

## VIII Semana de Ciência e Tecnologia IFMG - *campus* Bambuí

### I Seminário dos Estudantes de Pós-Graduação

#### **The original Urban Planning and the legal development in the current status: a similarity among the word's and Brazilian laws.**

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#### **ABSTRACT**

The town planning was born under the control logic of the excesses and ills of technological cities , leading to the creation , in Brazil and in the world, laws to be used in corrective nature rather than preventive, since epochs past. Considering the effects of technocentrism caused urbanism during and after the industrial revolution , this work aimed to evaluate the rules of urban planning in Brazil and around the world by checking the similarity between them. To this end it carried out a systematic review, with active search for articles by keyword in English and filters on platform search. It could be observed that , both in Brazil and in the countries assessed, the Urban Planning was divided into corrective nature rather than preventive, demonstrating the need of using the law on executive nature and not punitive.

Key-words: Urban Planning - Similarity - World Law - Brazilian law.

#### **INTRODUCTION**

The town planning was born under the logic of the control of excesses and ills of technological cities. The last and fundamental change was generated by a complexity of events to which it called " industrial revolution ". Even with increasing raw materials production possibilities in the farms, the most promising opportunities for the development of industries has brought many families of the agricultural districts to urban districts. Born of new disorderly manner and many cities have grown beyond measure.

With this conflict, there are two sciences necessary restructuring of the order and the division of cities, planning and zoning, which have become repair tools urban disorder and legal instruments to regulate contemporary and new situations. Considering the effects of technocentrism's on urbanism during and after the industrial revolution, this study aimed to perform a systematic review about the Urban Planning origin in the world and how it has evolved based on the legislation applied to those cities changed throughout history, relative similarity to the Brazilian legislation.

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#### MATERIAL AND METHODS

This article was accomplished through a systematic review, a form of research that uses as literature data source on a particular theme and provides a summary of evidence related to an intervention strategy by applying explicit methods and search systematized, evaluation, appreciation review and synthesis of the selected information. It allows you to incorporate a wider range of relevant results, instead of limiting the conclusions to read only a few articles (Sampaio & Mancini, 2007). For systematic review, keywords have been selected in English, in order to carry out active search for topics on a specific platform. Selected terms were "*Urban Plan of USA*", "*Urban Plan USA Law*", "*Urban Plan of London*", "*Urban Plan London Law*", "*Urban Plan of France*", "*Urban Plan French Law*", "*Urban Plan of Germany*", "*Urban Plan Germany Law*". The platforms used for the search were Google (Available in <www.Google.com.br>) and Academic Google (<<https://scholar.google.com.br/>>).

#### RESULTS AND DISCUSSION

From the filters used in the systematic review it was possible to develop the following Table 01, with the results of active search for articles.

Table 01 - result of the filters made for Systematic review and number and selected results obtained.

Filter	GOOGLE		G. ACAD.	
	RES	SEL	RES	SEL
Urban Plan of USA	74.200.000	5	2.670.000	2
Urban Plan USA Law	32.800.000	6	1.220.000	1
Urban Plan of London	17.600.000	3	2.980.000	1
Urban Plan London Law	3.460.000	2	1.630.000	2
Urban Plan of France	17.800.000	3	1.060.000	2
Urban Plan French Law	3.130.000	3	892.000	1

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Urban Plan of Germany	3.020.000	2	1.310.000	1
Urban Plan Germany Law	2.810.000	2	437.000	1

RES = result; SEL = selected.

Considering historical facts that prove the implementation of this legislation in Brazil and the world, Box 02 below shows some similarities in the Brazilian town planning legislation and some world:

Box 02 - Similarity between Brazilian 'Law and Word's Law.

COUNTRY	LAW	CONTENT/GENERAL ORDER	BRASIL	CONTENT GENERAL ORDER
EUA	1862 - American Rural Property Law (Homestead Act)	To attract immigrants , the US government issued a decree defining the ownership of a property with 160 acres whom to cultivate for 5 years	Law n° 8.629/93 Agrarian Reform.	Whoever receives farmland under protection of Agrarian Reform have title-deeds or concession of use, non-negotiable for 10 years.
	Federal Law (23 USC §§ 134-135) creation of Metropolitan Planning Organization (MPO)	Federal Transport Organization and Policies, valid for any urban area ( UZA ) with a population of 50,000.	Estatute of Cities - Law 10.257/2001	Planning the development of cities with over 20,000 inhabitants.
	Master Plan of Chicago (1909)	Proposals for the lakeside edge of the city - citizens should reside at a distance from go ahead walk lake;	Brazilian Forest Code Law number 12651/12	Spacing for APP according to the width of the water body.
	New York - Law of 1916	Established zoning of land use by controlling the height of buildings for	Law number 39/48 -	No building set in a residential area may

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		residential and commercial uses, avoiding interference in the incidence of light.	Posture Code of Belo Horizonte/MG	contain over three floors.
INGLATERRA	Master Plan (1990) - Spatial Planning - the 1990 Law - "Town and Country Planning Act"	Each UK country has its own planning system, which is responsible for Urban and Rural Planning;	Estatute of cities - Law Lei 10.257/2001	City planning and land use planning.
	Town and Country Planning	Escócia – 1997 Escócia – 2006 Restated to the new realities adaptations.	Law number 4574 - Master Plan Betim/MG	Created in 1968; Adapted in 1996; Overhauled in 2007.
FRANÇA	"Loi Cornudet" of 1919 (the first law of urbanism)	* Stipulated "expansion plans and improvement" in cities of over 10,000 inhabitants; * Founded on the values and objectives of the time: health awareness and aesthetics.	Federal Decree nº 4.297/02 - ZEE	Spatial distribution of economic activities according to the ecological importance of the medium.
	1958 - Director Municipal Plan.	* included zoning land use, dedicated point to public facilities and protected forest areas.	Federal Decree nº 4.297/02 - ZEE	Spatial distribution of economic activities according to the ecological importance of the medium.
	Loi d'Orientation Foncière (LOF) of 1967.	* <b>Schéma Directeur d'Aménagement et d'Urbanisme (SDAU)</b> (Master Plan for Urban Planning and Development) * <b>Plan d'Occupation des Sols (POS)</b> .	Law 10257/2001 - Stature of Cities	Sets standards of public order and social interest which regulate the use of urban property in favor of the collective good, and environmental balance.

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<b>ALEMANHA</b>	Municipal Director Plan (Flächennutzungsplan)  Plano Específico de Uso do Solo (Bebauungsplan)	* Requires a master planning (Bauleitplanung) to ensure the public welfare and a balanced environment.  * § 1 (5): Master Plans and Specific Plans Land Use ( Bauleitpläne ) - ensure the orderly urban development and the use of socially fair ground for the public welfare .	Estatute of Cities Law	Use of the Master Plan as a regulatory instrument.
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It was possible to state that, both in Brazil and in the countries assessed, the Urban Planning was divided into corrective nature rather than preventive, demonstrating the need of using the law on executive nature and not punitive.

#### FINAL CONSIDERATIONS

The modern urbanism arose not simultaneously technical and economic processes that have given rise and led to the transformation of the industrial city. It formed later when the quantitative effects of ongoing changes have become evident and came into conflict with each other a restorative intervention becoming inevitable. Today the urban technique takes corrective nature rather than preventive, and the legal basis for such a regulatory tool.

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