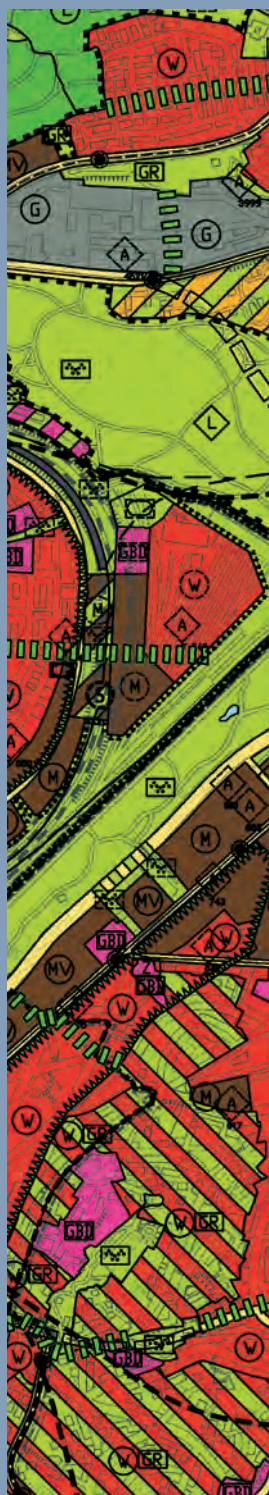


Levels of Spatial Planning

Department of City Planning and Housing



Publisher

City of Stuttgart, Germany

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As a continuously developing city, Stuttgart – capital of the state of Baden-Württemberg in Southern Germany – has to master the challenges of urban planning as well as to meet the diverse demands of its location and population. Today, the main areas of planning in Stuttgart are urban redevelopment and

the reuse and reactivation of brownfields as potential building sites for housing and business development, taking into account climatic and demographic changes.

Stuttgart is a growing city. Numerous urban developments and traffic-related projects are being planned or under construction. Primary objectives for the future are the construction of new apartments and the development of industrial and commercial sites and efficient transport networks. At the same time, the qualities of open spaces, green corridors, nature reserves and the open landscape have to be safeguarded and protected. Planning has to account for all the aspects, interests and needs that contribute to creating attractive and healthy urban living conditions.

The task of urban planning is an orderly development of the urban area at different levels and at different scales. Conflicts of use and negative developments are to be avoided in order to promote good urban design and qualitative upgrading of the urban inventory. Planning is a balancing process, mediating and communication between numerous public and private interests, whereby the objectives of the common good, of urban planning as well as environmental protection and nature conservation have to be coordinated and reconciled with legal requirements.

Planning often results in the creation of new building laws which should help to reduce or prevent negative trends and developments. Planning authority lies with the city, taking into account superordinate planning strategies by federal, state, regional or sectoral planning.

In the past few years, several amendments to the Federal Building Code relevant to planning were adopted: In 2011 the concerns surrounding general climate protection and climate adaptation became an important issue for urban land-use planning, as a result of the „Law for the Promotion of Climate Protection in the Development of Cities and Municipalities“.

The „Law to Enhance Urban Redevelopment in the Cities and Towns and to the Ongoing Development of Urban Planning Law“ from 2013 aims to reduce the use of greenfield land. The urbanity and attractiveness of cities should be safeguarded and enhanced by appropriate strategies of brownfield redevelopment.

The changes in the legal framework and the great demand from politicians and the public for this brochure have prompted us to update the content in a 4th edition. The present edition gives a survey of respective planning levels of spatial planning in Germany. It is a compact, succinct summary of the essential content.

I hope that with this brochure we will be able to provide an insight into the planning system and its applied planning levels in Stuttgart, trying to make urban planning's complexity and intricacy a little clearer and more transparent.

Dr.-Ing. Detlef Kron

Municipal Director | Head
Department of Urban Planning and Housing,
City of Stuttgart

Table of Contents

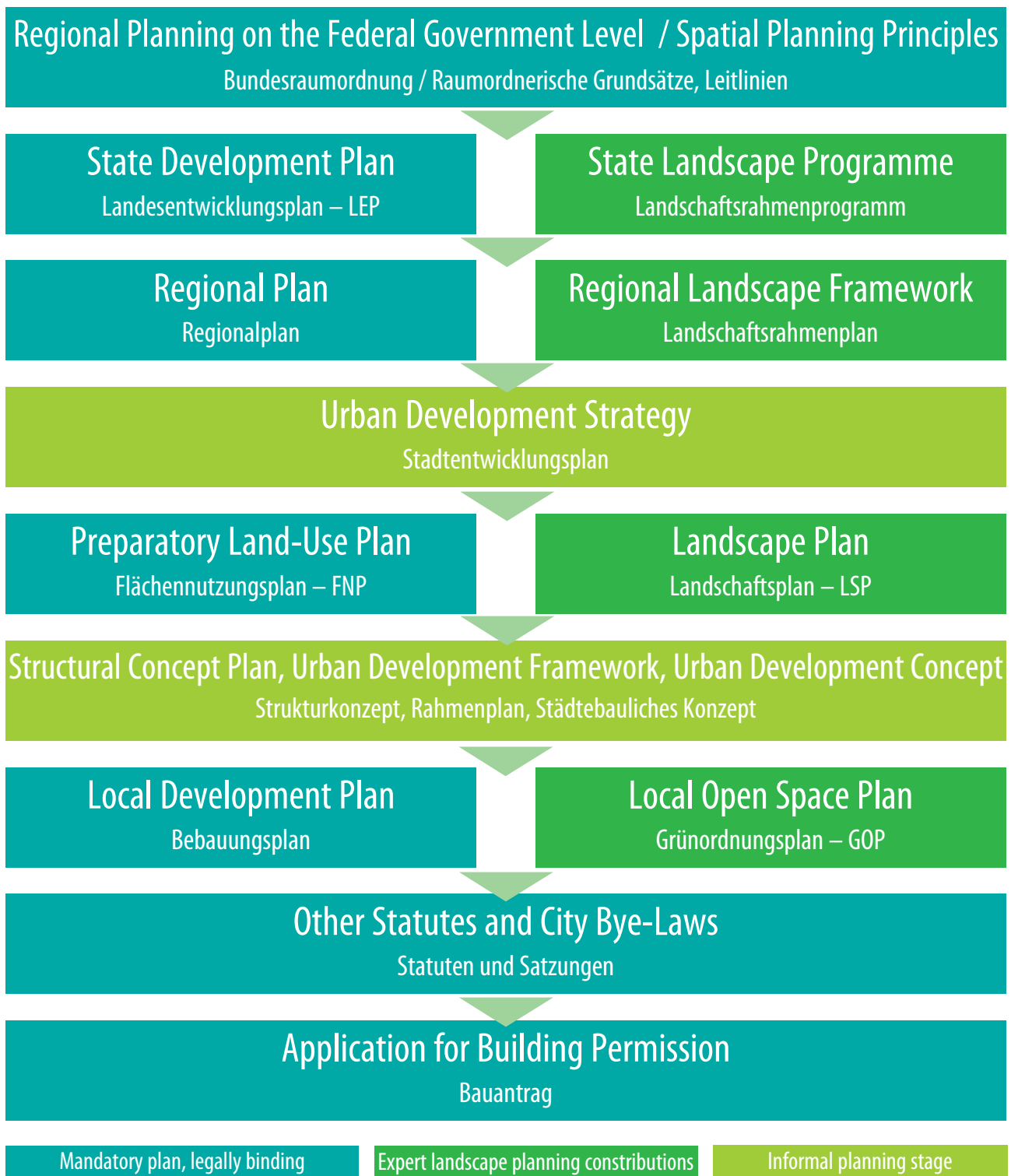
05	From Regional Planning of the Federal Government Level to Private Building Application
06	State Development Plan – Landesentwicklungsplan – LEP
08	Regional Plan – Regionalplan
10	Urban Development Strategy – Stadtentwicklungskonzept – STEK
12	Preparatory Land-Use Plan – Flächennutzungsplan – FNP
14	Landscape Plan – Landschaftsplan – LSP
16	Structural Concept Plan – Strukturkonzept
18	Urban Development Framework – Städtebaulicher Rahmenplan
20	Urban Design Competition – Städtebaulicher Wettbewerb
22	Local Development Plan – Bebauungsplan – B-Plan
24	Environmental Assessment and Environment Report – Umweltprüfung und Umweltbericht
26	Other Statutes – Andere Satzungen
28	Application for Building Permission – Baugesuch
30	Establishment Process for Land-Use Plans in Germany (simplified)
31	Citizen Partizipation / Urban Development Contract
32	Stuttgart Urban Redevelopment Scheme – Stuttgarter Innenentwicklungsmodell – SIM
34	Department of City Planning and Housing – Amt für Stadtplanung und Wohnen
35	Contact Information



City of Stuttgart, Department of City Planning and Housing (2016)

From Regional Planning of the Federal Government Level to Private Building Applications

Spatial planning takes place in Germany at various planning levels. As part of municipal self-government and planning sovereignty, the municipalities themselves determine the actual use of land. The relevant legislation must be taken into account, including nature protection and biodiversity conservation, which are to be regarded separately at each planning level. The integration of environmental concerns should be considered in all spatial planning.*

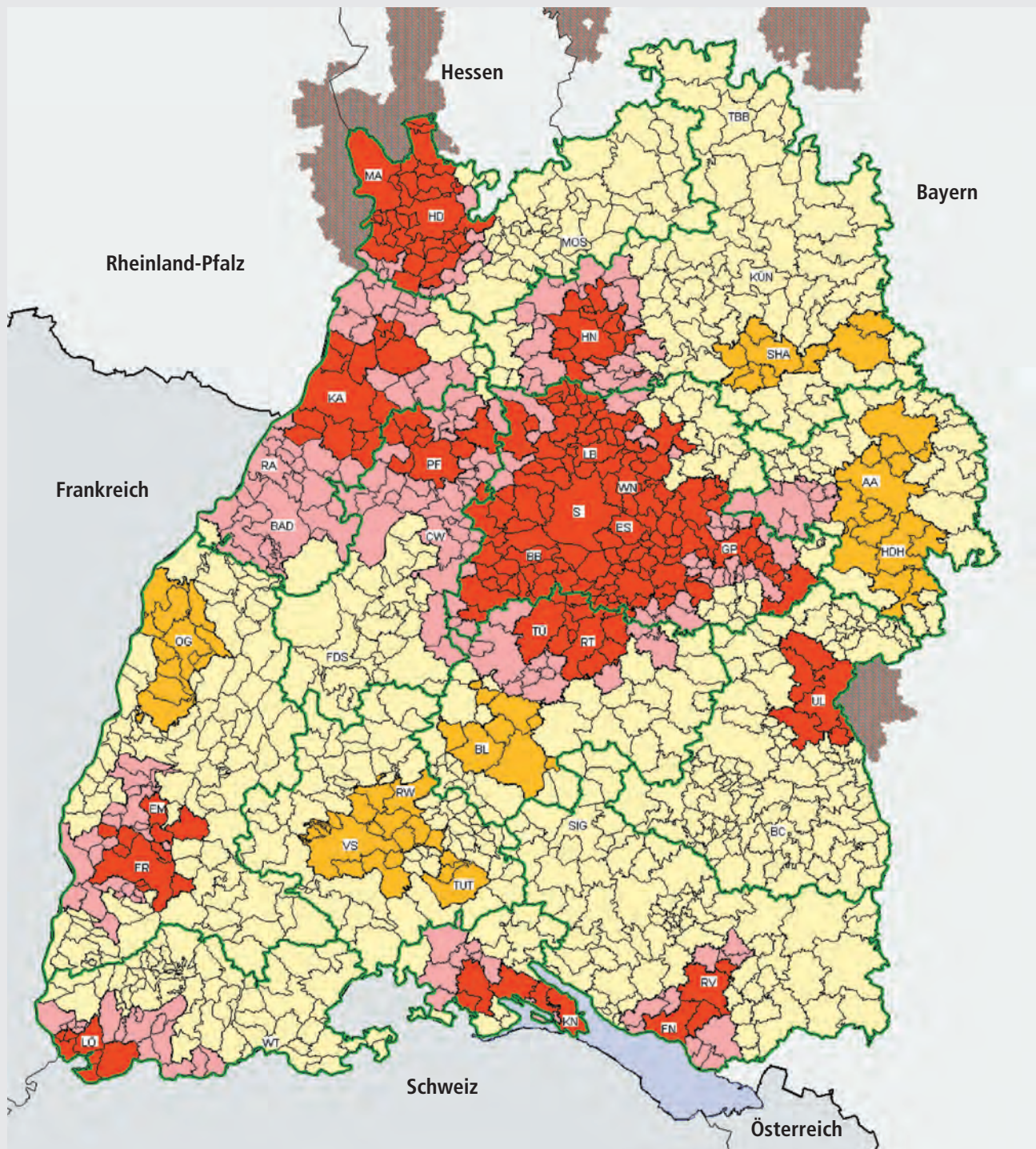


LH Stuttgart, Amt für Stadtplanung und Wohnen, eigene Darstellung 2019

*The consideration of environmental issues at all levels of spatial planning has been mandatory under federal law since 2004 on the basis of a formal Environmental Assessment scheme („Umweltprüfung“, sect. 2, para. 4 BauGB and sect. 9 ROG).

State Development Plan

Landesentwicklungsplan - LEP



Ministry of Economic Affairs of the State of Baden-Württemberg, State Development Plan (2002)

 Urban agglomerations	AA Aalen	FR Freiburg i.Br.	MA Mannheim	SIG Sigmaringen
 Urban fringes of agglomerations	BAD Baden-Baden	GP Göppingen	MO Mosbach	TB Tauberbischofsheim
 Higher settlement densities in Rural Areas	BB Böblingen	HD Heidelberg	S Offenburg	B Tübingen
 Rural Areas (with lower settlement densities)	BC Biberach	HN Heidenheim	OG Pforzheim	TÜ Tuttlingen
 Please note: Urban areas of neighbouring states are presented according to the respective State	BL a.d.R.	H a.d.B.	PF Rastatt	TU Ulm
	CW Balingen	HN Heilbronn	RA Reutlingen	T Villingen-
	EM Calw	KA Karlsruhe	RT Ravensburg	UL Schwenningen
	ES Emmendingen	KN Konstanz	RV Rottweil	VS Waiblingen
	FDS Esslingen a.N.	KÜ Künzelsau	RW Stuttgart	
	FN Freudenstadt	N Ludwigsburg	S Schwäbisch	

Objective and Content

The State Development Plan („Landesentwicklungsplan“ – LEP) specifies the goals of spatial development for the entire state of Baden-Württemberg. In particular, it maps the central locations and their catchment areas, superordinate development corridors as well as the borders in between open spaces and densely populated areas. The State Development Plan contains general principles and objectives for the entire federal state.

Regional development plans are drawn up by the federal states and coordination at the federal level is carried out by the Ministerial Board on Regional Planning („Ministerkonferenz für Raumordnung“ – MKRO), which is also responsible for the Federal Planning Programme for the Regions („Bundesraumordnungsprogramm“).

As far as it is required and applicable, the State Development Plan incorporates the provisions of the State Landscape Programme („Landschaftsrahmenprogramm“). This sectoral planning contains the objectives of nature conservation, landscape management and recreational provision.

The State Development Report („Landesentwicklungsbericht“ – LEB) is published at regular intervals. It describes spatially dominant trends and developments of population, housing, employment, and commuter traffic.

The current State Development Plan dates back to 2002, as a strategic framework for the spatial development of Baden-Württemberg.

Territory Information

Territorial Delineation

The planning area covers Baden-Württemberg as the third largest federal state with a resident population of around 10.7 million inhabitants within a total area of 35,752 km² (as of 2014).

Contents

Planned records, plans

Planning Scale

1: 900,000

Planning interval

Approximately 10 years targeted.

Legal Basis

Federal Regional Planning Act („Raumordnungsgesetz“ – ROG), State Planning Act („Landesplanungsgesetz“ – LplG)

Public Participation

Indirectly via 1,500 planning authorities on federal, state and municipal levels, trade associations, nature conservation associations, etc.

Planning Authority

Ministry of Economic Affairs of the State of Baden-Württemberg („Wirtschaftsministerium Baden-Württemberg“)

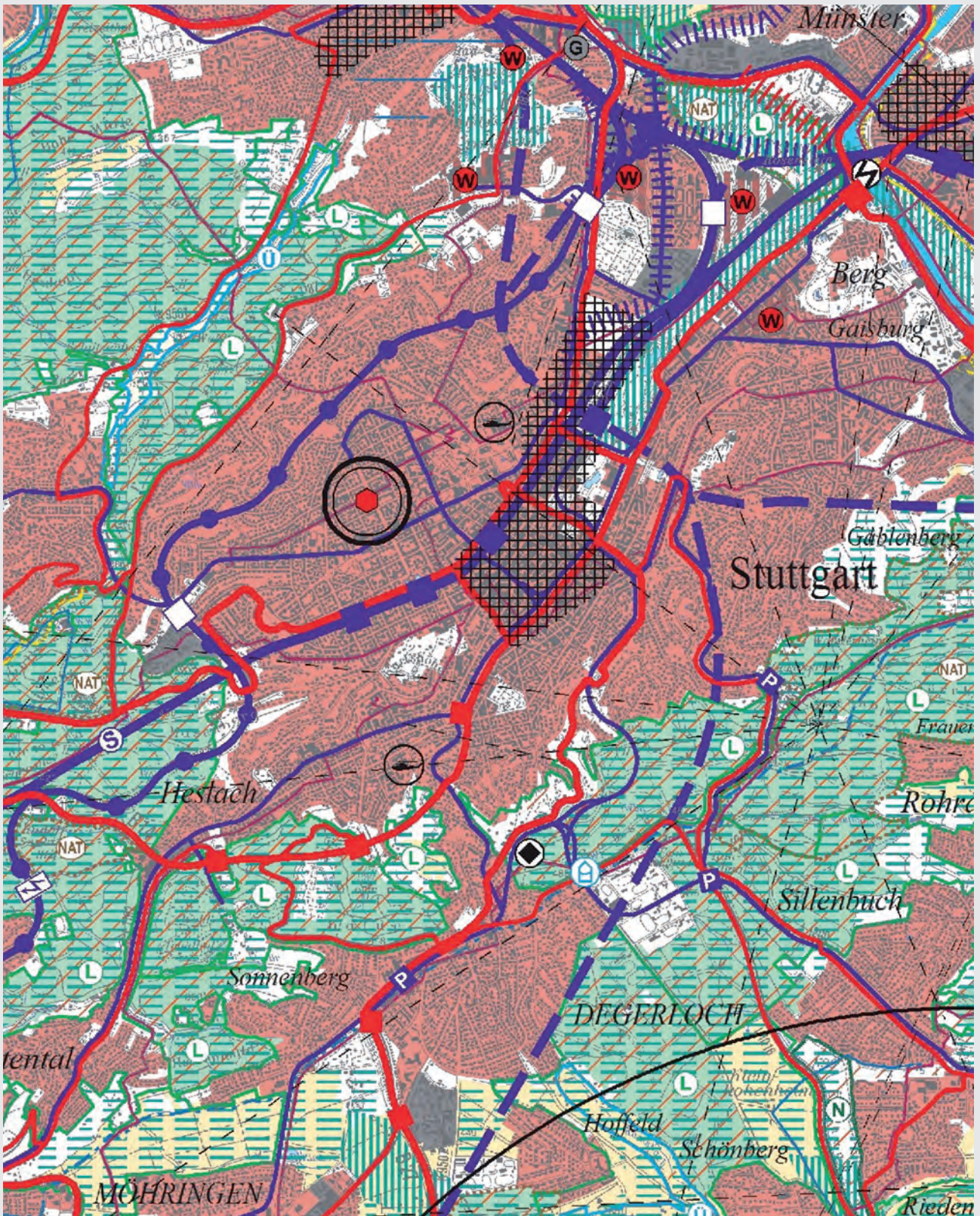
Adoption / Supervisory Body

State Parliament of Baden-Württemberg („Landtag Baden-Württemberg“)



Regional Plan

Regionalplan



Stuttgart Regional Association („Verband Region Stuttgart“ – VRS), Regional Plan, Land Utilisation Map (2009)

Objective and Content

Regional planning is embedded in a comprehensive planning system, which specifies the content of the State Development Plan and further shapes it for the planning area of the Stuttgart region. As the Regional Plan transfers part of state sectoral planning to the regional level, it can be seen as a link between state and municipal planning. The current Regional Plan was approved by the Regional Assembly of the Stuttgart Regional Association („Verband Region Stuttgart“ – VRS) on 22 July 2009 and has been legally binding since 12 November 2010.

It contains goals, basic principles, recommendations and written statements for the development of settlements, green belts, and infrastructure for the City of Stuttgart as well as for the surrounding administrative districts of Ludwigsburg, Böblingen, Esslingen, Göppingen and Rems-Murr.

It outlines the regional structure of land use in terms of the organisation and development of the settlement and open space structure as well as their coordination with the transport and supply networks and institutions in the region. An underlying basic planning principle is the concept of development corridors and central places. It concentrates new urban development along corridors with capacious traffic infrastructure and ensures a well-balanced distribution of interacting central functions among the municipalities and their surrounding areas. The Regional Plan thus makes binding specifications for various sectoral and municipal urban land use planning.

As far as required and applicable, the Regional Plan incorporates the aims of the Regional Landscape Framework („Landschaftsrahmenplan“) and the Regional Traffic and Transport Plan („Regionalverkehrsplan“). The Regional Landscape Framework describes and specifies the conditions and demands of open spaces which spatial planning needs to take into account. The establishment of priority areas for regional green belts and regional green corridors serves to maintain and improve the open space structures as well as to secure coherent open spaces and accessible settlement gaps. In contrast, the Regional Traffic and Transport Plan contains strategies and plans for the development of regional transportation networks. It is necessary to consider the important interactions between settlement, open space and infrastructure development.

Territory Information

Territorial Delineation

The plan covers the Greater Stuttgart Region, which includes the municipality of Stuttgart (the state capital of Baden-Württemberg) and the counties of Böblingen, Esslingen, Göppingen, Ludwigsburg and Rems-Murr-Kreis with a total of 2.69 million inhabitants in a total area of 3,654 km² (as of 2014).

Contents

Text section, Land Utilisation Map, structural map, further thematical maps, justification with environmental report

Planning Scale

Land Utilisation Map: 1 : 50,000

Planning Interval

Approximately 15 years targeted.

Legal Basis

Federal Regional Planning Act („Raumordnungsgesetz“ – ROG), State Planning Act („Landesplanungsgesetz“ – LplG), Enhancement of Collaboration within the Stuttgart Region Bill („Gesetz über die Stärkung der Zusammenarbeit in der Region Stuttgart“, February 7, 1994).

Public Participation

Indirect participation from the boards of the Regional Association („Verband Region Stuttgart“ – VRS) by directly elected representatives from city and rural districts. Involvement of planning authorities, counties, municipalities, nature conservation associations, etc. Information and discussion events for citizens.

Planning Authority

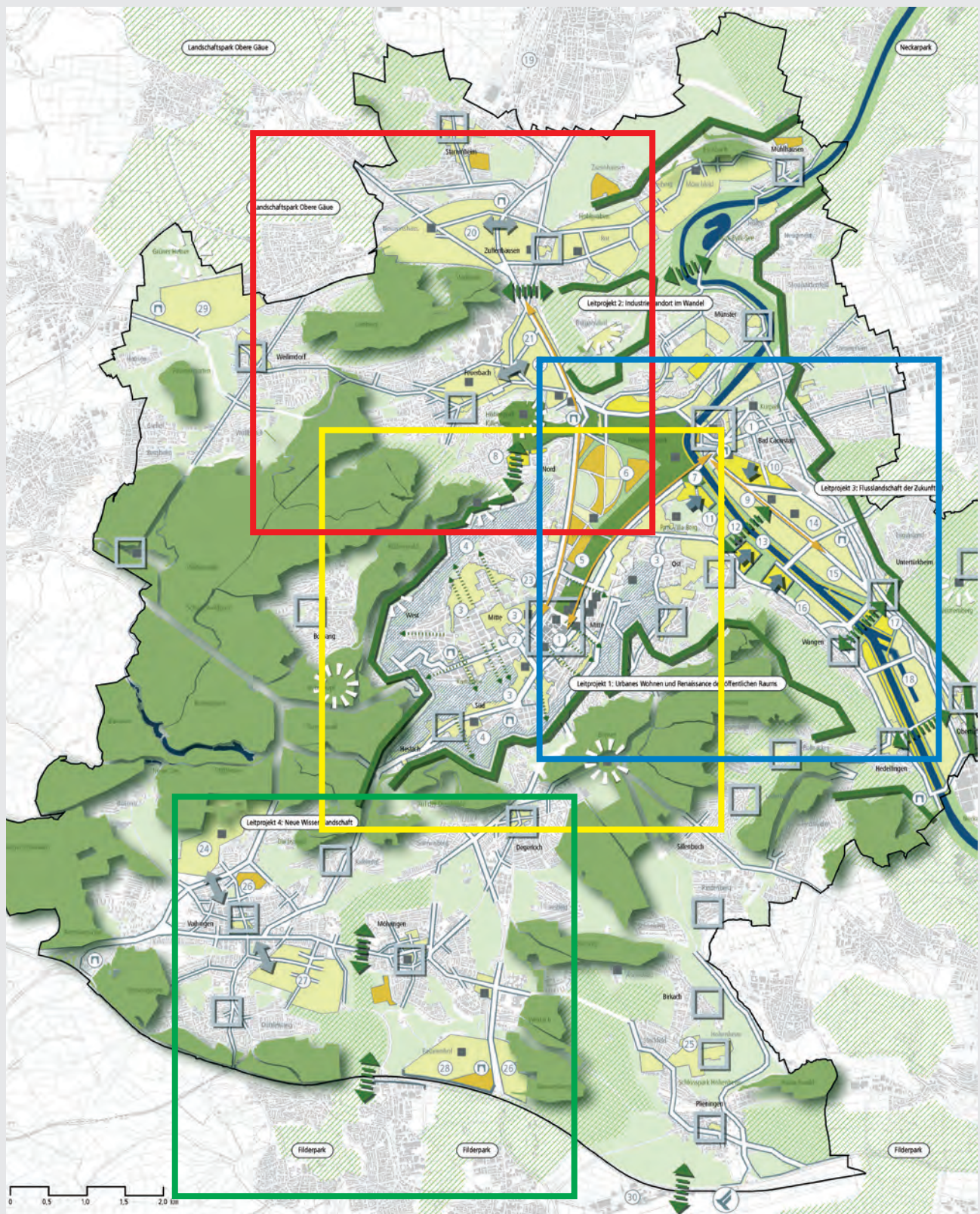
Regional Association („Verband Region Stuttgart“ – VRS) as a corporation under public law with the bodies „Association Assembly“ and „Association Chairperson“. The members of the Regional Assembly are - as opposed to other regional associations - elected by the citizens of the Stuttgart region by direct election (election period: every five years).

Adoption / Supervisory Body

Ministry of Transport and Infrastructure of the State of Baden-Württemberg („Ministerium für Verkehr und Infrastruktur Baden-Württemberg“)

Urban Development Strategy

Stadtentwicklungskonzept - STEK



- **Urban Housing and the Renaissance of Public Space**
Focus: city centre and central districts („Stuttgart Mitte“)
- **Reimagining the Industrial Landscape**
Focus: northern districts („Stuttgart Nord“)

- **Riverscapes of the Future**
Focus: eastern districts and Neckar valley („Stuttgart Neckar“)
- **A New Research Landscape**
Focus: southern districts and Filder plain („Filderebene“)

City of Stuttgart, Department of City Planning and Housing (2006)

Objective and Content

Urban Development planning deals with the long-term spatial development of the city. It coordinates and steers planning matters and serves to group contradictory urban planning, economic, ecological and social goals in the city. It is a guide for future planning and decisions. It defines thematic fields of activity, specific activity objectives and special activity areas of urban development as well as initiating sectoral and sub-spatial planning and pilot projects. The urban development concept contains guidelines and recommendations for the Preparatory Land-Use Plan as well as subordinate Urban Development Framework-, Structural Concept- and Local Development Plans. Important instruments and tasks of the Stuttgart Urban Development Strategy („Stadtentwicklungskonzept Stuttgart“ – STEK) are:

- Individual plans in the areas of housing (including urban living), business/commerce (including urban development concept to promote business space in Stuttgart), social/infrastructure (including action strategy for social urban development) and retail (retail and centre-orientated strategies)
- Initiation of action-orientated concepts and pilot projects (district planning, schemes according to national urban development programmes) and action programmes
- Spatially focussed structural planning (structural concepts, urban development enhancement scheme for public spaces – „Stadtentwicklungspauschale“ – STEP, etc.)
- Coordination of expert planning (including planning schemes for schools, sports, playgrounds, social services) with spatial planning

The interdepartmental Stuttgart Urban Development Strategy („Stadtentwicklungskonzept Stuttgart“ - STEK) has been in action since 2006. It defines the strategic goals of urban development and planning in Stuttgart in the areas of housing, economy and commerce, culture and education, leisure and sports, social affairs, landscape and open spaces, mobility and traffic, and names significant spatially lead and impulse projects. It provides a framework for the various fields of action and serves as a guideline for spatial planning (see Federal Building Code, sect. 1, para.6, no. 11 BauGB). The STEK was developed with high expertise and in dialogue with the public from 2004 - 2006. The next conceptual update is being scheduled for 2020 - 2022.

Territory Information

Territorial Delineation

Entire municipality of Stuttgart or parts of it, depending on subject of plan.

Contents

Plans and thematic maps, explanatory text

Planning Scale

1 : 2,500 to 1 : 20,000

Planning Interval

15 to 20 years

Public Participation

Depending on the planning task, e.g. citizen participatory workshops / planning workshops

Planning Authority

City of Stuttgart

Preparatory Land-Use Plan

Flächennutzungsplan - FNP



City of Stuttgart, Department of City Planning and Housing, Preparatory Land-Use Plan (2016)

Objective and Content

The Preparatory Land-Use Plan („Flächennutzungsplan Stuttgart“ – FNP) forms the first stage of municipal development and urban land-use planning. The task of land-use planning is to prepare and manage land for construction and other types of use in accordance with the Federal Building Code („Baugesetzbuch“). The planning period and duration of a Preparatory Land-Use Plan is usually about 15 - 20 years.

The Preparatory Land-Use Plan must be aligned with the aims of federal, state and regional development planning. It does not go down to plot level, thus it outlines the existing and intended type of land use of all land in the municipality, in particular: residential, mixed-use, business and commercial, traffic and infrastructure, green space, agricultural and forestry uses.

Planning sovereignty lies with the respective municipality which can draw up urban land-use plans, as and when required for urban development and spatial organisation. The Preparatory Land-Use Plan consists of a map, a text and an explanatory memorandum, containing graphic and textual representations, designations, memorandums and further statements.

The legally binding Preparatory Land-Use Plan does not create any building rights and has no liability towards the citizens.

The current Preparatory Land-Use Plan for the City of Stuttgart has been effective since 2001 and is kept up-to-date by continuous adaptations. The defined principles of planning and the strategic planning goals („priority of urban redevelopment“, „urban-landscape integration“ and „city-friendly traffic“) remain valid and highly topical. Due to a small number of new construction areas, the priority of urban redevelopment becomes particularly clear.

Territory Information

Territorial Delineation

The scope covers the district area of the City of Stuttgart with an area of 207 km² and a population of about 615,000 inhabitants (as of 2020).

Contents

Text section, plan, explanatory memorandum including with environmental report

Planning Scale

1 : 10,000

Planning Interval

Unlimited by law, usually for the duration of about 15 to 20 years

Legal Basis

Federal Building Code („Baugesetzbuch“ - BauGB, sect. 5 BauGB), Federal Land Utilisation Ordinance („Baunutzungsverordnung“ – BauNVO), Planning Design Ordinance („Planzeichenverordnung“ – PlanZV)

Public Participation

According to the Federal Building Code („Baugesetzbuch“ – BauGB), the participatory process is conceived in two stages (in which any citizen can participate), with early public participation and subsequent formal public participation with public display of the draft plan, as well as the opportunity to make suggestions.

Planning Authority

City of Stuttgart

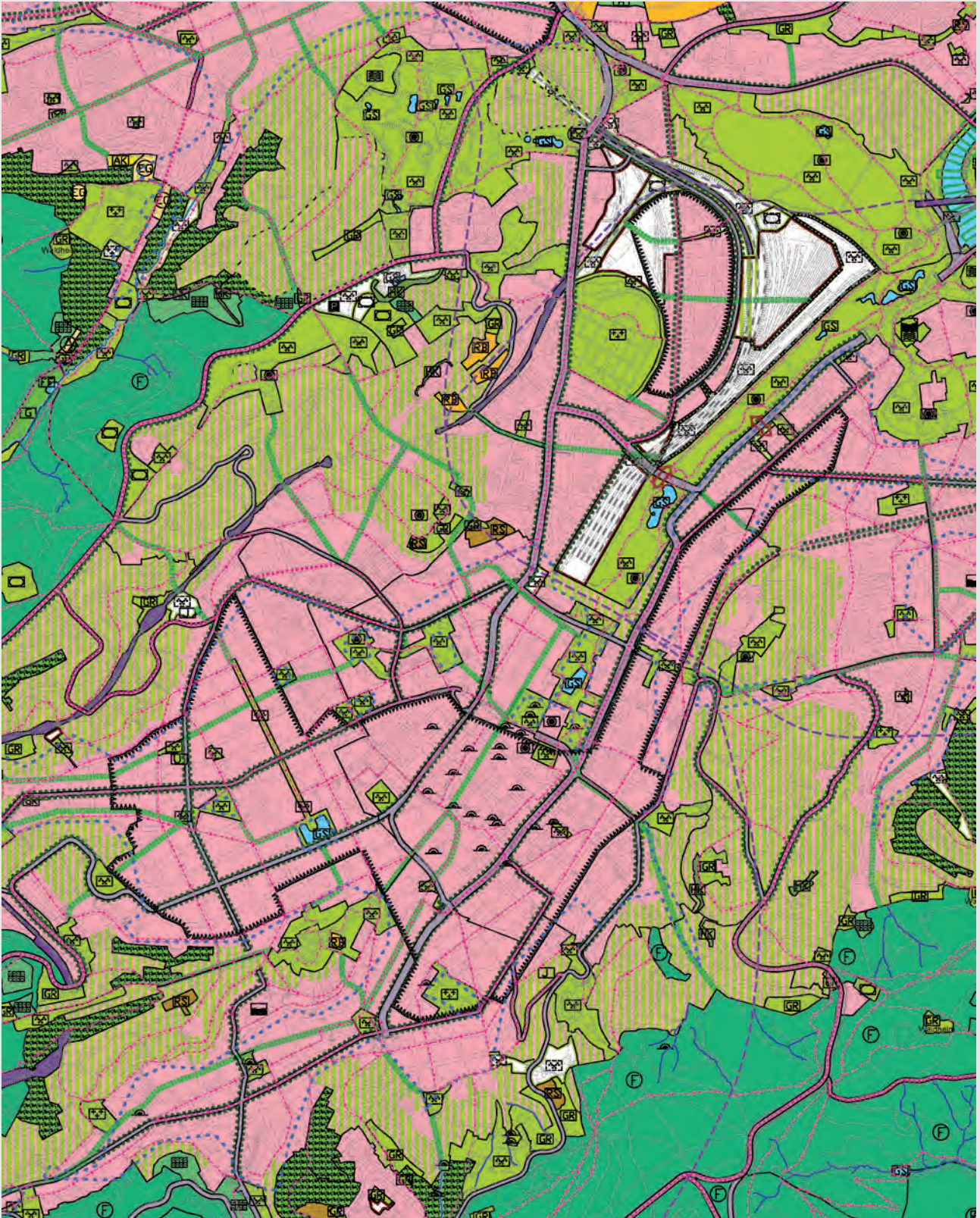
Adoption / Supervisory Body

Stuttgart Regional Council



Landscape Plan

Landschaftsplan - LSP



City of Stuttgart, Department of City Planning and Housing, Landscape Plan (2016)

Objective and Content

The Landscape Plan („Landschaftsplan“ – LSP) is the environment-related technical supplement to the Preparatory Land-Use Plan (FNP). It specifies the objectives of nature conservation and landscape management for the municipality. A municipal Landscape Plan must be set up if there are significant changes to the nature and landscape within the planning area. An environmental assessment has to be carried out for each Landscape Plan (see sect. 14 of the Environmental Management Act – UVwG). The Landscape Plan statutes and represents measures for the protection and the development of nature and landscape, for avoiding, limiting and compensating for damage, for the preservation and development of open spaces in populated and uninhabited areas as well as for recreation.

The overall planning goal for the open space development in Stuttgart is laid out in a specific Guideline Plan („Leitfunktionenplan“). Respective Guidelines (e.g. the protection of species and habitat, recreation, protection of the soil for agriculture and consumer-related production of food) are derived from the landscape features and its potential, natural resources, the efficiency of the ecosystem and the interactions – and in part the incompatibilities – between the different types of use.

Parallel to the updating of the Preparatory Land-Use Plan, the municipal council also made the decision to update the Landscape Plan, being assigned to the Preparatory Land-Use Plan in order to appropriately incorporating landscape planning issues into the overall decision-making process. The Landscape Plan is an independent planning instrument, but it is not legally binding. It only gains legal effect when its contents are being included in the Preparatory Land-Use Plan. However, the contents of the Landscape Plan need to be taken into account in all planning and administrative procedures; if this is not possible, it must be particularly justified.

Essential statements of the current Landscape Plan draft (e.g. the identification of areas with insufficient green space, the designation of green corridors within built up areas, of landscape development areas, and of zones for mitigation measures, allotment and market-gardening) have been incorporated into the Preparatory Land-Use Plan.

Territory Information

Territorial Delineation

The scope covers the district area of the City of Stuttgart with an area of 207 km² and a population of about 615,000 inhabitants (as of 2020).

Contents

Protected area plan, guidance function plan, plan of measures

Planning Scale

1 : 10,000

Planning Interval

Unlimited by law, usually for the duration of about 15 to 20 years

Legal Basis

Federal Nature Conservation Act („Bundesnaturschutzgesetz“ – BNatschG), Nature Conservation Act Baden-Württemberg („Naturschutzgesetz Baden-Württemberg“ – NatSchG)

Public Participation

Public participation takes place within the framework of a strategic environmental assessment process in accordance with the Environmental Management Act – UVwG; with a parallel update of the Preparatory Land-Use Plan or together with the Preparatory Land-Use Plan in accordance with the Federal Building Code („Baugesetzbuch“ – BauGB) as a two-stage participation procedure (see also Preparatory Land-Use Plan: Public Participation).

Planning Authority

City of Stuttgart

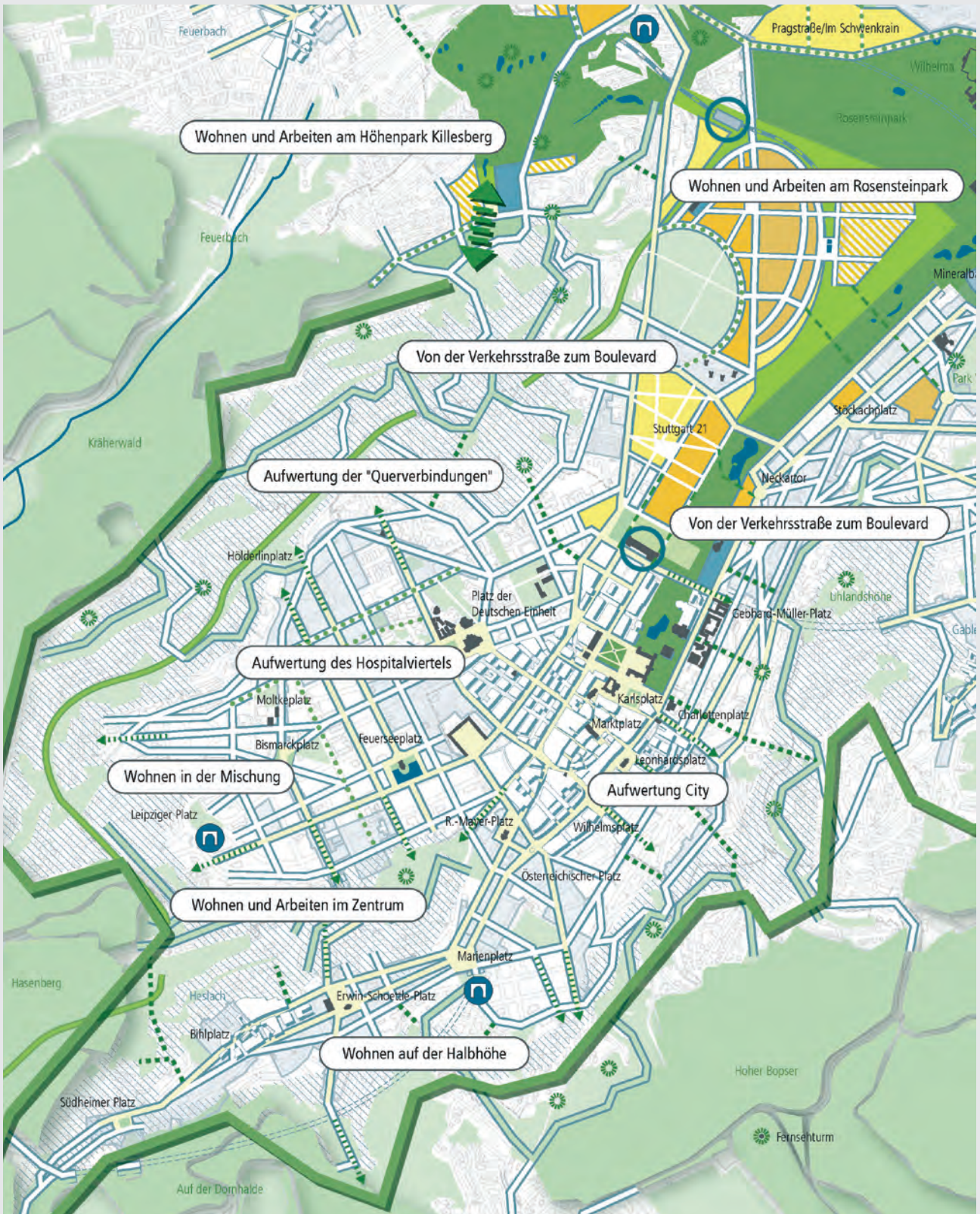
Adoption / Supervisory Body

Municipal Council



Structural Concept Plan

Strukturkonzept



City of Stuttgart, Department of City Planning and Housing (2006)

Objective and Content

With the help of Structural Concept Plans („Strukturkonzepte“) the lead projects of the Stuttgart Urban Development Strategy („Stadtentwicklungskonzept Stuttgart“ – STEK) can be explored in a more detailed way. Based on the particular situation in the respective parts of the city, the lead projects focus on the spatial and structural framework and conditions that serve as orientation for further urban development.

Thus, four spatial lead projects have been identified in different parts presenting a thematic perspective: the southern districts of the Filder plain („Filderebene“), the city centre and surrounding central districts, the eastern districts of the Neckar valley and the northern districts.

A Structural Concept Plan complements the municipal urban planning system as an informal instrument. It summarises the existing plans and concepts of the particular city districts and thus represents an overall view of the respective planning area.

The scope of duties is dedicated to the definition and conceptual framework for the targeted areas of urban development: they include those development areas and locations where a concentration of investment for restructuring and revitalisation of the city, urban redevelopment and urban design is imminent. The respective framework for action is provided by defined focus areas.

The Structural Concept Plan deals with the topics of urban planning and design, green and open space planning, housing, as well as business and retail development, transport as well as infrastructure, yet it is an informal planning tool with no legal effect.

Territory Information

Territorial Delineation

Depending on planning requirements and depending on spatial or topical contents

Contents

Plans and thematic maps, explanatory text

Planning Scale

1 : 2,500 to 1 : 5,000

Planning Interval

15 to 20 years

Public Participation

According to the planning task, for example workshops / planning workshops

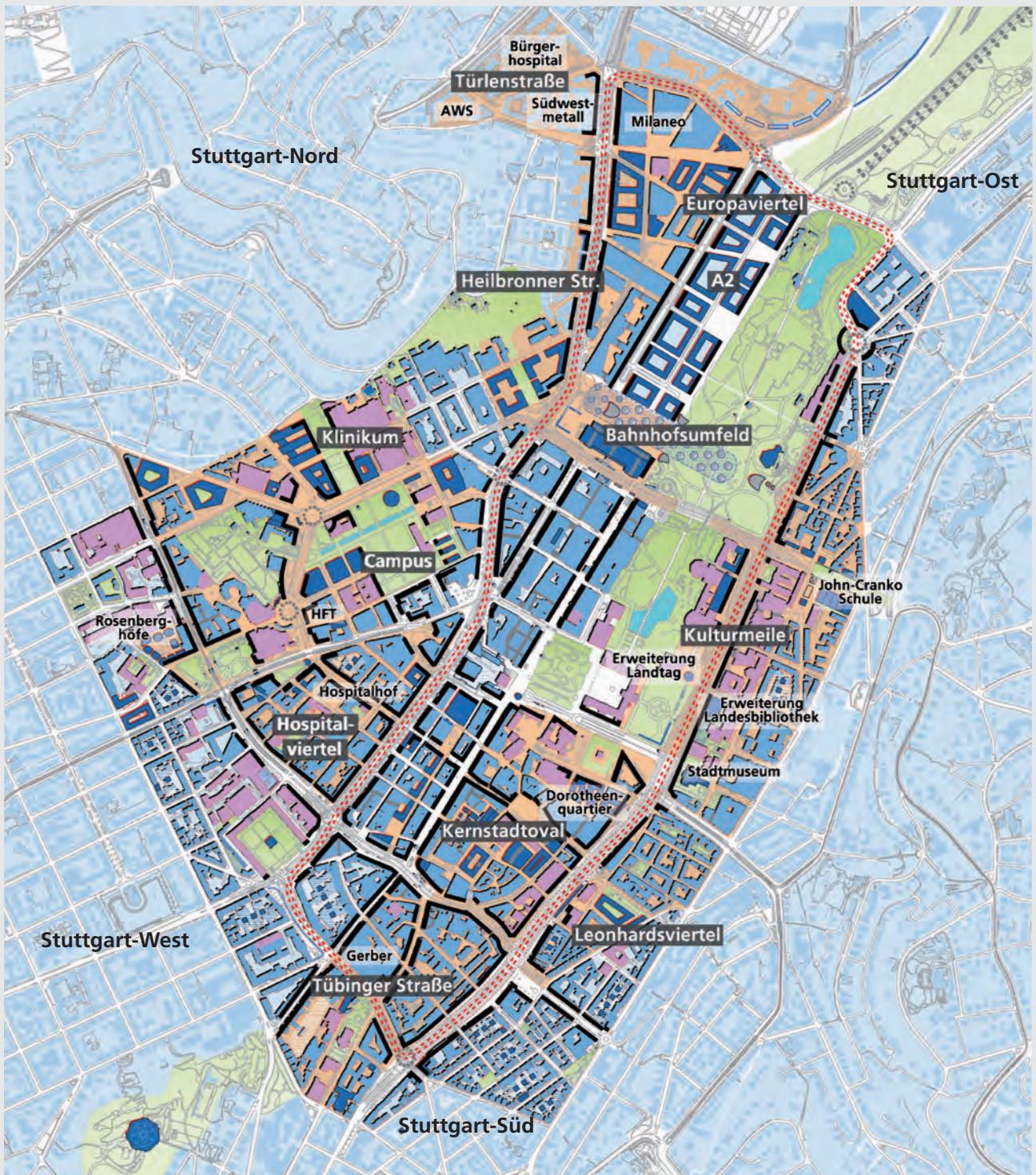
Planning Authority

City of Stuttgart



Urban Development Framework

Städtebaulicher Rahmenplan



City of Stuttgart, Department of City Planning and Housing, Structural Concept Plan for the city centre and central districts („StadtKernZiele“) (September 2014)

Building structure

- Existing buildings
- Cultural and social facilities
- Buildings planned
- Spatial edge / permeable spatial edge
- Core removal of existing city blocks
- Significant street space

Public space

- Ring-road (city centre)
- Open spaces to be redesigned
- Parks and open spaces
- „Schlossgarten“ promenade

Objective and Content

The Urban Development Framework („Städtebaulicher Rahmenplan“) is an informal planning instrument being introduced at a stage between the Preparatory Land-Use Plan and the Local Development Plan.

In planning practice, the Urban Development Framework has proved to be a flexible instrument, especially for the management of urban redevelopment, i.e. in urban areas which have already been built on.

An essential function of the Urban Development Framework is to create a (re)development perspective, to describe urban development targets for areas in transition as well as to demonstrate the city's planning intentions. In practice, specifying planning intentions is often easier with respect to public spaces than to private construction areas.

Since the Urban Development Framework is not subject to the legal standardisation requirements of the Local Development Plan, it can be pragmatically adapted to the specific circumstances of the planning case, yet has no legally binding effect. An advantage of the Urban Development Framework is that it is also much clearer to laymen than a zoning plan, e.g. a Local Development Plan.

In individual cases, the Urban Development Framework also be used as a guideline for legally binding development plans, i.e. Local Development Plans (see Federal Building Code, sect. 1 , para. 6, no. 11 BauGB), if the urban planning objectives can only be achieved in this way. In general, however, this is only required for certain areas of an Urban Development Framework.

Territory Information

Territorial Delineation

Depending on planning requirements, usually contiguous city quarters

Contents

Text part, plan and thematic maps

Planning Scale

1 : 500 to 1 : 2,500

Planning Interval

10 to 15 years

Public Participation

Discussion of relevant planning topics in public with those concerned, e.g. in planning workshops

Planning Authority

City of Stuttgart

Adoption / Supervisory Body

Municipal Council



Urban Design Competition

Städtebaulicher Wettbewerb



Non-Open Urban Design Competition „Budapester Platz / Friedhofstraße“ – 1st Prize: „LIMA*architekten“ with „silands/Gresz+Kaiser Landschaftsarchitekten“.

Objective and Content

In Stuttgart urban planning or urban design competitions are organised for all major planning issues and projects. The planning competition procedures are conducted and supervised by the municipality to obtain planning suggestions and conceptual design ideas for defined areas and sites for further planning. The submitted urban design drafts are compared and evaluated by a qualified jury. However, the winning competition design has in general no binding character for the awarding authority, thus it must not necessarily be implemented by the municipality after the competition.

In town planning competitions, the municipality can specify planning requirements such as the necessary number of residential units or the programme of future functions. In addition, the municipality can determine whether it is an open competition, in which any interested party who has the required qualification can participate, or a non-open competition, in which the municipality defines and limits the number of qualified participants.

Planning practices and urban design offices thus have the opportunity to submit urban and landscape planning as well as architectural concepts.

The Urban Design or Planning Competition is an informal planning instrument to gain new ideas and concepts for urban planning. Its focus is to design new, transforming or expanding urban areas. It ideally precedes urban land-use or development planning with more precise and legally binding specifications.

Like a Master Plan, urban planning concepts resulting from urban design competitions also can form the basis for formal urban land-use planning. However, the planning area is spatially determined, further statements concerning particular spatial aspects can be added. In addition, urban planning concepts take into account the planned or existing plot boundaries and buildings on the site. Furthermore, spatial and functional aspects as the technical development, building types, heights and position or orientation are defined. Frequently, open space concepts are required in combination with the development of urban planning concepts.

In urban design and planning competitions, a qualified jury selects and determines the winners. Subsequently, the Municipal Council decides upon which award-winning scheme further planning steps should be based on.

Territory Information

Territorial Delineation

Depending on specific planning requirements and scale

Contents

Plan and thematic maps, explanatory texts

Planning Scale

1: 500 to 1: 1,000

Planning Interval

Not determined

Legal Basis

For planning competitions: Guidelines for Planning Competitions (RPW) 2013

Public Participation

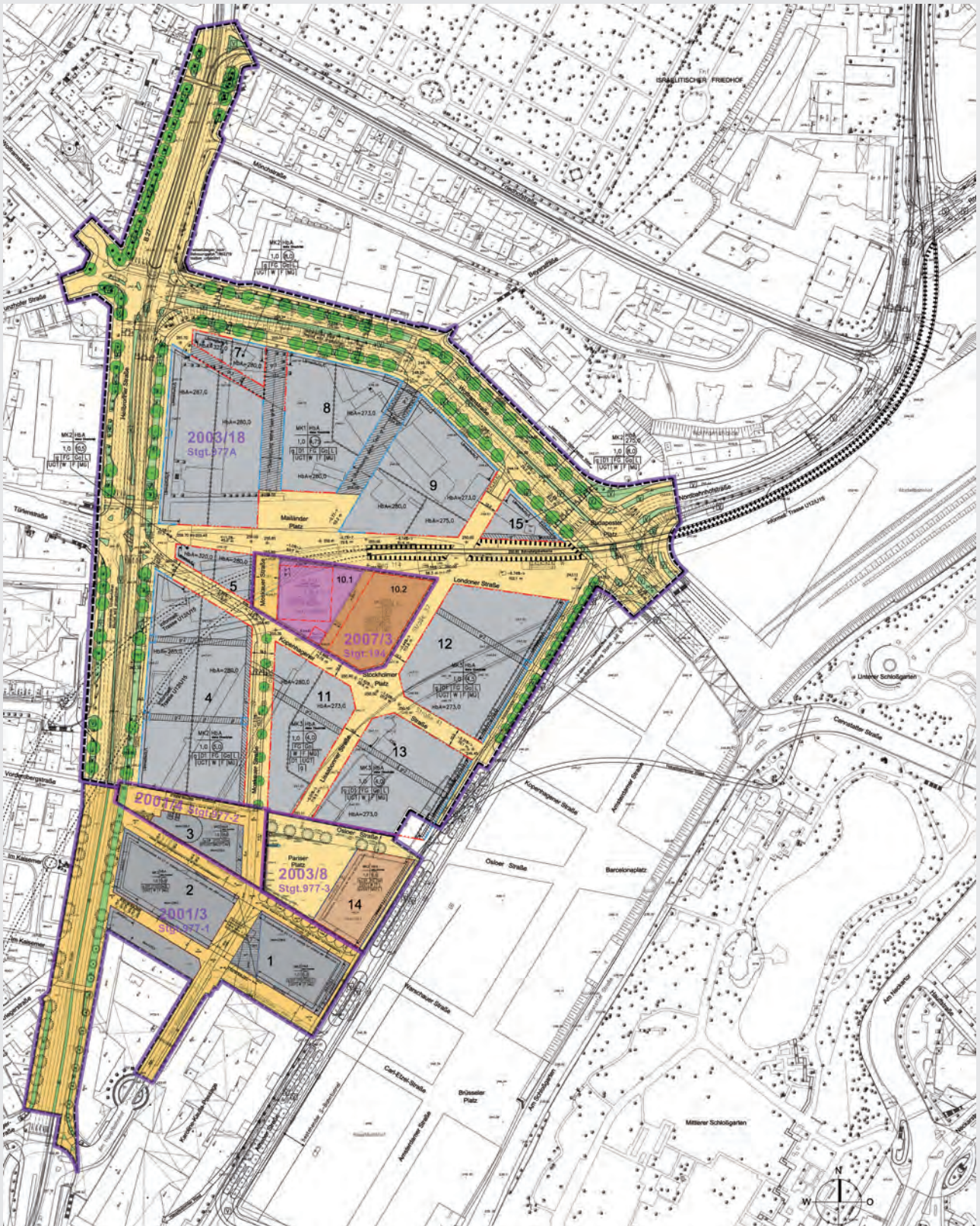
In advance of planning competitions and urban planning concepts, e.g. workshops, planning workshops, etc.

Planning Authority

City of Stuttgart

Local Development Plan

Bebauungsplan – B-Plan



City of Stuttgart, Department of City Planning and Housing, Local Development Plan „Stuttgart 21 - A1 Europaviertel“ (2007)

Objective and Content

The Local Development Plan („Bebauungsplan“ – B-Plan) is the second and legally-binding stage of municipal development and urban land-use planning. It is based and derived from the Preparatory Land-Use Plan, intended to ensure sustainable urban development and socially responsible land use in accordance with the common good. Whereas the Preparatory Land-Use Plan contains general guidelines for urban development of the entire municipality, the Local Development Plan specifies all planning issues at lot level making them legally binding. The Local Development Plan is adopted as a statute and is legally binding as local law. For the purposes of environmental protection, an Environmental Assessment („Umweltprüfung“ – UP) is mandatory since 2004 in accordance with the provisions of the Federal Building Code. The Local Development Plan governs the construction or alteration of building structures, the exchanging and movement of real estate and land, the exercise of pre-emption rights, the allocation process, expropriation, preparation of restoration, urban planning, the development of facilities, or the collection of development contributions. A so-called „qualified“ Local Development Plan must contain stipulations on the type and measure of the construction use, on buildable property areas and on local traffic areas (see Federal Building Code, sect. 30, para. 1 BauGB). Most Local Development Plans meet these requirements.

Some older areas in Stuttgart are yet not covered by qualified Local Development Plans, as the Local Building Statute of 1935 („Ortsbausatzung“ – OBS) is still here in effect. If there is no formal plan at all or only a simple, „non-qualified“ Local Development Plan, a building permit can still be approved, if the project blends with the characteristic features of the surrounding area and infrastructure provision is secured (see Federal Building Code, sect. 34 BauGB). For certain urban development projects or major infrastructure projects (e.g. „Stuttgart 21“), a planning approval procedure is required instead of a regular development plan procedure. This has a similar effect as a building permit. In many cases of smaller-sized Local Development Plans, it is sufficient to consider environmental issues by means of appropriate stipulations. In larger or more sensitive areas, however, it may be useful to establish a specific Local Open Space Plan („Grünordnungsplan“ – GOP), elaborating and specifying the issues and aspects of nature and landscape, as well as taking into account the objectives of nature conservation, development laws, and developing avoidance or compensation measures. The content of the Local Green Structure Plan (GOP) is legally binding if adopted as a stipulation in the Local Development Plan.

Territory Information

Territorial Delineation

Depending on planning requirements and scale.

Contents

Local Development Plan: text section, plan, justification with environmental report, Local Green Structure Plan: text section, plan

Planning Scale

1 : 500 / 1 : 1,000

Planning Interval

Unlimited (until suspension or replacement)

Legal Basis

Federal Building Code („Baugesetzbuch“ - BauGB, see sect. 5 BauGB), Federal Land Utilisation Ordinance („Baunutzungsverordnung“ – BauNVO), Planning Design Ordinance („Planzeichenverordnung“ – PlanZV), Building Regulations of Baden-Württemberg („Landesbauordnung Baden-Württemberg“ – LBO)

Public Participation

According to the Federal Building Code („Baugesetzbuch“ – BauGB), the participatory process is conceived in two stages (in which any citizen can participate), with early-stage public participation and subsequent „formal“ public participation, with public display of the draft plan, as well as the opportunity to make suggestions and representations.

Planning Authority

City of Stuttgart

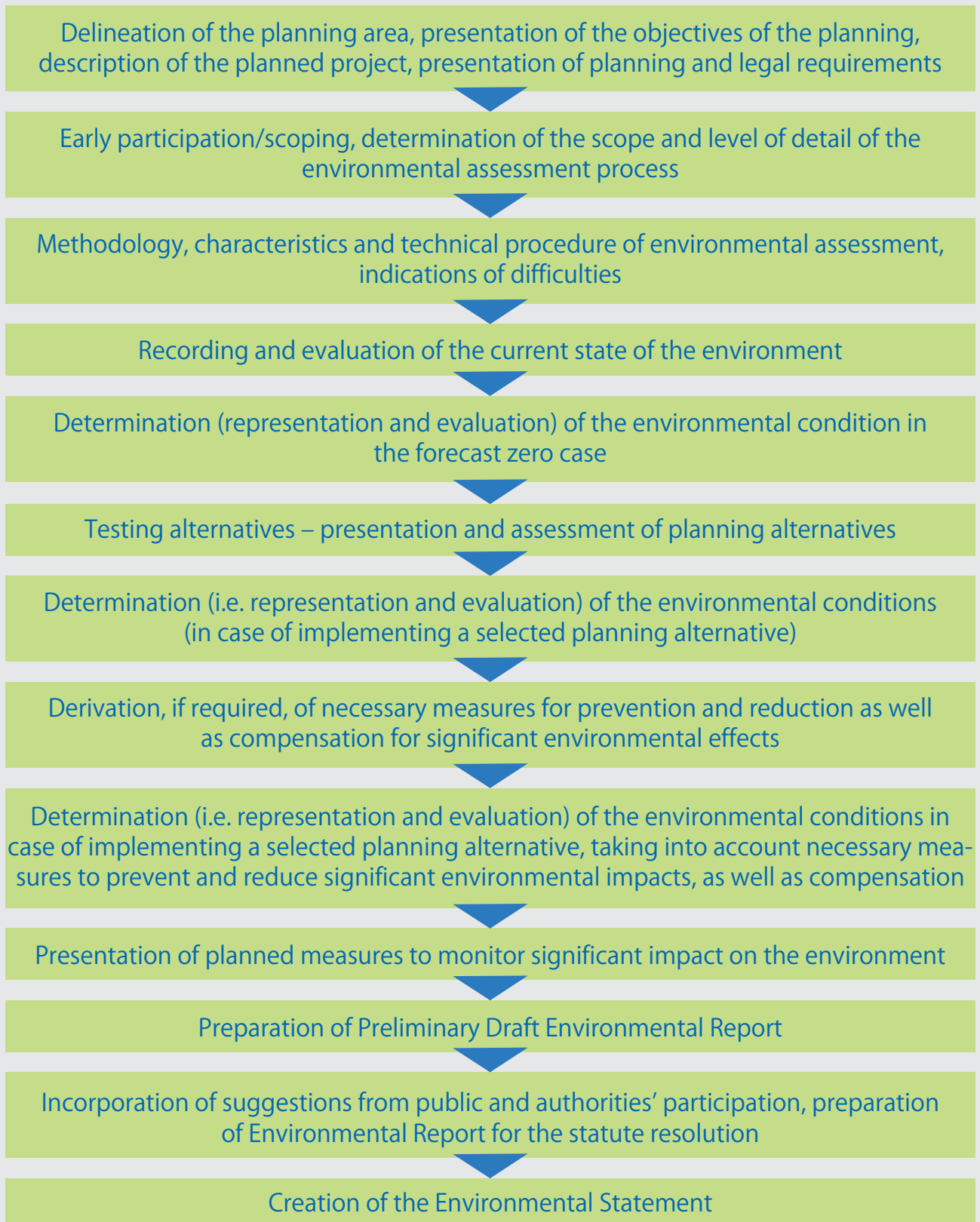
Adoption / Supervisory Body

The Municipal Council finalizes and resolves a Local Development Plan as statute. Legal effect arises with public notification. If the Local Development Plan has not been developed on the basis of an approved Preparatory Land-Use Plan, an approval by the Stuttgart Regional Council is required which is the supervisory body.

Environmental Assessment and Environmental Report

Umweltprüfung und Umweltbericht

Procedure for the Environmental Assessment and the Preparation of the Environmental Report in Municipal Urban Land-Use Planning



Referring to: Federation of German Landscape Architects (2004); Federal Building Code (2014) – The New Environmental Assessment

Objective and Content

The obligation to carry out environmental assessments is laid down in the Environmental Impact Assessment Act (UVPG). An Environmental Assessment („Umweltprüfung“ – UP) is required for the establishment or amendment, supplementation and repeal of Spatial Development Plans at all planning levels – i.e. State Development Plan, Regional Plan, Preparatory Land-Use Plan and Local Development Plan. This also applies to the relevant expert landscape planning contributions – i.e. Regional Landscape Framework Programme, Regional Landscape Framework, Landscape Plan (according to the Environmental Impact Assessment Act, sect. 14 in conjunction with annex 3 – UVwG).

The purpose of the Environmental Assessment is to describe and assess the likely significant environmental impacts and will be prepared with the planning. For municipal urban land-use planning the regulations of the Federal Building Code (see sect. 2, para. 4 BauGB and sect. 2a BauGB) apply with the implementation of the Environmental Assessment into building law in the year 2004. Environmental aspects are the subject of the assessment according to sect. 1 para. 6, no. 7 BauGB and sect. 1a BauGB. Before starting an environmental assessment, the municipality determines how extensive and detailed the determination of issues in the consideration process must be.

Specifically, the expected significant environmental impact on the protected assets of humans, animals, plants, soil, water, air, climate and the interactions between them and the landscape, cultural assets, biodiversity and climate change, etc. are determined. Statements from the Landscape Plan and other plans are also included in the environmental assessment. Consideration must also be given to location or planning alternatives (alternative testing).

In the Environmental Report, which is part of the justification of the respective land-use plan, the Environmental Assessment is described and evaluated. The results of the Environmental Assessment are included in the consideration process. In case of specific Local Development Plan procedures, simplified or accelerated planning procedures (see Federal Building Code, sect. 13, 13a and 13b BauGB), an Environmental Assessment is not required. The regulations of the Environmental Management Act („Umweltverwaltungsgesetz“ – UVwG) apply to the Environmental Assessment of the Landscape Plan.

Territory Information

Territorial Delineation

Depending on planning requirements / planning level

Contents

Environmental Report: Part of the explanatory memorandum of the spatial plan

Planning Scale

Depending on the planning level

Planning Interval

Depending on the spatial plan

Legal Basis

Federal Building Code („Baugesetzbuch“ - BauGB), Spatial Planning Act („Raumordnungsgesetz“ – ROG), Environmental Management Act („Umweltverwaltungsgesetz“ – UVwG), Environmental Impact Assessment Act („Umweltverträglichkeitsprüfungsgesetz“ - UVPG)

Public Participation

According to specifications of the Federal Building Code, early-stage public participation taking place as well as display of the draft plan and the opportunity to make suggestions.

Planning Authority

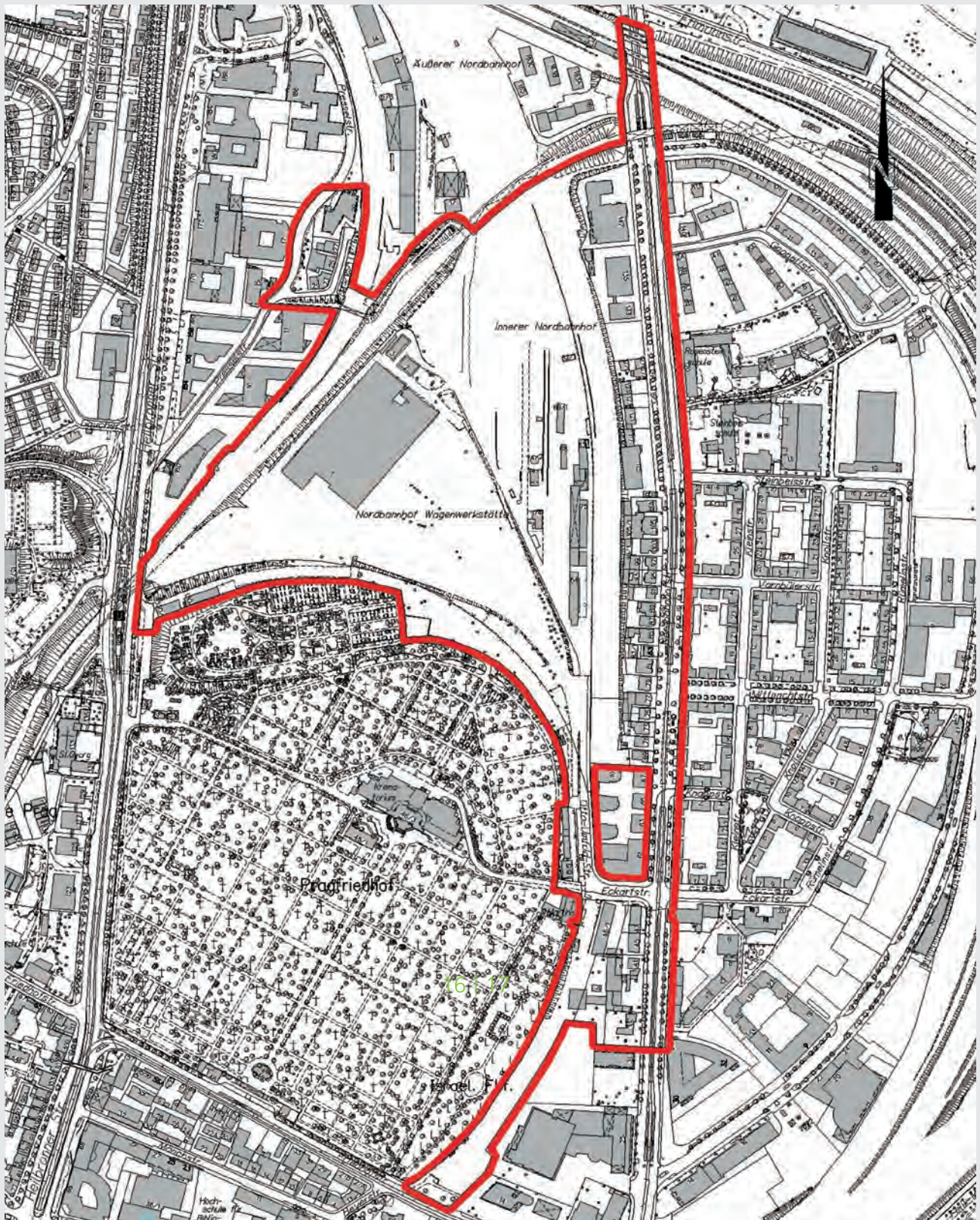
City of Stuttgart

Adoption / Supervisory Body

Since the Environmental Assessment (or the Environmental Report) is part of the justification of a regional development plan (e.g. Regional Plan), the approving institution is dependent on the type of plan which the Environmental Assessment is assigned to.

Other Statutes

Andere Satzungen



City of Stuttgart, Department of City Planning and Housing, Site Plan Rehabilitation/ Restructuring „Stuttgart 21“ - Plan Area C1 and surroundings (2008)

Objective and Content

Through the use of city bye-laws and other statutes the municipality can define areas that need special attention and specific development initiative. This serves, for example, to preserve historical locations or existing urban planning structures.

- The Redevelopment Statute specifies an area in which urban renewal measures are to be carried out. The redevelopment area is demarcated so that the rehabilitation/restructuring can be carried out appropriately (see Federal Building Code, sect. 142 BauGB).

- By means of the Preservation Statute („Erhaltungssatzung“, see Federal Building Code, sect. 172 BauGB) areas may be designated in which permission is required for the demolition, alteration or change in use of physical structures. It serves to preserve the specific character of an urban area or to maintain the composition of the local residential population and thus prevent negative effects on the urban structures.

- The Statutory Pre-Emption Rights („Vorkaufrechtssatzung“, see Federal Building Code, sect. 25 BauGB) allows for the designation of spaces where urban development measures are being proposed. Within these areas, the municipality is entitled to exercise a preemption right in respect of the purchase of property in order to safeguard the intended urban development.

- Local building regulations such as Design Statute („Gestaltungssatzung“, see State Building Regulations Baden-Württemberg, sect. 74 LBO among others) can also be included in the Local Development Plan. They may include specifications for building design, for the attachment of advertising structures or for the design of public space.

- The Development Freeze („Veränderungssperre“, see Federal Building Code, sect. 14 BauGB) allows the municipality to safeguard the goals of planning within the current process, if the establishment of a Local Development Plan has already been decided on for one particular area. Thus, structural changes and any associated increases in value are inadmissible unless they have been approved prior to the entry into force of the Development Freeze.

- Further statutes are, among others: Rounding-off Statute („Abrundungssatzung“, see Federal Building Code, sect. 34 BauGB), Supplementary Statute („Ergänzungssatzung“, see Federal Building Code, sect. 34 BauGB)

Territory Information

Territorial Delineation

According to planning requirements

Contents

Text section, plan, justification

Planning Scale

Depending on planning requirements, e.g. 1: 500

Planning Interval

Unlimited, except for Development Freeze (which is limited)

Legal Basis

Federal Building Code („Baugesetzbuch“- BauGB), State Building Regulations of Baden-Württemberg („Landesbauordnung Baden-Württemberg“ - LBO)

Public Participation

Consultation of advisory district boards, method or format of participation depends on planning procedure (except Development Freeze)

Planning Authority

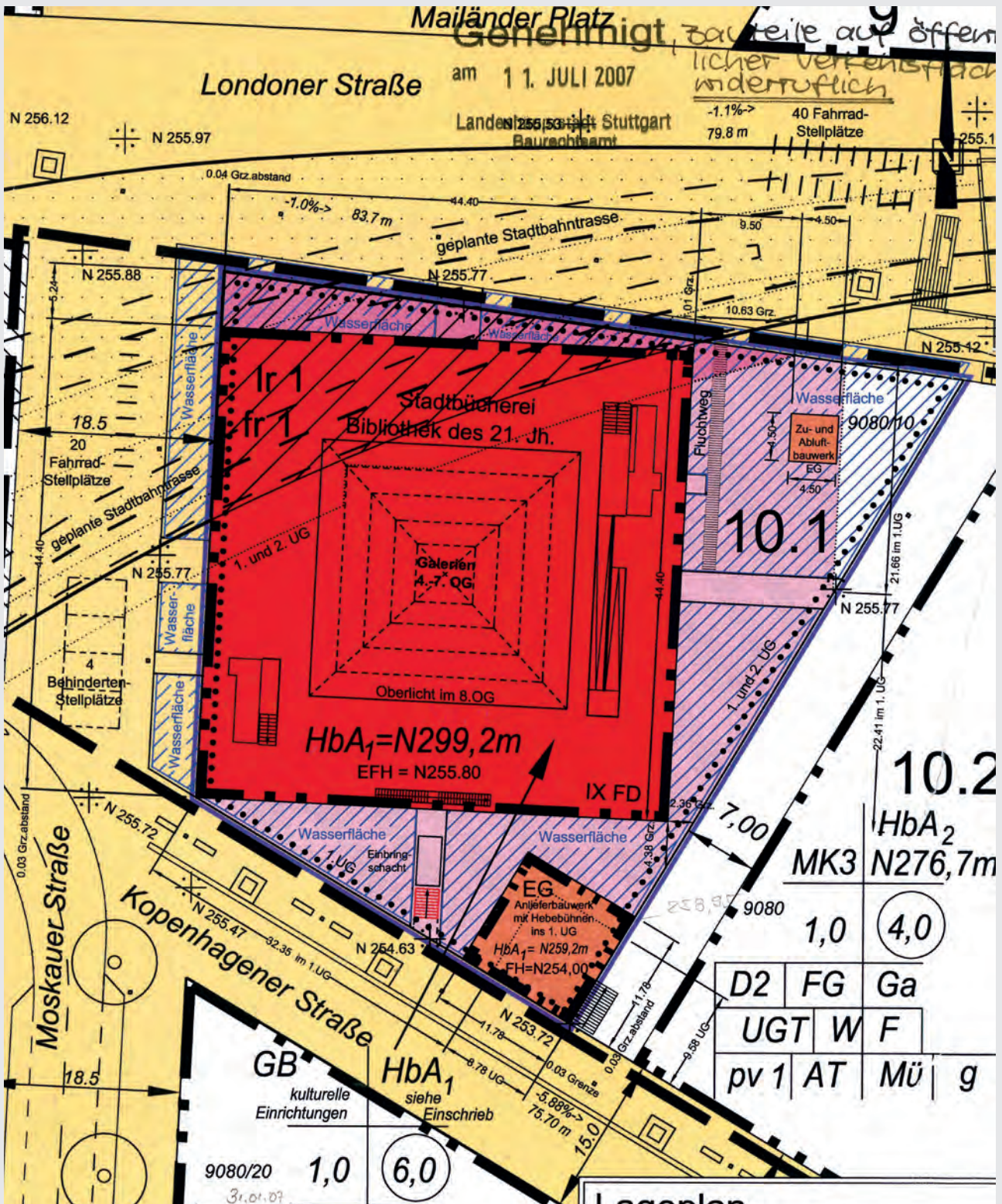
City of Stuttgart

Adoption / Supervisory Body

Municipal Council / Regional Council

Application for Building Permission

Baugesuch



City of Stuttgart, Building Authority (i.e. Building and Development Control) (2006), site plan to the building permit application Municipal Library – The 21st Century Library („Stadtbücherei – Bibliothek des 21. Jahrhunderts“)

Objective and Content

In many cases, the erection and removal of buildings and other physical structures requires permission under building law or a special procedure of notification (see State Building Regulations Baden-Württemberg, sections 49 - 51 LBO). The State Building Regulations Baden-Württemberg („Landesbauordnung“ – LBO) define buildings and physical structures as „structures that are closely connected with the building ground and made out of building materials“. Structural facilities include not only buildings but also parking spaces or fences.

In Stuttgart, procedures concerning building permissions are to be carried out by the Building Authority (i.e. Building and Development Control – „Baurechtsamt“). For details, see State Building Regulations Baden-Württemberg, sections 52 - 59 LBO. In general, a distinction is made between non-procedural projects, projects permitted upon the Building Authority's official notification (Knowledge-giving Procedure) and projects that require formal Building Permit issued by the Building Authority.

The application for building permissions must include all documents necessary to assess the building project and process the building application („Bauvorlagen“): in particular a site plan, the architectural plans, written specifications, proof of stability and other technical proofs, as well as a drainage plan of the site. All particulars are regulated by the State Procedures Ordinance („Verfahrensordnung“ – LBOVVO).

The Building Permit must be granted if the project is not precluded by any public law provisions which need to be examined by the Building Authority (see State Building Regulations Baden-Württemberg, sect. 58 LBO). Construction planning law, building regulations and other public-law regulations, such as nature conservation law, historic law or water law, are to be examined.

Territory Information

Territorial Delineation

Building ground

Contents

Site plan, blueprints, building description, forms etc.

Planning Scale

Site plan 1: 500

Construction drawings 1: 100

Planning Interval

3 years (with option for extending)

Legal Basis

State Building Regulations of Baden-Württemberg („Landesbauordnung Baden-Württemberg“ – LBO), State Procedures Ordinance („Verfahrensordnung“ – LBOVVO), Implementing Regulations („Ausführungsverordnung“ – LBOAVO), Federal Building Code („Baugesetzbuch“ – BauGB), Federal Land Utilisation Ordinance („Baunutzungsverordnung“ – BauNVO)

Public Participation

Involvement of adjacent owners on a regular basis

Planning Authority

Architect/civil engineer and building owner/developer (applicant)

Adoption / Supervisory Body

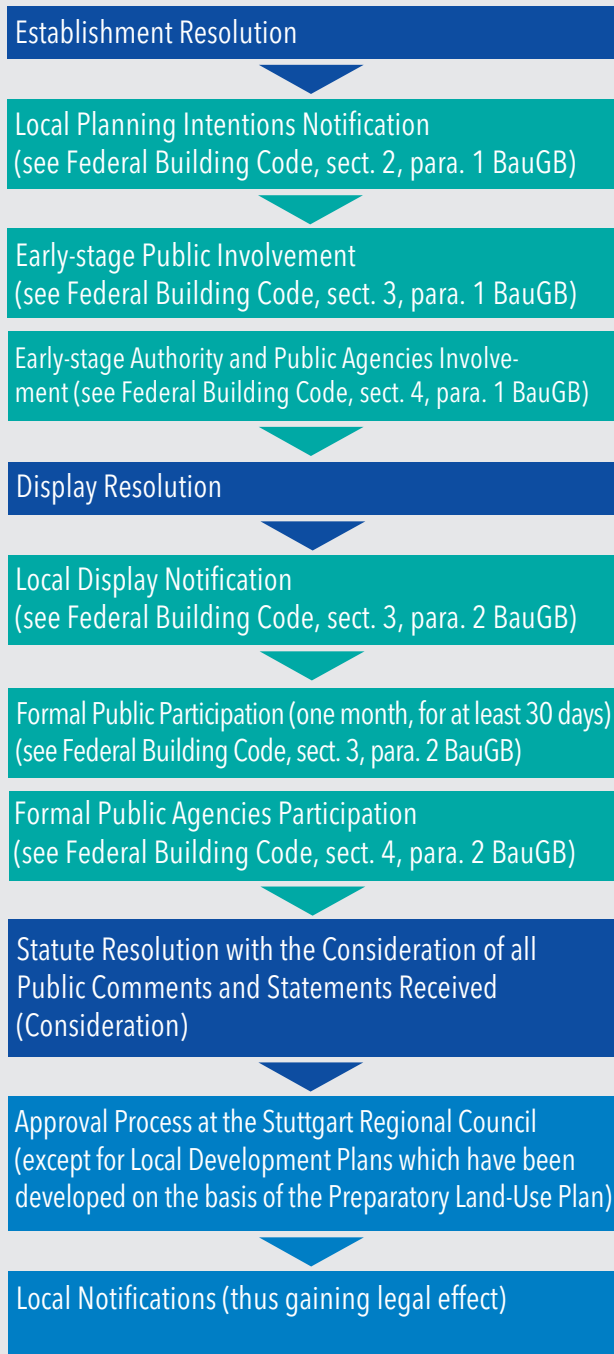
Building Authority (i.e. Building and Development Control – „Baurechtsamt“), as part of state authority not under municipal directive



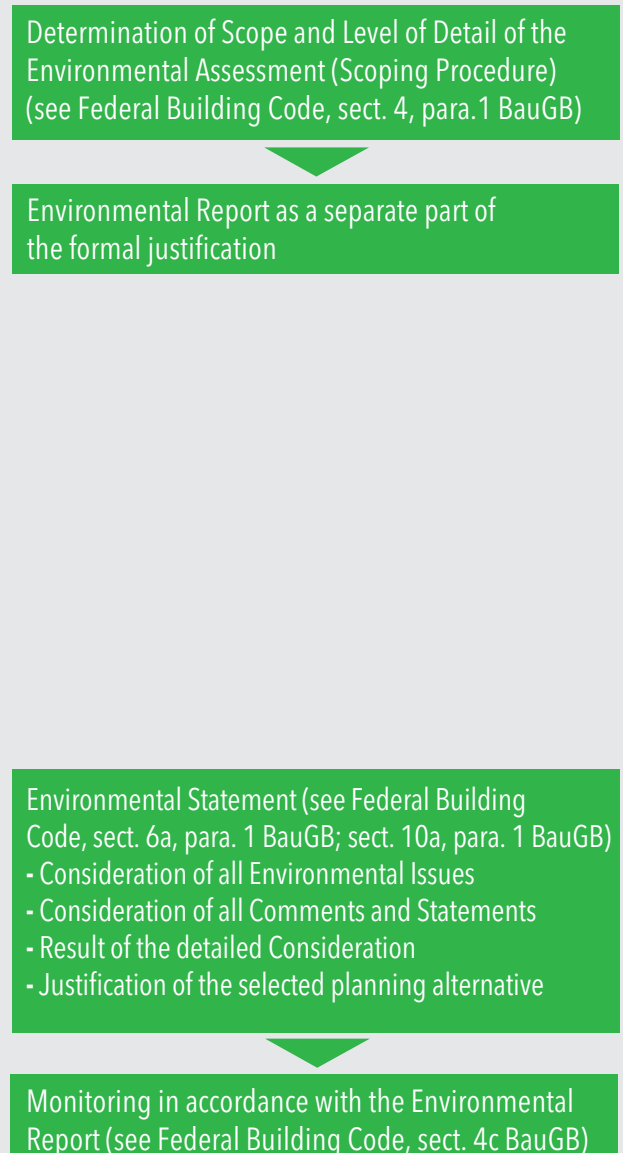
Establishment Process for Land-Use Plans in Germany (simplified)

With reference to the regulations of the Federal Building Code, as of July 2017

Steps of Procedure



Role and Contributions of the Environmental Report



Citizen Participation

In addition to formal participation procedures in accordance with the Federal Building Code, informal participation procedures of citizens in urban development projects have become regular planning practice. In Stuttgart, more than 70% of all municipal participatory processes are accounted for by the municipal Department of City Planning and Housing („Amt für Stadtplanung und Wohnen“). The formats range from distinct project-related participation/ citizen involvement (e.g. „Olga-Areal“ or „Villa Berg“) to a wider area-related participation (e.g. „Rosensteinquartier“ or other large-scale urban redevelopment projects) to city-wide participatory processes (e.g. concerning the Traffic Development Strategy for the whole city – „Verkehrsentwicklungsplan“).

In March 2017, the Municipal Council („Gemeinderat“) passed the Guidelines for Informal Citizen Participation, creating the consistent and transparent basis for all municipal participation procedures. These guidelines contain three essential components:

1. The List of Projects

The current and planned projects of the City Administration are published and updated here. Citizen participation can be requested for each project by decision of the respective District Advisory Council („Bezirksbeirat“), the Youth Council („Jugendbeirat“) or on the basis of at least 1,000 signatures presented.

2. The Participation Advisory Board

Consisting of representatives from politics, citizenship and local administration, this advisory board discusses and decides on the respective participation concepts for each of the submitted projects.

3. The Coordination Office for Citizen Participation

Tasks include the management of the Participation Advisory Board, the maintenance of the List of Projects, the coordination and responsiveness to participation topics for citizenship and local administration.

Urban Development Contract

Urban Development Contracts serve to fulfil and secure urban planning tasks and intentions. They complement the sovereign instruments of municipal planning law.

Possible regulations in urban development contracts are:

1. Reimbursement of costs for drawing up Local Development Plans or awarding planning services, including expert opinions, compensatory and substitute measures, development measures, social infrastructure measures and noise abatement measures.

2. Construction obligations, in particular construction obligations for social housing and/or assignment of land for social housing and obligations for new buildings to comply with energy requirements.

3. Nature conservation measures such as planting obligations, green roofs, etc.

The legal basis for urban planning contracts can be found in the Federal Building Code, sect. 11 BauGB. In cases of implementation contracts (in the context of project-related Local Development Planning Procedures) Federal Building Code, sect. 12 BauGB is most relevant.

Urban Development Contracts are fundamentally subject to the adequacy requirement and the prohibition of tie-ins.

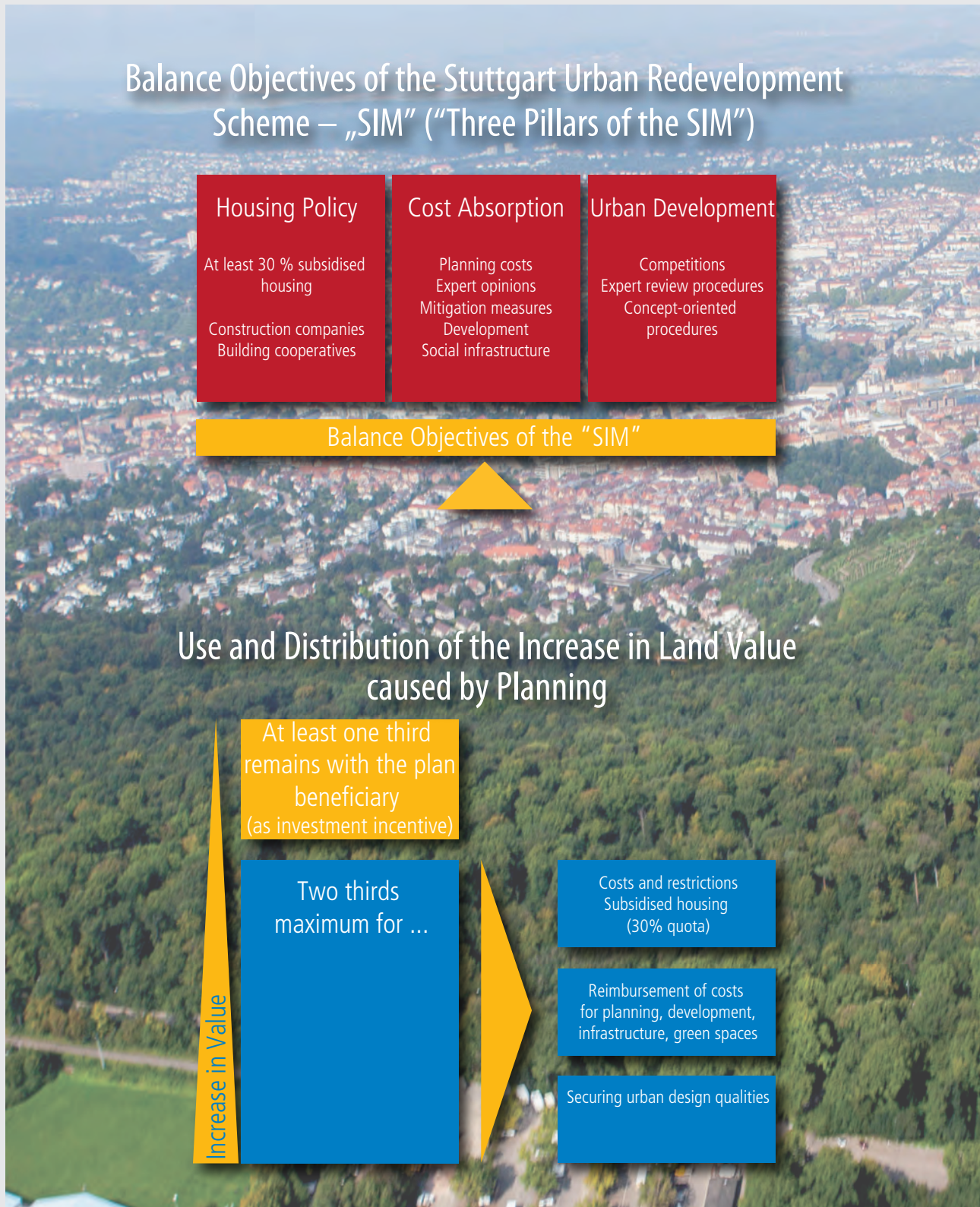
In order to comply with the adequacy requirement, care must be taken to ensure that at least one third of the planning profit triggered by the Local Development Plan (which is attributable to the land owned by the project developer) remains with the project developer.

The ban on tie-ins prohibits the project developer from claiming services that are not directly related to the Local Development Plan or its project.



Stuttgart Urban Redevelopment Scheme

Stuttgarter Innenentwicklungsmodell – SIM



City of Stuttgart, Department of City Planning and Housing

The Stuttgart Urban Redevelopment Scheme („Stuttgarter Innenentwicklungsmodell“ – SIM) is a planning and development instrument for achieving socially balanced and quality-oriented urban developments in Stuttgart.

The „SIM“ is based on the following urban development and construction policy objectives:

- Integrative use of building land potential
- Promotion of urban living (i.e. residential developments in dense and urban surroundings)
- Securing of quotas for housing/residential promotion
- Securing urban design qualities
- Reimbursement of expenses to relieve the burden on the city budget.

It is important to balance the three pillars of the „SIM“ – housing policy, cost absorption, and urban development – with their respective elements.

The Stuttgart Urban Redevelopment Scheme applies to a city-wide perimeter if new planning law is required in favour of higher-value use. If, after deduction of the costs, at least one third of the increase in the value of the land remains with the plan beneficiary, the „SIM“ comes into action. For this purpose, a basic agreement between the plan beneficiary and the city is concluded at the beginning of the procedure.

With the Stuttgart Urban Redevelopment Scheme, owners/builders are required to reserve a certain proportion of the construction volume for apartments and subsidized housing. Specifically, at least 30% of the newly created floor space must be secured for subsidised housing.

The first subsidised apartment is to be created from a construction volume of 450 m² (i.e. about five residential units) of new floor space, which serves residential purposes. The first social rental apartment has to be built immediately as the new planning identifies a floor space of minimum 900 m² (i.e. about 10 residential units).

The need for the Stuttgart Urban Redevelopment Scheme is the stable influx of newcomers to Stuttgart as well as the lack of apartments especially for lower and middle-income brackets. The main focus is therefore on qualified and socially-inclusive urban redevelopment.

The following aspects are intended to strengthen urban development qualities within the projects:

- Conducting urban design and housing competitions and expert review procedures
- Minimum standards for urban design and urban development (density, mixed use, concept variety)
- Spatial and green-space minimum standards
- Climate-effective optimisation of buildings below the regulations of the „EnEV 2016“ (i.e. the German regulations on energy saving – „Energiesparverordnung“), green roof programme, etc.

In addition, the refinancing of planning-related costs is planned for.

If a project deviates from the standard procedure, modified conditions will apply. They will be discussed in the Building Land Commission („Baulandkommission“) being examined on a case-by-case basis. Thus, in practice, flexible and appropriate solutions are enabled. The implementation of the „SIM“ runs parallel to and in coordination with the Local Development Plan procedures and does not lead to process delays.



Department of City Planning and Housing

Amt für Stadtplanung und Wohnen



The Department of City Planning and Housing („Amt für Stadtplanung und Wohnen“) is located in the very city centre of Stuttgart in the „Graf-Eberhard-Bau“, a listed building in Eberhardstrasse 10, D-70173 Stuttgart.

In ten planning divisions and technical units, about 280 employees (architects, town planners and landscape planners, geographers, and further technical staff) deal with all aspects of urban development, urban planning, rehabilitation, urban renewal and zoning in compliance with legal requirements and the decisions of the Municipal Council.

The focus of urban planning in Stuttgart is handled by four planning divisions („Mitte“, „Nord“, „Neckar“, „Filder“), corresponding to their geographical setting and spatial focus. In cooperation with the other divisions and units, about 20, often comprehensive, Local Development Plan procedures are completed each year, thus delivering the planning requirements for creating sufficient living space, workplaces and implementing important infrastructure and investment projects. The Department of City Planning and Housing initiates, coordinates and advises on the preparation and implementation of urban development, redevelopment and development measures as well as land-consolidation procedures.

It acts as a link between participating municipal departments, architects, investors, funding agencies and citizens.

In the Plan Display Unit of the Department („Planauslage“), located on the ground floor of the building, the Department of City Planning and Housing provides information on new development plans, urban development schemes and important planning approval procedures. Public participation also takes place with the public display of Preparatory Land-Use Plan and Local Development Plan drafts, for which public comments and statements are accepted.

Contact Information

Building Authority

Baurechtsamt

Information on the applicable planning law for construction projects is issued by the Municipal Service Agency for Building Regulation Enquiries („Bürger Service Bauen“) as linked to the Building Authority (i.e. Building and Development Control – „Baurechtsamt“), located nearby in Eberhardstrasse 33.

The Municipal Service Agency for Building Regulation Enquiries („Bürger Service Bauen“), within the Building Authority (i.e. Building and Development Control - „Baurechtsamt“), is the central point of contact for anyone who wishes to start construction. There, everyone can obtain relevant information, a specific application form, a copy of a plan, or receive further/extensive advice.

Counselling consists of two stages. In stage 1, general information on planning law and planning permissions can be obtained, while in stage 2, specific requests for construction projects and building permissions are dealt with in detail. Counselling information can be confirmed in writing/handed out upon request.

City of Stuttgart

Landeshauptstadt Stuttgart

Department of City Planning and Housing

Amt für Stadtplanung und Wohnen

Graf-Eberhard-Bau
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Email poststelle.61@stuttgart.de

Website www.stuttgart.de/stadtplanung

Building Authority

(i.e. Building and Development Control)

Baurechtsamt

Bürger Service Bauen

Information Desk 1st Floor

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Email BSBauen@stuttgart.de

Website www.stuttgart.de/buergerservice-bauen



Orientation Map (Graphic design by Karl-Heinz Staudinger, City of Stuttgart, Department of City Planning and Housing)