

Planning amnesty explained

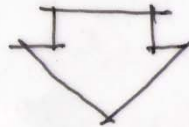
UKCA, AUG 27, 2011

ETEK

Scientific and Technical Chamber of Cyprus
Paphos Chapter

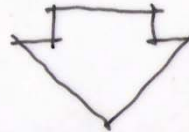
PLANNING PERMIT

ACCESS
USE
COVERAGE
DENSITY
DISTANCE FM BOUNDARIES
PARKING ARRANGEMENT
ETC



BUILDING PERMIT

STRUCTURAL
ELECTRICAL
MECHANICAL
ETC



DIVISION PERMIT

FOR MULTI UNITS DEVELOPMENTS
(NOW OBSOLETE)

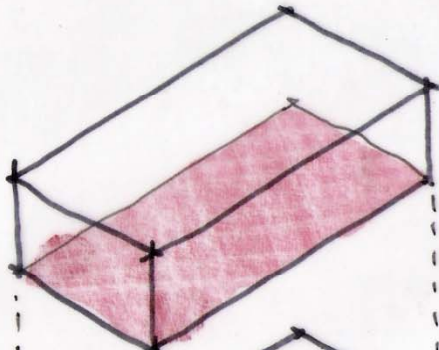
CERTIFICATE OF COMPLETION

FINAL INSPECTION

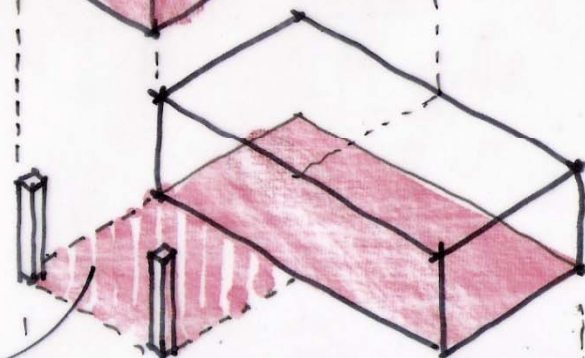


TITLE DEEDS

Procedures

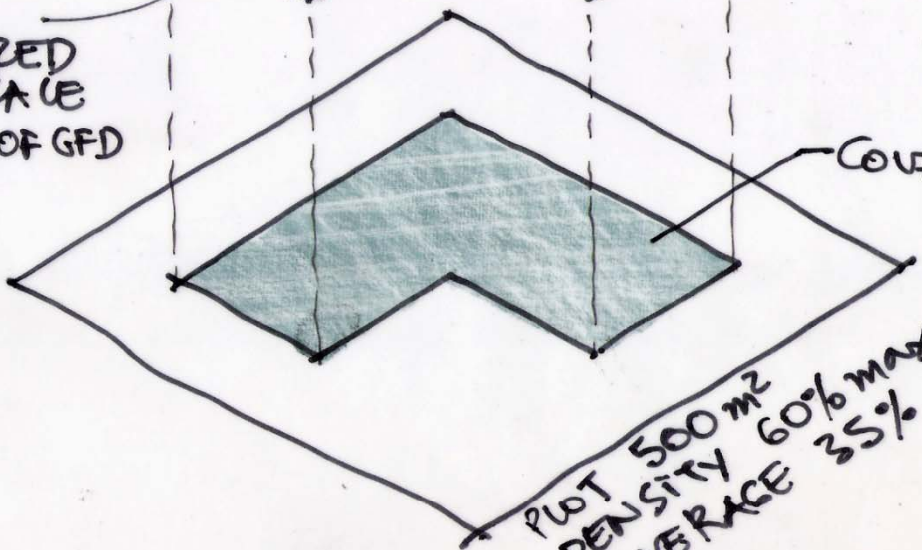


FIRST FLOOR DENSITY (FFD)



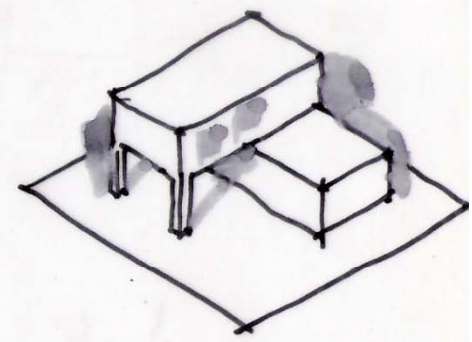
GROUND FLOOR DENSITY (GFD)

COVERED TERRACE 20% OF GFD



COVERAGE

COVERED TERRACE: 300 m²
GFD + FFD: 175 m²
60% MAX GFD + FFD: 300 m²
35% COVERAGE
PLOT 500 m²
DENSITY 60%
COVERAGE 35%



definitions

Amnesty concept

Temporary provisions

Aim: to resolve irregularities on buildings built before April 8th, 2011.

Amnesty only applies to irregularities impossible to resolve with standard procedures.

It is a one-off opportunity.

It covers specific problems described in the law. Bigger or different problems can be resolved using the relaxation procedure.

Interested parties must apply or reserve the rights to apply before October 8th 2011.

Applicants can be buyers of individual units in a complex and not just owners / developers as before. Groups of applicants are encouraged to apply together.

Resulting properties should be easily accessible and no nuisance should be imposed on neighbours.

A Statement of Intent or the actual application must be submitted before October 8th, 2011. In the former case, the actual application should be submitted within 3 years.

An architect/civil engineer must provide a statement under oath that the property existed before April 8th 2011.

Two committees will decide on the applications and authorities will have to comply with the decision. Resolutions will be issued on the web.

Any fine will be given Local Authorities to be used exclusively for improvement projects in their area.

Owners / developers who fail to apply will be fined.

The spirit of the law is to help resolve problems. Committee members have been advised to be constructive, open minded and helpful.

Permanent provisions:

It is no longer a prerequisite for title deeds issuing that no irregularities exist.

Certificate of Completion (CoC) is mandatory and it will reflect all possible problems of the building. Owner and supervising engineer are held responsible to notify the authorities and apply for a CoC.

The buyer has the right to apply for a CoC by himself if the land owner / developer fails or is not willing to do so.

Title deeds are issued in the name of the land owner / developer as the involved authorities can not decide on transfers. This can be done by a court of law and it is easier since a new title exists for the specific property.

All involved authorities will share the same information. Procedures do not necessarily depend on the good will of the owner / developer.

Fines can be applied to owners / developers who fail to comply.

The Town Planning Law

Permanent Provisions

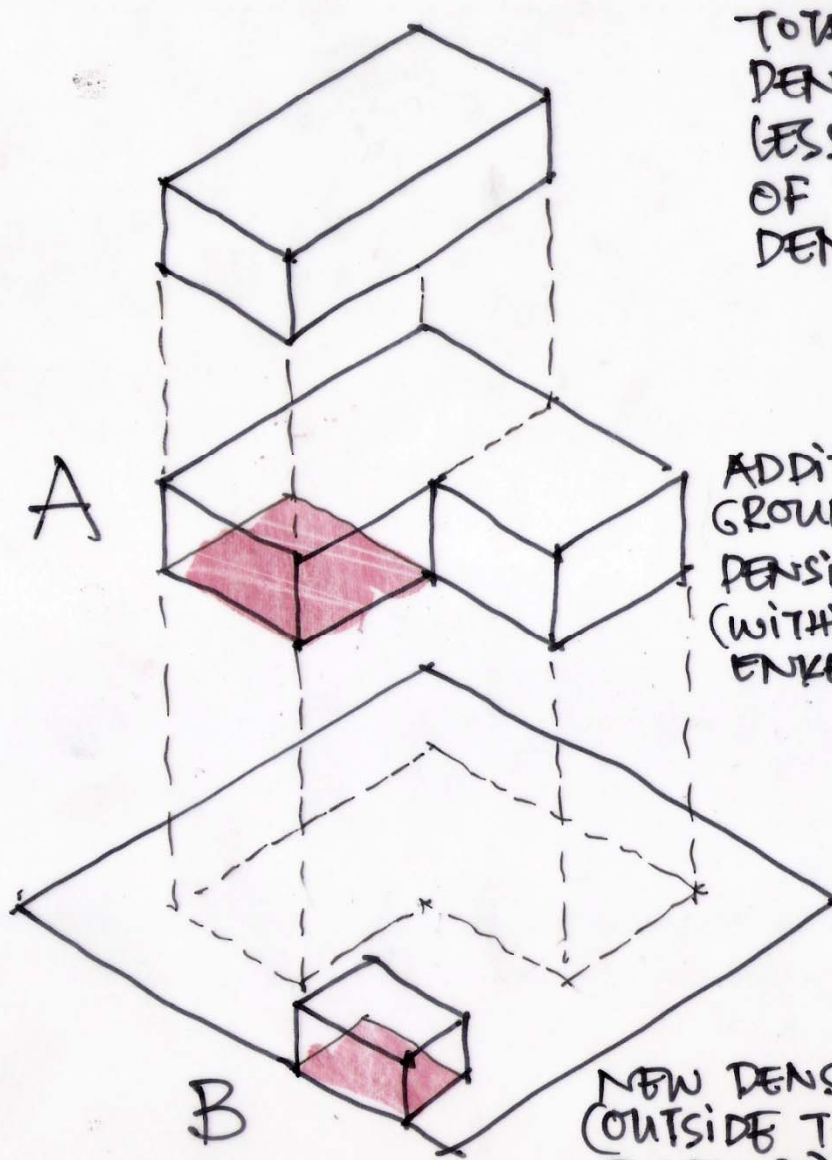
Planning Permits will be valid for longer periods and might be automatically extended under specific circumstances.

Temporary Provisions

In all cases a Planning Permit (and / or a Building Permit) should have been issued for the development, although it might have expired.

Excessive density should be 30% of the allowed density and no more than 10% outside the approved envelope (diagram). A fine will be paid for this, corresponding to a fraction of the value of the land area that should exist for the building to be legal. Alternatively, density can be transferred from another plot (which then becomes public property) or from a listed building. A 20% discount will apply for the first year and 10% for the second.

Excessive coverage, building height, number of floors, distances from boundaries, changes to the layout of buildings etc can be accepted under circumstances. No fine is needed for these irregularities but corrective measures would be required.



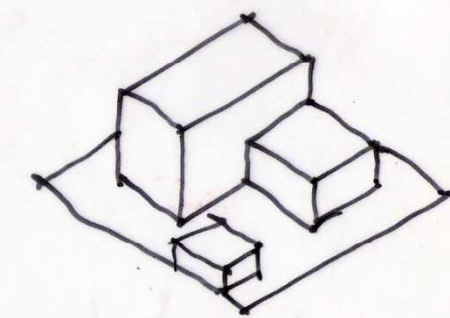
TOTAL EXCESS
DENSITY A+B
LESS THAN 30%
OF TOTAL
DENSITY

ADDITIONAL
GROUND FLOOR
DENSITY
(WITHIN THE
ENVELOPE)

NEW DENSITY
(OUTSIDE THE
ENVELOPE)



LESS THAN
10% OF
TOTAL DENSITY



The Buildings and Roads Law

Permanent Provisions

An application for a Division Permit will accompany the application for a Building Permit.

Small deviations from the Planning Permit are allowed.

The owner and / or the supervising architect / civil engineer are responsible to report to the authorities that the building is completed or occupied and a CoC must be issued. Legal penalties can be applied.

Three types of CoC can be issued (and these will reflect on the resulting title deeds).

- a. Normal
- b. With minor irregularities that can be corrected.
- c. Major irregularities. These can not be transferred.

Temporary Provisions

Small scale excess density can be allowed to the building: Maximum 10% of the permitted density and half of it to be included in the building envelope. Fines as per the Town Planning Law.

Minor changes can be covered like excessive building height, changes to the internal layout of the building, changes to the doors and windows and other architectural characteristics.

Real life scenarios

1. Building has excessive density. This could be the result of enclosing a covered terrace with glass or walls, building a new pool house, closed garage or other extension, introducing an intermediate floor in an atrium etc

If excess is within legal requirements (check for new zoning provisions), apply for a revision of your Planning / Building Permit. Otherwise, use Amnesty provisions. If the excess is even bigger, use the Relaxation provisions of the Planning Law.

2. Building has excessive coverage. A new carport was built or some other structure taller than 1.20m. Sometimes this results from raising the levels of the building during construction. Pergolas do not count provided they are not water tight.

If excess is within legal requirements, apply for a revision of your Building Permit. Otherwise, use the Amnesty provisions. Corrective measures will be asked for, like additional planting, elevation improvements etc.

3. Your developer has not completed the project or has irregularities but your flat / maisonette is habitable, built according to the permits and has decent access (not necessarily public).

You can apply for a CoC and then for the corresponding title deeds. These will be issued in the name of the developer but the court can force him to transfer the property to you (The Department of Lands and Surveys has no such authority). The thorny issue is usually mortgages, unpaid fees and other financial obligations that must be met. No Amnesty provision will be used by yourself but will be most probably necessary for the developer

4. A developer separated a piece of land into plots. Some are unfinished or were not properly built. Your plot is without problems, has decent access, it is paid for and you want your title deeds.

You can apply for a CoC exclusive to your plot and the resulting title deeds if the developer fails or is unwilling to do so on your behalf.

Thank you

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