

RESTRICTIONS OF URBAN LAND USE IN UKRAINE

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ARGUMENTS FOR RESTRICTION OF URBAN LAND USE

Urban land use system may be considered as a spatial basis for social and economic development society

Urban systems represent different epochs and their historical, social, cultural and material values which have been accrued from ancient cities to contemporary ones

Factors which influence the value of urban territories

- Nature conditions
- Peculiarities of some buildings and their concentration
- The level of community facilities
- Overground and underground area using

ARGUMENTS FOR RESTRICTION OF URBAN LAND USE

Economical arguments:

- ⇒ Factually land owners use not only their land plot but also all common facilities which have been financed at other times
- ⇒ Common facilities augment commercial and other values of real estate
- ⇒ In contrast to land plot developing costs, capital inputs for common facilities are much bigger and longer

ARGUMENTS FOR RESTRICTION OF URBAN LAND USE

Social arguments:

- ⇒ Urban territories aggregates large quantity activities, both private and common which are jointed and mutually dependent
- ⇒ Urban systems organise a territorial integrity, so changing one structural components without taking into account possible consequences can lead to negative results
- ⇒ Population has constitutional and moral right to safe, pollutionless and provided with infrastructure environment

PROPERTY RIGHT RESTRICTIONS

Constitutional definition of property rights to land includes three obligatory components:

- ⇒ possession right
- ⇒ right to transfer
- ⇒ right to use

Property right is complete when owner is in possession of all the three components

In other case a property right is impaired

PROPERTY RIGHT RESTRICTIONS

1. *Restrictions of possession* define a possibility to get land from state or communal or private property depending on land category
2. *Restrictions of property right transfer* can be considered in two ways:
 - ⇒ As result of open commitment by owner with respect to another owner;
 - ⇒ In the case when an owner has an impaired right.
3. *Land use restrictions* limit use and building possibilities.

Restrictions of first and second types are established by law and *are known previously*

The third one is settled *by different plan and a lot of regulations*. They may be cleared up in a long communication process with various authorities which are responsible for urban planning and permit system

Land use restrictions are more multifarious and complicated

[BASIS FOR RESTRICTION]

The principal reasons:

- ⇒ Conservation of resources
- ⇒ Protection of cultural and historical heritage
- ⇒ Preservation of the environment
- ⇒ Security and improvement of social life conditions for population

[Conservation of resources]

! Conservation zones are forwarded to keep nature resource and established for agricultural land, forest reserve and water land and certain types of land use in these areas are prohibited

Are regulated by the *great account acts of legislation*

Are controlled by the State and Local committees in *different sector* of the national economy:

➡ land, urban, ecology, sanitary, water, forest and other committees

Protection of cultural and historical heritage

- ! Protection zones are organized around cultural and historical heritage aiming to keep their singularity and avoid negative influence from new construction

Buildings and areas which have legal status as “historical heritage” are defined in “*Historical Heritage Law*” and other regulations

The level of limits *is depended on the category and historical significance* of the protected object and is controlled by the State and Local committees of historical protection

Protection of cultural and historical heritage

There are some protection zones which provide to greater or lesser extent limit possibility to use and construct land:

- ⇒ Zone for protection for separated historical building
- ⇒ Zone for protection for a complex of historical buildings
- ⇒ Zone for protection for historical landscape
- ⇒ Zone for protection for archaeological layers

Preservation of the environment



Preservation of the environment supplements tasks of resource conservation and aimed to keep a state of air, soil and water (including underground water), improvement of hygiene and sanitary conditions for living of population

Various types of zone are accepted:

- ⇒ Buffer areas
- ⇒ Sanitary control areas

Buffer area is organised around objects which cause the negative influence to environment and helps to reduce this effect

Sanitary control areas, on the opposite, is organised around object which are in need of preservation from any negative man's impact (such as a water supply point and waterworks)

Regulated by various state rules and standards and controlled by *the State and Local sanitary, urban and ecology committees*

Security and improvement of social life conditions

includes transports service, schools and kindergartens, hospitals, green areas etc

Integrity of planning structure and predesigned perspectives of development are provided with different plans from national to local level

For providing the predesigned decisions into practice land *should be reserved otherwise a compulsory purchase must be used*

The restrictions connected with social life conditions are *regulated by various state rules and standards and controlled by the State and Local land, urban, transport, social service and other authority committees*

Construction an apartment house in water protection zone



Crimea
Bay "Laspi"

Between
Yalta and Simferopol

Infringement of admittance norm for public area



There is no getting away

Cutover patch forest for construction private house



Donetsk region

Forest preserve
“Teplinsky”

was created in
XVII ст.



Cutover patch public square for construction



Kiev

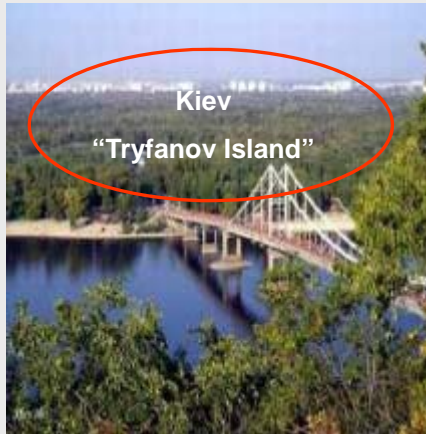
More 200 pine-tree in
public square were
cut

FOR CONSTRUCTION

Commercial objects:

- ⇒ filling station
- ⇒ Shops
- ⇒ Cafes

Cutover patch forest for construction private house



The most Kiev's recreation zone

is connected with other territory only by foot-bridge

Is selling for private house



Protection of cultural and historical heritage

Protection zone around Kiev's Sofia



- The historical reserve
- **Kiev's Sofia** Includes 5 historical objects **Saint Sophia Cathedral, Golden Gate, Kiev Pechersk Lavra**
- містобудування, серед яких Кирилівська церква, Андріївська, Золоті ворота, та, звичайно ж, Софійський собор і Києво-Печерська Лавра. Буферну зону погоджено Київською містобудівною радою березні 2005 року та затверджено Наказом

Construction multistory buildings in protected historical zone



Kiev Pechersk Lavra

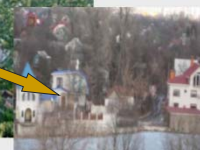


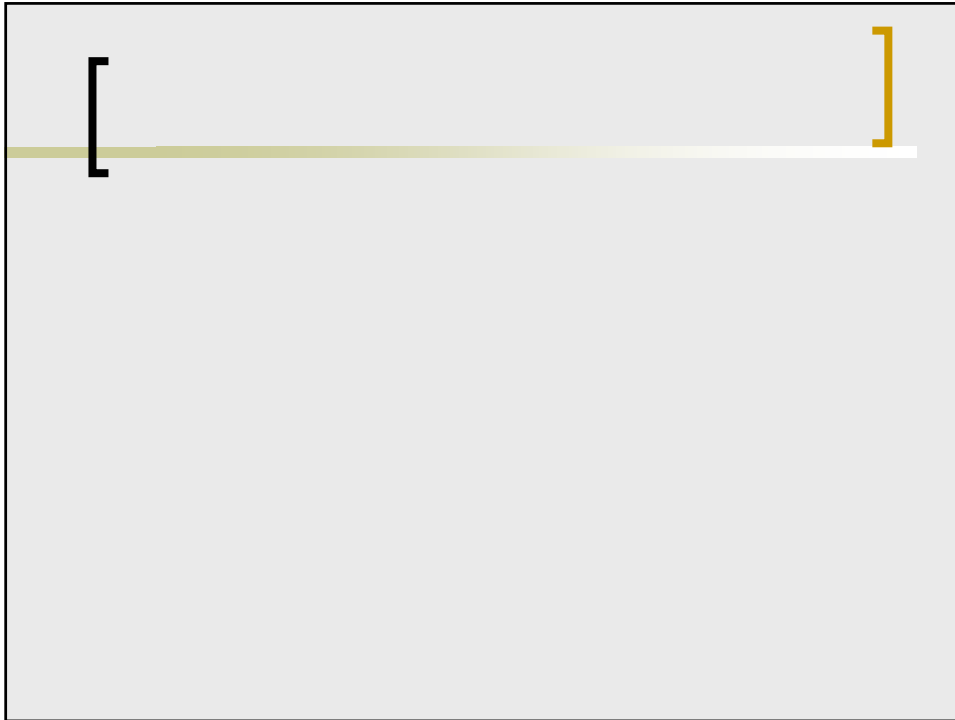
Saint Sophia Cathedral

are inscribed as a
UNESCO World
Heritage Site



Construction bridge





CONCLUSION

Comprehensive restrictions are set by legislation

Legally they cover all problems which are needed for successful development of the territories

Factually, the changing for the worse of the nature recourse preservation and environment, protection of historical heritage and creation of social life conditions for population is existed in the most part of Ukraine

CONCLUSION

An order and a procedure of restrictions implementation *is scattered among different acts of legislation* which are related to different sectors of economy

Sometimes different regulations *can be opposite to each other*

On the one hand *it makes very complicated for potential owner* to find out completed list of limits for his/her land plot before the start of construction

On the other hand *it creates a possibility for corruption* of state and local officials

The black market of information about restriction is developing nowadays in Ukraine

CONCLUSION

Ambiguity of the legislation concerning restriction and restricted access to urban plans cause the non-observance and violation accepted regulation being not punished

Other social problems

Psychological inability of some land owners to give preference to public goods

Public undervaluation of how important is keeping existing nature recourses and historical and cultural heritage

Public unawareness of the necessity to develop the infrastructure for future city evaluation

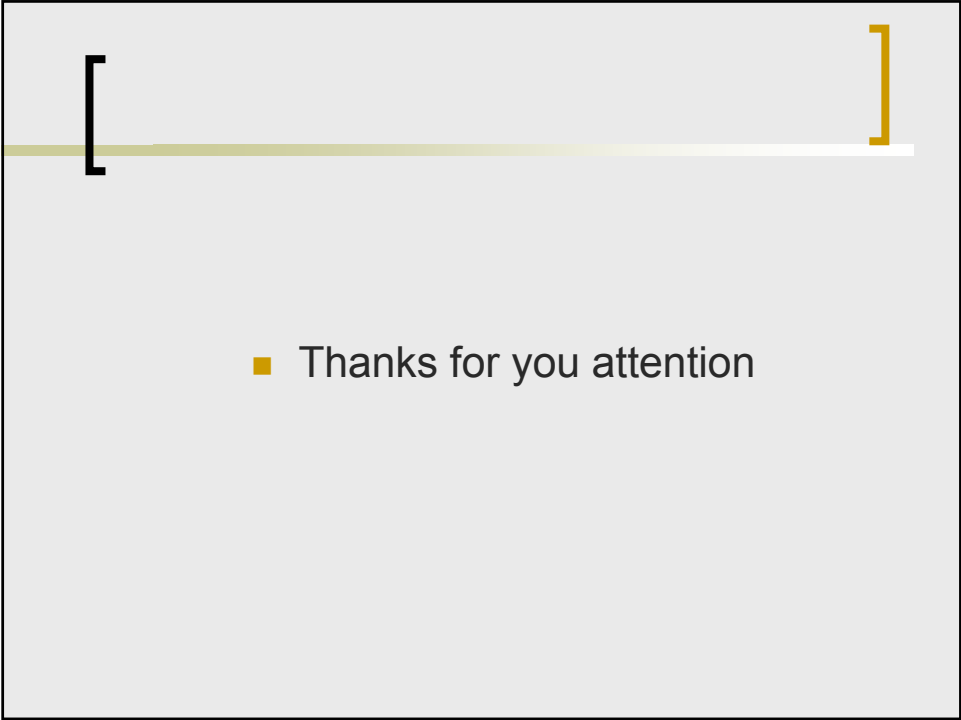
Proposition

To change situation can be achieved by the follows:

Concentration of the main regulations concerning certain category of land in special collections of regulatory or The Urban Code that generates all urban standards and regulations

To introduce into practice *the new urban plan for obligatory implementation – “land use plan”* that aggregates legal, spatial and normative decisions and prevents multiple-valued interpretation of predesigned use of land

To make for non-observance *both owners and officials responsible* and violation accepted restrictions and to make punishments for it more severe



- Thanks for you attention