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## **Federal Act on Spatial Planning (Spatial Planning Act, SPA)<sup>1</sup>**

of 22 June 1979 (Status as of 1 January 2019)

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*The Federal Assembly of the Swiss Confederation,*  
on the basis of Articles 22<sup>quater</sup> and 34<sup>sexies</sup> of the Federal Constitution<sup>2,3</sup>  
and having considered the Federal Council dispatch dated 27 February 1978<sup>4</sup>  
*decrees:*

### **Title 1            Introduction**

#### **Art. 1            Aims**

<sup>1</sup> The Confederation, cantons and communes shall ensure that the land is used economically and that building areas are separate from the areas where building is not permitted.<sup>5</sup> They shall coordinate their activities that have a spatial impact and implement a system of settlements that ensures the desired development of the country. They shall take account of the natural environment and of the needs of the population and the economy.

<sup>2</sup> By means of spatial and regional planning measures, they shall in particular support efforts to:

- a. protect natural resources such as soil, air, water, forests and the landscape;
- a<sup>bis</sup>.<sup>6</sup> promote inward settlement development, while ensuring an appropriate quality of housing;

AS 1979 1573

<sup>1</sup> Amended by No 1 of the FA of 6 Oct. 1995, in force since 1 Jan. 1997 (AS 1996 965; BBl 1994 III 1075).

<sup>2</sup> [AS 1969 1249, 1972 1481]. The said provisions correspond today to Art. 41, 75, 108 and 147 of the Federal Constitution of 18 April 1999 (SR 101).

<sup>3</sup> Amended by No 1 of the FA of 6 Oct. 1995, in force since 1 Jan. 1997 (AS 1996 965; BBl 1994 III 1075).

<sup>4</sup> BBl 1978 I 1006

<sup>5</sup> Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>6</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

- b.<sup>7</sup> create compact settlements;
- b<sup>bis</sup>.<sup>8</sup> create and maintain the regional requirements for the economy;
- c. encourage social, economic and cultural life in the various regions of the country, and promote appropriate decentralisation of settlement and economic activities;
- d. guarantee the basis for the provision of sufficient food supplies for the country;
- e. ensure the general defence of the country;
- f.<sup>9</sup> promote the integration of foreigners and social cohesion.

## **Art. 2** Planning obligation

- <sup>1</sup> The Confederation, cantons and communes shall plan their activities that have a spatial impact, and coordinate their planning efforts.
- <sup>2</sup> They shall take account of the spatial impact of their other activities.
- <sup>3</sup> Authorities responsible for planning shall ensure that subordinate authorities are given the necessary freedom to fulfil their remit.

## **Art. 3** Planning principles

- <sup>1</sup> Authorities responsible for planning shall take account of the following principles:
- <sup>2</sup> The countryside must be preserved. In particular:
  - a.<sup>10</sup> sufficient areas of suitable arable land, in particular crop rotation areas, should be reserved for agriculture;
  - b. settlements, buildings and installations should integrate well into the landscape;
  - c. lakesides and riverbanks should be kept free and accessible to the public;
  - d. natural landscapes and recreational areas should be conserved;
  - e. forests should be able to fulfil their functions.
- <sup>3</sup> Settlements must be arranged according to the needs of their inhabitants and their expansion must be limited. In particular:
  - a.<sup>11</sup> residential and working areas should be suitably located adjacent to each other and mainly planned in locations that are adequately served by public transport;

<sup>7</sup> Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

<sup>8</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

<sup>9</sup> Inserted by Annex No III of the FA of 16 Dec. 2016 (Integration), in force since 1 Jan. 2019 (AS **2017** 6521, **2018** 3171; BBl **2013** 2397, **2016** 2821).

<sup>10</sup> Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

<sup>11</sup> Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

- a<sup>bis</sup>.<sup>12</sup> measures should be taken to make better use of unused or insufficiently used areas in building zones and of opportunities to consolidate the settlement area;
  - b. residential areas should as far as possible be protected from harmful emissions or nuisances such as air pollution, noise or vibration;
  - c. cycle-paths and footpaths should be created and maintained;
  - d. favourable conditions for the supply of goods and services should be ensured;
  - e. settlements should contain numerous open spaces and trees.
- 4 Appropriate locations must be chosen for buildings and installations which are public, or in the public interest. In particular:
- a. regional needs should be considered and undesirable disparities reduced;
  - b. facilities such as schools, recreational centres and public services should be easily accessible to inhabitants;
  - c. adverse impacts on the natural environment, the population and the economy should be avoided or minimised.

#### **Art. 4** Provision of information and participation

<sup>1</sup> The authorities responsible for planning shall inform the public of the objectives and progress of planning under this Act.

<sup>2</sup> They shall ensure that the public are able to participate adequately in the planning process.

<sup>3</sup> Plans under this Act shall be made available for public inspection.

#### **Art. 5** Compensation

<sup>1</sup> Cantonal legislation shall regulate appropriate compensation procedures for major advantages and disadvantages resulting from planning under this Act.

<sup>1bis</sup> Planning advantages shall be compensated for at a rate of at least 20 per cent. Compensation becomes due on the development or disposal of the parcel of land. Cantonal law shall organise the compensation system at least so as to compensate for the added value attributable to permanently assigning land to a building zone.<sup>13</sup>

<sup>1ter</sup> The proceeds shall be used for measures under paragraph 2 or for other spatial planning measures under Article 3, in particular paragraphs 2 letter a and 3 letter a<sup>bis</sup>.<sup>14</sup>

<sup>12</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>13</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>14</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>1</sup>quater In calculating the charge, the planning advantage resulting from being assigned to a building zone shall be reduced by the amount paid within a reasonable period to acquire a replacement agricultural building for personal use.<sup>15</sup>

<sup>1</sup>quinquies Cantonal law may waive the charge if:

- a. a local authority would be liable to pay; or
- b. the anticipated income from the charge does not justify the cost of its collection.<sup>16</sup>

<sup>1</sup>sexies The charge paid may be deducted from the gain as an allowable expense when calculating any capital gains tax on land.<sup>17</sup>

<sup>2</sup> Full compensation shall be paid if planning activities lead to restrictions of title which amount to expropriation.

<sup>3</sup> The cantons may require that the payment of compensation in the case of restrictions of title must be entered in the Land Register.

## **Title 2      Spatial and Regional Planning Measures**

### **Chapter 1    Cantonal Structure Plans**

#### **Art. 6            Guidelines**

<sup>1</sup> ...<sup>18</sup>

<sup>2</sup> When preparing their structure plans, the cantons shall devise guidelines by which they establish which areas:<sup>19</sup>

- a. are suitable for agriculture;
- b. are of special beauty, valuable, or are important for recreation or as natural habitats;
- b<sup>bis</sup>.<sup>20</sup> are suitable for producing electricity from renewable energies;
- c. are seriously endangered by natural hazards or harmful emissions.

<sup>15</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>16</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>17</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>18</sup> Repealed by No I of the FA of 15 June 2012, with effect from 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>19</sup> Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>20</sup> Inserted by Annex No II 5 of the Energy Act of 30 Sept. 2016, in force since 1 Jan. 2018 (AS 2017 6839; BBl 2013 7561).

<sup>3</sup> In the guidelines, they shall also provide information on the current condition and previous development of:<sup>21</sup>

- a.<sup>22</sup> their settlement area;
- b.<sup>23</sup> transport;
- b<sup>bis</sup>.<sup>24</sup> provision of public utilities, in particular electricity from renewable energies;
- b<sup>ter</sup>.<sup>25</sup> public buildings and installations;
- c.<sup>26</sup> their arable land.

<sup>4</sup> They shall take account of federal strategies and sectoral plans, the structure plans of neighbouring cantons and other regional development policies and plans.

#### **Art. 7** Collaboration between authorities

<sup>1</sup> The cantons shall work with the federal authorities and neighbouring cantons insofar as their activities coincide.

<sup>2</sup> If the cantons cannot agree among themselves or with the Confederation on how to coordinate activities that have a spatial impact, they may request that the conciliation procedure (Art. 12) be applied.

<sup>3</sup> Border cantons shall seek collaboration with the regional authorities of the neighbouring country insofar as their activities may have cross-border impact.

#### **Art. 8**<sup>27</sup> Minimum content of structure plans

<sup>1</sup> Each canton shall prepare a structure plan, which shall define the following as a minimum:

- a. how the canton aims to develop in spatial terms;
- b. how activities that have a spatial impact are to be coordinated with a view to achieving development targets;
- c. the proposed schedule and resources for fulfilling tasks.

<sup>2</sup> Projects with significant effects on space and the environment must have a basis in the structure plan.

<sup>21</sup> Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>22</sup> Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>23</sup> Amended by Annex No II 5 of the Energy Act of 30 Sept. 2016, in force since 1 Jan. 2018 (AS 2017 6839; BBl 2013 7561).

<sup>24</sup> Inserted by Annex No II 5 of the Energy Act of 30 Sept. 2016, in force since 1 Jan. 2018 (AS 2017 6839; BBl 2013 7561).

<sup>25</sup> Inserted by Annex No II 5 of the Energy Act of 30 Sept. 2016, in force since 1 Jan. 2018 (AS 2017 6839; BBl 2013 7561).

<sup>26</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>27</sup> Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

**Art. 8a<sup>28</sup>**      Structure plan content related to settlements

<sup>1</sup> The structure plan shall define the following in relation to settlements:

- a. the overall size of the settlement area, where it is located in the canton and how its expansion is coordinated at regional level;
- b. how settlements and transport are coordinated, and how land will be developed in a rationally and space-saving manner;
- c. how high-quality inward settlement development will be achieved;
- d. how it will be guaranteed that building zones meet the requirements of Article 15; and
- e. how settlement renewal will be increased.

<sup>2</sup> and <sup>3</sup>...<sup>29</sup>

**Art. 8b<sup>30</sup>**      Structure plan content in relation to energy

The structure plan shall designate suitable areas and stretches of water that may be used to generate renewable energies.

**Art. 9**              Binding character and amendments

<sup>1</sup> Structure plans are binding on the authorities.

<sup>2</sup> If circumstances change, new tasks arise or if a generally better solution is possible, structure plans shall be reviewed and, if necessary, amended.

<sup>3</sup> As a rule, structure plans shall be comprehensively reviewed every ten years and, if necessary, revised.

**Art. 10**            Responsibilities and procedures

<sup>1</sup> The cantons shall determine responsibilities and procedures.

<sup>2</sup> They shall regulate the way in which communes, other bodies responsible for activities which have a spatial impact and organisations for environmental protection and for the protection of nature and cultural heritage that have a right to appeal in accordance with Article 55 of the Environmental Protection Act of 7 October 1983<sup>31</sup> and with Article 12 of the Federal Act of 1 July 1966<sup>32</sup> on the Protection of Nature and Cultural Heritage (NCHA) cooperate in drawing up the structure plans.<sup>33</sup>

<sup>28</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>29</sup> Originally Art. 8 para. 2 und 3. Inserted by No I of the FA of 17 Dec. 2010 (AS 2011 2913; BBl 2007 5765). Repealed by Art. 24 No 2 of the Second Homes Act of 20 March 2015, with effect from 1 Jan. 2016 (AS 2015 5657; BBl 2014 2287).

<sup>30</sup> Inserted by Annex No II 5 of the Energy Act of 30 Sept. 2016, in force since 1 Jan. 2018 (AS 2017 6839; BBl 2013 7561).

<sup>31</sup> SR 814.01

<sup>32</sup> SR 451

<sup>33</sup> Amended by No II 2 of the FA of 20 Dec. 2006, in force since 1 July 2007 (AS 2007 2701; BBl 2005 5351 5391).

**Art. 11** Approval by the Federal Council

<sup>1</sup> The Federal Council shall approve the structure plans and their amendments if they conform to this Act, and in particular take proper account of the activities by the Confederation and by neighbouring cantons that have a spatial impact.

<sup>2</sup> The structure plans shall become legally binding on the Confederation and the neighbouring cantons only when approved by the Federal Council.

**Art. 12** Conciliation

<sup>1</sup> If the Federal Council is unable to approve the structure plans or parts thereof, it shall arrange a conciliation procedure after hearing the views of the parties concerned.

<sup>2</sup> The Federal Council shall order that for the duration of the conciliation procedure nothing may be done that might prejudice its result.

<sup>3</sup> If an agreement cannot be reached, the Federal Council shall decide the issue no later than three years after the beginning of the conciliation procedure.

**Chapter 2 Special Measures by the Confederation****Art. 13** Policies and sectoral plans

<sup>1</sup> The Confederation shall draw up the basic principles necessary to fulfil its remit with regard to spatial issues. It shall draw up the required policies and sectoral plans and ensure that they are compatible.

<sup>2</sup> The Confederation shall work with the cantons and inform them in good time of its policies, sectoral plans and building projects.

**Chapter 3 Land Use Plans****Section 1 Purpose and Content****Art. 14** Definition

<sup>1</sup> Land use plans govern the permissible use of land.

<sup>2</sup> They shall designate in advance building zones, agricultural zones and protected zones.

**Art. 15<sup>34</sup>** Building zones

<sup>1</sup> Building zones must be defined in such a manner that they meet the anticipated needs for the following 15 years.

<sup>2</sup> Excessively large building zones must be reduced in size.

<sup>34</sup> Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>3</sup> The location and size of the building zones must be defined in a manner not restricted by communal boundaries, respecting the aims and principles of spatial planning. In particular, crop rotation areas must be maintained and nature and landscape preserved.

<sup>4</sup> Land may be assigned to a building zone for the first time if:

- a. it is suitable for development;
- b. it will probably also be needed, made ready for development and developed within the next 15 years even though internal use reserves in existing building areas have been exploited to their full potential;
- c. arable land is not fragmented as a result;
- d. its availability is guaranteed by law; and
- e. the requirements of the structure plans are met thereby.

<sup>5</sup> The Confederation and cantons shall together draw up technical guidelines for assigning land to building zones, and in particular for calculating the area required.

#### **Art. 15a<sup>35</sup>** Availability of building land

<sup>1</sup> The cantons shall work with the communes to take the measures that are required in order that building zones are used for their assigned purpose, in particular measures required under land law such as land reorganisation projects (Art. 20).

<sup>2</sup> Where it is in the public interest to do so, cantonal law shall provide that the competent authority set a deadline for the development of a parcel of land and can order specific measures if the deadline expires without development taking place.

#### **Art. 16<sup>36</sup>** Agricultural zones

<sup>1</sup> Agricultural zones shall ensure the long-term use of the land for food, the conservation of the countryside, of recreational areas and of the ecological balance. They shall be kept largely undeveloped, according to their various functions. Agricultural zones shall include land which:

- a. is suitable for agricultural or horticultural use and is required to fulfil the various agricultural tasks; or
- b. should be used for agricultural purposes in the general interest.

<sup>2</sup> Wherever possible, agricultural zones shall be demarcated as large and continuous areas.

<sup>3</sup> The cantons shall take appropriate account of the various functions of the agricultural zones in their planning activities.

<sup>35</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>36</sup> Amended by No I of the FA of 20 March 1998, in force since 1 Sept. 2000 (AS 2000 2042; BBl 1996 III 513).



**Art. 16a<sup>37</sup>** Buildings and installations conforming to zone requirements in agricultural zones

<sup>1</sup> Buildings and installations shall conform to zone requirements if they are required for agricultural or horticultural use. This is without prejudice to the narrower definition of zone conformity in the context of Article 16 paragraph 3.

<sup>1bis</sup> A permit may be granted for buildings and installations at an agricultural concern that are required for the production of energy from biomass or for connected composting facilities on the basis that they conform to zone requirements if the processed biomass is closely linked to the agricultural operations and to the operations at the location. Permits must be made conditional on the buildings or installations being used only for the permitted purpose. The Federal Council shall regulate the details.<sup>38</sup>

<sup>2</sup> Buildings and installations that serve the internal expansion of an agricultural or horticultural concern are in conformity with zone requirements. The Federal Council shall regulate the details.<sup>39</sup>

<sup>3</sup> Buildings and installations that serve a purpose beyond the internal expansion of an agricultural or horticultural concern may be deemed to conform to zone requirements if they are to be constructed in an exempted area within the agricultural zone, as determined by the canton in a planning procedure.

**Art. 16a<sup>bis</sup> 40** Buildings and installations for keeping and using horses

<sup>1</sup> Buildings and installations that are required for keeping horses shall be authorised as conforming to zone requirements if they form part of an existing agricultural business as defined in the Federal Act of 4 October 1991<sup>41</sup> on Rural Land Rights, provided the business produces most of its own fodder and has pastures for keeping horses.

<sup>2</sup> A permit may be granted for areas with compacted ground where the horses kept by the business are used.

<sup>3</sup> A permit shall be granted for facilities directly related to using horses such as tack rooms or changing rooms.

<sup>4</sup> The Federal Council shall regulate the details.

<sup>37</sup> Inserted by No I of the FA of 20 March 1998, in force since 1 Sept. 2000 (AS 2000 2042; BBl 1996 III 513).

<sup>38</sup> Inserted by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS 2007 3637; BBl 2005 7097).

<sup>39</sup> Amended by No I of the FA of 23 March 2007, in force since 1 Sept. 2000 (AS 2007 3637; BBl 2005 7097).

<sup>40</sup> Inserted by No I of the FA of 22 March 2013, in force since 1 May 2014 (AS 2014 905; BBl 2012 6589 6607).

<sup>41</sup> SR 211.412.11

**Art. 16<sup>b42</sup>** Prohibition of use and removal<sup>43</sup>

<sup>1</sup> Buildings and installations that are no longer used for purposes conforming to zone requirements and for which usage in terms of Articles 24–24e is not permitted may no longer be used.<sup>44</sup> This prohibition shall cease to apply as soon as they can again be used in conformity with zone requirements.

<sup>2</sup> If authorisation is granted for a limited period or subject to a condition subsequent, the buildings and installations must be removed when authorisation ceases to apply, and the location must be restored to its previous state.<sup>45</sup>

**Art. 17** Protection zones

<sup>1</sup> Protection zones shall include:

- a. streams, rivers, lakes and their shores and banks;
- b. landscapes of special beauty, and countryside of natural, cultural or historical value;
- c. important sites of local character, historic sites, as well as natural or cultural monuments;
- d. habitats for protected animals and plants.

<sup>2</sup> Instead of defining protection zones, cantonal legislation may provide for other suitable measures.

**Art. 18** Other zones and areas

<sup>1</sup> Cantonal legislation may provide for other land use zones.

<sup>2</sup> It may contain regulations concerning areas for which no use has yet been determined or for which a specific use will be permitted only at a later date.

<sup>3</sup> Forested areas shall be defined and protected by forestry legislation.

**Art. 18<sup>a46</sup>** Solar installations

<sup>1</sup> In construction and agricultural zones, solar panels on roofs which are sufficiently unobtrusive do not require a building permit in accordance with Article 22 paragraph 1. The competent authorities must merely be notified of such installations.

<sup>42</sup> Inserted by No I of the FA of 20 March 1998, in force since 1 Sept. 2000 (AS 2000 2042; BBl 1996 III 513).

<sup>43</sup> Amended by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS 2007 3637; BBl 2005 7097).

<sup>44</sup> Amended by No I of the FA of 22 March 2013, in force since 1 May 2014 (AS 2014 905; BBl 2012 6589 6607).

<sup>45</sup> Inserted by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS 2007 3637; BBl 2005 7097).

<sup>46</sup> Inserted by No II of the FA of 22 June 2007 (AS 2007 6095; BBl 2006 6337). Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>2</sup> Cantonal law may:

- a. determine specific, less aesthetically sensitive types of building zone in which other solar installations may also be erected without planning permission;
- b. require a building permit in clearly described types of protection zone.

<sup>3</sup> Solar installations on cultural and natural monuments of cantonal or national importance always require a building permit. They may not be detrimental to the monuments to any significant degree.

<sup>4</sup> In all other cases, in principle the interests of solar energy use on existing or new buildings outweigh aesthetic considerations.

#### **Art. 19**            Infrastructure

<sup>1</sup> A parcel of land is regarded as ready for development when it has adequate access for its designated use and the necessary water supply, energy and wastewater facilities can be connected to nearby utility mains without considerable difficulty or expense.

<sup>2</sup> The local authority shall connect building zones to infrastructure within the period of time set in the development programme; where necessary, it may do so in stages. The contributions to be made by landowners are determined under cantonal legislation.<sup>47</sup>

<sup>3</sup> If the local authority does not connect building zones within the time limit, landowners must be permitted to connect their land themselves in accordance with the plans approved by the local authority or to advance funds for infrastructure connection by the local authority, in accordance with the provisions of cantonal legislation.<sup>48</sup>

#### **Art. 20**            Land reorganisation

Land reorganisation may be officially ordered and carried out if this is required by the land use plans.

### **Section 2**        Effects

#### **Art. 21**            Binding character and amendment

<sup>1</sup> Land use plans shall be universally binding.

<sup>2</sup> Should circumstances change appreciably, land use plans shall be reviewed and, if necessary, amended.

<sup>47</sup> Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS **2014** 899; BBl **2010** 1049).

<sup>48</sup> Amended by No I of the FA of 6 Oct. 1995, in force since 1 April 1996 (AS **1996** 965; BBl **1994** III 1075).

**Art. 22** Building permits

<sup>1</sup> Buildings and installations may be erected or modified only with the permission of the responsible authority.

<sup>2</sup> The basic requirement for a permit is:

- a. that the buildings and installations conform to the purpose of the land use zone; and
- b. that the land is connected to infrastructure and utilities.

<sup>3</sup> The other requirements contained in federal and cantonal law continue to apply.

**Art. 23** Exceptions within building zones

Cantonal legislation regulates exceptions within the building zones.

**Art. 24<sup>49</sup>** Exceptions for buildings and installations outside building zones

Notwithstanding Article 22 paragraph 2a, permits to erect buildings and installations or to modify their purpose may be granted:

- a. if the purpose of the buildings and installations necessitates their location outside the building zones; and
- b. if there are no overriding interests to the contrary.

**Art. 24a<sup>50</sup>** Changes in purpose outside building zones for which construction work is not required

<sup>1</sup> If the change in purpose of a building or installation outside the building zone does not necessitate any construction work within the meaning of Article 22 paragraph 1, a permit shall be issued if:

- a. the change of purpose will not have any new impact on space, infrastructure provision and the environment; and
- b. it is not prohibited by any other federal enactment.

<sup>2</sup> The exceptional permit must be issued subject to the condition that a new official ruling be made should circumstances change.

**Art. 24b<sup>51</sup>** Non-agricultural subsidiary operations outside building zones

<sup>1</sup> Should an agricultural business within the meaning of the Federal Act of 4 October 1991<sup>52</sup> on Rural Land Rights be unable to survive without an additional source of

<sup>49</sup> Amended by No I of the FA of 20 March 1998, in force since 1 Sept. 2000 (AS 2000 2042; BBl 1996 III 513).

<sup>50</sup> Inserted by No I of the FA of 20 March 1998, in force since 1 Sept. 2000 (AS 2000 2042; BBl 1996 III 513).

<sup>51</sup> Inserted by No I of the FA of 20 March 1998, in force since 1 Sept. 2000 (AS 2000 2042; BBl 1996 III 513).

<sup>52</sup> SR 211.412.11

income, a permit may be granted for construction work related to a non-agricultural subsidiary operation which is closely related to the primary concern and located in existing buildings and installations.<sup>53</sup> The requirement set out in Article 24a need not be met.

<sup>1bis</sup> Irrespective of whether an additional source of income is required, a permit may be granted for subsidiary operations with a close practical connection to an agricultural business; for this purpose, a permit may be granted for modest expansions where no space or insufficient space is available in the existing buildings and installations.<sup>54</sup>

<sup>1ter</sup> In the case of temporary operating centres, a permit may be granted for construction work only in the existing buildings and installations and only for subsidiary operations offering accommodation and restaurant services.<sup>55</sup>

<sup>1quater</sup> In order to avoid distortions of competition, non-agricultural subsidiary operations must satisfy the same statutory requirements and general conditions as commercial operations in similar situations in the building zone.<sup>56</sup>

<sup>2</sup> The subsidiary operation may be run only by the manager of the agricultural business or his or her spouse or cohabitee. Employees who work mainly or exclusively for the subsidiary operation may only be employed for subsidiary operations in accordance with paragraph 1<sup>bis</sup>. In every case, the work of this part of the business must be predominantly carried out by the managing family.<sup>57</sup>

<sup>3</sup> The existence of the subsidiary operation must be recorded in the Land Register.

<sup>4</sup> Non-agricultural subsidiary operations constitute integral parts of the agricultural business and are subject to the prohibition of division and fragmentation of property pursuant to Articles 58–60 of the Federal Act of 4 October 1991 on Rural Land Rights.

<sup>5</sup> The provisions of the Federal Act of 4 October 1991 on Rural Land Rights with respect to non-agricultural businesses do not apply to subsidiary operations.

**Art. 24c<sup>58</sup>** Existing buildings and installations in breach of zone requirements outside building zones

<sup>1</sup> Buildings and installations outside building zones that may be used in accordance with the law but which no longer conform to zone requirements are in principle protected in their current state.

<sup>53</sup> Amended by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS 2007 3637; BBl 2005 7097).

<sup>54</sup> Inserted by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS 2007 3637; BBl 2005 7097).

<sup>55</sup> Inserted by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS 2007 3637; BBl 2005 7097).

<sup>56</sup> Inserted by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS 2007 3637; BBl 2005 7097).

<sup>57</sup> Amended by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS 2007 3637; BBl 2005 7097).

<sup>58</sup> Inserted by No I of the FA of 20 March 1998, in force since 1 Sept. 2000 (AS 2000 2042; BBl 1996 III 513).

<sup>2</sup> Such buildings and installations may, with the permission of the competent authority, be renovated, partially modified, moderately expanded or reconstructed, provided they have been lawfully constructed or modified.<sup>59</sup>

<sup>3</sup> The foregoing also applies to farmhouses and attached commercial buildings that have been lawfully constructed or modified before the parcel of land concerned become part of the area where building is not permitted in accordance with federal law. The Federal Council shall issue regulations in order to prevent negative consequences for agriculture.<sup>60</sup>

<sup>4</sup> Changes to external appearance must be necessary to enable modern residential use or to upgrade energy efficiency or so as to blend more harmoniously into the landscape.<sup>61</sup>

<sup>5</sup> Every case is subject to compatibility with the priority concerns of spatial planning.<sup>62</sup>

**Art. 24d<sup>63</sup>** Non-agricultural residential use, and buildings and installations worthy of preservation<sup>64</sup>

<sup>1</sup> Authorisation may be given for agricultural residential buildings to be used for non-agricultural residential purposes, provided the essential character of the buildings is preserved.<sup>65</sup>

1bis ...<sup>66</sup>

<sup>2</sup> A complete change of purpose of buildings and installations that have been recognised as being worthy of preservation may be authorised if:<sup>67</sup>

- a. these have been given protected status by the competent authority; and
- b. their continued preservation cannot otherwise be guaranteed.

<sup>59</sup> Amended by No I of the FA of 23 Dec. 2011, in force since 1 Nov. 2012 (AS **2012** 5535; BBl **2011** 7083 7097).

<sup>60</sup> Inserted by No I of the FA of 23 Dec. 2011, in force since 1 Nov. 2012 (AS **2012** 5535; BBl **2011** 7083 7097).

<sup>61</sup> Inserted by No I of the FA of 23 Dec. 2011, in force since 1 Nov. 2012 (AS **2012** 5535; BBl **2011** 7083 7097).

<sup>62</sup> Inserted by No I of the FA of 23 Dec. 2011, in force since 1 Nov. 2012 (AS **2012** 5535; BBl **2011** 7083 7097).

<sup>63</sup> Inserted by No I of the FA of 20 March 1998, in force since 1 Sept. 2000 (AS **2000** 2042; BBl **1996** III 513).

<sup>64</sup> Amended by No I of the FA of 22 March 2013, in force since 1 May 2014 (AS **2014** 905; BBl **2012** 6589 6607).

<sup>65</sup> Amended by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS **2007** 3637; BBl **2005** 7097).

<sup>66</sup> Inserted by No I of the FA of 23 March 2007 (AS **2007** 3637; BBl **2005** 7097). Repealed by No I of the FA of 22 March 2013, with effect from 1 May 2014 (AS **2014** 905; BBl **2012** 6589 6607).

<sup>67</sup> Amended by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS **2007** 3637; BBl **2005** 7097).

<sup>3</sup> Permits under this Article may be issued only if:<sup>68</sup>

- a. the building or installation is no longer required for its previous purpose, is suitable for the intended use, and no unnecessary replacement buildings will result;
- b. the external appearance and the basic structure of the building remain essentially unchanged;
- c. no more than a minor extension of existing infrastructure is necessary and all infrastructure costs incurred as a result of the complete change of purpose of the buildings and installations will be passed on to their owners;
- d. the agricultural cultivation of the surrounding land is not endangered;
- e. there are no overriding interests to the contrary.

**Art. 24<sup>e69</sup>** Keeping animals as a hobby

<sup>1</sup> Provided the essential character of the buildings is preserved, construction work shall be permitted in uninhabited buildings or parts of buildings where they are used by residents of an adjacent residential building for the purpose of keeping animals as a hobby and animal welfare standards are respected.

<sup>2</sup> New outdoor installations may be permitted in terms of paragraph 1 if they are necessary for keeping animals in accordance with animal welfare standards. Such installations may be larger than the statutory minimum size provided this is compatible with the main aspects of spatial planning and the installation is a reversible construction.

<sup>3</sup> The outdoor installations may be used for keeping animals as a hobby provided no structural alterations are required and there is no new impact on the surrounding area and the environment.

<sup>4</sup> If animals are kept in a building zone, permission shall also be given to fenced-in areas for grazing purposes provided there is no negative impact on the landscape.

<sup>5</sup> Permits in accordance with this Article may only be given if the requirements of Article 24d paragraph 3 are met.

<sup>6</sup> The Federal Council shall regulate the details. In particular it shall define the relationship between the modifications possible under this Article and those under Article 24c and Article 24d paragraph 1.

## **Section 3 Responsibilities and Procedures**

**Art. 25** Cantonal responsibilities

<sup>1</sup> The cantons shall determine responsibilities and procedures.

<sup>68</sup> Amended by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS 2007 3637; BBl 2005 7097).

<sup>69</sup> Inserted by No I of the FA of 22 March 2013, in force since 1 May 2014 (AS 2014 905; BBl 2012 6589 6607).

<sup>1bis</sup> They shall determine the time limits and their consequences for all procedures involved in the erection or modification of buildings or installations, or changes to their purpose.<sup>70</sup>

<sup>2</sup> In the case of any building projects outside the building zones the competent cantonal authority shall decide if they meet zone requirements or if an exceptional permit may be issued.<sup>71</sup>

#### **Art. 25a<sup>72</sup>** Principles of coordination

<sup>1</sup> If the erection or modification of a building or installation requires decisions from two or more authorities, one authority shall be designated responsible for ensuring adequate coordination.

<sup>2</sup> The authority responsible for coordination:

- a. may issue the necessary procedural orders;
- b. shall ensure joint publication of all planning application documents;
- c. shall obtain comprehensive opinions on the projects from all the cantonal and federal authorities involved;
- d. shall ensure that content of decisions is coordinated and, as far as possible, arrange for decisions to be published jointly or simultaneously.

<sup>3</sup> The decisions must not contain any contradictions.

<sup>4</sup> These principles apply by analogy to the land use plan procedure.

#### **Art. 26** Approval of land use plans by a cantonal authority

<sup>1</sup> A cantonal authority shall approve the land use plans and their amendments.

<sup>2</sup> It shall verify that they conform to the cantonal structure plans approved by the Federal Council.

<sup>3</sup> Approval by the cantonal authority shall make the land use plans binding.

#### **Art. 27** Planning zones

<sup>1</sup> If a land use plan must be modified or does not yet exist, the competent authority may designate precisely defined areas as planning zones. Inside these planning zones nothing may be done to prejudice land use planning.

<sup>2</sup> Planning zones may be designated as such for five years at the most. Cantonal legislation may provide for this period to be extended.

<sup>70</sup> Inserted by No I of the FA of 6 Oct. 1995 (AS **1996** 965; BBl **1994** III 1075)  
Amended by No I of the FA of 20 March 1998, in force since 1 Sept. 2000  
(AS **2000** 2042; BBl **1996** III 513).

<sup>71</sup> Amended by No I of the FA of 20 March 1998, in force since 1 Sept. 2000  
(AS **2000** 2042; BBl **1996** III 513).

<sup>72</sup> Inserted by No I of the FA of 6 Oct. 1996, in force since 1 Jan. 1997  
(AS **1996** 965; BBl **1994** III 1075).



**Art. 27<sup>73</sup>** Restrictive cantonal provisions on building outside the building zone  
Restrictive provisions relating to Articles 16a paragraph 2, 24b, 24c paragraph 2 and 24d may be issued under cantonal legislation.

### **Title 3      Federal Subsidies**

#### **Art. 28<sup>74</sup>**

**Art. 29** Subsidies to compensation for protective measures  
The Confederation may subsidise compensation payments made for particularly important protective measures introduced under Article 17.

**Art. 29a<sup>75</sup>** Subsidies for projects

<sup>1</sup> In cooperation with the cantons, cities and communes, the Confederation may subsidise projects which promote improvements to living quality and social cohesion in residential areas.

<sup>2</sup> The Federal Office of Spatial Planning coordinates these subsidies with the federal agencies concerned and systematically analyses these activities.

**Art. 30** Conditions for paying other subsidies

The Confederation shall make the payment of subsidies under other federal acts for measures which have a spatial impact dependent on such measures complying with the approved structure plans.

### **Title 4      Organisation**

**Art. 31** Cantonal offices

The cantons shall designate an office for spatial and regional planning.

**Art. 32** Federal Office

The federal office responsible is the Federal Office for Spatial Development<sup>76</sup>.

<sup>73</sup> Inserted by No I of the FA of 23 March 2007 (AS **2007** 3637; BBl **2005** 7097).  
Amended by No I of the FA of 23 Dec. 2011, in force since 1 Nov. 2012  
(AS **2012** 5535; BBl **2011** 7083 7097).

<sup>74</sup> Repealed by No I of the FA of 13 Dec. 2002, with effect from 1 June 2003  
(AS **2003** 1021; BBl **2002** 6965).

<sup>75</sup> Inserted by Annex No III of the FA of 16 Dec. 2016 (Integration), in force since  
1 Jan. 2019 (AS **2017** 6521, **2018** 3171; BBl **2013** 2397, **2016** 2821).

<sup>76</sup> Name according to an unpublished FCD dated 17 May 2000.

## Title 5      Legal Remedies

### Art. 33      Rights under cantonal law

<sup>1</sup> Land use plans shall be made available for public inspection.

<sup>2</sup> Cantonal legislation shall provide for at least one means of legal redress against rulings and land use plans based on this Act and on its cantonal and federal implementing provisions.

<sup>3</sup> It shall guarantee:

- a.<sup>77</sup> at least the same rights of appeal as for an appeal under public law to the Federal Supreme Court;
- b. full examination by at least one appeal authority.

<sup>4</sup> Uniform instances of appeal must be provided for appeals against decisions by the cantonal authorities to which Article 25a paragraph 1 applies.<sup>78</sup>

### Art. 34<sup>79</sup>      Rights under federal law

<sup>1</sup> Appeals to federal authorities are governed by the general provisions on the administration of federal justice.

<sup>2</sup> Cantons and communes are entitled to appeal against decisions made by ultimate cantonal instances on:

- a. compensation resulting from restrictions of title (Art. 5);
- b. the conformity of buildings and installations to zone regulations;
- c. permits in accordance with Articles 24–24d and 37a.<sup>80</sup>

<sup>3</sup> The Federal Office for Agriculture has the right to appeal against decisions on projects that affect crop rotation areas.<sup>81</sup>

<sup>77</sup> Amended by Annex No 64 of the Administrative Court Act of 17 June 2005, in force since 1 Jan. 2007 (AS **2006** 2197 1069; BBl **2001** 4202).

<sup>78</sup> Inserted by No I of the FA of 6 Oct. 1995, in force since 1 Jan. 1997 (AS **1996** 965; BBl **1994** III 1075).

<sup>79</sup> Amended by Annex No 64 of the Administrative Court Act of 17 June 2005, in force since 1 Jan. 2007 (AS **2006** 2197 1069; BBl **2001** 4202).

<sup>80</sup> Amended by No I of the FA of 23 March 2007, in force since 1 Sept. 2007 (AS **2007** 3637; BBl **2005** 7097).

<sup>81</sup> Inserted by Annex No 5 of the FA of 22 March 2013, in force since 1 Jan. 2014 (AS **2013** 3463 3863; BBl **2012** 2075).

## **Title 6            Final Provisions**

### **Art. 35            Time limits for structure plans and land use plans<sup>82</sup>**

<sup>1</sup> The cantons shall ensure that:

a.<sup>83</sup> ...

b. land use plans are drawn up in good time but no later than eight years after this Act has come into force.

<sup>2</sup> ...<sup>84</sup>

<sup>3</sup> Land use plans valid at the time this Act comes into force shall retain their validity under cantonal law until they are approved by the competent authority.<sup>85</sup>

### **Art. 36            Introductory measures by the cantons**

<sup>1</sup> The cantons shall enact the regulations necessary for the application of this Act.

<sup>2</sup> Unless other authorities are designated under cantonal legislation, the cantonal governments shall be authorised to take provisional measures and in particular to determine planning zones (Art. 27) and to issue restrictive provisions on building outside the building zone (Art. 27a).<sup>86</sup>

<sup>3</sup> Provided no building zones exist, and cantonal law does not provide otherwise, areas that are already largely built up shall be deemed to be provisional building zones.

### **Art. 37            Temporary land use zones**

<sup>1</sup> If areas particularly suitable for agriculture, or especially important landscapes or sites are directly threatened and no protective measures are taken in the period set by the Federal Council, the latter may define temporary land use zones. Inside these zones nothing may be done that could prejudice land use planning.

<sup>2</sup> As soon as land use plans are drawn up, the Federal Council shall cancel the temporary land use zones.

<sup>82</sup> Amended by No II 27 of the FA of 20 March 2008 on the Formal Revision of Federal Legislation, in force since 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121).

<sup>83</sup> Repealed by No II 27 of the FA of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121).

<sup>84</sup> Repealed by No II 27 of the FA of 20 March 2008 on the Formal Revision of Federal Legislation, with effect from 1 Aug. 2008 (AS **2008** 3437; BBl **2007** 6121).

<sup>85</sup> Amended by No II 27 of the FA of 20 March 2008 on the Formal Revision of Federal Legislation, in force since 1 Aug. 2008 (AS **2008** 3437 3452; BBl **2007** 6121).

<sup>86</sup> Amended by No I of the FA of 23 March 2007, in force since 1 Sept 2007 (AS **2007** 3637; BBl **2005** 7097).

**Art. 37a<sup>87</sup>** Commercial buildings and installations that contravene zone requirements outside building zones

The Federal Council shall determine the conditions under which a change of purpose may be permitted to commercial buildings and installations built before 1 January 1980 or which subsequently come to contravene zone requirements as a result of changes in the land use plans.

**Art. 38<sup>88</sup>** Transitional Provision to the Amendment of 17 December 2010

<sup>1</sup> The cantons concerned shall amend their structure plans to the requirements within three years of this Amendment coming into force and ensure that the communes concerned take suitable measures within the same period, in particular setting annual quotas, setting minimum limits for primary dwellings, delimiting special land use zones or levying incentive taxes.

<sup>2</sup> On expiry of this period, no second homes may be authorised until the cantons have made the required arrangements.

**Art. 38a<sup>89</sup>** Transitional Provisions to the Amendment of 15 June 2012

<sup>1</sup> The cantons shall adapt their structure plans to the requirements of Articles 8 and 8a paragraph 1 within five years of the commencement of the amendment of 15 June 2012.

<sup>2</sup> The total area of building zone legally created in the given canton may not be increased until the amendments to the structure plans have been approved by the Federal Council.

<sup>3</sup> On expiry of the deadline set in paragraph 1, new building zones may only be created if the amendment of the given canton's structure plan has been approved by the Federal Council.

<sup>4</sup> The cantons shall arrange appropriate compensation procedures for considerable advantages and disadvantages in accordance with the requirements of Article 5 within five years of the amendment of 15 June 2012 coming into force.

<sup>5</sup> On expiry of the deadline set in paragraph 4, new building zones may not be created in cantons unless they have appropriate compensation procedures in accordance with the requirements of Article 5. The Federal Council determines these cantons following a hearing.

<sup>87</sup> Inserted by No I of the FA of 20 March 1998, in force since 1 Sept. 2000 (AS 2000 2042; BBl 1996 III 513).

<sup>88</sup> AS 2011 2913; BBl 2007 5765. Amended by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

<sup>89</sup> Inserted by No I of the FA of 15 June 2012, in force since 1 May 2014 (AS 2014 899; BBl 2010 1049).

**Art. 39**            Referendum and commencement

<sup>1</sup> This Act is subject to an optional referendum.

<sup>2</sup> The Federal Council shall determine the date on which this Act comes into force.

Commencement date: 1 January 1980<sup>90</sup>

<sup>90</sup> FCD of 14 Nov. 1979.

