

The Legal Position of the Municipality in the Implementation of a Development Project

Abstract

This thesis is devoted to the legal analysis of the different positions of the municipality in the individual phases of the implementation of a residential development project and the resulting opportunities for the municipality to influence the development project. The text is divided into five chapters, which are arranged chronologically to follow the process of development project preparation. In the first chapter, the author defines the basic theoretical background and concepts relevant to the topic under discussion, namely the autonomous and delegated powers of the municipality, which in many cases intertwine in the process of preparing a development project. The next chapters are devoted to the process of implementation of the construction project as such. In the second chapter, the author discusses what tools the legal system entrusts to municipalities for regulating construction on their territory, and how the municipality can influence the implementation of a construction project from the position of the owner of transport or technical infrastructure, or immovable property related to it. The author analyses the individual instruments of spatial planning and specific situations that the municipality, as the owner of transport or technical infrastructure, encounters most often in practice. The final part of the second chapter is devoted to land development agreements as an instrument created by legal practice to regulate the relations between the municipality and the investor in the process of preparing a construction project. The third chapter is devoted to the position of the municipality in the zoning procedure. The subject of the analysis is both the procedural participation of the municipality as a participant in the zoning proceedings and the municipality's competence as a construction authority and the related risk of systemic bias. The fourth chapter discusses the position of the municipality in the construction procedure, dealing only with the differences from the zoning procedure. In the fifth chapter, the author subjects his previous interpretation to a comparison with Act No. 283/2021 Coll., the Construction Act, and its amendment, which is being discussed at the time of the conclusion of the manuscript as Parliamentary Document No. 330/0 of 1 November 2022.