

**HOUSING DEVELOPMENT IN SERBIA IN THE CONTEXT OF  
GLOBALIZATION AND INTEGRATIONS**

VOLUME III STRATEGIES AND MODELS

Dr. Vladimir Mako  
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HOUSING DEVELOPMENT IN SERBIA IN THE CONTEXT OF GLOBALIZATION AND INTEGRATIONS  
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## **THE CHALLENGES OF HOUSING REGULATION IN SERBIAN LEGISLATION: TOWARDS EUROPEAN CONTEXT AND BEST PRACTICES**

**Abstract** | The reflection of social, political and most of all economic transition in Serbia has brought the challenges of changes in the field of planning and building laws and regulation and consequently in planning and building standards and norms for housing. The process of shifting from state driven, socialistic legislative framework and practice to the market driven is still shaking the planning and building environment and leaving the sensitive urban function of housing unattended and exposed to the negative influence of these changes. Hence the appropriate housing regulation, in accordance with EU legislative housing context and good practice, is treated as initiative factor for housing development in Serbia.

The subject of the analysis in this paper is the Act of the general rules of parcelling, regulation and building, which is important because it is strongly related to the current urban planning practice in Serbia. Accordingly, selected norms defined by the Act will be compared to the cases of best EU practice, with the aim to examine its potentials and the possibility of improvement.

**Key words** | housing, legislation, practice, regulation, comparison

## **ИЗАЗОВИ РЕГУЛАЦИЈЕ СТАНОВАЊА У СРПСКОМ ЗАКОНОДАВСТВУ: КА ЕВРОПСКОМ КОНТЕКСТУ И ДОБРОЈ ПРАКСИ**

**Апстракт** | Одроз друштвене, политичке и пре свега економске транзиције у Србији донео је изазове промена у области законодавства и прописа планирања и изградње, и последично у области стандарда и норми планирања и изградње за становање. Процес преласка са социјалистичког државног законодавног оквира и праксе ка тржишном и даље потреса окружења планирања и изградње и оставља осетљиву урбану функцију становања без надзора и изложу негативном утицају ових промена. Отуда се одговарајућа регулатива становања, у складу са ЕУ стамбеним законодавством и добром праксом третира као иницијални фактор за развој становања у Србији.

Предмет анализе овог рада је Правилник о општим правилима за парцелацију, регулацију и изградњу, значајан јер је тесно везан за актуелну урбанистичку праксу у Србији. Сходно томе, изабране норме дефинисане Правилником ће бити упоређене са примерима добре праксе у Европској Унији, са циљем да се испитају њихови потенцијали и могућности побољшања.

**Кључне речи** | становање, законодавство, пракса, регулација, поређење

## 1. INTRODUCTION

Serbia has been in the process of transition from “self-management” communist system to market-oriented capitalist one since 1990 [1]. Sudden and fast changes, which are main characteristic of the process [2], have shaken up all spheres in transitional Serbia. Such changes from “old” system to “new” one always bring many open questions, discrepancies and misunderstandings as consequences. Additionally, the transition in the case of the space of former Yugoslavia has been exacerbated by violent disintegration of the state (wars, crises, isolation, forced migrations, refugees, etc.). Therefore, transitional process of most of ex-Yugoslavian states has been longer and more painful than in the case of majority of Eastern European states.

As every significant social, economic, technological, political and cultural change reflected to spatial matrix [3], so the transition in Serbia has deeply influenced Serbian practice of urban planning. Wider field of planning and building was important tool of planned economy of former Yugoslavia and, consequently, it was under strong influence of its political elite [4]. Thus, this was huge challenge for ex-Yugoslavian experts. Similarly, urban planning in present Serbia has new challenges. But, they are mainly based on transition. Therefore, these challenges differ significantly than previous ones, regardless their positive or negative connotation.

Considering changing and challenging conditions of urban planning in Serbia, it is important to mention that planning and building laws and regulation and their implementation have also been in the processes of change and accommodation. Similarly, the legislation in planning and building field has also had many obvious challenges and misunderstandings. This is especially noticeable in relation to Serbian “reality”, through their implementation “in situ”.

The analysis of these challenges and misunderstandings is the aim of presented research. In accordance to the character of the research, it will be oriented to such legislative act which is strongly related to the current urban-planning practice in Serbia. Hence, the subject of the analysis is the Act of the general rules of parcelling, regulation and building. Accordingly, selected norms defined by the Act will be compared to adequate cases of best practice in the European Union (hereinafter: the EU). Special attention in the research will be given to housing as the most common and the most sensitive urban function. Therefore, chosen EU cases will be housing projects. It is expected that the cases of best EU practice will show the potentials of analysed Act and possibilities of its improvement.

## 2. TRANSITION AND URBAN-PLANNING LEGISLATION

Although urban planning has decades-long tradition in Serbia, it seems that it has come in new, more active phase since 2000. This process started after the period of general regression of former Federal Republic of Yugoslavia, where Serbia was the biggest republic, in 1990s. This period was characterised by the isolation of the state and overall crisis in society, which strongly influenced all spheres of life. Urban planning, as well as many other fields, didn't progress during this period. Actually, it was isolated from global tendencies, which were moving toward “post-industrial” and “neo-liberal” concept of urban planning. These tendencies were especially noticeable in Western Europe [5].

The opening of former Federal Republic of Yugoslavia to West in 2000 was key step to the acceptance of global tendencies. New period has been seen as a time of general review and the searching of new ways of reconstruction and modernization of the state. Full membership of Serbia in the EU has been nominated as a main goal of this process.

But, whole process hasn't been easy and it has brought many open questions, discrepancies and misunderstandings as consequences. This has been visible in Serbian urban planning in different ways:

- First, the obsolescence of "old" planning system was noticed in the early beginning of the process [6]. Real support has been best practice from the EU and neighbouring countries. They had come into transitional process earlier and they has had more "transitional experience", so they had been to some extent a role-model for Serbia;
- Second, urban planning had to be accommodated to different socio-economic context at the same time, which has triggered the role of urban-planning in whole system. New market-oriented and liberal capitalist economy had narrowed the possibilities of urban-planning interventions as well as all state-sponsored projects and actions [7]. The changes of land property, as a very important issue in transition process, have been especially visible [8];
- Political situation in Serbia has continued to be unstable, which firmly influenced to the fields where state support has proved as crucial. Urban planning is one among them.

All mentioned issues have shaken up basic elements of Serbian urban planning in new social and economic context [9].

Side by side with the developing of new urban-planning practice in Serbia, serious task has been the forming of adequate legislation. Therefore, the legislation of urban planning and closer fields (spatial and regional planning, general building, cadastre, environmental issues, real estate, etc.) has been innovated and adapted to new conditions. Many new laws and regulation acts have been adopted, which can be considered as significant step forward. However, this fast and sometimes forced process has also caused many problems about the essence of these acts or some of their parts as well as about the possibilities of their implementation "in situ". For illustration, the importance and intensity of these problems can be understood by the fact that the main law of planning and building has been changed 6-7 times since 2000.

Previously mentioned relation between general politics and urban planning in Serbia can be especially figured by the issue of urban-planning legislation. For example, the responsibilities of the ministry with jurisdiction in planning and building and closer fields have been changed 4 times at least during last 10 years. Finally, previously one ministry was illogically halved in 2012-14. Thus, the field of urban planning and closer fields were divided between three ministries. Listed political changes had consequently led to many negative effects to the legislation. Therefore, this situation has caused mentioned instability of the laws and other regulation acts. They have been upgraded and replaced by new ones too often. The instability of Serbian urban-planning regulation has aggravated whole process of the creation and adoption of urban plans and their implementation through building projects as a main aim of whole process.

Overall improvement of the legislation of urban planning in Serbia is present in spite of listed problems. Special attention has been given to the accommodation of national legislation towards well-developed EU legislation. A lot of laws are directly based on appropriate EU legislation. For illustration, one of "major goals of spatial development of the state in the integration of Serbia in wider context and the achieving of sustainable development through



the definition, initiation and harmonization of the modalities international/regional cooperation and the implementation of international strategic documents” [10]. Further, there are many EU documents, their translations and/or the laws of their adoption in databases of Serbian ministries and other government bodies. In the end, Ministry of building and urbanism, as well as other major national bodies, actively participates in international/regional cooperation. All these measures had proved real aspiration of Serbia to develop qualitative and compatible legislative system in the field of urban planning.

Finally, the situation in legislative system of Serbian urban planning presents visible gap. One side is the aspiration of Serbia to develop modern legislative system, which would be compatible with EU system. Opposite side is consisted of many open questions, discrepancies and misunderstandings during whole process as results of complex and unpredictable transitional process.

### **3. THE SUBJECT OF ANALYSIS: ACT OF THE GENERAL RULES OF PARCELLING, REGULATION AND BUILDING**

The subject of the analysis in this paper is the Act of the general rules of parcelling, regulation and building. This legislation act is inseparable to the current urban-planning practice in Serbia, which is the main reason for the choice in forthcoming analysis.

The Act of the general rules of parcelling, regulation and building (hereinafter: the Act) is a subordinate legislation act. Thus, the Act is the elaboration of concrete general law - the Law of planning and building. Planning and building standards and norms are arranged as permitted parameters in the Act. The most known parameters treated by the Act are: the position of alignment lines, permitted function and activities, permitted floor area ratio, permitted lot coverage, permitted number of floors, the minimal width and size of building plot, etc. These parameters are necessarily considered in all urban plans and municipal-level spatial plans, which are used for the getting of building permits. This makes clear picture how planning system in Serbia works from general legislation to concrete building projects. Additionally, this is also a “guidance” for the further analysis in the research.

It is important to accent that the Act is relatively new document, because it was adopted in the middle of 2011 by the former Ministry of environmental protection, mining and spatial planning [11]. It hasn't had any later changes and additions. This is quite opposite to many other cases in Serbia. For example, the Law of planning and building, which is superior law to the Act, was adopted in 2009 and it has had three changes and additions since then. The law is being in the process of replacement with new one now. Considering previous, it should be emphasise that “stability issue” can be seen as both an advantage and a disadvantage for this research. In one hand, it indirectly means that the Act has had proved as relatively stable and therefore qualitative document. In the other hand, the lack of eventual changes and additions prevents research direction to “problematic” parts and elements, which would be seen as the most triggering ones for the analysis.

Another information about the Act is that its provisions aren't obligatory for all urban plans, i.e. they are used “when their required implementation is prescribed in the planning document which is the base for the getting of building permits” [12]. Similarly, if there is no appropriate provision in some urban plan, adequate provision of the Act is authoritative for such situation. In contrary, if some urban plan prescribes different provisions/parameters that the Act, than the plan is authoritative. But, these cases are rather exceptions, which are usually

connected to local uniqueness. They don't usually differ too much from the provisions of the Act. Finally, their introduction by a plan should be analysed and explained by special commission during the process of the adoption of such plan.

#### **4. THE ANALYSIS OF THE CASE STUDY**

Whole analysis of the Act will be organized through three case studies. In the spotlight of every case study will stay one norm/parameter/provision from the Act. The norms are selected in relation to its importance in Serbian urban-planning system. All of them are important in urban plans which are the base for the getting of building permits [13].

Selected norm will be compared to the adequate data of chosen case study of best EU practice. EU practice is chosen in relation to the fact of Serbia's aspiration to become a full member of the EU. Therefore, the adoption and/or of adjustment of Serbian legislation to EU legislation is becoming the necessity. It should repeat that all EU cases aren't ordinary ones; they are evaluated and awarded as extraordinary examples at urban-project level. The intention of every comparison is to present appreciable difference between norm given by the Act and adequate data of EU case.

In accordance to make whole analysis more usable and obvious, the cases are selected from the field of housing. Housing is both the most often and the most sensitive urban function. Then, housing is marked as urban function which has been seriously hit by transitional changes [14]. Thus, housing in Serbia has become a "goods" in transition as a new social context [15]. In the end, a lot of the provisions of the Act are related to housing.

Hypothesis > It is expected that the comparison of selected norms defined by the Act and adequate information in presented cases of best EU practice will present the "rigidity" of the Act. Further, it will be a "signal" that the Act and related legislative documents need further improvement. Therefore, the research would eventually propose initial steps of "the widening of views" in future processes of creating and upgrading of urban-planning legislation.

##### **4.1. Case study 1: Floor area ratio**

The floor area ratio of plot (Serb. *Индекс заузетости парцеле*) is one of basic urban-planning parameters in Serbia. It is the relation/quotient between the area of horizontal projection of a structure and overall area of building plot, given in percents [16]. The setting of floor area ratio is strict obligation in Serbian urban plans which are the base for the getting of building permits [17]. Less important characteristic of the parameter is that it is easily calculated. All these reasons are important for the selection of the floor area ratio for the analysis.

The provision VI-1 of the Act determines permitted floor area ratio for every typical planning zone with named dominant urban function. The maximum for any housing zone is 60%. This is related to multi-storey housing zone in inner urban areas. Maximal floor area ratio for any zone is 80% (central urban business and retail zone).

Selected example of EU best practice for this comparison is CHIMNEY POT PARK project in Salford, the United Kingdom. This housing project was overall winner of "Housing Design Awards" competition in 2005. This competition is supported by UK ministry responsible for planning and building and Royal Institute of British Architects (RIBA).

In brief, Chimney Pot Park is regeneration project which is consisted of the 9 blocks with renewed row-houses and additional public park with recreation and socialization facilities. The most interesting elements are the houses with new inner-yard annexes with collective garages at ground floor and elevated gardens at first floor.

General information:

- Name of project: Chimney Pot Park,
- Place of building: Salford, Salford, the United Kingdom,
- Time of building: 2002-2006,
- Authors: Shed KM Architects,
- Developer and Contractor: Urban Splash Build,
- Character of project: renewal,
- Character of buildings: 2-floors row-houses.



Image 1 | Front view of renewed row-houses (taken from: <http://www.hdawards.org/>)

Image 2 | The plan of whole project > „Black rectangles” are housing blocks with 100% floor area ratio (taken from: <http://www.hdawards.org/>)

Image 3 | Inner yard of the block is transformed by new annexes (taken from: <http://www.cabe.org.uk/>)



Image 4 | The plan of typical house / housing unit (taken from: <http://www.urbansplash.co.uk/>)

Image 5 | The section through typical housing block (taken from: <http://www.urbansplash.co.uk/>)

COMMENT 1: UK example has the floor area ratio of 100%, i.e. whole area of housing block is covered by the buildings. This would be impossible by the Act, which proposed the figure of 60% as the maximal parameter for housing zone/block. It wouldn't be even possible for any zone by the Act, because the maximum is 80%.

#### 4.2. Case study 2: The width of building plot

The width of building plot (Serb. *Ширина грађевинске парцеле*) is also significant urban-planning parameter in Serbia. This parameter is strongly connected to the institution of building plot (Serb. *Грађевинска парцела*), as a main element of urban building land [18]. Hence, the rules related to the creating of adequate minimal width of building plot in urban plans are crucial for getting of building permits. This parameter is also easy for calculation. Therefore, the width of building plot is suitable for the analysis.

The provision 1-4 of the Act gives the information that the shape of appropriate building plot is a rectangle or trapeze, with its shorter side as a width. Minimal width for any housing zone is 5 metres and this is specific for row-houses building in “the zone of sparse settlements and housing building” [19]. Critical width increases to 8 metres for row houses in inner urban zones and it is more related to multi-storey mass housing.

Chosen example of EU best practice for second comparison is BORNEO-SPORENBURG settlement in Amsterdam, the Netherlands. The authors of urban project (master plan), Team West8, got first prize at the international competition „Mies van der Rohe“. The settlement and its houses have also become very important for contemporary global urban-planning and architectural practice.

Borneo-Sporenburg is developed by the respecting of local, “Dutch” tradition, so majority of housing units are row houses with back entrance to water. The authors’ aspiration to achieve high density (100 units per ha) caused very narrow parcels with usual width of 4 metres. The extreme case is the house with 3.6-metre width.

General information about master project:

- Name of project: Borneo-Sporenburg,
- Place of building: Amsterdam, the Netherlands,
- Time of building: 1992-2000,
- Authors: West 8 - Adriaan Geuze, Sebastiaan Riquois, Wim Kloosterboer, Yushi Uehara.

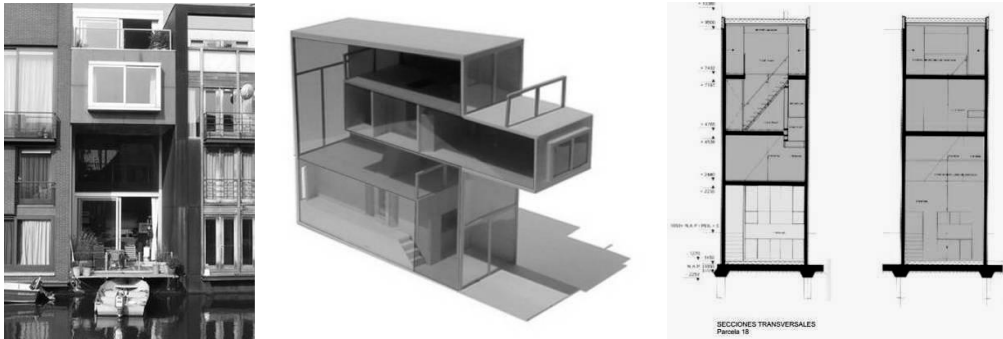
Presented house is the case study the House No 18. This is typical house for Borneo-Sporenburg and its width is 3.8 metres. General information about analysed house:

- Name of project: House No 18,
- Authors: MVRDV,
- Developer and Contractor: New Deal,
- Character of project: new building,
- Character of buildings: 4-floors row-houses.



Image 6 | Aerial view of Borneo-Sporenburg settlement (taken from: <http://www.west8.nl/>)

Image 7 | Back (“waterfront”) side of row-houses (taken from: <http://en.wikiarquitectura.com/>)



Images 8, 9, 10 | The House No 18: The view from water; Longitudinal section of the house; Transverse sections of the house (all data taken from: <http://en.wikiarquitectura.com/>)

COMMENT 2: The building plot as well as presented House No 18 from Borneo-Sporenburg settlement has the width of 3.8 metres, which circa 25% less than minimal width, proposed by the Act. But, Borneo-Sporenburg is formed as a high-density settlement in urban part of Amsterdam, so the appropriate minimal width by the Act would be precisely 8 metres (for row houses in inner urban zones). The gap in this case is significantly higher – this is more than 50% less than minimal width proposed by the Act. The last but not the least, other urban-planning parameters are also under or above extreme norms given by the Act.

### 4.3. Case study 3: The size of building plot

The size of building plot (Serb. *Величина грађевинске парцеле*) is also one of important urban-planning parameter in Serbia. Similarly to previous example, the rules related to the creating of adequate minimal size of building plot in urban plans are crucial for getting of building permits [20]. This parameter is also easy for general measurement. Thus, it is chosen for the analysis. But, seeking for the differentiation of the examples, third EU case is the urban project with detached houses.

Minimal size of building plot which is planned for detached house is 300 m<sup>2</sup> by the Act (the provision VI-1). This limit is lower if it is related to row house and semi-detached (double) house. The parameter of the size of building plot is also connected to the minimal distance between plot limits and building lines, which is 3 metres by the Act (the provision V-53). But, the Act also defines that this measure can be exempted if majority of neighbouring buildings have different, i.e. the distances and positions under the limit by the Act.

The example selected for the analysis of the size of building plot is Officers Field project in Weymouth, the United Kingdom. This housing project was awarded as an overall winner of “Housing Design Awards” competition in 2012. Therefore, this is really new and up-to-date project. Further, respectful information is also that Officers Field settlement was Olympic village for yachtsmen during Olympic Games in London 2012.

Officers Field settlement is consisted from several parts (housing neighbourhoods) with different housing types. Chosen neighbourhood is the one with detached-houses. Building plots for these houses are shaped into the rectangles with the approximate size of 200 m<sup>2</sup> (circa 12 x

18 metres). The uniqueness of the neighbourhood is that the garages of its houses are covered by green roofs, which are used as gardens above in the same time.

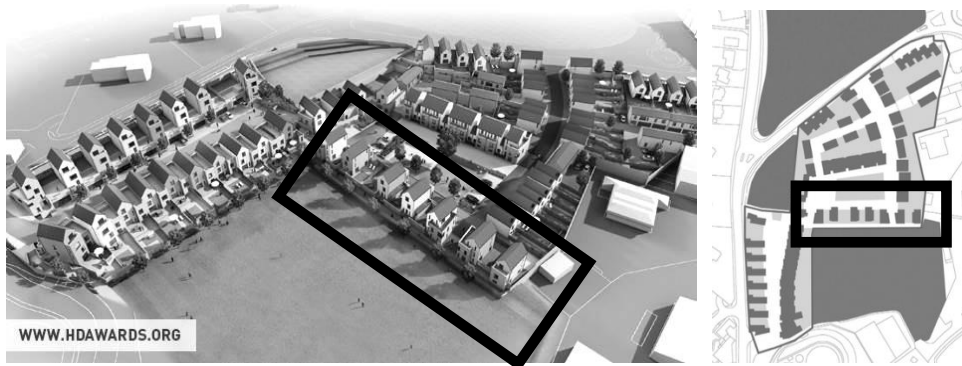


Image 11 | 3D model of the settlement, marked neighbourhood (taken from: <http://www.hdawards.org/>)

Image 12 | The plan of the settlement, marked neighbourhood (taken from: <http://www.hdawards.org/>)

General information about master project:

- Name of project: Officers Field,
- Place of building: Weymouth, the United Kingdom,
- Time of building: -2012,
- Authors: HTA Architects,
- Developer and Contractor: ZeroC,
- Character of project: new building + Brownfield project,
- Character of buildings: 3-floors detached houses.



Image 13 | Detached houses, street view (taken from: <http://www.officersfield.com/>)

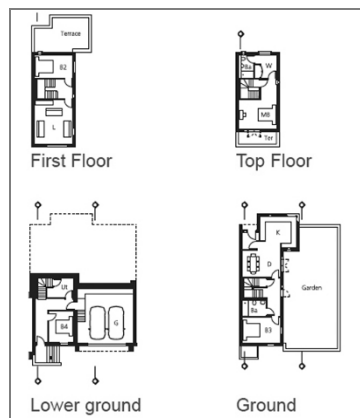


Image 14 | The plan of typical house. Ground plan includes the garden, which is the roof of the garage in the same time (taken from: <http://www.officersfield.com/>)

COMMENT 3: The size of building plot of the analysed detached houses in Officers Field settlement is approximately 200 m<sup>2</sup>. This is 67% of minimal plot size for detached house

permitted by the Act. This is enabled by proficient economy of land use. For illustration, one side of the house is situated on the plot boundary (alignment line), where there are no doors and bigger windows. The economy of land use is also visible in the case of garage with green roof for upper garden – multiple use of the same space.

## 5. CONCLUSION

Conclusions are based on presented research problem, given hypothesis and the analysis through three case studies. Concerning analysed Act of the general rules of parcelling, regulation and building as the subject of the analysis, it is important to mention that conclusions are related to its role in Serbian reality; the role of “connection” between urban-planning legislation and its implementation “in situ”.

Main conclusions are:

First, the creation of qualitative urban or architectural project doesn't need strict respect and implementation of the norms of the Act which are selected from particular case studies. In fact, all presented cases of EU best practice prove that it is possible to create qualitative urban space and houses with parameters beyond the limits of the norms from the Act. This quality is possible if the project respects basic norms of comfortable life in the same time.

Second, mutual conditionality of urban-planning parameters is achieved through the case studies. This conclusion means if one parameter is beyond the limits proposed by the Act it will probably be the same case with other parameters, too.

Third, presented cases (different countries, character of urban planning and character of buildings) indicate the necessity of the acquiring of “wide views” during the creation of such a document like analysed Act. This is particularly applicable to Serbia, where heterogeneous natural and historical context significantly influences to very different current urban-planning patterns at regional or even settlement level.

Next, some details have become pretty visible in the case studies. For example, green roofs aren't included in any provision of the Act. But, the importance of green roof is presented in two analysed EU cases, where this element is used as a “compensation” for overbuilt plot. The Act doesn't specify the norms of such case. Actually, there is no any provision of the Act which can be seen as a “guide” for “green/vegetation elements” at least. This issue certainly needs more attention in future.

...

Finally, it can be concluded that the analysis confirms proposed hypothesis. This consequently means that future process of creating of urban-planning legislation in Serbia, such as mentioned Act, needs “the widening of views”. Despite this statement, it is also obvious that analysed Act of the general rules of parcelling, regulation and building is an “appropriate base” for the forming of the sets of building regulations in urban plans. In one hand, it gives enough instructions for the forming of such regulations and therefore it clearly directs concrete building. On the other hand, the implementation of the Act isn't obligatory. This characteristic of the Act enables the accommodation of any particular urban plan to local conditions, which can vary greatly in Serbian conditions. Some deficiencies, such as mentioned issue of “green element”, exist, but they can be easily overcome and/or upgraded in future.

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