

Section 9 The Content of the Legally Binding Land-Use Plan

(1) The legally binding land-use plan may on urban-planning grounds make designations regarding:

1. the type and degree of building and land use;
2. the coverage type, plot areas which may or may not be built on and the location of physical structures;
3. minimum dimensions for the size, width and depth of building plots, and also maximum dimensions for residential plots in the interests of economical and considerate exploitation of land;
4. spaces for secondary structures which are required in accordance with other regulations on the use of land, such as play, leisure and recreational areas, and car-parking spaces, garages and drive-ways;
5. spaces for common facilities and for sports and play areas;
6. the highest permitted number of dwellings in residential buildings, where such stipulation is required;
7. spaces which have been wholly or partly set aside for publicly subsidised housing developments;
8. spaces which have been wholly or partly set aside for housing developments for members of the population with special accommodation requirements;
9. special uses for sites;
10. spaces to be kept free from built development, with their use;
11. public thoroughfares including public thoroughfares for specific purposes, such as pedestrian areas, parking spaces for motor vehicles, and links from other spaces to the public thoroughfares;
12. spaces for local public infrastructure;
13. the location and course of public infrastructure installations and transmission routes;
14. spaces for waste disposal and drainage, including rainwater retention and seepage, and for tipping;
15. public and private green spaces, such as parks, allotment gardens, sports grounds and playgrounds, camping sites and bathing areas, cemeteries;
16. water bodies and spaces for water supply and distribution, for installations for flood control and for the control of drainage;
17. spaces for earth deposits, excavation and for quarrying for stone, earth and other minerals;
18. a) agricultural land and
b) woodland;
19. spaces for the construction of facilities for keeping small domestic animals and for exhibiting and breeding, kennels, paddocks, etc.;
20. measures for the protection, conservation and development of topsoil, of the natural environment and of the landscape, where these arrangements cannot be made in pursuance of other regulations, and spaces for measures for the protection, conservation and development of the natural environment and the landscape;
21. spaces to be encumbered with walking and driving rights and rights of passage in favour of the general public, an agency charged with the provision of public infrastructure or a limited group of persons;

22. spaces for community amenities to serve specific spatial areas, such as children's playgrounds, leisure facilities, parking spaces and garages;

23. areas in which, in order to provide protection against harmful environmental impact within the meaning of the Federal Control of Pollution Act, certain materials which give rise to air pollution may not be used, or used only within defined limits;

24. protected areas to be kept free from development with their uses, spaces for specific installations and measures to provide protection against harmful environmental impact within the meaning of the Federal Control of Pollution Act, and the provisions to be made, including building and other technical measures, to provide protection against such impact or to prevent or reduce such impact;

25. in respect of individual spaces or of areas covered by a binding land-use plan or parts thereof, and of parts of physical structures, excluding spaces given over to agricultural use or for woodland

a) planting of trees, shrubs and greenery of any other kind,

b) obligations relating to planting and to the preservation of trees, shrubs and greenery of any other kind and of water bodies;

26. spaces for mounds, cuttings and retaining walls, where these are required for road construction.

(1a) Spaces or measures intended to provide counterbalances within the meaning of Section 1a para. 3 may be designated on those plots on which intrusion harmful to nature and to the landscape is to be expected or at some other location either within the territory covered by the binding land-use plan in question or within the plan area of another binding land-use plan. Spaces or measures intended to provide a counterbalance at some other location may be assigned either wholly or in part to those areas in which intrusion harmful to nature and to the landscape is to be expected; this holds equally in the case of measures on land made available by the municipality.

(2) Designations under para. 1 may contain stipulations regarding altitude.

(3) Designations in accordance with para. 1 may be made separately for superimposed storeys and levels within a building and for other sections of buildings; this also applies in cases where the storeys, levels and other sections of buildings are proposed for construction below ground level.

(4) Federal states may rule to allow regulations based on federal state law to be included in the binding land-use plan as designations, and may determine to what extent the provisions of this Act shall apply to these designations.

(5) The binding land-use plan shall indicate:

1. spaces which, on development, will require special physical provisions to counter external forces, or for which special physical safeguarding measures are required as protection against the elements;

2. spaces which have mining below the surface, or which have been designated for the extraction of minerals;

3. spaces where the ground has been severely contaminated by hazardous materials.

(6) Designations made in accordance with other statutory regulations, and monuments as defined in federal state law [Landesrecht] shall be included in the binding land-use plan as a matter of record to the extent that this is deemed necessary or expedient with regard to its comprehensibility or for assessing planning applications from the point of view of urban development.

(7) The binding land-use plan defines the limits of its territorial validity.

(8) The binding land-use plan shall be accompanied by a statement of grounds for its adoption. This shall set out the aims, purposes and most significant effects of the binding land-use plan.