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USE, PLANNING AND ZONING RESTRICTIONS ON REAL ESTATE

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According to the provisions of the Constitution (**Article 24 paragraph 2**), the spatial restructuring of the country, the configuration, the development, the urban planning and the expansion of cities and residential areas in general are subject to the regulatory competence and control of the State, in order to serve the functionality and the development of settlements and to ensure the best possible living conditions, while the relevant technical choices and weightings are made in accordance with the rules of science.

The structure of spatial planning based on the National Spatial Strategy for the sustainable development of the national territory, in accordance with the provisions of Law 4447/2016, as amended by the provisions of the newer Law 4759/2020, is exercised at the national, regional and local levels and is distinguished according to its character into strategic and regulatory. Conditions and restrictions exist at each level.

According to the provisions of Law 4759/2020 on the modernization of planning and urban development legislation, **the urban development of a certain area requires the preparation**



and approval of an Implementation Plan, which includes the Implementation Act and the Urban Development Plan, which specify the regulations of the Local or Special Urban Plans on land use and building conditions and define the common, public and buildable spaces of the area to be developed, as well as the diagrams of the infrastructure networks.

Local spatial plans include land use, maps and charts by municipality, as well as building conditions and restrictions and any other terms for the organization of a Local Government Organization of the territory.

Building, and in particular the construction of buildings, which is carried out following the electronic issuance of a building permit by the Building Department of the relevant Municipality upon submission of the necessary topographic diagrams, property titles, studies and other required documents and supporting documents, is subject to conditions and restrictions, which are provided, directly by Constitutional provisions and by provisions of more specific laws as well.

The first General Building Regulation of 1929, which established the first general definitions and limitations of building and rules for the preparation of urban development plans, has been amended several times to date and most recently by the afore mentioned Law 4759/2020, which simplifies the provisions of the **New Building Regulation**, while at the same time providing incentives for the environmental improvement of the quality of life by reducing the height of existing buildings on the one hand, and for the creation of buildings with minimum energy consumption on the other.

The cases of arbitrary buildings or structures - or unauthorized changes of use of a building - built without a legal building permit or in the excess of it or in violation of the planning provisions, were regulated from time-to-time by provisions of many laws (such as Law 4014/2011, Law 4495/2017, Law 4759/2020) in order to be settled and legalized after the payment of special fines provided.

The protection of the natural and cultural environment, which is directly guaranteed by the Constitution (article 24 paragraph 1), for the preservation of which the State is obliged to take preventive and repressive measures within the framework of the principle of sustainability, places restrictions on the ownership of real estate. The building erection in forests is prohibited, while intervention in forest areas for any activity is subject to the control of the **General Directorate of Forests and Forest Environment** and to forest legislation.



Monuments and traditional settlements receive special protection and the execution of works or reconstruction in them respectively are subject to special conditions and restrictions. The seashore and the beach are under the direct protection of the State and the acquisition of property therein is prohibited.

Environmental Impact Assessments are required for public and private sector projects and activities whose construction or operation may have an impact on the environment and for which they are required to be carried out, in order to impose special conditions and restrictions for the protection of the environment in relation to the specific project or activity.

A **Residential Control Zone** was established in order to directly control land use in areas outside the approved urban plan in order to avoid unregulated development of these areas causing environmental degradation and destruction.

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