

OVERVIEW ON URBAN DEVELOPMENT THROUGH URBAN PLANNING PRINCIPLES

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Abstract

One of the main purposes of cities and towns is to create decent places for people to live, and if these not exist or are not affordable, the urban system is bound to suffer. Communities must satisfy not only the claims of their citizens or other groups such as public interest defenders, business community in the area, services and products companies that work for community etc.; in the process of decision making it is necessary to know the expectancies and preoccupations of the different interested parties as well as to determine whether and how they will have any influence in strategic decisions on the long run. These issues generate new aspects in the large field of urban regulations and urban law.



*Transylvanian Review
of Administrative Sciences,
24E/2008 pp. 77-86*

1. The world is in the midst of a disturbing period of growing consumption, population and environmental degradation. From global warming to biodiversity loss to patterns of sprawling land consumption, the environmental trends are increasingly dire. Cities will by necessity play an important role in addressing these problems.

Cities must become more central in our global agenda for sustainability for several reasons. The first is the growing acknowledgement - indeed the considerable progress made at documenting and quantifying - that cities have sizeable ecological footprints: the amounts of energy, materials, water, food, and other impacts are essential for supporting urban population.

The answers to our present environmental circumstances are complex and difficult. They will involve the need for both “cleverer technologies and humbler aspirations”. In both categories, cities – smart cities, innovative cities, green cities – will necessarily play a major role. Green and sustainable cities present fundamental opportunities to both apply new technologies (such as public transit, district heating, and green building and design) and to bring about major lifestyle changes (such as walking, bicycling, and reduction in consumption). Indeed, it seems that cities hold the greatest hope for achieving a more sustainable future for our planet. Any effective agenda for confronting global climate change, biodiversity loss, and host of other environmental challenges must necessarily include cities as a key, indeed the key element.

Local Agenda 21 – the detailed action agenda from the Rio Conference on Environment and Development – reflects an understanding of the key role of local governments. Chapter 28 of this agenda calls specifically for the preparation of local sustainability action plans, recognizing that local governments play a special role. As *Agenda 21* states: “...because so many of the problems and solutions ... have their roots in local activities, the participation and cooperation of local authorities will be a determining factor in fulfilling its (*Agenda 21*’s) objectives ... As the level of governance closest to the people, they play a vital role in educating, mobilizing and responding to the public to promote sustainable development” (Beatley, 2000).

2. Communities must satisfy not only the claims and needs of their citizens or other groups such as public interest defenders (for instance environmental protection organizations or social protection ones), business community in the area, service and products companies that work for the community, journalists, public institutions of monitoring and regulation etc. In the process of decision making, in the case of important decisions for the community it is highly necessary to know the expectancies and preoccupation of the different interested parties, as well as to determine whether and to what extent this could and will have any influence; the importance of interested parties management is obvious in strategic decisions on the long run.

The management of towns (accepting that these are human products, the result of living, work, transport, services, cultural and leisure activities, etc., an expression of the thought, of the conception upon life, of the attitude, psychology and behavior of a certain group of individuals in a historical, geographical and cultural framework, that bears the mark of environmental physical traits) supposes coherent actions that involves material and human resources in a functional and healthy “whole” that should respect the principles of sustainable development.

The American experience brings into attention a new issue related to the multiple use of lands (in conditions of lack of spaces), that emphasize the importance that should be granted to non-traditional programs afferent to the spaces – public and private – that should include multiple use: exploitation, recreation, cultural resources valuing (scientific and historical inheritance), the eco-systems, natural beauties conservation in the non-renewing and renewing areas. Land is perhaps our most important limited resource, and current urban development patterns are clearly consuming the landscape in unsustainable ways. Land is often divided very inequitably, and in many parts of the world those inequities are increasing (Wheeler, 2003).

The multifunctional ways of the using of the land suppose, as a managerial activity, the summing up of the activities of living, exploiting, beside the activities of renewal and conservation of natural eco-systems. This sort of reconciliation of these activities generated multiple controversies. According to some opinions it has been considered very little anchored into reality, and as an objective being rather a slogan than management program. According to other opinions, the plans oriented towards a holistic approach of the land management are more popular than those offering a one-destination management of land because they offer the framework fit for the growing of citizen participation through the active participation to the management of the entire system. Even though there is about a major public interest, the process would record a certain delay, the result could be satisfying because it is stressed a higher rate of acceptance among the participants and at the level of interested public. This aspect is of great importance, the delicate and severe situation at the community level, being known when, without the full agreement of their members, certain measures have been imposed, politically dictated, most often, that on the long run prove to be inefficient or unproductive.

This approach is the closest to the reality of today's towns and cities where the conflict between the land destined to buildings and the free land is difficult to mediate: when the demand for buildings and roads from urban area (grey zone) is growing, the need for green spaces representing oxygen resources, barriers against pollution, leisure spaces, and socializing spaces for the members of community is growing as well.

The health of human communities within an urban region is also an important and very delicate issue and problem to solve. The social component of development refers to the creation of a favorable atmosphere of equity, by fighting against poverty and promoting personal identity into a great diversity. Development also focuses on eliminating the discrimination among generations, especially giving attention to the disadvantaged categories of population (Dincă, 2008). Promoting a healthy and sustainable social ecology means looking for every opportunity to enhance human community and empowerment. It requires planners in particular to advocate on the behalf of those groups who do not have access to power or expertise, and to fight for equity and justice.

3. One of the main purposes of cities and towns is to create decent places for people to live, and if these do not exist or are not affordable, the urban system is bound to suffer. Housing affordability is a recurrent crisis in many European (and

also North American) cities and suburbs. Steps to address the affordability problem include active government construction of housing, activity that has the support of non-profit housing developers, tenant subsidies, and requirements that developers include a certain number of affordable units in any market-rate project. The design of housing and neighborhoods needs to be rethought in many cases to ensure that people have access to open space, meeting areas, shared facilities, shops, offices, public transportation, child care facilities, and other essentials which can make urban communities more livable.

Housing, defining the term broadly, is probably the most important issue in urban planning. Housing constitutes the biggest single land use in most cities and towns; in many places it occupies more land than all other uses combined. There are few, if any, planning issues that touch most people more deeply than the condition of their immediate neighborhoods, because that is where they spend most of their time. Moreover, housing is often the single largest item in a family's budget, and the house is the most expensive possession that most people acquire. Equity in a house often constitutes the major share of the estate a person passes on to his or her descendants.

The community, in studying its housing situation, need not be bound by the necessities of estate approval and estate subsidies. One long-term issue to be considered is simply the numerical adequacy of the municipal housing stock. Projections of population and employment can be used to approximate future housing needs. A general understanding of market dynamics is also important: market forces such as personal income, rents and prices in adjacent communities, land costs, the competition between residential and commercial uses for space, and so on shape the long-term change in the municipal housing stock.

For a long-term analysis attention should be paid to supply factors, including land, utilities, street capacity, and the like. Thus a really comprehensive study would go well beyond the low – and moderate – income housing questions and attempt to understand the dynamics of the entire housing market. We might also note that housing for low (and moderate) income residents and housing for more prosperous residents are not totally separate matters, because if neighborhoods conditions deteriorate, we may witness a flight of the prosperous and their replacement by low and moderate income households. Conversely, if demand for housing is strong and the supply of housing limited, we may see prosperous households displacing poor households, the “gentrification” process now visible in many parts of European (especially in East-European cities) (Levy, 2003).

4. The habitat has projected, by continuous diversification in time, new aspects of framing in the larger field of urban regulation and urbanism (urban law). This tendency relies on two complementary objectives: the continuous adaptation of the legal framework to the changing needs and providing a seizable supply of affordable housing where needed, and on the other hand, the containment – through regulatory framework - of new affordable housing within existing communities with an excess of such type of dwellings (Quilichini, 2006). Therefore, a need arises to diversify the habitat, which encompasses all types of housing, in a sufficient supply according to

the demand, within the boundaries of each community. Reaching this aim compels giving up the mixture of segregate acts and intentions, which promotes urban mixing (Quilichini, 2006). The term „urban mixing” has a recent appearance, and lacks a legal definition, and therefore a precise understanding. Scientific debate has highlighted that his term covers and illustrates the reactions against the urbanism favoring mono-functionalism determined by the non-incremental adoption of zoning techniques – which leads to spatial segregation.

Functionalist planning appeared in the 20s and 30s, and has widespread in the 50s and 60s; mixing urban functions – living, working, leisure, retail- has therefore remained a mere option for local communities. This spatial segregation and specialization arises from the regulatory urban framework – legal and technical – and operational urbanism and real estate actions (Le Corbusier, 1943).

The comeback of functional diversity is desired today due to the rebuttal of zoning logic and ideas, which has dominated and controlled the local urban initiatives for a long period of time.

On the other hand, this comeback should not happen in a chaotically manner; it should observe certain guidelines and requirements, it should occur in a well defined framework. Thus, local mayors and city managers must, in making a decision, keep account of the citizens’ needs and also the demands for development, harmonizing the general interest with the private aspirations. Unpleasant situations should be avoided, such as widespread oppositions against high-rises in the vicinity of existing low profile structures, due to negative perceptions on part of the citizens. Such excesses can be appeased through regulatory measures that limit the legal prerogatives to oppose construction permits, therefore allowing for speedy erection of proposed objectives. On the other hand, legal requirements for proposed erection must be observed at all time, in order to avoid potential law suites which lead to cancellation of unlawful building permits and other documentation. In this last respect, the county prefect must act as a legal guardian of urban development regulation observance.

5. Habitat diversity demands a policy of voluntary action, in the framework of local communities; the willingness to reshape radically the aim of urban regulation into efficient modeling instruments of urban development, to resettle them onto sound principles, to be able respond the needs of the present and future, should lead to the demise of territorial zoning principles, which have privileged urban expansion at the cost of natural environment. By means of modern regulatory framework, borrowed from the legal structure of experienced countries, wider responsibilities can be allocated to local communities (French Urban Code, 2006). This policy can display a participative aspect (Bourg, 2005) – contributing to the creation of land reserves – or an active aspect, underlining the financial implications of the local habitat (Vallée, 2007). At the same time, affordable housing should accompany policy towards claiming and preparing new areas for development.

Mixed habitat demands a diversity of applicable norms and regulations upon the whole territory, rejecting therefore the egalitarian principles arising from the uniformity of regulations. Nowadays, the constraints of the aforementioned principle are much diluted as a consequence of the habitat diversity aim – a legal requirement

in certain European states. In this way, this objective found its place among the generally applicable principles to all urban acts, including particular regulation regarding territorial coherence schemes (local urban plans and maps, as stated by the French regulations) (Quilichini, 2006).

6. It can be observed that not only in Europe but also in other parts of the world planning and architecture practices pay only minor attention to the needs and preferences of the customers, those who will enjoy the future use of buildings and built areas. The architects and planners share among themselves the task of producing and configuring the urban space: the first take care of the general configuration of the built areas, while the latter focus more on exterior “package” of the buildings. Very often these technicians design the urban environment without paying any attention to the needs of the final beneficiaries (Lécureuil, 2001).

The way in which these two realms can be bridged is by urban strategic planning. Urban planning documents should define the general principles that underlie urban development in a specific community and precede the more technical decisions. Strategic documents should include fields such as population trends, economic activities and employment, public utilities and roads, public transportation, etc.

Urban planning highlights an urban management instrument, which has undergone multiple transformations in time, determined by the economic context, population dynamics, government and local authorities’ willingness, credibility and competency of policy implementers, and not the least by the citizens’ attitudes towards the complexity of urban planning which influences local habitats. Changes demanded by urban development and planning should be analyzed within the local context, the evolution of local policies (Tourette, 2005), and habitat changes that occur due to inevitable activities. Thus, in order to achieve balanced urban development, certain policies and measures are necessary: performing a SWOT analysis¹ to get a clear picture over the developmental context, identifying and considering the main social and economic factors that can influence urban development, publicly defining and sustaining local long term urban development policies and strategies², fundamentally changing the managerial framework and updating it with the current developments³.

In Europe there is currently a trend in architecture that focuses on the use of programs that support the enhancement of the quality of constructions. Multidisciplinary teams work together to provide programs that target the building of public infrastructure, based not only on a location decided by the local authorities, but also on recommendations made by the general public consulted during public meetings.

7. The issues discussed above are summarized in a set of rules applicable to all urban documentation, being upheld as *principles* for urban planning and development. Such principles are either specifically stipulated, or deduced from each country’s particular regulations. To illustrate this point, in the following pages are comparatively discussed the principles regarding the milestones of initiated urban activities and development, from France and Romania.

This short presentation aims to highlight the high level of generalization with regard to the tangible aspects of planning while the more intangible aspects such as the psychology of the population, its needs and aspirations, leisure, are mostly ignored.

It is very true that at the European level there are efforts made to incorporate these concerns into the urban development process, but currently they are not enough, especially from the perspective of what takes place at the national and sub-national level.

8. According to articles L-110 and L-121 from the French Urban Code (2006), urban planning must observe – and uphold at the same time – the following principles:

The *non-discrimination principle* demands that local communities ensure similar living conditions for the present and future residents, based on the diversity of resources and needs; this principle is critical for land planners foremost. In case local communities follow their own urban charter concerning land use, this principle is not applicable.

The *principle of upholding diversity* requires urban documentation to consider the diversity of urban functions and social mixing, both in urban and rural settings, making reserves for present and future construction and habitat rehabilitation needs; this principle also forbids the creation of mono-functional zones – except for specific cases – and encourages the creation of a diversity of residential types within the same area.

The *balance principle* between land use and land protection; urban documentation must clearly stipulate requirements for balancing urban and rural development, preserving agricultural land, protecting leisure and natural habitats.

The *respect towards the environment principle* states that urban documentation upholds land saving policies, natural and built heritage, controls urban sprawl, motor transport expansion, etc.(Quilichi, 2006).

9. In Romania, principles that encompass and state the field of urban planning and development have been enacted by the Urban and Land Management Act no. 350/2001. According to the specified legal act, spatial planning and administration is a compulsory, continuous and future oriented activity, which must observe the best interest of the communities, according to their values and aspiration, and the requirements of European integration. To further specify the aforementioned general statements, objectives⁴ are determined to be fulfilled in the implementation of the legal requirements, and the following principles are stated, which guide the urban planning and development activities throughout the country:

The *principle of observing local autonomy in all activities*, which imposes the requirements of European Charter of Local Autonomy⁵; the right and the actual capacity of local administration must be ensured, to manage lawfully and in the best interest of local community an increasing share of the public policies; in other words, after the legislative and executive powers have agreed on the strategies, policies and spatial development programs for the entire territory⁶, it is up to the local government to manage the implementation, according to the local requirements and norms.

The *principle of public services decentralization* aims at observing the decisional competencies of each type of public authority involved in land planning and urban development, as well as the proper use of the local public services' competencies for urban development. The public local services, as well as the economic sector, agencies

and NGOs must provide their full cooperation and supply freely any information required for urban development⁷.

The principle of transparency aims at ensuring transparency within the implementation of urban objectives, projects, permits, works; it entails permanent consultation with the concerned parties and strict observance of legal requirements – such as public procurement, public tenders, etc.

The principle of partnership stipulates that both central and local public bodies, policy makers and urban developers should display a collaborative manner in order to ensure the best approach for the urban objectives⁸.

The principle of hierarchy, cohesion and spatial integration requires that projects, urban planning and development should source from the central administration – the central government has a comprehensive and overall picture of the whole territory, as well as regional development – and should continue locally, based on mutually agreed rules and closely linked, ensuring the proper implementation of all decisions and projects regarding urban development. In other words, this principle advocates the application on the entire territory of the spatial sustainable development strategies, policies and programs, as well as the compliance of the programs and projects with the legal requirements⁹.

The principle of community participation in the decision process entails, on one hand, the consultation of the local authority bodies regarding their vision on local urban development – and a public debate on all development projects – and, on the other hand, the consideration of proposals and requests on part of the citizenry.

The principle of sustainable and balanced development states that the decision taken by the previous generation must allow the necessary development to reach certain comfort standards, without compromising the right of future generations to develop on their own.

Conclusions

The implementation of the aforementioned principles has the capability to ensure the necessity of urban development land, while at the same time preserving agricultural areas, forested areas, protected sites and natural habitats. Therefore, the connection should be underlined between urban development and renewal, balanced land use, and sustainable development. Sustainable development lies at the core of the new trends and norms regarding urban planning and development in all modern states (Inserguet-Brisset, 2005).

Urban documentation packages have to reconcile the requirements of urban development with environment protection, in a long term perspective. As a consequence, all specific internal and external elements of the environment¹⁰ must be taken into consideration in drafting and implementing urban development projects. The urban development initiatives should pose a serious threat to the environment, they have to be cancelled, or immediately halted; if the posed threat is minor, the development initiatives are allowed with proper compensatory measures. In order to provide proper protection to the environment, preventive measures must be enacted, such as public debates and public analyses of urban plans, as well as impact studies before actually commencing (Rojanschi and Bran, 2002).

It is easily noticeable that neither the French nor the Romanian legal provisions do not stipulate with regard to the drafting of urban planning documents qualitative objectives, other than the need to have a balance between the building practices and exploitation of the surrounding environment (these provisions focus on how the space is occupied by constructions, the designation of conservation areas, the path of transport networks and infrastructure, etc). They rather focus on quantitative objectives.

It can be concluded that the argument in favor of planning needs to become more and more vocal. Urban planning is, without doubt, more complex than architectural planning. The former should take place in two subsequent steps:

- 1) Identifying and defining the non/material aspects of planning, the needs and aspirations of a certain population, specific activities related to peculiarities of the community at the local level, etc.
- 2) Finding ways of properly translating these aspects into the building of urban spaces, the knowing and understanding the urban spaces where the activities will take place, approaching in a responsible way the way in which these functions are related and how and where they need to be located (Lécureuil, 2001).

Architecture will continue to be responsible for the configuration and spatial organization of urban spaces and the form of the urban environment where all functions and activities take place.

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- ¹ These analyses are extremely useful, since they allow the formulation of grounded conclusions for the specified field, and can provide solid foundation for future actions.
- ² Factors such as: demographic changes, social and economic profile, potential evolution, economic trends, the local authority bodies' credibility, the local attitude towards administration, land and financial resources, etc.
- ³ It concerns the new and its reflection in actual urban development activities: the permanent desire for change, searching for innovative solutions, increased attention to quality, professional development investments, work partnerships, etc.
- ⁴ The main objectives defined in the law are: balanced economic and social development of regions and areas, considering their particular aspects; improving the quality of life for people and communities; careful management of natural resources and environment protection; sustainable soil use; eliminating malfunctions in access to infrastructure, public services, affordable housing for all members of the community; protecting and valuing the natural and human heritage; protecting the built environment in rural and urban areas; protecting all settlements against calamities (art. 9 and 13 from Law no. 350/2001).
- ⁵ The European Charter of Local Autonomy has been sanctioned by Romania in Law no. 199/1997, published in the Official Monitor no. 331 from November 26, 1997.
- ⁶ It concerns the following documents, issued in the name of the Government by the Ministry of Development, Public Works and Housing: the National Land Use Plan, Regional Land Use Plan, General Urban Regulation (art. 18 from Law no. 350/2001).
- ⁷ Also see art.27 from Law no.350/2001.
- ⁸ According to art. 25 and 26 from Law no.350/2001.
- ⁹ Also see art. 14 and 17 from Law no.350/2001.
- ¹⁰ It regards all elements and initiatives which aim to ensure environmental protection.