion relating to the nature and degree of the unsafe condition(s) from one or more of the following:
Licensed professional architect or engineer;
Official representative of the governing body responsible for overseeing the unsafe condition (KEK, Ministry of Interior, environmental inspector, etc);

The orders for evacuation or for stopping the existing building occupancy shall be:

- in writing, signed and approved by the inspector;
- be provided to the owner of the building;
- describe specifically the condition justifying the need to vacate or prevent occupancy of the building;
- be posted in a conspicuous place on buildings to notify occupants or potential occupants of the danger.

The orders for evacuation or for stopping the existing building occupancy shall be withdrawn if the building owner shall provide:

- evidence that the dangerous condition has been remedied;
- sworn statement from the owner and a licensed professional architect or engineer that the dangerous condition has been corrected and the building can be occupied safely;
- if the owner of the building does not remedy the dangerous condition within 30 days the building may be demolished.

5.7 DEMOLISHING CONSTRUCTION WORK

(Law no. 04/L-110 on Construction)

During the inspection, the construction inspector may require from the permit possessor to demolish the building if there are identified the irregularities that will risk the stability of the building itself and neighbouring buildings or life of people within deadline set by inspection. In case of buildings of cultural heritage by including and those in special protected zones the inspection shall inform the competent body of government (Regional centre for Historic Monuments/Prizren).

5.8 REVIEW of COMPLAINTS and APPEAL PROVISIONS

(see Administrative Instruction No. 18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy)

The applicant has a right to make an appeal by submitting the request for review in a municipal department of urbanism or in Ministry of Environment and Spatial Planning - MESP (in case of a decision by the Ministry) within 30 days after the decision.

The department of urbanism or Ministry of Environment and Spatial Planning (MESP) shall review the request and make a decision within 30 days from the date it is submitted.

The applicant may contest the decision of the department of urbanism by submitting an appeal to Ministry of Environment and Spatial Planning (MESP) which will review the appeal and issue the decision within 30 days from the date the appeal is submitted. The process of appeal is regulated by the Law on Administrative Procedure No. 02/L-28. The decision by Ministry of Environment and Spatial Planning (MESP) is considered a final administrative act. Any party may contest the decision of Ministry of Environment and Spatial Planning (MESP) by starting an administrative conflict case in accordance with Law on Administrative Conflicts no.03/L-202.

5.9 FINES AND PENALTIES

(see AI No.20/20013 on Manner, Procedure, Enforcement and Amount of Fines Against Participants in Construction)

5.9.1 VIOLATIONS BY THE OWNER

The methods, procedures, enforcement and amount of the penalties against the participants in the construction are determined by Ministry of Environment and Spatial Planning (MESP) through *an* AI No.20/20013 on Manner, Procedure, Enforcement and Amount of Fines Against Participants in Construction.

A construction permit possessor may be subject to a fine if:

- the construction work creates a danger to other persons and does not provide, enclose or marks visibly with indicative signs in which endangers the passing people;
- does not put on the construction site the information table, or
- does not undertake measures for securing the building and neighbouring buildings.

5.9.2 UN PERMITTED CONSTRUCTION

(see Administrative Instruction No.18/2013 on Minimum Standards and Procedures for Inspection Supervision and Issuance of Certificate of Occupancy)

Any property owner of a cadastral parcel who builds or allows to be build construction works without a permit on that parcel is subject to a fine of 500 – 2000 Euros (category I), 2000 – 5000 Euros (category II).

Any contractor who performs construction work for which no permit has been issued is subject to a fine by 500 – 1000 Euro (category I), 1000 – 3000 Euro (category II).

Any designer, architect or engineer who provides professional services for a construction works after construction starts but when no permit has been issued is subject to a fine by 200 – 500 Euro.

Re-inspection – A fine for re-inspecting construction work in an amount of 50 Euro may be assessed against the permit possessor or contractor, if :

- the premises or the phase of construction that is required to be inspected is not ready;
- the approved plans or inspection approval card was not available;
- required documentation was not present at the construction site;
- access to the inspection site was not provided;
- a previous corrections notice was not at the construction site for re inspection;
- any items from a previous correction notice were not completed or work is not ready or corrections are required and the inspector agrees to wait on site to allow time for work to be completed or corrections to be made;

Refusal to respect the order of the inspector – Any person who continues to work after stop work order is issued, removes inspector's tape or stop work notice, or otherwise fails to respect any other order of the inspector, is subject to a fine of 1000 Euros (category I), and 5000 Euros (category II).

Refusal to obtain occupancy certificate – the owner of a construction work that is occupied without first obtaining a certificate of occupancy or temporary certificate of occupancy is subject to a fine of between 2000 – 5000 Euros.

Enforcement

The inspector can directly impose a person in the amount of fine by 100 - 500 Euros, which shall be paid within 7 days.

The fines exceeding an amount of 500 Euros shall be submitted to the competent court initiated by the inspectorate.

If the person fails to submit the receipt within deadline, the inspectorate shall submit the case in the competent court.

5.10 TREATMENT OF CONSTRUCTIONS WITHOUT PERMIT

(Law no. 04/L-188 for Treatment of Constructions Without Permit)

The construction without permit is an existing construction that was built without a construction permit and it exists at the time the Law for Treatment of Constructions without Permit entered into force, identified based on aerial photogrammetric assessment of 30 August 2013.

Constructions that have started after the digital orthophoto was produced, are not eligible for legalization under Law no. 04/L-188 for Treatment of Constructions without Permit.

5.10.1 RESPONSIBILITIES OF THE MUNICIPALITY - DDPUGC FOR TREATMENT OF CONSTRUCTIONS WITHOUT PERMIT

1. Within 6 months of entry into effect of this Law, the Municipalities shall be responsible for:
 - allocating human resources for implementation of the law;
 - the municipality – DDPUGC may contract additional services for implementation;
 - receiving the digital orthophoto map from the MESP without compensation showing existing constructions throughout the entire territory;
 - conducting a broad public awareness campaign at the local level starting from the enactment of the Law and lasting throughout the application phase;
 - participating in trainings developed by the MESP for municipality authorities for implementation of this law.
2. Municipality - DDPUGC shall establish the Municipal Registry of Unpermitted Constructions and, within 12 months and 5 days after Law no. 04/L-188 for Treatment of Constructions Without Permit takes effect, and submit it to the MESP;
3. Simultaneously with the identification of unpermitted constructions within 12 month period (after Law no. 04/L-188 for treatment of constructions without permit) takes effect, the municipality - DDPUGC shall accept requests from applicants of unpermitted constructions to be included in the Municipal Registry of Unpermitted Constructions;
4. Municipality - DDPUGC will make the standard form “Request to be Listed in Registry of Unpermitted Constructions” available to the public at the municipal offices and on the municipality’s web site;
5. Municipality - DDPUGC will accept applications for legalization for a period of 6 months after the National Registry of Unpermitted Constructions has been published;
6. Within 30 days after the end of the period of time allocated to receive applications for legalization of unpermitted constructions, the Municipality - DDPUGC will compile an Applications Registry and submit this list to the MESP;
7. Within 10 days after publication of the Demolition List, Municipality - DDPUGC shall post actual notice on the unpermitted constructions in Category I and II within their territory, that “this construction is subject to demolition – if the applicant of this construction has already submitted an application for legalization and this construction was marked for demolition in error, the applicant must notify the MESP within 90 days after publication of the Demolition List”;
8. The DPS - Inspectorate of the Municipality shall commence the demolition of unpermitted Category I and II constructions within their territory listed in Demolition List within 15 days after the ending of

public objections period as stated in paragraph 10. of Article 4 of Law no. 04/L-188 for Treatment of Constructions Without Permitt for those constructions as to which no objection to being included on the Demolition List was filed. If an objection was filed, no demolition shall occur until the objection is rejected;

9. Municipality – DDPUGC is responsible for reviewing applications and issuing decisions on legalization permits for the unpermitted constructions falling within Category I and II constructions as defined by the Law on Construction.

5.10.2 RESPONSIBILITIES OF THE APPLICANT

- submit the request (see annex 1 for registration of constructions without permit for categories I and II of Law no. 04/L-188) to the DDPUGC and for category III to MESP for inclusion in Municipal Registry of constructions without permit, within 12 months from the date the law enters into force;
- review the National Registry of Unpermitted Construction once published, in order to verify if their construction is included in the list or to inform MESP for any mistakes/errors. Any construction without permit that is not included in the National Registry of Unpermitted Construction, cannot be legalized and will be demolished;
- submit the application for legalization not later than 6 months after the publication of National Registry of Unpermitted Construction.

If an applicant of a construction that is included in the National Registry of Unpermitted Construction, fails to submit an application for legalization within the required time, this construction will be included in a Demolition List and will be demolished.

Any construction without permit that has started after the date when the orthophoto map was taken, cannot be legalized and will be demolished.

5.10.3 RESPONSIBILITIES OF UTILITIES AND OTHER ENTITIES FOR TREATMENT OF UNPERMITTED CONSTRUCTIONS

1. Utility providers must process requests for approval of connection to water and energy services within sixty (60) days for applicants who are attempting to legalize their construction under this Law;
2. If a request for approval of a connection to water and energy service is denied, the basis for the denial must be set forth in writing;
3. Utility providers shall make all reasonable efforts to advise applicants on steps necessary to construct safe and legal connections that will qualify for approval and in all other aspects shall act consistently with the purpose of Law no.04/L-188 for Treatment of Constructions Without Permit;
4. If an applicant proceeding under Law no.04/L-188 for Treatment of Constructions Without Permit requires the action or decision of other private or governmental entities, those entities shall act on time to process all requests and render all decisions. Actions or decisions shall not be unreasonably withheld;
5. Extracting or attempting to extract payments in excess of customary, reasonable and necessary fees or charges from applicants proceeding under Law no.04/L-188 for Treatment of Constructions Without Permit is expressly prohibited and shall subject the perpetrator to financial and criminal penalties under the Criminal Code of Kosovo.

5.10.4 REGISTRIES OF CONSTRUCTIONS WITHOUT PERMIT

All constructions without permit will be registered in the Municipal Registry of Unpermitted Construction and, thereafter, in the National Registry of Unpermitted Construction, containing the following information:

- name and contact information of the applicant or authorized representative of the applicant, if known;
- registry reference number;
- GPS coordinates;
- type of construction;
- whether the construction is finished;
- whether the property is included in the property tax registry;
- whether the construction has been legally connected to public utility networks.

The Demolition List includes only:

- the constructions without permit for which no legalization application has been submitted;
- the constructions without permit for which no documentation in support of the legalization application has been submitted;
- the constructions without permit to which a permit for legalization has been denied;

The National Registry of constructions without permit and the Demolition List are subject to a 90 day period whereby the applicants who have been mistakenly included in or excluded from the National Registry of constructions without permit can file requests for correction.

5.10.5 LEGALIZATION OF CONSTRUCTIONS WITHOUT PERMIT

(see AI no.18/2014 on Basic Health and Safety Requirements for Treatment of Constructions without Permit).

Construction without permit shall be legalized if:

- it is listed in the National Registry of constructions without permit;
- the building is completed and meets the basic requirements for health and safety;
- all utility connections have been approved or granted exceptions by the appropriate bodies; and
- applicant has paid the taxes.

5.10.6 NECESSARY DOCUMENTS FOR APPLICATION FOR LEGALIZATION

For completed constructions of the I-st category, three (3) printed and digital copies of (see annex 3 of AI no.18/2014 on Basic Health and Safety Requirements for Treatment of Constructions without Permit):

- location and site plan;
- fire protection plan for facilities with bigger surface than 450m²;
- foundation, floor and roof plans;
- sections 1:50 and elevations, including the neighbouring buildings;
- structural plans and section;
- water, electrical and mechanical installation plan;
- photos of the building, at least 4 photos showing all views of a building.

From I-st Category shall be excluded individual dwelling houses up to 100m² and agricultural objects up to 400m², (see annex 2 of AI no.18/2014 on Basic Health and Safety Requirements for Treatment of Constructions without Permit):

- location and site plan;
- technical prescription including data on construction surface, number of floors, the height compiled by the construction architect or engineer;
- photos of the building, at least 4 photos showing all views of a building.

For the completed constructions of the II-nd category, three (3) printed and digital copies of (see annex 4 of AI no.18/2014 on Basic Health and Safety Requirements for Treatment of Constructions without Permit)

1. location and site plan;
2. fire protection project;
3. foundation, floor and roof plans;
4. sections 1:50 and elevations, including the neighboring buildings;
5. structural plans and section;
6. stability structure report;
7. water, electrical and mechanical installation report;
8. at least 2 different construction photos, done during construction.

Proof for payment of administrative fee, amounting to 100 euro.

5.10.7 UNFINISHED CONSTRUCTIONS

Constructions without permit that are not completed at the time they are listed in the Registry will be evaluated in accordance with the Law on Construction.

Applicants shall submit the documents as mentioned in 1.10.3 as well as any additional documents required by the Law on Construction.

Review of the construction documents, issuance of a construction permit, inspection of the construction site, and granting of a certificate of occupancy will be carried out in accordance with the Law on Construction.

Construction must be completed within the time period of the construction permit or any extensions granted by the competent body. At the end of the Program for Legalization, any constructions that are not completed or that are not actively proceeding under a valid construction permit will be demolished.

5.10.8 INSPECTION OF COMPLETED CONSTRUCTIONS

(see annex 5, 6, 7,8 and 9 of AI no.18/2014 on Basic Health and Safety Requirements for Treatment of Constructions without Permit)

- Constructions without permit that are completed or substantially completed at the time they are listed on the Registry will be subject to a visual inspection by the inspectorate in close cooperation with the DDPUGC to ensure that they comply with basic health and safety criteria and other provisions of the law;
- Inspections of constructions without permit should determine that the Applications for legalization shall be refused if, after inspection, the DDPUGC and inspectorate finds:
 - that the existing state of the construction without permit differs in such substantial respect from what was presented in the application documents;

- that the construction has been built without a permit after the enactment of Law no.04/L-188 for Treatment of Constructions Without Permit and is not shown in the digital orthophoto map;
 - that the construction does not meet basic health and safety standards as set forth in a sub normative act issued by the MESP;
 - is build in the protected nature area;
 - is build in the infrastructure corridors in the field of energy, transport and hydro system;
 - is build in the protected zones and special zones of cultural heritage;
 - is build in the agriculture land under the watering system and land consolidation.
- If, upon inspection, it is found that the construction differs from what was presented in the application documents, the applicant shall be given an opportunity to correct the application conform the existing state of the construction;
 - If applicant fails to correct the documentation deficiencies with 30 days after receiving notice thereof, the request for legalization shall be denied;
 - If, upon inspection, the construction without permit is found to not meet basic health and safety requirements as set by the AI no.18/2014 on Basic Health and Safety Requirements for Treatment of Constructions without Permit, the DDPUGC shall:
 - provide the applicant in written with list of corrections needed to bring the construction into compliance;
 - grant applicant a reasonable period of time that does not exceed 12 months to make the corrections;
 - re-inspect within 10 days after expiration of the time designated to confirm that the corrections have been made;
 - If applicant fails to correct all the deficiencies within the allotted time, the request for legalization shall be denied.

5.10.9 LEGALIZATION FEES

(see annex 1 on the Calculation of Legalization Fee - AI no.18/2014 on Basic Health and Safety Requirements for Treatment of Constructions without Permit)

Applicants who meet the conditions for granting the permit for legalization shall pay a fee to obtain:

1. The legalization permit based upon the DDPUGC construction permit fee;
2. Applicant shall also pay any back taxes owed on the property before receiving the legalization permit;
3. The 100 euro application fee shall be deducted from the amounts owed in above paragraphs 1 and 2;
4. From the legalization fees shall be exempted individual dwelling houses up to 100m², benefiteres of the social scheme and agriculture buildings up to 400m².

5.10.10 THE PROCEDURE OF ISSUING THE DECISION AND LEGAL EFFECTS OF LEGALIZATION OF UN PERMITTED CONSTRUCTION

For each application that meets all of the criteria the DDPUGC shall issue within thirty (30) days from the day of submission of all documents determined by the Law no. 04/L-188 for Treatment of Constructions Without Permit.

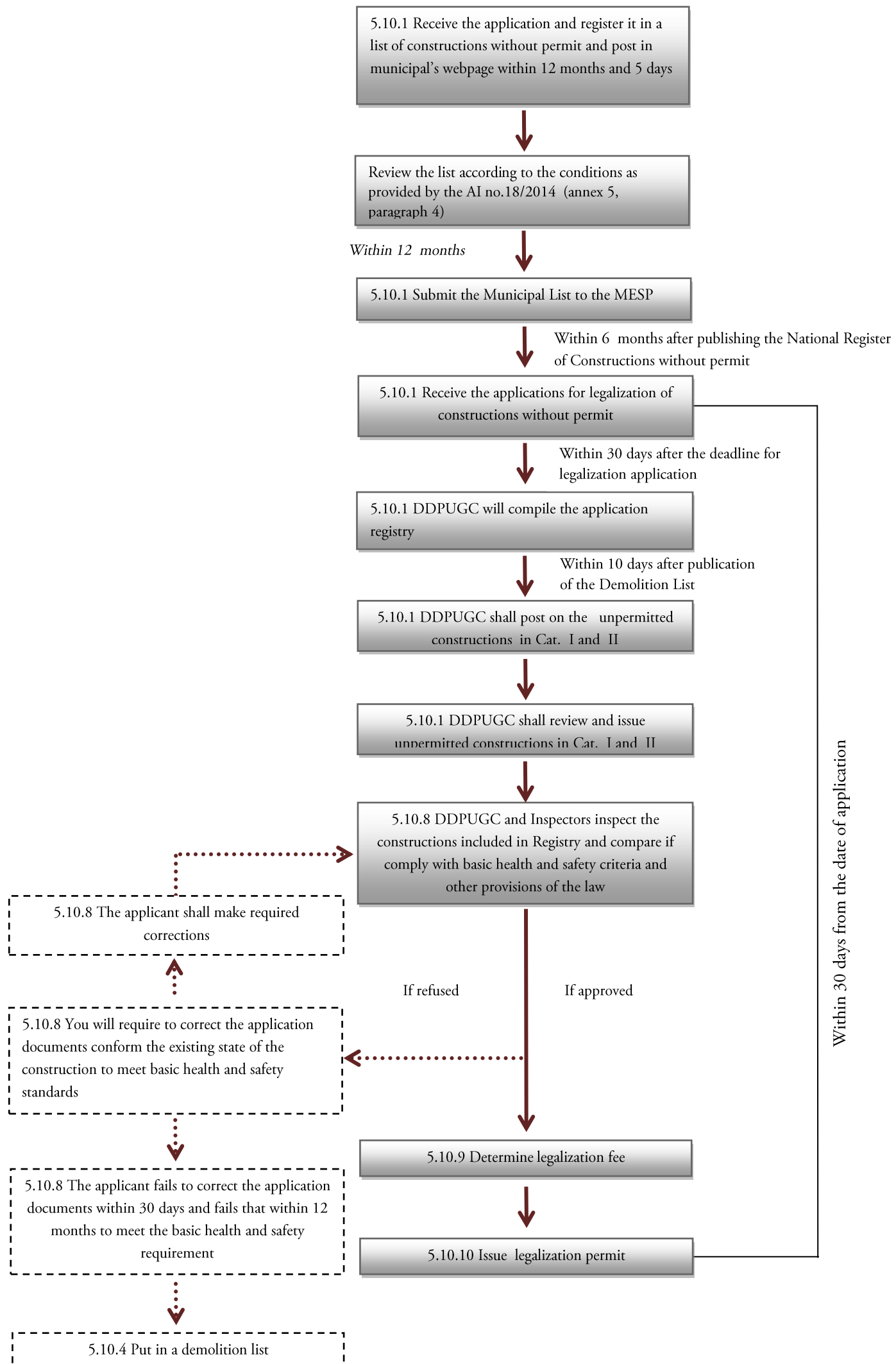
5.10.11 APPEALS AGAINST THE DECISION OF MUNICIPALITY

Applicant or interested third parties may contest any decision issued by municipality respectfully department of urbanism or public services by filing an appeal to MESP, through the DDPUGC or DPS that has issued the decision. Appeals must be submitted within 30 days from the receipt of the decision.

MESP shall issue a decision within 30 days from the receipt of the appeal. The process of appeal is regulated by the Law on Administrative Procedure No. 02/L-28. The decision by MESP is considered a final administrative act. Any party may contest the decision of MESP by starting an administrative conflict case in accordance with Law on Administrative Conflicts no.03/L-202.

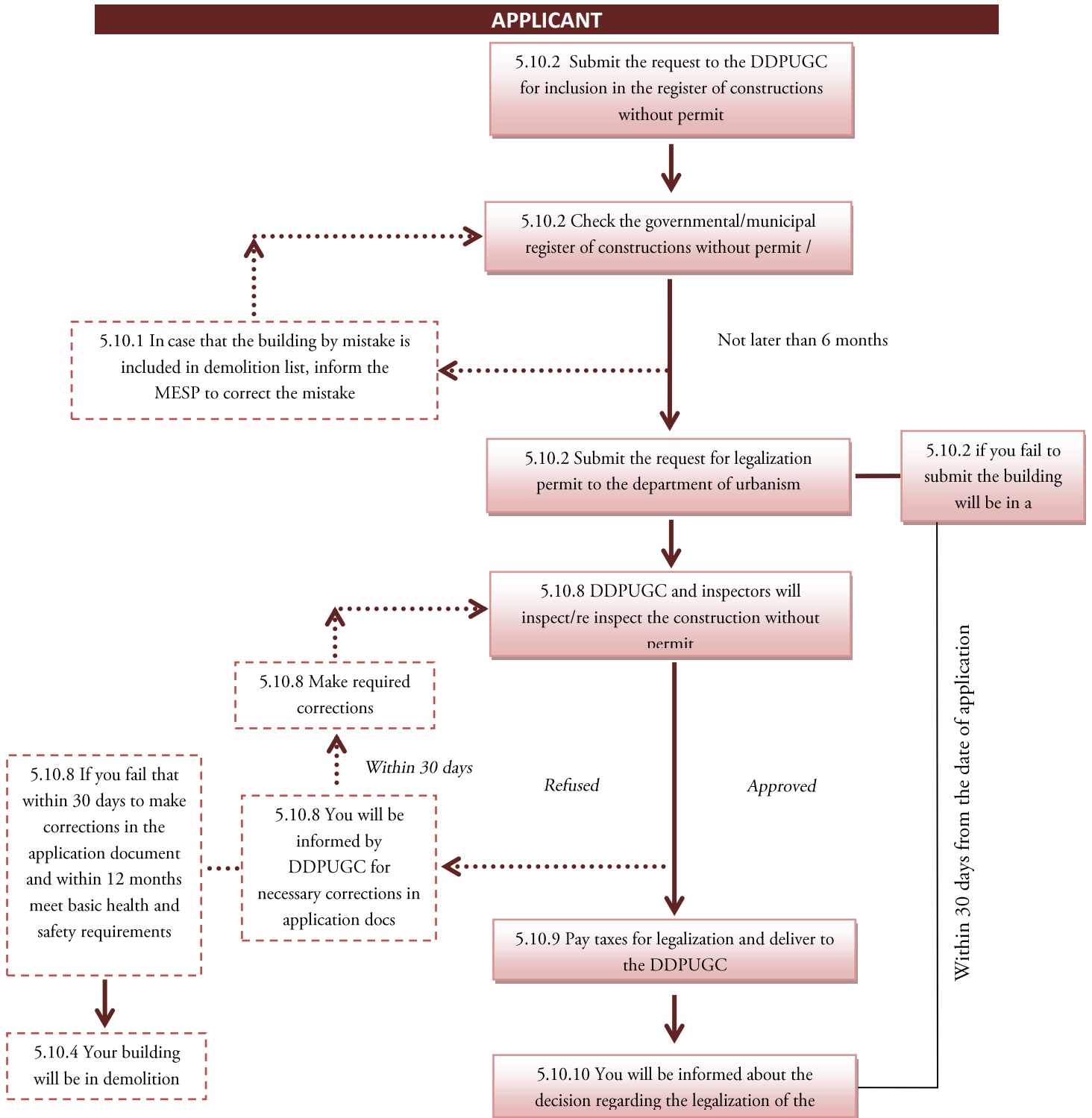
Diagram 5.10.1 Procedure for Legalization of the Construction Without Permit – DDPUGC and DPS

DDPUGC AND DPS-INSPECTORS



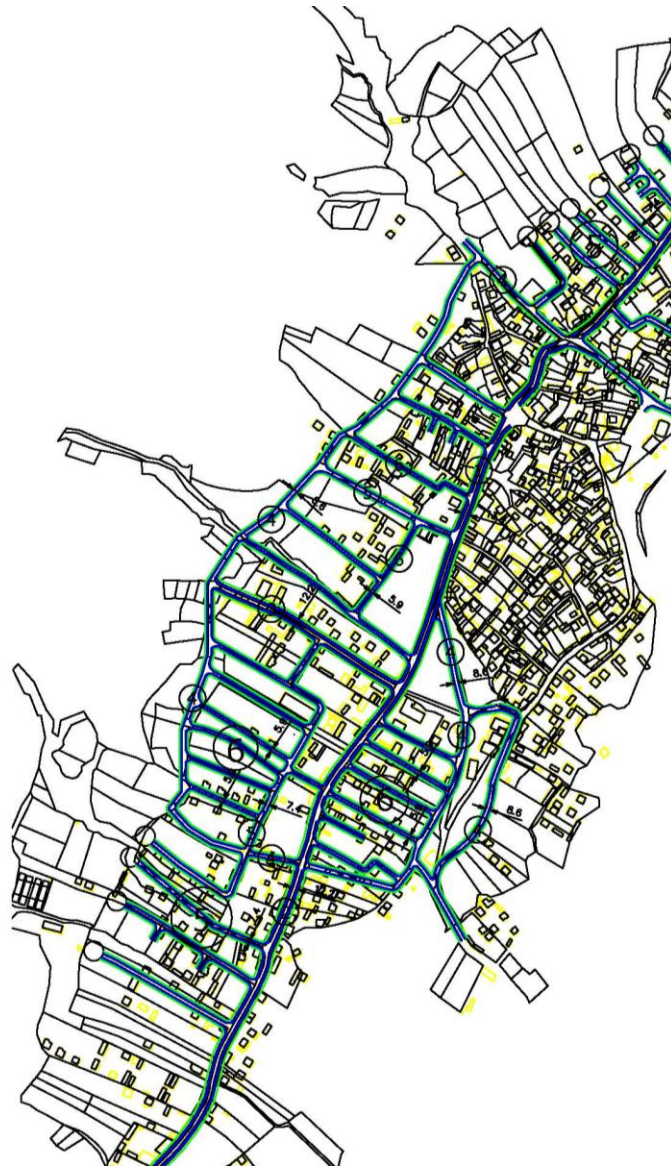
Source: law no. 04/L-188 for Treatment of Constructions Without Permit

Diagram 5.10.2 Procedure for Legalization of the Construction Without Permit - Applicant

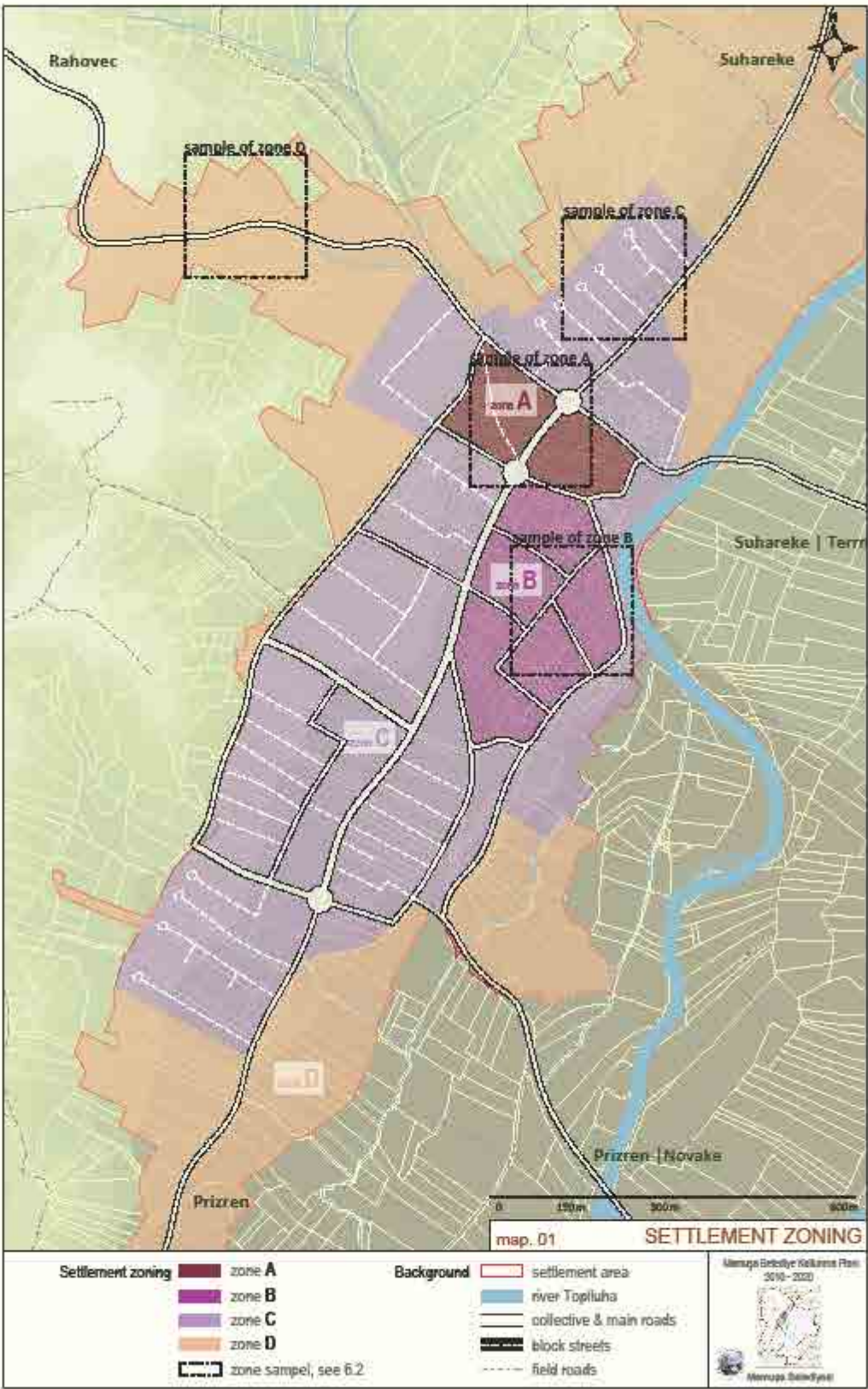


Source: law no. 04/L-188 for Treatment of Constructions Without Permit)

VI. GENERAL CRITERIA for DEVELOPMENT - COMPONENT 2



Map VI.1 Settlement zoning



Source: MDP of Mamushë/Mamuşa 2014-2023, 2013

6.1 ZONE A

6.1.1 CURRENT SITUATION

According to MDP of MamuşaMamushë/Mamuşa 2014 - 2023 Zone A, consists of two small districts which lay on both sides of the regional road, respectively main road of the settlement. It was confined as a zone due to the presence of the domestic heritage – more precisely four houses (see point 3.1.5, Cultural heritage, MDP of MamuşaMamushë/Mamuşa 2014 - 2023).

6.1.2 PROPOSAL (from MDP of MamuşaMamushë/Mamuşa 2014 - 2023)

The proposal intends to strengthen the character of the area by promoting the identity of the community through the future developments in all spheres, public interventions; housing and economic activities. The plan encourages densification through infill with an increase in density not more than 40 %. The residential construction is limited to single family houses, detached or semi-detached, up to 2 floors above the ground level. It is strongly recommended the use of micro elements that are characteristic to the typical housing unit packet in terms of design such as – color, window, doors, fences, proportions. In terms of parcel use, the allowed categories are 1 and 2 (in MDP of MamuşaMamushë/Mamuşa 2014 - 2023).

6.1.3 GENERAL CONDITIONS

- Regulation Line and Building Line are determined in following Map of Zone A (see appendices VII.1 and VII.2);
- Regulation Line in Profile no.1 is placed in distance 2.4 meter from edge of road while Building Line in 3.9 meter distance from Regulation Line;
- Regulation Line in Profile no.4 is placed in distance 1.2 meter from edge of road while Building Line in 3 meter distance from Regulation Line;
- Regulation Line in roads for accessibility will be in the edge of the road while Building Line 3 meter from Regulation Line;
- The height of existing building that is lower than allowed standard has a right for overbuilding;
- Existing buildings (buildings in good and medium condition) that are within zone A can be legalized according to described standard of this document;
- To support visual amenity in town all buildings along the both sides of Profile no.1 should be merged and placed in same line;
- Colours and architecture style of the building should be in harmony along the Profile no.1.

Note: for Specific Conditions see Tables below.

6.2 ZONE B

6.2.1 CURRENT SITUATION

Zone B covers the central area. Together with Zone A it represents the original part of the settlement which has been developed spontaneously regardless of any kind of attention on the planning principles. A very important element of the housing parcel is the agricultural activity (greenhouse, livestock, storage). Nevertheless the development trend is moving towards the relocation of the supporting facilities in the agricultural land and a multiplication of the housing units.

The street layout is characterized by dead end streets which fail to enable direct accessibility to each parcel or unit. Although all the streets have been paved and are in a good physical condition the quality of space is not satisfying, since no regard has been shown towards non-motorized modes of transportation.

The street section is of approximately 5.5 m and pedestrian paths of 0.40 m, with no green/natural elements along the lines.

6.2.2 PROPOSAL (from MDP of MamuşaMamushë/Mamuşa 2014 - 2023)

Considering the urban quality, land-price and demand for commercial and residential space in the central part, the plan for the long perspective proposes the reconstruction of the area into mixed used blocks combining residential, economic and social activities.

It is divided into 5 blocks (see Map , Zone B) These parcels are to be joined and registered as such initially and planned afterwards as residential blocks up to 4 floors.

Since conforming to such proposal at the moment is hardly possible due to the low individual investment capacities, the plan proposes that in the meanwhile the interventions contribute on improving the quality of the area (infrastructure – road network, water supply & sewage network) as planned for the future needs of the district.

As per housing development, the plan restricts new developments in the area, while the existing ones have to be consolidated according to the three housing categories preferably 2 and 3 (MDP of MamuşaMamushë/Mamuşa 2014 - 2023).

6.2.3 GENERAL CONDITIONS

- Regulation Lines and Building Lines are determined in the following Map of Zone B (see appendices VII.3 and VII. 4);
- Regulation Line in Profile no.1 is placed in distance 2.4 meter from edge of road while Building Line in 3.9 meter distance from Regulation Line;
- Regulation Line in Profile no.4 is placed in distance 1.2 meter from edge of road while Building Line in 3 meter distance from Regulation Line;
- Regulation Line in roads for accessibility will be in the edge of the road while Building Line 3 meter from the Regulation Line.
- The height of existing building that is lower than allowed standard has a right for overbuilding.
- Existing buildings (buildings in good and medium condition) that are within zone B can be legalized according to described standard of this document.
- If length of buildings (GF+3) is less than 20 meter than distance between buildings should be minimum 10 meter.
- If length of buildings (GF+3) is more than 20 meter than distance between buildings should be minimum 18 meter.

Note: for Specific Conditions see Tables below

6.3 ZONE C

6.3.1 CURRENT SITUATION

Zone C presents the expansion area of the settlement, with a higher intensity of densification during the last 12 years.

Most of the streets are individual ones which follow the parcel structure, enabling direct accessibility to each of the units. Most of them are paved and are used as shared space, with a width of approximately 4 m, with no pedestrian paths or reserved/signed lanes for walking or cycling.

6.3.2 PROPOSAL (from MDP of MamušaMamushë/Mamuša 2014 - 2023)

The low density and the plot structure present a potential for the development of a grid structure in the area, composed of a series of parallel streets which enable direct accessibility to each of the units.

The residential construction is limited to single family houses with the height up to 3 floors above the ground level.

Three of the categories (see Housing in MDP of MamušaMamushë/Mamuša 2014 - 2023) are applicable for this zone. An important factor concerning the third category is that in case of extensive need for residential area it is designed in a way that may be divided into two entities, fostering a unit from each of the first two categories.

Through the increase of the density in these three zones, the proposal aims to consolidate the settlement into a compact centralized structure as a self-sustained mechanism.

6.3.3 GENERAL CONDITIONS

- Regulation Line and Building Line are determined in following Map of Zone C (see appendices VII. 5 and VII.6);
- Regulation Line in Profile no.1 is placed in distance 2.4 meter from edge of road while Building Line in 3.9 meter distance from Regulation Line;
- Regulation Line in Profile no.4 is placed in distance 1.2 meter from edge of road while Building Line in 3 meter distance from Regulation Line;
- Regulation Line in Profile no.5 is placed in distance 1.2 meter from edge of road while Building Line in 3 meter distance from Regulation Line;
- Regulation Line in Profile no.6 is placed in distance 1.2 meter from edge of road while Building Line in 3 meter distance from Regulation Line;
- The height of existing building that is lower than allowed standard has a right for overbuilding;
- Existing buildings (buildings in good and medium condition) that are within zone C can be legalized according to described standard of this document;
- To support visual amenity in town all buildings along the both sides of Profile no.1 and 2 should be merged and placed in same line;
- Colours and architecture style of the building should be in harmony along the Profile no.1 and 2.

Note: for Specific Conditions see Tables below.

6.4 ZONE D

6.4.1 PROPOSAL (from MDP of MamuşaMamushë/Mamuşa 2014 - 2023)

Zone D covers the area that is reserved for future expansions in case such developments take place. In the meanwhile the area is used for agricultural activity while the settlements that exist, are to be consolidated according to the three housing categories (see point 6.2.1. Housing in MDP of MamuşaMamushë/Mamuşa 2014 - 2023).

Since agriculture is the main drive of the economic development, the plan encourages the development of light – agro industry (farming) in the area.

The constructions are limited to montage systems and sustainable materials (mainly wood).

The road network is to be treated by natural materials such as stone slates, gravel, etc; While the utility infrastructure has to conform to the green methods of the independent systems.

6.4.2 GENERAL CONDITIONS

- Regulation Line and Building Line are determined in following Map of Zone D1 and D2 (see appendices VII.7 and VII.8);
- Regulation Line in Profile no.1 is placed in distance 2.4 meter from edge of road while Building Line in 3.9 meter distance from Regulation Line;
- Regulation Line in Profile no.5 is placed in distance 1.2 meter from edge of road while Building Line in 3 meter distance from Regulation Line;
- Regulation Line in roads for accessibility will be in edge of road while Building Line 3 meter from Regulation Line;
- The height of existing building that is lower than allowed standard has a right for overbuilding;
- Existing buildings (buildings in good and medium condition) that are within zone D can be legalized according to described standard of this document;
- To support visual amenity in town all buildings along the both sides of Profile no.5 should be merged and placed in same line;
- Colours and architecture style of the building should be in harmony along the Profile no.5.

Note: for Specific Conditions see Tables below.

6.5 VOLUME CHARACTERISTICS

Development in this zone should be mixed use combining residential - economic activities and maintain the rural character of the settlement. Size and shape of new buildings should be in harmony with the existing structures.

In keeping with this context all developments in this zone should adhere to the following criteria:

Table 6.5.1 Building parcel

No	CONDITIONS - BUILDING PARCEL	ZONE A	ZONE B	ZONE C	ZONE D
1	<i>Building parcel for the families which are not dealing with agricultural activities should not exceed the size 350 – 450 m².</i>	✓	✓	✓	✓
2	<i>Building parcel for the families that are dealing with agricultural activities the building parcel should not exceed the 1150 m².</i>		✓	✓	✓
3	<i>Building parcel should have rectangular and trapeze shape.</i>	✓	✓	✓	✓
4	<i>Each parcel should have access to public road.</i>	✓	✓	✓	✓
5	<i>The minimal distance of the building from border of parcel in both sides should be 1.5 meter.</i>	✓	✓	✓	
6	<i>The minimal distance of the building from border of parcel in both sides should be 3.0 meter.</i>				✓
7	<i>The minimal distance of the building from border of parcel on the back side should be 4.0 meter. However consideration should be given to location and specifics of parcels.</i>	✓	✓	✓	✓
8	<i>Distance between the new buildings in Ground floor level should be 5 meter while for buildings > GF should be 6 meter</i>	✓	✓	✓	✓
9	<i>Existing buildings that are in distance less than 3 meter openings are not allowed in neighbor side.</i>	✓	✓	✓	✓
10	<i>Distance between residential buildings and stable should be 15.00 meter.</i>	✓	✓	✓	✓
11	<i>If the economic part of neighbours' parcels is bounded with economic buildings, distance between new economic buildings from border of parcel should not be less than 1.00 meter.</i>	✓	✓	✓	✓
12	<i>In parcels with slope of terrain from public road, in case of new buildings, residential yard should be placed in higher point of road while economic yards</i>	✓	✓	✓	✓

	<i>should be placed after the residential yard. The minimal width of road for economic access should be 3.00 meter.</i>				
13	<i>In parcels with slope towards (in direction) public road, in case of new buildings, residential yard should be in higher point. The minimal width of road for residential access should be 2.5 meter while for economic access 3.00 meter. If this paragraph is fulfilled, economic yard can be placed along the public road while economic building in building line.</i>	✓	✓	✓	✓
14	<i>Collection of manure and toilets in nature should be minimum 20.00 meters in distance from residential buildings, wells or source of water.</i>	✓	✓	✓	✓

Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Table 6.5.2 Building height

No	CONDITIONS - BUILDING HEIGHT	ZONE A	ZONE B	ZONE C	ZONE D
1	<i>Building should be GF+1floors in height</i>	✓			✓
2	<i>Building should be maximum GF+2 floors in height.</i>			✓	✓
3	<i>Building should be maximum GF+3 floors in height.</i>		✓		
4	<i>Maximum of ground floor height for buildings should be H=2.8m.</i>	✓			✓
5	<i>Minimum of ground floor height for shops should be H=2.8m.</i>				
6	<i>Maximum of ground floor height for residential buildings should be H=2.8 m</i>		✓	✓	✓
7	<i>Maximum of floor height should be H=2.8 m.</i>	✓	✓	✓	✓
8	<i>Maximum of ground floor height for mixed use buildings should be H=4.0 m</i>				✓
9	<i>Building should have a maximum height from natural terrain to the roof line</i>	6.5 meters	12.0 meters	9.5 meters	9.5 meters
10	<i>Total height of building cannot exceed above natural terrain level</i>	9.5 meters	15 meters	12 meter	12 meter

Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Table 6.5.3 Building coverage

No	CONDITIONS - BUILDING COVERAGE	ZONE A	ZONE B	ZONE C	ZONE D
1	Building coverage in this zone should be maximum of	40% OF PARCEL	40% OF PARCEL	40% OF PARCEL	50-70% OF PARCEL
2	Housing unites - detached should not exceed the size of	130 m ²	130 m ²	130 m ²	130 m ²
3	Housing unites – semi detached should not exceed the size of 180 m ²	✓	✓	✓	✓
4	In mixed used cases livestock facility should not exceed 20 % of parcel	✓	✓	✓	✓
5	In mixed used cases garage should not exceed 20 % of parcel	✓	✓	✓	✓
6	The width of parcel should be minimum 14 meter	✓	✓	✓	✓

Source: Municipality of Mamuşa/Mamushë/Mamuša and UN-Habitat, 2014

6.6 FACADE CHARACTERISTICS

Facades in this zone reflect vernacular - rural style. New facades must be in harmony with this style. In keeping with this context all development in this zone should adhere to the following criteria:

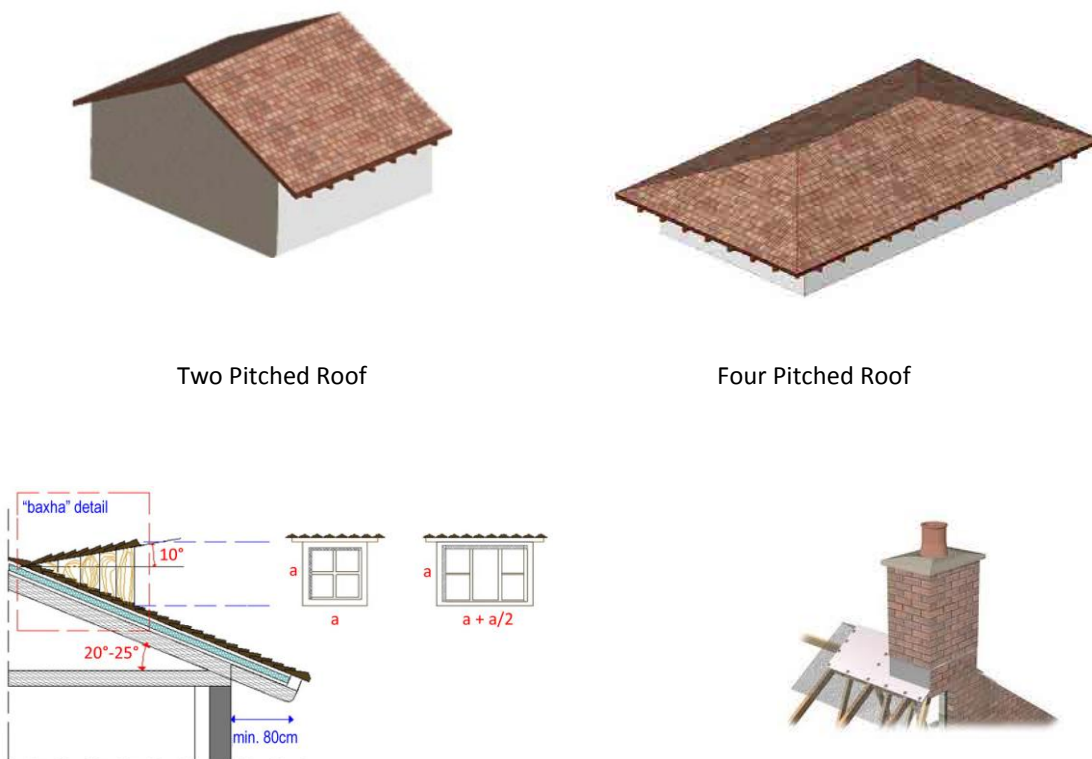
Table 6.6.1 Chimney and roof size

No	CONDITIONS - CHIMNEY AND ROOF PITCH	ZONE A	ZONE B	ZONE C	ZONE D
1	Chimneys should be located and insulated in professional way. The materials can be concrete, clay or other materials resistant to high temperatures.	✓	✓	✓	✓
2	New constructions should have 2 or 4 pitched roofs, with a small angle of slope (between 20° and 25°), masonry walls in common with neighbouring buildings and other wall shapes.	✓	✓	✓	✓
3	The slope of one pitched roof should be $\geq 15^\circ$	✓	✓	✓	
4	The height from the highest point of the slab to the highest point of the roof should not exceed 3.0 meter	✓	✓	✓	
5	Overhanging eaves can extend from a minimum of 0.6 metres to a maximum of 2.0 metres beyond the construction line, where there is a road frontage. They should not exceed the width of the footpath in front of the parcel.	✓	✓	✓	✓

6	Roofs should be covered by red 'roman' style tiles, MEDITERRANEAN, half - MEDITERRANEAN and CONTINETAL tiles.	✓	✓	✓	✓
7	The gutters of roof should be colored brown or dark brown	✓	✓	✓	✓
8	Roof structural construction material can be wood or other appropriate alternatives	✓	✓	✓	✓
9	Roof eaves are allowed to include the use of traditional decorative elements	✓	✓	✓	✓
10	Openings in the roof cavity should be dormer windows, located on a proper wall, and set back from the front line of façade	✓	✓	✓	✓
11	Dormer opening should comprise of a single window. The proportion of total width of dormer openings (single or multiple) to total width of building should not exceed 1:4.	✓	✓	✓	✓

Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Figure 6.6.1 Allowed Roof Pitch, Overhanging Elements, Dormer Windows and Chimney



Source: UN-Habitat and CHwB (Cultural Heritage without Borders), 2010

Table 6.6.2 Façades

No	CONDITIONS - FACADE/EXTERNAL WALLS	ZONE A	ZONE B	ZONE C	ZONE D
1	The facade (or external walls) of any heritage building is to be preserved: in case of decaying it needs to be restored according to the original shape, material and technologies.	✓	✓	✓	✓
2	In case of carrying out minor alternations to existing openings (doors, windows, ventilation openings) of old buildings/facades care should be taken to respect, preserve and maintain their scale, size, proportion, material, design and construction technique.	✓	✓	✓	✓
3	It is expressly forbidden to use any facing or cladding material on external walls such as tiles (ceramic, terracotta, marble, etc.), polished stone slabs, synthetic plasters, aluminium, plastic, reflecting glass, coloured glass, which are alien to the traditional facades, or imitation of traditional materials.	✓	✓	✓	✓
4	The facade building material of new buildings should be plastered and coloured with colours: white (RAL 9010), yellow ochre (RAL 1014), light grey (RAL 9022) and brick red (dark brown red RAL 9010).	✓	✓	✓	✓

Source: Municipality of Mamuşa/Mamushë/Mamuša and UN-Habitat, 2014

Table 6.6.3 Openings

No	CONDITIONS - OPENING	ZONE A	ZONE B	ZONE C	ZONE D
1	Window frame materials should be wood and are to be colored brown and dark brown (RAL 8007) or plastic with wood appearance.	✓	✓	✓	✓
2	Dimensions of new windows should be: 0.8-1.0 / 1.2-1.6 metres.	✓	✓	✓	✓
3	Windows in facade should follow pattern of two-two, three-three or single always in proportion with facade of the building.	✓	✓	✓	✓
4	Entrance doors should be preserved and in case of new constructions should follow the scale, size, proportion, material and design according to following pictures.	✓	✓	✓	✓

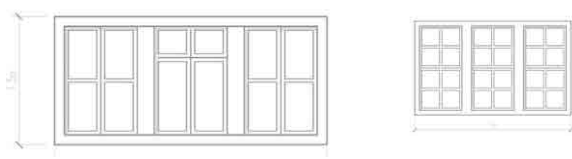
5 Doors should be in harmony with civil architecture. ✓ ✓ ✓ ✓

Source: Municipality of Mamuşa/Mamushë/Mamuša and UN-Habitat, 2014

Figure 6.6.2 Opening Elements - Entrance door, Windows, 2010. Photo © UN-Habitat



Figure 6.6.3 Openings



Source: UN-Habitat, 2010

Table 6.6.4 Shop fronts

No	CONDITIONS - SHOP FRONTS	ZONE A	ZONE B	ZONE C	ZONE D
1	Materials for commercial premises openings should be wood (natural or painted) or plastic with wood appearance.	✓	✓	✓	
2	Frameless glass panels are allowed	✓	✓	✓	
3	Anodised aluminium frames in natural colour or in gold colour are not allowed.	✓	✓	✓	
4	Opening of shop fronts for commercial use has to be minimal dimension according to the proportions of the façade and the lighting needs of the business internal space.	✓	✓	✓	
5	Window frames should be raised a minimum of 40 centimetres and a maximum 80 centimetres from the ground.	✓	✓	✓	
6	Shop front modular panel openings are only allowed on the ground floor.	✓	✓	✓	

Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Table 6.6.5 Yard walls and fences

No	CONDITIONS - YARD WALLS AND FENCES	ZONE A	ZONE B	ZONE C	ZONE D
1	New yard walls and fences are allowed in this zone, where there is a front garden. Walls should have a maximum height of 0.9 metres from road side while 1.4 meter if wall is transparent and 1.4 meter between the parcels.	✓	✓	✓	
2	New compound walls made of concrete blocks should be plastered and painted in white colour.	✓	✓	✓	

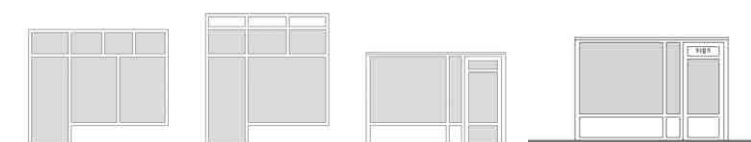
Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Table 6.6.6 Decorative elements

No	CONDITIONS - DECORATIVE ELEMENTS	ZONE A	ZONE B	ZONE C	ZONE D
1	<i>Decorative elements in new constructions/additions should respect character of Zone and should be used in adequate and discreet way.</i>	✓	✓	✓	✓

Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Figure 6.6.4 Modular panels



Source: UN-Habitat, 2010

6.7 TOWNSCAPE AND STREETScape CHARACTERISTICS

To improve the pedestrian's safety and maximize the useable in public space the recommendation is to adhere to the following criteria:

Table 6.7.1 Roads and pavement

No	CONDITIONS - ROADS AND PAVMENT	ZONE A	ZONE B	ZONE C	ZONE D
1	<i>New road and pavement material can be from asphalt or regionally sourced paving materials and cobble stone</i>	✓	✓	✓	✓
2	<i>Road and Pavement materials of a similar palette of colours should be consistently used throughout the entire Settlement Area of Mamushe</i>	✓	✓	✓	✓
3	<i>New paving texture and layout should provide a safe, even, barrier-free surface for pedestrians in all weather conditions.</i>	✓	✓	✓	✓
4	<i>Around the buildings with cultural character the pavement and road material should be of same or equivalent material and style to respect the building's heritage character.</i>	✓	✓	✓	✓

Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Table 6.7.2 Street furniture

No	CONDITIONS - STREET FURNITURE	ZONE A	ZONE B	ZONE C	ZONE D
1	Existing street furniture of a Settlement Area should be restored if damaged	✓	✓	✓	✓
2	New street furniture is to be in keeping with the streetscape and character of Settlement.	✓	✓	✓	✓
3	New street furniture is to be of high design quality.	✓	✓	✓	✓
4	New street furniture is to be of a consistent style throughout the Settlement Area.	✓	✓	✓	✓

Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Table 6.7.3 Lighting

No	CONDITIONS - LIGHTING	ZONE A	ZONE B	ZONE C	ZONE D
1	All vehicle and pedestrian access routes should be sufficiently illuminated during the hours of darkness.	✓	✓	✓	✓
2	The light poles must be retained and restored if damaged	✓	✓	✓	✓
3	New light poles and lamp posts throughout the Settlement Area should be in keeping with the character of the streetscape.	✓	✓	✓	✓
4	New light poles and lamp posts throughout the Settlement Area should be consistent.	✓	✓	✓	✓
5	Lighting is allowed on bollards.	✓	✓	✓	✓

Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Table 6.7.4 Signage

No	CONDITIONS - SIGNAGE	ZONE A	ZONE B	ZONE C	ZONE D
1	<i>Signs should not detract from the architectural features of the building.</i>	✓	✓	✓	✓
2	<i>Signs can be located on shop windows.</i>	✓	✓	✓	✓
3	<i>Sign materials, colours and style should respect the building material and colour scheme of the building as well as the character of the streetscape.</i>	✓	✓	✓	✓
4	<i>Sign materials should be wood, painted timber, sheet metal, wrought and cast iron, bronze or other alloys, stone, glass and plastic material only as flat sheets.</i>	✓	✓	✓	✓
5	<i>Rooftop signage is not allowed.</i>	✓	✓	✓	✓
6	<i>Banner (soft material) signage is not allowed.</i>	✓	✓	✓	✓
7	<i>Street names should be clearly marked on each street, and where practical street name signs should be attached to building walls.</i>	✓	✓	✓	✓

Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Table 6.7.5 Access and movement

No	CONDITIONS - ACCESS AND MOVEMENT	ZONE A	ZONE B	ZONE C	ZONE D
1	<i>Car parking is allowed in places dedicated by this Document.</i>	✓	✓	✓	✓
2	<i>Car parking on pavements and/or non-parking areas is not allowed.</i>	✓	✓	✓	✓
3	<i>Bollards are allowed in shared zones where there is no curbing, at a rate of 1 every 2 metres. Bollards should be a maximum of 50 x 40 x 40 centimetres, and from stone, metal or polished concrete material. Consistent material and style is to be used throughout Settlement.</i>	✓	✓	✓	✓
4	<i>Public stairs where needed, should be provided at a maximum of 10 steps per flight.</i>	✓	✓	✓	✓

5	<i>Pedestrian ramps should have a maximum gradient of 4% (or 1 metre/25 metres).</i>	✓	✓	✓	✓
6	<i>Pavements should not be fenced or provide any other obstructions to pedestrians.</i>	✓	✓	✓	✓
7	<i>Pedestrian pavements and public squares must provide barrier-free access for those persons with special needs</i>	✓	✓	✓	✓
8	<i>All public buildings must provide barrier-free access for those persons with special needs, such as entrance ramps (maximum gradient of 4%)</i>	✓	✓	✓	✓
9	<i>All new buildings should provide barrier-free access for those persons with special needs.</i>	✓	✓	✓	✓
10	<i>All new footpaths should provide barrier-free access and pedestrian crossings, for those persons with mobility needs.</i>	✓	✓	✓	✓
11	<i>The use of textured pavement for vision impaired persons is encouraged.</i>	✓	✓	✓	✓

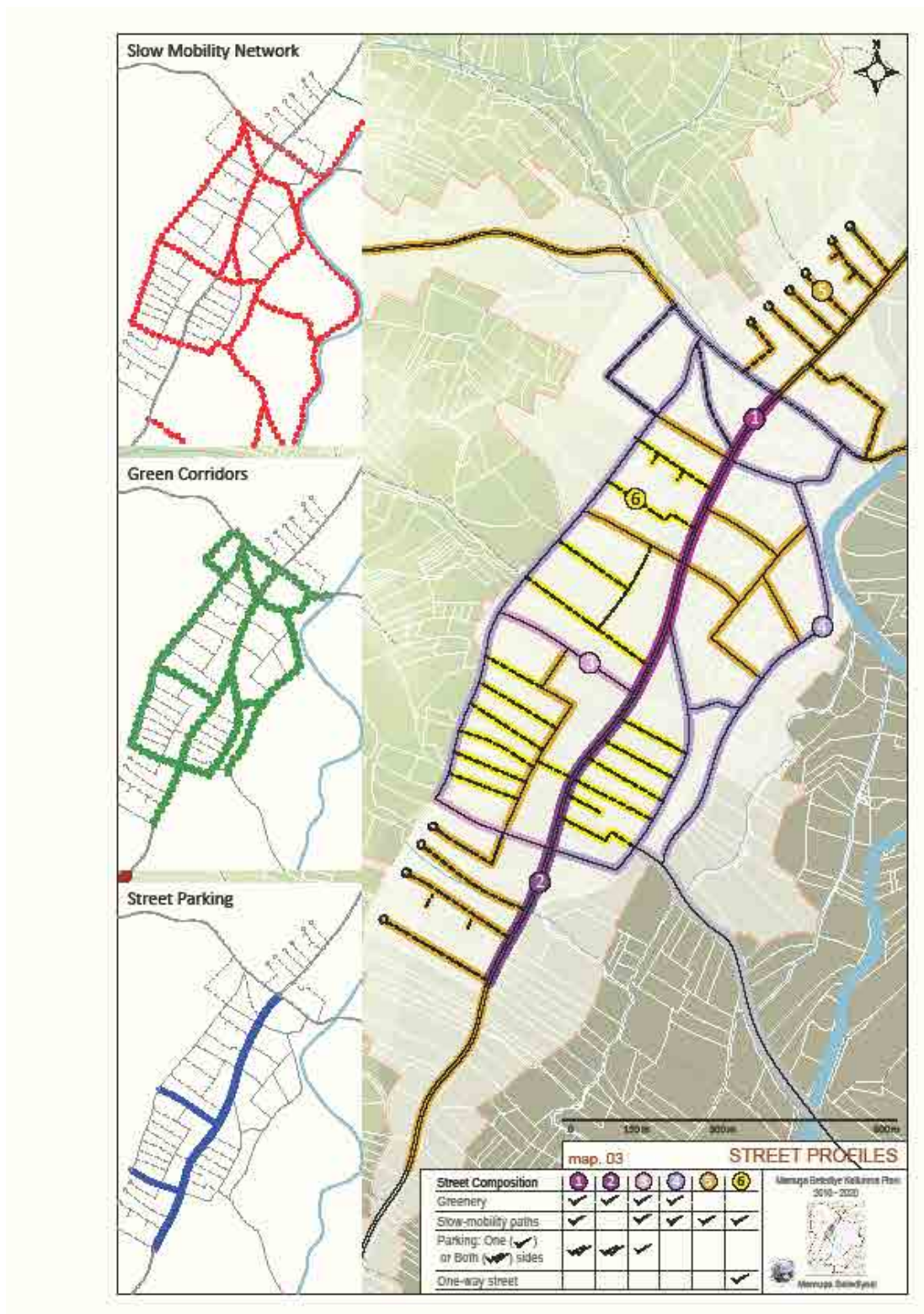
Source: Municipality of Mamuša/Mamushë/Mamuša and UN-Habitat, 2014

Figure 6.7.1 Pavement materials and bollards



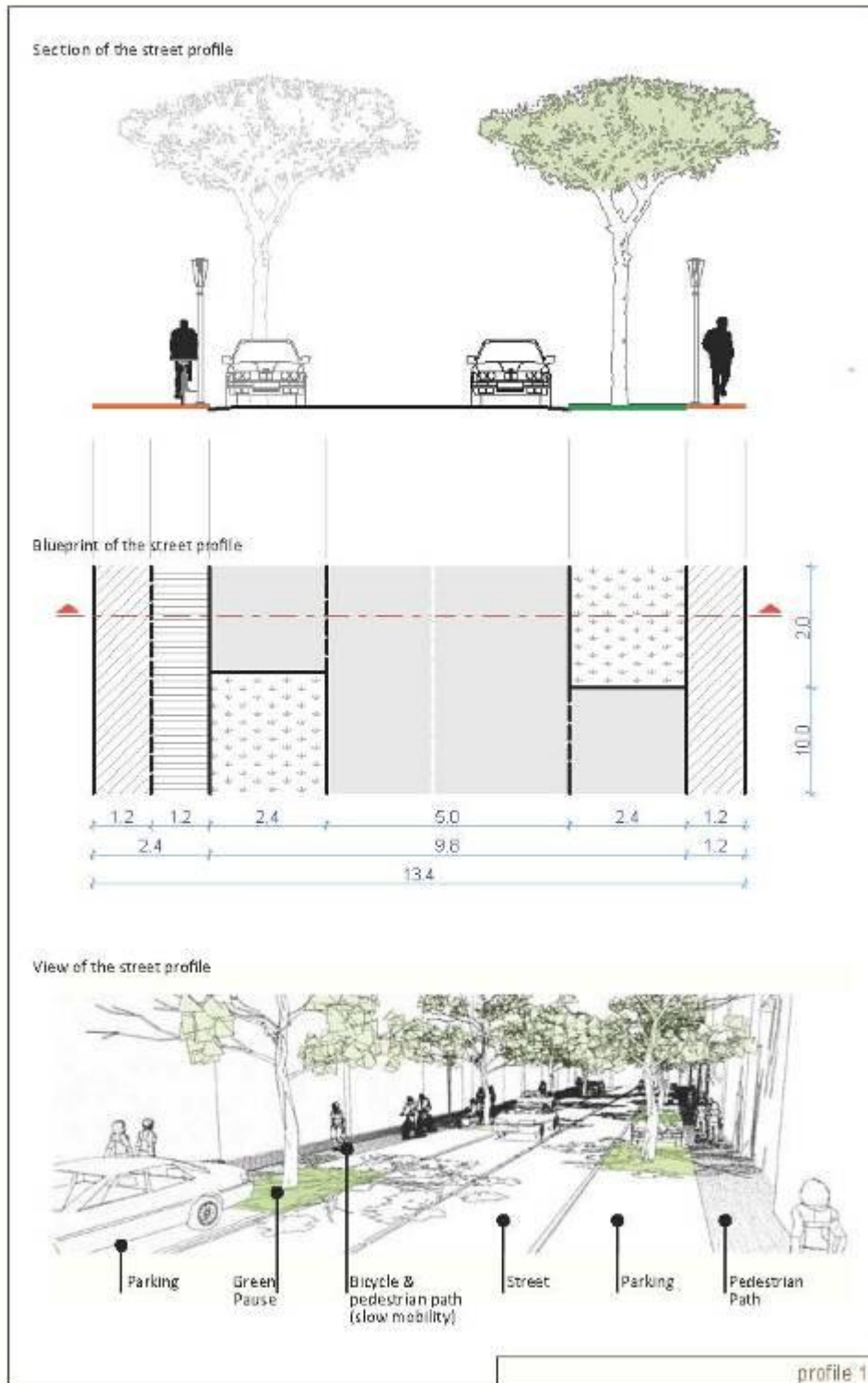
6.8 STREET PROFILES

Map 6.8.1 Street profiles



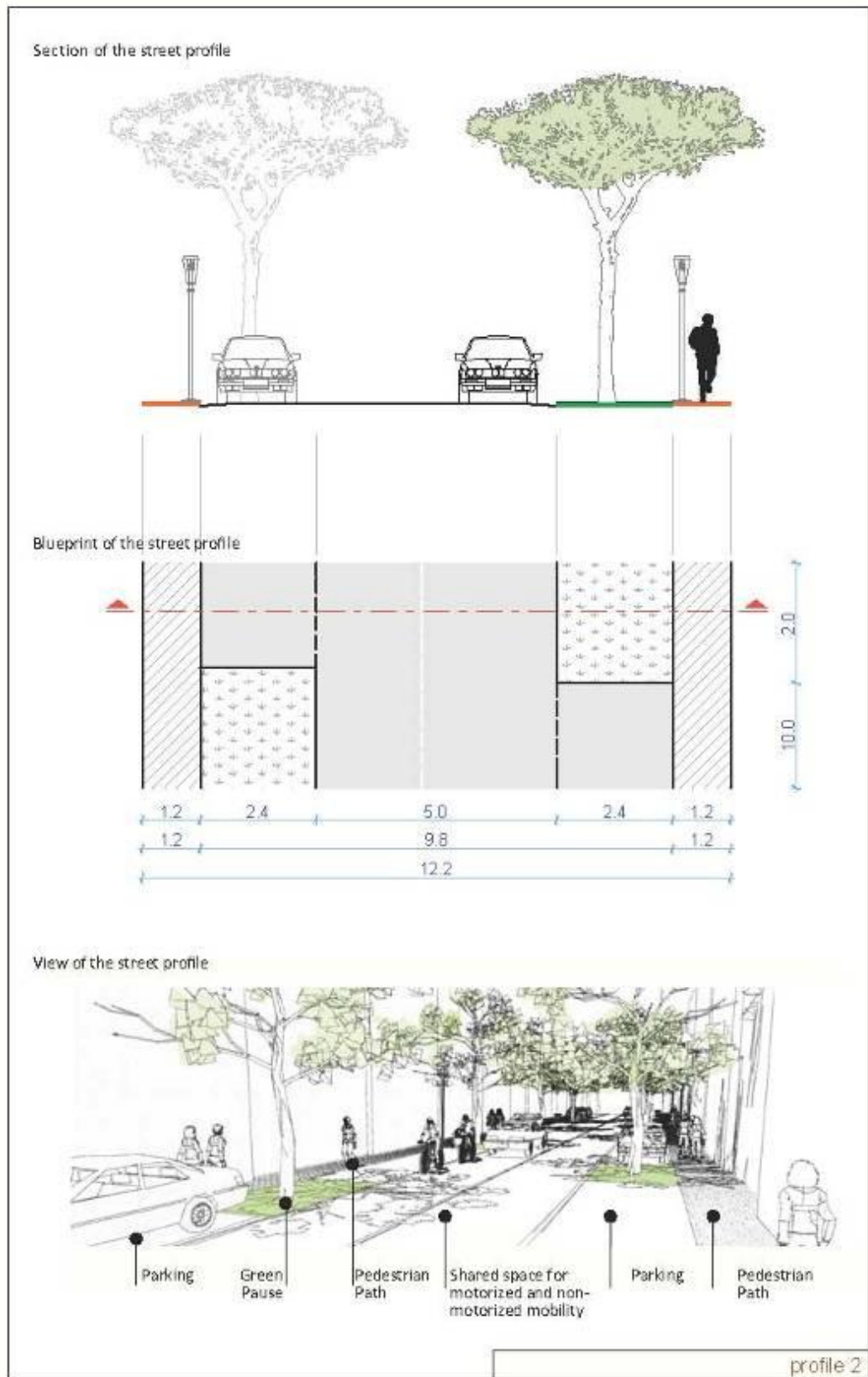
Source: MDP of Mamuşa/Mamushë/Mamuša 2014 – 2023, 2013

Figure 6.8.1 Sections and view of street profile 1



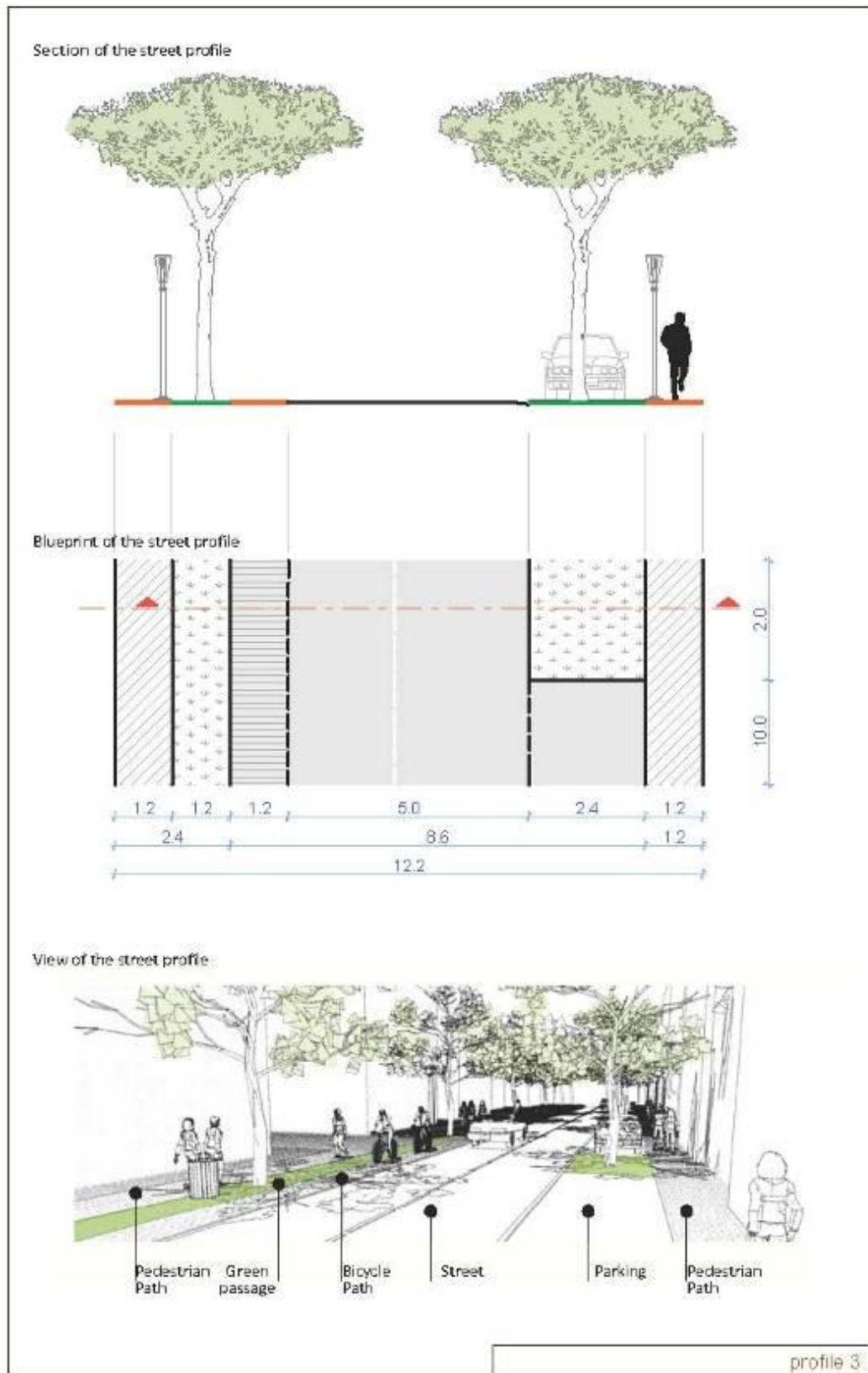
Source: MDP of MamuşaMamushë/Mamuşa 2014 – 2023, 2013

Figure 6.8.2 Sections and view of street profile 2



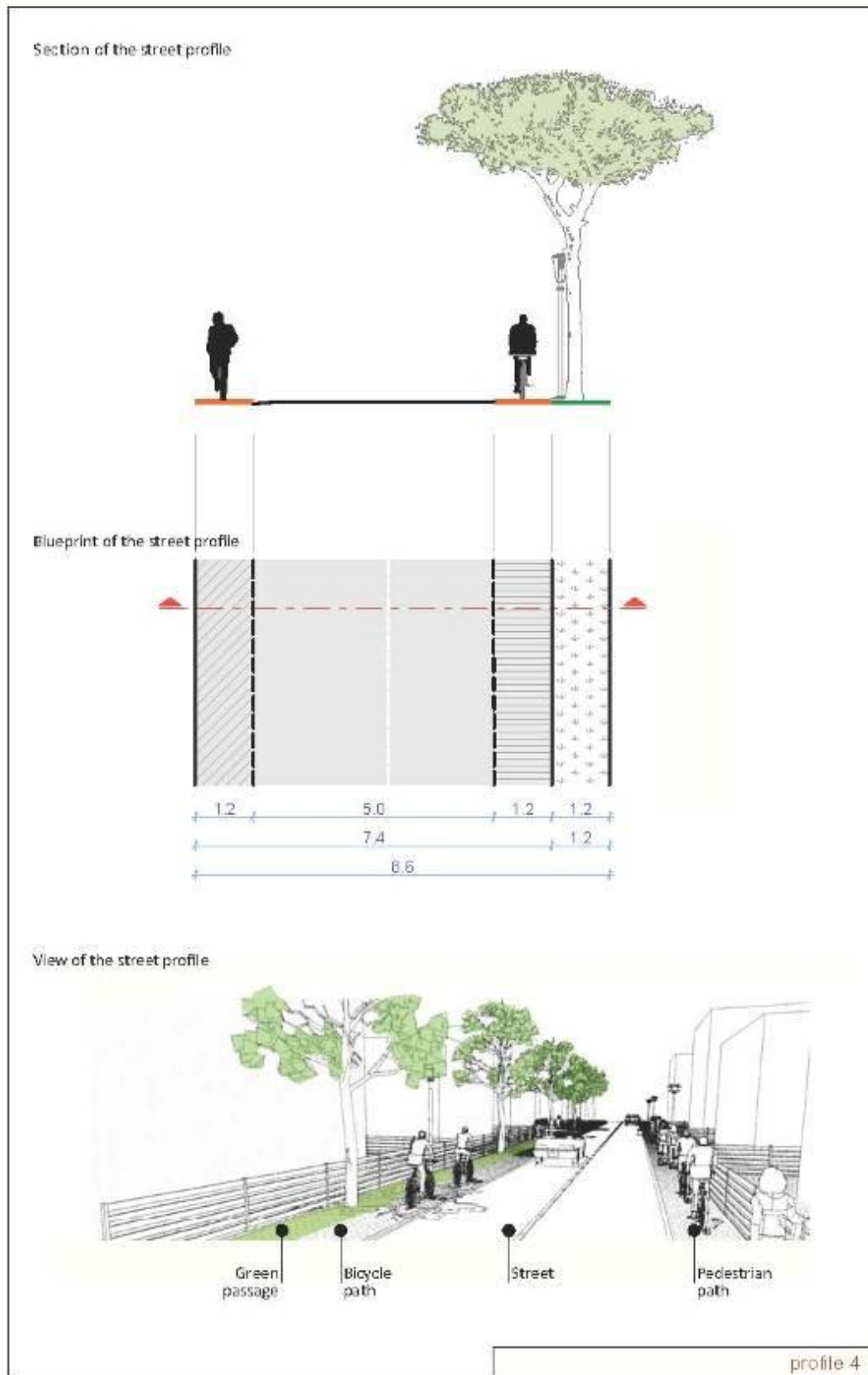
Source: MDP of MamuşaMamushë/Mamuşa 2014 – 2023, 2013

Figure 6.8.3 Sections and view of street profile 3



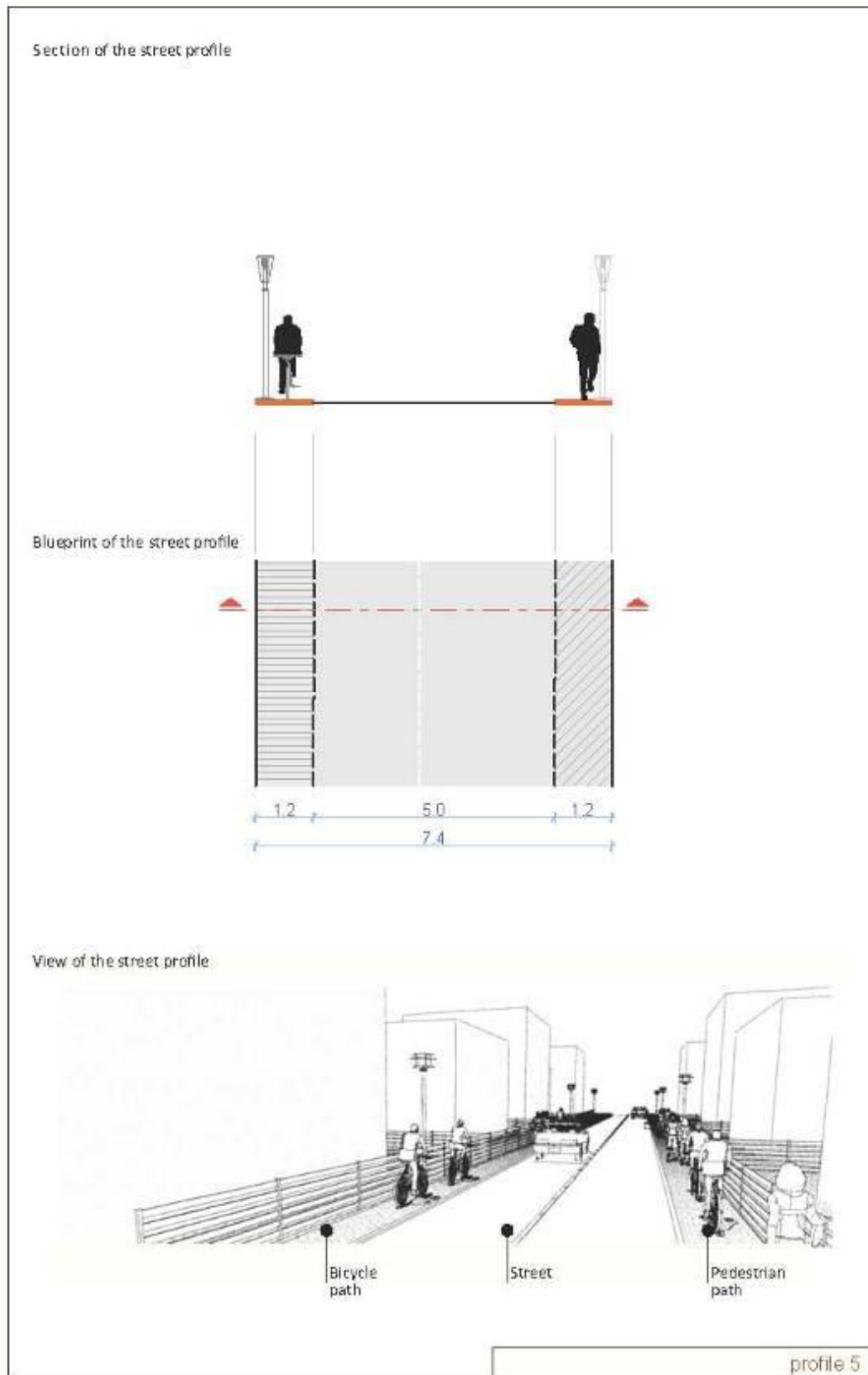
Source: MDP of Mamuša/Mamushë/Mamuša 2014 – 2023, 2013

Figure 6.8.4 Sections and view of street profile 4



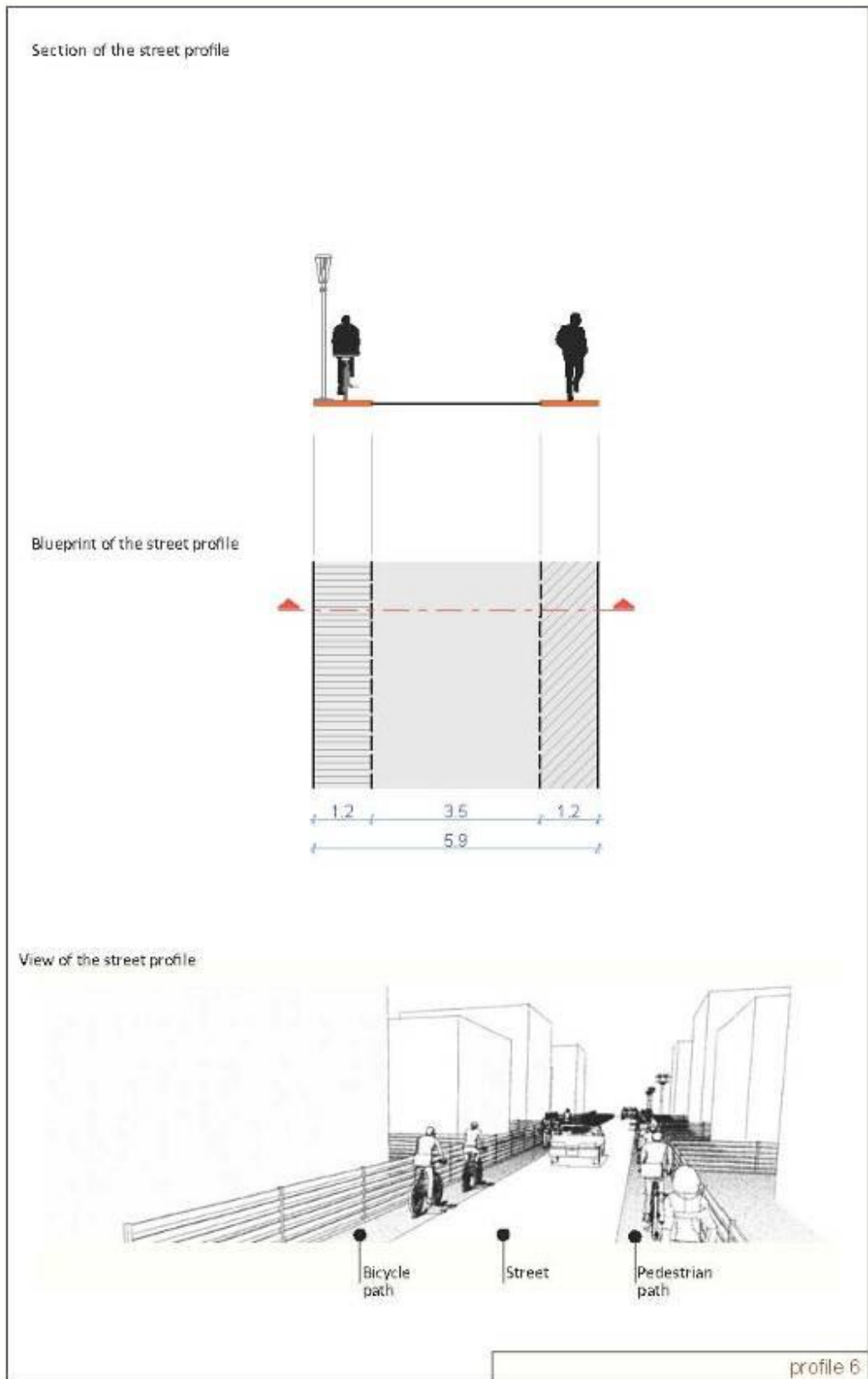
Source: MDP of Mamuşa/Mamushë/Mamuša 2014 – 2023, 2013

Figure 6.8.5 Sections and view of street profile 5



Source: MDP of Mamuşa/Mamushë/Mamuša 2014 – 2023, 2013

Figure 6.8.6 Sections and view of street profile 6



Source: MDP of MamuşaMamushë/Mamuşa 2014 – 2023, 2013

6.9 STREET FURNITURE

Table 6.9.1 street furniture

No	CONDITIONS - STREET FURNITURE	ZONE A	ZONE B	ZONE C	ZONE D
1	<i>Existing street furniture of a Settlement Area should be restored if damaged.</i>	✓	✓	✓	✓
2	<i>New street furniture is to be in keeping with the streetscape and character of Settlement.</i>	✓	✓	✓	✓
3	<i>New street furniture is to be of high design quality.</i>	✓	✓	✓	✓
4	<i>New street furniture is to be of a consistent style throughout the Settlement Area.</i>	✓	✓	✓	✓

Source: Municipality of Mamuša/Mamushë/Mamuša and UN-Habitat, 2014

Figure 6.9.1 Street furniture



6.10 LIGHTING

Table 6.10.1 Lighting

No	CONDITIONS - LIGHTING	ZONE A	ZONE B	ZONE C	ZONE D
1	All vehicle and pedestrian access routes should be sufficiently illuminated during the hours of darkness.	✓	✓	✓	✓
2	The light poles must be retained and restored if damaged.	✓	✓	✓	✓
3	New light poles and lamp posts throughout the Settlement Area should be in keeping with the character of the streetscape.	✓	✓	✓	✓
4	New light poles and lamp posts throughout the Settlement Area should be consistent.	✓	✓	✓	✓
5	Lighting is allowed on bollards.	✓	✓	✓	✓

Source: Municipality of Mamuşa/Mamushë/Mamuša and UN-Habitat, 2014

Figure 6.10.1 Street lighting



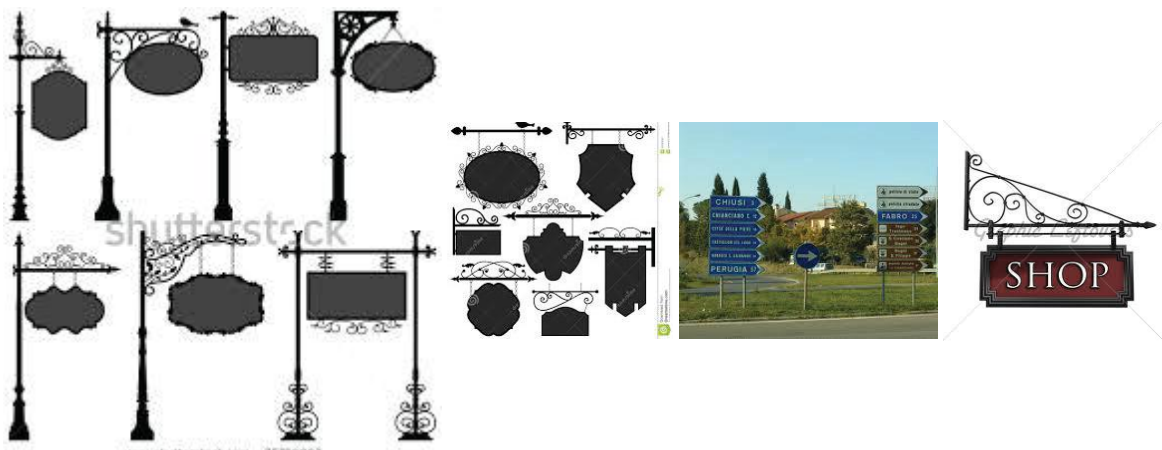
6.11 SIGNAGE

Table 6.11.1 Signage

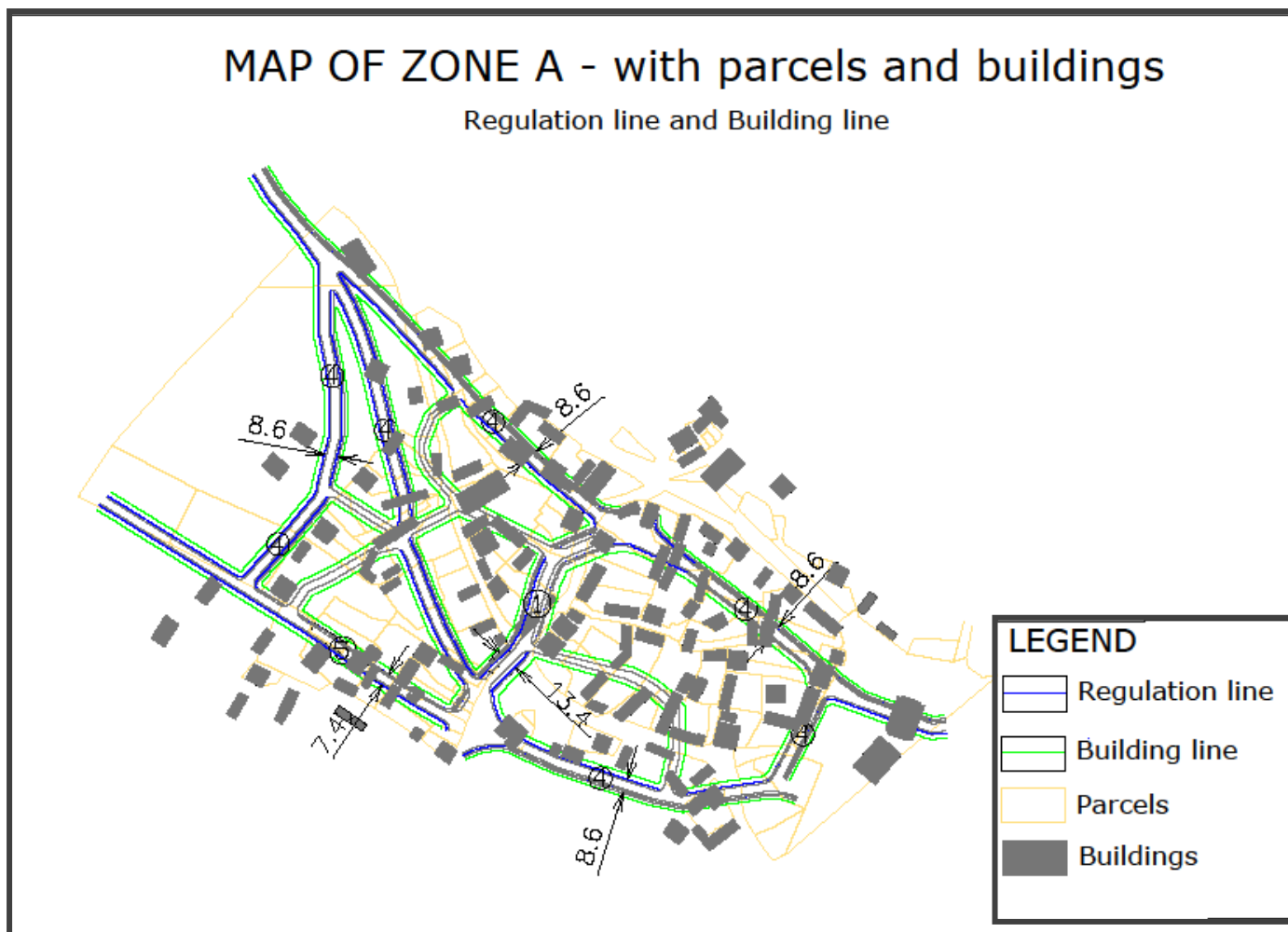
No	CONDITIONS - SIGNAGE	ZONE A	ZONE B	ZONE C	ZONE D
1	Signs should not detract from the architectural features of the building.	✓	✓	✓	✓
2	Signs can be located on shop windows.	✓	✓	✓	✓
3	Sign materials, colours and style should respect the building material and colour scheme of the building as well as the character of the streetscape.	✓	✓	✓	✓
4	Sign materials should be wood, painted timber, sheet metal, wrought and cast iron, bronze or other alloys, stone, glass and plastic material only as flat sheets.	✓	✓	✓	✓
5	Rooftop signage is not allowed.	✓	✓	✓	✓
6	Banner (soft material) signage is not allowed.	✓	✓	✓	✓
7	Street names should be clearly marked on each street, and where practical street name signs should be attached to building walls.	✓	✓	✓	✓

Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Figure 6.11.1 Signage

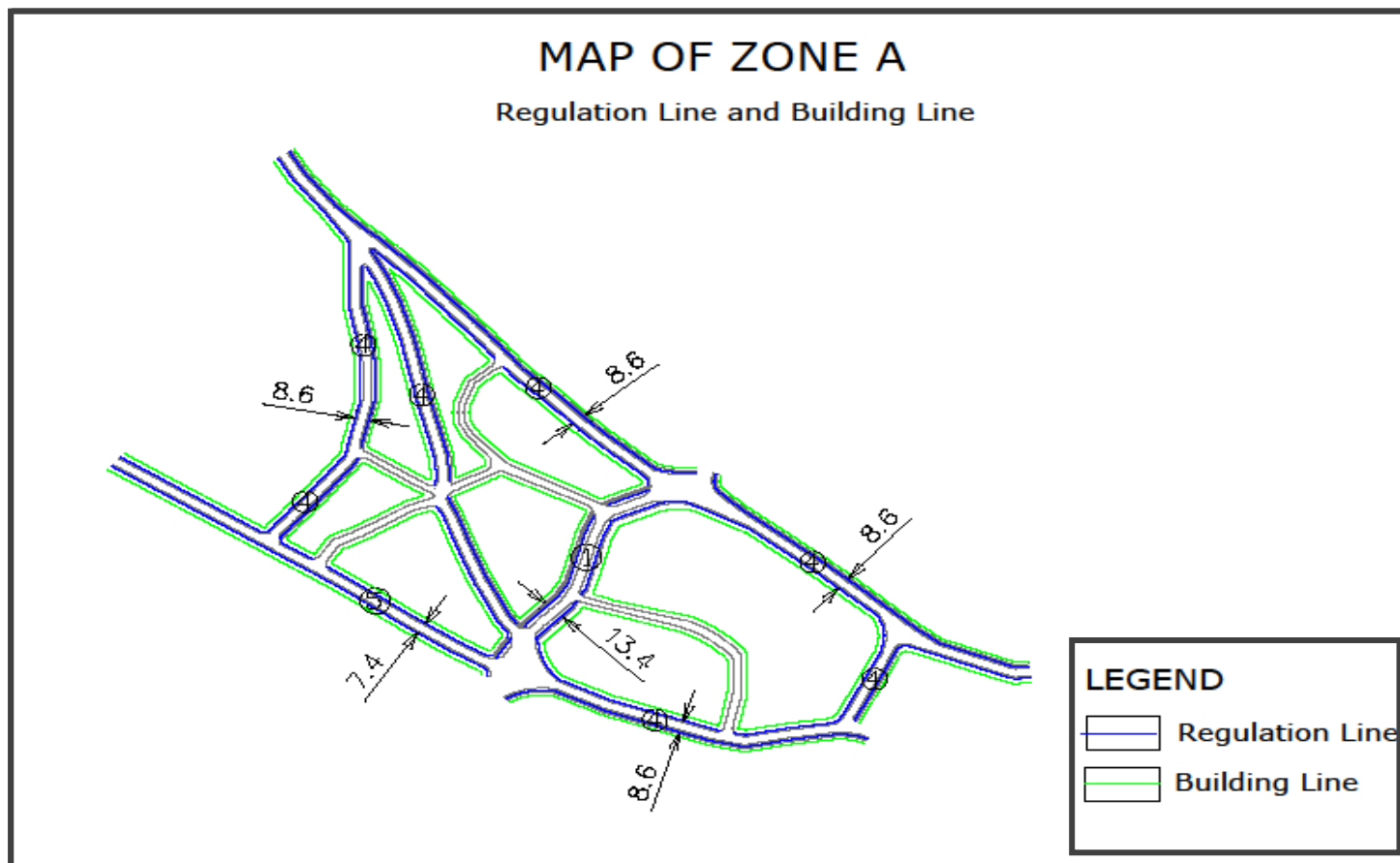


VII. APPENDICES – DETAILED MAPS OF ZONES



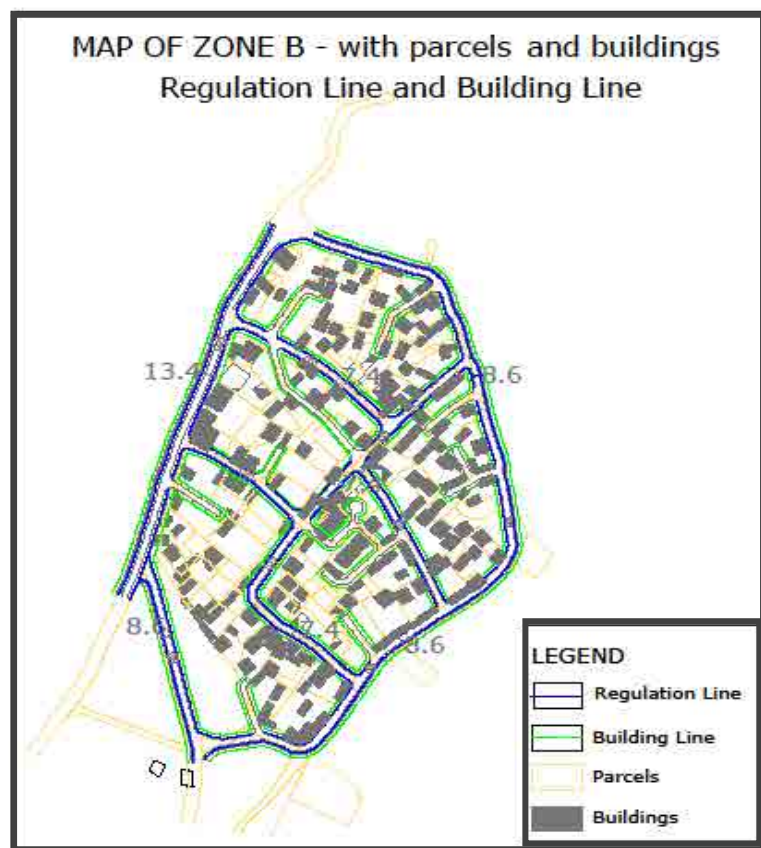
Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Appendices VII.2 Map of Zone A



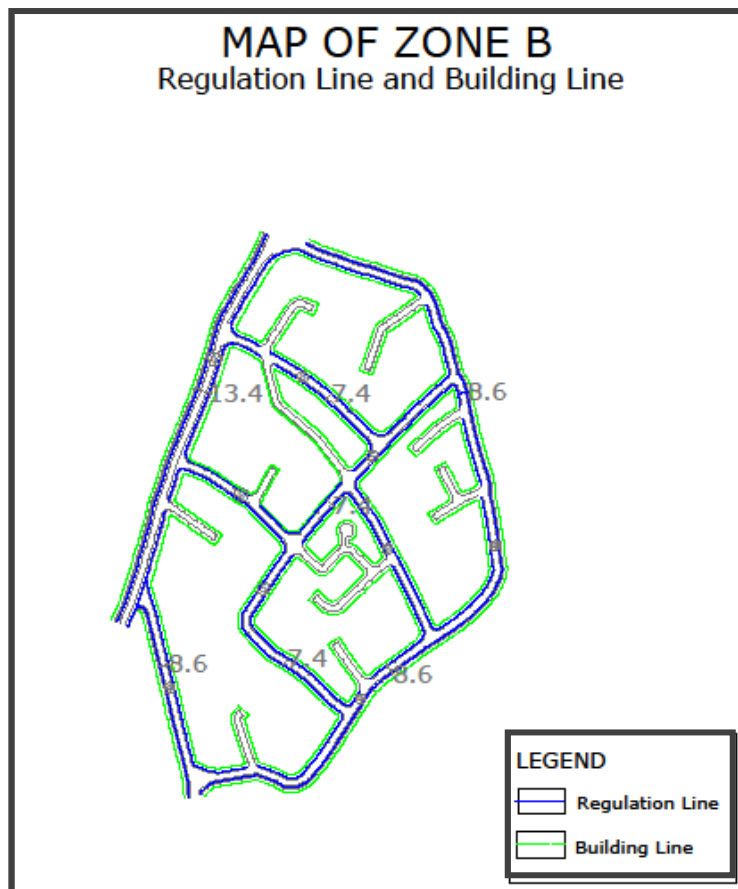
Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Appendices VII.3 Map of Zone B with parcels and buildings



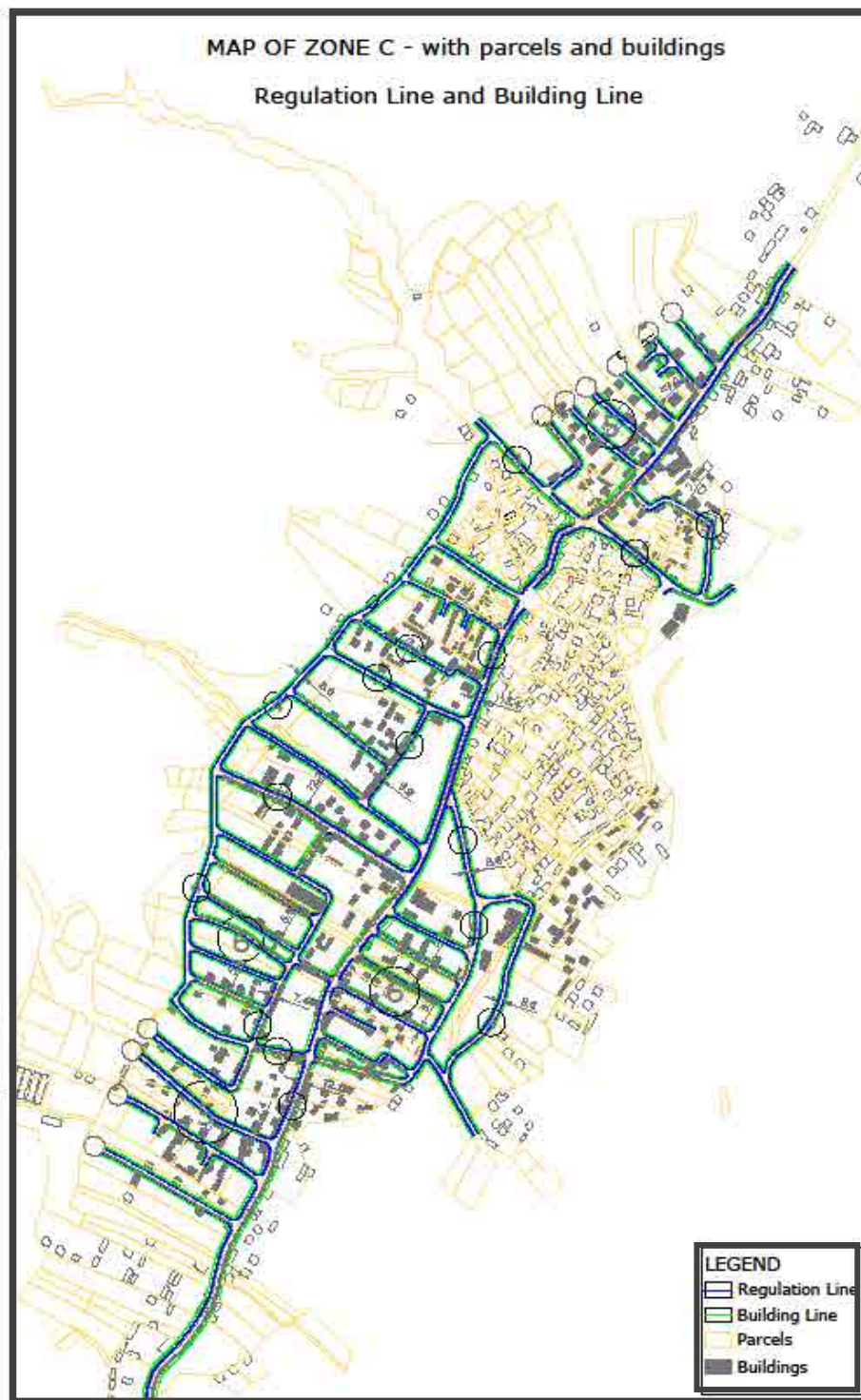
Source: Municipality of MamuşaMamushë/Mamuşa and UN-Habitat, 2014

Appendices VII.4 Map of Zone B



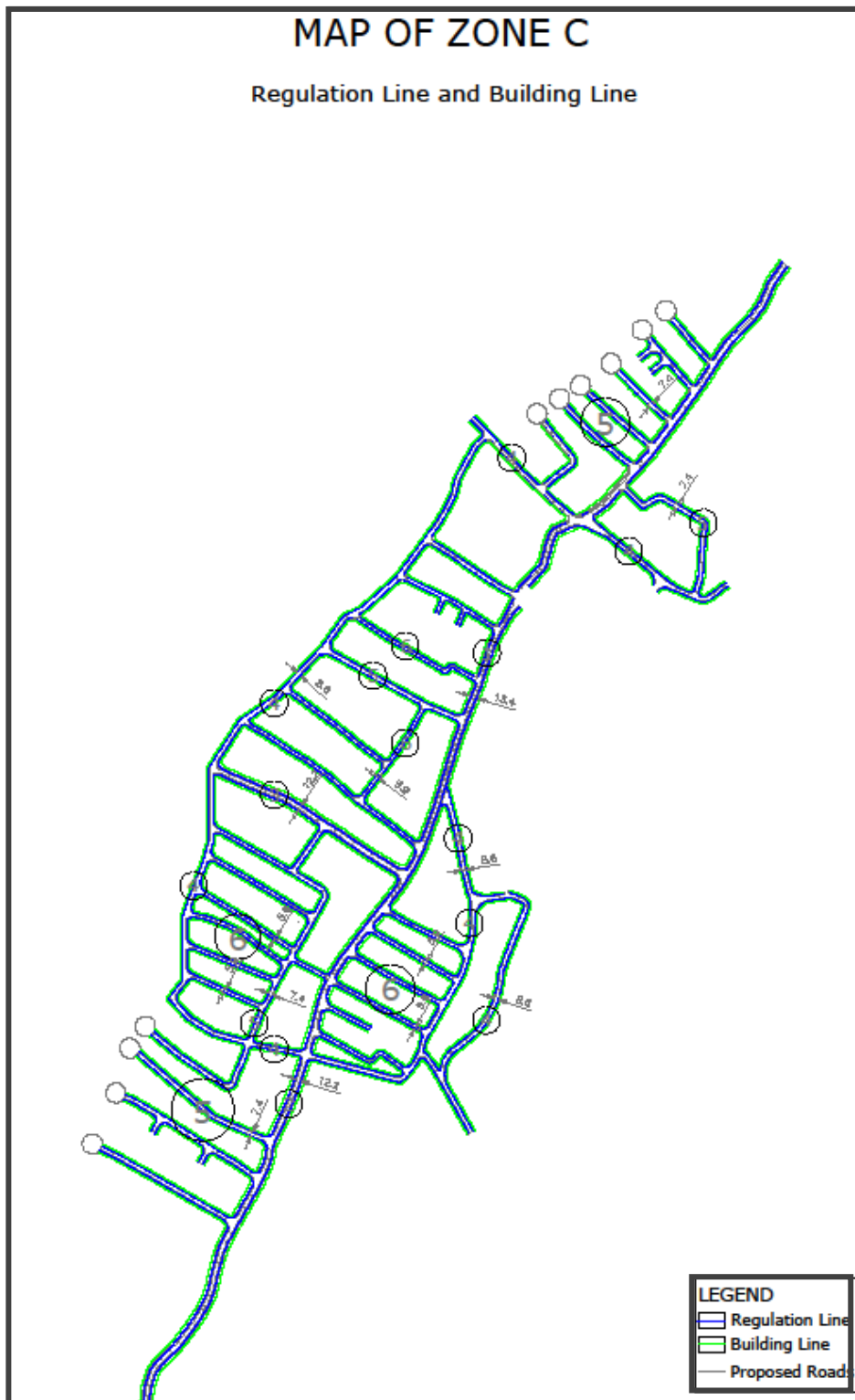
Source: Municipality of Mamuşa/Mamushë/Mamuşa and UN-Habitat, 2014

Appendices VII.5 Map of Zone C with parcels and buildings



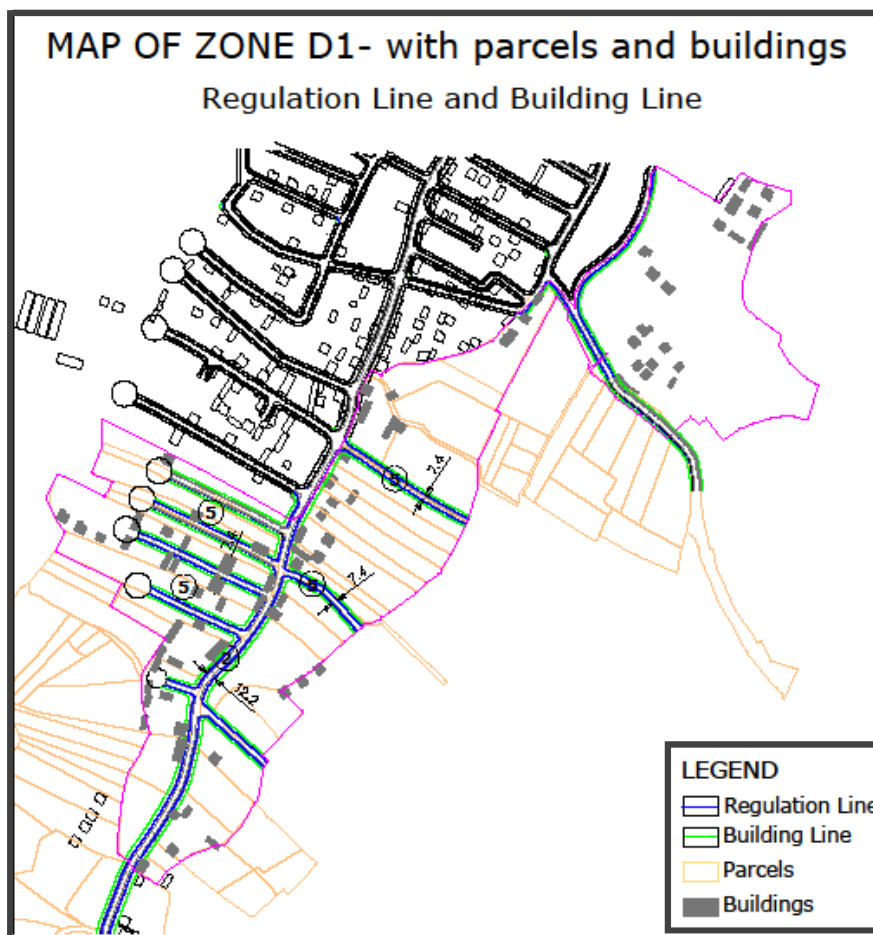
Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Appendices VII.6 Map of Zone C with parcels and buildings



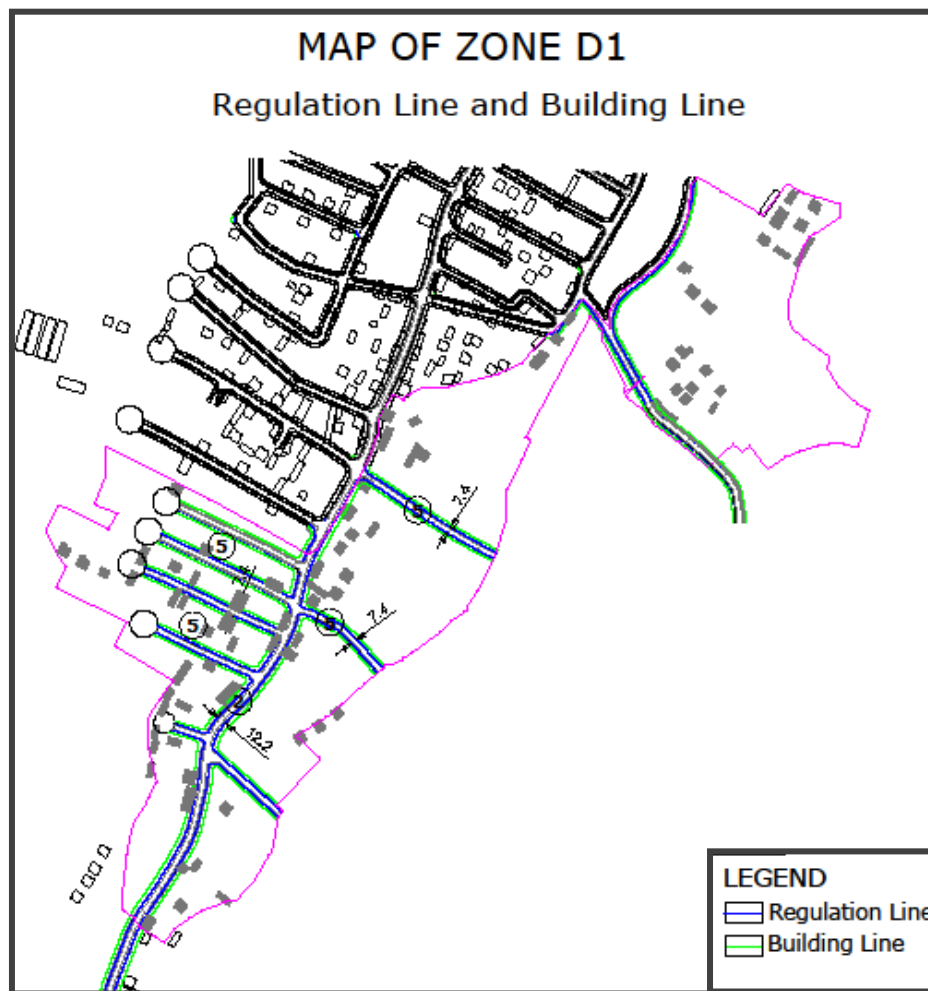
Source: Municipality of Mamuşa/Mamushë/Mamuša and UN-Habitat, 2014

Appendices VII.7 Map of Zone D with parcels and buildings



Source: Municipality of MamuşaMamushë/Mamuša and UN-Habitat, 2014

Appendices VII.8 Map of Zone D



Source: Municipality of Mamuşa/Mamushë/Mamuša and UN-Habitat, 2014

