

**ZONING OR MIXED USE –  
A DILEMMA FOR PUBLIC ADMINISTRATION DECISION ?**

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**Abstract**

*The article summarizes the changes set by land uses in two forms – zoning and mixed use. Its content is drawn up on the comparison between zoning as planning practice, especially in the Romanian context, and mixed use reality as tendency in the new postmodern society. One of the key questions is about the difficulty and opportunity to choose one of them in order to increase the urban welfare status and growth equilibrium.*

**1. Introduction**

During the 1960's and 70's a number of institutions and mechanisms designed for preserving agricultural lands for their economic, ecologic, and aesthetic values had been developed in the United States and Western Europe (La Freniere, 1993). In such countries as Great Britain and France, rather than in the United States, more stringent land-use policies could have on account of the relative scarcity of agricultural land, on the one hand, and on account of historical and traditional reasons, on the other.

In a centralized political system, such as that of Romania's or of one of the former communist countries', the necessity of a zoning plan, strictly speaking, in a unitary context, became a way to argue. The functional zoning traces the peculiarities of land improvement and territory systematization mode to control the development in both rural and urban area. Meanwhile, the science of urban planning and regional practices experienced the zoning limits, more and more overcoming the new paradigm of urban planning. This is what is called mixed use as opposed to land zoning.

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### 2. The meanings of land and its uses

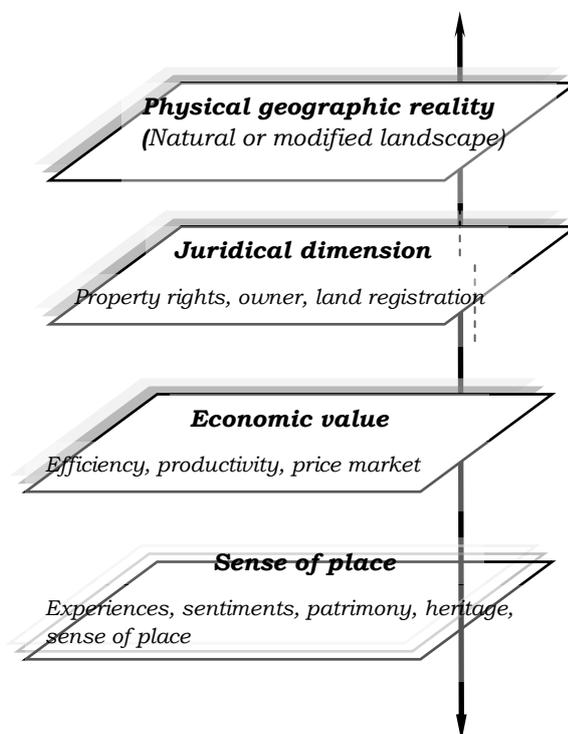
Land cover is the *physical* material at the surface of the earth permitting life on. Soil provides vegetation, minerals, water, and its capacity for producing being modified or not by the anthropogenic processes. It is in that sense that carefully conceived and organized land falls under the topic as a primary concern.

The second dimension refers to land as real property or real estate. For purposes of ownerships and use, land is divided into units known as parcels. Each parcel represents a defined area of land surface set off by boundaries and owned by particular individual, group, corporation or government agency. It is the *juridical* dimension of land (Platt, 2003).

The third *economy* based land concept is an object of capital value that can be owned and used by its owner to maximize economic return opportunity. In its most abstract form, land is purely an investment to be bought and sold like any other good or service.

Fourth, land may have noneconomic value, a *sense of place* defined by collective or individual experience and values (Puscasu, 2008). Sense of place is often rooted in the physical form and ecology of a site or region, as overlain by culture (fig.1).

Several types of land use said that it can be classified and analyzed in a structural manner. Although each country or region could decide on its land use structure and categories, there is, however, a certain similitude in various cases study.



*Fig no.1 Different meanings of land*

It is recognized that working with functional land use categories becomes a common practice - residential, economic (industry, agriculture, tourism, trade and transport) forestry, water surface (wetlands) and croplands. By that, we assume that zoning could emphasize the nature of land, the activities and utilities to be developed into a region.

Zoning is not the only land use regulatory measures available to local governments. They also possess important powers to regulate land subdivisions at local, urban territory level. They may also utilize tax incentives and other devices to encourage desired land-use pattern.

### 3. Zoning

Zoning is a device of land use regulation practised by local governments in most developed countries. The word is derived from the

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practice of designating permitted uses of land based on mapped zones which separate one set of land uses from another. Zoning may be use-based (regulating the uses to which land may be put), or it may regulate building height, lot coverage, and similar characteristics, or some combination of these. Theoretically, the primary purpose of zoning is to segregate uses that are thought to be incompatible. In practice, zoning is used to prevent new development from interfering with existing residents or businesses and to preserve the "character" of a community. Zoning is commonly controlled by local governments and administration through the urban planners, though the nature of the zoning regime determined or limited by state or national planning authorities or through enabling legislation.

Zoning may include regulation of the kind of activity which will be acceptable on particular lots and parcels (such as open space, residential, agricultural, commercial or industrial), the densities at which those activities can be performed, the height of buildings, the amount of space structures may occupy, the location of a building on the lot, the proportions of the types of space on a lot, such as how much landscaped space, traffic lanes, and parking must be provided. Most zoning systems have a procedure for granting variances (exceptions to the zoning rules), usually because of some perceived hardship caused by the particular nature of the property in question.

Basically, urban zones fall into one of five major categories: residential, mixed residential-commercial, commercial, industrial and special (e. g., power plants, sport complexes, airports, shopping malls etc.). Each category can have a number of sub-categories.

Conventional land use zoning, known as *Euclidean zoning*, involves use of the public regulatory authority to specify how private land may be developed and used (Abercrombie, 1977). Unconventional non-Euclidean zoning includes various approaches to guide land use more flexibly and creatively than conventional zoning allows it to be done. The authority to plan and zone land-use is the delegate municipalities according to the law prescriptions.

#### 4. Mixed use

Although not called mixed use, land uses—work, home, commerce—were typically mixed throughout history, until the scale of industrial development in modern cities brought about land-use

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incompatibilities. In response, modern planners developed zoning laws that segregated land-uses. The history of planning and land-use, in the first half of the twentieth century, includes increasingly segregated land-uses (Miller & Miller, 2003).

Mixed-use development today is conceptually more akin to the mixed-use commercial corner at the transit stop, but also incorporates lessons of mixed-use developments of the past fifty years. Whereas the 1970s concept of mixed use was oriented toward creating activity or event centers, today's concept is oriented more toward, integrating commercial and housing activity on a smaller scale that is pedestrian-friendly and linked to transit. Purpose is to increase the types of spaces available for living and working, to encourage a mix of compatible uses in certain areas, and to encourage the upgrading of certain areas with buildings designed to provide a high quality pedestrian-oriented street environment. Mixed use may include permitted activities mixed within the same building (vertical) or within separate buildings on the same site or on nearby sites (horizontal) (Miller & Miller, 2003).

### 4.1 Benefits of Mixed-Use

In their report about Defining Mixed-use Development in USA, Nancy and Jeff Miller stressed some frequent benefits that the contemporary urban planning could take from this practice. There is some evident benefits already known in the rural space (!) and little towns of Romania even before that new approach be imported.

- A mix of uses potentially eliminates the problems of residential areas that are unpopulated during the day and commercial areas that are desolate after business hours. It is evident, in the great metropolises such as Bucharest, and more and more in the new residential neighbourhood built in the recent years.
  - To increase housing options for diverse household types.
  - To reduce auto dependence. Mixed-use areas provide a variety of services and activities within a walkable distance from the house, allowing residents to conduct more of their daily activities without depending on cars.
  - To increase travel options. Mixed-use areas, if well designed, can comfortably support pedestrian, bicycle, transit line, and automobile traffic.

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- To create a local sense of place. Although difficult to quantify, mixed-use areas can create a vibrant sense of local place and community. They support pedestrian movement and, with more people on the street, provide increased opportunities for neighbors to meet and interact.

### 5. Conclusions

Zoning and mixed use coexist in order to respond to the various needs and realities of the contemporary society. Romanian planning system has to choose between two solutions. One is the smart growth management which promotes sensible reinvestment in older urban communities while advocating more compact development, mixed land use, accessible public space. The second one is to rediscover the clear zoning with rehabilitation of older parks, brown fields' remediation in the former industrial zones, reconstruction of central zone and civic centres. Between the two alternatives the decisions of the communities seem to be opposite to the authorities and technicians.

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