

On approval of the Rules for determining the protection zone, the zone for regulation of constructions and the zone of the protected natural landscape of the monument of history and culture and the regime for their use

Unofficial translation

Order of the Minister of Culture and Sports of the Republic of Kazakhstan dated April 14, 2020 No. 86. Registered with the Ministry of Justice of the Republic of Kazakhstan on April 15, 2020 № 20395.

Unofficial translation

In accordance with subparagraph 17) of Article 10 of the Law of the Republic of Kazakhstan "On protection and use of historical and cultural heritage sites" I hereby **ORDER:**

Footnote. Preamble – in the wording of the order of the Minister of Culture and Sports of the Republic of Kazakhstan dated 15.09.2021 № 285 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

1. To approve the attached Rules for determining the protection zone, the zone for regulating construction and the zone of the protected natural landscape of the monument of history and culture and the regime for their use.

2. To recognize as invalid the order No. 156 of the Minister for Culture and Sports of the Republic of Kazakhstan "On approval of the Rules for definition and the mode of use of protection zones, zones of regulation of constructions and zones of the protected natural landscape of objects of historical and cultural heritage" dated December 29, 2014 (it is registered in the Register of the State Registration of Regulatory Legal Acts under No. 10171, published on May 3, 2016 in the legal information system "Adilet").

3. In accordance with the procedure established by the legislation, the Department for Culture and Art of the Ministry of Culture and Sports of the Republic of Kazakhstan shall:

1) ensure the state registration of this order with the Ministry of Justice of the Republic of Kazakhstan;

2) within two working days after the implementation of this order, place on the Internet resource of the Ministry of Culture and Sports of the Republic of Kazakhstan;

3) within two working days after the execution of the measures stipulated by this paragraph, submit information on the implementation of measures to the Department of Legal Service of the Ministry of Culture and Sports of the Republic of Kazakhstan.

4. Control over the execution of this order shall be entrusted to the supervising Vice-Minister of Culture and Sports of the Republic of Kazakhstan.

5. This order shall enter into force upon expiry of ten calendar days after the date of its first official publication.

Approved by the order
of the Minister of Culture and Sports
of the Republic of Kazakhstan
dated April 14, 2020 № 86

Rules

for determining the protection zone, the development regulation zone and the protected natural landscape zone of the historical and cultural monument and the mode of their use

Footnote. The Rules - in the wording of the order of the Minister of Culture and Sports of the Republic of Kazakhstan dated 15.09.2021 № 285 (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Chapter 1. General provisions

1. These Rules for determining the protection zone, the zone for regulating the development and the zone of the protected natural landscape of a historical and cultural monument and the mode of their use shall be developed in accordance with subparagraph 17) of Article 10 of the Law of the Republic of Kazakhstan "On protection and use of historical and cultural heritage objects" and shall determine the procedure for determining the protection zone, zones of development regulation and zones of protected natural landscape of historical and cultural monument and mode of their use.

2. In order to ensure the protection of historical and cultural monuments, the boundaries of the protected zone, the development regulation zone and the zone of the protected natural landscape shall be established for each historical and cultural monument.

Chapter 2. Procedure for determining the protected zone, the development regulation zone and the protected natural landscape zone of the historical and cultural monument

3. The boundaries of the protected zone, the zone for regulating development and the zone of the protected natural landscape of the historical and cultural monument (hereinafter referred to as the protected zones) shall be determined by developing their project.

The design of the boundaries of the protected zones shall be determined on the basis of scientific data and sources, historical information, architectural, urban planning documents, scientific and survey work, including field studies, natural landscape analysis.

The draft boundaries of the protected zones of the historical and cultural monument shall be a textual documentation and a map (diagram) of the borders containing a description of the designed protected zones.

4. The design of the boundaries of the protected zones shall be developed:

1) local executive bodies of regions, cities of republican significance, the capital (hereinafter referred to as the local executive bodies) - in relation to historical and cultural monuments of local importance;

2) the authorized body for the protection and use of historical and cultural heritage sites - in relation to historical and cultural monuments of international and republican significance.

5. The project boundaries of the protected zones shall be approved by local executive bodies.

6. The process of approving the project boundaries of the protected zones shall include work on fixing the protected zone in the historical and architectural reference plan and map-diagram of the corresponding area, where the location of historical and cultural monuments is recorded.

7. The boundaries of the protected zone of historical and cultural monuments shall be determined by the following parameters:

1) a monument of town planning and architecture, the construction of monumental art, sacred objects up to 40 (forty) meters high shall be surrounded by a security zone equal to two values of the distance from the ground to its highest point;

2) a monument of town planning and architecture, the construction of monumental art, sacred objects with a height of 40 (forty) meters shall be surrounded by a security zone equal to one distance from the ground to its highest point;

3) a monument of archeology, sacred objects shall be surrounded by a protected zone of 40 (forty) meters from the extreme boundaries of the detection of cultural layers of a historical and cultural monument, with a group of monuments - from the external extreme boundaries of historical and cultural monuments;

4) ensembles and complexes, sacred objects shall be surrounded by a security zone of 20 (twenty) meters from the boundaries of the extreme object of the monument of history and culture.

In cases where the monument of history and culture shall be located in the current architectural environment, the project of the boundaries of the protected zones is developed taking into account its environment and location. At the same time, security zones shall be determined with the maximum coverage of free space around the monument of history and culture.

8. The zone for regulating the development of a historical and cultural monument shall be determined equal to one size of the protected zone. The development regulation zone of the historical and cultural monument shall be fixed from the edge of the protected zone of the historical and cultural monument.

9. The zone of the protected natural landscape of the historical and cultural monument shall be determined equal to the size of the development regulation zone. The protected natural landscape zone shall be fixed from the edge of the building control zone.

Chapter 3. The mode of use of the protected zone, the zone of regulation of development and the zone of the protected natural landscape of the historical and cultural monument

10. For the protected zone of the monument of history and culture, in order to ensure its safety and historical integrity, a special regime for the use of land shall be established, restricting economic activity and prohibiting construction, with the exception of the use of special measures aimed at preserving the monument of history and culture. New construction work shall not be carried out in the security zone.

The protection zone of the historical and cultural monument shall be marked by security signs or an open strip, or fences, or shrub plantations along their borders.

11. The zone for regulating the development of a historical and cultural monument surrounding the protected zone of a historical and cultural monument shall be the territory necessary to preserve the nature of the historical layout, the originality of the architectural appearance of the historical and cultural monument and the existing historical environment.

In the zone of regulation of the development of a historical and cultural monument, a regime shall be established that limits construction or economic activity, and requirements for the reconstruction of existing buildings and structures are determined. In order to ensure the architectural unity of new buildings with a historically established environment in the zone of regulation of the development of a historical and cultural monument, development shall be regulated by height, width, architectural solution, materials used, color scheme, and placement principle.

In the zone of regulation of the development of the monument of history and culture, road transport construction shall be limited, the placement of industrial and warehouse enterprises shall be prohibited.

12. The zone of the protected natural landscape of the historical and cultural monument, which was not included in the protection zone and the zone for regulating the development of the historical and cultural monument, the territory established to preserve the natural landscape, including reservoirs, green spaces, river valleys and reliefs compositionally associated with the historical and cultural monument and affecting the integrity of the historical appearance of the historical and cultural monument.

The protection zone of the natural landscape of the historical and cultural monument shall be established to ensure the safety of natural and artificially created landscapes of historical, architectural and artistic or other cultural value.

On the territory of protection of the natural landscape of the historical and cultural monument, activities shall be allowed that do not cause a change in the nature of the landscape, water supply system, vegetation and other elements provided for by the regime.

