

Planning and Building Law, 1965 (Summary)

The Planning and Building Law regulates all building and land use management in Israel, and establishes a framework for environmental planning.

Authority: National, regional and local bodies are established to provide for land use planning on all levels.

- The Minister of the Interior is responsible for implementation of the Law and may make regulations as to any aspect of it.
- A National Board, chaired by the Minister of the Interior is responsible for overall planning in Israel. The Board consists of government representatives, city representatives, scientists, engineers and a representatives of environmental interest groups. The Board's responsibilities include:
 - * Enacting a National Outline Scheme which sets out a framework for planning on a national scale.
 - * Advising the Government on matters of planning.
- Six District Commissions, consisting of Government representatives and representatives of local authorities, serve as a link between national planning and local implementation:
 - * Supervising District Outline Schemes which set out details for implementing the National Scheme in that district.
- The country is divided to sixty-five local areas headed by a Local Planning Commission. When a local area is comprised of one local authority only, that local authority serves as the Local Commission. Local commissions:
 - * Prepare Local Outline Schemes to control land development in that area.
 - * Prepare Detailed Schemes for specific local projects.
 - * Enact specific regulations regarding conditions for land use and building use in the local area.

Planning Schemes

- A National Outline Scheme lays down the planning structure for the whole area of the State and assigns purposes for various areas; for example, setting aside industrial zones, laying out highways, railroad lines and electricity grids, enacting provisions as to recreation areas, nature reserves and holy places, and forecasting demographic changes in the State.
- District Outline Schemes include general zoning ordinances, such as areas and boundaries for urban and rural development, and industrial zoning.
 - * District Outline Schemes include provisions regarding flight safety and flight obstructions. This includes building clearance near airports, flight patterns and zoning for reduction of noise pollution.

- * Local Outline Schemes set out the conditions for use of land and buildings in local areas in order to "ensure appropriate conditions for health, sanitation, cleanliness, safety, security, transport and convenience, and to abate nuisances...protect every building or thing of architectural, historical or archaeological importance...[and] protect and develop places important from the point of view of nature or beauty."
- * Local Schemes are prepared by the Local Commission and submitted to the District Commission for approval.
- * The Scheme provides for, inter alia, sanitation areas; areas for water and electricity installations; land for ports and railway and bus stations; land for cemeteries; and areas to be preserved as open spaces. The scheme also sets out zoning conditions such as building density and housing schemes.
- * Buildings which do not conform to the scheme when it comes into force are evaluated and the commission determines whether to demolish the building, allow its continued non-conforming use, or direct the owner to change its use. The Commission may expropriate buildings intended under the scheme for public use. The Commission must compensate owners for expropriation or demolition of a building, and, in the case of a residential building, must ensure that alternative dwellings are found for the residents.

Penalties

A person who carries out work without a permit, or in deviation of the conditions of the permit, is liable to a fine and imprisonment for six months, with an additional prison term of seven days for each day the offense continues after notice is served to the accused. The Court may demolish unauthorized buildings at the expense of the offender.

- Detailed Schemes enact provisions as to the division of land into plots or building sites; assign land for roads, open spaces, gardens, schools, religious gatherings, sports and recreation and other purposes; determine demolition or rehabilitation of buildings; and determine the design of parks and other public spaces.
- Members of the public may file opposition to planning schemes, and, when an opposition is rejected by a commission, may appeal the commission's decision.

Licensing

A license is required to erect buildings or build roads. When the proposed building does not conform to a scheme, the builder must apply to cancel or vary the scheme, or apply for "non-conforming use" of the land. District Commissions may, following consultation with the Local Commission involved, vary or cancel a Detailed Scheme, Local Outline Scheme, or District Outline Scheme. A Local Commission may permit non-conforming use of the land with the approval of the National Board.

- The Israel Defense Force is not exempt from the requirements of the Law and must obtain building permits from a subcommission of the District Commission dealing specifically with defense installations.