

Legal opinion

Warsaw close to adopting landscape ordinance

Nearly five years ago, the Parliament of Poland enacted legislation – the Act of 24 April 2015 Amending the Act of 27 March 2003 on Spatial Planning and Management – that gave local authorities the power to adopt “landscape ordinances”, an unofficial term for legal acts that lay down the terms and conditions under which small architecture objects, advertising boards and structures, and fencing may be mounted or erected in a given jurisdiction. Gdansk, Swinoujscie, or Cieszyn are among cities that have since adopted such ordinances. Local governments use them to regulate landscape issues in a comprehensive way, and especially to clamp down on the omnipresence of commercial signboards and large-format advertising. Now some of the country’s biggest cities, including Krakow, Poznan, and the capital Warsaw, are about to follow suit.

The government of Warsaw has already submitted a draft landscape ordinance to the city’s council, whose spatial order committee is processing it. According to city government officials, councillors should pass the document in early 2020. Its enactment, which seems a foregone conclusion, could have important implications for the owners and managers of real property in Warsaw, as well as for developers planning new projects. So let us take a look at key elements of the proposal.

With respect to advertising, the draft ordinance stipulates that any advertising media installed in the city of Warsaw must follow the rules laid down in the ordinance, and

divides the city into three zones, A, B and C, each with somewhat different rules in this respect. It bans advertising media entirely from school buildings, university buildings, churches, public administration buildings, allotment gardens, or areas that local plans designate for decorated greenery, and it largely bans lighted advertising screens, with certain exemptions for small-format ads.

In principle, advertising boards and structures will only be allowed on blind (i.e. windowless) walls of buildings. Furthermore, limits will apply as to how many billboards can be put up on a single façade. Banners covering entire façades will only be allowed during renovations, and for a maximum of nine months. And there will be a moratorium of five years before a banner of this type can be put up again on the same wall.

It is the section on fencing, however, that is set to provoke the most controversy, given the popularity of gated residential developments in Warsaw. It prohibits the enclosure of multi-family residential developments which are more than 200 metres wide at the widest point, or whose total surface area exceeds 2 hectares. It also prohibits the erection of fencing that dissects tracts of land designated as pedestrian paths in zoning plans. If the draft text is adopted in its current form, it will certainly force developers to modify some aspects of their planned projects.

The draft ordinance lays down transition periods within which existing structures must be brought into compliance with its provisions. They are 3 years for signboards, 2 years for advertising media, and 5 years for small architecture objects.

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