

Montenegro  
The Minicipality of Budva  
The Secretariat for Urbanism and Sustainable Development  
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Public Enterprise for the Coastal  
Zone Management of Montenegro  
Number 0102- 260/3  
Budva, April 19, 2019 /logo/

The Secretariat for Urbanism and Sustainable Development of the Municipality of Budva, acting upon the request of JP MORSKO DOBRO of Montenegro pursuant to Article 74 of the Law on Spatial Planning and Building Construction ("Official Gazette of Montenegro", No. 64/17), Article 1 of the Regulation on Entrusting Part of the Tasks of the Ministry of Sustainable Development of Tourism to Local Self-Government Units ("Official Gazette of Montenegro" No. 68/17), of the Rulebook on the Form for Issuing Urban Planning Technical Conditions ("Official Gazette of Montenegro" No. 70/17) and the Special Purpose Spatial Plan for Coastal Areas (Official Gazette of Montenegro 56/18), recorded in the Central Register of Planning Documents, issues a

### **THE URBAN AND TECHNICAL CONDITIONS**

for the preparation of technical documentation for  
**changes in the state of the area — development of the bathing areas,  
development of the coastal promenade, maritime traffic facilities  
and engineering facilities for beach protection, for sector 43**

#### **1. LOCATION - SECTOR 43**

**The location consists of cadastral plots of Cadastral Municipality Budva with the associated water area in the maritime domain zone of Sector 43.**

Exact data on the cadastral parcels that make up the sector in question will be determined through the Study of plot subdivision according to the plan document. The study is prepared by an authorized geodetic organization and must be certified by the Real Estate Administration.

Direct implementation, i.e. issuance of Urban and Tecnical conditions from the Special Purpose Spatial Plan for the Coastal Area of Montenegro is possible for: bathing areas: maritime traffic facilities: promenades by the sea and mariculture locations. For the area of maritime domain, for the sake of continuity in the planning and arrangement of the space, reserves the share of the sectors that are shown in the graphic part of the plan. (Special Purpose Spatial Plan for the Coastal Area of Montenegro, Chapter 36. Rules for implementing the plan, page 293)

#### **2. EXISTING SITUATION ON THE URBAN/ CADASTRAL PLOT**

In Title Deed number 2821 for Cadastral Municipality Budva, barren land with an area of 2833m<sup>2</sup> is entered on cadastral plot 2920, barren land with an area of 1097m<sup>2</sup> on land lot 3062, and barren land with an area of 7405m<sup>2</sup> on land lot 3063. There are no registered buildings on the cadastral plots. Encumbrance and limitation - maritime domain were recorded on the cadastral plots, and 4 notes of dispute were entered on the cadastral plot 3063. The registered owner of all three cadastral plots is Montenegro with the right of disposal registered to the Government of Montenegro.

The Public Enterprise Morsko dobro prepared a list of existing and planned bathing areas under the name Atlas of Montenegrin beaches and bathing areas, with which the Government of Montenegro became familiar (Decision No. 07-6279 dated 27 December 2019). The Atlas is available on the website of the Government of Montenegro [http://www.gov.me/siednice\\_vlade\\_2016/104](http://www.gov.me/siednice_vlade_2016/104).

For the subject sector 43, the Atlas lists segments of Mogren beach on cad. plots 3043, 3044 and 3045 Cadastral Municipality Budva, beaches around the Old Town of Budva on cad. plots 3046/2 and 3047 Cadastral Municipality Budva, segments of Slovenske plaža on cad. plots 3057/ 1, 3057/2, 3058, 3059/1, 3059/2, 3060, 3067 and 2920 Cadastral Municipality Budva, and two beaches on Cape Zavala on cad. plots 3062 and 3063 Cadastral Municipality Budva.

Bearing in mind that the Atlas of Montenegrin Beaches and Bathing Areas does not belong to the planning documents prescribed by the Law on Spatial Planning and Building Construction, it can only be used for the purpose of obtaining input data on the condition and area of beaches and for the purposes of preparing a feasibility study of the possibility of increasing the area of beaches (in accordance with the textual part of the Special Purpose Spatial Plan for Coastal Areas page 222).

### **3. PLANNED PURPOSE OF THE FACILITY:**

bathing areas, anchorage, mooring, piers, local port, seasonal border sea crossing, coastal promenade and functional hinterland of bathing areas

In the zone of maritime domain, all organized bathing areas are divided according to purpose into: 1) public, 2) hotel, and 3) special purpose bathing areas (nudist/women's, representative, intended for children's resorts and spas, excursion...). Each bathing area must be provided with hygienic (changing cabins, showers, trash cans, sanitary facility), safety (rescue service, fencing on the sea side) and other conditions.

Public bathing areas must have free access for all users, with no entrance fee. Hotel bathing areas can limit access and allow only their guests. Special bathing areas are those that have special characteristics or regime of use - nudist, with healing properties or representative, for spa resorts or children's resorts, due to which the access can be allowed only for certain categories of visitors, and in accordance with the special regime of using the bathing areas and its surroundings.

Excursion bathing areas do not have access from the shore, but only from the sea. Since they do not have all the adequate infrastructure, they can only meet the minimum requirements according to the Rulebook on the conditions that must be met by arranged and built swimming pools. (chapter 27.1 Guidelines/rules

and conditions for bathing areas , chapter 27.1 Guidelines/Rules and conditions for bathing areas, page 251)

It is recommended that organized bathing areas have: organized piers for docking boats and tourist boats nearby, but outside the water area of the bathing area, vehicular or pedestrian access, marked access on land and sea, defined entrances to the beach and, if possible, an organized parking area.

The Rulebook on conditions that must be met by organized and built bathing areas ("Official Gazette of the Republic of Montenegro", No.20/08, 20/09, 25/09, 4/10, 61/10, 26/11) defines the conditions and equipment that arranged and built bathing areas must meet.

The anchorage, as part of the water area, in a bay protected from storms, is intended for receiving vessels. The anchorage is a part of the water area suitable for anchoring vessels in a protected bay". (textual part of the Special Purpose Spatial Plan for Coastal Areas , page 138-139)

A mooring means a place at sea for the temporary mooring of a vessel. The term mooring, from the aspect of its purpose for nautical purposes, is defined in the Rulebook on types of nautical tourism facilities, minimum technical conditions and their categorization<sup>1</sup> as follows: 'Moorships (moorings) are specially built coastal or areas connected to the coast for the organized reception and mooring of nautical tourism vessels, with direct pedestrian access to the vessel. According to the definition of the Public Enterprise for the Coastal Zone Management of Montenegro, "a mooring is a coastal infrastructure facility with associated water and land space arranged and equipped for the reception and safe mooring of vessels that have direct pedestrian access to the vessel".

Moorings, as places on the coast, from the aspect of use for nautical purposes, are treated as a coastal infrastructure facility (with direct land-vessel access) "equipped for safe vessel mooring. (textual part of the Special Purpose Spatial Plan for Coastal Areas, page 138, 139)

Note: in the graphic attachment of the of the Special Purpose Spatial Plan for Coastal Areas Maritime Domain Zone - a detailed description of the use of areas, in sector 43 there is a mark for a mooring and no mark for an anchorage. In the textual part of the Special Purpose Spatial Plan for Coastal Areas, the anchorage east of the port of Budva is described, but the mooring in the Budva water area is not mentioned.

**Piers** are treated in the Special Purpose Spatial Plan for Coastal Areas as built-up parts of the coast that were used to receive ships for local maritime traffic. Today they represent a "nautical tourism facility, i.e. a "coastal infrastructure facility" intended to "satisfy the primary needs of vessels", i.e. "for the reception and short stay of vessels". A pier is a facility of coastal infrastructure with associated water and land space arranged and equipped for the reception and short stay of vessels (embarking and disembarking of passengers and cargo) with direct pedestrian access to the vessel.

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<sup>1</sup> "Official Gazette of the Republic of Montenegro", No.9/2003 dated February 18, 2003

The declared **ports of local importance** are: Port of Budva, Port of Tivat - Porto Montenegro; Port of Tivat Kalimanj, Port of Zelenika and Port of Herceg Novi - Škver city port, and this Plan also proposes Port of Risan and Port of Bonići. (textual part of the Special Purpose Spatial Plan for Coastal Areas, page 130)

By the Decision on determination of **ports for international maritime traffic** ("Official Gazette of Montenegro", No.08/14) the following ports have been determined for international maritime traffic: Bar, Kotor, Zelenika, and **Budva in the period from May 1 to October 31.**

**Promenades by the sea** (lungo mare) can be planned in areas whose uses are determined for: bathing areas, urban built coast; a specific form of arrangement of the coast of the Bay of Kotor - Risan (with posts, mandrakes and moorings); settlement structures; tourist facilities and complexes; sports facilities.

**Promenades should not be planned on the free part of the coast** (the need to preserve the character of the space - the natural landscape is highlighted) and on areas that are intended for a special purpose.

(chapter 27.3 page 253)

In the immediate vicinity, most often of the city bathing areas, there is **a functional backwater** that represents their extension, i.e. expansion and a kind of buffer zone towards the settlement. Various service facilities, outdoor swimming pools and aqua parks, sports and recreational facilities, wellness and spa facilities, various forms of urban greenery are provided here. This area is intended for day and night activities. There are no accommodation facilities provided in them. (textual part of the Special Purpose Spatial Plan for Coastal Areas, chapter 27.1, p.252)

#### **4. PLOT SUBDIVISION RULES**

For the area of maritime domain, for the sake of continuity in planning and spatial arrangement, the Special Purpose Spatial Plan for Coastal Areas maintains the division into sectors, which are shown in the graphic part of the plan. (Special Purpose Spatial Plan for Coastal Areas, Chapter 36. Rules for implementation of the plan, page 293), the Special Purpose Spatial Plan for Coastal Areas did not define the shape and size of urban plots in the maritime domain zone.

In accordance with Article 13, points 1 and 2 of the Rulebook on the method of preparation and content of technical documentation for the construction of an object (published in the Official Gazette of the Republic of Montenegro No. 44/18), prepare a Study of plot subdivision according to the planning document, in order to accurately determine the area of the subject cadastral plots that form urban plot/location (sector 45). The study was prepared by an authorized geodetic organization. The study must be certified by the Real Estate Administration, the Budva Regional Unit. Paragraph 2 of Article 13 stipulates that for infrastructure facilities, instead of the Study on subdivision according to the planning document a graphic representation of the future route of the up-to-date cadastral records is attached

#### **5. DEVELOPMENT CONDITIONS/ REGULATION RULES AND URBAN PLANNING PARAMETERS**

In chapter 21.1. Possibilities for increasing the surface area of beaches in Montenegro, the Special Purpose Spatial Plan for Coastal Areas proposes that the body responsible for managing the marine resource should prepare an Atlas of Montenegrin beaches (cadastre of beaches), in order to precisely define their capacity. It is necessary to carry out precise surveys of the coastal area of Montenegro in order to obtain

information about the actual area of the beaches in Montenegro. Based on a comparison with the former condition of the beaches, it will be determined which ones are most threatened by erosion processes, and after that to select the most important beaches, in accordance with the development of tourist complexes, and for them **carry out feasibility studies on the possibility of increasing their areas and define investments and profits from proper beach management.** (page 222)

The bathing area, as a separate organizational unit, cannot be less than 20m long or 200m<sup>2</sup>. On larger beaches with several bathing units, an individual bathing area cannot be less than 50m long. (Chapter 27.1, page 248)

Arrangements and expansions of existing and possible construction of new bathing areas would take place by removing facilities and buildings that are not necessary and can be organized in other areas, filling with indigenous sand or gravel, by the means of construction of engineering facilities for beach protection (e.g. underwater sills, napiers), by construction or assembly pontoons and piers (especially in Boka) and careful modeling of the existing rocky or stony area and their adaptation for bathers. **Such works must be checked based on the assessment of the impact of individual works on sea currents and on environmental values, and they are not planned in protected areas (Bečićka beach is a protected natural domain).**

**Objects of any character cannot be placed on the rocks, which are an integral part of the protected natural domain, in order to create conditions for the return of natural vegetation. (Chapter 27.4 page 250-251)**

Docks should be operated in accordance with the prescribed technical solutions and navigation conditions, while the edges, i.e. the edge of the horizontal walking surface and the vertical one dipping into the sea should be made of stone blocks with a rounded edge. All visible surfaces should be paved with stone slabs on a concrete base. The afore-mentioned does not apply to ramps and vehicular approaches to ferry piers, the materialization of which is determined in accordance with the type of vehicular traffic carried out on them (asphalt, concrete).

Smaller vessels can **anchor** east of the Port of Budva at a depth of 7 to 8 m, where they are protected by a submarine sill from SE wind waves, and only partially protected from SW wind waves. Larger vessels can anchor under the coast of the mainland WNW of Zavala Cape, in the south under the NE coast of St. Nikola. The depths at these anchorages are 12 to 15 m, and the bottom (sand and grass) holds well. Care should be taken about the submarine sewage pipeline that extends from Zavala Cape in a N direction for a length of about 1.3 miles. (textual part of the Special Purpose Spatial Plan for Coastal Areas, page 140)

The construction of moorings (up to 50 berths) is planned at the locations of the future construction of tourist complexes, taking care not to endanger the existing bathing areas. For the reception of nautical tourism vessels, suitable mooring locations, such as specially built and arranged coastal or areas connected to the coast for mooring vessels, along with tourist complexes and facilities such as: Oblatno, Njivice, Lazaret - Meljine, Zelenika, Glavati - Prčanj, Rose, the island of St. Nikola, Rafailovići, Perazića do, along Cape Đerana Port Milena... as well as near the planned tourist complexes as their functional part. (textual part of the Special Purpose Spatial Plan for Coastal Areas, page 138-139)

Docking of vessels must not be done by running aground but **at piers**, which can be permanent or seasonal. It is recommended that docks be mounted on wooden, metal or concrete piles. It is also possible to install a fixed or floating pontoon. The depth of the draft must be such that, while the vessels are moored, they are in a floating state. (Chapter 27.1 page 248-249)

The Regulation on conditions that must be met by ports classified by type of maritime traffic and purpose (Official Gazette of the Republic of Montenegro No. 20/11) establishes the conditions that must be met by **ports** classified by type of maritime traffic and by their purpose.

The basic elements of a simple and organizational definition of the **promenade by the sea** are as a rule the following:

- With all planned interventions on the formation, arrangement and use of the promenade by the sea, it is necessary to preserve the surface of the sea, i.e. the possibility of filling the sea is excluded;
- To establish permeable links of pedestrian communications within the town and promenade;
- The promenade must be clearly defined, and the direction of its spreading out accompanied by adequate signage;
- To provide the necessary infrastructural equipment of the promenade;
- On the water side, a wall is mandatory, which has the function of protecting users;
- In urban cores, new walking paths can be planned where they did not exist until now
- In order to establish the continuity of the walkway and the formation of rest areas on flat rocky terrains, minimal covering of the rock surfaces with concreting can be envisaged; The final treatment of walkways should be planned in accordance with the ambient characteristics of the location (stone slabs, cobblestones, etc.) or of prefabricated elements (prefabricated concrete slabs, wooden formwork and only exceptionally concrete);
- To provide unrestricted access to all interested users without restrictions;
- To provide unobstructed access to handicapped persons on the areas of the promenade adapted to them;
- In some parts, and in accordance with the spatial possibilities, paths for cyclists should be provided.
- To regulate the maintenance of cleanliness and the manner of use (introduction of pets, etc.);
- In order to protect pedestrians, it is necessary to define the boundaries of pedestrian areas in which bicycles, motorcycles, and other vehicles may not be driven;
- As a rule, sanitary, service and service facilities on the promenade should be placed in the existing structure or as temporary (seasonal) facilities, at the designated points;  
(chapter 27.3 page 250)

## **6. THE NEED TO CREATE GEOLOGICAL SITE PLAN, THE NEED TO PERFORM GEOLOGICAL RESEARCH, RECOMMENDATIONS FOR EARTHQUAKE MITIGATION AND PROTECTION**

Before the preparation of technical documentation, the investor is obliged, in accordance with the Law on Geological Surveys ("Official Gazette of the Republic of Montenegro" No. 28/93, 27/94, 42/94 and 26/07 and Official Gazette of Montenegro No. 28/11) to prepare a Revised Project of Basic Geological Soil Surveys for the subject location, in order to determine the basic geological conditions for the design of investment facilities. Geological surveys, preparation of geological survey projects and audits are carried out by companies or other legal entities that have a license.

When designing buildings, it is recommended to use EUROCODES regulations, especially EUROCODE 8 Design regulations for earthquake resistance of structures.

To define the position and dimensioning of new objects along and in the water area, it is necessary to obtain continuous data on hydrographic survey and oceanographic measurements of HMZCG, Department for Hydrography and Oceanography having the registered office in Lepetani (E-mail [hidrografija@meteo.co.me](mailto:hidrografija@meteo.co.me))

## **7. REQUIREMENTS FOR PROTECTION AGAINST NATURAL DISASTERS AND TECHNICAL, TECHNOLOGICAL AND OTHER ACCIDENTS**

In order to protect against natural disasters and fires, act in accordance with the Law on Protection and Rescue (Official Gazette of Montenegro 13/07, 05/08, 86/09 and 32/11) and the Rulebook on Protection Measures against Natural Disasters (Official Gazette of Montenegro number 79/04).

With the occupational safety report, foresee occupational safety measures for possible catering establishments, in accordance with Article 9 of the Law on Occupational Safety and Health (Official Gazette of Montenegro 34/14). During the construction of buildings, the employer who performs the work is obliged to prepare a Study on the arrangement of the construction site in accordance with the Rulebook on the content of the Study on the arrangement of the construction site (Official Gazette of the Republic of Montenegro No. 04/99).

Activities of interest to defense shall be carried out on the basis of the Law on Defense ("Official Gazette of the Republic of Montenegro" 47/2007) and by-laws arising from this law.

## **8. REQUIREMENTS FOR ARCHITECTURAL DESIGN**

By transposing the elements of traditional architecture and using an inventive design approach, as a response to the found environment and the needs of today's users, create architecture that gives character and builds the identity of the future swimming pool. The very approach to design compared to the traditional model should be refreshed with new materials, possibilities and construction technology.

Maritime traffic facilities should be designed in accordance with prescribed technical solutions and navigation conditions.

The final treatment of the coastal promenade should be planned in accordance with the ambient characteristics of the location (stone slabs, cobblestones, etc.) or from prefabricated elements (concrete prefabricated slabs and only exceptionally concrete).

## 9. REQUIREMENTS FOR LANDSCAPE DESIGN OF THE LOCATION

Harmonize landscaping with the characteristics of the area, both ecological and ambient, through the preservation and improvement of dominant structural elements (relief, vegetation, created structures) and the use of autochthonous plant species and materials. The use of invasive plant species is prohibited.

## 10. CONDITIONS FOR CONSTRUCTION / SETTING UP OF TEMPORARY FACILITIES

In accordance with paragraph 3 of Article 116 of the Law on Spatial Planning and Construction of Facilities, the installation and construction of temporary facilities in the Maritime Domain Zone is governed by the Program. The program is brought by the Ministry of Sustainable Development and Tourism.

## 11. CONDITIONS AND FOR THE PROTECTION OF THE ENVIRONMENT

**According to the decision on the protection of natural objects (Official Gazette of the Socialist Republic of Montenegro No. 30/68) Slovenska beach and Mogren beach are protected as a natural area reserve (equivalent to the nature monument category).**

**Mogren beach is a protected natural area of local importance - an area of exceptional characteristics, and Slovenska beach has been proposed for deletion from the list of protected beaches in accordance with the Special Purpose Spatial Plan for Coastal Areas.**

**Works:** Arrangements and expansion of existing and eventual construction of new bathing areas by removing content and facilities that are not necessary, filling with native sand or gravel, construction of engineering facilities for beach protection (e.g. underwater sills, napiers), construction or assembly of pontoons and piers (especially in Boka) and careful modeling of the existing rocky or stony area and their adaptation for bathers, **are not foreseen in protected areas.** (Chapter 27.1, page 248)

**No objects of any kind can be placed on the cliffs that are an integral part of the protected natural domain in order to create conditions for the return of natural vegetation. (Chapter 27.4 page 250-251)**

If one of the locations is located in a protected area, actions, activities and activities must be carried out in accordance with the provisions of the Law on Nature Protection in order not to disturb the natural balance and authentic appearance. (Chapter 27.1, page 248)

The Special Purpose Spatial Plan for Coastal Areas has defined the Areas for which the preparation of a Detailed Area Study is mandatory, namely:

Locations for forest park and picnic areas: Cape Mogren, Miločerska forest with ridges between Miločer and Sv.Stefan beaches, Cape Crvena stijena-Markova ledina, Hrid Kobila-Malo brdo, Prijedorac, forest park right next to Kraljičina-Peóin beach



Valuable natural and semi-natural areas: **Cape Mogren**, St. Nikola Island, Protovi- Bijeli, Mali, Debeli and Žukov, Perazića Školjić, Cape Crvena Stijena - Markova ledina, Hrid Kobila-Malo brdo, Island Sv. Nedelja, Katić Island, part of Buljarički polje

Locations of valuable agricultural areas: Pobori, Paštrovačka brda, Smokov Vijenac (Near Podgrab - Vrbe - Tudorovići - Đenaši), Rijeka Reževići - Katun Reževići

Areas with dominant elements of cultural heritage - areas of the old historical towns of Stari grad Budva, areas of old rural settlements, areas of monastery complexes (Praskivice Monastery), remains of old fortifications and military fortifications and other numerous sites of cultural heritage.

The protection and development of the area provided for in the Special Purpose Spatial Plan for Coastal Areas (page 221) includes a whole series of planning measures which act in the direction of preserving, improving and preventing the devastation of the identity, character and features of the area. As a priority and basic measure, the establishment of zones with appropriate protection and development regimes, i.e. green penetrations-caesuras, which prevent linear construction along the coast and enable a natural connection of the coast and the hinterland, stands out. Thus, two categories of green penetration-caesuras with flexible and strict regime of use were distinguished.

In chapter 30.3.1, guidelines are given for the design of the area in relation to the type of character of the area (p. 271);

**Coastal reefs and rocky shores** - extremely valuable natural areas, on the border of coastal forests, along the paths of walking paths and viewpoints. For the most part, there are no planned interventions in these areas, access paths for viewpoints can be built in places, which must carefully adapt their shape to the terrain and visually not disturb the landscape.

**Hilly - mountainous hinterland on massive limestone** - this type to the greatest extent develops the natural hinterland of the Coastal area. In the picture, the landscape is extremely important, and the configuration of the terrain itself often does not allow any interventions. The greatest threat to this type of area is from the construction of roads, and in such cases the damage to the area is irreversible. It is necessary to carry out a detailed study of the area before the development of all projects, which will provide guidelines for the location of the route that will have the least impact on the area, as well as measures for the implementation of measures to mitigate these impacts.

**Bare hilly terrains on limestone** - the terrains are subject to erosion due to the large slope and composition of the soil, so the preservation of scarce vegetation and degraded forms of forest-gariga is very important to preserve the stability of the terrain. Within this type, no major interventions are foreseen. In the case of routing paths or traffic roads, it is necessary to carry out a detailed study of the area before the development of all projects, which will give recommendations for the position of the route that will have the least impact on the area, as well as guidelines for the implementation of measures to mitigate these impacts.

**Wooded mountain hinterland on limestone** - when it comes to the preservation and improvement of forests, important guidelines are the reconstruction of degraded forests; filling naturally failed regeneration in tall forests; sanitary felling in diseased forests. This type is often the natural environment of the settlement, so its importance is even greater. Within this type, the formation of a forest park with all accompanying facilities is planned in several locations. During the revitalization of these areas, it is very

important to continue the trend in the selection of planting material that was used until now on the Montenegrin coast, and to give preference to autochthonous species. The materialization of paths and accompanying material must also be in harmony with the natural environment.

This type of landscape is most threatened by planned construction areas. In cases where construction is planned at the expense of existing vegetation, it is an obligation to carry out a detailed study of the area before making plans or projects, and based on that, assess which part of the area would be less likely to threaten the identity and quality of the area with the construction of buildings.

**Wooded slopes on flysch and deluvium** - the suitability of flysch land for agriculture caused settlements with traditional agricultural terraces to appear segmentally as islands within the wooded slopes on flysch. This type therefore occurs most often at the border of agricultural areas, so its importance is important not only in the countryside but also in the microclimatic sense. Mitigation of winds and temperature extremes in summer is also one of the functions of these forests. Their importance in terms of reducing the impact of air pollution on agricultural land is undeniable.

**Settlements with traditional agricultural fields and settlements with traditional terraces** connecting the found surrounding green and other natural areas with the rural entirety; preservation of the characteristic traditional structure of the rural whole; encouraging the renewal of arable areas of homesteads, which restores the authenticity of the rural environment; encouraging the development of rural tourism in such a way that accommodation facilities are provided within the household in renovated authentic houses; prioritize reconstruction and revitalization of traditional housing groups with accompanying stimulus measures; adapt any planned new construction to terrain conditions, the traditional structure of the village and traditional folk architecture; preservation of recognizable regional elements: fields bordered by hedges, in places woods. It is an obligation to carry out a detailed study of the area before creating urban plans or projects and, based on that, assess which part of the area would be less likely to threaten the identity and quality of the area with the construction of buildings.

**Traditional terraces with olive groves** - preservation of recognizable regional elements: stone sub-walls; Exclusion of the area under olive trees from undeveloped construction areas based on the completed mapping of the area of olive groves; limiting intensive production, except for special agricultural areas.

**Coastal and flood alluvial plains and fluvio-glacial plains** - The terrain is mostly favorable for intensive agricultural production. Recognize and exclude agricultural activity in areas that are important from the point of view of biodiversity conservation.

**Beaches** - protection, progress of construction and arrangement of swimming areas.

**Built-up land - settlements of the compact type and dispersive type:** improvement of the architecture of the buildings in visual and material terms, controlled sparsity of the buildings, adequate occupation at the level of the plot, leaving space for gardens and gardens, formation of rows of trees around the perimeter of the plots, masking of the buildings with Mediterranean vegetation and fitting into the natural environment, prevention of dispersed construction of buildings, grouping of settlement structures. Improvement of the architecture of buildings in visual and material terms, controlled number of floors of

buildings, adequate occupancy at the level of the plot and leaving space for mandatory landscaping of the plot. Concentrate construction, do not expand settlements at the expense of valuable natural and cultural areas.

**Recognizable landscape patterns/references in areas** - Preservation of groups of cypresses in the maquis, which at first glance break the monotony of the maquis itself and increase the value of the areas and characteristic views; communities of black pine and pine forests on steep limestone slopes are once planted forests that, through further natural succession, inhabited the steep slopes, particularly noticeable in the Gulf, and thus undoubtedly increase the value of the area.

Bearing in mind that the status of certain protected natural assets in the marine asset zone has not been reviewed, the organization of bathing areas in protected nature areas as well as their use is carried out in accordance with the general conditions for the protection of protected natural assets, taking into account the preservation of biological and environmental diversity. It is forbidden to use protected natural resources in a way that causes: damage to the land and loss of its natural fertility; damage to surface or underground geological, hydrogeological and geomorphological values; impoverishment of the natural fund of wild species of plants, animals and fungi; reduction of biological and environmental diversity; pollution or endangerment of underground and surface waters.

Permanent structures, concreting, sand exploitation, vegetation removal, changes to the coastline and structural remodeling of the sandy beach cannot be placed on the protected natural property itself. Construction objects or their accompanying elements (awnings, canopies, fences, etc.) in the immediate vicinity of the protected natural property must provide for the opening of visors towards the protected natural domain. On the protected natural domain, which does not have a built promenade in the hinterland, provide organized public access to the beach, made of natural materials. Only public temporary toilets that do not pollute the environment and are regularly maintained can be installed on the protected natural domain, unless there is a possibility of connecting them to the public sewage system, In relation to existing facilities and activities present in the environment and in the border zone of the protected natural domain when planning microlocations and dimensions of new buildings, their overall cumulative effect on protected natural assets and nature in general must be taken into account.

In accordance with Article 40 of the Law on Nature Protection (Official Gazette of Montenegro 54/16) to perform actions, activities and operations in the protected area of nature, which are not subject to an environmental impact assessment in accordance with special regulations, evident acceptability, which are not determined by the management plan, it is necessary to obtain a permit from the Agency for Nature Protection.

Pursuant to the Law on Environmental Impact Assessment (Official Gazette of Montenegro No. 75/18) and the Decree on Projects for which Environmental Impact Assessment is carried out (Official Gazette of the Republic of Montenegro 20/07), and submit a request for the estimated needs of the Elaboration on Impact Assessment to the environment.

Olives and olive groves are protected by the Law on Olive Growing and Olive Oil. The olive groves, as the most important and environmentally most precious part of the potkunjica (traditional village garden), are preserved in their existing form, with the original dry beds and terraces. It is not allowed to build paths or concrete these surfaces. Drywalls, dry walls, sub-walls and terraces must not be demolished. Their reconstruction is permitted exclusively using the traditional method of masonry (dry).

It is mandatory that all olive trees be preserved, and that individual olive trees and other valuable examples of greenery, if it is really necessary, be transplanted to a new position within the same urban plot with the necessary approval. Approval for transplanting olive trees in an olive grove is issued by the local government body responsible for agricultural affairs - the Secretariat for the Economy of the Municipality of Budva, within 30 days from the date of submission of the request for transplanting. **Cutting and transplanting olive trees over 100 years old is prohibited based on Article 15 of the Law on Olive Growing and Olive Oil** ("Official Gazette of Montenegro", 45/14).

When it comes to protected plant and animal species, act in accordance with the Decision on placing rare, rare, endemic and endangered plant and animal species under protection ("Official Gazette of Serbia and Montenegro", 36/82). The solution is available on the website of the Environmental Protection Agency: [www.epa.org.me](http://www.epa.org.me)

## **12. CONDITIONS AND PROTECTION MEASURES OF IMMOVABLE OBJECTS REGISTERED IN THE REGISTER OF CULTURAL HERITAGE OF MONTENEGRO AND THEIR PROTECTED ENVIRONMENT**

Within the subject location, in the list of registered cultural monuments (cultural heritage of national importance) are: the urban complex of ramparts with bastions (mark 15 in the graphic part of the plan, map 16), archaeological sites, the remains of Villa Urbana in the reception of the former Avala Hotel (mark 19) and the area between the city ramparts and the Avala Hotel (mark 18), sacred objects of the Church of St. John the Baptist, St. Trinity, Santa Maria in Punta and St. Sava Osvećeni (signs 12, 13, 14 and 16), a memorial plaque in the Old Town (sign 17), and two memorials on the St Stefan peninsula (signs 25 and 26).

In the case where there is a registered cultural monument within the subject location or in the immediate vicinity, according to which it should be managed in accordance with the Law on the Protection of Cultural Property (Official Gazette No. 49/10 of August 13, 2010), this secretariat by official duties obtain conservation conditions in accordance with Article 102 of the Law on the Protection of Cultural Heritage. The conservation conditions form the basis for the development of the conservation project in accordance with Article 103 of the same law. The consent of the Administration Protection of Cultural Properties of Montenegro is obtained for the conservation project.

The study of the protection of cultural heritage within the scope of the Special Purpose Spatial Plan for the Coastal Area (Center for Conservation and Archeology of Montenegro, 2017), in accordance with the methodology, project task and the law, the complete Montenegrin coastal belt with 439 cultural assets from eight medieval cities (1927 buildings) and 471 registered assets with potential cultural values in six coastal municipalities: Ulcinj, Bar, Budva, Tivat, Kotor and Herceg Novi (except for part which is located within the borders of National Park of Skadarsko jezero and National Park of Lovćen.

The study provides general conservation guidelines and recommendations for the sustainable use of cultural heritage. Conservation guidelines and recommendations are based on the management of the risks to which the potential of architectural heritage is exposed in the scope of the plan and the prevention of all actions and activities that can change their character, character and significance, respecting national legislation, conservation principles and contemporary international standards.

In the eighth chapter of the study - General conservation measures, general recommendations are given on protection measures and regimes of management and use of cultural goods and recorded objects and localities with potential cultural values based on the principles of sustainable use, with a division by types: archaeological sites, fortification objects, infrastructural objects, cultural and historical entities, cultural landscapes, memorial objects, profane objects, sacred objects and areas. (Chapter 19.2.1 Implementation of the study of cultural assets in the framework of the Special Purpose Spatial Plan for the Coastal Area, page 211)

The copy of the Special Purpose Spatial Plan for the Coastal Area submitted by the Ministry of Sustainable Development and Tourism (accompanying document number 061538/1 dated 03.12.2018) does not contain the Study of the Protection of Cultural Assets in the scope of the Special Purpose Spatial Plan for the Coastal Area. There is also no mentioned study in the electronic register of planning documents. This secretariat will send a request for the issuance of conservation conditions for the development of project documentation to the Administration for the Protection of Cultural Properties of Montenegro.

### **13. THE NEED TO CREATE AN URBAN PROJECT**

For settlements and parts of settlements that represent immovable cultural assets of international and national importance, the adoption of an urban project is mandatory, after the adoption of the general regulation plan of Montenegro, in accordance with Article 45 of the Law on Spatial Planning and Building Construction. Article 216 of the Law on Spatial Planning and Building Construction stipulates that the deadline for the adoption of the general regulation plan of Montenegro is October 2020. The project assignment for the Urban Project is drawn up by the chief city architect, based on the guidelines from the Plan of General Regulation of Montenegro, after obtaining the opinion of the chief state architect and the Administration for the Protection of Cultural Properties of Montenegro. The urban project is prepared by a company that prepares technical documentation (project). The assembly of the local self-government unit adopts the urban planning project. If the initiative for the development of the urban project was submitted by an interested user of the space, the costs of the development of the urban project shall be borne by him.

### **14. REQUIREMENTS FOR CONNECTING FACILITIES TO THE INFRASTRUCTURE AND SPECIAL TECHNICAL CONDITIONS**

More detailed technical conditions for connection to the water supply and sewage system network are procured for the investor by this Secretariat, ex officio,

When designing, the Designer's obligation is to follow the technical recommendations of EPCG, which are available on the website [www.epcg.me](http://www.epcg.me)

Plumbing and sewerage, electrical and heating installations in and outside the building should be designed in accordance with current regulations and standards, and the connection of the building to the residential infrastructure systems should be designed according to the conditions obtained from the competent public companies and treated through conceptual designs of the urban plot.

In the case where there is a protective strip or pipeline of the regional water supply within the subject urban plot, this Secretariat, ex officio, requests technical conditions for the investor from the Regional Water Supply of the Montenegrin Coast. Based on Article 32 of the Rulebook on the determination and maintenance of sanitary protection zones and areas and restrictions in those zones (Official Gazette of Montenegro 66/09), the sanitary protection belt is determined around the main pipelines and, depending on the terrain configuration, is 2.0 m from the axis of the pipeline with both sides. In the protection zone, it is not allowed to construct buildings, install devices and carry out actions that can pollute the water or threaten the stability of pipelines in any way.

An integral part of these urban technical conditions are the special conditions for the preparation of project documentation issued by the competent services - DOO Vodovod i kanalizacija Budva.

#### **15. CONDITIONS FOR FACILITIES THAT MAY INFLUENCE CHANGES IN THE WATER REGIME**

The investor is obliged to obtain the water conditions in accordance with Article 114 of the Water Law (Official Gazette Republic of Montenegro 27/07, Official Gazette of Montenegro 73/10, 32/11, 47/11, 48/11 1 52/16).

The Rulebook on the content of requests and documentation for the issuance of water acts, the manner and conditions for mandatory advertising in the procedure for determining water conditions and the content of water acts was published in the Official Gazette of Montenegro 07/08.

In accordance with Article 74 paragraph 5 of the Law on Spatial Planning and Building Construction, the Secretariat ex officio obtains Water Conditions for the preparation of project documentation for the regulation of watercourses and the construction of protective water structures on waters of local importance (point 24 paragraph 1 Article 115 of the Law on Waters) from the Secretariat for the Economy of the Municipality of Budva.

An integral part of these urban technical conditions are the water conditions for the development of project documentation issued by the Secretariat for the Economy of the Municipality of Budva.

When the cadastral parcels in question border the sea, this Secretariat ex officio obtains Water Conditions (in accordance with Article 74 paragraph 5 of the Law on Spatial Planning and Building Construction and with Article 2 of the Decision on Determining Waters of Importance for Montenegro, Official Gazette of Montenegro No. 9 /08) for the preparation of project documentation for the regulation of watercourses and the construction of protective water structures on waters of importance for Montenegro (item 24 paragraph 1 article 115 of the Law on Waters), from the Water Administration of Montenegro.

This secretariat will send a request for the issuance of special conditions for the preparation of project documentation to the Water Administration of Montenegro.

## **16. REQUIREMENTS FOR OBJECTS THAT CAN REFER TO MARITIME SECURITY**

The construction of maritime transport facilities was also processed with the relevant urban and technical conditions. The conditions for the facilities can affect the safety of navigation in the coastal sea of Montenegro.

The Secretariat, ex officio, obtains these conditions from the Maritime Safety Administration of Montenegro. The administration is responsible for the safety of navigation in the coastal sea of Montenegro, the arrangement and provision of maritime routes, the installation of safety facilities on waterways and ensuring their proper functioning.

This secretariat will send a request for the issuance of special conditions for the preparation of project documentation to the Maritime Safety Administration of Montenegro.

## **17. CONDITIONS FOR OBJECTS THAT MAY INFLUENCE AVIATION SAFETY TRAFFIC**

There is no airport obstacle restriction zone within the Spatial Plan for Special Purposes for Morsko Dobro . For temporary or permanent facilities or parts of the facility, outside the obstacle restriction zone of the airport, the height of which is greater than 45m, it is necessary to obtain consent for construction and installation, as well as conditions for marking and maintenance, from the Civil Aviation Agency of Montenegro. (Security Order number 2016/001 rev 00, date of entry into force 01.08.2016.

## **18. TRAFFIC TERMS**

The location of the facilities (except for the excursion swimming pool, which has access from the sea) must have access from a city road or public road. In accordance with the purpose of the building and the simple possibilities of the location, plan the appropriate number of parking lots.

## **19. CONDITIONS FOR UNINTERRUPTED MOVEMENT OF DISABLED PERSONS**

Ensure unhindered access, movement, stay and work of persons with reduced mobility and persons with disabilities, in accordance with the Rulebook on the conditions and methods of adaptation of facilities for access and movement of persons with reduced mobility and persons with disabilities, Official Gazette of Montenegro No. 43/13 and 44/15. Mandatory application of accessibility elements, prescribed by Article 46 of the Rulebook. Provide for the installation of a ramp for persons with reduced mobility and persons with disabilities to enter the sea.

## **20. REQUIREMENTS FOR RATIONAL USE OF ENERGY**

According to the Law on Energy Efficiency (Official Gazette of Montenegro No. 29/10), the design and construction of buildings should be ensured by the use of solar energy and other renewable energy

sources. Analyze the location, purpose, orientation and shape of the object. In order to use energy rationally, all possibilities for reducing energy use should be used. The content of the building energy efficiency report is prescribed by the Rulebook on the content of building energy efficiency reports (Official Gazette of Montenegro No. 47/13).

## **21. REQUIREMENTS FOR SOLID WASTE DISPOSAL**

Places for placing garbage containers as well as their required number should be predicted in cooperation with the competent utility company, bearing in mind the production of solid municipal waste. Places for placing garbage containers should be as close as possible to public roads with a minimum unevenness (without curbs) in relation to the road, with a drop of 5% towards the road. Niches for placing garbage containers can be visually isolated on three sides with greenery or brick fences whose height cannot exceed 1 m.

## **22. POSSIBILITY OF PHASE CONSTRUCTION**

On the basis of the Law on Spatial Planning and Construction of Buildings and Article 76, through the development of a conceptual design, the phase of construction (technical-technological and functional whole) of buildings can be determined. The conceptual design determines the general concept for the construction of buildings, and in particular: fitting the building into space, position of the object within the location and in relation to neighboring objects.

## **23. NOTE**

The textual part of the plan, which prescribes the method of construction of buildings, conditions for connection to the infrastructure and conditions for arrangement, are an integral part of the urban-technical conditions and is available on the website [www.planovidozvole.mrt.gov.me/LAMP/PlanningDocument?m=BD](http://www.planovidozvole.mrt.gov.me/LAMP/PlanningDocument?m=BD).

The investor can build a facility based on the application to the competent Urban and Construction Inspection and the following documentation prescribed by Article 91 of the current law and documentation prescribed by the Special Purpose Spatial Plan for the Coastal Area.

Consent of the chief city architect to the conceptual design

Certified main project

Report on the positive audit of the main project

Evidence of liability insurance of the designer who made it, or the auditor who revised the main project in accordance with the Law on Spatial Planning and Building Construction and the Decree on the Minimum Sum of Professional Liability Insurance in the Field of Building Construction (Official Gazette of the Republic of Montenegro No. 68/17)

Contract on engagement of contractors

Agreement on the engagement of expert supervision



Evidence of the property right on the land, or other right to build on the land, or evidence of the property right on the building, or other right to build, if it is a reconstruction of the building.

The content of the conceptual design is defined by the Expert Instruction of the Ministry of Sustainable Development and Tourism, No. 101-26/99 of March 14, 2018. The method of submitting a request to the Chief State Architect for approval of the preliminary design is specified in the Notification of the Ministry of Sustainable Development and Tourism, dated December 21, 2017.

Instructions and Notice are available on the Ministry of Sustainable Development and Tourism website: <http://www.mrt.gov.me/rubrike/zakonska-regulativa/137389/Zakonska-regulativa-iz-oblasti-planiraniaprostora.html>

The conceptual or main design must be done in accordance with Article 7 of the Rulebook on the method of preparation and content of technical documentation ("Official Gazette of Montenegro 44/18") in electronic form plus 1 copy in analog form for the purposes of carrying out works on the construction site.

## **24. ATTACHMENTS**

Copies of the graphic and textual part of the Spatial Plan for Special Purposes for Morsko Dobro, Title Deed, A copy of the cadastral plan, Technical conditions of DOO Vodovod i Kanalizacija Budva,

### **Submitted to:**

The Water Conditions of the Water Administration of Montenegro and the Secretariat for the Economy of The Municipality of Budva,

The Technical Conditions of the Maritime Safety Administration of Montenegro,

The Conservation Conditions of the Administration for the Protection of Cultural Heritage of Montenegro

**-The Applicant**

**- The Urban and Construction Inspection**

**- a/a**

Indipendant Counselor,  
Tamara Goliš /signed/  
Bachelor in Architecture

round seal:

Municipality of Budva Montenegro  
Secretariat for Urbanism and Sustainable Development Budva 1