

# RECREATION ACCORDING TO THE NEW SPATIAL PLAN OF THE CITY OF BRNO

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## Abstract

The paper is devoted to the new zoning plan of the City of Brno, which was issued by the City Council of Brno at its meeting on 10 December 2024 and came into force on 31 January 2025. Zoning serves to ensure sustainable development of the territory, taking into account the possibilities and limits of the disposal and efficient use of the territory, and in this sense then aiming at targeted regulation of such disposal and use. As the basic development and conceptual document of the city, the spatial plan determines the use of the territory, plans its development, protects the environment and coordinates the needs of residents, businesses and public interests. Among other things, the Brno City Zoning Plan defines areas designated for recreation and defines the individual institutes of recreation and the possibilities of using a given area for a particular form of recreation. The paper will focus on the individual forms of recreation according to the new Brno City Master Plan and explain these, including the rules for the use of these sites according to the new Master Plan.

**Key words:** recreation, zoning, goals and objectives of zoning, building codes

## Introduction

Spatial planning plays an irreplaceable role in the protection of the territory, its values and its development. Spatial planning ensures the prerequisites for sustainable development of the territory and for this purpose it evaluates the potential of the territory development and forecasts its further development. Spatial planning protects and develops the natural, cultural and civilisational values of the territory, including its urban, architectural and archaeological heritage, while at the same time protecting the landscape as an essential component of the living environment of the inhabitants and the basis of their identity. With this in mind, it determines the conditions for the economic use of the built-up area and ensures the protection of undeveloped land and the protection and development of green infrastructure. Spatial planning has long been enshrined in building laws. The current Building Act (Act No. 283/2021 Coll.) also sets out and defines the objectives and tasks of spatial planning. The current legislation follows on from the definition of these objectives in the previous Building Act. In the case of the objectives, the emphasis is on the comprehensive creation of conditions for the use of the territory for construction and sustainable development of the territory, in conjunction with the interest in the beneficial harmony of public and private interests in the development of the territory, including the protection of relevant values and interests. The aim of spatial planning is to systematically and comprehensively address the functional use of the territory, to establish the principles of its spatial and spatial arrangement and to create the prerequisites for sustainable development of the territory consisting in a balanced relationship of conditions for a favourable environment, for economic development and for the cohesion of the community of inhabitants of the territory, which satisfies the needs of the present generation without endangering the living conditions of future generations. The aim of spatial planning is to further improve the quality of the built environment of settlements, to develop their identity and to create a functional and harmonious environment for the everyday life of their inhabitants. The task of spatial planning authorities is to ensure proper coordination of public interests in the territory and planning of changes in the territory, construction and other activities affecting the development of the territory.<sup>1</sup>

The tasks then include specific nominal procedures for the fulfilment of the set objectives. The tasks are a mandate for safeguarding the public interest in the harmonious development of the territory and are a mandate for the exercise of public administration in this area. The legislation in force has chosen a demonstrative list of tasks in relation to spatial planning. According to the current wording of the current legislation, the tasks of spatial planning include, for example<sup>2</sup>:

- *identify and assess the state of the territory, its natural, cultural and civilisation values,*

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<sup>1</sup> Kliková, A., Průcha, P.: Veřejné stavební právo, 2. aktualizované vydání. Brno, 189 s. Edice Učebnice Právnické fakulty MU, sv. č. 547, 2019.

<sup>2</sup> § 39 zákona č. 283/2021 Sb., stavební zákon.

- *establish conditions for the renewal and development of the settlement structure, for quality housing and for the development of recreation and tourism,*
- *to verify and assess the need for changes in the territory, their benefits, problems and risks with regard to the protection of public interests and the economic use of the territory,*
- *etc.*

Spatial planning is a highly monitored activity that affects the rights of affected entities, whether they are the owners of the affected properties or entities that intend to develop the area economically and structurally, or entities protecting a number of affected public interests. Planning authorities should always act as gently as possible towards all these affected interests and should always respect the principle of proportionality (proportionality). One of the elements of the rule of law is the principle of proportionality, i.e. an appropriate proportionate correlation between the objective and the means employed.<sup>3</sup> The principle of proportionality is a key tool to ensure that public administration interference with the rights of individuals is justified, justified and proportionate to the achievement of the objectives pursued. The application of this principle provides protection against disproportionate interference and ensures that the public interest is not realised to the detriment of citizens' fundamental rights. Spatial planning must clearly justify why the measures taken are necessary and whether the least restrictive alternative has been chosen. Within the framework of the principle of proportionality, it is always necessary to establish a legitimate aim. It is then necessary to consider whether the means chosen actually contribute to achieving that objective. Finally, it is examined whether there is no possibility of less interference with the rights and interests concerned and whether the benefits achieved do not outweigh the negative impact on the rights of the subjects concerned. This always requires careful consideration and a search for a compromise between safeguarding the public interest and protecting the rights and interests concerned. Spatial planning should ensure not only the possibility of building development in an area, but also recreational and leisure opportunities, and areas should be designated to allow this. The spatial plan should always take into account not only the economic and construction development of the territory, but also the possibilities for quality leisure activities for the citizens of the municipality. Furthermore, the spatial plan should also reflect the possibility of proper and quality housing for the citizens.

### **Zoning Plan of the City of Brno**

According to the Brno City Planning Portal, the city of Brno has a long tradition of spatial planning, and the city of Brno has had a zoning plan (or its historical equivalent) since the first half of the 19th century, which represents almost 200 years of planned spatial development of the city. Brno's spatial plans in the post-war period are characterised above all by the long-term continuity of key development plans. The 1994 zoning plan was valid for 30 years until 2024, when it was replaced by a new zoning plan<sup>4</sup>. The intention to create a new Brno City Zoning Plan was approved by the Brno City Council in June 2002. The assignment of the Brno City Zoning Plan was approved by the Brno City Assembly in April 2006 and its amended version in mid-2007. The Office of the Architect of the City of Brno prepared a draft of the new Zoning Plan of the City of Brno, the discussion of which was initiated in March 2020. The discussion of the Zoning Plan was fundamentally affected by the COVID-19 pandemic, when a number of issues had to be discussed online or in a hybrid form. In 2021, during the first public hearing, 10 opinions of the authorities concerned, 9 objections of the authorised investors, 2896 objections of the persons concerned, 47 objections of the public representatives, 58 objections of the civic associations, 28 comments of the municipal districts, 4 comments of the neighbouring municipalities were submitted. In the second phase, the number of comments and objections was significantly lower. The next public hearing was held in 2024. Within the deadline, the contracting authority received 7 opinions of the authorities concerned, 11 objections from authorised investors, 920 objections from affected persons, 17 registered submissions from 9 municipalities, 3 comments from neighbouring municipalities and 85 comments from the public. The Brno City Zoning Plan was issued by the Brno City Council at its meeting on 10 December 2024 and became effective on 31 January 2025.

<sup>3</sup> Nález ústavního soudu Pl. ÚS 43/93 ze dne 12. 4. 1994.

<sup>4</sup> Historie územního plánování města Brna – PUP

## Zoning plan of the city of Brno and recreation

As stated in the justification of the zoning plan, recreational areas are defined within the administrative territory of Brno in accordance with the objective of sustainable development of the city, which is able to meet its needs for the most part within its borders, thus reducing the traffic load. The growing importance of leisure and recreation is respected.<sup>5</sup> Recreation is dealt with in the text part of Chapter 5.8. of the Brno City Master Plan, where not only a broader view of the issue of recreation is incorporated, but also a specific division of recreation areas according to their more specific use. Recreation areas are divided into areas of general recreation (RU), individual recreation (RI) and other recreation (RX), and in addition to recreation we can assign areas of civic equipment - sport (OS) and areas of general greenery (ZU). The specific function of recreation is also fulfilled by the usability of cycle paths, which serve not only for transport but also for recreation.

Recreation areas are not only defined by the Brno city plan as free permeable landscape, but also include private (individual) recreation, including the specific phenomenon of "gardening". Although the open landscape on the territory of the City of Brno has an irreplaceable recreational significance, especially for relaxation in nature and short-term forms of recreation - hiking, cycling, recreational sports, etc., individual forms of recreation are also very significant forms of recreation that can significantly affect the quality of life of people in the territory of the City of Brno. The Brno City Zoning Plan tries to respect the existing sites intended for recreation and at the same time tries to develop these sites. Due to the complexity of the whole planning process and the need to balance all interests in the area, there will always be those who will not be accommodated. In dealing with some of the objections and comments made during the planning process, it is clear that not all owners and citizens could be accommodated. Property rights versus citizens' rights to recreational use of open land must always be balanced proportionately. For example, the Kostelíček Brno - Líšeň site, which has been used for a long time as a gardening site, or for agriculture and forest, is partially (only some selected plots) included in the general green space design area, despite the opposition of some owners. The settlement of the comments states that the green space was designed primarily as a buffer against inappropriate development in the locality. However, public green space cannot be implemented on the site without the consent of the owner. There is no public utility building defined here for which the land rights can be expropriated, therefore it can be assumed that the implementation will occur in the long term and that a property settlement by the city will be necessary.<sup>6</sup>

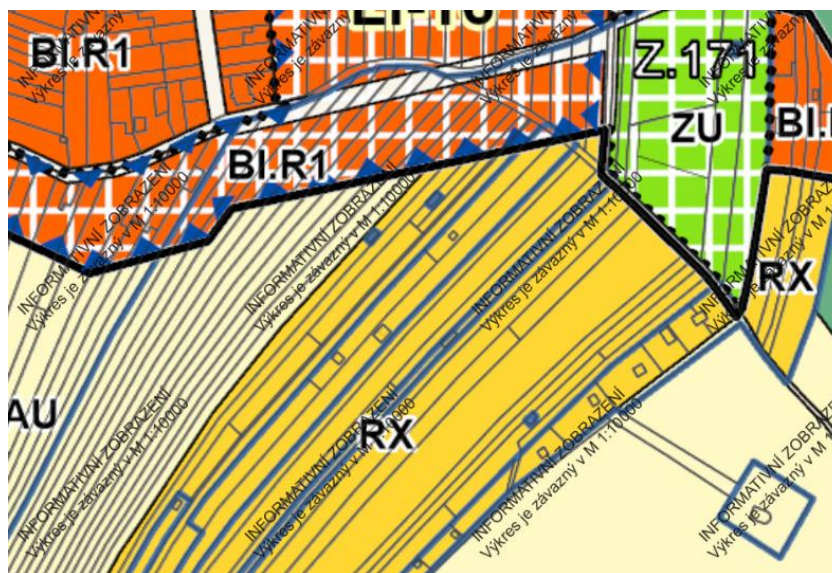


Fig. 1: Zoning plan of the city of Brno - Líšeň Kostelíček locality

### General and individual recreation

The Brno City Zoning Plan defines not only the areas designated for individual types of recreation, but also sets out the rules for possible construction in these areas and the usability of the areas. Specifically, the use of general and individual recreation areas is intended for recreation associated with short-term accommodation of both individual and commercial character and appropriate additional services.

<sup>5</sup> 2 Textova část nového UPmB odůvodnění SVAZEK 02 OOP

<sup>6</sup> 582786\_oduvP7\_svazek\_Pe11.pdf

The zoning plan defines the conditions for the use of general recreation areas so that the main use is for recreation. Permissible is the use for sports and related uses, which are conditional or complementary to the main and permissible use. Conditionally permissible is another use that is not related to the principal use, is compatible with it, and which does not substantially restrict the principal use or reduce the quality of the environment for the principal use. The minimum area of greenery on the terrain in the areas of general recreation is set at 40% for the available land of the building plan.<sup>7</sup>

The zoning plan defines conditions for the use of areas for individual recreation. The main use is for recreation in buildings for family recreation with a built-up area of up to 80 m<sup>2</sup>. Accessory buildings are permissible, provided that they are volumetrically adequate to the type of the main building (e.g. shed, swimming pool, gazebo, etc.) and that the specified minimum area of greenery is maintained. Buildings and facilities serving to improve the conditions of use of the area for public recreation and civic amenities serving the area are also permissible, provided that the plans are volumetrically adequate to the permissible development in the area and that there is no significant disruption or limitation of the principal use. Conditionally permitted is another use that is not related to the principal use, is compatible with it, and which does not substantially limit the principal use or diminish the quality of the environment for the principal use. The minimum area of greenery on the terrain in the areas of individual recreation is set at 80% for the available land of the building plan.<sup>8</sup>

### Recreation other

Areas of other recreation serve for recreation and relaxation mainly in the form of gardening with the possibility of building individual recreation facilities on mostly fenced plots of agricultural land. Gardening is a specific widespread form of recreation not only in the city of Brno, but throughout the Czech Republic. It is a certain phenomenon that allows people to actively engage in gardening, even if they do not have their own garden. Most of the recreation areas in Brno remain stable, most often located on the edges of continuously built-up areas. New areas of other recreation are usually located on land adjacent to existing gardening sites and at the same time suitable for gardening from various aspects (accessibility, permeability of the landscape, impact on the landscape character, etc.) and form a certain compensation for existing gardening sites proposed as areas of change for other functions.<sup>9</sup>

During the discussion of the master plan, meetings were held<sup>10</sup> and some points of contention were discussed. One of these points of contention concerned the allotments in the town. The matter under discussion concerned (among other things) the location of allotments in the town, where these are for the recreation and use of only a small group of residents. According to the Brno city planning portal, urban allotments cannot be used by the general public as they are often fenced off enclosed areas with difficult accessibility. The spatial plan proposes, for example, their transformation into urban parks. From the point of view of general recreation and the possible use of the area by the general public, general greenery is preferable, but this must be balanced by the possibilities for individual recreation. As a rule, when land is reclassified as a different type of area, the value of the land also changes.

The area of recreation other has the main use for individual recreation in the form of gardening. *Permissible is the use related, conditioning or complementing the main use. Only the following buildings are conditionally permissible: o garden cottages, which may have a basement and may have one storey and an attic and a built-up area of up to 40 m<sup>2</sup>; o accessory buildings, provided that they are volumetrically adequate to the type of accessory of the main building and that the specified minimum area of greenery is maintained; o buildings and facilities serving to improve the conditions of use of the area for public recreation and civic amenities serving the area, provided that the plans are volumetrically adequate to the permissible development in the area and that there is no significant disruption or restriction of the main use. The minimum area of green space on the ground in areas of recreation other is set at 80% for the available land of the development plan.*<sup>11</sup>

### Recreational areas

The Brno City Zoning Plan defines recreational areas that allow the public to use a larger area for active recreation. These are sites that have been used in this way in Brno for many years, e.g. the

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<sup>7</sup> 582786\_text\_OOP

<sup>8</sup> 582786\_text\_OOP

<sup>9</sup> 582786\_text\_OOP

<sup>10</sup> třetí kulatý stůl dne 03.11.2020.

<sup>11</sup> 582786\_text\_OOP

Brno Reservoir. At the same time, a new recreational area Mariánské údolí-Říčky is being defined, which has been used for recreation for a long time. The Říčky valley has been used as a recreation area in the past, so the designation of the recreation area is a logical step to bring the actual situation into line with the land use plan. The area of the river can be used for hiking, swimming, fishing, cycling, cottaging, skating in winter, etc.



Fig. 2: Pond at Kadlcův mlýn, valley of the river Říčky, Mariánské údolí

The main objective of the designation of recreational areas is to create conditions for public recreation and sport in a sufficiently attractive environment, they are situated in the vicinity of the urbanized area, mostly within the undeveloped area, they are easily accessible by individual and public transport, there is a higher concentration of recreational activities, traditional recreational use and a variety of recreational activities. The newly defined locality of Říčky - Mariánské údolí meets these conditions, as it is very accessible by public transport, it is adjacent to the built-up area, adjacent to the Moravian Karst Protected Landscape Area, and there are several ponds allowing fishing, swimming and skating in winter. There are many other possible sports activities, e.g. single trial.

### **Cycle routes**

As a specific form of recreation in the zoning plan we can mark the designation of cycle paths. Cycle paths are included in the transport drawing in the master plan. According to the master plan, cycle paths should have a separate route from motor traffic. They are mostly on a cycle path outside the roads or at their confluence, but physically separated, or on a roadway with minimal traffic load. Cycling is a widely used form of recreation and has long been the preferred mode of environmentally friendly transport. Due to the safety of not only cyclists, but also pedestrians and car drivers, it is always necessary to design cycle paths to ensure maximum safety for all road users.

### **Conclusion**

The new zoning plan of the City of Brno defines a number of sites for recreational use. It divides recreation into individual, other and general recreation, where sites are defined for recreation of individuals within their property relations and recreation for the public, i.e. the use of the area for recreation by all persons regardless of property rights in the area. The recreational areas within the city of Brno were then extended by the zoning plan to include another area of the valley of the River Říčka - the Mariánské territory, which is only a logical outcome of the real use of the given location for many years. In conclusion, it is possible to summarise that the zoning plan as a whole logically divides the sites for recreational use and most of them follow the original forms of recreation in the given locations.

### **Souhrn**

Příspěvek je věnován novému územnímu plánu města Brna, který byl vydán Zastupitelstvem města Brna na zasedání dne 10.12.2024 a nabyl účinnosti dne 31.01.2025. Územní plánování slouží k zajištění udržitelného rozvoje území, s ohledem na možnosti a meze nakládání s územím a jeho účelného využívání, a v tomto smyslu potom směřující k cílené regulaci takového nakládání a využívání. Územní plán jako základní rozvojový a koncepční dokument města určuje využití území, plánuje jeho rozvoj, chrání životní prostředí a koordinuje potřeby obyvatel, podnikatelů a veřejné zájmy. Územní plán města Brna mimo jiné vymezuje oblasti určené pro rekreaci a definuje jednotlivé

instituty rekreace. Příspěvek se zaměří na jednotlivé formy rekreace dle nového územního plánu města Brna a tyto vysvětlí, včetně pravidel pro využívání těchto lokalit dle nového územního plánu.

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