

99012011042000

Heruntergeladen am 22.05.2025

<https://fimportal.de/xzufi-services/3770/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99012011042000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Development plan; preparation
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	14.02.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wohnen, Bau und Verkehr (Bavarian State Ministry of Housing, Building and Transport)
Handlungsgrundlage	http://bundesrecht.juris.de/bbaug/BJNR003410960.html#BJNR003410960BJNG000403301 http://bundesrecht.juris.de/bbaug/BJNR003410960.html#BJNR003410960BJNG000403301 https://www.gesetze-im-internet.de/bbaug/_215a.html https://www.gesetze-im-internet.de/bbaug/_215a.html https://www.gesetze-im-internet.de/bbaug/_13a.html https://www.gesetze-im-internet.de/bbaug/_13a.html
Teaser	The municipalities draw up development plans in order to control urban development and order in the municipality. Development plans are statutes. They contain binding stipulations and determine how properties can be built on.
Volltext	<p>According to the German Building Code (BauGB), municipalities are entitled and obliged to draw up urban land-use plans. There are two types of urban land-use plans:</p> <ul style="list-style-type: none"> • The land use plan , which covers the entire municipal area but does not yet make any binding determinations for citizens (see also the keyword "land use plan"). • The development plan , which is developed from the land use plan and is limited to parts of the municipal area. It contains binding stipulations for citizens and building authorities and regulates how properties can be built on. <p>Development plans must always be developed from the land use plan; this means that there must be no significant contradiction in content between the development plan and the land use plan. The development plan can include stipulations, e.g. on the type and extent of the intended building use, on building areas, the position of building structures, but also, for example, on public and private green spaces</p>

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and traffic areas. In addition, regulations on the planting of trees, shrubs and other vegetation can also be included, for example.

A distinction is made between the qualified, the project-related and the simple development plan:

A **qualified development plan** exists if the development plan contains at least stipulations on the type and extent of building use, the areas of land that can be built on and the local traffic areas. If a building plot lies within the scope of a qualified development plan, a building project is permitted under building planning law if it does not contradict the provisions of the development plan and the development is secured.

Project-related development plans can be drawn up by the municipalities on the basis of a project and development plan agreed by a (private) project developer with the municipality. The prerequisite is that the developer is willing and able to carry out the project and the development measures and undertakes to carry out the measures in an implementation agreement. Projects are also permitted under planning law within the scope of a project-related development plan if they do not contradict the development plan and the development is secured.

Simple development plans are those that do not meet the requirements of either a qualified or a project-related development plan. In principle, they do not conclusively regulate the permissibility of construction projects under building planning law.

Development plans are municipal statutes, i.e. legal norms. They are drawn up in a procedure regulated in detail in the BauGB, which provides for citizen participation, among other things.

Section 13a BauGB provides for optional procedural simplifications under certain conditions for development plans for internal development that relate to the reutilization of land, redensification or other internal development measures.

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The provision of Section 13b BauGB on the application of the accelerated procedure in suburban areas was repealed as of 01.01.2024 following the incompatibility with Union law established by the Federal Administrative Court (ruling of 18.07.2023 - ref. 4 CN 3.22). The "repair provision" of Section 215a BauGB was also introduced on 01.01.2024. According to Section 215(3) BauGB, the use of procedural simplifications through the corresponding application of Section 13a(2)(1) BauGB (waiver of early information and discussion) in conjunction with Section 13(3)(1) BauGB (waiver of environmental assessment) and Section 13a(2)(4) BauGB (waiver of nature conservation compensation) requires that the municipality, on the basis of a preliminary assessment of the individual case in accordance with Section 13a (1) sentence 2 no. 2 BauGB, comes to the conclusion that the development plan is not likely to have any significant environmental impacts that would have to be taken into account in the assessment in accordance with Section 2 (4) sentence 4 BauGB or that would have to be compensated for as impairments to the landscape or the performance and functionality of the ecosystem in accordance with Section 1a (3) BauGB.

Development plan procedures in accordance with Section 13b BauGB that were formally initiated before the end of 31.01.2022 could be completed under the provisions of Section 215 (3) BauGB in corresponding application of Section 13a BauGB if the resolution on the articles of association in accordance with Section 10 (1) BauGB was adopted by the end of 31.12.2024.

Development plans that have already been drawn up in accordance with Section 13b BauGB and should be brought into force retroactively through a supplementary procedure in accordance with Section 214 (4) BauGB could apply Section 13a BauGB accordingly in accordance with Section 215 (3) BauGB. The resolution on the articles of association pursuant to Section 10 (1) BauGB was to be adopted by the end of December 31, 2024.

Erforderliche Unterlagen

Modul	Sachverhalt
Voraussetzungen	
Kosten	
Verfahrensablauf	
Bearbeitungsdauer	
Frist	
weiterführende Informationen	http://www.bauleitplanung.bayern.de http://www.bauleitplanung.bayern.de
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal