

DCM 408, dated 13/05/2015 “On approving the territorial development regulation”, as amended.

Article 32

Basic development criteria at unit level

1. The basic development criteria at unit level shall be determined by the Planning Authority and shall be set forth in GLPs and/or DLPs. These criteria comprise the following:

- Categories and/or subcategories of permitted land use; Type of territorial intervention (pursuant to the stipulations of the planning regulation); Permitted building density; Coefficient of land use; Number of floors; Height of structures; Distance indicators; Typology of construction; Red/construction line; Minimum land use coefficient for public spaces within the unit; Minimum number of public parking lots pursuant to the planning regulation; Minimum land use coefficient for roads within the unit; Infrastructure criteria; Other criteria, as applicable, set out in the planning regulation and specific sectorial legislation.

2. The mandatory unit development criteria shall be set out in the development permit, in accordance with the provisions of paragraph 1 of this article.

Article 33

Distance indicators

1. The basic indicators set out in this regulation shall be binding upon the planning authorities in drafting and implementing the planning documents.

2. Distances under this section shall not affect the freedom of property use, shall create public and/or functional spaces necessary for community services and shall also guarantee individual and health security.

3. The distances provided for under this regulation are the following ones:

- a) distances between constructions;
- b) distances between construction and parcel/property boundaries;
- c) distances between buildings and road borderline, in compliance with the Road Code

4. Pursuant to this article, distances shall be determined by the Planning Authority in compliance with the specifications in this regulation, the Planning Regulation and DLP, unless otherwise provided for in the specific sectorial legislation in force.

5. In determining these distances the following shall be taken into consideration:

- a) orientation and sunlight;
- b) condition of border constructions;
- c) hygienic and sanitary, environmental and safety standards pursuant to the respective legislation;

6. In compliance with paragraph 5 (a) of this Article, the object orientation shall be at a maximum of 40 degrees south, choosing preferably a longitudinal direction of the structure in relation to the orientation and a minimum of 3 sunlight hours during September 22 - March 22.

Article 34

Minimum distances between constructions

1. Pursuant to this article, the minimum distances between two facets, where at least one is provided with windows, help guarantee the minimum lighting and fire protection standards and are defined as the length of the perpendicular line between the nearest facet planes facing each other.

2. The minimum allowable distance between two constructions shall be calculated by means of the total number of above ground floors of the two said objects plus 2 m, using the following formula:

$d = \text{object A no. of floors} + \text{object B no. of floors} + 2 \text{ m}$, where:

d - minimum distance between the two constructions.

no. of floors - number of floors.

3. In case the existing facility has been built in violation to the urban criteria set forth in the specific legislation, the new building is exempt from the obligation to comply with the distances referred to in paragraph 2 of this article without derogating from the obligation to comply with the distance from the property boundaries, in accordance with Article 35. For the purpose of the implementation of this provision, a derogation from paragraph 3 is provided for all existing facilities built before the 90s, which obliges the new buildings to comply with the distances specified in paragraph 2 in relation to these objects.

4. For facets with no windows or other facade openings, located opposite one another and for which no specifications have been made related to the gables, the minimum distance as per the security standards of each facility shall be not less than 2 (two) meters, considering furthermore that each building has the obligation to comply with the distance of not less than 1 (one) meter from the property boundaries.

5. As regards constructions along the roads, any structural bracket will be considered a building facet and must comply with the distances from the road. Architectural elements of facades which do not constitute exploitable surfaces and do not arise more than 0.5 meter from the facade, are not required to comply with the distances referred to in this article.

6. In cases of historic sites which enjoy the protected status as cultural monuments pursuant to the specific legislation in force, the existing distances as per the historical architectonic typology in the area are applied.

8. Concerning the industrial constructions, distances shall be determined as per the construction safety standards and the activity carried out, in accordance with the specific legislation, and shall in no case be less than those stipulated in paragraph 2 and 3 of this Article.

9. In hotel areas construction distances shall be determined in the project, pursuant to this regulation, unless otherwise specified in the respective and environmental legislation.

10. Notwithstanding the provisions of this article, the spaces created by these distances shall allow to the fire protection service a direct access to each building, at least to 2 of the facets and also in the area between the buildings. The underground passages of tall buildings shall have a minimum width and height of 5 m, in order to allow for an easy access by the ambulance or firefighters.

11. Where the opposite facets must be equipped with gables and must contain no windows or other facade openings, both buildings shall stand next to these facets, pursuant to the project of juxtaposed buildings and the respective agreement between the stakeholders. In the absence of an agreement, the distances provided in this article shall be applied.

12. Pursuant to Article 19 of this regulation, the distances between facilities under the jurisdiction of the National Territorial Council, may be determined by means of the special regulations adopted by the National Territorial Council itself.

Article 35

Permitted distances between the construction and property boundaries

Unless otherwise provided in the general local plan, the minimum distance permitted between the construction and property boundaries is defined as the length of the perpendicular from the facet of the structure to the property boundary, and shall be equal to the number of above ground floors plus 1m ($d = \text{no. of floors} + 1 \text{ m}$), where d is the minimum distance of the construction from the property boundaries and no. of floors is the number of floors.

Article 36

Permitted distances between the construction and the road

1. The minimum distance of a construction from the road is measured from the nearest plane of the construction facet with the road borderline.

2. The permitted construction distances from the road shall be determined by the respective Planning Authorities and shall be set forth in GLPs and/or DLPs, taking into consideration the need for the expansion of road infrastructure proportionally to the new constructions.

3. Unless otherwise specified in the GLP, the minimum distances of the structure facets from the road borderline or the property boundary from the road, within existing or urbanized urban areas, shall be determined based on the actual condition of the road, but in any case they shall not be less than the legally specified distances in the immovable property register, which unless otherwise provided by Law No. 8378, dated 22/07/1998, "Road Code of the Republic of Albania" are as follows:

a) for a road width, irrespective of sidewalks, of less than 7 (seven) meters, the minimum distance shall be 2.5 (two point five) meters;

- b) for a road width, including sidewalks, of 7 (seven) up to 15 (fifteen) meters, the minimum distance shall be 3 (three) meters;
- c) for a road width, including sidewalks, of more than 15 (fifteen) meters, the minimum distance shall be 4 (four) meters.

4. For those constructions that may affect category A roads, category B highways, category C interurban roads and secondary interurban roads, the provisions of the Regulation “On the implementation of the Road Code of the Republic of Albania” shall be implemented.

5. For constructions along railways the distances specified in the Railway Code shall be applied.

Article 37

Construction height

1. For the calculation or assessment pursuant to the provisions of this regulation, the construction height shall always be expressed in number of floors as well as in meters.

The construction height expressed in meters shall be calculated, as appropriate:

- a) From the average elevation of the surrounding sidewalk layout of a building to the highest end point of the parapet coping, when these are flat;
- b) From the average elevation of the surrounding sidewalk layout of a building in a flat terrain to the top of the coping, when these are sloping;
- c) In case of objects built in sloping terrains, the height in meters shall be given separately for both facets of the structure in each side of the sloping terrain and in accordance with letter “a” and “b” of this paragraph.
- ç) Pursuant to the provisions in the sectoral legislation on specific objects.

2. The above ground height of the building, expressed in number of floors shall be equal to the total number of above ground floors, including the floor or half-floor immediately under the roof, in compliance with this Article.

3. For the calculation of the building height in meters, unless otherwise specified in the applicable construction regulations, the following shall be taken into consideration:

- a) The floor-to-floor height is 3.00 m, and at least 3.5 m (three point five) for industrial buildings.
- b) The underground floor, otherwise known as the basement, constitutes the building volume of the floor, which is completely or mainly located underground, provided that its upper elevation measured by means of the finished floor elevation of the first floor, is not more than 1 meter above the elevation of the sidewalk or surrounding square layout of the structure;
- c) In the ground floor, in case of its exploitation for service provision, the minimum floor-to-floor height is 5.00 m.
- ç) The loft is the space used for dwelling purposes or human activity, which constitutes the volume of bottom construction on the upper edge of a building and is covered by an inclined coping;
- d) In roofed buildings, the loft is considered as a separate floor when its inclination allows

the exploitation of at least 50% of the total living area of the covered floor. When the estimated exploitation of the loft is at least 30% and less than 50%, this space is considered as a half-floor;

4. In case of other uses, functions and activities, the floor height shall be determined in the specific legislation in force and in the construction regulation.

5. The maximum construction height allowed in historic sites which enjoy the protected status as cultural monuments shall be determined pursuant to the specific legislation.

Article 38

Building density

1. The density (D) shall be determined in the planning document at the structural unit level.

2. The actual density (D) at the structural unit level shall be equal to the ratio of the total square footage of above ground floors for the whole unit and the total surface of the parcels that can be built at the same unit. The calculation of (D) for the unit does not include public roads or spaces, except as provided in the applicable sectoral legislation.

3. In absence of GLPs, the density (D) for each unit shall be determined in the planning document and shall be applied to any buildable parcel within said units, excluding roads and public spaces.

4. The density (D) for an area shall be determined in compliance with this regulation, the law and the specific applicable legislation.

5. Generally, the density (D) shall be measured in m^2/m^2 , except in cases of buildings exploited for agricultural or industrial and economic activities, where (I) can also be measured in m^3/m^2 , pursuant to the specific applicable by-laws.

Article 39

Land use coefficient

1. The land use coefficient shall be the ratio of the construction footprint square footage to the total area of the buildable parcel.

2. The land use coefficient shall be measured in percentage (%).

3. The land use coefficient shall be determined in the planning documents of each unit and area and shall be applied for any buildable parcel.

4. In the case of public infrastructure, the land use coefficient shall be determined irrespectively of other constructions and in accordance with the needs of the specific function and legislation.

Article 40

Land use coefficient for roads and public spaces

1. The land use coefficient for roads is the ratio between the road footprint square footage per unit/area and the total unit/area surface.

2. The land coefficient for roads shall be expressed in % and shall be determined in the planning documents per unit/area, in compliance with:
 - a) the estimated number of housing units and other constructions;
 - b) the permitted distances pursuant to this regulation;
 - c) the sunlight and acoustic insulation needs;
 - ç) the necessary space for underground and air infrastructure;
 - d) the road access requirement for every single facility;
 - dh) the parcel division and unification requirements, under this regulation;
 - e) the internal and transit traffic requirements;
 - ë) the city access requirement of the unit/area;
 - f) the urban transport, pedestrian and bicycle traffic needs.

3. The land use coefficient for public spaces shall be the ratio between the public spaces square footage per unit/area and the total square footage of the unit/area.

4. The land use coefficient for public spaces shall be expressed in % and shall be determined in the planning documents per unit/area.

5. As a rule, the total percentage occupied by buildable parcels in an area with land use coefficient for roads and public spaces is equal to 1 (one).