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On Urban Planning and the Socio-Economic Development of Cities in Russia / О градостроительном и социально-экономическом развитии городов в России

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Аннотация: В статье анализируются некоторые особенности градостроительного и социально-экономического развития в России, в связи с чем выявляются проблемы, требующие законодательного разрешения. Исследуя вопросы градостроительного и социально-экономического развития, автор использовал анализ и синтеза, формально-юридический, логический методы. При анализе законодательства и складывающейся практики его применен диалектический метод. Выявлено, что изменение функциональных зон городских земель может производиться зачастую необоснованно, что приводит к оспариванию данных изменений в судебном порядке. Вместе с тем последствия такого оспаривания законодателем прямо не указаны, что приводит к правовой неопределённости относительно возможного использования земельного участка. Предложено законодательно определить в качестве последствий признания судом недействующими спорных изменений: восстановление прежней функциональной зоны, приведение территориальной зоны в соответствии с функциональной путем

внесения городскими органами изменений в правила землепользования и застройки. По итогам исследования практики социально-экономического развития городов установлено, что в городах разрабатываются мастер-планы и концепции, принятие которых не предусмотрено законодательством о градостроительной деятельности и о стратегическом планировании. По мнению автора, следует внести изменения в Федеральный закон «О стратегическом планировании в Российской Федерации» и дополнить перечень документов стратегического планирования муниципального образования мастер-планами и концепцией развития города, что будет соответствовать сложившейся практике. Ожидается, что предложенные идеи позволят повысить эффективность управления городским пространством, привлечь инвестиции частных лиц в формирование комфортной городской среды.

Ключевые слова:

градостроительное развитие городов, социально-экономическое развитие городов, оспаривание функциональной зоны, мастер-планы, концепции развития города, генеральный план, функциональное зонирование, территориальное зонирование, стратегии социально-экономического развития, документы стратегического планирования

Introduction

Urban governance issues are common and problematic yet promising areas of legal urbanology caused by a significant increase in the urban population.

According to the Federal State Statistics Service, as of January 1, 2016, the share of the urban population out of Russia's total population was 74.09%. As of January 1, 2022, this indicator was 74.8% [\[1\]](#).

At the same time, the legal literature notes that Russian cities, mainly small and medium-sized ones, are experiencing several problems (migration of the younger population, insufficient tax sources, underdevelopment of small and medium-sized businesses, etc.) [\[2, pp. 70-71\]](#). Despite such problems, Russian cities have the potential for development, which is facilitated by a number of conditions, including the territory and the ability to manage it. An important role is played by various kinds of resources that allow us to talk about both urban planning and socio-economic development.

Urban development of a city

Urban planning issues are regulated by the Town-Planning Code of the Russian Federation No. 190-FZ of 29.12.2004 (hereinafter referred to as the GrC of the Russian Federation) [\[3\]](#), which contains a number of provisions aimed primarily at creating conditions for a comfortable living environment.

However, despite the existing legal framework, certain problems arise. A situation that occurred in 2014 in St. Petersburg is of interest. The limited liability company "UNISTO Petrostal Project-Sytninskaya" (hereinafter, the company) acquired a plot of land for hotel accommodation. However, a burial was discovered on this site. Therefore, changes were made to the general city plan: a functional recreation zone was established on the plot, which led to the impossibility of its development. Later, it was also included in the list of

public green spaces according to St. Petersburg law.

Initially, the company unsuccessfully tried to recover damages from the city and then went to court to challenge the provisions of St. Petersburg's general plan. By the St. Petersburg City Court's decision of 31.10.2018 in case No. 3a-146/2018, the company's claims were denied, indicating that its references to the fact that the inclusion of a plot in a functional recreation zone makes it difficult to exercise ownership of it and cannot be recognized as justified. This decision was overturned by the Russian Federation Supreme Court, which pointed out that the disputed plot could not be attributed to the territories of green spaces due to it being in private ownership; the decision to create a burial place was not taken, and the remains found were seized. However, invalidating the contested provision of the general plan did not restore the company's rights. As A. V. Basharin notes, there is no functional zoning concerning the plot, and territorial zoning does not imply the possibility of its development. Challenging the master plan may only create a situation of legal uncertainty regarding the possibility of using the land. We believe it is necessary to agree with Basharin's opinion regarding his proposal to legislatively establish a list and procedure for taking into account criteria in the framework of territorial planning, as well as to identify possible types of functional zones, to compile a list of principles for establishing and determining the boundaries of such zones. The content of the master plan as a normative legal act of direct action should be determined at a legislative level [\[4, pp. 12-14, 21-22\]](#).

We believe it is necessary to legislatively determine the consequences of the court invalidating the provisions of the master plan in terms of functional zoning. In our opinion, such consequences should be the restoration of the former functional zone, bringing the territorial zone in accordance with the functional one by making changes to the rules of land use and development by city authorities.

It should be mentioned that the basis for considering amendments to the rules of land use and development at present is its inconsistency with the master plan (Article 33 of the GrC of the Russian Federation). At the same time, we consider it necessary to separately fix the provision, bringing the territorial zone in accordance with the functional one as a result of the invalidation of the master plan in court for the full restoration of violated rights and legitimate interests.

City socio-economic development

Issues of city socio-economic development are regulated, in particular, by Federal Law No. 172-FZ of 28.06.2014, "On Strategic Planning in the Russian Federation" (hereinafter, Law No. 172-FZ) [\[5\]](#).

According to Article 11 of Law No. 172-FZ, the strategic planning documents developed at the municipal level include the strategy for the socio-economic development of the municipality. The approximate content of the municipal development strategy is not given in Law No. 172-FZ.

Socio-economic development strategies are of a general nature. This conclusion can be reached by analyzing the main provisions of Russia's development strategy listed in Article 16 of Law No. 172-FZ and the development strategy of Russia's subjects in Article 32 of Law No. 172-FZ.

In practice, master plans and concepts are being developed in cities, the adoption of which is not provided for in urban planning and strategic planning legislation. For example, this is a master plan of Derbent, a master plan of the satellite city of Vladivostok, the concept of

the architectural appearance of Karl Marx Avenue in the city of Kingisepp, the Concept of the development of retail space in the city of Rostov-on-Don for the period up to 2030 [6–9]. As noted by E. V. Zhertovskaya and M. V. Yakimenko, master plans can be called "... documents of strategic spatial planning of urban development containing a pronounced urban planning component (combining elements of the master plan, municipal strategies, and territorial development projects), which are of a long-term nature and focus on a limited number of goals and objectives developed by public authorities, but with the active participation of various interest groups: experts, business representatives, and citizens." [\[10, p. 20\]](#).

Master plans are similar to city development concepts, as they also contain an urban planning element. It is long-term, aimed at solving limited problems, and is accepted by public law education. For example, at the federal level, the "Smart City" urban digitalization project has been approved, as well as the development of historical settlements, support and popularization of cultural and tourist opportunities, and the development of the cultural heritage economy for the period up to 2030 [\[11, 12\]](#). At the city level, Rostov-on-Don has also adopted a concept for developing retail space for the period up to 2030. In this concept, the goal is "... the formation of a comfortable environment for citizens and business entities in the field of trade industry socio-economic development...". In accordance with this goal, the tasks are defined (development of street retail in the city, preservation, and improvement of the historical appearance of the central part of the city, ensuring the level of competition between trade formats and complementarity of formats, etc.).

E. V. Zhertovskaya and M. V. Yakimenko propose to include sectoral documents in the list of strategic planning documents developed at the municipal level, such as, for example, a master plan for tourism development [\[10, p. 26\]](#). In our opinion, the master plan and its concepts may concern not only the development of tourism but also the development of other urban areas: digitalization, trade, etc. In this regard, we believe it is necessary to amend Law No. 172-FZ by supplementing the list of documents of local strategic planning with master plans and the concept of city development, which will comply with established practice.

Conclusion

A city's socioeconomic and urban development plan should be transparent and understandable.

At the same time, the prospects of socio-economic and urban planning legal regulation periodically become the subject of discussion. In particular, A. V. Basharin believes that "the systematic application of various urban planning legislation institutions will create transparent business conditions for private entities in this area and provide opportunities for private individuals to invest in the development of the urban environment." [\[4, p. 22\]](#). V. V. Tabolin and A. V. Tabolin believe that the main factor in the active revival of Russian cities and the construction of new cities as reference points for the development of regions "should be the profitability and usefulness for residents of all federal, regional, and municipal development programs of these cities, based not only on economically sound but also socially and urbanologically calculated and legally defined forecasts of the practical results of their implementation." [\[2, p. 71\]](#). Considering the above, we expect that the proposed ideas will improve the efficiency of urban space management and attract private investment in the formation of a comfortable urban environment.

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Результаты процедуры рецензирования статьи

Рецензия скрыта по просьбе автора