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THE UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT
PROJECT

LAND USE REGULATORY SYSTEM (ZONING)

**LAND USE AND DEVELOPMENT
REGULATIONS
OF THE CITY OF SAMARA**

Moscow
1997

These Regulations were developed as part of the Land Use Regulatory System (Zoning) Project. The Project was funded by the United States Agency for International Development and implemented by personnel from Planning Development Collaborative International, Inc (PADCO), the Urban Institute, the Institute for Urban Economics, and the Institute for a Law-Based Economy (ILBE) in the cities of Irkutsk, Kazan, Novgorod, Pushkin, Samara, St Petersburg, Tver, and Vyborg.

In addition to these Regulations, the Project published copies of the Zoning Ordinances for Kazan, Vyborg and special studies on the following issues: *The Development Process on Leased Land, Subdivision, Interjurisdictional Land Issues, Servitudes, Reservation of Land for Future Public Needs, Historical and Cultural Preservation, and Environmental Protection and Land Use Regulation*. The Project also published a Training Brochure and an aperiodic newsletter addressing land use issues.

Copies of these materials and additional information on zoning and land use may be obtained from the following organizations and individuals:

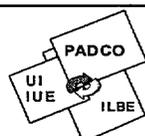
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HOUSING REFORM PROJECT
Land Use Regulatory System (Zoning)
United States Agency for International Development

**LAND USE AND DEVELOPMENT REGULATIONS
OF THE CITY OF SAMARA**

CONTENTS

PART I

**CONTENT AND PROCEDURE OF REGULATION OF LAND USE AND
DEVELOPMENT**

Section 1 General Provisions

Chapter 1 Grounds for introduction and purpose of these Regulations Amendment of the Regulations

Article 1 Legal grounds and scope of effect

Article 2 Content and purpose

Article 3 Openness and accessibility of information on land use for citizens

Chapter 2 Rights of uses of real estate existing before these Regulations

Article 4 General provisions relating to existing uses

Article 5 Use and construction changes to legal non-conforming uses

Chapter 3 Amending these Regulations

Article 6 Grounds and types of amendments

Article 7 Amendment of development standards

Article 8 Rezoning

Article 9 Technical amendments

Section 2 Procedure for obtaining, altering and terminating rights in land parcels

Chapter 4 Procedure for primary allocation of land parcels by means of long-term lease upon application by natural or corporate persons

Article 10 Major process stages

Article 11 Procedure "A", allocation of land parcel by means of long-term lease prior to design

Article 12 Procedure "B", allocation of land parcel after design

Chapter 5 Right to Land Use Certificate in connection with application for ownership of land parcels or granting of long-term rights by means of auctions and tenders

Article 13 Existing allocation procedures

Article 14 Applications for ownership of land parcels and auctions and tenders for granting rights in land parcels

Chapter 6 Termination of rights in land parcels and fixing public servitudes

Article 15 Withdrawal of land parcels for public use

Article 16 Fixing public servitudes

Section 3 Control of development, construction and use of land by persons with long-term rights

Chapter 7 General scheme of regulation of land use and development and liability for infringement of these Regulations

Article 17 Legal zoning and its consequences

Article 18 Other controls

Article 19 Subjects of control

Article 20 Types of control and types of construction changes

Article 21 General zoning approvals

Article 22 Special zoning approvals

Article 23 Permit for construction

Article 24 Control during construction

Article 25 Commissioning and right to occupy and use

Article 26 Control over use of real estate

Chapter 8 Special provisions with respect to individual houses, garages and other structures

Article 27 Coordination of applications for allocation of land parcels and construction permit for individual houses, garages and other structures

Article 28 Effect of these Regulations on construction of individual houses garages and temporary structures

Chapter 9 Liability for infringement of these Regulations

Article 29 Liability of officials

Article 30 Liability of real estate owners

Chapter 10 Bodies empowered to exercise regulation and control of land use and development

Article 31 Chief Architect's Office

Article 32 Administration Land Use and Development Committee

Article 33 Land Use and Development Commission

Article 34 Procedures for appeals heard by the Land Use and Development Commission

Article 35 Procedures for public hearings held by Land Use and Development Commission

Section 4 Definitions of legal zoning terms

PART II DESCRIPTION OF TERRITORIAL ZONES AND PARAMETERS OF PERMITTED USE OF LAND PARCELS

Chapter 11 Contents of legal zoning

- Article 36 General description of the map of legal zoning of the city area
- Article 37 General description of the characteristics of the territorial zones
- Article 38 Variances (change of parameters in special circumstances)
- Article 39 Parameters of permitted construction during the transition period of implementation

Chapter 12 Description of territorial zones shown on the legal zoning map

- Article 40 Types of zones
- Article 41 Planned development subzones
- Article 42 Zones of historical protection and ecological limitation

Chapter 13 List of permitted and special zoning approval uses in each zone

Chapter 14 Development parameters and construction limitations within each zone

Chapter 15 Legal Zoning Maps

LAND USE AND DEVELOPMENT REGULATIONS OF THE CITY OF SAMARA

PART I

CONTENT AND PROCEDURE OF REGULATION OF LAND USE AND DEVELOPMENT

Section 1 General Provisions

Chapter 1 Grounds for introduction and purpose of these Regulations Amendment of the Regulations

Article 1 Legal grounds and scope of effect

- 1 1 These Land Use and Development Regulations of the City of Samara (hereinafter referred to as Regulations) are a local legal act adopted by the City of Samara under the *Constitution of the Russian Federation*, the *Law on the General Principles of Local Self-Government* of the Russian Federation and the *City Charter* of the City of Samara
- 1 2 These Regulations apply within the boundaries of the City of Samara, and within any territory added to the City in future They are binding on all state authorities, local self-government agencies, officials, individuals and legal entities and in respect of all parcels of land, buildings and structures, irrespective of ownership These Regulations govern the work of the aforementioned subjects in respect of
- legal zoning of the City area
 - creation of new parcels and modification of parcel boundaries
 - changes to uses of land parcels, buildings and structures
 - construction, alteration, enlargement and capital repair of buildings and structures
 - implementation of projects of development or redevelopment of areas, including construction of buildings, structures, streets, utility lines and land improvement
 - allocation of land parcels
- 1 3 Laws and standards established in order to ensure life safety, health, environmental protection and historical preservation will be applied along with these Regulations Other legal acts of the City of Samara and its local self-government agencies are applied insofar as they do not contradict these Regulations
- 1 4 These Regulations are adopted by City Duma as a local legal act of permanent operation Amendments to the Regulations, including changes to zones, may be made according to Chapter 3

Article 2 Content and purpose

- 2 1 The purpose of these regulations is to provide for
- the orderly and efficient development and use of land
 - the prevention of harmful or conflicting uses of land
 - ensuring the implementation of plans of city development, including the efficient provision of engineering infrastructure
 - the protection of land and buildings of historical, environmental or other importance
 - the clarification and guarantee of the rights of occupants of land and buildings
 - public access and input to the decision-making process concerning land use issues
- 2 2 These purposes are implemented by means of a comprehensive scheme of legal zoning under which the territory of the City of Samara is divided into zoning districts, with clear rules specified governing the use and development of land and construction parameters

within each zone. In a zone, certain uses of land will be permitted “as of right” and certain others may be given special zoning approval in accordance with the procedures set out in these Regulations. The boundaries of parcels of land are fixed and the types and parameters of permitted use apply to the formalized real estate unit. Each parcel of land is subject to rules governing the size and location of buildings. The allocation and subdivision of land must be in accordance with approved plans meeting design standards.

- 2.3 The right to use and build on a land parcel applies equally to all parcels within the same zone regardless of the form of ownership, with the exception of historical landmarks included in the special lists in respect of which decisions are taken by the authorized government agencies according to the historic preservation legislation.

Article 3 Openness and accessibility of information on land use for citizens

- 3.1 These Regulations including all maps and appendices shall be open to individuals and legal entities. The City shall publish the Regulations in a mass edition and distribute it among the people.
- 3.2 The City shall provide to individuals and legal entities copies of this Regulation or of extracts from it, including extracts describing land use conditions with respect to particular parcels, upon request and payment of the cost in accordance with the tariff set by the decree of the Mayor.

Chapter 2 Rights of uses of real estate existing before these Regulations

Article 4 General provisions relating to existing uses

- 4.1 The passing of these Regulations does not affect a building or structure or use that was legally in existence prior to the coming into force of these Regulations. The building or structure or use may continue in accordance with this Article as a legal non-conforming building or use.
- 4.2 When these Regulations are amended or land is rezoned, the amendment or rezoning does not affect a building or structure or use that was legally in existence prior to the coming into force of the amendment or rezoning. The building or structure or use may continue in accordance with this Article as a legal non-conforming building or use.
- 4.3 A building or structure that was legally under construction or for which a construction permit was in effect prior to these Regulations or prior to an amendment or rezoning may be completed as a legal non-conforming use, except where the construction is not started within the period required under the permit.

Article 5 Use and construction changes to legal non-conforming uses

- 5.1 A legal non-conforming building or structure may be repaired or reconstructed, but not in such a manner as to increase the non-conformity of the site.
- 5.2 A legal non-conforming use may not be increased or intensified.
- 5.3 A legal non-conforming use may not be changed to another non-conforming use.
- 5.4 A legal non-conforming building or structure which is substantially destroyed may not be rebuilt except in conformity with current use and development standards.
- 5.5 If a legal non-conforming use of land or of a building or structure is discontinued for 18 consecutive months, it may not be resumed.
- 5.6 Where the above rules prevent the effective use of a site, the owner may apply for special zoning approval as a variance under Article 22 of these Regulations, and the restrictions set out in this Article may be relaxed with respect to the site.

Chapter 3 Amending these Regulations

Article 6 Grounds and types of amendments

6 1 These Regulations are a local legal act adopted by the City Duma, and as such may be amended by the City Duma

6 2 There are 3 types of amendments requiring different procedures

- An amendment affecting the permitted uses and parameters and standards of development set out in Part II as they apply generally (“amendment to development standards”)
- An amendment affecting the Zoning Map as it applies to a particular parcel or parcels of land (“rezoning”)
- Amendments to the text of a technical, administrative or legal nature (“technical amendments”)

Article 7 Amendment of development standards

7 1 The Land Use and Development Commission may prepare a draft amendment to the development standards. The Administration Land Use and Development Committee may submit a proposed amendment to the Commission for its consideration

7 2 If it wishes to proceed with the proposed amendment, the Commission must give public notice and hold a public hearing in accordance with Article 35

7 3 Following the public hearing the Commission, if it wishes to proceed with the amendment, shall submit the amendment with its recommendation to City Duma

7 4 If City Duma approves the amendment, the amendment comes into effect on the date a notice is published in the local press

Article 8 Rezoning

8 1 “Rezoning” refers to a change to the Zoning Map which places one or more parcels of land in a different zoning district

8 2 A request for rezoning may be initiated by an applicant for a construction permit, an applicant for land allocation, the Chief Architect or the Administration Land Use and Development Committee

8 3 The request is proceeded with by way of application to the Land Use and Development Commission in the manner of a special zoning approval in accordance with Article 22

8 4 A request by an applicant must be accompanied by the information set out in Article 22, plus additional information showing the need for and benefits of the development so as to justify a rezoning

8 5 The procedures of Article 22 apply (including a public hearing in accordance with Article 35) except that a decision of the Land Use and Development Commission in favor of the rezoning is in the form of a recommendation to City Duma, and the City Duma makes the decision whether to rezone

8 6 A rezoning may be approved subject to the following conditions

- a condition that the amendment does not come into effect unless construction of the proposed development is started no later than 2 years after the date of approval by City Duma
- a condition that the applicant enter into a Zoning Agreement with the City dealing with the following matters
 - (f) deleting certain of the permitted uses as they affect the site,
 - (g) changing certain of the development standards as they affect the site
- any conditions that may be imposed with respect to a special zoning approval

8 1 If City Duma approves a rezoning, a notice to that effect must be published in a local newspaper within 15 days

Article 9 Technical amendments

9 1 A technical amendment may be proposed by the Chief Architect or the Administration Land Use and Development Committee. If in the opinion of the Land Use and Development Commission the amendment is of a technical nature and for that reason no public discussion is necessary, the Commission may submit the proposed amendment directly to City Duma for approval.

Section 2 Procedure for obtaining, altering and terminating rights in land parcels

Chapter 4 Procedure for primary allocation of land parcels by means of long-term lease upon application by natural or corporate persons

Article 10 Major process stages

10 1 Primary allocation of land parcels to natural and corporate persons (hereinafter referred to as Applicants) is to be carried out by way of long-term lease (49 years), by agreement between the Applicant and City Administration for payment.

10 2 In accordance with the Applicant's wish, land parcels may be leased for a period of less than 49 years, including the period of designing, construction, completion of sales of constructed real estate, etc. In every case, the leasehold contract must stipulate the specific period of validity of the contract as well as the schedule of payments for the leasehold right.

10 3 These procedures apply to all situations where a natural or corporate person applies for allocation of a land parcel, whether the Applicant has a specific parcel in mind or is looking for a parcel with certain features.

10 4 Allocation of a land parcel to an Applicant may be performed by one of two procedures, "A" or "B". The choice of procedure is determined by

- whether it is possible to determine definitely at the time of application what are the requirements, restrictions and parameters of construction
- agreement between the Applicant and Chief Architect on the procedure to be used

10 5 Procedure "A" provides for the transfer of long-term rights prior to the design stage. It is applicable in the following cases

- The area in which the parcel is located is regulated by requirements, restrictions and parameters set by these Regulations, or there are design or other urban development / town-planning studies sufficient for accurate definition of the parameters of the parcel and the proposed construction, as well as requirements to be met and restrictions to be imposed for its implementation
- There is the Applicant's consent for the use of Procedure "A"

10 6 Procedure "B" provides for the transfer of long-term rights after the execution of the design at the agreed scope. It is applicable in the following cases

- The area in which the parcel is located is not regulated by requirements, restrictions and parameters set by these Regulations, or there are no design or other urban development / town-planning studies sufficient for accurate definition of the parameters of the parcel and the proposed construction, nor requirements to be met and restrictions to be imposed for its implementation
- The Applicant wishes to apply Procedure "B" regardless of the conditions of Article 10 5, and the Chief Architect consents

10 7 Where the Applicant and the Chief Architect disagree as to whether these Regulations or current studies are sufficient for the clear choice of procedure, the question shall be referred to the Land Use and Development Commission for its decision in accordance with Article 34.

10 8 These procedures do not apply to the allocation of land parcels for individual houses, garages and temporary facilities See Chapter 8

Article 11 Procedure “A”, allocation of land parcel by means of long-term lease prior to design

11 1 An application for allocation of a land parcel for proposed construction may be made by a natural or corporate person to the Chief Architect’s Office (hereinafter referred to as CAO)

11 2 The application must be accompanied by

- a completed application form containing basic information including use of parcel, kind of building, size, requirements for water, sewer, electricity, gas, heat, telephone, radio, television, etc
- a letter from a bank certifying that the applicant is solvent (has enough funds to pay)
- if the applicant is a corporate person, proof that it is registered in the City of Samara
- the established fee for coordination of the application

11 3 CAO registers the application and prepares a Parcel Use Certificate on the basis of these Regulations and/or urban development/town-planning documentation The Parcel Use Certificate includes

- topographic plan with boundaries of the parcel
- description of the location and area and dimensions of the parcel
- types of permitted uses of the parcel (with reference to these Regulations)
- restrictions on the parameters of the development (number of stories or height, separation from the boundaries, maximum area of the premises, floor area ratio, etc)
- special requirements for the construction, if any (historical preservation, facade appearance, materials, etc)
- specifications of municipal services for connection to supply lines

11 4 Where the Applicant does not apply for a specific parcel of land, CAO must prepare its proposal on the location of the parcel within one month of the date of submission of the application

11 5 Where CAO has prepared a proposal on the location of the parcel, the Applicant must indicate the acceptability of the parcel proposed within one month of being notified, and if he does not the Application may be considered to be abandoned

11 6 Where the Applicant has applied for a specific parcel, or where the Applicant is satisfied with the parcel proposed by CAO, CAO prepares requests for technical conditions and special requirements from all infrastructure organizations and special state bodies relevant to the project, including the following

- Production Directorate of Water Supply and Sewer
- «Samaragaz» Trust
- Samara Heating System
- Samara Electric Power Network
- City Radio Transmission Network
- Samara City Telephone Network
- «Remstroiblagoustroistvo» (Repairs, Construction and Development) Municipal Enterprise
- «Samaragaz» Pipelines Protection Service
- «Samaragorsvet» Municipal Enterprise
- Samara Tramline and Trolley Bus Directorate
- Main Union Communications and Television Office
- Samara Trunk-line Operating Center

- Spetsremstroizelenkhoz (Specialized Repairs, Construction and Landscaping)
- Samara Inter-district Committee for Environment and Natural Resources
- Sanitary and Epidemiological Control City Center

CAO must prepare these requests and give them to the Applicant within one week of receiving the application or of receiving the Applicant's consent to the parcel proposed

11 7 The Applicant must submit the requests to each of the organizations and bodies required by CAO

11 8 The relevant infrastructure organizations and special state bodies are to furnish the requested technical conditions and special requirements to the Applicant within one month of receiving the request

11 9 In cases where the site is located within the boundaries of historic preservation zones or zones of ecological limitations (fixed in the Zoning Maps, Part II of these Regulations), CAO is to prepare requests for special requirements to Historic Preservation Department or State Environmental Committee of Experts, who must provide their written conclusions within one month of receiving the request

11 10 CAO shall complete the Parcel Use Certificate within one week of receiving all of the requested technical conditions and special requirements from the Applicant, and give a copy of the Certificate to the Applicant

11 11 The Applicant submits the Parcel Use Certificate to the Economy and Forecasting Department which shall prepare an opinion of the appraisal of the market value of the long-term rights on the basis of the restrictions, requirements and specifications stipulated in the certificate. The Department must prepare the opinion within one month of receiving the Certificate

11 12 Land Resources and Land Management Committee negotiates the amount and schedule of payment and other terms and conditions of the contract with the Applicant, and prepares a draft contract for long-term lease or purchase and sale

11 13 The contract is not to contain any restrictions, requirements or specifications affecting the permitted use or construction which are not contained in the Parcel Use Certificate

11 14 After agreement is reached with the Applicant on the boundaries and area/dimensions of the parcel, the price and other terms and conditions of the contract, CAO prepares a draft resolution of the Head of City Administration on lease of the parcel. The draft resolution will have attached to it

- the Parcel Use Certificate
- an updated plan of the parcel (boundaries with precise coordinates)
- draft contract of lease

The draft resolution must be coordinated by

- Deputy Head of City Administration
- Economy and Forecasting Committee
- CAO/General Agency of Architecture and Urban Development
- City Land Resources and Land Management Committee
- Legal Department of City Administration
- Production Directorate of Water Supply and Sewer
- «Samaragaz» Trust
- Samara Heating System
- Samara Electric Power Network
- City Radio Transmission Network
- Samara City Telephone Network
- «Remstroiblagoustroistvo» (Repairs, Construction and Development) Municipal

Enterprise

- «Samaragaz» Pipelines Protection Service
- «Samaragorsvet» Municipal Enterprise

- Samara Tramline and Trolley Bus Directorate
 - Main Union Communications and Television Office
 - Samara Trunk-line Operating Center
 - Spetsremstroizelenkhoz (Specialized Repairs, Construction and Landscaping)
 - Samara Inter-district Committee for Environment and Natural Resources
 - Sanitary and Epidemiological Control City Center
 - Applicant
- 11 15 CAO may cancel the application if the draft resolution is not coordinated within 3 months of the date the Parcel Use Certificate was issued. However, if the delay is not caused by the Applicant, the time for cancellation must be extended.
- 11 16 After approval of the resolution, Land Resources and Land Management Committee prepares a contract for lease, with the Parcel Use Certificate and other legitimating documents attached.
- 11 17 The Applicant shall contract with City Geodetic Agency, or with its permission a properly licensed outside agency or surveyor, for outlining parcel boundaries in the field.
- 11 18 The Land Resources and Land Management Committee registers the land parcel and lease contract.
- 11 19 After long-term rights in the parcel are granted, design and construction take place in accordance with Article 23.
- 11 20 The Parcel Use Certificate is valid for the purposes of construction permit for a period of 2 years from the date of the draft resolution.

Article 12 Procedure “B”, allocation of land parcel after design

- 12 1 An application for allocation of a land parcel for proposed construction may be made by a natural or corporate person to the Chief Architect’s Office (hereinafter referred to as CAO).
- 12 2 The application must be accompanied by
- a completed application form containing basic information including use of parcel, kind of building, size, requirements for water, sewer, electricity, gas, heat, telephone, radio, television, etc
 - a letter from a bank certifying that the applicant is solvent
 - if the applicant is a corporate person, proof that it is registered in the City of Samara
 - the established fee for coordination of the application
- 12 3 CAO registers the application and prepares a Parcel Use Certificate on the basis of these Regulations and/or urban development / town-planning documentation. The Parcel Use Certificate includes
- topographic plan with boundaries of the parcel
 - description of the location and area and dimensions of the parcel
 - types of permitted uses of the parcel (with reference to these Regulations)
 - restrictions on the parameters of the development (number of stories or height, separation from the boundaries, maximum area of the premises, floor area ratio, etc)
 - special requirements for the construction, if any (historical preservation, facade appearance, materials, etc)
 - specifications of municipal services for connection to supply lines
- 12 4 Where the Applicant does not apply for a specific parcel of land, CAO must prepare its proposal on the location of the parcel within one month of the date of submission of the application.

- 12 5 Where CAO has prepared a proposal on the location of the parcel, the Applicant must indicate the acceptability of the parcel proposed within one month of being notified, and if he does not the Application may be considered to be abandoned
- 12 6 Where the Applicant has applied for a specific parcel, or where the Applicant is satisfied with the parcel proposed by CAO, CAO prepares requests for technical conditions and special requirements from all infrastructure organizations and special state bodies relevant to the project, including the following
- Production Directorate of Water Supply and Sewer
 - «Samaragaz» Trust
 - Samara Heating System
 - Samara Electric Power Network
 - City Radio Transmission Network
 - Samara City Telephone Network
 - «Remstroiblagoustroistvo» (Repairs, Construction and Development) Municipal Enterprise
 - «Samaragaz» Pipelines Protection Service
 - «Samaragorsvet» Municipal Enterprise
 - Samara Tramline and Trolley Bus Directorate
 - Main Union Communications and Television Office
 - Samara Trunk-line Operating Center
 - Spetsremstroizelenkhoz (Specialized Repairs, Construction and Landscaping)
 - Samara Inter-district Committee for Environment and Natural Resources
 - Sanitary and Epidemiological Control City Center
- CAO must prepare these requests and give them to the Applicant within one week of receiving the application or of receiving the Applicant's consent to the parcel proposed
- 12 7 The Applicant must submit the requests to each of the organizations and bodies required by CAO
- 12 8 The relevant infrastructure organizations and special state bodies are to furnish the requested technical conditions and special requirements to the Applicant within one month of receiving the request
- 12 9 In cases where the site is located within the boundaries of historic preservation zones or zones of ecological limitations (fixed in the Zoning Maps, Part II of these Regulations), CAO is to prepare requests for special requirements to Historic Preservation Department or State Environmental Committee of Experts, who must provide their written conclusions within one month of receiving the request
- 12 10 CAO shall complete the Parcel Use Certificate within one week of receiving all of the requested technical conditions and special requirements from the Applicant, and give a copy of the Certificate to the Applicant
- 12 11 The Applicant contracts with a properly licensed natural or corporate person for the development of design architectural and construction documentation on the basis of the Parcel Use Certificate
- 12 12 The Applicant submits the architectural and construction documentation to CAO and to the relevant infrastructure organizations and special state bodies specified by CAO for their approval. These organizations and bodies must give to the applicant their written conclusions about approval within 3 weeks of receiving the documentation
- 12 13 In cases where the site is located within the boundaries of historic preservation zones or zones of ecological limitations (fixed in the Zoning Maps, Part II of these Regulations), the applicant must at the same time submit the design architectural and construction documentation to Historic Preservation Department or State Environmental Committee of Experts, who must give to the applicant their written conclusions within 3 weeks of receiving the documentation

- 12 14 After approval/coordination of the design architectural and construction documentation, the Applicant applies to CAO for obtaining long-term rights in the parcel and construction permit. The application must be accompanied by the materials of the approved design.
- 12 15 The Applicant applies to the Economy and Forecasting Department which shall prepare an opinion of the appraisal of the market value of the long-term rights on the basis of materials of the approved design. The Department must prepare the opinion within one month of receiving the Certificate.
- 12 16 Land Resources and Land Management Committee negotiates the amount and schedule of payment and other terms and conditions of the contract with the Applicant, and prepares a draft contract for long-term lease.
- 12 17 The contract is not to contain any restrictions, requirements or specifications affecting the permitted use or construction which are not contained in the Parcel Use Certificate.
- 12 18 After agreement is reached with the Applicant on the price and other terms and conditions of the contract, CAO prepares a draft resolution of the Head of City Administration on lease of the parcel and construction permit. The draft resolution will have attached to it
- the Parcel Use Certificate
 - an updated plan of the parcel (boundaries with precise coordinates)
 - draft contract of lease or purchase and sale
- The draft resolution must be approved/coordinated by
- Deputy Head of City Administration
 - Economy and Forecasting Committee
 - CAO/General Agency of Architecture and Urban Development
 - City Land Resources and Land Management Committee
 - Legal Department of City Administration
 - Production Directorate of Water Supply and Sewer
 - «Samaragaz» Trust
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 - Main Union Communications and Television Office
 - Samara Trunk-line Operating Center
 - Spetsremstroizelenkhov (Specialized Repairs, Construction and Landscaping)
 - Samara Inter-district Committee for Environment and Natural Resources
 - Sanitary and Epidemiological Control City Center
 - Applicant
- 12 17 CAO may cancel the application if the draft resolution is not coordinated within 6 months of the date the Parcel Use Certificate was issued. However, if the delay is not caused by the Applicant, the time for cancellation must be extended.
- 12 18 After approval of the resolution, Land Resources and Land Management Committee prepares a contract for lease, with the Parcel Use Certificate and other legitimating documents attached.
- 12 19 The Applicant shall contract with City Geodetic Agency, or with its permission a properly licensed outside agency or surveyor, for outlining parcel boundaries in the field.

12 20 The Land Resources and Land Management Committee registers the land parcel and lease contract

12 21 Permit for construction expires if the construction is not started within 2 years of the date of the draft resolution

Chapter 5 Right to Land Use Certificate in connection with application for ownership of land parcels or granting of long-term rights by means of auctions and tenders

Article 13 Existing allocation procedures

13 1 The following actions

- the transfer of land parcels from municipal property (or any kind of property) to ownership
- the allocation of land parcels initiated by the City by means of auctions and tenders,

will be carried out in accordance with the current legislation and normative legal acts of the Russian Federation and Samara Oblast and other regulations of the City of Samara

13 2 In addition to the rights and procedures provided in those laws and regulations, persons may, but are not required to, apply for a Land Use Certificate in such cases

Article 14 Applications for ownership of land parcels and auctions and tenders for granting rights in land parcels

14 1 After a natural or corporate person has made an application to the appropriate authority for transfer of ownership of a land parcel from municipal or other property to ownership, and the application has been accepted, the person has the right to apply to CAO for a Land Use Certificate in respect of that parcel of land

14 2 After a natural or corporate person has been chosen by means of an auction or tender as the person to whom long-term rights in a parcel of land will be granted, and has begun the procedure to obtain the parcel, the person has the right to apply to CAO for a Land Use Certificate in respect of that parcel of land

14 3 In such cases the application requirements, coordination of approvals and other procedures set out in Articles 11 and 12 will apply, with necessary changes

Chapter 6 Termination of rights in land parcels and fixing public servitudes

Article 15 Withdrawal of land parcels for public use

15 1 A land parcel may be withdrawn for public use if the public use is to be implemented by a planning project which has been approved according to the procedures set out in these Regulations, including obligatory public hearings. The foundation for the decision to withdraw is proper if the following conditions are in place

- there is evidence proving the public need
- there is no other means of meeting the public need other than withdrawal of part or all of the land parcel

15 2 Land parcels are withdrawn according to the procedures set by the civil and land legislation of the Russian Federation

Article 16 Fixing public servitudes

16 1 State government agencies and local self-government agencies are entitled to require a limited right to use private real estate (land parcels and other real estate sites) in order to implement public needs, by means of public servitudes to provide free passage through a land parcel, installation, use and repair of electric power lines, communication lines and

pipelines, for historical preservation, and other public needs which cannot be met without public servitudes

16 2 In preparing and approving land parcels, plans for development and construction and other documents under these Regulations, City Administration may make provision for new public servitudes where they are necessary

16 3 Public servitudes are created according to the procedures set by the civil and land legislation of the Russian Federation

Section 3 Control of development, construction and use of land by persons with long-term rights

Chapter 7 General scheme of regulation of land use and development and liability for infringement of these Regulations

Article 17 Legal zoning and its consequences

17 1 The territory of Samara is divided into zoning districts, in accordance with the text and maps contained in Part II. A parcel of land is subject to the use and development standards that apply within the zoning district in which it is found. An occupant of the parcel has the right to use the land or building for any use listed as a permitted use and to construct buildings for that purpose, subject to these Regulations and any other applicable laws. Other listed uses may be approved in accordance with the procedure for special zoning approval set out in Article 22. If a use is not listed as a permitted use or special zoning approval use, then it cannot be carried out unless there is a rezoning. Certain of the land use and development standards (building size, distance from parcel boundary, etc.) may be relaxed in respect of a particular parcel of land as a variance in accordance with the special zoning approval procedures.

17 2 Except where it is specifically prevented by these Regulations, uses or structures which are normally part of the main use of a parcel, called accessory uses or structures, are permitted in conjunction with the principal use to which they are an accessory. However, unless a temporary permit is obtained, no accessory structure may be built prior to the time of construction of the principal building to which it is accessory, or prior to the establishment of the principal use of the land where no principal building is required.

Article 18 Other controls

18 1 No development, construction or use of a land parcel or building may be authorized under these Regulations unless the development, construction or use has also been authorized by the appropriate state authorities under historic preservation legislation of the Russian Federation.

18 2 Control over use and construction alteration is also governed by obligatory standards and requirements of life and health safety, nature protection and historic preservation which are listed in construction rules and regulations, as well as in other legal acts and documents.

18 3 Also remaining in effect until and unless changed in accordance with these Regulations are approved planning projects of the city areas (blocks, micro-rayons and rayons), approved urban development and town-planning documents, other documents related to setting of red lines, existing and planned boundaries of land parcels, and obligatory requirements for the preparation of planning documentation.

Article 19 Subjects of control

19 1 Control over use and construction alterations of real estate sites is enforced by

- City Duma, with respect to approving amendments to these Regulations and rezoning

- Head of City Administration, with respect to passing resolutions on granting long-term rights in parcels of land
- Land Use and Development Commission, with respect to recommendations for amendments to these Regulations and rezoning and granting special zoning approvals
- Chief Architect's office / General Agency of Architecture and Urban Development, with respect to examination of development proposals of real estate owners, granting Parcel Use Certificates, approving design tasks, and granting construction permits
- infrastructure and power supply organizations with respect to supply of services and setting of technical conditions
- other bodies exercising functions of examination of development proposals for compliance with requirements under their jurisdiction State Committee for Ecological Expertise, Center of Sanitary & Epidemiological Control, Historic Preservation Department
- Land Resource and Management Committee

19 2 Control is enforced in respect of real estate owners and their representatives (constructors, developers) who possess rights to use these real estate sites, to prepare and implement construction alterations Control is also enforced in respect of legal entities and natural persons who do not possess long-term rights for real estate sites, but are preparing conditions for entry into such authority by means of development and implementation of appropriate projects

Article 20 Types of control and types of construction changes

20 1 Control over land use and development is enforced in the form of

- expert review of design and town-planning documentation by independent boards of experts
- examination of development proposals of persons applying for the granting of long-term rights in land parcels without design and the granting of Parcel Use Certificates in accordance with Article 10
- examination of development proposals of persons applying for the granting of long-term rights in land parcels after design and the granting of Parcel Use Certificates and design approvals in accordance with Article 11
- examination of development proposals of owners of real estate sites as far as compliance with these Regulations is concerned and the granting of general zoning approval or special zoning approval if conformity is established
- examination of design architectural and construction documents for their compliance with construction rules and requirements contained in these Regulations and in other legal acts and documents with issuance of a construction permit if conformity is established
- inspection during the process of implementation of construction as well as after the construction is finished with granting permits for use in cases of conformity with approved architectural and construction documents

20 2 Development of real estate implemented according to these Regulations is divided into changes for which

- zoning approval and construction permit are not needed
- zoning approval (special or general) and construction permit are needed

20 3 Zoning approval (special or general) as well as construction permit are not needed for such construction alterations which according to their purposes, character and volume cannot lead to violation of these Regulations, obligatory requirements and standards These include

- current renovations, not involving fundamental rebuilding and internal re-planning
- replacement of equipment, as long as it does not decrease the level of safety and does not involve alteration of the fundamental structure of the building
- internal renovations
- other similar non-significant alterations of real estate sites

Zoning approval also is not needed for change of one type of permitted use of real estate into another type of permitted use, provided that

- the type of use chosen by the owner is not one which requires special zoning approval
- the change of use is not connected with alteration of physical parameters and fundamental characteristics of a real estate site

20 4 When a Parcel Use Certificate has been granted under Chapters 4 or 5 in connection with the primary allocation of a parcel of land, zoning approval is not required in respect of that real estate parcel for the construction which is authorized under the Certificate, provided that construction starts no later than 3 years after the Certificate is granted

20 5 For construction, except for those types mentioned in this Article 20 3, construction permit is needed in addition to zoning approval (special and general)

Article 21 General zoning approvals

21 1 General zoning approval establishes the fact of compliance of construction intentions of real estate owners with these Regulations. This compliance may be established before or together with acquisition of a construction permit. A Parcel Use Certificate has the same effect of establishing compliance of construction intentions with these Regulations

21 2 An application for general zoning approval for a land parcel for proposed construction may be made by a natural or corporate person to the Chief Architect's Office (hereinafter referred to as CAO). The person must be the owner or lessee of the land parcel or have the written authorization of the owner or lessee to make the application

21 3 The application must be accompanied by

- proof of ownership or leasehold
- a letter from a bank certifying that the applicant is solvent
- if the applicant is a corporate person, proof that it is registered in the City of Samara
- a plan of the parcel development which contains indication of all existing and planned buildings, information on proposed types of use, total space (volume), number of floors, height, open spaces, car parking spots, connection to central engineering supply lines or on establishment of an autonomous supply system
- the established fee for processing of the application

21 4 CAO prepares requests for technical conditions and special requirements from all infrastructure organizations and special state bodies relevant to the project, including the following

- Production Directorate of Water Supply and Sewer
- «Samaragaz» Trust
- Samara Heating System
- Samara Electric Power Network
- City Radio Transmission Network
- Samara City Telephone Network
- «Remstroiblagoustroistvo» (Repairs, Construction and Development) Municipal Enterprise
- «Samaragaz» Pipelines Protection Service
- «Samaragorsvet» Municipal Enterprise
- Samara Tramline and Trolley Bus Directorate

- Main Union Communications and Television Office
- Samara Trunk-line Operating Center
- Spetsremstroizelenkhoz (Specialized Repairs, Construction and Landscaping)
- Samara Inter-district Committee for Environment and Natural Resources
- Sanitary and Epidemiological Control City Center

CAO must prepare these requests and give them to the Applicant within one week of receiving the application

- 21 5 The Applicant must submit the requests to each of the organizations and bodies required by CAO
- 21 6 The relevant infrastructure organizations and special state bodies are to furnish the requested technical conditions and special requirements to the Applicant within one month of receiving the request
- 21 7 In cases where the site is located within the boundaries of historic preservation zones or zones of ecological limitations (fixed in the Zoning Maps, Part II of these Regulations), CAO is to send requests for written conclusions to Historic Preservation Department or State Environmental Committee of Experts, who must provide their written conclusions within one month of receiving the request
- 21 8 CAO makes a decision on issuance or denial of issuance of general zoning approval within one week of receiving all of the requested special conditions and technical requirements
- 21 9 The written notification on approval may contain a clause which obliges the applicant to make necessary corrections to the development plan of the parcel and to provide for their implementation within the process of construction alterations
- 21 10 The written notification on denial of approval may advise the applicant that the construction may take place if a special zoning approval or a rezoning is obtained. If this is the case, the notification must explain the reasons for and the details of the required special zoning approval or rezoning
- 21 11 The denial to grant a general zoning approval, or a general zoning approval containing required corrections, can be appealed to the Land Use and Development Commission under Article 34
- 21 12 A general zoning approval expires unless a construction permit is obtained within 2 years of the date of the approval

Article 22 Special zoning approvals

- 22 1 Special zoning approvals are possible in two kinds of situations
- real estate developments connected those types of uses which are specially noted in the lists for each type of zones in Part II of these Regulations as requiring special zoning approval
 - real estate developments connected with permitted uses in the lists, but which may not be carried out unless one or more of the parameters of construction are changed (e.g. distance from parcel boundary, dimensions of parcel, etc.) Such approvals which change parameters for a parcel are called variances in these Regulations. The possible kinds of variances are listed in Article 38 in Part II
- 22 2 A special zoning approval is to be distinguished from a rezoning, which is necessary when a development may not be carried out in compliance with these Regulations unless the parcel is placed in a different zone. The procedure for rezoning is set out in Article 8
- 22 3 Special zoning approvals are granted by the Land Use and Development Commission in accordance with the procedures of this Article and Article 35 with respect to public hearings
- 22 4 An application for special zoning approval for a land parcel for proposed construction may be made by a natural or corporate person to the Chief Architect's Office (hereinafter

referred to as CAO) The person must be the owner or lessee of the land parcel or have the written authorization of the owner or lessee to make the application

22 5 The application must be accompanied by

- proof of ownership or leasehold
- a letter from a bank certifying that the applicant is solvent (is able to pay)
- if the applicant is a corporate person, proof that it is registered in the City of Samara
- a plan of the parcel development which contains indication of all existing and planned buildings, information on proposed types of use, total space (volume), number of floors, height, open spaces, car parking pots, connection to central engineering supply lines or on establishment of an autonomous supply system
- to the extent applicable, general information about volumes of presumed consumption of resources (electricity, water, number of employees, turnover, need of road and railway access), level of influence on environment (volume of exhausts in the atmosphere, amount of industrial waste and the degree of their harmful effect), presumed number of customers and needed parking space
- the established fee for processing of the application

22 6 CAO prepares requests for technical conditions and special requirements from all infrastructure organizations and special state bodies relevant to the project, including the following

- Production Directorate of Water Supply and Sewer
- «Samaragaz» Trust
- Samara Heating System
- Samara Electric Power Network
- City Radio Transmission Network
- Samara City Telephone Network
- «Remstroiblagoustroistvo» (Repairs, Construction and Development) Municipal Enterprise
- «Samaragaz» Pipelines Protection Service
- «Samaragorsvet» Municipal Enterprise
- Samara Tramline and Trolley Bus Directorate
- Main Union Communications and Television Office
- Samara Trunk-line Operating Center
- Spetsremstroizelenkhoz (Specialized Repairs, Construction and Landscaping)
- Samara Inter-district Committee for Environment and Natural Resources
- Sanitary and Epidemiological Control City Center

CAO must prepare these requests and give them to the Applicant within one week of receiving the application

22 7 The Applicant must submit the requests to each of the organizations and bodies required by CAO

22 8 The relevant infrastructure organizations and special state bodies are to furnish the requested technical conditions and special requirements to the Applicant within one month of receiving the request

22 9 In cases where the site is located within the boundaries of historic preservation zones or zones of ecological limitations (fixed in the Zoning Maps, Part II of these Regulations), CAO is to send requests for written conclusions and recommendations to Historic Preservation Department or State Committee for Ecological Expertise, who must provide their written conclusions and recommendations within one month of receiving the request

22 10 CAO prepares a report with recommendations concerning the special zoning approval within two weeks of receiving all of the requested special conditions, technical requirements, conclusions and recommendations

- 22 11 If the applicant requests the Land Use and Development Commission to proceed with the matter, the Commission schedules a public hearing and proceeds with public notice and holding the public hearing under Article 35
- 22 12 The decision on issuance of the special zoning approval is taken according to the results of consideration of the report of CAO and received written conclusions and recommendations, and the representations received at the public hearing
- 22 13 The foundations for the decision of the Land Use and Development Commission are
- compliance of construction proposals of the applicant with these Regulations and with obligatory rules and standards
 - that the development will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, and will not adversely affect existing and potential developments in the vicinity
 - in addition, in the case of a variance, that effective and practical development of the parcel of land is not possible unless the parameters or restrictions are relaxed in the manner requested
- 22 14 A special zoning approval can be granted with conditions designed to ensure that the requirements of Article 22 13 are met
- 22 15 A denial to grant the special zoning approval, or the conditions contained in a special zoning approval, can be appealed in the court
- 22 16 A special zoning approval expires unless a construction permit is obtained within two years of the date of the approval

Article 23 Construction permit

- 23 1 Construction permit is required for construction alterations of real estate sites, except for those types of construction mentioned in Article 20 3 The construction permit states the compliance of the design architectural and construction documentation with construction rules and requirements, other obligatory requirements and grants a right to commence an actual construction Construction permit is granted by CAO
- 23 2 The owner or a person authorized in writing by the owner contracts with a properly licensed natural or corporate person for the development of design architectural and construction documentation, on the basis of a valid Parcel Use Certificate, general zoning approval, special zoning approval or rezoning
- 23 3 An application for construction permit must be accompanied by
- proof of ownership or leasehold
 - a letter from a bank certifying that the applicant is solvent
 - if the applicant is a corporate person, proof that it is registered in the City of Samara
 - the design architectural and construction documentation
 - the established fee for processing of the application
- 23 4 The applicant must also submit the design architectural and construction documentation to all infrastructure organizations and special state bodies (including if applicable Historic Preservation Department and State Environmental Committee of Experts) which were involved in coordination of the Parcel Use Certificate, general zoning approval, special zoning approval or rezoning
- 23 5 The relevant infrastructure organizations and special state bodies are to furnish their decision on approval of the design to the Applicant within two weeks of receiving the request
- 23 6 CAO makes a decision on compliance of the design architectural and construction documentation within 2 weeks of receiving the conclusions of the other organizations and bodies If non-compliance is stated, the documents may be returned to the applicant in order to eliminate non-complying elements If compliance is stated, construction permit is granted

23 7 In the case where Historic Preservation Department concludes that the documentation does not comply with its requirements, while CAO concludes that the documentation complies with all other requirements, CAO will issue its decision to the applicant but may not grant construction permit unless the conclusion of the Historic Preservation Department is reversed on an appeal

23 8 A decision of CAO to deny construction permit may be appealed to the Land Use and Development Commission in accordance with Article 34

Article 24 Control during construction

24 1 The owner of the real estate site who received the construction permit (or his/her representative) must at least 10 days in advance of construction submit a written notification to Inspectorate (department) of CAO and, in the case of a construction which is subject to requirements set by Historic Preservation Department, to that Department

24 2 Control over construction alteration during the process of introducing these construction alterations is implemented by the Inspectorate (department) of CAO, by other control agencies which are governed by legislation and other legal acts which regulate implementation in the construction sphere

24 3 The owners of real estate sites (or his/her representatives, contractors, developers) must provide for reasonable access of control agencies' representatives to construction sites, allow them to examine appropriate documents, and inspect the work

Article 25 Commissioning and right to occupy and use

25 1 The right to occupy and use a newly constructed site is granted on condition that the site is in compliance with design architectural and construction documentation, obligatory rules and requirements, and other obligatory requirements The right is proved by a project commissioning act granted by the state acceptance commission

25 2 On completion of the construction or reconstruction of the site, its owner or his/her representative submits a request for examination to CAO CAO advises all agencies with an interest in the project, and their representatives with the Chief Architect or his designate form the acceptance commission

25 3 Within 15 days after submission of the request, the acceptance commission will inspect the site and state the fact of the site's compliance with design architectural and construction documentation, obligatory construction rules and requirements, and other obligatory requirements

25 4 Before commissioning documents can be granted, the owner or his representative must obtain a geodetic survey of the location of the building and provide it to CAO

25 5 In case of noncompliance of the site with the aforementioned requirements, the use of the site is prohibited until the discrepancies are corrected and after a further inspection the acceptance commission has stated the site's compliance

25 6 The refusal of the acceptance commission to grant the commissioning document can be appealed in the court

Article 26 Control over use of real estate

26 1 Control over use of existing real estate sites is implemented by CAO and other control agencies which are authorized to implement this control according to legislation

26 2 Representatives of CAO and other control agencies may at reasonable times, with the consent of the owner or occupier, enter land or a building for the purpose of administering or enforcing these regulations

26 3 Where the owner refuses consent and CAO or other control agencies have good reason to suspect that the real estate site is being used illegally, they may ask the court for authorization to enter land or a building

26 4 Owners and occupiers of real estate shall not obstruct the representatives of CAO or other control agencies in their performance of their obligations

Chapter 8 Special provisions with respect to individual houses, garages and other structures

Article 27 Coordination of applications for allocation of land parcels and construction permit for individual houses, garages and other structures

27 1 Allocation of land parcels for the purpose of new construction and reconstruction of individual houses and garages is carried out in accordance with current legislation and *Decision No 161 of Maly Soviet of Peoples Deputies of 26 05 92 'On the Order of Withdrawal and Allocation of Land on the Territory of Samara* Applications are coordinated by Land Resources and Land Management Committee and the right to allocation of a land parcel is granted by resolution of the Head of City Administration

27 2 New construction or reconstruction of individual houses and garages is carried out on the basis of *Decision No 197 of Maly Soviet of Peoples Deputies of 07 06 93 'On Housing Construction and Reconstruction in Samara* Approval of the construction is based on the resolution of District Administration and a notarized agreement of construction concluded with District Administration

27 3 Allocation of municipal land for lease to be used for the location of temporary facilities (metal garages, small gardens, etc) is also implemented in accordance with *Decision No 197 of Maly Soviet* mentioned in Article 27 2 Land parcels to be used for construction of temporary objects up to 30 square meters may be allocated to citizens for lease by resolution of District Administration and after coordination with CAO and Land Resources and Land Management Committee

Article 28 Effect of these Regulations on construction of individual houses garages and temporary structures

28 1 Construction approval may not be given by District Administration unless the construction is a permitted use in the list of permitted uses for the zone in which the parcel is located, or if it is not a permitted use the construction has received special zoning approval

28 2 A decision by District Administration refusing construction approval may be appealed to the Land Use and Development Commission in accordance with Article 34

Chapter 9 Liability for infringement of these Regulations

Article 29 Liability of officials

29 1 Government officials are liable for violation of these Regulations including

- refusing or failing to issue any permit or approval to which a person is entitled under these Regulations
- deliberately or recklessly issuing a permit or approval which would result in a violation of these Regulations or other obligatory requirements
- refusing or failing to implement a decision of the Land Use and Development Commission made under the procedures of these Regulations
- refusing to provide information or providing false, distorted or incomplete information on permitted uses, parameters and requirements of construction, or procedures contained in these Regulations
- refusing or failing to follow the proper procedures contained in these Regulations

29 2 A fine is imposed through court procedures according to the legislation of the Russian Federation and Samara Oblast on government officials who violate these Regulations

Article 30 Liability of real estate owners

30 1 Real estate owners, regardless of the established tenure period are liable for violation of these Regulations, including

- violation of these Regulations relating to permitted types of uses and parameters of construction alterations
- implementation of construction alterations without general or special zoning approval, or without obtaining a construction permit in accordance with these Regulations
- use of newly constructed or reconstructed sites without act of commissioning
- other violations stipulated by legislation

30 2 A fine is imposed through court procedures according to the legislation of the Russian Federation and Samara Oblast on real estate owners who violate these Regulations

30 3 The payment of a fine does not release these real estate owners from removing the violations within time limits set by the Land Use and Development Commission and other authorized agencies In case of refusal to remove the violation within the set time limits, the violation is subject to compulsory removal according to procedures stipulated by legislation

Chapter 10 Bodies empowered to exercise regulation and control of land use and development

Article 31 Chief Architect's Office

31 1 The Chief Architect and other members of his department delegated by him to act on his behalf shall be the person primarily responsible for the administration and enforcement of these Regulations

31 2 The Chief Architect (including his delegates)

- shall issue any permit or approval to which a person is entitled under these regulations
- shall not issue a permit or approval which would result in a violation of these Regulations or other law of the City
- shall implement the decision of the Land Use and Development Commission on an appeal of a decision of the Chief Architect

31 3 The Chief Architect (including his delegates), in addition to the other specific powers set out in these regulations, has the following powers

- He may revoke a Parcel Use Certificate, general zoning approval or permit for construction issued in error or contrary to these regulations
- Where a building or structure projects into a required yard no further than 5%, he may grant a tolerance upon payment of the prescribed fee, and in such case the building or structure is deemed to comply with the yard requirement
- He may issue a permit for the temporary use of a parcel of land, including the placing of a temporary building or structure

31 4 The Chief Architect shall maintain records of all

- applications for and approved permits, Parcel Use Certificates, general zoning approvals, special zoning approvals
- rezoning, agreements provided for in these regulations, and certificates

Article 32 Administration Land Use and Development Committee

32 1 The Administration Land Use and Development Committee is formed in order to provide for the efficient functioning and consistent improvement of the land use regulatory system

32 2 The Committee consists of the chiefs or their deputies of the following City departments and other agencies

- the Mayor
- Architecture Committee
- Land Resources and Land Management Committee
- Municipal Property Committee
- Legal Department
- Center of Sanitary & Epidemiological Control
- Environmental Committee
- Historical Preservation Committee
- Construction Enterprise

as well as other administrative agencies whose activity is connected with city planning, development and improvement of the city area and the functioning of city services

32 3 The Committee

- performs a coordinating role with respect to the administration of the land use regulatory system
- monitors the operation of the land use regulatory system, makes improvements in its administration, and makes recommendations for amendments to these Regulations
- when requested to do so by City Duma, the Mayor, the Land Use and Development Commission, or any of its members, decides the position of City Administration with respect to the meaning of any provision in these Regulations or as to how it should be administered
- may prepare amendments to development standards and technical amendments and submit them to the Land Use and Development Commission for consideration

Article 33 Land Use and Development Commission

33 1 The Land Use and Development Commission (hereinafter called the Commission) is formed in order to provide for an independent review of the decisions made in the administration of these Regulations and to allow for participation in the system of planning and land use control by citizens and other interested parties

33 2 The Commission consists of 7 to 10 members appointed by the City Duma on the recommendation of Mayor. At least 2 will be members of the City Duma. The rest will be chosen to represent private and public interests, including the interests of real estate owners, commercial and other companies. At least 2 of this group will be architects. The members may not be officials or employees of the City or any organization which is owned or controlled by the City.

33 3 The Mayor appoints the Chairman of the Commission from among the members. The Chairman is responsible for the organization, administration and coordination of the work of the Commission.

33 4 A quorum for a meeting or hearing of the Commission is half of the members. Decisions are taken by a majority of votes of the members present. Given an equality of votes, the Chairman shall have a casting vote.

33 5 A member of the Commission is barred from participation in the voting on an issue if he or she has a direct financial interest in the issue or is related to the applicant or owner of the land on account of which the decision is to be taken.

33 6 Where the issue is one in respect of which a hearing was held, a member of the Commission is barred from participation in the voting on the issue if he or she was not present at the hearing.

33 7 The Commission has the following functions:

- It holds public hearings with respect to amendments to development standards and makes recommendations to City Duma (Article 7)

- It may submit technical amendments to City Duma without a public hearing (Article 9)
- It holds public hearings with respect to rezoning and makes recommendations to City Duma (Article 8)
- It holds public hearings and makes decisions on special zoning approvals (Article 22)
- It receives and decides appeals of decisions of Chief Architect/CAO on refusal of Parcel Use Certificate (Chapter 4), refusal of general zoning approval (Article 21), permit for construction (Article 23), and other decisions affecting the rights of applicants and owners of land parcels
- It receives and decides appeals of decisions of District Administration on refusal of construction approval (Chapter 8)

33 8 All hearings of the Commission shall be open to the public and the press. The conduct of the hearings shall be in the discretion of the Commission, which shall try to ensure that the hearings are conducted fairly.

33 9 At least annually the Commission will prepare a report on its activity and send a copy to the Mayor, City Duma and the Administration Land Use and Development Committee.

Article 34 Procedures for appeals heard by the Land Use and Development Commission

34 1 An owner of a land parcel or his representative may start an appeal by submitting a written notice to the Commission no later than 15 days after the date the decision of the Chief Architect (or District Administration) was received by him.

34 2 When it receives an appeal notice the Commission will schedule a hearing to take place within a month, notifying the person who brings the appeal, the Chief Architect and the District Administration (if applicable). The notice is to be sent no later than 10 days prior to the hearing.

34 3 The hearing will take place in accordance with the notice, but may be adjourned at the discretion of the Commission for good reason.

34 4 At the hearing the person who brings the appeal, the Chief Architect, other members of City Administration (or District Administration), and any other interested person, organization or institute may make representations and submit documents in support of or opposed to the appeal.

34 5 The Commission must make its decision at the conclusion of the hearing or within 15 days, and shall send a copy of the decision to the person who brought the appeal, the Chief Architect, District Administration (if applicable), and any other person, organization or institute who took part in the hearing.

Article 35 Procedures for public hearings held by Land Use and Development Commission

35 1 Public hearings are held by the Land Use and Development Commission when the following issues are to be considered:

- recommendations of the Commission to City Duma on amendments to these Regulations
- recommendations of the Commission to City Duma on rezoning
- decisions of the Commission on special zoning approvals

35 2 In the case of a rezoning or special zoning approval, when the Commission receives the report of the Chief Architect it will schedule a hearing to take place within 2 months, notifying the applicant, the Chief Architect and the Administration Land Use and Development Committee, and also publishing an announcement. In the case of amendments to these Regulations, the Commission will schedule a hearing and give a similar notice and announcement.

35 3 The announcement must include

- the location of the land parcel
- a description of the proposed development (or amendment)
- how and when members of the public may view the report of the Chief Architect (in the case of a rezoning or special zoning approval)
- the time and place of the public hearing

35 4 The announcement is to be given in the form of

- a publication in a local newspaper
- an announcement on local radio and/or television
- a sign on the land parcel under consideration
- any other manner the Commission wishes

35 5 The public hearing will take place in accordance with the notice. It may be adjourned at the discretion of the Commission but only in unusual circumstances.

35 6 At the public hearing the applicant, the Chief Architect, other members of City Administration, and any other interested person, organization or institute may make representations and submit documents in support of or opposed to the issue.

35 7 The Commission must make its decision at the conclusion of the public hearing or within 15 days, and shall send a copy of the decision to the applicant, the Chief Architect, and any other person, organization or institute who took part in the hearing.

35 8 In the case of an amendment to these Regulations or a rezoning, the Commission will also send its decision, which is in the form of a recommendation, to City Duma.

Section 4 Definitions of legal zoning terms

For the purpose of these Regulations the terms listed below are used in the following meanings:

type of real estate use - a particular activity for the implementation of which a particular land parcel or any other real estate site is occupied, used and maintained.

non-conforming use of real estate sites - a type of real estate use which is not included in the list of permitted uses for an appropriate zone, if a special zoning approval has been issued for the use, then the use is not a non-conforming one.

height of building - the vertical distance, measured starting from the planning mark of the area up to the highest point of the parapet of the wall, if the roof is flat, or up to the highest point of the roof.

depth of the yard - the shortest distance between the boundaries of a land parcel and the nearest building located on the appropriate side.

depth of a land parcel - the distance from the front to the opposite side of a land parcel.

yard side of a land parcel - the side of a land parcel located opposite to the front side of a land parcel.

yards - open (undeveloped) part of a land parcel between the walls of the buildings (constructions) and the boundaries of a land parcel ("front yard", "side yards", "an interior yard of a land parcel").

additional type of use of a real estate site - a type of activity or a building (construction, premises) which is additional or subordinate relating to the main type of use of real estate located on the appropriate land parcel

residential unit - living space for one family

dwelling for two families - a construction on a unified land parcel which contains two residential units each of which is isolated from one another by means of a wall (from the floor to the ceiling) or by means of a staircase external to each of the residential units

dwelling for one family - a residential building which consists of one residential unit and is designed for one family (cottage, dacha)

separate dwelling - a living space not attached to any other dwelling

attached dwelling - a dwelling for one family attached to two- or multifamily dwelling by means of mutual vertical walls

building - a construction with a roof designed as a shelter, living area or created as a limited space or designed for a particular type of activity or storage of materials and things of any kind and origin

non-conforming building - a building which is not in compliance with the Regulation for a particular zone as far as maximum parameters are concerned (height, total area) or minimum parameters (setbacks from the boundaries of a land parcel), or parameters described in Article 39

land parcel - a defined (according to the legislation) unit of the area of land with officially fixed boundaries for use, improvement and construction

non-conforming land parcel - a land parcel whose area and sizes are not in compliance with the parameters of these Regulations related to the zone where a land parcel is located

zoning - subdivision of the area (governed by a local self-government agency) into territorial zones with setting real estate use limitations and parameters of permitted construction for each of them

alteration - any kind of change or improvement of a frame structure of an existing building as well as any change of doors, windows or any increase or decrease of the size of the building or its shift from one place to another

historical building - a building or a construction which is of a historical or architectural value and which is included in official lists of historical landmarks

map of legal zoning - a map which shows types and boundaries of the zones within the city limits and is an integral part of these Regulations

flat - one or more rooms with a kitchen and a bathroom which create a separate unit for one family within a residential building

red lines - lines which are set by the official city-planning documentation (planning projects), which separate streets, roads, other lines of engineering and technical infrastructure from land parcels submitted to use and development according to these Regulations

place for construction - the part of the area within a land parcel where it is permitted to locate constructions, which is set by means of minimum setbacks from the boundaries of a land parcel

minimum area of a land parcel - the minimum area of a land parcel set by the parameters for use and construction related to a particular zone

main type of real estate use - the main type of use of real estate or a building (as opposed to an additional or auxiliary type of use) especially listed as such in the lists of types of permitted uses of real estate in different zones

deviation from these Regulations - deviation from these Regulations related to sizes and/or total area of a land parcel (deviation according to sizes), development parameters (deviation of development parameters) or type or types of real estate use (deviation of real estate use)

development setback - the distance between the edge of the street and the facade of the building

parameters of permitted construction - a combination of control means over building sizes and their location within a land parcel, set out in Part 11 or fixed during the transition period of implementation in accordance with Article 39

transition period of implementation - a time period during which missing components of the regulatory system are developed as an addition to the existing ones (maps of legal zoning, list of permitted uses in different zones)

area subdivision - allocation of one or two land parcels from the whole “not subdivided” area, as well as subdivision of a land parcel into smaller parcels in order to offer them (or sell) for construction

covered area of a land parcel - the part of a land parcel under buildings, constructions, sidewalks, passes, parking lots and all water-proof surfaces

annex - a construction annexed to an existing building some time after the building was completed (after the beginning of its operation)

permitted type of real estate use - a type of real estate use which is specifically listed in Part II of these Regulations as one permitted in an appropriate zone

historical area - an area with officially registered (in appropriate documents) boundaries, within which there are buildings or any other sites of special public value because of their outstanding architectural and other peculiarities connected with cultural and historical heritage

special zoning approval - an approval which is to be obtained before the commencement of actual construction for

- (a) those types of uses which are listed in Part II as types of uses which require a special zoning approval
- (b) variances from the parameters of construction or development in accordance with Article 38

activity standards - standards which regulate commercial and industrial activity by means of setting (in appropriate rules and standards) maximum parameters of smoke concentration, smell, noise, discharge of heat, vibration and other similar sources of environmental pollution

territorial zone - a part of the city area marked on the legal zoning map within the boundaries of which unified limitations (as far as permitted use and parameters of construction alterations are concerned) are imposed and applied to every land parcel

front side - the side of a land parcel which faces the street

width of a land parcel - the distance between the side lengths of a land parcel measured in the middle between the front and the yard sides of the parcel

legal non-conforming building, land parcel or use - a non-conforming building, parcel or use of a building or land parcel which was existing legally when these Regulations came into force, or is existing legally when an amendment to these Regulations comes into force and as a result the building, parcel or use becomes non-conforming

variance - a change in the parameters of construction or development of the kinds mentioned in Article 38 to permit the effective development of a land parcel, approved as a special zoning approval

floor area ratio - coefficient of land parcels' use as a ratio of total floor area of the buildings (existing and those which may be built) to the total area of land parcel

PART II
DESCRIPTION OF TERRITORIAL ZONES AND PARAMETERS
OF PERMITTED USE OF LAND PARCELS

Chapter 11 Contents of legal zoning

Article 36 General description of the map of legal zoning of the city area

36 1 The entire area of the city of Samara within its administrative boundaries is divided into zones which are fixed in the legal zoning map (Chapter 15)

36 2 In the map of legal zoning the boundaries of the zones and their indexes according to the type they belong to, are fixed Characteristics according to Chapters 13 and 14 are ascribed to each zone

36 3 The boundaries of the zones are set according to

- central dividing lines of highways, streets, passages
- boundaries (red lines) of layout units - rayons, micro-rayons, blocks and other layout units
- boundaries of land parcels
- boundaries or along the axes of the right-of-way utility lines
- administrative boundaries of the city and districts within the city
- lines of natural boundaries
- other lines and boundaries

Article 37 General description of the characteristics of the territorial zones

37 1 Characteristics of the zones marked on the legal zoning map of the city of Samara are set out for each zone and include

- a list of permitted uses of land parcels and other real estate sites
- a list and description of parameters of permitted construction alterations

37 2 The list of permitted uses of land parcels and other real estate sites includes

- main types of permitted uses of real estate
- types of permitted uses which accompany main types of permitted uses of real estate, called additional types of uses
- types of uses for which special zoning approvals are required

37 3 The list of construction alteration parameters includes

- sizes (minimum and maximum) of land parcels, including linear dimensions of the maximum width of parcels along the front of the street (lanes) and the maximum depth
- distance between buildings and boundaries of a land parcel
- maximum height (number of floors) of buildings
- covered area of a land parcel
- floor area ratio
- minimum parking requirements

The combinations of the above mentioned parameters and their values are set individually for each type of zone

Article 38 Variances (change of parameters in special circumstances)

38 1 Where a land parcel cannot be effectively or practically developed within the construction and development parameters of the territorial zone in which the parcel is located, the parameters in respect of that land parcel may be changed by way of a special zoning approval

38 2 Only the following types of variances may be given

- changes to sizes and dimensions of land parcels
- changes to distances between buildings and boundaries of a land parcel

- maximum height of buildings, but not if the height is permitted in another zone, in which case a rezoning is required
- floor area ratio
- parking requirements
- permitting legal non-conforming uses, buildings and structures to expand, to change to another non-conforming use, to rebuild after destruction, or to resume operation after being discontinued for 16 consecutive months
- permitting a proposed use of land or building that is not listed as a permitted use or special zoning approval use in any zone, if in the opinion of the Land Use and Development Commission it is similar to uses which are permitted uses or special zoning approval uses in the zone in which the parcel is located

Article 39 Parameters of permitted construction during the transition period of implementation

39 1 When these Regulations go into effect the parameters of permitted construction in each zone will not have been completed. As they are completed they will be included in this Part after having been approved as an amendment to these Regulations under Article 7

39 2 During the transition period of implementation the parameters of permitted construction will be set by the Chief Architect in considering Parcel Use Certificates, general zoning approvals, special zoning approvals, design documents, construction permits and any other approvals or documents (subject to appeal by the applicant to the Land Use and Development Commission)

Chapter 12 Description of territorial zones shown on the legal zoning map

Article 40 Types of zones

Central business and service zones

- Ц-1 Zone of public and commercial 1 of the city center
- Ц-2 Zone of public and commercial enterprises of the city and regional significance
- Ц-3 Zone of public and commercial enterprises of local significance
- Ц-4 Zone of special commercial use
- Ц-5 Zone of special non-commercial use

Residential zones

- Ж-1 Zone of individual single-family detached or town houses
- Ж-2 Zone of low-rise mixed residential development
- Ж-3 Zone of medium-rise (3-6 stories) residential development
- Ж-4 Zone of high-rise (5-16 stories) residential development
- Ж-5 Zone of future residential development

Recreational zones

- P-1 Core recreational area
- P-2 Zone of parks, boulevards, embankments
- P-3 Zone of natural landscapes
- P-4 Zone of monuments of nature

Industrial and communal (general community services) zones

IIK-1 Zone of industries and warehouses of V-IV grade of hazard

IIK-2 Zone of industries and warehouses of III-II grade of hazard

IIK-3 Zone of industries and warehouses of II-I grade of hazard

P3 - Reserve areas

Article 41 Planned development subzones

Planned development subzones may be created to allow flexibility and innovative design for the development of a large area of land

In creating planned development subzones the following requirements shall be complied with

- Boundary line and setback regulatory requirements shall apply where the land parcel boundary abuts the area which is not part of the subzone
- Each land parcel must have sufficient dimensions to accommodate the buildings and comply with the parameters of permitted construction, but the land parcel does not have to comply with minimum area requirements
- The number of buildings and their floor areas must not exceed the total maximum density permissible for all land parcels in the subzone

A design plan shall be prepared for the whole of the subzone, which shall contain data on specific land parcels of the subzone, or if none are designated, on specific real estate units

If the proposed development is listed as a permitted or special zoning approval use in the zone in which the land parcels are located, the Planned Development plan shall be approved under the procedure for approval of a special zoning approval. If a change to the zoning is involved, the rezoning procedure shall also be followed.

A portion of the subzone, "saved" through local increase in density, shall be used as usable open space.

These Regulations identify two categories of planned development subzones

- planned residential development subzones,
- multifunctional planned unit development subzones

Planned residential development subzones

Planned residential development subzones (PRDs) are permissible only on tracts of at least 2 hectares located within the _____ zones. Permissible types of residential uses within residential subzones include single family detached dwellings, attached dwellings and multi-family residences. Also permissible are any other use which in those zones is a permitted use or special permit use.

In the PRD subzone, the single-family attached, and multi-family portions of a subzone shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border land parcels outside the subzone.

The requirements for setbacks and distances to parcel boundaries that would normally apply where different portions of the subzone border each other, shall not apply, but all such requirements shall apply between the tract so developed and adjacent land parcels

The non-residential portions (if any) of any PRD subzone may not be occupied until all of the residential portions of the development are completed or their completion is assured. The purpose and intent of the latter requirement is to ensure that the PRD subzone procedure is not used, intentionally or unintentionally, to create non-residential uses in non-conforming zones, except as part of an integrated and well-planned, primarily residential, development

Multifunctional planned unit development subzone

In multi functional planned unit developments (MPDs) the developer may make use of land parcels for any combination of uses authorized as permitted or special zoning approval uses in the _____ zones

Multifunctional planned unit development subzones shall be allowed on tracts of at least 10 contiguous hectares in the _____ zones

A set of uses required by the plan, after the issuance of the approval for that development, shall become the single permitted use of the subzone

Article 42 Zones of historical protection and ecological limitation

The zoning maps also show zones of historical protection and ecological limitation. Within these areas these Regulations are in effect. However, in addition to the requirements, procedures and construction limitations set out in these Regulations, the requirements, procedures and construction limitations provided for in the legislation governing historical protection and ecological limitation remain in effect, administered by state bodies of control

Chapter 13 List of permitted uses for each zone

Central business and service zones

- Ц-1 Zone of public and commercial 1 of the city center
- Ц-2 Zone of public and commercial enterprises of the city and regional significance
- Ц-3 Zone of public and commercial enterprises of local significance
- Ц-4 Zone of special commercial use
- Ц-5 Zone of special non-commercial use

Residential zones

- Ж-1 Zone of individual single-family detached or town houses
- Ж-2 Zone of low-rise mixed residential development
- Ж-3 Zone of medium-rise (3-6 stories) residential development
- Ж-4 Zone of high-rise (5-16 stories) residential development
- Ж-5 Zone of future residential development

Recreational zones

- P-1 Core recreational area
- P-2 Zone of parks, boulevards, embankments
- P-3 Zone of natural landscapes
- P-4 Zone of monuments of nature

Industrial and communal (general community services) zones

- ИК-1 Zone of industries and warehouses of V-IV grade of hazard
- ИК-2 Zone of industries and warehouses of III-II grade of hazard
- ИК-3 Zone of industries and warehouses of II-I grade of hazard

P3 - Reserve areas

CENTRAL BUSINESS AND SERVICE ZONES

II-1 - Zone of public and commercial enterprises of the city center

Major permitted land uses

- parks, public gardens, alleys, orchards
- apartment houses of 2-3 stories
- apartment houses located along red lines with the first storey occupied by non-residential uses
- apartments in large apartment houses where business or commercial uses are permitted on the first floor or in attached buildings
- residential apartments in non-residential buildings, permitted for business or commercial use in such a way that different uses shall not be mixed on the same floor
- hotels, visitors' homes, tourist service centers
- institutions of secondary education
- institutions of higher education
- multipurpose and specialized clubs (meeting halls and auditoriums) [community centers]
- libraries, archives, information centers
- museums, exhibit halls
- dance halls, discotheques
- movie and video theaters
- theaters, concert halls
- pharmacies [drugstores]
- consultation medical clinics
- ambulance stations
- public service enterprises, art workshops, handicraft workshops
- post offices, telegraph and telephone stations
- baths
- shops of basic necessities
- shopping centers, commodity exhibitions
- restaurants, bars (with a range of alcoholic beverages)
- cafes, snackbars, canteens
- home offices
- offices of institutions and organizations, firms, companies, banks, scientific, design organizations except for laboratories of biological profile or industrial technologies under condition that the first and second stories shall be used for commercial and non-commercial service uses
- courts, notary offices and other legal institutions
- publishing houses and editor's offices
- computer centers
- TV and radio studios
- advertising agencies
- places of worship

Accessory permitted uses

- outdoor or built-in [roofed] parking sites per each 30 sq m of the total area of public buildings
- commercial underground or surface garages inside buildings with total area of over 400 sq m on lots with total area of over 500 sq m

- sport grounds
- kindergartens, other pre-school institutions
- primary and secondary schools

Uses which require special zoning approval

- one-storey residential houses
- apartment houses over three stories
- hostels of industrial and educational enterprises and institutions
- casinos
- circuses
- gyms, swimming pools
- general sports and entertainment complexes
- trade centers and exhibit halls located in detached buildings of total square of over 5,000 sq m
- ambulance stations
- general hospitals
- kiosks, stalls, temporary retail trade and service pavilions
- workshops of petty custom-made articles (woodwork, fancy casting, forging, handicraft)
- public toilets located on lots of up to 60 sq m
- open and roofed markets
- police stations
- gasoline stations

II-2 - Zone of public and commercial enterprises of the city and regional significance

Major permitted land uses

- public gardens, alleys, gardens
- apartment buildings of 5-16 stories provided that they are located within a block (quarter) area and their first stories are occupied by non-residential uses
- apartments in large apartment buildings in which business or commercial uses are permitted on the first stories
- residential units in non-residential buildings to be used for business or commerce in such a way that different uses shall not be mixed on the same floor
- hotels, visitors' homes, tourist service centers
- institutions of specialized secondary education
- institutions of higher education
- multipurpose and specialized clubs (meeting halls and auditoriums)
- libraries, archives, information centers
- museums, exhibit halls
- dance halls, discotheques
- movie and video theaters
- theaters, concert halls
- pharmacies [drugstores]
- consultative clinics
- ambulance stations
- public service enterprises, art workshops, handicraft workshops
- post offices, telegraph and telephone offices
- baths

- stores of first priority consumer goods
- shopping centers, commodity exhibitions
- restaurants, bars (with a range of alcoholic beverages)
- cafes, snackbars, canteens
- home offices
- offices of organizations, firms, banks, companies, scientific, design organizations except for laboratories of biological profile and industrial technologies where low stories shall be used for commercial and non-commercial community services
- courts, notary's offices, other legal institutions
- publishing houses and editor's offices
- computer centers
- television and radio stations
- advertising agencies
- places of worship

Accessory permitted uses

- outdoor or built-in [roofed] car parking lots, per each 30 sq m of their total area
- commercial underground or surface garages inside the buildings with total area of over 400 sq m on lots with total area of over 500 sq m
- sports grounds

Uses which require special approval

- apartment houses of up to 5 stories
- casinos
- circuses
- gyms, swimming pools
- general sports and entertainment complexes
- kiosks, stalls, temporary retail trade and service pavilions
- workshops of petty custom-made articles (woodwork, fancy casting, forging, handicraft)
- public toilets on lots of up to 60 sq m
- open and roofed markets
- police stations

II-3 Zone of public and commercial enterprises of local significance

Major permitted land uses

- public gardens, alleys, gardens
- apartment buildings of 3-16 stories
- apartment buildings of 4-16 stories with built-in non-residential premises on low stories
- apartments in large apartment houses which may be used for business and commerce purposes on the first storey or in a detached building of total area of up to 120 sq m
- residential apartments in mixed-use buildings permitted to be used for business or commerce in such a way that different uses shall not be mixed on the same floor
- hotels, visitors' homes, tourist service centers
- kindergartens, other pre-school institutions
- primary and secondary schools
- institutions of specialized secondary education
- higher educational institutions
- libraries, archives, information centers

- museums, exhibit halls
- dance halls, discotheques
- movie and video theaters
- theaters, concert halls
- sport grounds
- drugstores
- consultative clinics
- ambulance stations
- public service enterprises, barber shops, etc , art workshops, handicraft workshops
- post offices, telegraph and telephone offices
- baths
- shops of basic necessities in a detached building of total square of up to 300 sq m
- trade centers, exhibit halls in buildings of total square up to 1,500 sq m on lots of up to 2,000 sq m
- restaurants, bars
- cafes, snackbars, canteens in one-storey building attached to an apartment house with total cafe area of up to 250 sq m
- cafes, snackbars and canteens in a detached building of total square of up to 250 sq m
- home offices in a detached building of total area of up to 200 sq m
- offices of organizations, companies, firms, banks, scientific and design organizations, except for laboratories of biological profile and industrial technologies, provided that the first or low stories shall be used for commercial and non-commercial public services
- courts, notary's offices, other legal institutions
- publishing houses and editor's offices
- computer center
- television and radio stations
- advertising agencies
- places of worship

Accessory permitted land uses

- shops of basic necessities on the first floor of apartment houses, with total shop area of up to 250 sq m
- shops of basic necessities in a detached building to apartment house, with total shop area of up to 200 sq m
- cafes, snackbars, canteens on the first storey of an apartment house with total cafe area of up to 250 sq m
- cafes, snackbars and canteens in a one-storey building attached to an apartment house, with total cafe area of up to 250 sq m
- home office on the first storey of apartment houses, with total office area of up to 200 sq m
- home office in one-storey building attached to an apartment house, with total office area of up to 250 sq m
- outdoor or built-in parking sites, underground or surface garages inside public buildings per each 30 sq m of their total area
- commercial underground or surface garages inside the buildings with total area of over 400 sq m , on the lots with total square of over 500 sq m

Uses which require special approval

- residential houses of up to 3 stories
- industrial and educational hostels
- casinos

- circuses
- sport halls, swimming pools
- general sport and entertainment complexes
- offices of organizations, firms, companies of total area over 4,000 sq m and lot area of over 1,000 sq m
- ambulance stations
- hospitals
- kiosks, stalls, temporary retail trade and service pavilions
- workshops of petty custom-made articles (woodwork, fancy casting, forging, handicraft)
- public toilets on lots of up to 60 sq m
- open and roofed markets
- police stations
- gasoline stations

II-4 Zones of special commercial use (sports, entertainment, public transport)

Uses which require special zoning approval

- railway, bus and river stations
- public gardens, alleys, gardens
- flats in non-residential buildings on top floors above the premises permitted to be used for business or commerce in such a way that different uses shall not be mixed on the same floor
- hotels, visitors' homes, tourist service centers
- institutions of specialized secondary education
- institutions of higher education
- multipurpose and specialized clubs (meeting halls and auditoriums)
- libraries, archives, information centers
- museums, exhibit halls
- dance halls, discotheques
- movie and video theaters
- casinos
- general sport and entertainment complexes
- hippodromes [horse racing arenas]
- gym halls, swimming pools
- pharmacies [drugstores]
- ambulance stations
- public service enterprises, art workshops, handicraft workshops
- rent stations
- post offices, telegraph and telephone offices
- baths
- shops of basic necessities
- trade centers, exhibitions
- restaurants, bars
- cafes, snack-bars, canteens
- kiosks, stalls, temporary retail trade pavilions
- home offices
- administrative offices
- banks and their branches
- scientific, design and projecting organizations, except for laboratories of biological profile or industrial technologies
- advertising agencies
- places of worship

- open parking lots and temporary parking lots
- public toilets on lots of up to 60 sq m
- police stations

II-5 - Zones of special non-commercial use (hospitals, educational and scientific complexes, places of worship)

Uses which require special zoning approval

- higher educational institutions
- specialized secondary educational institutions
- primary and secondary schools
- scientific, design organizations
- places of worship
- consultative clinics
- ambulance stations
- hospitals and clinics
- retirement homes
- public gardens
- public gardens, alleys, orchards
- kindergartens, other pre-school institutions
- residential apartments in non-residential buildings permitted for trade and business use so that different uses shall not be mixed on one floor (in buildings of total area of up to 1, 000 sq m)
- publishing houses, editor's offices
- computer centers
- hotels, visitors' homes
- multipurpose and specialized clubs (meeting halls)
- libraries, archives, informational centers
- museums, exhibit halls
- dance halls, discotheques
- cinemas, video halls
- sport grounds
- gym halls, swimming pools (open and roofed)
- general sports and entertainment complexes
- TV and radio studios
- advertising agencies
- post offices, telephone and telegraph stations
- drugstores
- ambulance stations
- rent services
- public service enterprises, art workshops, handicraft workshops
- baths
- shops of basic necessities
- trade centers, exhibit halls
- cafes, snackbars, canteens
- kiosks, stalls, temporary retail trade and service
- administrative institutions, offices, bureaus
- banks and branches
- open parking sites and roofed sites for temporary car parking
- public toilets on lots of up to 60 sq m

RESIDENTIAL ZONES

Ж-1 Zone of individual one-family detached and town houses

Major permitted land uses

- 1-3-storied detached one-family houses
- 1-3-storied one-family houses
- greenhouses
- sheds for petty domestic animals
- gardens, orchards
- public gardens, orchards, avenues
- kindergartens, other pre-school institutions
- primary and secondary schools
- multipurpose and specialized clubs (meeting halls)
- libraries, archives, informational centers
- museums, exhibit halls
- sports grounds
- pharmacies [drugstores]
- clinics in detached buildings
- ambulance stations
- post offices, telephone and telegraph stations
- baths
- places of worship

Accessory permitted land uses

- hothouses
- greenhouses
- accessory structures (baths, toilets, sheds)
- individual labor (without breaking principles of good neighborhood)
- water storage tanks
- detached garages for one or two cars
- built-in garages for one or two cars
- open parking site for one car

Land uses which require special zoning approval

- four-storied detached and town houses for one family
- gym halls, swimming pools
- kiosks, stalls, temporary retail trade and service pavilions
- public service enterprises, barber's shops, art workshops, handicraft workshops
- workshops for individual petty handicraft articles
- shops of basic necessities of total square of up to 120 sq m
- police stations
- cemeteries

Ж-2 Zone of low-rise residential development of mixed type

Major permitted land uses

- 1-4-storied one-family detached houses with a land lot
- 1-4-storied one-family town houses with a land lot
- apartment houses up to 4 stories, with or without a land lot
- cultivation of flowers, fruit, vegetables
- sheds for petty domestic animals
- public gardens, alleys
- gardens, orchards
- kindergartens, other institutions of pre-school education
- primary and secondary schools
- multipurpose and specialized clubs (meeting halls)
- libraries, archives, information centers
- museums, exhibit halls
- sports grounds
- drugstores
- clinics in detached buildings
- ambulance stations
- post, telephone and telegraph offices
- baths
- places of worship

Accessory permitted land uses

- hothouses
- greenhouses
- accessory structures (baths, toilets, sheds)
- individual labor (without breaking good-neighbor relations principles)
- water-storage tanks
- polyclinic on the first floor of an apartment house provided that total polyclinic area does not exceed 250 sq m and the building facade faces the street of at least 20 m wide
- polyclinic in a one-storey attachment to an apartment house provided that total area of a polyclinic does not exceed 140 sq m and the building facade faces the street of at least 20 m wide
- shop of basic necessities on the first floor of an apartment house provided that total shop area does not exceed 200 sq m and the building facade faces the street of at least 20 m wide
- shop of basic necessities in a one-storey attachment to an apartment house provided that total shop area does not exceed 200 sq m and the building facade faces the street of at least 20 m wide
- a detached or built-in garage for one or two cars on land lots of detached and one-family town houses
- one detached or built-in garage or open parking site for each three residential units on a lot of an apartment house

Uses which require special zoning approval

- retirement homes
- gyms, swimming pools
- kiosks, stalls, temporary retail trade and service pavilions

- public service enterprises, hairdresser's, art workshops, handicraft workshops on the first floor of an apartment house provided that total enterprise area does not exceed 140 sq m and the building facade faces the street of at least 20 m wide
- public service enterprises, hairdresser's and barber's shops, art workshops, handicraft workshops in one-storey attachment to an apartment house provided that total enterprise area does not exceed 140 sq m and the building facade faces the street of at least 20 m wide
- public catering enterprises on the first floor of an apartment building provided that total enterprise area is up to 400 sq m and the building facade faces the street of at least 20 m wide
- individual labor on the first floor of an apartment house provided that total enterprise area is up to 140 sq m and the building facade faces the street of at least 20 m wide
- individual labor in one-storey attachment to an apartment house provided that provided that total enterprise area is up to 140 sq m and the building facade faces the street of at least 20 m wide
- police stations
- gasoline stations

Ж-3 Zone of medium-rise (3-6 stories) residential development

Major permitted land uses

- one-family detached houses of up to four stories with a land lot
- one-family town houses up to four stories, with a land lot
- apartment houses of 4-6 stories
- public gardens, alleys, orchards
- kindergartens, other pre-school institutions
- primary and secondary schools
- clubs (meeting halls)
- libraries, archives, informational centers
- museums, exhibit halls
- sports grounds
- drugstores
- clinics in detached buildings
- ambulance stations
- post offices, telegraph, telephone stations
- baths
- places of worship

Accessory permitted land uses

- polyclinic on the first floor of an apartment house provided that total polyclinic area is up to 600 sq m and the building facade faces the street of at least 25 m wide
- polyclinic in one-storey attachment to an apartment house provided that total polyclinic area is up to 400 sq m and the building facade faces the street of at least 25 m wide
- shop of basic necessities on the first floor of an apartment house provided that the shop total area is up to 200 sq m
- shop of basic necessities in one-storey attachment to an apartment house provided that the shop total area is up to 200 sq m
- public service enterprises, art workshops, handicraft workshops on the first floor of an apartment house provided that total enterprise area is up to 140 sq m and the building facade faces the street of at least 25 m wide

- public service enterprises, art workshops, handicraft workshops in one-storey attachment to an apartment house provided that total enterprise area is up to 140 sq m and the building facade faces the street of at least 25 m wide
- public catering enterprises on the first floor of an apartment building provided that total enterprise area is up to 400 sq m and the building facade faces the street of at least 25 m wide
- public catering enterprises in one-storey attachment to an apartment house provided that total enterprise area is up to 400 sq m and the building facade faces the street of at least 25 m wide
- individual labor on the first floor of an apartment house provided that total enterprise area is up to 140 sq m and the building facade faces the street of at least 25 m wide
- individual labor in one-storey attachment to an apartment house provided that provided that total enterprise area is up to 140 sq m and the building facade faces the street of at least 25 m wide
- one detached or built-in garage for one or two cars on lots of one-family detached and town houses
- one detached or built-in garage or open parking for each three residential units on a lot of an apartment house

Uses which require special zoning approval

- hotels, visitors' homes, tourist centers
- gyms, swimming pools
- clinics, hospitals
- ambulance stations
- kiosks, stalls, temporary retail trade and service pavilions
- public toilets of up to 60 sq m
- shopping centers, commodity exhibitions in the buildings with total area up to 400 sq m on parcels of up to 600 sq m
- open and roofed markets
- police stations
- restaurants, bars
- gasoline stations

Ж-4 High-rise residential development (5-16 stories)

Major permitted land uses

- 4-5 apartment houses
- 6-9 apartment houses
- 10-16 apartment houses
- public gardens, alleys, orchards
- kindergartens, other institutions of pre-school education
- primary and secondary schools
- multipurpose and specialized club-houses (meeting halls and auditoriums)
- libraries, archives, informational centers
- museums, exhibit halls
- sports grounds
- pharmacies [drugstores]
- outpatient clinics in detached buildings
- ambulance stations
- post offices, telephone and telegraph stations

- baths
- public service enterprises, art workshops, handicraft workshops in detached buildings of total square of up to 250 sq m
- shops of basic necessities in detached buildings of up to 300 sq m
- cafes, snackbars, canteens in detached buildings of up to 250 sq m
- home office in detached buildings of up to 200 sq m
- places of worship

Accessory permitted land uses

- polyclinic on the first floor of an apartment house provided that total polyclinic area is up to 600 sq m
- polyclinic in one-storey attachment to an apartment house provided that total polyclinic area is up to 400 sq m
- shop of basic necessities on the first floor of an apartment house provided that the shop total area is up to 250 sq m
- shop of basic necessities in one-storey attachment to an apartment house provided that the shop total area is up to 200 sq m
- public catering enterprises on the first floor of an apartment building provided that total enterprise area is up to 250 sq m
- public catering enterprises in one-storey attachment to an apartment house provided that total enterprise area is up to 300 sq m
- individual labor on the first floor of an apartment house provided that total enterprise area is up to 250 sq m
- individual labor in one-storey attachment to an apartment house provided that provided that total enterprise area is up to 200 sq m
- one detached or built-in garage or one parking site for each four residential units on lots of apartment houses
- one parking site for each 20 sq m of the area of offices, institutions, service organizations

Uses which require special zoning approval

- hotels, visitors' homes, tourist centers
- specialized secondary educational institutions
- sports halls, swimming pools
- cinemas, video saloons
- ambulance stations
- hospitals
- kiosks, stalls, temporary retail trade and service pavilions
- public toilets on lots of up to 60 sq m
- trade centers, commodity exhibition halls of up to 600 sq m on lots of up to 800 sq m
- open and roofed markets
- restaurants, bars
- administrative offices, bureaus
- police stations
- publishing houses, editor's offices
- computer centers
- advertising agencies
- gasoline stations

Ж-5 - Zone of future residential development

Zone Ж-5 is designated for residential development of any type by special permission of the city administration. Any construction alterations in this zone require special permission. The zone type will be defined after the development project of this zone submitted by a developer (investor) is approved.

- one-family detached houses of 1-4 stories with a land lot
- one-family town houses of 1-4 stories with a land lot
- apartment houses of up to 4 stories, with or without land lots
- apartment houses of 4-16 stories

RECREATIONAL ZONES

P-1 Core recreational area

Major permitted land uses

- public gardens, alleys, orchards
- hotels, visitor's homes, tourist centers
- sports grounds
- gym halls, swimming pools
- baths and health centers
- general sports and entertainment complexes
- sports arenas
- clubs (meeting halls)
- libraries, archives, informational centers
- museums, exhibit halls
- dance halls
- cinemas, video saloons
- theaters, concert halls
- drugstores
- consultative clinics
- ambulance stations
- public service enterprises
- rent services
- post offices, telegraph, telephone stations
- shops of basic necessities in detached buildings of up to 300 sq m
- trading centers, commodity exhibition halls of up to 1500 sq m on lots of up to 2,000 sq m
- restaurants, cafes, snackbars, canteens
- home offices
- administrative and public organizations
- offices of companies, firms, organizations of up to 400 sq m on lots of up to 100 sq m
- banks
- advertising agencies
- places of worship
- kiosks, stalls, temporary retail trade and service pavilions
- public toilets on lots of up to 60 sq m
- police stations

Accessory permitted land uses

- open or built-in parking site per each 30 sq m of total area of public buildings

Uses which require special zoning approval

- casinos

D-2 - Zone of parks, boulevards, embankments

Major permitted land uses

- walk alleys, temporary accessory constructions and infrastructure facilities for outdoor recreation activities
- comfort improvements and utilities, minor architectural forms

Accessory permitted land uses

- 10 parking sites per each hectare of the park area

Uses which require special zoning approval

- supervised tree felling
- beaches
- zoos and mini-zoos
- aquaparks
- sports grounds
- gym halls, swimming pools
- sports arenas
- general sports and entertainment complexes
- billiards
- summer theaters and stages, video theaters
- boat stations
- rental stations
- ambulance stations
- kiosks, stalls, temporary retail trade and service pavilions
- public toilets
- temporary public catering facilities
- capital public catering constructions
- places of worship
- water in-takes

P-3 Zone of natural landscapes

Major permitted land uses

- forest parks, meadow parks
- walk alleys, picnic sites, temporary accessory constructions and infrastructure facilities for outdoor recreational activities

Accessory permitted land uses

1 parking place per 1 hectare of the park or per 5 hectares of forest or preserved landscape area

Uses which require special zoning approval

(special zoning approval shall not be granted with regard to sites located in sanitary protection zones)

- supervised tree felling
- camping sites
- beaches
- Zoos
- country houses of children pre-school institutions
- vacation camps
- sanitariums, holiday homes
- hospitals, visitor's homes, tourist centers
- retirement homes
- aquaparks, water circuses, amusement parks
- sports grounds
- gym halls, swimming pools, baths, saunas
- general sports and entertainment complexes
- sports arenas
- cycle tracks
- autotracks
- hippodromes
- training sports schools
- ambulance stations
- veterinary stations
- hospitals
- psychoneurological and isolation hospitals
- kiosks, stalls, temporary retail trade and service pavilions
- public toilets
- temporary public catering constructions
- places of worship
- cemeteries
- crematoriums
- water in-takes
- river pavilions, moorings, wharfs
- boat and lifeguard stations

P-4 - Zone of monuments of nature

The permitted uses (as well as parameters for permitted construction alterations) of land and other real estate, located within zones of historic and cultural reserves (P 1), are established individually (applicable to each particular land parcel or real estate unit) by historic preservation committees and according to the procedures established by the legislation on protection and use of historic and cultural monuments

P-5 - Community orchard zone

Major permitted land uses

- dachas
- agricultural cultivation - flowers, vegetables, fruit
- public gardens, walk alleys
- orchards, gardens

Accessory permitted land uses

- hothouses
- green houses
- accessory structures - sheds for garden equipment, toilets, baths
- individual labor (without breaking principles of good-neighborhood)
- water-storage reservoirs
- one parking place (for guests) per three lots

Uses which require special zoning approval

- sheds for petty domestic animals on dacha lots
- sites for camping, picnics, accessory structures and infrastructure facilities for outdoor recreation activities
- beaches
- one-family cottage houses, detached and town houses
- retirement homes
- drugstores
- veterinary stations
- kiosks, stalls, temporary retail trade and service pavilions
- bath complexes
- temporary structures for cafes and snackbars
- police stations
- cemeteries
- water in-takes

INDUSTRIAL AND COMMUNAL (GENERAL SERVICE) ZONES

**ИК 1 - Zone of enterprises and warehouses of IV-V grade of hazard
(sanitary protection zone - up to 100 m)**

Major permitted land uses

- public gardens, alleys, orchards
- hotels
- hostels (related to industrial and educational institutions)
- specialized secondary education institutions
- multipurpose and specialized clubs (meeting halls)
- libraries, archives, information centers
- museums, exhibit halls
- sports grounds
- drugstores
- polyclinics
- ambulance stations

- kiosks, stalls, temporary retail trade and service pavilions
- shops of basic necessities in detached buildings
- public service enterprises, art workshops, handicraft workshops
- post offices, telephone and telegraph stations
- baths
- public catering facilities in detached buildings
- administrative offices
- scientific, design institutions including laboratories of biological profile or industrial technologies
- publishing houses and editor's offices
- computer centers
- places of worship
- surface and underground commercial garages, open temporary parking sites
- individual garages, permanent parking sites
- parking sites for transit transport - buses, lorries, cars
- tram, bus, trolley-bus depots
- lorry depots
- taxi depots
- car service enterprises
- warehouse structures

Uses which require special zoning approval

- sports halls, swimming pools
- general sports and entertainment complexes
- ambulance stations
- veterinary stations
- public toilets
- police stations
- ports, moorings, port structures
- gasoline stations
- cemeteries
- prisons
- military sites
- industrial enterprises of IV-V grade of hazard with sanitary protection zone of up to 100 m, including
 - chemical industries
 - metallurgic, machine building, metal processing industries
 - construction industries
 - wood processing industries
 - textile and light industries
 - animal products procession industries
 - food and flavors processing industries
 - agricultural enterprises

IIK-2 - Zone of enterprises and warehouses of II-III grade of hazard (sanitary protection zone of up to 300 m)

Major permitted land uses

- public gardens, alleys, orchards
- ambulance stations

- scientific, design institutions including laboratories of biological profile or industrial technologies
- surface and underground commercial garages, open temporary parking sites
- individual garages, permanent parking sites
- parking sites for transit transport - buses, lorries, cars
- tram, bus, trolley-bus depots
- lorry depots
- taxi depots
- car service enterprises
- warehouse structures
- gasoline stations
- industrial enterprises of IV- V grade of hazard with sanitary protection zone of up to 100 m, including
 - chemical industries
 - metallurgical, machine building, metal processing industries
 - construction industries
 - wood processing industries
 - textile and light industries
 - animal products processing industries
 - food and flavors processing industries
 - agricultural enterprises

Accessory permitted land uses

- specialized secondary education institutions
- multipurpose and specialized clubs (meeting halls)
- libraries, archives, information centers
- museums, exhibit halls
- sports grounds
- kiosks, stalls, temporary retail trade and service pavilions
- shops of basic necessities in detached buildings
- public service enterprises, art workshops, handicraft workshops
- public catering facilities in detached buildings
- administrative offices
- computer centers
- places of worship

Land uses which require special zoning approval

- libraries, archives, information centers
- chemical industries
- metallurgical, machine building, metal processing industries
- construction industries
- wood processing industries
- textile and light industries
- animal products processing industries
- food and flavors processing industries
- agricultural enterprises
- cemeteries
- crematoriums
- prisons
- military sites
- airdromes

IÊ-3 - Zone of enterprises and warehouses of I-II grade of hazard (sanitary protection zones - up to 500 m and more)

Major permitted land uses

- public gardens, alleys, orchards
- ambulance stations
- publishing houses, editor's offices, printing houses
- - scientific, design institutions including laboratories of biological profile or industrial technologies
- surface and underground commercial garages, open temporary parking sites
- individual garages, permanent parking sites
- parking sites for transit transport - buses, lorries, cars
- tram, bus, trolley-bus depots
- lorry depots
- taxi depots
- car service enterprises
- ports, moorings, port structures
- gasoline stations

- industrial enterprises of III-V grade of hazard with sanitary protection zone of up to 300 m, including

- chemical industries
- metallurgical, machine building, metal processing industries
- construction industries
- wood processing industries
- textile and light industries
- animal products processing industries
- food and flavors processing industries
- agricultural enterprises

Accessory permitted land uses

- specialized secondary education institutions
- multipurpose and specialized clubs (meeting halls)
- libraries, archives, information centers
- museums, exhibit halls
- sports grounds
- kiosks, stalls, temporary retail trade and service pavilions
- shops of basic necessities in detached buildings
- public service enterprises, art workshops, handicraft workshops
- public catering facilities in detached buildings
- administrative offices
- computer centers
- places of worship

Land uses which require special zoning approval

- hotels
- hostels related to enterprises and educational institutions
- higher educational institutions
- sports halls, swimming pools
- general sports and entertainment complexes
- ambulance stations
- veterinary stations
- public toilets
- police stations
- **industrial enterprises of I-II grade of hazard with sanitary protection zone of more than 300 m)**
 - chemical industries
 - metallurgical, machine building, metal processing industries
 - construction industries
 - wood processing industries
 - textile and light industries
 - animal products processing industries
 - food and flavors processing industries
 - agricultural enterprises
- cemeteries
- crematoriums
- prisons
- military sites
- airdromes

DC - RESERVE AREAS

The areas, reserved for future urban construction, include future major highways and some other uses. These areas are not included into the zoning system. Zoning will be conducted after these construction projects are approved by the city administration.