RESTRICTIONS OF URBAN LAND USE IN UKRAINE

Olga PETRAKOVSKA, Ukraine

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

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

Private property. No admittance

There is no getting away
Cutover patch forest for construction private house

Forest preserve “Teplinsky” was created in XVII ct.

Donetsk region

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

- The historical reserve
- Kiev’s Sofia Includes 5 historical objects Saint Sophia Cathedral, Golden Gate, Kiev Pechersk Lavra

- Protection zone around Kiev’s Sofia
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 your attention