

Ամփոփում (անգլերեն) / Summary

Project on Analysis and Development of the Urban Planning Documentation System

Today, the problems existing in the urban planning sphere are at the centre of public attention. We witness this by following the local media; various representatives of the public voice the changes taking place in their immediate built environment where the demands of society are being ignored for this or that reason. The most important means to regulate the field is the urban planning (or spatial planning) documentation system (hereinafter System) the tools of which enable the balancing of private and public interests during urban planning activities (while carrying out land and real estate use and development functions), while highlighting the importance of issues of sustainable development of the environment, protection of cultural and historical heritage and habitat, safety and peaceful co-existence of citizens. Several of the types of documents comprising the System were being used even in soviet times and are well known both to the public and the professional community. However, in the free market economy their content and legal status is essentially changed. The last document of the System which determines legal regimes for all participants of urban planning activities and is a basis for architectural-construction planning is zoning which, being a new component, should have been a platform for citizen-developer-public administration-designer quadrilateral discussion.

Several principal legal and methodical adjustments are necessary in order to ensure the productive applicability of all System documents, especially zoning, and in general, for the establishment of productive mechanisms of legal regulation. These must be expressed in legislative and normative documents.

In 2012 **urbanlab Yerevan**, initiated the “Study, Analysis and Development Program for Legislative Basis of the Protection of Historical and Cultural Monuments”, with financing from Counterpart International. The results were gathered in a report of over 200 pages which drew proper attention in professional circles and also in various administrative circles. Considering the continually existing nature of issues in the sphere of urban planning, in 2013 the “**Project on Analysis and Development of the Urban Planning Documentation System**” (hereinafter Project) was initiated. Its aim is to study and analyse the urban planning documentation system in force in the Republic of Armenia and to draft several suggestions for its development. As a result it is planned to reveal problems concerning the implementation of the System, and to analyse them by comparing the practice of project participants with existing international and European practices, to draft suggestions aimed at developing the System and raising its efficiency

and to ensure the dissemination of the suggestions amongst the professional community and other beneficiaries.

The Project consists of three phases. During the first study phase a survey was carried out amongst 40 specialists through face to face interviews; a study was carried out on the urban planning framework of the legislation currently in force and on the international and European commitments undertaken and to be undertaken; study of equivalent international and European practices; the identification of the possibilities of implementing the latter and also for the first time a discussion was organised with specialists in this field during which the multitude of problems existing in this field and the expected necessary reforms were pointed out. Brainstorming was conducted with individuals involved in the Project (Project director, coordinator and experts) in the subsequent, analytic phase, aimed at discussing, bringing to light and analysing the results of the study.

As a result a summarizing report was drafted in the phase of developing and summarizing suggestions, which, as planned, was presented to all the beneficiaries of the Project, in particular relevant state, executive and legislative bodies, local self-governing bodies, experts in the field (architects, urban planners, etc.), local and international NGOs in this field, and also professional entities (Union of Architects of Armenia, Yerevan State University of Architecture and Construction, etc.). It will be accessible on the organization's website under the link www.urbanlab.am/prd_planning.pdf. It may also be useful material for civic activists and other researchers.

The research includes the study of legislative and related normative documents aimed at the sustainable development of the built environment within the framework of the current legislation of the Republic of Armenia and undertaken international and European commitments, and also the development of suggestions through identification of priorities based on the professional opinions of people involved in the Project. It does not claim to resolve all the issues facing the sphere, however being one of the first of its kind and coverage it is presumably going to have a tangible impact on the development processes of the sphere.

Below we present several recommendations which have been considered important by the working group:

1. Ensure that the draft work of urban planning and zoning documents in all phases is regulated mainly by urban planning legislation without reference to other laws. For this purpose, it will be necessary to adopt an Urban Planning or Territorial Development Code the components of which must be spatial planning, zoning, architectural activity, construction, supervision, and the exploitation of buildings and structures.

2. Set the legal status of the zoning ground plan as the fundamental document defining the rules and legal regimes for the use of land and real estate. Legislatively define and apply in it the urban planning regulation; the word “regulators” may also be used for the individual elements of the latter.
3. Simplify the requirements presented to rural settlement spatial planning documents, not conditioning them to the borders of administrative-territorial units. This will allow developing them for territorial community groups taking into account geographic, economic and other linking factors. It is necessary to review their substantive form and to shape mechanisms for increasing the level of their practical application.
4. Observe the compulsory nature of zoning plans of operative significance for all settlements, by developing special simplified procedures in order to provide a legal framework for use of land in all settlements (or the total territory) of the Republic of Armenia.
5. Determine the elementary unit of land of an area by legislatively drafting its urban planning-legal status and its documentation procedures, which should replace the architectural planning assignment (ԱՊՅ). It is the right of each landowner, within the framework of procedures relating to the possession or alienation of property or generally, at any time, to openly and conveniently obtain information on the conditions of construction and all forms of limitations concerning the land parcel.
6. Review the specialized urban planning terminology, including the introduction of the term “spatial planning” which will significantly change the requirements being presented to the sphere and will have a positive effect on the constituent planning documentation system.
7. To make an inventory of all terms specifying urban planning objects, subjects, functions used in legislative or other legal acts and clearly and unequivocally define their meanings and status.
8. Realize the easing of all unreasonably inflated demands stipulated in the normative legal acts regulating the sphere. In individual cases they are unenforceable in practice and there are also duplications and inconsistencies in substance, which prompts the necessity to make relevant changes and additions to legal acts.
9. Clarify the substantive connections and mutual links between spatial planning documents and other social and economic plans and also the priorities for their development. As a result it is necessary to set down the framework of these connections at a state level in order not to waste the resources invested in the drafting of plans and projects and to use them in a targeted manner.
10. Ensure the increase in the level of practical applicability of the spatial planning documents being drafted by reflecting them in state and local expenditure plans. It is essential to assess the measures foreseen in the documents objectively according to their sources of financing and priorities, by bringing them into compliance with ongoing (four-year) development projects.

11. For approval, not to present the complete package of spatial planning documents but only the main scheme and action plan.
12. It is recommended that an Armenian urban development (technical) normative document be created based on the existing urban planning normative document (СНиП 2.07.01-89) in which particular attention must be paid to the acute problems present in the field nowadays and they must be replenished with parts which are considered to be new in the sphere such as the provisions concerning zoning plans (categorization and naming of forms of use and combining of permissible uses, etc.), the current priorities concerning mobility (provisions regarding low mobility, alternative transportation systems) and so on.
13. Combine the functions of territorial development and planning, protection of landscapes and their constituent historic environments, into one authorized body.
14. Place importance on the capacity building of the professional community through the realization of various training and educational programs. It should also create opportunities for future professionals willing to engage in urban planning activities to attain necessary qualifications.
15. Create legislative bases for the shaping and establishment of professional self-regulation establishments (institutions) which will allow using the internal regulative capacities of the professional community to raise the quality of the regulation and administration of the sphere.
16. Develop the methodical and legislative bases of the legislatively stipulated processes for public awareness and public discussion, with the objective of the introduction and complete establishment of participatory forms and methods of governance within a short period of time.