

# **The Experiences with and the Legal Basis of Urban Planning in Iran**

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## **Vorwort**

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## **Abstrakt**

Diese Studie zielt darauf ab, ein ganzheitliches Bild der Stadtplanungs- und Entwicklungserfahrung im Iran zu präsentieren, indem sie sich auf Rechtsstrukturen auf nationaler, provinzieller und lokaler Ebene konzentriert. Sie soll verschiedene Schichten der Stadtplanung und -entwicklung skizzieren, die in verschiedenen Praktiken wie Skalen und Ebenen der Landnutzungsplanung, Genehmigung von Entwicklungsprojekten, Planung und Entwicklung neuer Städte, Stadterneuerung und der Mechanismen der nationalen Gebäuderichtlinie und der damit verbundenen Kontroll-instrumente verkörpert werden. Darauf basierend ist der nächste Schritt herauszufinden, ob alle vorhandenen Schichten der städtischen Entwicklung und Planung von der Einleitung zur Ratifizierung bis hin zu Umsetzung und Überwachung notwendig und wünschenswert sind und ob sie gut funktionieren. Hier wird auch diskutiert, ob die Wechselwirkungen zwischen den Stakeholdern auf jeder Ebene so definiert sind, dass die Verpflichtungen klar sind, Überschneidungen vermieden werden und die Ratifikationen von Regeln und Vorschriften, die Umsetzung von Flächennutzungsplänen und Entwicklungsprojekten sowie die Entwicklung neuer Städte und Stadterneuerungen und nicht zuletzt die obligatorischen Kontroll-instrumente und Mechanismen zur Sicherung ihrer Umsetzung effizient funktionieren.

Anschließend wird diskutiert, wie das städtebauliche System zugunsten eines dezentraleren, transparenten, effizienteren und kompetenteren umstrukturiert werden kann, in dem die lokalen Akteure mehr Macht gewinnen, um auf der lokalen Ebene Stadtplanung und Projekte zu initiieren, zu ratifizieren und umzusetzen. Darüber hinaus wird argumentiert, wie es möglich ist, die solide Umsetzung von Regeln und Vorschriften durch die Stärkung der bestehenden Aufsichtsorganisationen zu sichern. Ob es machbar ist, die Schichten der Stadtplanung zu reduzieren und lokale Akteure wie Kommunen mit mehr Entscheidungsbefugnis zuzuordnen, wird ebenfalls analysiert.

Um die Hypothese zu unterstützen und die Forschungsfragen adäquat ansprechen zu können, ist es unvermeidlich, den Status quo zu skizzieren, indem man sich auf Erfahrungen der Stadtplanung und Entwicklung von Stadtprojekten bezieht. Daher wurde eine Fallstudie der -Stadt Isfahan- gewählt, bei der alle oben genannten Themen und Studienfelder im Hinblick auf die Stadtplanung und -entwicklung in der Praxis diskutiert werden können. Die Ergebnisse zeigen, dass die städtebauliche Praxis im Iran unnötig komplex und vielschichtig ist und zugunsten eines dezentraleren und lokalisierten Systems umstrukturiert werden muss,

so dass ein besonderer Fokus darauf gelegt wird, die Kommunen als die kompetentesten Akteure zu stärken, die auch die Verantwortung für stadtplanerische Entwicklung zu übernehmen. Gleichzeitig sollen die Aufsichtsbehörden mit mehr Autorität bestärkt werden, um diese Transformation für jetzt und in Zukunft sicherstellen zu können.

## **Abstract**

This study aims to present a holistic picture of urban planning and development experience in Iran by focusing on legal structures in national, provincial and local levels. It is aimed to outline different layers of urban planning and development, embodied in various practices such as scales and levels of land use planning, approval of development projects, planning and development of new towns, renewal of urban deteriorated fabrics and the mechanisms of national building regulations and associated controlling and supervisory tools. Having accomplished that, the next step is to figure out if all existing layers of urban development and planning from initiation to ratification and then implementation and supervision are necessary and desirable and if they are working flawlessly. Here will also be discussed if the interactions between stake holders at each level are defined in a way that the obligations are clear, the overlaps are avoided and the ratifications of rules and regulations, implementation of land use plans and development projects as well as new towns development and urban renewals and last but not least the obligatory supervisory tools and mechanisms to safeguard their implementation are working efficiently.

Having discussed it, it will then be argued how to restructure the urban planning system in favor of a more decentralized, transparent, efficient and competent one, in which local actors gain more power to initiate, ratify and implement urban plans and projects. Moreover, it will be argued how it is possible to secure the sound realization of rules and regulations by empowering the existing supervisory organizations. Whether it can be considered to reduce the layers of urban planning and assigning local actors such as municipalities with more decision-making authority will be analyzed subsequently.

To support the hypothesis and in order to be able to address the research questions adequately, it is inevitable to outline the status quo by referring to experiences of urban planning and development of urban projects. Hence, a case study -City of Isfahan- was chosen, per which all above-mentioned subjects and study fields can be discussed with view to urban planning and development in practice. The results show that the urban planning practice in Iran is unnecessarily complex and multilayered and shall be restructured in favor of a more decentralized and localized system by focusing on strengthening municipalities as the most competent entities to take the responsibility for it. At the same time, supervisory organizations shall be empowered with more authorities to secure such transition for now and in future.

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## List of Abbreviations

<b>Acronym</b>	<b>Description</b>
<b>MHUD</b>	Ministry of Housing & Urban development
<b>MPO</b>	Management & Planning Organization
<b>MRUD</b>	Ministry of Roads & Urban Development
<b>NBR</b>	National Building Regulations
<b>NDP</b>	National Development Plans
<b>NTDC</b>	New Towns Development Company
<b>UDRO</b>	Urban Development & Rehabilitation Organization

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## ***Introduction: The Structure of the Research***

### ***1. The Procedure of Initiation***

The Young Cities (YC) project as a joined German-Iranian initiative to study the ways of establishing an environmentally friendly and energy efficient urban fabric in Tehran-Karaj region in Iran by focusing on Hashtgerd new town paved the way for developing the concept of the current research. The YC project investigates the possibilities of mitigating climate change through intelligent urban spatial structures, efficient urban infrastructure systems, sensitive architecture, and conducive socio-cultural environments. To this end, a comprehensive analyses of the urban planning law in Iran was needed to provide the researching team in Iran and Germany with a bird's eye view of the organization of planning system in all respects, the decision making process, the interactions between various stake holders in national, regional and local levels and the strengths and shortcomings. Studies with the same structure have been done in various countries, for example by PhD students from South Africa and China, but for Iran and specifically for this Project such survey was absent. So when I was approached by YC chief coordinator Prof. Dr. Rudolf Schaefer to do my PhD on this topic, I have seen a great potential in that, as it could be beneficial not only for the sake of this certain project, but to help reformulating and restructuring the planning system in hope of maximizing the efficiency through giving a clear picture of the existing structures and interactions in Iranian urban planning law.

### ***2. Aims and Objectives of the Research***

Much has been published on different aspects of urban planning system in Iran; however a comprehensive study to give a holistic picture of the urban and rural development with regard to the legal basis has never been done. During the PhD study and in the framework of writing this dissertation, a detailed research has been conducted to find out, whether such a literature does exist in English, which astonishingly was resulted in finding out that such a study is even absent in Farsi. So working on main parameters of urban planning system as planning of land use, approval of development projects as well as urban renewal and new towns development seems to be quite relevant in understanding the urban and rural planning in Iran.

Suffering from the incoherent system of urban planning, the administrative bodies in Iran are almost paralyzed in bearing the extra burden of new concerns as energy efficiency and

environmental preservation. As many scholars put it forth, the country's urban planning legal body lacks a central integrated management system, where there is no particular mechanism of development control and thus development on the ground shows problems of incompatible land uses, long realization periods and unqualified construction.

It is widely believed among Iranian urban planning scholars that the key concepts and criteria of sustainable development are being either disregarded or being employed not necessarily in accordance with the international interpretations and understandings of such concepts. "The planning system follows mostly a top-down approach and being defined by technical-legal terms, instead of socio-cultural and participatory-oriented methods and ignores in most cases the role of the current or future inhabitants as the end-users."<sup>1</sup>

This research tends to undertake an analytical survey to know the deficits and areas of improvements in the course of the years along with the current situation, in which the existing *urban planning law* has been created and is working.

This research is original in terms of the diversity of topics which have been discussed and the areas which have been covered. As far as the author knows, no similar research project has been accomplished before with such a structure, methodology and comprehensiveness in Iran. Near one hundred acts, regulations, ratifications and guidelines at the national and local level have been read thoroughly and used; much related literature including books, articles, reports and documents has been surveyed and numerous interviews with local planners, officials, experts and academicians have been conducted for writing -to the most possible extent- a trustworthy, impartial and objective dissertation. Due to the originality of the subject and novelty of many covered topics which inevitably means scarcity of written resources, an extra work was needed to access the most reliable literature, however it added to the preciousness of the research as a relatively original first-hand scientific work. This could not be achieved without involving interviews in the methodology to fill the gaps. It is also noteworthy to mention that the extent to which the local officials in Isfahan cooperated in obtaining such information and data was astonishing and admiring.

This research -as any other scientific work- could by no means defined as a flawless dissertation; however it can definitely be regarded as a milestone for any future scientific research on urban planning system in Iran. It will pave the way for future scholars, researchers and academicians to build upon this dissertation which could be regarded as a ground work,

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<sup>1</sup> Ziari, Keramatollah, *New Towns Planning*, (Tehran, SAMT Publications, 2009) 118.

as any of the discussed sections in this dissertation has the capacity of being studied as a separate PhD research work.

### **3. Hypothesis and Research Questions**

The hypothesis maintains that the planning system in Iran is multilayered and complicated and suffers heavily from the absence of sound management and supervision tools. Thus it shall be simplified and modified and be equipped with stronger managerial and supervisory initiatives to meet the demands of sustainable development in the country. The main research questions are being demonstrated in two levels: First to describe how the urban planning system works in Iran, by analyzing not only the legal body and governmental structure, but the mechanisms of governance and second to study how such a system could be simplified to be capable of being reformulated in the hope of more efficiency.

### **4. Methodology**

The methodology followed a descriptive procedure by *content analyses* (gathering the information by examining documents), while employing *case study* to inquire deeper and examine thoroughly by discovering and identifying all important variables which have contributed to the history or development of the subject of the dissertation. At the same time it tended to adopt a *trend analyses* for the future planning and needs. So it can be seen that in this research, because of its nature, a mixture of methodologies has being employed.

The case study is the city of Isfahan, the third most populated city in the country with some of the most populous satellite cities and new towns like Baharestan, Majlesi and Pooladshahr. Working on Isfahan gives a better understanding of Iran's urban planning discourse, since it suffers more or less from the same urban planning challenges and the results of this research in line with other PhD researches within the Young Cities project, which are mainly focusing on Tehran metropolitan, will finally give a more clear picture of the urban development and planning system in Iran along with its challenges and pitfalls as well as potentials.

The Isfahan city is located at the heart of the country; and with a population at 2006 Iran Census of 1,601,227 is the most populous city in Isfahan Province. It has an area of 39,624 hectares and is located about 400 kilometers south of Tehran. It is also located on the main north-south and east-west routes crossing Iran, and was once one of the largest cities in the world. It flourished mainly between 1050 and 1722 AD., particularly in the 16th century under the Safavid dynasty, when it became the capital of Persia for the second time in its history. Even today, the city retains much of its past glory. It is famous for its Islamic

architecture, with many beautiful boulevards, covered bridges, palaces, mosques, and minarets.



Fig.I: Isfahan City at the time of Safavids in 16<sup>th</sup> Century (Source: Nama No.191-2, 2011, 92)

The population of Isfahan has been increased more than six times in the last decades from 254,000 in 1956 to 1,601,227 in 2006. Such a skyrocketing population growth made a lot of challenges for this historical city in the course of the years, especially after the Iranian Islamic Revolution in 1979 with an enormous increase in the area of the city from 2,363 hectares in 1956 to 39,624 hectares in 2006.<sup>2</sup> Such characteristics make this city an ideal case study for this research, as the city serves as a laboratory of urban development in Iran.

The research followed a quantitative approach. It employed mainly the literature review on this topic, meaning the legal documents, urban development plans, various administrative responsibilities at different levels of urban planning system and the scope of their involvement in legislating, implementing, supervising and arbitrating urban planning law. It was also vital for the purpose of this research to conduct interviews with many experts in different organizations and NGOs, university professors, city officials and consulting companies.<sup>3</sup>

<sup>2</sup> Gha'ed Rahmati, Safar and Boostani, Saeed, The Role of Isfahan Physical Expansion in Land Use Change of the Plots in Peripheries, Danesh-e-Nama, (Isfahan: No.198-199, 2011) 119.

<sup>3</sup> See the bibliography for the detailed list of interviewees.

### *Introduction: The Structure of the Research*

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Most of these interviews have been conducted in Isfahan in the form of open-ended questions. Housing and Urban Development Organization, Municipality, Department of Architecture and Urban Planning of Isfahan University, Cultural Heritage and Tourism Organization, City Council and Isfahan Engineers Association Organization were the main interviewees.

While the legal body dictates what should be in place, the results of case study could explain what is really being implemented on the ground: whether they are the realization of the legal instructions or individual interpretations which necessarily do not reflect the original intent of the policy makers. Therefore the primary aim was to understand if the legal basis itself is in accordance with the principals of sustainable development and to what extent it is being implemented. Then by employing the above-mentioned methodology, a clear framework was presented to outline the results under each category.



## *Chapter One*

### *An Introduction to Urban and Rural Planning in Iran*

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## ***1.1. Section One: Macro Policies in Urban and Rural Development***

### ***1.1.1. Planning in the Face of Changing Political Regimes***

The state has increasingly been the most contributing factor in the process of urbanization in Iran. “Indeed, the government policies have been the most important instruments of urban-industrial growth in twentieth-century Iran; the policies which have been elevated and ultimately solidities by the emergence of modern nation-states. Having control over national resources and modern technology, governments selectively built transportation networks, commercial-industrial complexes, and new towns with wide-ranging spatial ramifications.”<sup>1</sup> Centralization of the state in Iran in the early twentieth century and subsequent top-down modernization and industrialization policies pursued by the state, resulted in acute regional disparities. In the pre-revolutionary era under Mohammad Reza Shah, a number of programs and plans, including ‘Land Reform Program’ (Eslahaat-e-Arzi) or ‘White Revolution’ (Enghelaab-e-Sefid)<sup>2</sup> and the ‘National Development Plans’ have been implemented, which had significant spatial consequences. After the Islamic Revolution, a number of factors such as rapid population growth and the Iran-Iraq war significantly influenced the spatial distribution of population and economic activities in Iran. After the war, a new set of National Development Plans was introduced to mitigate the scale of the damages and to flourish a variety of socio-economic, political, environmental, cultural and rural-urban developments. Since, it is quite vital to know the elements of the macro-policies in the way to follow the process of urban-rural development in the country and the set of legal responsible

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<sup>1</sup> Sharbatoghlie, Ahmad, *Urbanization and Regional Disparities in Post-Revolutionary Iran*, (Colorado: Westview Press, 1992) 57.

<sup>2</sup> The White Revolution consisted of 19 elements that were introduced over a period of 15 years, with the first 6 introduced in 1963 and put to a national referendum on January 26, 1963. It was considered as one of the most unified and systematic development plans of the country aiming at abolishing the feudalism by employing legal tools as nationalization of forests and pasturelands and water resources, urban and rural modernization and reconstruction, placing control on land prices and various forms of land speculation and many other initiatives. Critics complain that despite some achievements, the White Revolution failed to include sufficient measures increasing democratic representation in Iran at the executive branch of government and most of these initiatives fell victim to corruption, including land reform program, which did not give most peasants enough land to live on, creating widespread discontent; the loss of land by illiterate peasants to loan sharks; and the ruin of vital Qanats (irrigation works) from lack of maintenance formerly organized by landlords. It has also been criticized for leaving both landowners and rural workers without a "job," i.e. taking their old job without replacing it with a new one; for policies that followed developed countries reform too closely without considering Iran's unique circumstances (some places lacked of water, some places had too much water, etc.). So many maintain the idea that the consequent result of these policies was the most, of course not the least important reason for the collapse of Iranian monarchy in 1979.

administrations behind them, the basic elements of these macro-policies would be outlined as follows.

### **1.1.2. Pre-revolutionary Urban and Rural Policies**

#### *1.1.2.1. National development Plans (Barnamehaye-Tosee-Melli)*

Between 1949 and 1978, the central government implemented five *National Development Plans*. Together, these plans reflected a gradual shift from agriculture to industry and subsistence agriculture to large scale capital intensive commercial farming. Prior to the implementation of the first National Development Plan (1949-1955), the Iranian government invited a mission of US engineers to visit the country and give specific recommendations on the course of economic development in the country. The mission produced a report in July 1947 which came to be known as *Morrison-Knudsen* report. The report recommended that Iran should concentrate its resources toward an increased efficiency and higher output in agricultural production, and that the “industry should be left to develop slowly and naturally.”<sup>3</sup> The report also presented three possible Plans. However as it could be read later, the report did not attract the policy-makers. With Morrison-Knudsen report in hand, in November 1947 the Iranian government appointed a new *Supreme Planning Board (Shoray-Aali Barnamehrizi)* to make the necessary choices. In January 1948, the Board recommendations were submitted to the Cabinet and the first *Seven-Years Development Plan Bill (Sanad-Barnameh-Haftsaale-Tosee)* was finally enacted.

The recommendations of the report were not entirely followed, since “the plan presented was one which took into account Iran’s limitations, particularly as regards finance and technical capacity.”<sup>4</sup> It is quite obvious that the report did not mean to undermine the capabilities of the country or to halt the introduction of new technologies but it tried to stop a hasty modernization, which was unsuccessful. By reviewing all five Plans, it could be seen that the great emphasis was put on the infrastructure such as transportation and communication, construction of dams, electricity facilities, gas and oil platforms and industries and mines.<sup>5</sup> A

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<sup>3</sup> Mofid, Kamran, *Development Planning in Iran: From Monarchy to Islamic Republic*, (Kent: Middle East and North African Studies Press Limited, 1987) 38.

<sup>4</sup> Bostock, F. and Jones, G., *Planning and Power in Iran: Ebtehaj and Economic Development under the Shah*, (Exeter: A. Wheaton and Co. Ltd, 1989) 94-95.

<sup>5</sup> Sharbatoghlie, Ahmad, *Urbanization and Regional Disparities in Post-Revolutionary Iran*, (Colorado: Westview Press, 1992) 58-62.

little could be seen to be directly related to the urban and rural development until the early 1960's, when *Land Reform Program* was introduced.

*1.1.2.2. Land Reform Program (Barnameh-e-Eslahaat-e-Arzi)*



Photo 1.1: Shah of Iran distributing land deeds among peasants (Aftabir<sup>6</sup>)

It is definitely beyond the scope of this study to present a detailed analysis of the Land Reform Program (LRP). To meet the objectives of this study, it is however noteworthy to briefly mention the underlying reasons behind it and then outline the impacts of the program on distribution of the resources within the rural areas and between the rural and urban areas, while clarifying the ultimate result that it has brought in case of rapid urbanization process in the country. At that time, it was a great tendency to execute a range of fundamental reforms in the life-style of the country, as it proved to be successful in many war-torn countries after the Second World War. The Iranian pre-revolutionary government favored industry over agriculture in choosing between them. To promote industrialization, certain fundamental changes in the agricultural sector seemed inevitable. Since a majority of the Iranian

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<sup>6</sup> [http://www.aftabir.com/articles/view/politics/iran/c1\\_1367480532p1.php](http://www.aftabir.com/articles/view/politics/iran/c1_1367480532p1.php)(Retrieved in August 2013)

population settled in rural areas, any kind of revolutionary industrial plan required a shift in employment from the primary sector to the secondary sector and from rural to urban areas. On the other side, Iranian villages were largely self-sufficient and could not consume much of products produced in the urban-industrial sector. It was a general tendency as well toward population concentration in larger rural and urban settlements. This tendency which followed by LRP was concomitant with a decline, or in many cases, complete depopulation of smaller rural and urban settlements. To accomplish these goals, a limited land reform program was introduced in the early 1960's. Originally, the aim of land reform was to distribute land, owned by large landlords, the royal family and the public among peasants. In reality, however, a type of land grabbing was occurred, while "the peasants were freed from the oppression of the landlords only to become oppressed again under a new order dominated by the government-controlled farm corporations, large domestic and multinational agribusinesses and reemerging powerful political and economic elites."<sup>7</sup>

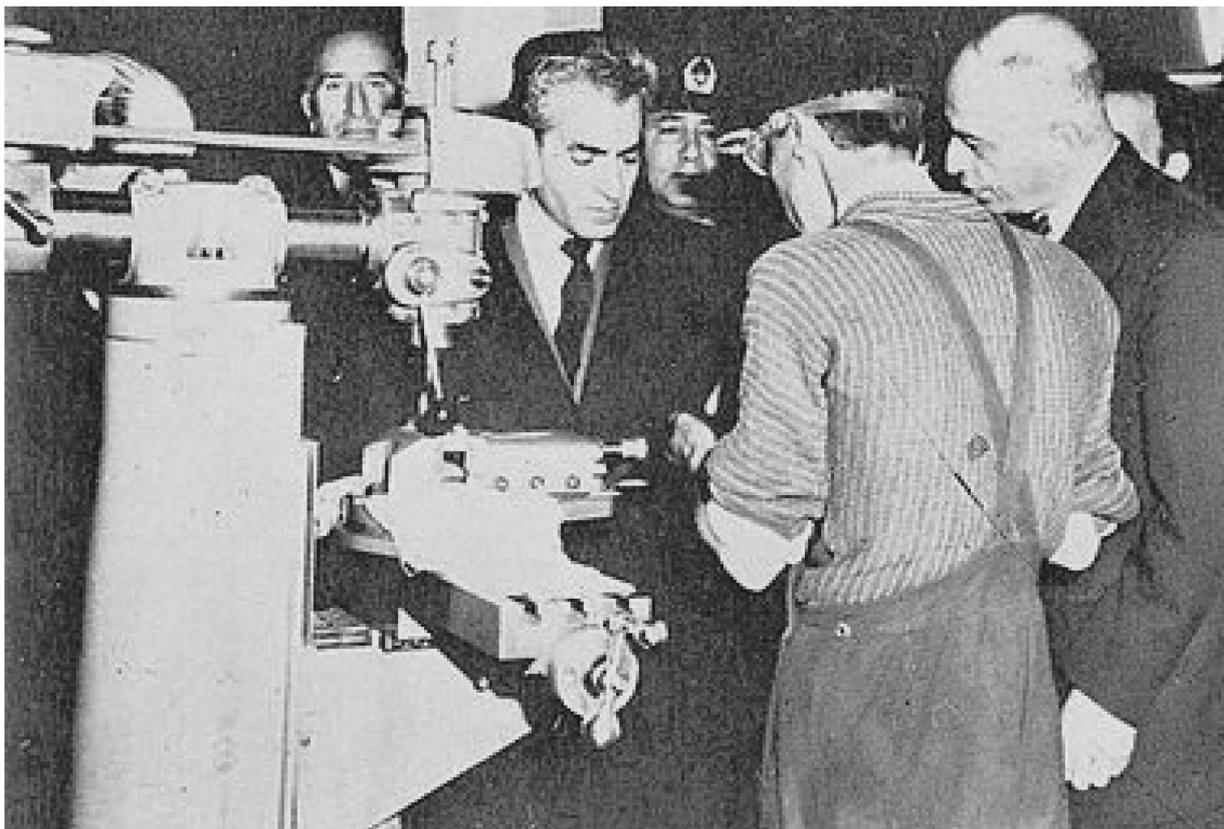


Photo 1.2: Shah of Iran is visiting an industrial unit in 1960<sup>8</sup> (fararu<sup>8</sup>)

<sup>7</sup> Sharbatoghlie, Ahmad, *Urbanization and Regional Disparities in Post-Revolutionary Iran*, (Colorado: Westview Press, 1992) 58.

<sup>8</sup> <http://fararu.com/fa/news/195506/آلوم-دیده-تصاویر-۸۰٪-تصاویر-آلوم-دیده> (Retrieved in July 2014)

The consequent fragmentation of the already small lands, brought upon by LRP “had devastating effects on the majority of the rural families who could not sustain their livelihood from the small plots of lands. As a result, many farmers who received small parcels of land from LRP relinquished their property and migrated to urban areas or became wage earners in the large agribusinesses, created due to the implementation of the LRP.”<sup>9</sup> As it has been mentioned before, many scholars conclude that the consequent “labor transfer to urban areas and changes in land property relations are likely to have had important implications for political instability.”<sup>10</sup> This political instability was a direct result of unprecedented wave of immigration to the big cities, in hope of finding jobs and starting a new life, since the spatial distribution and economic activities were oriented to the big cities. As a result, many soon stood against the LRP, among who were the clerics. In fact, “Shah faced serious clerical opposition when, as part of one phase of his LRP, he pushed for the inclusion of the *Waqf* (endowed) lands controlled by the Shi’i institutions.”<sup>11</sup> They also claimed the LRP to be anti-Islam since they observed LRP as “an American plot designed to destroy Iran’s agriculture and force her to import food in exchange for oil.”<sup>12</sup> Since the detailed review of the LRP and its various consequences in the life patterns of Iranians is beyond the purpose of this study, it is noteworthy to just mention that one basic result of that was a strong tendency towards a higher concentration of population in fewer areas which is evidently being realized in urban settlement patterns. It brought about numerous challenges to the big cities, lagging already behind with the lack of needed houses, schools, jobs and public infrastructure as a whole and a huge amount of slums were created around the big cities as a result.

### ***1.1.3. Post-Revolutionary Urban and Rural Policies***

#### ***1.1.3.1. Islamic Ideology in Favor of Poor and Oppressed***

After the Islamic Revolution of 1979, the revolutionary Government did not stop to work hard on meeting the demands of the oppressed, although it was confronted with a number of

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<sup>9</sup> Ibid, 65.

<sup>10</sup> Moghadam, Fatemeh. E., From Land Reform to Revolution: The Political Economy of Agricultural Development in Iran, 1962-1979, (Tehran: Tauris Academic Studies, 1996) 9.

<sup>11</sup> Norton.A.R., Civil Society in the Middle East, (Kominklijke Brill, 2001) 109.

<sup>12</sup> Majd, Mohammad Gholi, Resistance to the Shah: Land Owners and Ulama in Iran, (Florida: University Press of Florida, 2000) 12.

national crises from the very beginning<sup>13</sup>. The main goal was to eliminate poverty and substantially reduce regional spatial disparities. The policies and measures which have been adopted include ideological commitments to the cause of the oppressed, programs carried out by the revolutionary organizations such as the *Foundation of the Oppressed* (Bonyad-e-Mostazafan), *Reconstruction Jihad* (Jahad-e-Sazandegi) and above all the *Housing Foundation of the Islamic Revolution* (Bonyad-e-Maskan-e-Enghelab-e-Eslami).

It was also a matter of importance to include Islamic ideology in the body of the new constitution: "All civil, penal, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the constitution as well as to all other laws and regulations, and the wise persons of the Guardian Council shall judge in this matter."<sup>14</sup>

Based on the poor condition of housing, the government was now obliged by new Constitution to provide housing for everyone: "It is the right of every Iranian individual and family to possess housing, commensurate with his needs. The government must make land available for the implementation of this article, by giving the priority to those, whose need is greatest, in particular, the rural population and workers."<sup>15</sup> Establishment of the above-mentioned Revolutionary Foundations aimed to mobilize the resources to fight poverty and depravation and to move in line with new grand strategy of the Islamic system. The focus now was shifted largely toward the rural areas.

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<sup>13</sup> These problems ranged from internal political disputes and factionalism to the devastating war with Iraq and subsequent economic boycott by the West. These events diverted a substantial amount of its annual income away from national development priorities.

<sup>14</sup> Islamic Consultative Assembly, *The Constitution of the Islamic Republic of Iran*, (Tehran: Islamic Culture and Relations Organization, 1997) Article 4.

<sup>15</sup> *Ibid*, Article 31.

## **1.2. Section Two: Legal Authorities of Urban and Rural development in Iran**

### **1.2.1. Urban Development**

#### *1.2.1.1. Ministry of Roads and Urban Development (Vezaarat Raah va Shahrsazi)*

*Ministry of Roads and Urban Development* (Hereafter MRUD)<sup>16</sup> has the direct responsibility for the management and monitoring of the urban development plans (including master and detailed plans) and is also active to prepare guidelines, related to urban management. These activities are being conducted in the established secretariat of the *High Council of Architecture and Urban Development* (Shoraay-e Aali-e Shahrsazi va Memaari) led by MRUD deputy minister and the provincial urban development management led by provincial governor.

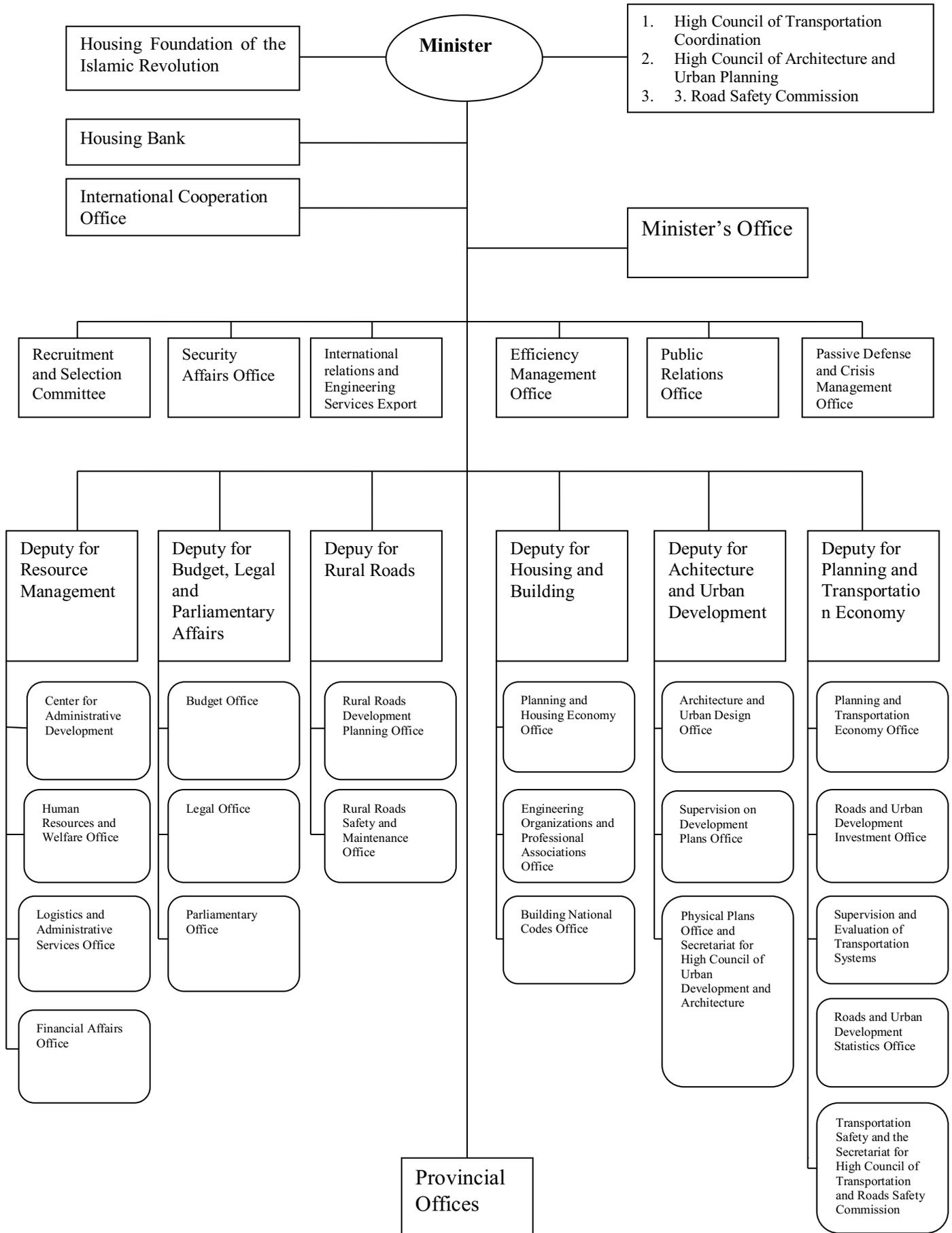
The act on ‘the Name Change of the Ministry of Development and Housing to the Ministry of Housing and Urban Development and defining its Mandates’ put forth the purpose of establishing such Ministry as “adopting and formulating policies in drawing comprehensive and coordinated programs to determine the population centers and making an optimal balance between the population and the floor area of the cities across the country, providing housing and developing and improving housing quality and quantity standards with regard to the economic and social development objectives and requirements of the country and to mobilize efforts in preparing and implementing plans as well as construction of governmental buildings”.<sup>17</sup> The organizational chart of MRUD is shown in diagram 1.1., while the obligations and tasks of MRUD have been outlined in table 1.1.

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<sup>16</sup> The Ministry of Housing and Urban Development was merged with the Ministry of Roads and Transportation in June, 2011, according to a bill, which had been submitted by the government to the Islamic Consultative Assembly and subsequently ratified by this assembly and a new Ministry under the name of the Ministry of Roads and Urban Development replaced both former ministries. What is being described here in this study is just the obligations and tasks of the former Ministry of Housing and Urban Development, which is relevant to the scope of research.

<sup>17</sup> National Consultative Assembly, Act on the Name Change of the Ministry of Development and Housing to the Ministry of Housing and Urban Development and defining its Mandates, (Tehran, 1974) Article 2.

Diagram 1.1: Organizational chart of Ministry of Roads and Urban Development (Adopted from MRUD: 2011)



Obligation	Details
<b>Planning</b>	<p>Determining the location of the cities and population centers of the future, according to limitative elements such as water scarcity, different types of land uses and observing the priorities to utilize the lands for agriculture while preparing a 'land comprehensive plan', which shall be prepared jointly by the Ministry of Agriculture-Jihad;</p> <p>Determining the development orientations and the capacities of the current and future cities and preparing the demographic distribution map;</p> <p>Preparing the executive policies and guidelines and necessary regulations to conduct and control urbanization in order to let the 'land comprehensive plan' to be realized;</p> <p>Categorizing the cities according to their functions as industrial, agricultural, touristic, and historical and service poles and identifying multifunctional cities, according to the 'land comprehensive plan', after consulting with the related ministries;</p> <p>Studying the connection between current and future cities at regional and national scales;</p> <p>Outlining standards for housing and governmental properties and urban infrastructures;</p> <p>Constant evaluation of the housing demands, governmental properties and public housing units and preparing required programs.</p>
<b>Urban Development</b>	<p>Preparing master plan (Tarh-e-Jame) for each city according to the enacted guidelines and standards and preparing rules and standards for the rural development plans (Tarh-e-Hadi) and subsequently referring them to the Ministry of Interior for implementation;</p> <p>Supervising urban development activities of the private sector, if urban development standards and criteria are being effectively observed.</p>
<b>Housing</b>	<p>Preparing and implementing housing supply and construction plans for those projects which are financially funded countrywide by the government by observing the binding provisions of the 'Municipalities Act' concerning the necessity of obtaining a building permission;</p> <p>Implementing the plans with regard to the public housing units;</p> <p>Monitoring those companies, which have the responsibility to construct housing units, and providing them with technical aids and guidance.</p>

Table 1.1: Obligations and Mandates of MRUD (before merging with Ministry of Roads and Transportation) (Adopted from the Act on the Name Change of the Ministry of Development and Housing to MHUD: 1974)

The most important legislative body within the MRUD is the 'High Council of Architecture and Urban Development' (hereafter High Council) with a secretariat which is in charge of studying, ratification, notification and follow-up of the plans, standards, guidelines and regulations by using monitoring instruments.<sup>18</sup> It shall supervise the progress of the plans, coordinate and facilitate their implementation by bridging between different national and local organizations and entities and conduct a national data bank, including the characteristics of

<sup>18</sup> National Consultative Assembly, Act on Establishment of the High Council of Architecture and Urban Development, (Tehran, 1972) Article 4.

each plan. The Minister of Roads and Urban Development is heading the High Council<sup>19</sup> and the High Council secretariat performs under the supervision of the Deputy Minister for Architecture and Urban Development to fulfill the obligations enlisted in Article 4 of the Act on Establishment of the High council.<sup>20</sup> This article maintains that “the secretariat shall review urban master plans through the technical committees whose members are being selected by the High Council and other relevant institutions, to provide criteria and standards of urban regulations, and to supervise the preparation of master and detailed plans by the consultation of the related city council and municipality.”<sup>21</sup>

It is also the responsibility of the *MRUD* (through Deputy Minister for Architecture and Urban Development) to perform high supervision on the sound implementation of urban development rules and regulations and national building regulations which are obligatory in designing and implementation of all urban development plans.<sup>22</sup>

In March, 1966, some articles of the ‘Municipality Act’ were amended. As a result and according to articles 97, 98, 99, 100 and 101 of this act, it was suggested that a *High Council of Urban Development and Architecture* shall be formed in order to do supervision on urban development activities, preparation and ratification of urban master plans, determining borderlines for the cities and monitoring construction and urban development projects of the municipalities within the borderline of the cities, obliging the landlords to obtain building permission before starting the construction of the buildings, obliging the municipalities to prevent any construction violation within the borderline of the cities and controlling the land partition and division within and outside the city. In realizing these missions, the act on establishment of the High Council of Architecture and Urban Development was enacted in 1972.

Article 4 of the Act on Establishment of the High Council of Architecture and Urban Development outlines the obligations of the High Council as follows:

- Studying and proposing general urban development strategies to be submitted to the cabinet;

<sup>19</sup> National Consultative Assembly, Act on the Name Change of the Ministry of Development and Housing to the Ministry of Housing and Urban Development and defining its Mandates, (Tehran, 1974) Article 4.

<sup>20</sup> High Council of Architecture and Urban Development, The Guideline on Studying and Ratification of Development Plans, (Tehran, 2000) Article 6.

<sup>21</sup> National Consultative Assembly, Act on Establishment of the High Council of Architecture and Urban Development, (Tehran, 1972) Article 4.

<sup>22</sup> Islamic Consultative Assembly, Engineering Association and Building Control Act, (Tehran, 1995) Article 34 and 35.

- Deciding about urban development plans and the regulations related to urban master plans, including zoning and land use techniques, as locating commercial and residential spots, office buildings, public services and infrastructures, green spaces and other urban public facilities;
- Studying and ratifying urban master and detailed plans and their amendments;
- Ratifying rules, regulations and standards of urban development and referring them to the related authorities to be enforced;
- Supervising the sound implementation of detailed plans.<sup>23</sup>

### *1.2.1.2. Municipalities and City Councils*

#### *1.2.1.2.1. Local Management and the History of Municipality Law*

In defining urban management, municipality is always being referred as an executive body, while city councils are mostly dealing with planning, decision-making and supervision on the performance of the municipality. In this context, the municipality is an organization which is established in a population center with city characteristics, in order to administer the management of that population center and to provide the needed public services. In other words, it is “a public and non-governmental organization which enjoys independence and legal personality and functions under the supervision of the city council (which itself is staffed by the elected representatives of the people) and the government (via the Ministry of Interior) to fulfill the tasks that have been designated through the Municipality Act”.<sup>24</sup>

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<sup>23</sup> National Consultative Assembly, Act on Establishment of the High Council of Architecture and Urban Development, (Tehran, 1972) Article 4.

<sup>24</sup> National Consultative Assembly, General Calculations Act, (Tehran, 1960) Article 5.



Photo 1.3: Municipality of Tehran in 1950 (Islamic Revolution Document Center<sup>25</sup>)

In this sense, it becomes clear that municipality is a) an organization which functions subject to a specific body of law and hierarchy and is established to fulfill the set of law which have been delegated to it and b) it operates at the local scale and shall fulfill those tasks in a specific geographical area (here it is defined to be a city).<sup>26</sup> The criteria that have been set to call a geographical area as a city are subject to ‘National Divisions Act (Ghanoon-e-Taghsimat-e-Keshvari)’<sup>27</sup>, and the ‘Municipality Establishment Guideline’ by the Ministry of Interior.<sup>28</sup> c) The municipality shall observe citizenship law, in the sense that it shall include citizens’ participation in administering city affairs through electing their representatives<sup>29</sup> and d) municipalities are independent and self-run organizations and the central government is

<sup>25</sup> <http://www.irdc.ir/fa/services/2> (Retrieved in August 2011)

<sup>26</sup> Saidnia, Ahmad, *Urban Management*, (Tehran: Municipalities Organization Publication, 2000) 25.

<sup>27</sup> Islamic Consultative Assembly, *National Division Act*, (Tehran, 1983) Article 4: ‘the city is a place with legal borderline which is located in the geographical limits of an area and in terms of social, physical, employment and city image criteria, it possesses its own unique characteristics. Most of its permanent inhabitants are involved in different jobs and it has independent public infrastructure. It should also have at least 10,000 inhabitants.’

<sup>28</sup> Ibid.

<sup>29</sup> Moutmeni, Manoochehr, *Administrative Law*, (Tehran: Samt Publications, 2002) 117.

only playing a supervisory role and shall avoid any direct involvement and interference in the municipalities' administration.<sup>30</sup>

According to the Budget Law of 1984, the municipalities shall move toward financial independence in providing financial resources for city projects directly from the citizens of that city.<sup>31</sup> In that sense, the Ministry of Interior obliges the municipalities to finance the development projects and municipal services in the following ways:

- a) Partly through Ministry of Interior,
- b) Taxation from buildings and lands, transportation and communication means, working and construction permissions, and selling municipal services,
- c) Fines in case of violations from city development rules and regulations,
- d) Financial resources resulted from municipal properties and investments,
- e) Loans and donations.<sup>32</sup>

In the history of Iranian body of law, which has been started in 1906 by the establishment of the first parliament, 'Municipality Act' is among the very first law documents for city management. At the very beginning of the new parliament, legislators noticed the accelerated trend of urbanization and the development of the cities and the need to consider the reorganization of the interactions among city officials and citizens and introduction of urban laws in order to reflect to these demands; however the cities were quite few at that time and only a tiny portion of the population - less than 5 percent - resided in the cities.<sup>33</sup> Therefore in 1907 the Municipality Act was passed by the *National Consultative Assembly (Majles-Shoray-e-Melli)*.<sup>34</sup> This Act was valid until 1930, when upon some modifications it was replaced by a new municipality act. Subject to the new act, municipality councils were supposed to be established in each city. The mayor was elected, due to the new act by the *Ministry of Interior*, while the municipality councils were supposed to be staffed by members who were elected directly by the people to serve for 2 years.

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<sup>30</sup> Imani Jajarmi, Hossein, *Urban Management in Iran*, (Tehran: Urban Planning Studies Center, 1995) 7-8.

<sup>31</sup> *An Introduction to Financial Activities of the Municipalities*, The Ministry of Interior, 2006:

<http://financial.ahvaz.ir/LinkClick.aspx?fileticket=bO8P6VDJ8uI%3D&tabid=586>

<sup>32</sup> Ibid

<sup>33</sup> Nejati Hosseini, Seyed Mahmoud, *Studying the Concept of Citizenship in the Municipality Act*, (Tehran: Municipalities Organization Publication, 2001) 53-55.

<sup>34</sup> Ibid.



Iranian Historical Photographs Gallery : [www.fouman.com](http://www.fouman.com)

Photo 1.4: Iran National Consultative Assembly in late 60s (Foman<sup>35</sup>)

In 1949, the National Consultative Assembly passed a new Act on ‘Establishment of the Municipality and City Council’; according to which a city council could serve for 4 years and it was the responsibility of the city council to elect the mayor. After another amendment in 1952, finally the Municipality Act was passed by the parliament, which is still in force in the urban management system of Iran; however some modifications, incorporations and nullifications have been exerted since then. Along with the above-mentioned Acts which directly dealt with municipalities and their functions, about 100 more acts, rules, regulations and guidelines have been passed so far which in a way influenced the Municipality Act, the mandate, authority and obligations of the municipalities. It is also noteworthy that from 1906 till 1994, about 336 acts have been enacted which in a way are in relation to municipalities, their mandates, tasks and obligations.<sup>36</sup>

These legal changes and enactment of various rules and regulation could be interpreted in two different ways:

<sup>35</sup> <http://fouman.com> (Retrieved in May 2102)

<sup>36</sup> Norouzi, Kambiz, *Studying the Municipalities Act*, (Tehran: Urban Planning Studies Center of the Ministry of Interior, 2001) 67.

- “It can reflect whether the flexibility of the Municipality Act in conforming with new demands and adapting to the new emerging developments in the face of urbanization in the country;
- Or the instability of the Municipality Act and its shaky irresolute nature, which could be seen as one of the main hindrances in the process of institutionalization of municipality law and the mutual relationship between the citizens and the municipality as well as the absence of a sound mechanism in the management system of the city and urban planning.”<sup>37</sup>

Table 1.2: Municipalities’ Tasks (Adopted from Municipality Act: 1955)

Obligations	Details
<p><b>General Obligations</b></p>	<p>Constructing roads, alleys, squares, public parks, trenches and widening the passages and streets;</p> <p>Cleaning, maintenance and tabulation of the roads, public trenches and water and wastewater canals and facilities;</p> <p>Preventing impermissible usage of the squares, parks, public gardens for purposes such as settlement and trade and removing such illegal barriers in the roads and sideways directly by its agents.</p> <p>Holding up special depots for discharge of household and building discharges and wastewater sedimentary materials and informing the public, accordingly by publishing announcements. These depots shall be outside the borderline of the cities and it is up to the municipality to determine the location of establishing waste treatment and compost factories;</p> <p>Establishing morgues and cemeteries and their administration;</p> <p>Adopting strategies and measures to protect the city against flood and fire and removing the dangerous spots in buildings and broken walls in public roads, alleys, public spaces and filling the holes in public roads and any other measures to remove sources of danger in public spaces;</p> <p>Proposing modifications in the urban plans, if needed, and suggesting just and fair prices for those buildings and plots, which belong to the individual owners and shall be acquired for the construction of the public spaces, widening the public roads and development of squares, parks and streets and acquiring required lands for laying down water and wastewater pipelines;</p> <p>Issuing building permission for all kinds of buildings that are going to be constructed within the borderline of the city. In issuing such permissions, the municipality shall refer to the city master and detailed plans, to make sure if the construction maps are in line with land use criteria of that area.</p>

<sup>37</sup> Ibid, 55.

<b>Specific Obligation</b> <sup>38</sup>	<p>Determining open public spaces for trade, parking lots, etc;</p> <p>Construction of required premises, buildings and facilities in public spaces such as parks, sport centers and squares, according to the technical standards and presenting strategies for the construction of housing units for low-income urban households;</p> <p>Preventing the establishment of all kind of activities that in a way make disturbance for the inhabitants or being pollutant, causing whether air or water pollution. The municipality shall inform the legal or individual person to shut down, demolish or relocate the source of pollutant to outside the borderline of the city in due time. In case of disobedience, the municipality is allowed to resort to force directly and by its own agents.</p> <p>Joining forces with other urban cultural institutes in preserving historical buildings, monuments, public premises, mosques, etc.</p>
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*1.2.1.2.2. City Councils (Shorahay-e-Shahr)*

*a) History of City Council in Iran*

Upon approving the constitutional law in 1905, thinking about the concept of council was started in Iran. In other words, one of the very considerable achievements of the constitutional revolution, away from recognition of the separation of powers, was to divide the political and organizational power between central and local government.

The law of city councils was approved under the name of the Municipality Act by the National Consultative Assembly. According to the article 20 of this law, the duties of city council and municipality include administration of the entire affairs related to the city such as cleaning, lighting and other services and welfare affairs, establishment and administration of libraries, museums, repairing the mosques and schools, reinforcement and supporting various crafts and finally managing movable and immovable properties and capitals which belong to the city.<sup>39</sup>

By virtue of the ‘Act on the Councils of Township and Province’, the councils were formed at the center of every township except the capital, so that the citizens could participate in administrating local affairs and citizens’ tasks were entrusted to themselves. In fact, it paved the way for developing the cities, villages and also recognized and determined the local needs and the way of supplying them.<sup>40</sup>

<sup>38</sup> Ibid.

<sup>39</sup> National Consultative Assembly, Municipality Act, (Tehran, 1955) Article 20.

<sup>40</sup> Cabinet Ratification, Act on the Councils of Township and Province, (Tehran, 1962) Article 1.

Having won the Islamic Revolution and forming the first *Assembly of Experts* for collection of constitutional law, the articles 6, 7 and 100 and 106 of the constitutional law, under the title of Islamic Councils were presented and ratified as one of the bases of the newborn Islamic Republic of Iran.

*b) City Council Tasks*

City Council obligations are being defined as follow by the ‘Act on Organization, Obligations and Elections of the Islamic Councils and Electing the Mayors:

- Electing mayor for four years;
- Identifying social, cultural, educational, health, economic, and welfare shortages, needs, and insufficiencies of respective jurisdictions, formulating plans and corrective proposals as well as applied solutions in the above fields to facilitate planning by concerned officials;
- Approving bills on levying or canceling urban duties and changing their type and amount in line with general policies of the government which shall be announced by the Ministry of Interior;
- Passing regulations about and supervising public infrastructure, canals and roads in the city;
- Overseeing the implementation of plans related to development of streets, avenues, squares, green spaces, and public facilities in the city according to relevant regulations;
- Approving names of the streets, squares, avenues, alleys and neighborhoods in the cities and changing those names, if needed;
- Supervising good management of municipalities and all organizations, institutes, and companies affiliated to municipality; protecting capital, assets, as well as public and private assets of municipalities; and to supervise expenses and costs of those entities by selecting an official auditor, while reporting violations to municipality, and taking necessary legal action.<sup>41</sup>

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<sup>41</sup> Islamic Consultative Assembly, The Act on Organization, Obligations and Elections of the Islamic Councils and Electing the Mayors, (Tehran, 1996) Article 76.

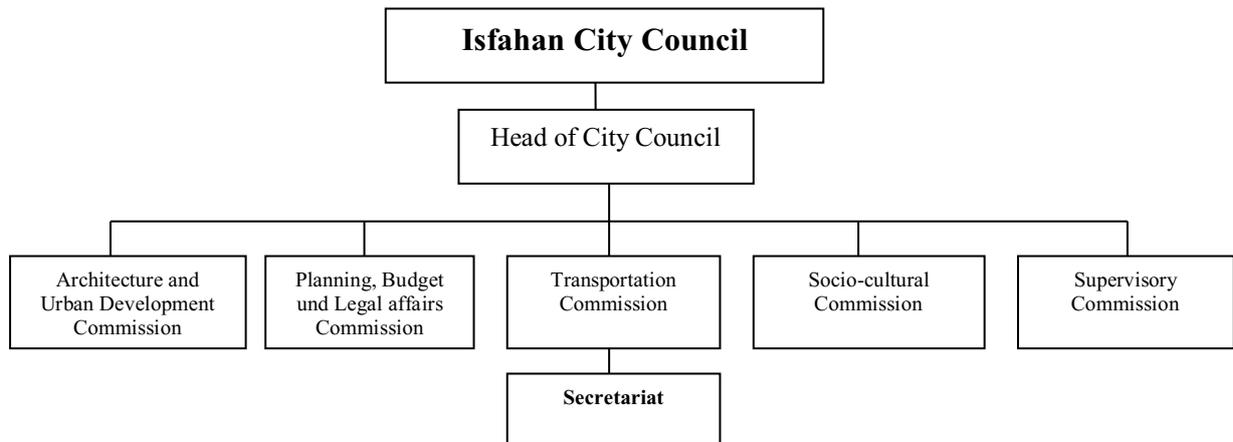


Diagram 1.2: Isfahan City Council (Adopted from Isfahan City Council, 2010)

## ***1.2.2. Rural Development***

### *1.2.2.1. The Housing Foundation of the Islamic Revolution (Bonyad-e-Maskan)*

Due to the inability of the monarchical regime in Iran to provide sufficient housing units, especially in rural areas and peripheries of big cities, one of the main slogans of the new political regime after the Islamic Revolution was to introduce initiatives for cheap and affordable housing units for the poor. The suppressed poor layer of the Iranian society, who came from rural areas or small cities with almost no infrastructure were among the first who joined forces to topple the Shah of Iran. At the same time, the existing respected ministries were blamed to be still staffed with technocrats, loyal to the former Monarchy. Therefore *Ayatollah Khomeini*, late Supreme Leader of Iran had the firm belief that the rural challenges, including not only housing units, but roads, clean water, electricity and as a whole infrastructure could solely be solved, if a new institutional mechanism to act rapidly and effectively is established. The Housing Foundation of the Islamic Revolution (Bonyad-e-Maskan-e-Enghelab-Eslami-hereafter Housing Foundation) therefore was established in February 1979 by an order from *Ayatollah Khomeini*. Its aim was to build housing for the poor and deprived segments of the population. Subsequently, an account was opened in the *Melli Bank of Iran* (Account no.100), to collect religious donations and endowments for this purpose. However later on, a part of its budget was included in the annual *National Budget* when its status was ratified by the Islamic Consultative Assembly in 1987. According to its

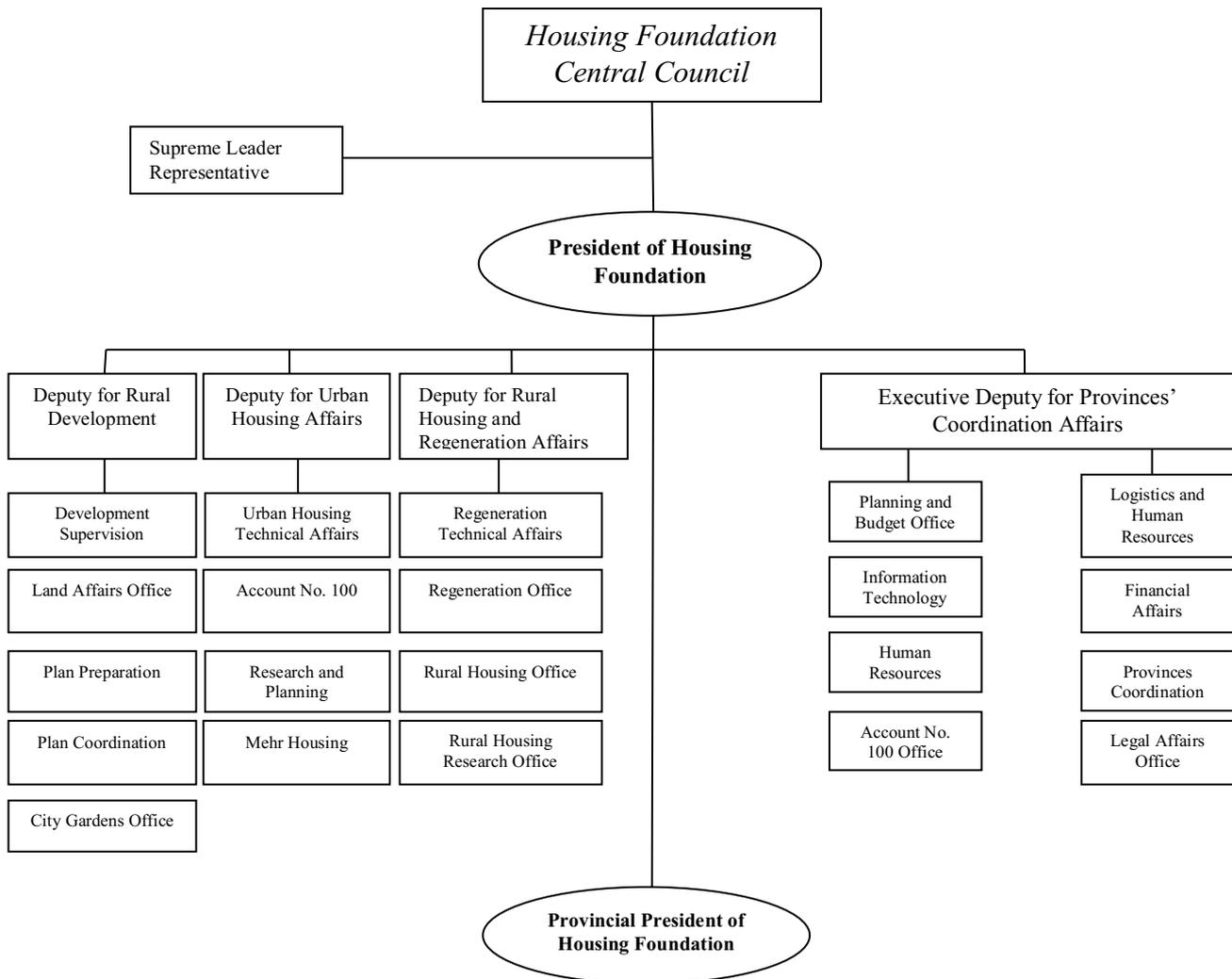
status and the related acts, the following goals have been set to be achieved by the Housing Foundation:

- Study in the field of identifying housing demands of the deprived in rural and urban areas and paving the ground for accomplishment of them by the assistance and cooperation of the people and related governmental organizations;
- Preparing plans for housing complexes and cheap housing units and implementing them directly or by public participation and the cooperation of respected organizations in the cities and rural areas;
- Providing needed land for Housing Foundation's development plans and projects and preparation of them;
- Assisting in providing building materials for the country through providing, producing and distributing them;
- Preparing Guidance Plans for rural areas and improving the rural roads by the cooperation of the related organizations;
- Preparing and presenting plans for the reconstruction of the areas affected by war, flood, earthquake and other natural hazards and implementation of them by public participation through cooperating with other related organizations.<sup>42</sup>

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<sup>42</sup> Retrieved from the Website of Housing Foundation of Islamic Revolution on November, 19<sup>th</sup>, 2009  
[www.bonyadmaskan.ir](http://www.bonyadmaskan.ir)

Diagram 1.3: Housing Foundation of the Islamic Revolution  
(Housing Foundation of the Islamic Revolution, 2010)



The Foundation's main strength at the initial phases of its function rested on its devoted workforce. Its personnel had a variety of expertise, ranging from architecture and civil engineering to geography and anthropology. Nevertheless Housing Foundation's position in decision making process was not clear. The Ministry of Roads and Urban Development and the Ministry of Interior were among the bodies which constantly viewed Housing Foundation as a parallel body, and complained about the lack of needed expertise and ignorance of National Development Plans. It was also a matter of concern that Housing Foundation did not pay too much attention to the opinions, demands and problems of the peasants in preparing 'Rural Guidance Plans', in spite of Article 68 of 'Urban and Rural Islamic Councils Act', in which it is clearly certified that the *Rural Islamic Councils* shall participate in the process of

preparing the Guidance Plan.<sup>43</sup> By the establishment of the *Municipalities and Rural Management Organization* in 2003, the voices to promote active involvement of *Rural Management Branches* [a kind of municipality for the village] in the villages and to empower Rural Islamic Councils in the process of decision making increasingly raised.



Photo 1.5: A Housing Foundation project in a village near Torbat Heydarieh (Irna News agency<sup>44</sup>)

It seems that Housing Foundation still resists against giving some parts of its responsibilities to the Rural Management branches and Rural Islamic Councils: “The necessity to review and modify Guidance Plans in the villages according to the needs and demands of the peasants’ life which could be appropriate with the economic and social condition of each village inevitably needs the establishment of some committees consist of the representatives of the Governor, Rural Islamic Council and Rural Management to shoulder the responsibility of updating these development plans; a matter which is not being favored by Housing

<sup>43</sup> Nozarpoor, Ali, Housing Foundation, Rural Management and Rural Guidance Plans, (Tehran: Etemaad Newspaper) February, 5<sup>th</sup> 2008.

<sup>44</sup> <http://www.irna.ir/> (Retrieved in October 2012)

Foundation.”<sup>45</sup> Such a central system could be effective at the initial phases, but it increasingly loses its comprehensive look toward the emerging challenges, which could not be solved, unless a decentralized system is developed and established, according to the realities of the rural life in Iran, if sustainable development is supposed to be pursued in future rural development plans.

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<sup>45</sup> Ibid.

***Chapter Two***

***Planning of Land Use***

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***Introduction***

In this chapter, the system of land use planning in Iran would be outlined. Various types of land use plans at the national, national-local and local scales and the procedure of their preparation, ratification and implementation are being discussed in different sections.

Section one is beginning with presenting the scales and levels of land use planning from the highest level, which is Five Year National Development Plans (NDPs) to the local levels by describing the system of rural and urban planning and management.

Section two addresses the procedure of urban land use planning at the national, provincial and city scales with respect to the responsible bodies in ratification and implementation phases. The focus is mainly on urban detailed and master plans and the mechanism of their preparation, ratification and enforcement.

Section three examines the concept of land release and division by first giving a short history of land division in Iran and then surveying its legal basis as well as its applicability on different types of land uses within and outside the borderline of the city, based on the legal system. It goes further in presenting the procedure of division for plots and buildings according to the urban planning law and ends with outlining the legal instruments to safeguard the implementation of land use plans.

Section four addresses the provision of local public infrastructure and services, the methods of financing them and the legal character of preparation plans as a prerequisite for urban development projects.

## **2.1. Section One: Scales and Levels of Land Use Planning**

### **2.1.1. An Introduction to Experiences of Urban Land Management**

The first systematic efforts in regulating the land use planning in the country were carried out in the framework of preparing the first master plans in 1966, which shall be regarded as the first measures by the government to involve in and plan for the land market, while these plans introduced land uses and tried to determining the development direction of the cities for the next 25 years.<sup>1</sup> Nevertheless, these plans “failed to outline systematic land planning policy, according to the local needs and they imposed similar patterns all over the country.”<sup>2</sup> In the absence of such planning system, the land market started to intervene instead of the government. The land was supplied by the landlords with huge land resources within the borderline of the cities, who were changing the land uses of the plots including orchards and farms, which initially could meet the market demands, due to the low density and slow rate of population growth; however this trend started to be expanded gradually to the plots in the peripheries and outside the borderlines of the cities. The landlords “subdivided their plots and sold them out without providing any public infrastructure and the government was forced inevitably afterward to provide required public infrastructure.”<sup>3</sup> Upon establishment of the High Council in 1972, the concept of detailed plan was first introduced to the urban planning literature, but as they were just dealing with determining the land uses and architectural and urban development regulations respecting the construction, while they were silent in presenting concrete and practical solutions to realize urban development projects, they have been blamed as impractical and non-operational plans.<sup>4</sup> Most of the prepared detailed plans were never realized, due to the lack of financial resources, while only small parts of land use plans (mostly residential land uses) were implemented.

The other main challenge in planning of land use is the disparity in distribution of city public infrastructure in the detailed plans. As the municipality has the upper hand in preparation of the detailed plans in case of whether making contract with a consultant to prepare the plan or to comment on the prepared plan by the provincial Housing and Urban Development Organization,

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<sup>1</sup> Javadi, Ardeshir, Analyses of Urban Land Policies in Iran, (Tehran: Proceeding of Urban Land and Development Conference: Urban Development and Architecture Research Center Publications, 1999) 172.

<sup>2</sup> Mashhadizadeh, Nasser, An Analyses of Urban Planning Characteristics in Iran, (Tehran: Elm-o-San’at University Publication, 2007) 387.

<sup>3</sup> Ibid.,173.

<sup>4</sup> Rahimi, Hossein, Land Policy and Suitable Urban Development, (Tehran: Proceeding of Urban Land and Development Conference: Urban Development and Architecture Research Center Publications, 1999) 217.

it imposes its opinion in pumping the main public infrastructures to those fabrics with the most possibility of future bloom, in hope of more investment and subsequent value-added taxes as the main source of making revenue. This would result in the long-term realization period of the projects in other parts of the city that are financially less attractive with longest distance from economic centers. Even if they are being repeated in next detailed plan, “they still have to wait for years to be realized as they are being regarded as economically unjustifiable.”<sup>5</sup> Therefore many plots with different educational, health care and green spaces had mostly become undeveloped blind spots in the residential built-up areas with no better chance even in the next detailed plans.<sup>6</sup> In cases, some agreements were reached between the municipality and the landlords to develop a given project, which “mostly focused on making revenue for the municipality instead of targeting the implementation of the detailed plan for that certain project.”<sup>7</sup>



Photo 2.1: Undeveloped public land use, while residential land uses have been realized (Nama, No.54, 2010: 36)

The municipality is being regarded to have the administrative responsibility in utilizing the lands within the borderline of the city and its peripheries in accordance with the master and detailed

<sup>5</sup> Lotfi, Koorosh, The Impact of Urban Development Plans on Lands of a City, (Tehran: Proceeding of Urban Land and Development Conference: Urban Development and Architecture Research Center Publications, 1999) 421.

<sup>6</sup> Rahimi, Hossein, Land Policy and Suitable Urban Development, (Tehran: Proceeding of Urban Land and Development Conference: Urban Development and Architecture Research Center Publications, 1999) 217.

<sup>7</sup> Ibid., 218.

plans and in supervising a balanced and harmonic urban development.<sup>8</sup> It can by no means be regarded as decentralization in planning system, while the municipality has still no real decision taking authorization, which resulted in a top-down decision making process in the urban land policy.<sup>9</sup> The emergence of numerous parallel non-governmental and pseudo-governmental stake holders in urban land planning system like Foundation for the Oppressed and Disabled (*Bonyad-e-Mostazafan va Janbazan*), Imam Reza Shrine Foundation (*Astan-e-Ghods-e-Razavi*), Foundation of Martyrs and Affairs of Self-Sacrificers (*Bonyad Shahid va Omoor-e-Isargaran*), Imam Khomeini Relief Committee (*Committee-e-Emdad-e-Emaam*) or the military and other armed forces as Iran Revolutionary Guards Corps which possess thousands of hectares of land within and outside the borderlines of the cities and mostly disregard the ratified development plans by the government or the municipalities makes the situation even complicated.<sup>10</sup> In summary, the main challenges of urban land management could be outlined in table 2.1.<sup>11</sup>

Table 2.1: Challenges of Urban Land Management (Adopted from Motamedi, 1999: 598-599)

Challenges	Impacts on Urban Development	Details
<b>Imbalanced Urban Hierarchy and Population Distribution</b>	Imbalance in Land Supply and Demand according to population density	42% of urban population are living in 9 cities, 27% in 50 cities, while 31% in the other 555 cities
<b>Rapid Population Growth</b>	Rapid expansion of the cities and informal settlement	It is resulted in an informal land market, which acts beyond any ratified urban land policy.
<b>Mismanagements in Land Policy</b>	The confrontation between authorities and landlords	Mismanagement, lack of expertise and familiarity with urban rules and regulations brought about many challenges for the urban land system.
<b>Illegal Land Divisions and Selling out the Plots</b>	Numerous legal problems	Illegal and unauthorized acquisition of lands, dividing them and selling or developing them, while asking for urban public infrastructure made any comprehensive land management plan to be aborted.
<b>Absence of Coordination between Different Development Plans</b>	Absence of an efficient control tool for urban land development	Lack of coordination between different development plans as master plans, land preparation, urban renewal, and new towns plans has deprived the urban management system of the ability to balance between different plans.
<b>Absence of Sufficient Legal Tools to Acquire</b>	The inability of the city to utilize undeveloped lands for	There are many lands within the borderlines of the cities which are possessed by organizations or entities like the armed

<sup>8</sup> Islamic Consultative Assembly, *Urban Development and Renewal Act*, (Tehran, 1995) Article 23.

<sup>9</sup> Mohammadzadeh Titkanloo, Hamideh, *The Necessity of Decentralization in Urban Land Management*, (Tehran: Proceeding of Urban Land and Development Conference: Urban Development and Architecture Research Center Publications, 1999) 476.

<sup>10</sup> Moradi, Hossein, *An Analyses of Urban Land Planning System in the Last Two Decades in Terms of Urban Development*, (Tehran: Proceeding of Urban Land and Development Conference: Urban Development and Architecture Research Center Publications, 1999) 509.

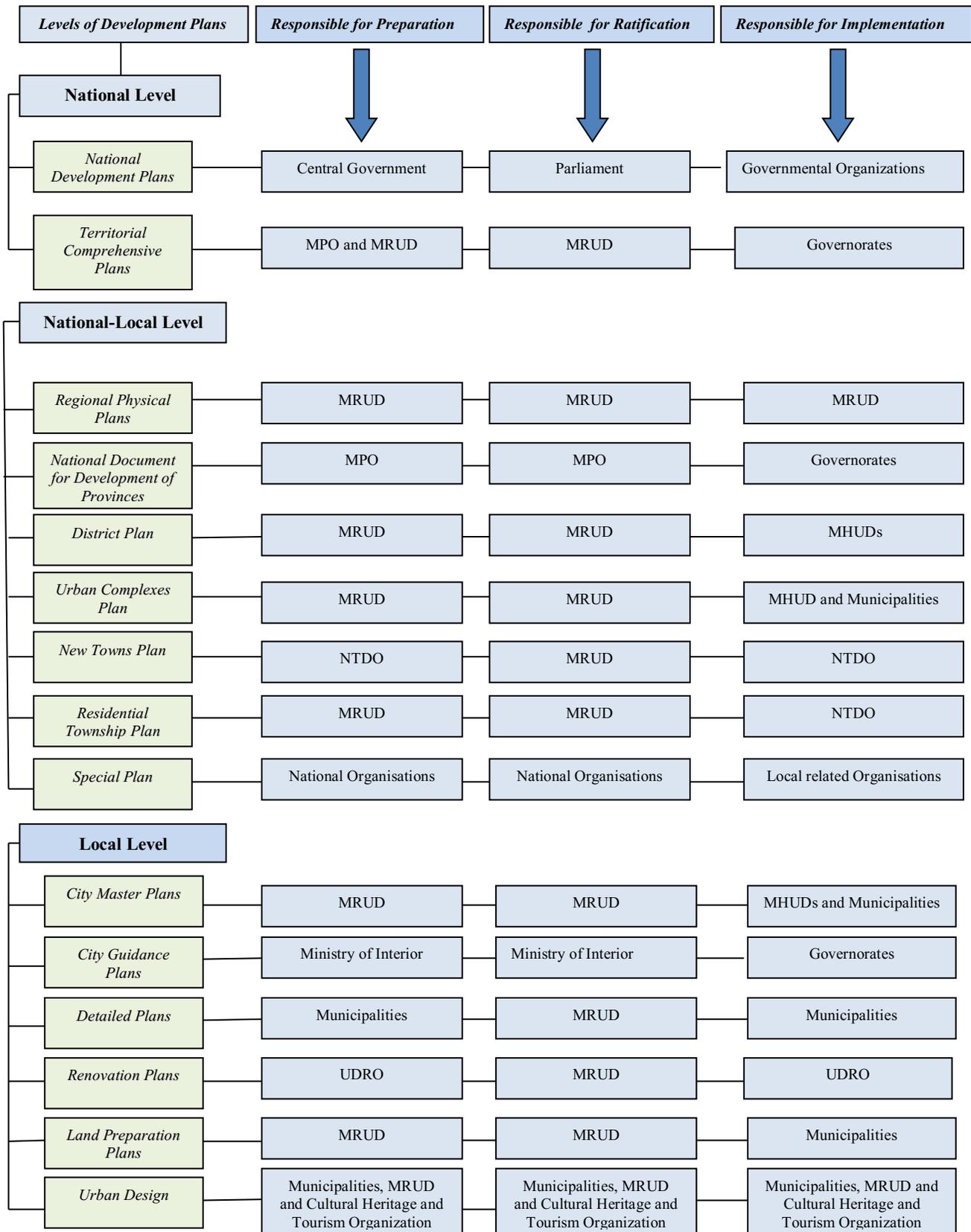
<sup>11</sup> Motamedi, Masood, *Land and its Stance in Urban Development Process*, (Tehran: Proceeding of Urban Land and Development Conference: Urban Development and Architecture Research Center Publications, 1999) 598-599.

<b>Undeveloped Lands</b>	the sake of possible suitable development projects	forces, but have been left undeveloped due to the lack of financial resources or simply lack of a development plan.
<b>Absence of Flexibility in Urban Land Uses</b>	The reduction in the maximum possible utilization of the plots	Absence of flexibility in urban land uses to be adoptable with socio-economic developments, according to the ratified standards and rules could be destructive for the future developments.
<b>Absence of Coordination in the Course of Land Use Plan Preparation and Ratification</b>	Inefficiency of the plan at the time of implementation	Lack of coordination between the authorities in charge of plan preparation and ratification with the authorities in charge of implementation (municipality and city council) would decrease the applicability of the plan as the implementers blame it to be prepared always unrealistic.
<b>Absence of a Comprehensive Land Use Plan at the national and Regional Levels</b>	Absence of Necessary frameworks for preparation of urban land use plans	Specifically in terms of Special land uses (such as refineries, industrial poles, new towns), there is always a need to have a more comprehensive regional, national upper hand plan
<b>Lack of Financial Resources</b>	The needed urban development projects may have to wait for decades to be realized.	Lack of financial resources and manpower in the municipalities and other executive administrations in charge of providing local public infrastructure in the framework of master or detailed plans, which is stemming from the incompatibility of the master plan and the existing resources would mainly result in very long realization phase for such projects

### ***2.1.2. Scales of Development Plans***

Development plans are being prepared, ratified and implemented in different scales and by different stake holders in the country. Diagram 2.1 illustrates the scales of development plans along with responsible legal bodies:

# Planning of Land Use



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*2.1.2.1. Strategic National Plans**2.1.2.1.1. National Development Plans (Barnamehay-e-Tosee-e-Melli)*

The 1979 Islamic Revolution in Iran was expected to inaugurate political and economic betterment, and to secure political sovereignty and economic development, however the Iran-Iraq war shortly after the revolution along with other political and economic hardships dramatically lowered the development speed and made it almost impossible to think about any kind of long-term development plan for almost a decade till 1989. Immediately after the war, very urgent challenges were put on the government's agenda, including the reconstruction of the war-torn areas and the general improvement of the quality of life. To meet these demands, the planners introduced the first five-year National Development Plan (hereafter NDP), covering 1989 to 1993, which followed by four other plans. It shall be mentioned that NDPs are upper hand development plans: they are far broader than being just urban plans and cover a variety of topics. In the following, the National Development Plans will be discussed with the focus on those parts, which are relevant to the scope of this study.

*2.1.2.1.1.1. First National Development Plan*

The first development plan has been ratified in 1989, however in practice “the implementation of the plan was delayed until early 1990, primarily because of political and economic debates in the Parliament”<sup>12</sup>. Among the responsibilities of the first Plan were its efforts to grapple with fundamental elements that had crippled the economy prior to 1989; the challenges like acute shortage in infrastructure and housing and inappropriate distribution of developmental activities over the national space and tremendous damages of the war as well as population growth.<sup>13</sup> Corporation construction companies were reorganized to provide the people with sufficient rental housing and the government was obliged to allocate loans to them.<sup>14</sup> The plan also committed itself to provide basic public infrastructure such as urban and rural housing according to the

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<sup>12</sup> Amirahmadi, Hooshang, An Evaluation of Iran's First Development Plan and Challenges Facing the Second Plan, Iran and the Golf, (Foundation for Iranian Studies, 1996) 287.

<sup>13</sup> Ibid.

<sup>14</sup> Islamic Consultative Assembly, First National Development Plan, (Tehran, 1989) Article 11.

production capabilities and defining a legal mechanism in order to increase housing units supply by promotion of rental housing and increasing building materials production.<sup>15</sup>

#### *2.1.2.1.1.2. Second National Development Plan*

The second plan, which covers the five year period from 1995 to 1999, was in fact a continuation of the first, as centralized, sectoral, that includes social and cultural policies, but unlike the first plan, it put the emphasis on stable and sustainable growth.<sup>16</sup> The assumption in the second plan was that with more realistic projections for construction, industry and mining sectors, it might be possible to pursue quantitative goals that are both feasible and sustainable; therefore the projected growth rate for the construction sector was slightly higher than the actual rate in the first plan with about 6.3 percent. Apart from some structural shortcomings, the second plan was able to introduce new chapters in the building and housing sector - which in parts were shortly outlined in the first plan -, among which the energy efficiency in buildings and industrial sector could be mentioned.<sup>17</sup>

#### *2.1.2.1.1.3. Third National Development Plan*

The Third NDP was introduced in 1999 to cover a five years period until 2004. The government was now in hands of the reformist *President Khatami* who was keen to push forward fundamental reforms in all aspects. A special attention was paid in this period to promote the civil society, city councils and public participation as well as localization of power.

Various concerns at the national level were addressed in the Third NPD<sup>18</sup>. Topics as water resources management, energy efficiency, urban and rural development, etc. were thoroughly discussed in this Plan. For example, in case of energy efficiency, a committee composed of some ministries including MRUD were designated “to draw up regulations and criteria for observing the energy consumption standards in design and construction of buildings in the governmental and private sectors, aiming at avoiding waste of energy, and to regulate and execute incentive methods for the existing buildings to include the energy consumption standards.”<sup>19</sup> Or it states that in order to raise the ratio of mass production of housing to the total housing construction in

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<sup>15</sup> Ibid, Article 6 to 4.

<sup>16</sup> Islamic Consultative Assembly, Second National Development Plan, (Tehran, 1994)

<sup>17</sup> Ibid. Article 121.

<sup>18</sup> Islamic Consultative Assembly, Third National Development Plan, (Tehran, 1997) Chapters 13 to 25.

<sup>19</sup> Ibid., Article 121.

the country and to promote production of small residential units, the mass constructors (both in private and cooperative sectors) of the residential buildings are being supported in form of incentives like low-interested loans and tax exemptions:<sup>20</sup> Ministries of Energy and Petroleum, municipalities, as well as other authorities were asked “to formulate within the framework of the approved density for each city and based on the master and detailed plans, the related charges of providing, supplying and connecting water, electricity, gas, and charges related to issuance of building permission in such a way that the per capita costs for each unit of the residential buildings subject to this Law would not exceed those of similar charges collected from the individual developer.”<sup>21</sup>

Another crucial issue, which was failed to be taken into consideration before was ownership especially in the rural areas. Many peasants had illegally acquired lands and had developed them in rural areas during the war; hence they were not able to present any official document to prove their ownership. To solve the problem, the Third NDP maintains that, “in order to issue the ownership deed for the properties situated in the residential fabric of the rural areas, MRUD (via the Housing Foundation of the Islamic Revolution) acting on behalf of the rural inhabitants, is required to prepare during the period of the Third NDP, the existing land-use and division plans for all the villages of two hundred families and more and the centers of the rural districts, and submit these plans to the ‘Property Deeds and Documentation Registration Organization’ (*Saazman-e-Sabt-e-Ahvaal va Asnaad*). Only the Property Deeds and Documentation Registration Organization is authorized to take action to issue the ownership deeds.”<sup>22</sup>

#### *2.1.2.1.1.4. Fourth National Development Plan*

Without any doubt, one of the strength of the Fourth NDP was its focus on Environment, which has been outlined for the first time in a separate chapter. Now the government realized that the implementation of policies in protection and optimal utilization of the country’s bio-diversity firstly needs coordination among different related agencies and it is out of the competence of the *Department for Environment* to tackle the growing challenges facing the fragile environment. For this purpose, the *Management and Planning Organization* was bound to prepare instructions for documentation of the size and values of the high profile biodiversities such as forest, water and

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<sup>20</sup> Ibid., Article 138.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid., Article 140.

soil, as well as environmental pollution resources in sensitive areas, and have them approved by the relevant authorities.<sup>23</sup>

‘Territorial Spatial Planning’ and ‘Regional Balance’ was another key objective of the forth NDP by concentrating on decentralization: “Government is obliged to prepare a comprehensive plan for the state administrations within the first year of the plan. The plan shall encompass the indicators overseeing re-examination of the existing divisional units for creation of the new divisional levels in line with the goal of decentralization and delegation of authority to the local administrators, empowering the role of the provincial governors as the highest representatives of the government, and present the said plan to the Islamic Consultative Assembly for approval.”<sup>24</sup> Throughout this section, it is seen that the government sought to regionalize sustainable development by means of introducing ‘National Sectoral Plans (Tarh-haye-e-Mantaghei)’ and ‘National Provincial Development Plans (Tarh-hay-e-Melli-e-Tosee-e-Ostanha)’ that shall be formulated on the basis of approaches and orientations of the national and territorial-spatial planning to serve as the basic guideline of the Fourth NDP.<sup>25</sup> Fourth NDP also maintains that these National Territorial Planning documents shall be placed as the principal reference for the inter-sector, inter-regional and sector-regional coordination in the executive decision-makings and the documents shall be updated accordingly during the implementation of the Fourth NDP to be reflected in the Fifth NDP as well.<sup>26</sup>

#### *2.1.2.1.1.5. Fifth National Development Plan*

The fifth National Development Plan is by no way as detailed and comprehensive as the fourth NDP, nevertheless it addresses to the challenges that do exist since a long time. The necessity to establish a mechanism for a rural land preparation council to prepare and ratify development plans and programs at national, regional and provincial scales,<sup>27</sup> preparation of a ‘Strategic Environmental Assessment System’ at national and regional levels<sup>28</sup> to outline general criteria for development of each region on the basis of environmental capacity concepts and its evaluation

<sup>23</sup> Islamic Consultative Assembly, Fourth National Development Plan, (Tehran, 2004) Article 59.

<sup>24</sup> Ibid., Article 73.

<sup>25</sup> Ibid., Article 72.

<sup>26</sup> Ibid., Article 74.

<sup>27</sup> Islamic Consultative Assembly, Fifth National Development Plan, (Tehran, 2010) Article 182.

<sup>28</sup> Ibid., Article 184.

indexes<sup>29</sup> are among them. It also outlines some obligations for the polluting industrial, infrastructural, development and service projects to adopt themselves with environmental assessment studies, in accordance with the ratified regulations of the *High Council of Environmental Preservation (Shoraay-e-Melli-e-Hefazat-az-Mohit-e-Zist)*.<sup>30</sup> Establishment of new technologically equipped waste management systems by all municipalities with more than 200,000 inhabitants for organic composting and adaptation of measures to mitigate air pollution and controlling CO2 emission have also been indicated at fifth NDP.<sup>31</sup> In case of urban and rural development, it outlines obligations for different responsible administrations, such as housing production for low income households,<sup>32</sup> the necessity to include the obligation of observing national building regulations in building permissions,<sup>33</sup> strategies to promote Iranian-Islamic traditional architecture,<sup>34</sup> and developing practical strategies for informal settlements and rehabilitation of urban deteriorated fabrics<sup>35</sup>. Although the fifth NDP is currently being implemented, many experts already believe that it is not capable to make any big difference as it is too generalized and fails to present a concrete and realistic guideline.<sup>36</sup>

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<sup>29</sup> Ibid., Article 185.

<sup>30</sup> Ibid., Article 191.

<sup>31</sup> Ibid., Article 193.

<sup>32</sup> Ibid., Article 149.

<sup>33</sup> Ibid., Article 150.

<sup>34</sup> Ibid., Article 152.

<sup>35</sup> Ibid., Article 154.

<sup>36</sup> The Research Center of the Islamic Consultative Assembly provided a very detailed analytical report in May, 2010 about the fifth National Development Plan and concluded that this plan “does not possess the basic characteristics of a development plan.” It has also being blamed to be non operative and without any measurable evaluative criteria for development in each chapter. However instead of all criticisms, it has been enacted and enforced.

### **2.1.3. The System of Urban and Rural Planning**

#### *2.1.3.1. Urban Planning and Management*

Despite the long history of urbanization and city planning in Iran, the first city law (municipal law) was approved in 1907 followed by a long vacuum until the preparation of ‘guidance plans’ (Tarh-e-Haadi) and ‘master plans’ (Tarh-e-Jaamee) for some Iranian cities in the 1960s. These acts shall be considered as the first examples of territorial spatial-physical planning.

In the following years in late 60s and early 70s, due to the socio-economic and political transformations in Iran, several changes have been made and experienced in approaching issues like plan preparation, organization and structure of plan reviews and approvals and realization of plans from national to local levels. Notwithstanding, the new era of urban planning in a modern sense and in line with a defined hierarchy of plan preparations for the country’s development and construction program began with the enactment of the law regarding the establishment of the ‘High Council for Urban Development and Architecture of Iran’ in 1972 and then the enactment of the law relating to the name change of the MRUD from ‘Ministry of Development and Housing’ to the ‘Ministry of Housing and Urban Development’ in 1974.

According to the two above-mentioned laws and some other acts, enacted in the following years along with their pertinent rules and regulations which have been gradually added, the planning and management of the country’s development programs took its legal form, based on the firm belief in the adoption of the new concepts and methodologies of appropriate land-use and also the necessity of policy making, guidance and supervision of urban development systems. A set of new concepts have been introduced later in urban planning and architecture and urban and rural development at the level of the country’s macro planning in the ‘Twenty Years Outlook’ (Chashmandaaz-e-Bist Saale) and also NDPs, including the concepts such as urban and rural sustainability, citizen’s rights and the use of advanced technologies and fundamentally transformed the old school, however it still needs time to be implemented fully in accordance with international understandings of such terms.

The different levels of preparing development plans within the framework of spatial planning and management systems are based on the hierarchy, essence and the scale of plans and are divided to three levels: ‘National’, ‘National-Local’ and ‘Local’. These plans are being prepared according

to the ‘Guideline on the Methods of Reviewing and Ratifying the Local, District, Regional and National Plans and the Country’s Architecture and Urban Development Regulations’ in 1999.<sup>37</sup>

### 2.1.3.1.1. National Level Plans

#### a) Territorial Comprehensive Plans (Tarh-haye-e-Jamee-e-Mantaghei)

They are being prepared in two forms: Land Management and National Physical Plans.

These two levels of planning have been administered respectively by the Management and Planning Organization in 1996 and the MRUD in 2004. The main objectives of these plans are to draw a long term policy and vision for balancing the population and distribution of infrastructure and industries, and allocating proper space in relation to the ecological conditions and potentials of each territory.

The aim of these plans is also to define the national and transnational role of metropolitan areas, the role of medium size cities (in line with the decentralization policy); to put emphasis on (North-South and East-West) transportation corridors of the country in the framework of the Land Management Plan; also to study the future developmental methodology for existing cities, establishing new towns, and to define the size of the cities and the method of their settlement distribution within the whole country.

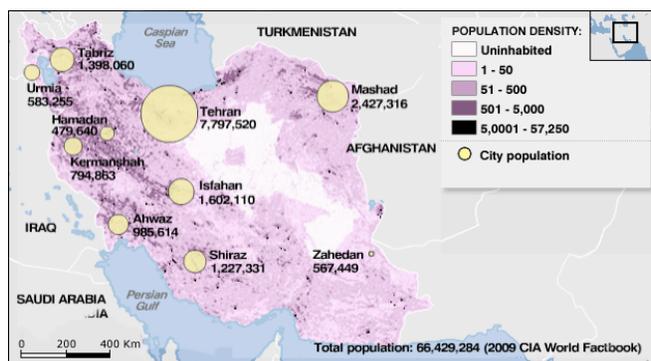


Figure 2.2: Iran Population Density and Distribution



Figure 2.3: Iran Road Map

(National Cartographic Center<sup>38</sup>)

It is also expected that these two plans could regulate the hierarchy of the cities in order to facilitate the ‘Territorial Management’ and to provide services to the people in the framework of the ‘National Physical Plan’.

<sup>37</sup> Cabinet Ratification, The Guideline on the Procedure of Studying and Ratification of Local, District, Regional and National Development Plans and Urban Development and Architecture Regulations, (Tehran, 1999).

<sup>38</sup> <http://www.ncc.org.ir/HomePage.aspx?TabID=3658&Site=NCCPortal&Lang=en-US> (Retrieved in October 2012)

*b) Regional Physical Plan (Tarh-e-Kalbodi-e-Mantaghei)*

The entire country has been divided into 10 regions and MRUD has been engaged in preparation of a ‘Spatial-Physical Plan’ for each of 10 regions. These plans serve as geographic and information references, according to which development plans for districts and also the trans-district documents are being prepared.<sup>39</sup>

*2.1.3.1.2. National Local Level Plans (Tarhaye-Melli-Mahali)*

*a) National Document for Development of Province (Sanad-e-Melli-e-Tosee-e-Ostaanha)*

It is a strategic document which is being prepared by the ‘Management and Planning Organization’<sup>40</sup> and supervised by *Land Management Center* for 30 provinces of Iran. Regarding the limitations and shortcomings of province development, the main objective is to define areas of population, human and natural resources, infrastructures and socio-economic and cultural activities and to assess the developmental quantity objectives and NDPs.

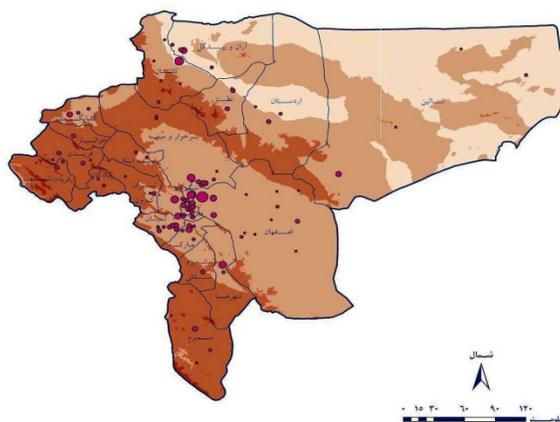


Figure 2.4: Isfahan province population distribution pattern in the framework of province development plan (Isfahan Governorate<sup>41</sup>)

*b) District Plan (Tarh-Nahiei)*

This type of plans is being prepared by MRUD for 90 districts which are the sub-districts of those aforementioned 10 regions. The most important objective of these plans is to serve as a viable

<sup>39</sup> Mashhadizadeh, Nasser, An Analyses of Urban Planning Characteristics in Iran, (Tehran: Elm-o-San’at University Publications, 2007) 153.

<sup>40</sup> Management and Planning Organization was dissolved in 2007 and as merged in the office of Deputy President for Planning and Strategic Supervision, in spite of many criticisms which blamed such decision by the Government as illegal and destructive for the planning mechanism of the country.

<sup>41</sup> <http://www2.ostan-es.ir/> (Retrieved in September 2010)

liaison between National and Regional Plans and lower level plans (Metropolises and cities) in the whole country.

In preparation process of 'District Plans', the following strategies are envisaged: development guidance and control, proper settlement of activities and residential centers in the protected areas, appropriate distribution of services for urban and rural inhabitants and for sub-districts having similar geographic and natural characteristics and having active reciprocal connection from socio-economic and physical point of view.<sup>42</sup>

*c) Urban Complexes<sup>43</sup> (Majmooehaye Shahri)*

This type of plans is being prepared by MRUD and its main objective is to control and manage the large metropolises and their surrounding cities which have residential and functional correlation with metropolises and together form a unity of spatial system. These plans, like those of district plans, serve as a possible liaison between higher and lower levels of planning.

At the present time, from five defined urban complexes, the Tehran urban complexes have already been prepared and approved and another four urban complexes which include Shiraz, Isfahan, Tabriz, and Mashhad are under review and approval process.<sup>44</sup>

*d) New Towns Plan<sup>45</sup> (Tarh-e-Shahrhay-e-Jadid)*

The main idea and objective of creating new towns is to absorb the overflow population of large metropolises, preventing their irregular expansion and squatter settlements and also prevent the destruction of agricultural lands around these metropolises. These plans have been prepared and implemented by the *New Towns Development Company* close to the large cities and metropolises in the framework of the planned settlement of population within the planning system of Iran.

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<sup>42</sup> Cabinet ratification, The Guideline on the Procedure of Studying and Ratification of Local, District, Regional and National Development Plans and Urban Development and Architecture Regulations, (Tehran, 1999).

<sup>43</sup> They are being prepared according to Cabinet Ratification No. 9860 T 15311 H, 1995.

<sup>44</sup> Ahmadi Jooghi, Hamid. The Guideline on Housing Mass Construction. (Tehran, National Organization for Land and Housing: 2005) 26.

<sup>45</sup> They are being prepared according to Cabinet ratification No.23240 T 276 H, 1992.

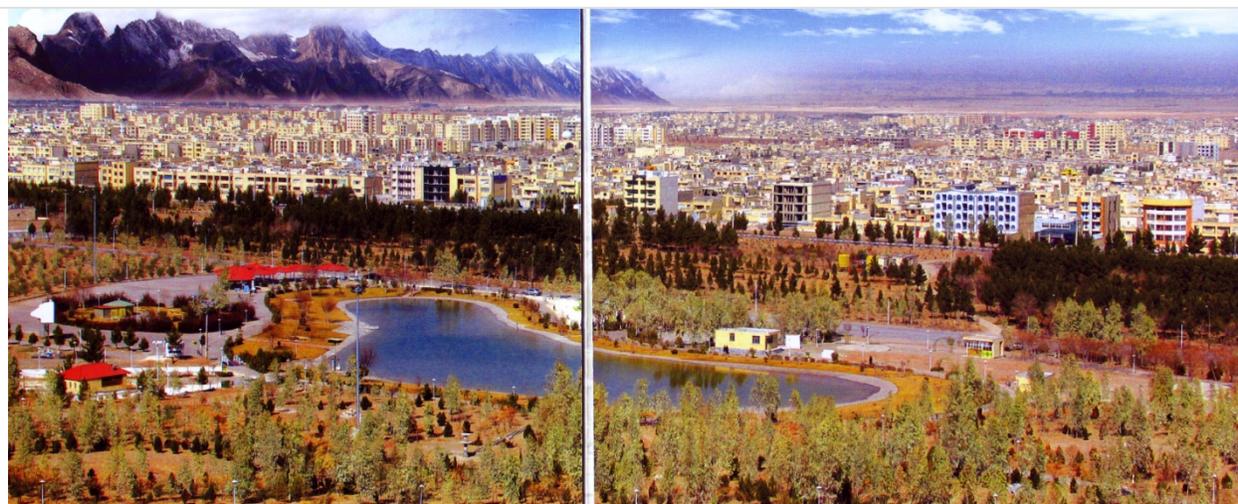


Photo 2.5: Baharestan New Town near Isfahan (Baharestan New Town Development Company Brochure, 2010: 7)

*e) Residential Township Plans<sup>46</sup> (Tarh-Shahrakhay-e-Maskooni)*

This type of plans is aimed to eliminate housing shortage and prevent irregular expansions in the periphery of some cities. At the moment, this task has been assigned to the ‘New Towns Development Company’ and certain new rules and instructions are underway for the establishment of these residential townships. It should also be noted that some other type of townships are planned by the related organizations.

*f) Special Plans (Tarh-haye-Vizhe)*

This type of plans aims to help and improve the territorial management by coping with certain subject related and location related problems and also urgent and trans-regional problems. These plans are planned and implemented by their respected organizations in related areas such as special watershed plans for country’s dams.

*2.1.3.1.3. Local Level Plans (Urban Development Plans)*

*a) City Master Plans<sup>47</sup> (Tarh-haye-Jamee-e-Shahri)*

These plans are being prepared by MRUD and their main objective is to provide Iranian cities with proper spatial and physical system in the framework of the strategies, set by the higher level

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<sup>46</sup> These type of plans are being prepared subject to the Article 2 of the ‘Guideline on Utilization of the Lands and Construction of Buildings and Facilities, outside the Legal Borderline of the Cities, which was ratified by the National Consultative Assembly, 1976.

<sup>47</sup> They are defined in Article 1 of the ‘Act on Name Change of the Ministry of Development and Housing to the Ministry of Housing and Urban Development’, National Consultative Assembly, 1974.

plans (District Plans and Urban Complex Plans). These master plans will study and define land use, zoning, various urban functions, as residential, industrial, commercial, traffic and transportation, infrastructure, etc. along with their pertinent rules and regulations. Also the regulations regarding the safeguard of historical buildings, old urban fabrics and natural landscape are among this category. Up to now, from 1015 Iranian cities (most of which have a guidance plan), 218 cities already have a master plan<sup>48</sup> and arrangements have been made so that all the remaining cities should have it by the end of the Fourth NDP.<sup>49</sup>

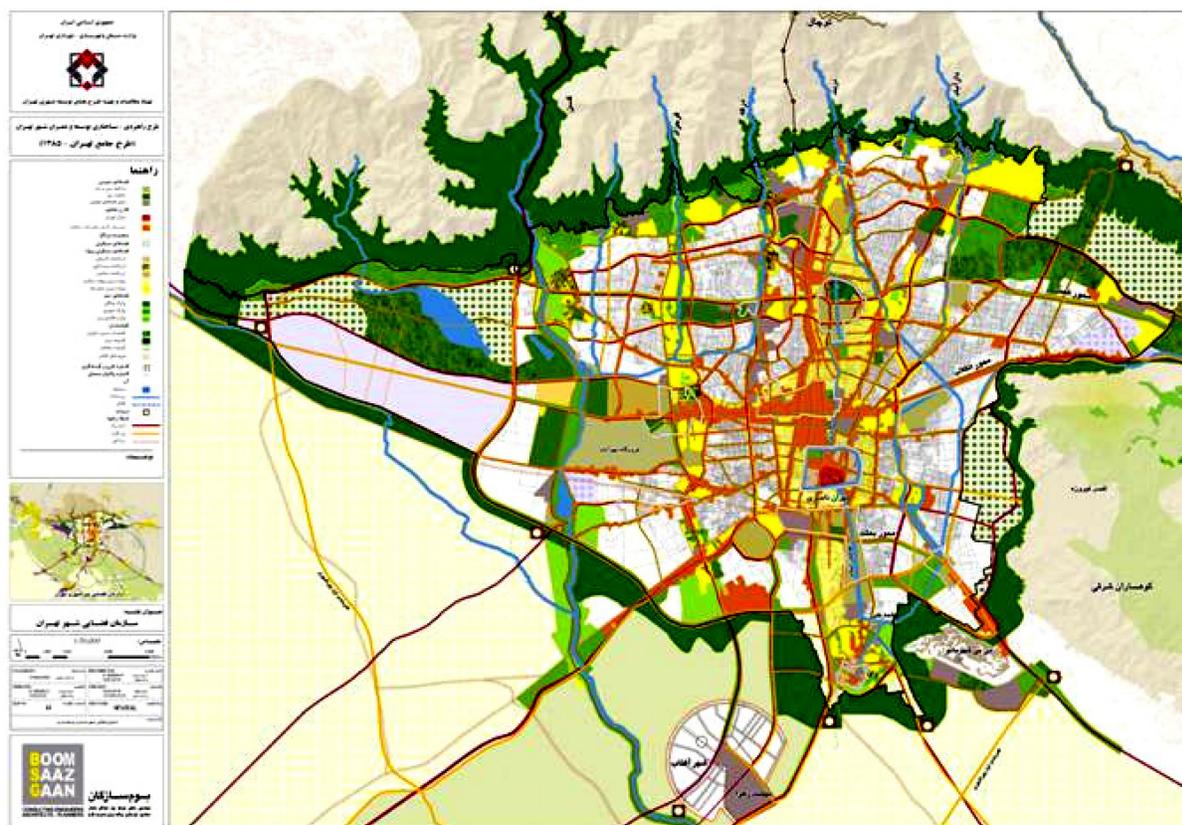


Figure 2.6: Master Plan of Tehran City (Tehran Municipality<sup>50</sup>)

### b) City Guidance Plans (*Tarh-haye-e-Haadi-e-Shahri*)

These plans aim to solve the acute and urgent problems of the cities by presenting short term adequate solutions for those cities which do not have a master plan. They are being prepared by

<sup>48</sup> Ministry of Housing and Urban Development, Website of the Deputy Minister of Architecture and Urban Development, Retrieved at February, 16<sup>th</sup> 2012, <http://204.12.221.178/mhud/>

<sup>49</sup> This mission has yet to be completed, as MRUD is still busy with making contracts with consultants to prepare master plans for the remaining cities.

<sup>50</sup> <http://www.tehran.ir/Default.aspx?tabid=209> (Retrieved in June 2013)

the Ministry of Interior and include land use for various functions and the future development orientation of the city. <sup>51</sup>

*c) Detailed Plans<sup>52</sup>(Tarh-e-Tafsili)*

Following the approval of Master plans and in order to realize the objectives, policies and general regulations set by the master plans in the sake of spatial-physical development, the detailed plans are prepared at an executive scale for land use of various city neighborhoods and for defining density of buildings and also to define priorities for renovation and revitalization of certain city areas.

Based upon the said items, a detailed plan and specification concerning the property ownership (based on the registered deed documents) will be prepared. At the moment, all cities having a master plan do also have a related detailed plan.

*d) Renovation, Revitalization and Restoration of Urban Fabrics Plans*

This type of plans is being prepared by the *Urban Development and Rehabilitation Organization* (hereafter UDRO). These plans are at the same category of detailed plans in subject related and location related projects. By considering the specific character of an urban fabric, UDRO has adopted several methods of intervening in those fabrics, with the goal of renovation, strengthening and revitalizing the spatial-physical and functional aspects of those urban fabrics within the framework of recommendation of higher level plans and by creating new functions and pertinent rules and regulations. The UDRO is also mobilizing investments, encouraging participations and resource allocation in various levels (micro, macro and medium).<sup>53</sup>

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<sup>51</sup> Ministry of Housing and Urban Development, Website of the Deputy Minister of Architecture and Urban Development, Retrieved at February, 16<sup>th</sup> 2012, <http://204.12.221.178/mhud/>

<sup>52</sup> Ibid.

<sup>53</sup> Cabinet Ratification, The Status of the Urban Development and Revitalization Organization, (Tehran, 1996) Article 4.



Figure 2.7: Shiraz deteriorated Urban Fabric marked as dark green areas (Fars Maskansazan Company<sup>54</sup>)

*e) Land Preparation Detailed Plans (Tarh-haye Amadesaazi Zamin)*

This type of plans is being prepared by the *National Land and Housing Organization* and aims to regulate and reinforce the executive management of urban development plans, provide a balance in residential settlements, guiding the population settlement, preventing squatter settlements, preventing city sprawl and meeting the housing demand. These plans aim to provide adequate and proper land for construction of housing units by infrastructural activities (leveling, asphalt roads, water and electricity networks, garbage disposal system, surface water discharge and sewer system) and by mega structures (building schools, health centers, police stations, green areas and provide space for administrative and commercial buildings).<sup>55</sup>

<sup>54</sup> <http://www.msfars.ir/PostShow.aspx?i=97> (Retrieved in October 2012)

<sup>55</sup> Cabinet ratification, Cabinet ratification, The Guideline on the Procedure of Studying and Ratification of Local, District, Regional and National Development Plans and Urban Development and Architecture Regulations, (Tehran, 1999) Article 1.

*f) Urban Design*

These plans are within the subject related and location related detailed plans and despite the lack of a clear legal status, they have gained popularity and interest in recent years, due to their important and influential role in the quality promotion of the urban living environment. Up to now, several urban design projects have been prepared by the municipalities, MRUD and *Cultural Heritage and Tourism Organization*.

An effort has been recently made to add some quality related items into the existing terms of references of the urban planning project contracts and prepare a draft to be presented to the High Council regarding such issues as adequate paving of urban streets, cleaning of urban building facades and preparing architectural and urban design guidelines for historically and culturally valuable urban fabrics.



Photo 2.8: Restoration of pedestrians in historical Chahar Bagh Abbasi Street, Isfahan (Isfahan Maskansazan Company CD Archive, Isfahan Chahar Bagh Project, 2010)

*2.1.3.2. Rural Planning and Management**2.1.3.2.1. An overall picture of Iran's Rural Community*

In the past half century, the rural population of Iran has decreased from 69% of country's total population in 1956 to 31.5% in 2006. These figures clearly demonstrate the rapid growth of urban population and rural-urban migration.<sup>56</sup>

At present, the rural population of Iran is living in around 63,500 villages. The following table shows the ranking of Iranian villages in relation to population and number of villages.<sup>57</sup>

Table 2.2: Statistical Characteristics of the Villages in Iran (Source: MRUD Annual Report, 2008)

Type of village	Number of villages	Percentage of total rural population	Percentage of total number of villages
Small villages with less than 100 families	50102	27.8	78.9
Medium villages with 100 to 500 families	11931	47.4	18.8
Large villages with 500 and more families	1463	24.8	2.3
Total	63496	100	100

*2.1.3.2.2. Implemented Measures in Rural Development*

Due to the specific relationship of rural and nomadic development with geographic and climatic conditions, their socio-economic and physical improvement needs, etc. are greatly diversified and a great deal of efforts have been undertaken to address these various needs. Table 2.3 is a summary of what have been implemented so far<sup>58</sup>:

<sup>56</sup> Ministry of Housing and Urban Development, Proceeding of the 2nd Asia-Pacific Ministerial Conference on Housing and Urban Development, Tehran, 12-14 May, 2008. (Tehran, MHUD: 2008) 19.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid., 20 and 21.

Table 2.3: Types of Rural Development Plans and Their Objectives (Source: MRUD Annual Report, 2008)

Rural Plans	Objectives/ Undertaken Measures
<b>Watershed Management Program</b>	Comprehensive management of watershed areas and developing of watershed works
<b>Program to Combat Desertification</b>	Renovating the proper use of natural resources and combating desertification
<b>Special Plan for Renovation and Improvement of Rural Housing</b>	Promoting the quality and quantity of rural housing units
<b>Special Program to Provide Title Deeds for Rural Houses</b>	Preparing subdivision plans for residential fabrics of villages and issuing the deed documents for the housing units; <i>About 1.6 million rural residential units have now an official deed of trust document, which provide villagers with more incentives to stay and invest in their rural areas.</i>
<b>Issuance of the Building Permits for Rural Houses</b>	Supervision of rural housing construction trend and building housing units to be resistant against natural disasters
<b>Interest-free Loans for Rural Housing</b>	Financing part of the required budget to build or repair rural housing units
<b>Preparation of Rural Guidance Plan</b>	Amending and organizing the physical development of the villages. <i>About 19,000 villages have now an approved guidance plan which based on their principals, the village development and building activity could be well directed.</i>
<b>Renovation of the Historical /Valuable Rural Fabrics</b>	Quality promotion and revitalization of valuable village spaces
<b>Rural Technical System Plan</b>	Guidance, propagation and technical training and assistance in rural housing and building sector
<b>Formation of Village Supporting Organization in Rural Areas</b>	Maintaining the administration of rural affairs by villagers themselves including development and construction. It should be noted these village supporting organizations have their own legal status, are independent and are considered as NGOs.
<b>Rural Waste Management</b>	Promoting proper waste collection, transport and discharge of the waste in rural areas. Up to 1200 villages are covered by this type of waste management program.
<b>Spatial Arrangement and Rural Settlement</b>	About one third of the country has the approved spatial arrangement plans and rural settlement plans, and based on those approved plans, an appropriate distribution of population and services are expected.

### 2.1.3.2.3. Rural Housing

At present 5.1 million rural households live in 4.5 million housing units: 1.12 household per unit. Decreasing rate of rural population growth, along with increasing rate of rural housing production resulted from changing life style patterns have been the dominant trend in the past decades. Rural housing production, in fact, has replaced the dilapidated houses, with safer, more durable houses, with more living spaces and less residents. Yet, a considerable share of existing rural housing units is still believed to be quite unsafe against natural hazards.



Photo 2.9: Palangan Village (Tabnak<sup>59</sup>)



Photo 2.10: A rural house in Krik Village (IRNA<sup>60</sup>)

The main rural housing problems are:

*a) Structural Problems*

About 70 percent of rural housing units are considered to be unsafe against natural hazards.<sup>61</sup> Most villages suffer from insufficient transportation network. They are also suffering from lack of technical skills, professional developers and builders, who are active at the rural level. Therefore, an appropriate localized architectural design is always missed. It also applies to the process of housing construction and production: Using sustainable materials and employing energy efficient techniques are widely being ignored or even absent.

*b) Economic and Management Problems*

Like elsewhere, here the integrated management system for sustainable rural development is also missed. Technical regulatory and control institutions at the rural level are absent or very rare. And due to scarcity of the resources, there are always insufficient housing credits for rural housing sector.

A variety of policies have been adopted in recent years to deal with the problems of rural housing sector, which mainly stem from overall rural socio-economic challenges. In alleviating the poverty among rural population in the framework of a bigger road map, rural housing policies have been immensely called and employed. Three entities are mainly involved in this road map:

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<sup>59</sup> <http://www.tabnak.ir/fa/news/338778> (Retrieved in August 2013)

<sup>60</sup> <http://www.irna.ir/fa/Photo/2853483/> (Retrieved in Mai 2014)

<sup>61</sup> Retrofitting the Rural Housings, Gostareshonline News Agency: Interview with the Rural Development Deputy of Housing Foundation of the Islamic Revolution, Retrieved on January 11<sup>th</sup> 2012  
<http://www.gostareshonline.com/archive/13371>

- Ministry of Agriculture-Jihad for economic activities and production;
- Ministry of Interior for rural administration;
- Housing Foundation of Islamic Revolution for rural development.

The main policies in the rural housing sector can be outlined as reconstruction, renovation and upgrading of the houses, damaged from earthquake or flood, improvement of rural infrastructure, issuance of land and housing deeds, upgrading and preserving valuable rural fabric, allocation of land for public projects, and providing supervision on rural construction.

New policies have been adopted as well in recent years in cases such as allocation of low-interest housing loans for reconstruction or renovation of rural housing stock, establishment of a regulatory and control system for rural constructions, tax cuts in favor of encouraging innovative durable construction techniques, establishment of construction material industries and holding training courses and workshops to enhance skills of new construction methods; and provision of appropriate and mandatory construction standards and regulations.

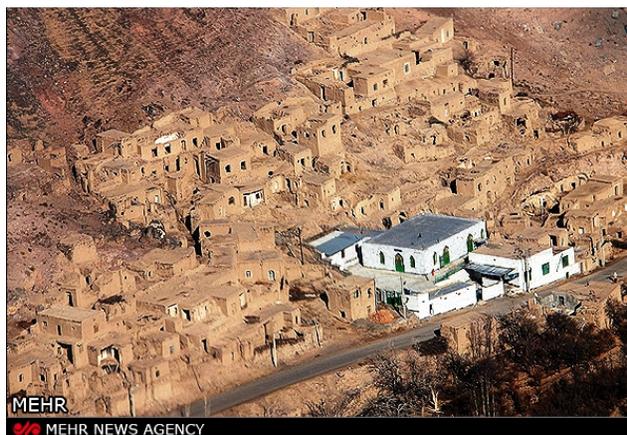


Photo 2.11: A new house with standard materials in a village      Photo 2.12: A quake stricken school in Sistan and Baloochestan  
(Mehr News Agency<sup>62</sup>)

<sup>62</sup> <http://en.mehrnews.com/> (Retrieved in July 2013)

**2.2. Section Two: Preparation and Ratification of Urban Development Plans****2.2.1. Procedure of Plan Preparation***2.2.1.1. Responsible Bodies**2.2.1.1.1. National Level*

The High Council is responsible for studying and ratification of the urban development plans.<sup>63</sup> In case of studying the city, district and regional development plans and their subsequent modifications at the High Council, the governors or their deputies in development affairs and the heads of provincial Housing and Urban Development Organizations shall be invited to participate in the meetings. In case a master plan (Tarh-e-Jaame) is under study, the related mayor shall also be invited as the representative of the respected city council; however in both cases the above-mentioned provincial authorities have no voting right.<sup>64</sup>

*2.2.1.1.2. Provincial Level**2.2.1.1.2.1. Within the Borderline of the Cities: Master and Detailed Plans*

The *Provincial Urban Development and Architecture Council* which is called hereafter the 'Provincial Council' shall be established in each province. It is headed by the governor and staffed by the heads of Housing and Urban Development Organizations, Planning and Budget Organization, head of the Department of Environment provincial organization, Agriculture-Jihad organization, Cultural Heritage and Tourism Organization, Water and Waste Water Management Company, Industry, Mine and Trade Organization as well as the representative of the Ministry of Defense. In cases, when the head of the respected city council and the mayor as well as the head of provincial Engineers Association and Building Control Organization shall be invited to the meetings, they have no voting right.<sup>65</sup>

It is also noteworthy that the municipalities are obliged to abide the ratifications of the High Council.<sup>66</sup> Making contracts with the consulting engineers with regard to preparation of urban master plans is also subject to the approval of MRUD.<sup>67</sup>

<sup>63</sup> Cabinet ratification, The Guideline on the Procedure of Studying and Ratification of Local, District, Regional and National Development Plans and Urban Development and Architecture Regulations, (Tehran, 1999) Article 3.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> National Consultative Assembly, The Act on Establishment of the High Council of Architecture and Urban Development, (Tehran, 1972) Article 7.

<sup>67</sup> Ibid., Article 6 and 7.

In case of any ambiguity, misinterpretation and disagreement in the way of implementing urban development plans, the issue shall be raised at the High Council and the legal opinion of this Council is obligatory and shall be enforced.<sup>68</sup> All governmental organizations are obliged to provide MRUD with any information about urban planning and design, upon its request.<sup>69</sup>

Studying and ratification of urban detailed plans (Tarh-e-Tafsili) and their subsequent amendments in each province shall be done by a commission, headed by the governor and staffed by head of the respected city council, mayor and heads of the provincial offices of the ministries such as Science and Technology, Roads and Urban Development, Agriculture-Jihad and the representative of the consulting company, in which the plan has been prepared. It is called

*Commission of Article 5*. The heads of the provincial Engineers Association and Building Control Organization, Water and Waste water Management Company and Department of Environment shall be invited to the meeting without voting right.<sup>70</sup>



Fig. 2.13: Isfahan Detailed Plan (Nama No.196-197, 2011: 156)

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<sup>68</sup> Ibid., Article 5.

<sup>69</sup> Ibid., Article 8.

<sup>70</sup> Ibid.

*2.2.1.1.2.2. Outside the Borderlines of the Cities*

The *Commission of Article 13*<sup>71</sup> is consist of the governor as the head of the commission and heads of the provincial Agriculture-Jihad organization, Planning and Budget organization, Housing and Urban Development Organization, Housing Foundation and Department of Environment. This commission is responsible for ratification of the development plans, land uses and construction of buildings and infrastructure outside the city borderlines.<sup>72</sup>

In those cities, which already have a master plan, *Deeds Registration Organization* is obliged to act in line with the plan that has been ratified by the municipality according to the regulations of detailed plan (Tarh-e-Tafsili), master plan (Tarh-e-Jaame) or guidance plan (Tarh-e-Hadi) in order to legally register a land division. Adaptation and ratification of urban development and division maps for those lands which are owned by the government, and are in line with all above-mentioned plans shall be the responsibility of MRUD.<sup>73</sup>

***2.2.2. The Procedure of Ratifying Urban Development Plans (Administrative Responsibility)****2.2.2.1. National and Regional Physical Plans*<sup>74</sup>(*Tarh hay Kalbodi Mantaghei va Melli*)

National and regional physical plans shall be ratified by the High Council, after being studied by the High Council's Technical Committee. At the time of studying these plans, upon necessity, the experts and representatives of other related organizations may be invited.<sup>75</sup>

*2.2.2.2. District, City Agglomerates and Urban Master Plans*

These plans shall first be studied at the Provincial Council and then be sent to the secretariat of the High Council. The Technical Committee of the High Council would again study the plan and

<sup>71</sup> Cabinet Ratification, The Guideline on Utilization of Lands and Construction of Buildings and Infrastructure outside the Borderline of the Cities, (Tehran, 1976) Article 13.

<sup>72</sup> Cabinet ratification, The Guideline on the Procedure of Studying and Ratification of Local, District, Regional and National Development Plans and Urban Development and Architecture Regulations, (Tehran, 1999) Article 3.

<sup>73</sup> Islamic Consultative Assembly, Urban Land Act, (Tehran, 1987) Article 11.

<sup>74</sup> High Council of Architecture and Urban Development, The Procedure of Studying and Ratification of Urban Plans (Tehran, 1992).

<sup>75</sup> Cabinet ratification, The Guideline on the Procedure of Studying and Ratification of Local, District, Regional and National Development Plans and Urban Development and Architecture Regulations, (Tehran, 1999) Article 4.

send both its report and the report of the Provincial Council to the High Council for the final ratification.<sup>76</sup>

#### *2.2.2.2.1. Urban Master Plans*

##### *2.2.2.2.1.1. The Principals and Content of Urban Master Plans*

Since some problems and ambiguities had been aroused in recognizing the principals and content of a master plan, according to article 5 of the Act on the Establishment of the High Council, a guideline has been proposed and enacted by the High Council. According to this guideline<sup>77</sup>, some studies shall be done for the preparation of the master plan, focusing on the following items:

- The necessities of a demographic study and programs to estimate the future population growth and development;
- National economic and environmental priorities of land uses and the development barriers (such as water scarcity) as one of the key elements in determining the type of land uses;
- The main (current and future) role and function of the city (if it is industrial, agricultural, touristic, service center or a mixture of two or all of them) and its level of importance at the regional and national scale;
- Coordinated development programs and interactions between public and private sectors and some other strategies according to the needs.

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<sup>76</sup> Ibid., Article 5.

<sup>77</sup> High Council of Architecture and Urban Development, The Guideline on Determination of the Necessity of a Master Plan, (Tehran, 1984).

An urban master plan (Tarh-e-Jaame) shall also include preliminary studies which are shown in table 2.4<sup>78</sup>:

Table 2.4: Preliminary Studies for Preparation of a Master Plan (Source: The Guideline on Determination of the Necessity of a Master Plan, High Council: 1984)

Area of the Study	Details of the Study
<b>Development of the city</b>	<ul style="list-style-type: none"> <li>a) Physical characteristics;</li> <li>b) Determination of the main urban functions (urban main land uses);</li> <li>c) Transportation network system;</li> <li>d) System of urban districts division (as districts, neighborhoods, etc.);</li> <li>e) Determination of specific urban fabrics and elements (historical, industrial and climatic) and the areas that are needed to be revitalized and renovated.</li> </ul>
<b>City development orientations, the capacity of the city and the borderline</b>	<ul style="list-style-type: none"> <li>a) Population prospects and capacity;</li> <li>b) Resources of urban infrastructure capacity and the related evaluations;</li> <li>c) General calculations of urban population density;</li> <li>d) City borderline.</li> </ul>
<b>Studying the rules, regulations and guidelines</b>	<ul style="list-style-type: none"> <li>a) Different land uses per capita;</li> <li>b) Establishment of different functions within land division units (such as districts, neighborhoods, etc.);</li> <li>c) The manner of population density distribution;</li> <li>d) Specific urban fabrics and elements and the areas that are needed to be revitalized and renovated;</li> <li>e) Preservation of the historical sites and monuments and natural landscapes;</li> <li>f) Principals of urban architecture, fabric and typology of the buildings, according to the cultural traditions and climatic factors;</li> <li>g) Preservation of the environment.</li> </ul>

<sup>78</sup> Ibid.

## 2.2.2.2.1.2. Procedure of Ratification

The procedure of ratifying urban master plans<sup>79</sup>, according to High Council guidelines<sup>80</sup> is shown in table 2.5:

Table 2.5: The Procedure of Ratifying Urban Master Plans (Source: The Procedure of Studying and Ratification of Urban Master Plans, High Council: 1992)

<b>The Procedure of Studying and Ratification of Urban Master Plans for Cities with more than 200,000 Inhabitants</b>	<b>The procedure of Studying and Ratification of Urban Master Plans for Cities with less than 200,000 Inhabitants</b>
<p>a) Studying the plan in the provincial urban development and architecture committee within one month and reporting the results accordingly to the High Council Secretariat;</p> <p>b) Studying the plan in the following technical committees and subsequently reporting the results to the High Council Secretariat:</p> <ul style="list-style-type: none"> <li>▪ Physical technical committee consist of the representatives of the Ministries of Interior, Road and Urban Development, Science, Research and Technology, Energy, Agriculture-Jihad and Defense as well as the Department of Environment, Cultural Heritage and Tourism Organization and Management and Planning Organization;</li> <li>▪ Economic-Social technical committee consist of the representatives of the Management and Planning Organization and Ministries of Road and Urban Development, Agriculture-Jihad, Interior and Culture and Islamic Guidance;</li> <li>▪ Rules and Regulations technical committee consist of the representatives from Ministries of Interior, Road and Urban Development, Science, Research and Technology.</li> </ul> <p>c) Combining the results of different committees and preparing the final report, holding the negotiations and final ratification in the High Council meeting.</p>	<p>a) Studying the plan in technical committee consist of the representatives of the provincial architecture and urban development committee and reporting the results from Housing and Urban Development Organization of the province to the Provincial Planning and Development Council;</p> <p>b) Holding the negotiations on the final report and making the final decision by the Provincial Planning and Development Council;</p> <p>c) Sending the report, accordingly to the High Council Secretariat to be ratified in a period of maximum one month.</p>

## 2.2.2.3. Urban Conductive Plans, Rural Habitats and Spatial Reorganization Plans

These plans shall be studied first at the Provincial Technical Committee and then shall be ratified by the *Provincial Council*. The representatives of the Ministry of Interior shall be present during

<sup>79</sup> High Council of Architecture and Urban Development, The Procedure of Studying and Ratification of Urban Master Plans, (Tehran, 1992).

<sup>80</sup> National Consultative Assembly, Act on Establishment of the High Council of Urban Development and Architecture, (Tehran, 1972) Article 4.

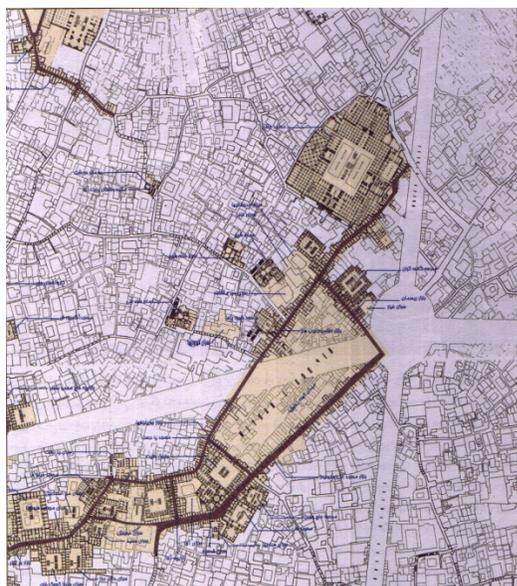
the procedure of studying and ratification of urban conductive plans and their possible modifications in the Technical Committees and the Provincial Council.<sup>81</sup>

#### 2.2.2.4. *Urban Detailed Plans (Tarh-e-Tafsili)*

Urban detailed plans and their subsequent modifications shall be studied and ratified in *Detailed Plan Commission*.<sup>82</sup> If these plans and their subsequent modifications are supposed to go beyond the framework of the master plan of the same city, they have to be sent to the High Council to be studied and ratified, after being studied and ratified in the Provincial Council.<sup>83</sup>

#### 2.2.2.5. *Plans for Improvement, Renewal and Reconstruction of Deteriorated Fabrics*

These plans shall be studied as part of the detailed plan (Tarh-e-Tafsili) and land preparation plan (Tarh-e-Amadesazi) of the same city. If the projects within the area of these plans are going to be



carried out in the fabrics with historical or urban design value, they shall be studied in the special working group on *Design and Rehabilitation of Urban Fabrics*, before being ratified by the Detailed Plan Commission, subject to the decision of the High Council.<sup>84</sup>

Fig. 2.14: Reconstruction Plan of Atigh Square according to Isfahan Detailed Plan (Nama, No.194-195, 2011: 24)

<sup>81</sup> Cabinet Ratification, The Guideline on the Procedure of Studying and Ratification of Local, District, Regional and National Development Plans and Urban Development and Architecture Regulations, (Tehran, 1999) Article 7.

<sup>82</sup> National Consultative Assembly, The Act on Establishment of the High Council of Urban Development and Architecture, (Tehran, 1972) Article 5

<sup>83</sup> Ibid.

<sup>84</sup> Cabinet Ratification, The Guideline on the Procedure of Studying and Ratification of Local, District, Regional and National Development Plans and Urban Development and Architecture Regulations, (Tehran, 1999) Article 9.

### 2.2.2.6. Plans for Studying the Location, Function and Population Ceiling of the New Towns

These plans shall be ratified in the framework of the national-regional physical plans and district comprehensive plans by the High Council, after being studied by the Technical Committee. The procedure of studying and ratification of the new towns' detailed and master plans and urban design plans is basically the same as other cities. During the studying and ratification of detailed plan (Tarh-e Tafsili), the manager of the local NTDC shall participate instead of the mayor in the meetings of the Commission of Article 5.<sup>85</sup>



Fig.2.15: Detailed plan of Parand New Town      Photo 2.16: Undergoing construction projects  
(Parand New Town Company Brochure 2010: 8)

### 2.2.2.7. Residential Settlements Plans

These kinds of plans shall first be studied and ratified by the Provincial Councils and then being sent to the High Council for final ratification. The fundamental future modifications shall be ratified first by the Provincial Council, upon the request of the provincial Housing and Urban Development Organization.<sup>86</sup> The location of these settlements and general principals of designing them shall be ratified by the Provincial Council and finally by the High Council, wherein their suggested location has not been mentioned in the District and Regional plans and has not been previously ratified by the High Council. The implementation procedure of these

<sup>85</sup> Ibid., Article 10.

<sup>86</sup> Ibid., Article 11.

*Planning of Land Use*

settlements with regard to observation of urban development and architecture rules and regulations shall be approved by the provincial Housing and Urban Development Organization.<sup>87</sup>

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<sup>87</sup> Ibid., Article 12.

## **2.3. Section Three: Land Release and Division**

### **2.3.1. Act of Division**

#### *2.3.1.1. The History of Land Division*

Till 1961 in which the ‘Law on Modification of Some Articles of the Municipality Act’ was approved by the *National Consultative Assembly* and consequently the preparation of urban master plans was widely practiced in the country, the owner or the landlord enjoyed full authorization and freedom in terms of land division and land use; based on which he could divide his plot whenever and in whatever shape or size he wanted. He could himself determine the width and length of the roads in his plot of land and to build his building in whatever shape, height and by whatever materials and by applying whatever land uses. *Land Registration Office* obliged to accept any division map that is submitted by the landlord and register it and issue the property ownership documents. The only possible involvement by the Land Registration Office was limited to avoid any violation (illegally incorporating other adjacent lands in division maps, for instance) in the procedure of registration. The municipality was obliged also to accept any development plan and issue the building permission. Issuing such permission was only practiced, while the municipality could secure receiving the taxes in accordance with the floor area of the building which has been mentioned in the construction plan or to observe if the building is strong enough against natural hazards. It was first in 1966, when three articles were annexed to the Municipality Act<sup>88</sup> in which the municipalities gained the authority to develop different guidelines for land utilization and urban zoning and locating public facilities and infrastructures, to mediate in the process of land division and plot segmentation within the borderline of the cities and to study and ratify urban land division maps before registration. The ‘Act on the Establishment of the High Council of Urban Development and Architecture’ in 1972 authorized the High Council to approve those regulations and guidelines which deem to be essential in the harmonic and cohesive development of the cities<sup>89</sup> and obliged the municipalities to implement such regulations and guidelines.<sup>90</sup>

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<sup>88</sup> Articles 98, 99, 101.

<sup>89</sup> Hashemi, Fazlollah, *Urban Law*, (Tehran: Research and Studies Center, third edition, 1992) 16-17.

<sup>90</sup> National Consultative Assembly, *The Act on the Establishment of the High Council of Urban Development and Architecture*, (Tehran, 1972) Article 7.

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### *2.3.1.2. The Legal Basis of Land Division*

Land Registration offices and courts are obliged to receive and work on applications for land division within the borderline as well as legal peripheries of the cities on the basis of the maps that have been submitted by the landlord to the municipality, ratified thereupon by it. The municipality is obliged to study, (if needed) modify and finally approve the map which has been submitted by the landlord in due time, no later than two months after submission. In case that within this period of time, the municipality doesn't contact the landlord or inform him about ratification or rejection of the application, the above-mentioned authorities are obliged to do the division procedure according to the map that is submitted by the landlord, however upon sending written inquiry to the municipality. Roads and public bystreets that are being constructed as a result of land division are belonging to the municipality and the municipality shall not pay to the landlord any price that may be claimed for such acquired land parcels.<sup>91</sup> 'Urban Land Act' states that "transformation and changing the land use, partition and division of gardens and agricultural lands within the legal borderline of the cities and settlements are only permitted when the rules and regulations of MRUD are being observed".<sup>92</sup> It continues also in maintaining that such rules and regulations shall be observed for "any kind of land division for the purpose of development and construction of buildings."<sup>93</sup>

### *2.3.1.3. The Criteria for Ratification of an Act of Division*

The landlord is obliged to submit the required certificate -which was obtained from the local Road and Urban Development Organization to prove if the act of land preparation (Amadesazi) has been done properly- to the municipality and the Land Registration office. Upon such submission, the Land Registration offices are registering the act of division and after (free) acquisition of those plots, required for public service and educational spaces to the government and the municipality, the land ownership certificates as well as the permission to sell it would be

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<sup>91</sup> Hojati Ashrafi, Gholamreza, The Complete Seri of Municipality Law, (Tehran: Ahmadi Publications, 1997) 78.

<sup>92</sup> Mansoor, Jahangir, The Complete Body of Rules and Regulations on the City and Municipality, (Tehran: Didar Publications, 2004) 1338.

<sup>93</sup> Ibid.

issued.<sup>94</sup> Land division shall be in compliance with urban master and detailed plans and municipalities' criteria relating to the land utilization and division.<sup>95</sup>



Photos 2.17 & 2.18: Land Preparation in Sadra New Town (Sadraema<sup>96</sup>)

#### *2.3.1.4. Division of Plots with Public Land Uses*

Generally division, transference and selling plots with public land uses are forbidden, and any act of division for these plots is allowed subject to prior approval of the 'Commission of Article 5' or 'Land Use Change Committee of the Guideline Plans'.<sup>97</sup>

#### *2.3.1.5. Binding Rules for the Division of Plots outside the City Borderlines*

The legal urban borderline of the city is engulfing an area in which the municipality is obliged to provide the inhabitants with required services, and where all spaces and plots possess specific and pre-determined land uses. In addition, this borderline reflects future so-called '10 Years Development Prospective' of the city, while the area outside this borderline reflects 20 years development prospective in which the lands are without any special land uses. This area is called periphery of the city.<sup>98</sup> The municipalities are obliged to fulfill the following measures within city periphery:

<sup>94</sup> Hosseini, Seyed Ali, The Technical and Executive Principals of Urban and Regional Law in Iran, (Rasht: Haghshenas, 2010) 134.

<sup>95</sup> Ibid.

<sup>96</sup> [www.sadraema.ir/1392](http://www.sadraema.ir/1392) (Retrieved in February 2013)

<sup>97</sup> Hosseini, Seyed Ali, Construction Guideline in the City of Rasht, (Rasht: Gilan Jahad Daneshgahi Publication, 2002) 17.

<sup>98</sup> Mansoor, Jahangir, The Complete Body of Rules and Regulations on the City and Municipality, (Tehran: Didar Publications, 2004) 360.

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- Determining limits of the city's periphery and preparing urban comprehensive plan concerning the future development of the city;
  - Introducing regulations for all development activities such as zoning, land division, establishment of roads, gardens and buildings, workshops and factories as well as preparation of rules and regulation relating to public health, according to the urban development plans.<sup>99</sup>

The limits of the periphery and related rules and regulations shall first be enacted by the city council and upon approval of the Ministry of Interior be publicized and subsequently implemented.

All landlords and owners are obliged to ask for permission from the municipality for land division, zoning and construction, wherein there would be no approved guideline in place which shall be applied on their plots of land. Within the city periphery there are three land use possibilities, according to the urban master plans as permitted, conditional and forbidden land uses.<sup>100</sup> These land uses have been outlined in table 2.6.

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<sup>99</sup> Ibid.

<sup>100</sup> Ibid., 361.

Table 2.6: Type of Land Uses in the Peripheries of the Cities\* (Source: Mansoor, 2004: 361)

Type of Land Use	Permitted Land Uses	Conditional Land Uses	Forbidden Land Uses
<i>Type of Utilization</i>	Agricultural activities and construction of buildings, required for farming in the periphery of the cities are allowed, according to the High Council ratifications.	<p>Construction of housing units and service and workshop buildings in the gardens and farms, are allowed, according to the rules and upon the approval of the Housing Foundation of the Islamic Republic and the Ministry of Agriculture-Jihad by observing the following criteria:</p> <ul style="list-style-type: none"> <li>• In each garden or farm, only one housing unit shall be constructed;</li> <li>• The maximum building area in gardens shall not exceed 150 m<sup>2</sup> and the maximum floor area in stories shall not exceed 300 m<sup>2</sup> ;</li> <li>• The maximum building area in farms shall not exceed 250 m<sup>2</sup> and the maximum floor area in stories shall not exceed 250 m<sup>2</sup>. The maximum number of floors shall be two (except basement);</li> <li>• Establishment of livestock and aviculture farms are allowed, only under the condition of observing the minimum distance of 1000 meters from the legal borderline of the city.<sup>101</sup></li> </ul>	<p>any kind of huge industrial center;</p> <p>Any kind of building and facility within the distance of 100 meters from the ring roads and building any access flush roads to the ring roads;</p> <p>Any kind of building and facility in both sides of all intercity roads within 100 meters of these roads and construction of any access flush roads to the main road, except what have been mentioned in the master plan.<sup>102</sup></p> <p>Any kind of workshops and industrial, business, service and commercial units in both sides of the main roads. The existing ones shall be relocated into new centralized complexes (industrial and centralized service zones).</p>

\* These regulations are subject to change in different urban plans, according to the special social, economic and physical conditions of each city.

Those parts of the right-of-way, which are located in the peripheries of the city, shall be utilized, jointly by the municipality and the Ministry of Roads and Urban Development for the purpose of arboriculture and development of the green space, where any further construction is forbidden.

In addition to the provisions of master plan (Tarh-e-Jaame) and conductive plan (Tarh-e-Hadi), some other criteria could be employed by the municipality in the peripheries of the city as well:

- “Any measure to change the land use of the lands, located in the peripheries of the cities is subject to identification of the ownership and submission of the legal permission;

<sup>101</sup> These regulations are subject to change in different urban plans, according to the special social, economic and physical conditions of each city.

<sup>102</sup> This provision was amended by the Cabinet in 2006 by exempting infrastructural facilities. The act states that ‘except infrastructural facilities which shall be outside 30 meters right-of-ways for the roads and railways and outside 15 meters right-of-ways for the roads in provinces of Gilan , Mazandaran and Golestan (except highways), and Rasht-Ghazvin, Tehran, Roodehen-Amol, Roodehen-Ghaemshahr and Karaj-Chaloos axis, construction of any kind of building and facility within 100 meters of the intercity roads is forbidden.

- In dividing the agricultural lands and constructing buildings, it is binding to observe the related criteria of development, as observing distance limits of the rivers, canals, ghanats, wells, power transmission lines, communication networks, oil and gas pipelines, bridges, water canals and pipelines, railways, and any other facilities which may need a distance limit, which is be determined by the responsible organizations and officials.”<sup>103</sup>

### *2.3.1.6. The Procedure of Division*

#### *2.3.1.6.1. Land Division*

To divide a plot, the landlord is required to submit the application.<sup>104</sup> In application there shall be a satellite map at the scale of 1:2500 or the map of detailed plan (Tarh-e-Tafsili) from that area at the scale of 1:2500 on which the location of the plot and its scale are indicated. The land dimensions, the proposed divided plots, total area, the width of the passageways, adjacencies and their names (if any) shall be clearly written on the map. For plots with sloping nature, the detailed amount of slope shall be calculated and mentioned on the map. The division map shall be approved by a qualified urban development engineer, who has obtained required certificates from the MRUD.<sup>105</sup>



Photo 2.19: A plot divided for mass construction of housing units in Qom (Iranikasb News<sup>106</sup>)

<sup>103</sup> Hosseini, Seyed Ali, The Technical and Executive Principals of Urban and Regional Law in Iran, (Rasht: Haghshenas, 2010) 138.

<sup>104</sup> Cabinet Ratification, The Executive Guideline of Urban Land Act, (Tehran, 1992) Article 24.

<sup>105</sup> Hosseini, Seyed Ali, The Technical and Executive Principals of Urban and Regional Law in Iran, (Rasht: Haghshenas, 2010) 139.

<sup>106</sup> [www.irankasbnews.com](http://www.irankasbnews.com) (Retrieved in March 2011)

After the receipt of the application, the plot shall be visited by the municipality expert to make sure that the land use is in line with detailed plan (Tarh-e-Tafsili) criteria, respecting that specific plot. Then the frontage and floor area of the plot shall be determined. The landlord shall submit the proposed division plan, which is studied, if it is compatible with the urban development criteria that are being applied by the municipality. Upon approval, the division plan is being delineated, which has to be approved by the related municipality experts. Upon paying the division taxes, the municipality sends the application, along with the maps to the Land Registration office to be officially registered. As it is mentioned before, land division for the plots, which are more than 1000 m<sup>2</sup> for a single landlord and 3000 m<sup>2</sup> for more than one landlord is subject to provision of public facilities and access roads, extracted from the same plot. The municipality shall not pay for the lands, resulted from the act of division, which shall be acquired for development of public facilities and roads.<sup>107</sup>

#### *2.3.1.6.2. Building Division*

The procedure of building division is more or less the same as land division.<sup>108</sup> The owner shall submit an application, but if the plot belongs to more than one owner, a copy of the ownership documents of all plots shall be submitted. The owner shall be committed to observe the 'Urban Land Act' and its subsequent Executive Regulation. A satellite map at the scale of 1:2500, on which the location of the plot is marked, shall be attached to the application as well.<sup>109</sup>

### ***2.3.2. Legal Instruments of Implementing Land Use Plans***

#### *2.3.2.1. Revenues resulted from Implementation of Land Use Plans*

Municipalities of those cities with master plans are authorized to ask for specific taxes from the landlords for the 'value added' of those urban plots which are becoming more expensive as a result of applying zoning and building densities' regulations, since such plots cost more than land prices in residential areas with low-density regulations. The amount of these taxes shall be determined by the City Council<sup>110</sup> and ratified by the Ministry of Interior by being in due and

<sup>107</sup> National Consultative Assembly, Municipality Act, (Tehran, 1955) Article 101.

<sup>108</sup> Ibid, Article 100.

<sup>109</sup> Hosseini, Seyed Ali, The Technical and Executive Principals of Urban and Regional Law in Iran, (Rasht: Haghshenas, 2010) 140-141.

<sup>110</sup> Islamic Consultative Assembly, The Act on Organization, Obligations and Elections of the Islamic City Councils, (Tehran, 1996) Article 71.

proper proportion of the value added of the plots in each neighborhood and being transferred to a fund under the name of ‘Revenue Resulted from Economic Activities in Urban Buildings’.<sup>111</sup> Supervised by the city council, the resulted revenue shall be merely spent in urban development plans by the related organizations.<sup>112</sup>

### *2.3.2.2. Safeguarding Land-Use Planning in Urban Development Projects*

If the buildings and facilities are being constructed in violation of the ratified land uses and under the condition that such violation has happened after the ratification of the master plan (Tarh-e-Jaame) of that city, meaning that they are not in line with the zoning regulations which have been specified in detailed and master plans, or being constructed without obtaining building permission, or in case that the land use which has been stipulated in the building permission of a plot is violated or if any other land use is being applied, contrary to the stipulated land use, the municipality is authorized to bring the case against *Detailed Plan Commission*, according to article 5 of the High Council Act.<sup>113</sup> This procedure is possible only if the regulation related to the above-mentioned specific taxes is determined by the City Council and being ratified by the Ministry of Interior and if the owner of the building is committed to pay fine, according to the ratified tariff. If the Detailed Plan Commission, by applying modifications in zoning regulations, rules out that the constructed buildings and premises and their subsequent utilization would not endanger the city’s coherence and symmetry and would not profoundly violate the master plan (Tarh-e-Jaame) and hence expresses its agreement with the modification and amendment of the land use of that specific plot, the municipality shall issue the building completion certificate and shall agree with the continuation of the application of new land use, upon receiving the specific taxes into the above-mentioned Fund. But, in case that the Commission disagrees with modification of the land use regulations and classifies the case as violation of the coherence and symmetry of that part of the city or in violation of the fundamental prerequisites of the master

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<sup>111</sup> National Consultative Assembly, Municipality Act, (Tehran, 1955) Article 45.

<sup>112</sup> Islamic Consultative Assembly, The Act on Organization, Obligations and Elections of the Islamic City Councils, (Tehran, 1996) Article 71.

<sup>113</sup> High Council of Architecture and Urban Development, Regulations on Zoning and Determining Building Densities and Land Uses in urban Development Plans, (Tehran, Ratified in 1986 and amended in 1987).

plan, it will be conducted as subject to article 100 and article 55 of the Municipality Act, which may result in complete demolition of that building.<sup>114</sup>

The expenditure priorities of the revenues, resulted from the above-mentioned fund are proposed from the High Council to the Ministry of Interior as bellow:

- a) "Preparation of the urban detailed, master, development and guidance plans;
- b) Repairing and establishment of road networks;
- c) Renovation and revitalization of urban historical and deteriorated fabrics;
- d) Improvement and development of the water networks (if the establishment of such facilities is legally the responsibility of the municipality);
- e) Supporting the purchase and construction of educational buildings."<sup>115</sup>

#### *2.3.2.2.1. Different types of Land Utilization in Residential Land Uses*

In urban regions, residential land use is that type of land use that was devoted by the consultant, who is in charge of preparing master plan for the purpose of constructing housing units, according to the population growth of that given city with a 10 years outlook. In this type of lands, three land uses shall be predicted:

- *Allowed Utilization*

Within residential land uses, construction of different types of buildings with different densities and according to the existing plan is permitted. In addition to that, building mosques, religious buildings, educational buildings such as kindergartens and schools, green spaces, parking lots, health care and medical centers, private clinics, public facilities and infrastructures needed for residential purposes and some very special land uses, under the condition of being ratified in Article 5 Commission of the High Council and subject to obtaining the related permissions are allowed.

<sup>114</sup> National Consultative Assembly, Municipality Act, (Tehran, 1955) Article 100 and 55.

<sup>115</sup> Hosseini, Seyed Ali, The Technical and Executive Principals of Urban and Regional Law in Iran, (Rasht: Haghshenas, 2010) 142.

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- *Conditional Utilization*

Establishment of some facilities such as small-scale workshops is allowed, subject to the approval of the municipality and the local Department of Environment and by observing all health and safety precautions.

- *Forbidden Utilization*

Any kind of land utilization in residential land uses, other than those which have been mentioned above and those which have not been predicted in detailed plan are forbidden. However the authority in charge of preparing the detailed plan and Article 5 Commission are legally authorized to modify the plan, according to the current needs and necessities by taking all health care and environmental considerations into account and may approve some new land uses (as single cases) in the residential land use area.<sup>116</sup>

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<sup>116</sup> Hosseini, Seyed Ali, The Technical and Executive Principals of Urban and Regional Law in Iran, (Rasht: Haghshenas, 2010) 136-137.

## 2.4. Section Four: Provision of Local Public Infrastructure

### 2.4.1. Procedure of applying for Urban Development Services

Local public infrastructure includes those services, which provide the basic needs of the residents of a given housing unit. Among those are provision of gas, electricity, water, telecommunication, as well as public roads, libraries, and cultural centers, parks, cinemas, museums, zoos and playgrounds etc. According to Article 136 of the Third NDP, provision of all above-mentioned infrastructures shall be handed over to the local municipalities; however that was only partly realized so far.<sup>117</sup> In applying for related services of a given project, the application shall be submitted to the related department of the municipality, upon which municipal experts subsequently issue the related permission. The procedure of obtaining different permissions is outlined in chronological order in Table 2.7.

Table 2.7: Procedure of Applying for Urban Development Services (Source: adopted from Hosseini, 2009)

<b>Administrative Responsibility</b>	<b>Action to be done</b>	<b>Procedure</b>
<b>Urban Development office</b>	Submitting the application for each permission	<i>“ Filing the Application ”</i> Making appointment to visit the site
<b>Technical Expert</b>	Identifying the plot on the satellite map, studying the slope of the land in question	<i>“ Visiting the Site ”</i> Studying the location of the plot or building with regard to adjacent plots, dimensions and reporting the existing situation
<b>Roads Network Expert</b>	Determining the width of the road and roads network, determining the type of the land use	<i>“ Studying the Plan with Respect to Tarh-e-Tafsili ”</i> Determining the scope of needed Widening, determining the dimensions of plot, which remains after the act of widening
<b>Urban Development Office</b>	, Controlling of the Maps and Plan according to Building Rules and Urban Planning Regulations; Determining the percentage of density, checking out the possible violations and controlling the building maps in building permission	<i>“ Controlling upon the Urban Development Regulations ”</i> Checking out the urban development criteria which is in force for the district in question, working out the application documents of the applicant
<b>Urban Development Office</b>	Issuing the permission of designing the map and issuing building permission	<i>“ Through Study of the Application ”</i> In case of violation, forwarding the application to be put forth in Article 100 Commission, in case of non-violation, sending the application to the Renovation and Taxes office
<b>Renovation and Taxes Office</b>	Calculation of the taxes to be paid	<i>“ Handing over the Bills ”</i> Payment of the Taxes in Cash or in installments, according to the application
<b>(Urban Development Office)</b>	Preparing the draft of the permission	<i>“ Issuance of the Permission ”</i> Signing the permission and submitting that to the applicant

<sup>117</sup> Islamic Consultative Assembly, Third National Development Plan, (Tehran, 1997) Article 136.

**2.4.2. Providing Infrastructure through Preparation Plan (*Tarh-e-Amadesazi*)**

‘Act on Reorganizing and Supporting Housing Production and Supply’ mentions that preparation plan includes “preparation of preliminary plans for locating a building complex in a given plot of land, the correlation between different blocks and housing units in the construction process and the application of Iran's traditional architecture by designing in a way to restrict view to the internal space of the other housing units.”<sup>118</sup>

The Act also maintains that “Land Preparation includes those activities which deem necessary in order to utilize land, including land leveling, establishing curbs and gutters, applying asphalt coverage, and providing infrastructural networks.”<sup>119</sup>



Photo 2.20: Installing water pipes in south-east of Tehran (Tehran Province Water & Waste Water<sup>120</sup>)

Urban Land Act specifically divides it into two main categories: “land preparation includes all activities that would lead to preparation of a plot for the construction of housing units, according to MRUD guidelines and these are:

<sup>118</sup> Islamic Consultative assembly, Act on Reorganizing and supporting Housing Production and Supply, (Tehran, 2008) Article 1.

<sup>119</sup> Ibid.

<sup>120</sup> <http://www.tpww.ir/> (Retrieved in August 2012)

- 
- a) Providing infrastructures including activities such as leveling, asphaltting the roads, providing power and water networks, facilities for collecting ground waters and sewage, etc;
  - b) Providing public services such as building schools, medical centers and police stations, establishing green spaces, fire stations and commercial centers, etc.”<sup>121</sup>

### ***2.4.3. Financing Local Public Infrastructure***

The law certifies that the investment shall be done by the private sector and it shall not exert any financial pressure to the government: “These services shall be financed to the possible extent by the funds that are raised from investing in commercial centers of the city in question, and shall be delivered for free to the related organizations, institutions, etc. which are using them.”<sup>122</sup>

### ***2.4.4. Administrative Responsible Bodies***

A set of obligations have been outlined for the responsible bodies, meaning that they are solely permitted to sell plots when preparation plan has completely been accomplished.<sup>123</sup> “All organizations, foundations and legal and individual persons are permitted to transfer the lands to the private customers only upon realization of all infrastructural services in the plots in question, according to the regulations and upon the confirmation of related organizations on such realization.”<sup>124</sup> It is (also) the responsibility of the private developer to accomplish preparation plan, according to the guidelines, set by MRUD. In the new towns, it is the responsibility of the NTDC, its affiliated companies and developers of the new town to purchase the plots of land, divide them and do land preparation procedure and transfer the lands to other sub-developers according to the land use patterns that have been mentioned in master plan and detailed plan.<sup>125</sup>

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<sup>121</sup> Abazari Foomani, Mansoor, The Collection of Rules and Regulations on Urban Lands, (Tehran: Khorsandi Publications, 2008) 69.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid., 70.

<sup>124</sup> Ibid., 71.

<sup>125</sup> Islamic Consultative Assembly, New Towns Establishment Act, (Tehran, 2001) Article 9.

Even after the establishment of the Municipality, the above-mentioned organizations are responsible to implement land preparation, according to the ratified detailed plan of the given new town and by observing the municipality's related law.<sup>126</sup>

Before the establishment of the municipality, "the developer of the new town is authorized to issue permissions for the landlords within the borderline of the new town to do division, partition as well as developing land preparation and construction, according to the regulations of master plan, detailed plan and land use plan. In case the plots are more than 1000 m<sup>2</sup>, the permission shall be issued only if the landlord provides that percentage of the land which is required for establishment of public roads, facilities and infrastructure, according to the master Plan of the new town, approved by the High Council of Architecture and Urban Development."<sup>127</sup>

In case, wherein non-public lands have not been prepared yet, "the responsible organization for land allocation shall itself prepare the land before allocation of such lands or shall transfer the land, according to an agreement to the legal or individual applicants. These applicants shall assign other qualified legal or individual persons (consultants) to prepare land preparation plan according to a time table and under the supervision of the MRUD."<sup>128</sup> However for other facilities and infrastructures, the related responsible bodies shall perform their tasks: "The administrative authorities dealing with relevant network infrastructures such as water, electricity, telephone, gas and other services and facilities are obliged to allocate budget and prepare the plan to establish such infrastructures, subject to the request of the MRUD and according to the time plan that is announced by this Ministry and under the supervision of the provincial Housing Councils."<sup>129</sup>

#### ***2.4.5. Legal Character of Preparation Plan***

All architectural designs and different kinds of preparation plan shall be in the framework of city master and detailed plans and shall observe principals of Iranian-Islamic architecture and urban development and shall be ratified by the professional working groups of provincial Housing and Urban Development Organizations, prior to implementation.<sup>130</sup>

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<sup>126</sup> Ibid., Article 12.

<sup>127</sup> Cabinet Ratification, Executive Guideline of the New Towns Establishment Act, (Tehran, 2003) Article 14.

<sup>128</sup> Ibid., Article 21.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

High Council outlined the procedure of preparation plan in a guideline which is binding and mandatory at the national level by obliging the accomplishment of different studies in the course of plan preparation which are a) study and planning with regard to the existing urban development plans in case of urban and population growth, b) climatic studies with regard to sunlight, shadow, wind and other principals of environmental design, c) physical studies in case of existing housing typologies, rules and standards of physical design etc., d) environmental studies with regard to ecological and environmental impacts, vegetation, etc., e) passive defense<sup>131</sup> studies and finally the architectural planning.<sup>132</sup>

#### ***2.4.6. Planning of Road Networks***

Not only in the master plan, but also in some detailed plans, the specific details of the public networks are not being adequately outlined. Master plan can only present the schematic approximate direction of the main roads network, while detailed plan goes more beyond in determining more accurate plans of the main roads network; however it is almost impossible to identify the accurate directions of all side roads. This shall be done when the urban land and building division maps are being prepared. These maps are being submitted by the landlords and shall be in line with the general principals, guidelines and regulations relating to the road network maps. In this way, “the urban development officials shall be authorized to determine the side roads directions and their connections and junctions with greater public roads network and accordingly modify the submitted maps or ask the landlord or applicant to modify them. Even when a district or a city as a whole doesn’t have detailed plan, this method could be applied to harmonize the physical planning of the city and transform these maps into some sort of detailed plan.”<sup>133</sup>

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<sup>131</sup> Passive defense means all facilities that are considered to deal with enemy attacks or natural disasters through adaptation of some measures in the planning and design.

<sup>132</sup> High Council of Architecture and Urban Development, Description of Services on Preparation Plans, (Tehran, 2010) Retrieved from MRUD Website on August, 12<sup>th</sup> 2011, <http://www.shahrsazi-mhud.ir/arch3.pdf>

<sup>133</sup> Hashemi, Fazlollah, Urban Law, (Tehran: Research and Studies Center, third edition, 1992) 15-16.



Photo 2.21: Identification of different land-uses in Abshar Housing Complex in Isfahan (omran-abshar<sup>134</sup>)

### 2.4.7. Other Rules and Regulations with Regard to Supplying Urban Public Infrastructure

The rules and regulations relating to the needed area for public facilities and services that the landlords outside the borderlines of the city -no matter being governmental or private- shall devote for public use to obtain the permission of entering the urban service zone and implementing zoning and division and subsequently construction activities are the same as for the plots of lands that are located within the borderline of the cities. According to these rules, a certain percentage of the plot (with a floor area more than 1000 m<sup>2</sup>) shall be devoted to the

<sup>134</sup> <http://www.omran-abshar.com/En/default.aspx> (Retrieved in November 2013)

municipality for establishment of public services. In all cities except Tehran this percentage is 55, while in Tehran 70% of these plots shall be devoted to public roads, facilities and services.<sup>135</sup>

It has become clear as well that if according to urban development plans, more public and service land uses are needed -that may exceed the above-mentioned percentage- the extra shall be compensated by devoting the same plot of land with residential land use somewhere else to forfeited landlords. The law moreover indicates that those passages and roads, resulted from division of the plots with a floor area less than 1000 m<sup>2</sup> are also belonging to the municipality. The location of the lands relating to the public facilities and services are determined, according to the detailed and master plans. Except those plots of lands which are belonging to the municipality, and hence being transferred to it, the rest would be owned by MRUD according to the 'Urban Land Act' to be devoted to the pertinent organizations to be utilized in line with the ratified land uses. From total lands, which shall be accumulated in line with this act, 70% shall be owned by the municipality while the rest 30% shall be possessed by the government. In division plans and development projects, the distance to the electricity transmission lines and facilities, gas pipe lines, water reservoirs etc. shall be observed according to the rules and regulations, set by the related organizations.<sup>136</sup>

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<sup>135</sup> Islamic Consultative Assembly, Act on Determination of the Situation of those Properties which are Located within Governmental and Municipality Projects, (Tehran, 1997) Article 5.

<sup>136</sup> *Ibid.*, Article 7.

## 2.5. Section Five: Environmental Law and Land-Use Planning

### 2.5.1. Introduction

Environment has always played an important role in semi-arid Iran for thousands of years. The plantation scarcity and lack of water along with Islamic teaching which is in favor of preserving nature and respecting it deeply influenced the architectural design of houses and gardens. Persian gardens, which are famous for their unique architectural characteristics for instance, exemplify the adaptation to different climate conditions while retaining principles that have their roots in the times of Cyrus the Great, 6th century BC. Always divided into four sectors, with water playing an important role for both irrigation and ornamentation, the Persian garden was conceived to symbolize Eden and the four Zoroastrian elements of sky, earth, water and plants. These gardens, dating back to different periods also feature buildings, pavilions and walls, as well as sophisticated irrigation systems. Natural elements combine with manmade components in the Persian Garden to create a unique artistic achievement that reflects the ideals of art, philosophical, symbolic and religious concepts, which materializes the concept of Eden or Paradise on Earth.<sup>137</sup>

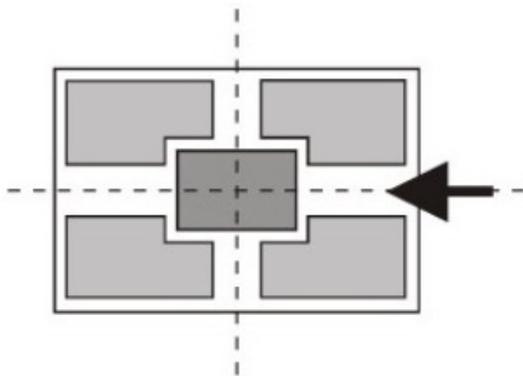


Fig. 2.22: Typical Design Pattern of Persian Garden<sup>138</sup> Photo 2.23: Shazdeh Garden, Mahan (Kerman News<sup>139</sup>)

However after the industrialization and the rural-urban migration, natural resources heavily suffered and cities faced unprecedented challenges, which still exists and pose various threats not only for the residents, but for the urban and rural biodiversity. To tackle with them, various rules and regulations have been enacted in the last five decades, which will be discussed in this section.

<sup>137</sup> Hatefi, Mina. The Characteristics of Persian Gardens; Haghshenas Publications, Isfahan, Iran (2009) p.149.

<sup>138</sup> Designed by myself based on descriptions from different sources

<sup>139</sup> <http://kermannews.ir/> (Retrieved in July 2013)

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***Reduction of Pollution***

*2.5.1.1. General Rules*

According to the ‘Protection and Enhancement of Environment Act’ “any practice that may lead to the pollution of the environment shall be prohibited. The term ‘pollution’ applies to the scattering of foreign matter about or addition thereof to water, air, soil or land to such an extent that biological, chemical or physical composition or quality thereof is so changed as to be harmful to mankind, animals, plants, and monuments and/or structures.”<sup>140</sup> It is clear that a mechanism should be defined to control and measure the amount of pollution: “Requirements for the control of pollution or degradation of the environment and prevention of the emission of noises harmful to the environment, and the establishment of pollution standards required under Article 9 hereof as well as the prohibition and restriction concerned with the protection and enhancement of the environment shall be governed by such rules and regulations as may be approved by the Parliamentary Committees of Agriculture and Natural Resources, Health, and Justice.”<sup>141</sup> As the first step, the act correctly distinguished that the industrial sector, especially those workshops and factories within the borderline of the cities or in their peripheries are the most threatening sources of the environment:

“Considering the requirements and criteria established under the regulations referred to in Article 10 hereof, the Department shall distinguish such factories and workshops that contribute to the pollution of the environment, and it shall give the owners or managers thereof notice either to do away with the causes of pollution within a definite period of time or to discontinue operation. In giving such notice, the Department of Environment shall indicate its reasons for doing so. If the factories and workshops fail to act on the notice within the given time, their operation shall be stopped on orders issued by the Department of Environment. With regard to any sources and factors constituting an immediate threat (to the environment), the Director of the Department of Environment may dispense with giving the notice, and issue orders for the operation and activity thereof to be discontinued.”<sup>142</sup>

Since at the beginning, it seemed quite infeasible to implement all these tasks within the borderline of this new born organization, the act paved the way for other city officials and

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<sup>140</sup> National Consultative Assembly, The Protection and Enhancement of Environment Act, (Tehran, 1974) Article 9.

<sup>141</sup> *Ibid.*, Article 10.

<sup>142</sup> *Ibid.*, Article 11.

agencies to help with the realization of the act: “Subject to the approval of the Environmental Protection High Council, the Department of Environment may devolve part of its responsibilities and powers with regard to the implementation of the provisions of Articles 11, 12 and 13 hereof upon the municipalities or governmental agencies and/ or organizations concerned, as the case may be, whereupon such municipalities, agencies or organizations shall assume responsibility for the implementation thereof.”<sup>143</sup> Delegation of such authority shall be subject to prior designation and identification of the concerned areas and shall be specified in details.<sup>144</sup>

#### *2.5.1.2. Air Pollution Act (Emission Law)*

On the basis of the previous efforts, and due to the alarming condition of air pollution in Iranian big cities, the Air Pollution Act was enacted in 1995. According to the first article of this Act, all organizations, institutions, and all real and legal entities are entitled to abide by the regulations and policies contained in this Act, in order to materialize the objective set by Article 50 of the Constitution of the Islamic Republic of Iran and for the purpose of safeguarding the free air against pollution. The Act goes on to maintain that: “Any action leading to air pollution is prohibited. Air pollution means the creation and dispersion of one or several pollutants whether in solid, liquid, gas, radioactive or non-radioactive radiation forms into the free air in amounts and such duration which harmfully affect the quality of the free air for human, other living organisms and plants, and for monuments and buildings.”<sup>145</sup>

The Act classifies three main sources of pollutants as a) motor vehicles, b) factories, workshops and power plants and c) commercial, residential and other sources and sets emission criteria and standards and the ways of safeguarding and supervising these standards by outlining some strategies.

##### *a) Motor Vehicles*

As for motor vehicles, the act outlines the introduction of traffic free zones, promoting the use of public transportation, and establishment of authorized centers for technical examinations of vehicles.<sup>146</sup> This shall be intensified in 8 big cities of Tehran, Isfahan, Mashhad, Tabriz, Shiraz,

<sup>143</sup> Ibid., Article 20.

<sup>144</sup> Cabinet Ratification, Executive By-Law on the Environmental Protection and Enhancement Act, amended in 1995 (Tehran, 1975) Article 17 and 19.

<sup>145</sup> Islamic Consultative Assembly, Air Pollution Abatement Act, (Tehran, 1995) Article 2.

<sup>146</sup> Ibid., Article 3.

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Arak, Ahwaz, and Karaj.<sup>147</sup>

To fulfill the objectives set on patterns of public transportation to be increased to the extent of 80% of total intercity transportation, the act obliges the country's municipalities to increase the capacity of the existing public transportation fleet by a minimum of 10% per year.<sup>148</sup>

A mechanism is predicted in the Act to control the air pollution caused by the vehicles, above the standards which could be led to the state of emergency: "Under emergencies caused by such weather conditions that make the air pollution reach levels that, according to the statement by the Ministry of Health and Medical Education, hurts human health and quality of the environment, Department of Environment, in collaboration with the Ministry of the Interior (municipalities and Law Enforcing Forces of the Islamic Republic of Iran<sup>149</sup>), shall impose temporary restrictions of specified duration, place and kind on polluting sources and the public shall be immediately informed via mass media communications of such restrictions. After the disappearance of emergency conditions and abatement of the air pollution, the Department of the Environment shall act to remove the ban and restrictions that have been imposed thereof."<sup>150</sup>

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<sup>147</sup> Ibid., Article 5 and 6.

<sup>148</sup> Ibid., Article 8 and 9.

<sup>149</sup> The official term that is used for police in Iran.

<sup>150</sup> Ibid., Article 7.

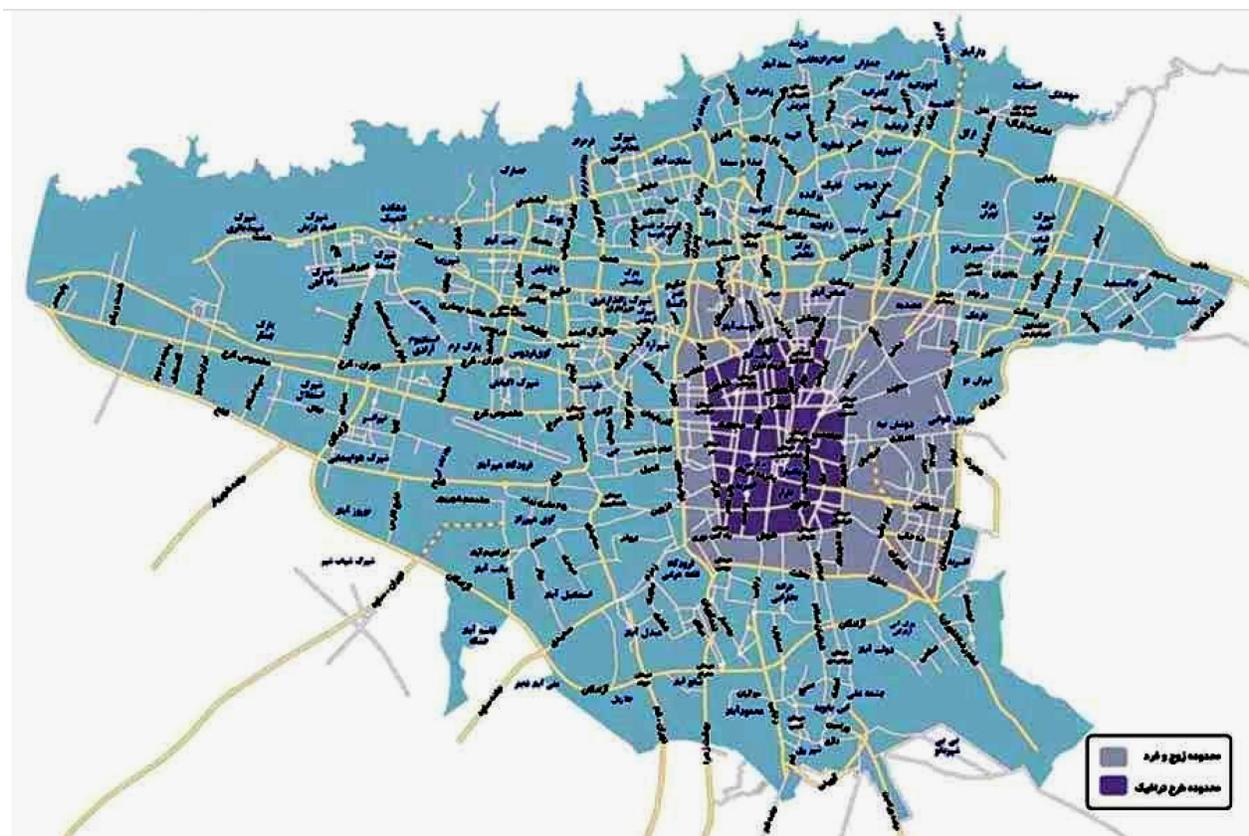


Fig. 2.24: Traffic Free Zone Map in Inner Tehran City (Source: Tehran Municipality<sup>151</sup>)

*b) Factories, workshops and power plants*

The Act goes on to address to the increasing amount of pollutants caused by the industrial activities, which are mainly located within or in the outskirts of the population centers: “Establishing new factories and workshops, and the expansion, changing the site or production lines of existing factories and workshops must have conformity with the regulations and standards set by the Department of Environment.”<sup>152</sup>

Deciding about the location of industrial units is being delegated to the Department of Environment: “Issuing licenses for operation of industrial units shall be subject to the approval of the location of the installation by the Department of the Environment. The location of power plants, oil refineries, petrochemical plants, military-industrial plants, airports and cargo terminals must be in line with the regulations and standards of the Department of the Environment.”<sup>153</sup>

It is also notified that, “the Department of the Environment shall identify factories, workshops

<sup>151</sup> <http://region7.tehran.ir/Default.aspx?tabid=553> (Retrieved in October 2012)

<sup>152</sup> Ibid., Article 12.

<sup>153</sup> Ibid., Article 12 and 13.

and power plants that cause air pollution in excess of the standards and shall notify their owners and managers of the kind and amount of pollution caused, requiring that they either remove the causes of pollution within a specified period of time, determined by the Department in coordination with concerned organizations, or they discontinue operation unit in such time when appropriate corrective measures have been effected. The Department of the Environment has the responsibility of preparing, for every region of the country, with due consideration to the quality of the air and other environmental qualifications of the region, criteria of clean air and limits of emission of pollutants into the clean air by factories and workshops. Environmental standards, subject of this Article shall be prepared by the Department of the Environment for endorsement by the Cabinet.”<sup>154</sup>

### *C) Commercial and Residential Units*

Residential sources include houses, apartments, and residential complexes which are solely used for residential purposes.<sup>155</sup> The Department of the Environment “shall, after identification and categorization of commercial, residential and miscellaneous polluting sources, notify the sources with pollution levels, higher than those set by the standards as well as the type and level of pollution to the concerned authorities and the owners of such polluting source so that they can act to remove the causes of pollution within a period set by the Department.”<sup>156</sup>

#### *2.5.1.3. Prevention of Water Pollution Act*

##### *2.5.1.3.1. Legal Character*

Standards on water pollution, with test methods and governing regulations specified, shall be prepared by the Department of Environment.<sup>157</sup> Regulations governing the discharge of wastewater into urban sewage and the storage, transportation and disposal of solid wastes shall be decided by a permanent commission established in the Ministry of Interior, consisting of the authorized representatives from the Ministries of Energy, Interior, Health and Medical Education, Industry and Mines, the Department of Environment and other organizations responsible for the urban water and sewage systems. The decisions reached by the commission shall be

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<sup>154</sup> Ibid., Article 15.

<sup>155</sup> Islamic Consultative Assembly, Executive By-Law on Pollution Abatement Act, (Tehran, 2000) Article 2.

<sup>156</sup> Ibid., Article 8.

<sup>157</sup> Cabinet Ratification, Prevention of Water Pollution Act, (Tehran, 1994) Article 5.

enforceable.<sup>158</sup> The Ministries of Roads and Urban Development and the Interior, municipalities, and affiliated organizations and agencies are required to notify planners and implementers of urban development projects, as well as residential and health and municipal plans of the above-mentioned standards and regulations.<sup>159</sup>

#### *2.5.1.3.2. Responsible Bodies*

The Department of Environment is required to take samples from sewage and polluting sources of solid wastes, according to a systematic plan, to determine the kind and degree of pollution of each of these sources on the basis of a regular check.<sup>160</sup>

For industrial townships and complexes with established public sewage systems, samples shall be taken from the sewage and the required measures to be adopted for the elimination of pollution, shall be the responsibility of the company or the industrial unit, and if the concerned industrial unit in these townships and complexes produces swage that contains poisonous heavy metals which could not be determined by sampling from the public sewer system, the concerned unit is required to establish needed filtration facilities, and industrial wastewater treatment installations as deemed necessary by the Department of Environment, for the removal of harmful elements before discharging waste water into the public sewer system.<sup>161</sup> Responsible entities are required to adopt measures that ensure the prevention of direct discharge of sewage into receiving waters in case the filtration of waste water is stopped for any reason.<sup>162</sup>

In cases where, based on adequate reasons, the Department of Environment concludes that the reduction or elimination of pollution could not be done by any means other than conveying waste to a suitable location, a scheme shall be prepared by the Department of Environment in collaboration with the Ministries of Agriculture-Jihad, Industry, Roads and Urban Development, Energy, and Labor and Social Affairs for implementation after the approval by the Cabinet.<sup>163</sup>

Development of any standing property or digging or interference and possession within the borderline and beds of rivers, streams, public water channels, ravines, swamps and natural ponds, shore of the sea or natural or artificial lakes is prohibited unless permitted by the Ministry of Energy. Where a standing property located within the borderline or bed of a river, stream, public

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<sup>158</sup> Ibid.

<sup>159</sup> Ibid., Article 10.

<sup>160</sup> Ibid., Article 7.

<sup>161</sup> Ibid., Article 7 and the 'Second National Development Plan of the Islamic Republic of Iran', 1994, Article 83.

<sup>162</sup> Ibid., Article 18.

<sup>163</sup> Ibid., Article 15.

water supply, channel, ravine, swamp, or natural pond is deemed by the Ministry of Energy to cause or be likely to cause difficulty with respect to activities in connection with water and power supply, the Ministry of Energy shall require the owner thereof to evacuate and demolish the said property within a specified period of time. If the owner fails to do so, the Ministry of Energy with permission and under supervision of the public prosecutor of the place shall evict and demolish the said property. Damages shall be determined and paid to the owner.<sup>164</sup>

### ***2.5.2. Land-Use Planning of Green Space***

The legal basis for preserving and enhancing green space in the urban development plans is being well addressed and a variety of obligations have been set for the government and the municipalities.

#### *2.5.2.1. Farms and Orchards Land-Use Preservation inside the Borderline of the Cities*

Long before the endorsement of the ‘Farms and Orchards Maintenance Act’, and more than a year after the Islamic Revolution and according to the Islamic thought, upon which the trees and plants are being regarded to be highly valuable<sup>165</sup>, the Act on ‘Protection and Expansion of Green Spaces in the Cities’ was endorsed in 1980. The focus was mainly on preservation of the trees in the cities: “In order to protect and expand green spaces in the cities, felling any kind of tree in public places including squares, highways, parks and gardens within the legal borderline of the cities is prohibited without the permission of the municipality. Regulations on the manner of execution of this article shall be legally enforceable after being prepared by the municipality of each city and being approved by the City Council.”<sup>166</sup> Municipalities are obliged within one year from the date of the enactment of this Act to prepare a record of the numbers, types and approximate age of the trees subject to this Act within the legal borderlines of the cities. Such record may be updated every 5 years and shall be considered as the document, upon which this

<sup>164</sup> Revolutionary Council, Legal Act on Removal of Unauthorized Interference in Water and Electricity Infrastructures, (Tehran, 1980) Article 9.

<sup>165</sup> In different quotations from Prophet Mohammad and then his followers, the holiness of trees and the necessity of plantation of trees and maintaining the greeneries have been certified and emphasized, which became gradually in form of a strong Islamic principal among Muslims. It has also been reflected in article 4 of the Constitution of the Islamic Republic of Iran, that ‘all laws and regulations pertaining to civil, penal, financial, economic, administrative, cultural, military, political and other spheres must be based on Islamic criteria’.

<sup>166</sup> Islamic Consultative Assembly, Protection and Expansion of Green Spaces in the Cities Act, (Tehran, 1980) Article 1.

Act shall be implemented. Municipalities shall use pin plates indicating information related to each tree thereto register the trees located in public places, squares, highways and parks.<sup>167</sup> Cutting the trees subject to this Act shall be prohibited from the date of the enactment of this Act whether or not such trees have the identification papers, unless with the permission of the municipality.<sup>168</sup>

Commercial and residential areas, not larger than 500 m<sup>2</sup> are exempted from the provisions of this Act. Parceling out the lands larger than 500m<sup>2</sup> with trees thereon may be authorized in accordance with urban development regulations; but felling of the trees thereof is prohibited regardless of the area of land unless being authorized under a permission issued in accordance with the provisions of this Act. Building permissions issued by municipalities in accordance with urban development plans shall specify the number of trees to be cut as the result of construction. Any person, who fails to receive a license for cutting trees within a certain period of time and starts construction without a justifiable excuse, shall be liable to punishments provided under this Act. Owners of orchards or places known as such are required to plant twice the number of trees they are authorized by the municipality to cut in the same place or another place determined by the municipality in accordance with the regulations in the appropriate season.<sup>169</sup>

The Act concludes with a punishment system as fines, imprisonment, and even confiscation of the land on the basis of the type, age and location of the trees which have been cut: “If an owner of land fells the trees therein for the purpose of parceling out of the said land and construction of residential units thereon, such land shall be forfeited to the municipality to be used for purposes of public services and in the interest of the poor.”<sup>170</sup> The municipality is being delegated by the government to fulfill the duties set up by this Act as the representative of the Ministry of Justice.<sup>171</sup>

The Act includes the necessity to preserve the green spaces not only outside the cities, but also to reduce their devastation within the borderline of the cities: “The Ministry of Roads and Urban Development is required to make and implement to the greatest possible extent its urban development plans outside farms and orchards and minimize the land-use change of the farms

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<sup>167</sup> Ibid., Article 2.

<sup>168</sup> Ibid., Article 4.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid., Article 6.

<sup>171</sup> Ibid., Article 7.

and orchards located within the legal borderline of the cities.”<sup>172</sup> The Act calls for due observation of its provisions by all stake holders in the urban development: “Governmental organizations and agencies, municipalities and public institutions to be specified by law shall also be subject to the provisions of this Act.”<sup>173</sup>

#### 2.5.2.2. *Farms and Orchards Land-Use Preservation outside the Borderline of the Cities*

The very first efforts were focused on maintaining the existing land-use of the farms and orchards outside the borderline of the cities or their outskirts, which were extremely exploited due to the explosion of housing demand not only within the cities, but in their peripheries. The ‘Farms and Orchards Land-Use Maintenance Act’ was endorsed in 1995 to put an end to such devastation: “In order to maintain the land-use of farms and orchards and sustainable exploitation thereof, making any changes in the land-use of the farms and orchards located outside the legal borderline of cities and towns except as it is deemed necessary by law or regulations, shall be prohibited from the date of the enactment of this Act.”<sup>174</sup>

Where necessary, making any changes in the land-use of the farms and orchards may be authorized by a committee set up by the governor general of each province under the supervision of the Ministry of Agriculture-Jihad and comprised of the representatives of the Ministries of Agriculture-Jihad, Roads and Urban Development and the Department of the Environment. The Ministry of Agriculture-Jihad is responsible for determining the situation of farms and orchards outside the legal borderline of cities and towns. Making any changes in the land-use of the rural lands under this Act shall be authorized subject to the regulations set by the Ministry of Agriculture-Jihad.<sup>175</sup>

Where subject to this Act it is permitted to change the land use of a plot or an orchard, 80% of the value-added of the land or orchard after changing the land-use shall be collected from the owner thereof and deposited into the State Treasury Account.<sup>176</sup> The government is obliged to enter into the budget bill every year 80% of the income generated under this Act and allocate the same to the Ministry of Agriculture-Jihad to be spent on infrastructural agricultural projects including

<sup>172</sup> Ibid.

<sup>173</sup> Ibid., Article 3.

<sup>174</sup> Islamic Consultative Assembly, Farms and Orchards Land-use Maintenance Act, (Tehran, 1995) Article 1.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid., Article 2.

leveling of lands, construction of irrigation canals, drainage of dams and dikes used in water supply and restoration of uncultivated lands. The remaining 20 percent of the above-said income shall be allocated to the Ministry of Roads and Urban Development to be spent on the study and preparation of barren lands for the purpose of urban development.<sup>177</sup>

### **2.5.3. Other Environmental Rules and Regulations in Land Use Planning**

#### *2.5.3.1. Noise Pollution*

According to the Act on Relocation of Nuisance Industries and Workshops, establishment of industrial units and workshops, which are non-compliant with hygienic standards or causing public nuisance in cities and the outskirts thereof, shall be prohibited. “The owners of the industrial units and workshops currently active in the cities or the outskirts thereof shall within 6 months as of the date of the enactment of this Act, transfer such units and workshops to appropriate places outside the cities or the outskirts thereof. The Ministry of Interior is responsible for the enforcement of this Act.”<sup>178</sup>

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<sup>177</sup> Ibid., Article 4.

<sup>178</sup> National Consultative Assembly, National Budget Act: Act on Prohibition of Establishing Installations and Workshops that are non-compliant with Hygienic Standards or causing Public Nuisance in the Cities and Suburbs, (Tehran, 1949) Article 30.

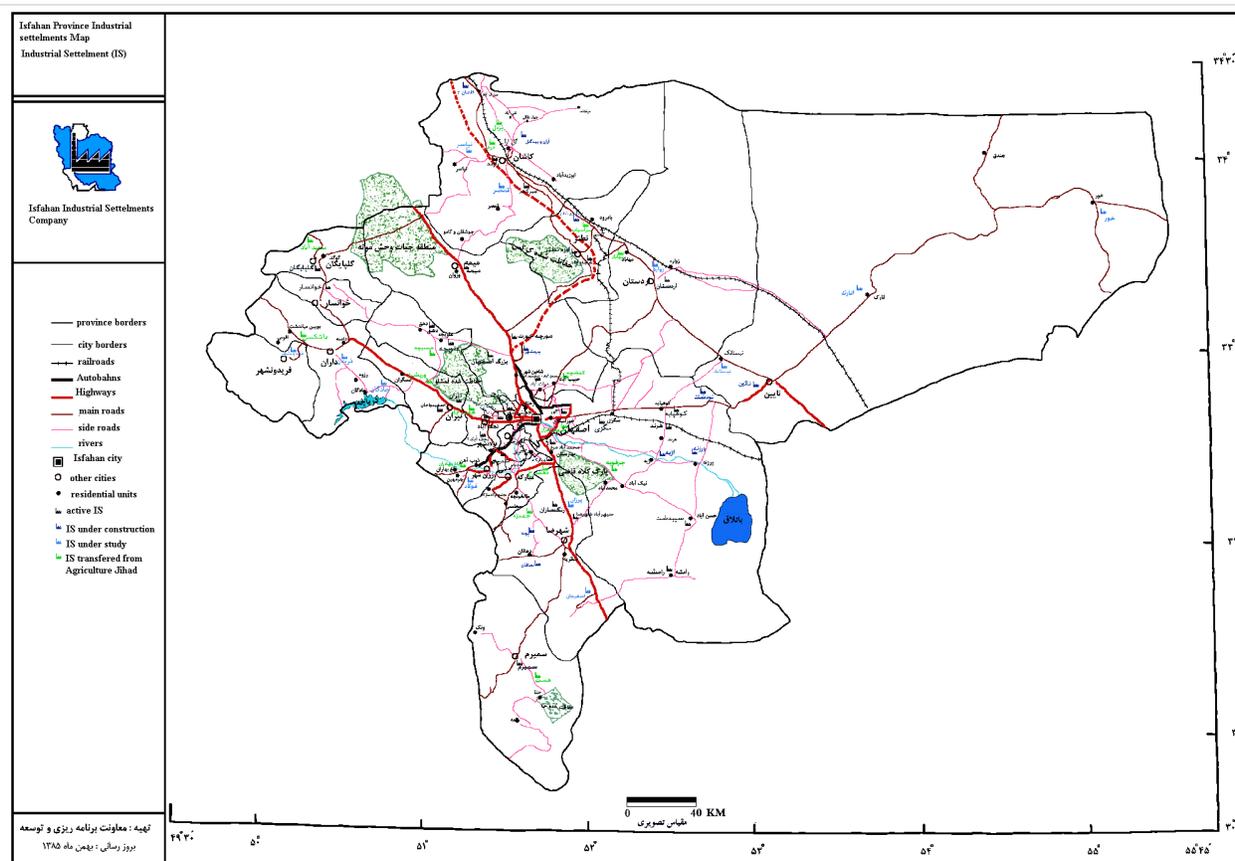


Fig. 2.25: Isfahan Province Industrial settlement Locations (Source: Isfahan Industrial Settlements Company<sup>179</sup>)

The Municipality shall prevent the establishment of factories, workshops, car parks, garages, shops, places for production of explosives, stables, livestock farming facilities which may produce smoke, noise, infection or attract insects or other animals or in general any business that is or could be capable of causing public nuisance. The municipality shall also demolish brick and lime clinks and public baths which are non-compliant with hygienic standards and abate air pollution by monitoring flues of plants and other similar places and also exhaust emissions of the motor vehicles. In the event that the above mentioned facilities have been established prior to the enactment of this Act, the municipality shall stop the operation thereof or transfer them to a place outside the cities.<sup>180</sup>

The municipality shall give notice to the owners of the above-said facilities requiring them to transfer such facilities to a place outside the city within a specific period of time. Any owner of such facility may appeal against such order within 10 days to a committee comprised of three

<sup>179</sup> Isfahan Industrial Settlements Company Information Guideline (Deputy for Planning and Development, 2006:13)

<sup>180</sup> Ibid.

individuals appointed by the City Council which shall make the final and enforceable decision. If the Committee sustains the instruction given by Municipality or no objection is received from the owner or the owner does not take corrective measures within the period of time set by the municipality, the municipality shall act directly to remedy the situation.<sup>181</sup>

#### *2.5.3.2. Disposal of Waste*

The Municipality shall designate certain locations for disposal of garbage waste, construction trash and sewage waste material and the like and announce the same to the public through publishing notice. Such locations must be outside the limits of cities. Locations for establishment of plants for converting waste material to fertilizers shall be determined by the Municipality. Drivers of vehicles carrying waste material shall dispose such material in locations designated by the Municipality.<sup>182</sup>

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<sup>181</sup> Ibid.

<sup>182</sup> National Consultative Assembly, Municipality Act, (Tehran, 1955) Article 55.

***Chapter Three***

***Approval of Development Projects***

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***Introduction***

In this chapter, the procedure of approving various urban projects, from mega urban public projects to construction of single housing units, with regard to the different set of rules is being demonstrated.

Section one introduces Building Law by introduction of National Building Regulations (NBRs) and their scope of validity and the mechanism of safeguarding their enforcement through a monitoring system. Then it goes further in presenting the permissibility of building and urban development projects according to Planning Law by shortly outlining the role of detailed plans in determining land use plans.

Section three deals with building permission and specifically describes the building regulations at the local level. The procedure of applying for building permission and the administrative legal responsibility is being illustrated in this section.

Section two will outline the legal methods of providing public infrastructure for each urban project within and outside the city borderlines as a prerequisite for the permissibility of the projects, the administrative responsibility and methods of procuring financial resources and then focuses on the case study of Isfahan to present how such a mechanism works at the level of case study.

In section three, the role of environmental law, which has been enacted to target the growing challenges of urbanization in the cities, is presented. The preservation of agricultural and green space land uses as well as the gardens and orchards within and outside the borderline of the cities, counter air, water and soil pollution measures which have been predicted at the national and local scales in the framework of the acts, regulations and guidelines along with the detailed description of the administrative responsibility in the country are studied.

### **3.1. Section One: Building Law**

There are two sets of rules in case of building law in the Iranian urban planning system. The first set is consist of those measures that shall be executed at the time of implementation, which are mostly dealing with building structure, material, installations, safety etc. while the second set covers the regulations regarding the development of a given building project like parking spaces and design and appearance. The first set has mostly been embodied in ‘National Building Regulations’ and the second set is mostly being presented in the detailed plan of each city. The National Building Regulations are nationally binding, while the second set differs in accordance to the variables like climatologic, historical, cultural and topographical characteristics of each city.

#### **3.1.1. National Building Regulations (*Moghararat-e-Melli-e-Sakhteman*)**

##### **3.1.1.1. Definition**

The principals and technical regulations, whose observation in designing, implementation, utilization and maintenance of the buildings is obligatory, in order to ensure the safety, health, optimal utilization, comfort and economical concerns shall be compiled by the MRUD. These principals and technical regulations and the guidelines for their implementation and controlling mechanisms are being called National Building Regulations (NBRs). In order to compile them, a NBR Compilation Council is being established at MRUD, including 20 prominent experts, managers and scholars in different fields of construction engineering, led by the Minister of Roads and Urban Development as the head of the council.<sup>1</sup> The provincial Housing and Urban Development organizations are allowed to propose special modifications in the NBRs, according to the typical conditions of each province. These modifications could be enforced upon the approval of the provincial technical councils and final ratification of the MRUD.<sup>2</sup>

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<sup>1</sup> Cabinet Ratification, The Guideline to Establish NBRs Compilation Council, (Tehran, 2010) Article 1 and 2.

<sup>2</sup> Islamic Consultative Council, Engineering Association and Building Control Act, (Tehran, 1995) Article 33.

*3.1.1.2. Types of National Building Regulations*

22 National Building Regulations have been compiled and enforced so far, which are enlisted in table 3.1:

Table 3.1: National Building Regulations (Source: Adopted from MRUD Website: 2010)<sup>3</sup>

1. Definitions	12. Precautions in Construction
2. Administration and Enforcement	13. Electrical Installations
3. Fire Safety	14. Air Conditioning and Heating Installations
4. General Building Requirements	15. Lifts and Escalators
5. Building Materials and Products	16. Sanitary Installations
6. Loads	17. Gas Supply Pumping
7. Foundation	18. Acoustics and Sound Control
8. Masonry Buildings	19. Energy Conservation
9. Concrete Structures	20. Signs and Symbols
10. Steel Structures	21. Passive Defense
11. Industrialized Construction	22. Care and Maintenance

*3.1.1.3. Legal Basis and Scope of Validity*

The municipalities and other authorities which are responsible for issuing building permission and doing control and supervision on the construction of buildings, developers of the public and governmental buildings and facilities, engineers and architects and owners in the whole country shall observe NBRs.<sup>4</sup> NBRs shall be applied to any construction activity like demolition, construction, land use change, enhancement, retrofitting, and fundamental repair.<sup>5</sup> They are the only technical reference in discerning if the procedure of designing, calculating, implementing, utilizing and maintenance of the buildings including residential, administrative, commercial, public, educational and health care and such has been conducted correctly.<sup>6</sup> In case that under a

<sup>3</sup> The Web site of the Ministry of Roads and Urban Development, Retrieved on July, 17<sup>th</sup>, 2011, <http://inbr.ir/SPage/USPage.aspx?ID=193>

<sup>4</sup> Islamic Consultative Council, Engineering Association and Building Control Act, (Tehran, 1995) Article 34.

<sup>5</sup> Cabinet Ratification, The Executive Guideline of Article 33 of Engineering Association and Building Control Act, (Tehran, 2004) Article 3.

<sup>6</sup> Ibid., Article 4.

given subject, no NBR has been compiled and ratified so far, the reliable sources (which preferably have been published by related national authorities) shall be used.<sup>7</sup>



Photo 3.1: Fire Safety Laboratory in Building and Housing Research Center (BHRC<sup>8</sup>)

#### *3.1.1.4. Obligations of the Legal Authorities*

##### *3.1.1.4.1. MRUD*

The MRUD as the highest supervisory authority in the field of construction shall supervise the operation of those responsible organizations, which shall control the due observation of the NBRs and urban development rules. In case of any violation, MRUD shall inform the authorities who issued the building permission and the provincial Engineering Association organization to bring the case to judicial authorities, if needed.<sup>9</sup>

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<sup>7</sup> Ibid.

<sup>8</sup> <http://www.bhrc.ac.ir/> (Retrieved in September 2013)

<sup>9</sup> Ibid., Article 30.

*3.1.1.4.2. Engineering Association and Building Control Organization*

The Engineering Association and Building Control Organization shall supervise the sound execution of the NBRs which is being carried out by its members<sup>10</sup> and to take juristically action against violators among its members by bringing them to its own *Board of Jurisdiction* and other related authorities. It also shall delegate the supervision task to the qualified and professional members and prevent the disqualified from any involvement in the construction activities, while inform the judiciary authorities and police in case of any violation.<sup>11</sup>

*3.1.1.4.3. Municipality*

The municipalities and other authorities that are responsible for issuing building permission shall refer any case of violation to the Engineering Association Organization.<sup>12</sup> They are also responsible in avoiding the issuance of completion certificate for a building, if the NBRs have been breached, subject to the opinion of the supervisor engineers and confirmation of the Engineering Association Organization.<sup>13</sup>

*3.1.1.5. Building Design, Construction and Supervision**3.1.1.5.1. Building Design Engineering Offices*

In order to perform efficient engineering service, all design plans including architectural, structural, mechanical and electronic installations shall be done by officially qualified individuals or authorized Building Design Engineering (BDE) offices.<sup>14</sup> Establishment of such an office is subject to prior permission of the MRUD.<sup>15</sup> The municipalities shall accept only the building design plans which have been prepared and signed by officially qualified individuals or BDE offices.<sup>16</sup> The Engineering Association Organization shall supervise the sound fulfillment of the

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<sup>10</sup> These members are the graduates in the engineering fields of Architecture, Civil Engineering, Mechanical Installations, Electronic Installations, Traffic and Geomatics, who can apply to become members of Engineering Association Organization in each province. They can supervise different types of construction projects in different scales according to their qualifications and experiences.

<sup>11</sup> Cabinet Ratification, The Executive Guideline of Article 33 of Engineering Association and Building Control Act, (Tehran, 2004) Article 29.

<sup>12</sup> Ibid., Article 26.

<sup>13</sup> Ibid., article 28.

<sup>14</sup> Ibid., Article 5.

<sup>15</sup> Ibid., Article 6.

<sup>16</sup> Ibid., Article 7.

duties by its members and shall refer any violation to its own jurisdiction board and the provincial Housing and Urban Development Organization.<sup>17</sup>

#### *3.1.1.5.2. Building Construction Engineering Offices*

All construction projects shall be done by legal qualified individuals or Building Construction Engineering Offices, according to the MRUD ratified guideline and the owners are obliged to use such developers for all their construction affairs.<sup>18</sup> The developer shall possess permission from MRUD, and his name shall be indicated in the building permission by the municipality. He has the responsibility of sound implementation of all phases of construction activity and is obliged to observe all NBRs, urban development regulations and the ratified content of building permission by the municipality.<sup>19</sup>

It is also the responsibility of the developer to observe safety standards and environmental issues.<sup>20</sup> The developer shall use other qualified building engineers, if needed, and use standard building materials, which have been indicated in the building plans.<sup>21</sup> After the completion of the construction work, the developer is obliged to prepare the plans in two copies, as they have been implemented in reality, including the architectural, structural and installations plans and maps and after signing them and obtaining the approval of the Supervisory Engineer, send a copy to the municipality and the other one to the owner.<sup>22</sup> The developer shall ensure that the quality of the constructed building is in accordance with the standards of the MRUD and shall prepare and submit quality insurance for the owner, whereas it is obliged to do so. In case of any damages, resulted from the malfunction of the developer, he shall compensate up to the amount that has been determined by the related authorities.<sup>23</sup>

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<sup>17</sup> Ibid., Article 8.

<sup>18</sup> Ibid., Article 9.

<sup>19</sup> Ibid., Articles 10 and 11.

<sup>20</sup> Ibid., Article 12.

<sup>21</sup> Ibid., Article 15 and 16.

<sup>22</sup> Ibid., Article 17.

<sup>23</sup> Ibid., Article 18 and 19.

### 3.1.1.5.3. Supervisory Engineers

The supervisory engineers are being assigned by the Engineering Association Organization of each province at the time of issuing building permission, and being introduced to the owner and the authorities, in charge of issuing such permission.<sup>24</sup> They shall supervise the compatibility of the constructed building with what characteristics and details that have been written in the building permission, design plans and technical calculations and shall approve such compatibility upon completion of the building.<sup>25</sup>

### 3.1.1.6. Building Regulations for Historical Buildings

By renovating, repairing, maintenance and utilizing buildings with historical values, the *Cultural Heritage and Tourism Organization* is obliged to adapt its regulations and guidelines with NBRs regarding the safety and health.<sup>26</sup>

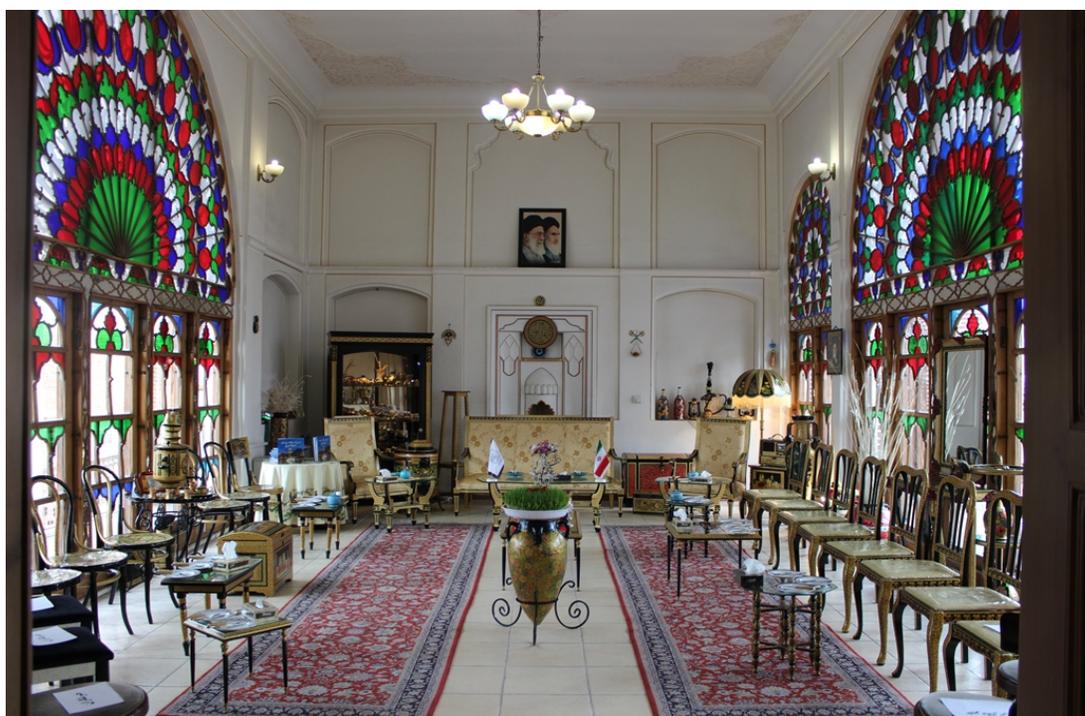


Photo 3.2: A historical house in Tabriz, renovated into a museum (Nasr<sup>27</sup>)

<sup>24</sup> Ibid., Article 24.

<sup>25</sup> Ibid., Article 22.

<sup>26</sup> Ibid., Article 38.

<sup>27</sup> [nasrnews.ir/News/tabid/243/ArticleID/67490/](http://nasrnews.ir/News/tabid/243/ArticleID/67490/) (Retrieved in March 2012)

**3.1.2. Legal Quality of Building Permission**

Until 1991, various phases of construction control were accomplished differently in each municipality around the country. In 1992, the Administrative Supreme Council<sup>28</sup> enacted a ratification to optimize the circulation of applications and the mechanisms of handling them in different governmental organizations dealing with building permission, non violation and completion certificates to be enforced in all municipalities within a unified procedural pattern in the framework of integrating ‘Building Permission Practices’.<sup>29</sup>

Issuing building permission in the cities is being carried out in two stages:

**3.1.2.1. Issuing the Plan Design Permission**

In this phase, primarily the plot is being visited by municipality expert and the location of the plot in relation to the adjacent plots and buildings and the slope of the plot toward the surrounding roads and streets as well as its position are being studied on the basis of detailed plan, land use plans, building density, number of floors, parking regulations and roads network criteria. If all criteria are fulfilled, ‘design permission’ will be issued, which is the first step for developing a construction project.<sup>30</sup> It is noteworthy that if the purpose of obtaining the building permission is to increase the floor area of an already existing building, such building shall be checked out in advance to make sure that no violation has been occurred, subject to Commissions of Article 5 or 100.<sup>31</sup>

**3.1.2.2. Issuing Building Permission**

In this phase, the construction plan and the supervision papers by the building supervisor engineer shall be submitted to the municipality to be studied, if it is in line with Detailed Plan regulations and criteria. Calculation book and structural, architectural and if needed installations plans which

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<sup>28</sup> This council was established according to Article 3 and 4 of the Third National Plan, with the main obligation of optimizing and reorganizing the structural organization of governmental ministries, organizations, institutes and companies and to study and propose ways and methods of reducing the ever growing size and obligations of the governmental bodies and transferring such parallel or overlapping obligations and tasks to the private sector or the municipalities, to enhance the qualifications of civil servants by holding vocational training courses, etc.

<sup>29</sup> Saidnia, Ahmad, *Urban Development and Construction*, (Tehran: Municipalities Organization, 2004) 29.

<sup>30</sup> Hosseini, Seyed Ali, *The Technical and Executive Principals of Urban and Regional Law in Iran*, (Tehran: Haghshenas, 2010) 143.

<sup>31</sup> Ibid, in case of any violation, the case would be referred to Commission of Article 100 to be judged, in accordance to the criteria which have been outline in Article 100 of the Municipality Act.

have been ratified by the local *Engineering Associations Organization* shall be reviewed by the urban development office of the municipality and if everything is proved to be legally in accordance with building law, the building permission is issued upon paying the related taxes.<sup>32</sup>

So this procedure could be outlined as follows:

- a) Submitting the application;
- b) Visiting the site and preparing the preliminary report by the municipality expert;
- c) Studying the application on the basis of detailed plan by the municipality;
- d) Determination of the frontage and floor area by the municipality;
- e) Issuance of the plan design permission;
- f) Submitting the plan and introduction of the supervisory engineer by the applicant;
- g) Controlling the plan by the municipality;
- h) Submitting the plan and calculation book to Engineering Associations Organization for final check, if all standards are being observed in structural and architectural design;
- i) Paying the related taxes by the applicant;
- j) Issuance of the building permission by the municipality.<sup>33</sup>

There are some prerequisites which shall be respected, according to the building law, in issuing building permission for a given applicant:

- In order to preserve the old trees of the cities, it is obligatory to mention the necessity of such preservation and exclude them from being cut in the development projects at the time of issuing a building permission;<sup>34</sup>
- All housing units and public buildings shall be controlled and approved if they are being realized on the basis of technical rules, regulations and criteria by local Engineering Associations Organization;<sup>35</sup>
- It is mandatory to observe the 'Executive Guideline of Protecting the Buildings against Fire'<sup>36</sup> in all public buildings and the buildings with more than 5 floors;

<sup>32</sup> Kamyar, Gholam Reza, City and Urban Development Law, (Tehran: Majd, 2010) 219.

<sup>33</sup> Hosseini, Seyed Ali, The Technical and Executive Principles of Urban and Regional Law in Iran, (Tehran: Haghshenas, 2010) 144.

<sup>34</sup> The Expediency Discernment Council, The Modification of the Act on Preservation and Enhancement of the Green Spaces in the Cities Ratified by the Revolutionary Council in 1980, (Tehran, 2009) Article 4.

<sup>35</sup> Islamic Consultative Assembly, The Engineering Association and Building Control Act, (Tehran, 1995) Article 35.

- In land preparation of all types of plots with different land uses, the applied building regulations shall be in accordance with master plan;
- In the commercial-cultural zone of bazaar and other historical sites, the regulations and rules that are being set by the Cultural Heritage Organization<sup>37</sup> and Commission of Article 5 shall be observed.<sup>38</sup>

### *3.1.2.3. Extending the Building Permission*

To extend the building permission, the development project shall be visited by the municipality expert and the implementation procedure shall be controlled, if it is in accordance with the building plans. If the expert approves that the building implementation is thoroughly on the basis of construction plans being ratified already by municipality, the building permission will be extended.<sup>39</sup>

### *3.1.2.4. Building Permission Modification*

Upon the application of the owner to modify the building plan and building permission, and upon reviewing the new application documents by the municipality if they are in line with related regulations (building density, number of floors, and type of land use) and if no implementation phase has been started, the building permission modification is issued upon paying the related municipal taxes.<sup>40</sup>

### *3.1.2.5. Building Completion and Non-Violation Certificates*

These kinds of certificates are issued for each building after the entire completion of the construction procedure and upon due observation of the ratified building plans in realization phase. The municipality may issue non-violation certificate as well, upon the request of the

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<sup>36</sup> Planning and Budget Organization: Deputy for Technical Affairs, Executive Guideline of Protecting the Buildings against Fire, (Tehran: Planning and Budget Organization Publications, 1992).

<sup>37</sup> Ministry of Roads and Urban Development, National Building Regulations: General Building Requirements, (Tehran: Tosee, 2008) 19.

<sup>38</sup> Commission of Article 5 shall be established in each city to supervise the preparation and ratification of the detailed plan, according to Article 5 of the Act on Establishment of the High Council of Architecture and Urban Development.

<sup>39</sup> Seyed Ali, Hosseini, The Technical and Executive Principals of Urban and Regional Law in Iran, (Tehran: Haghshenas, 2010), 146.

<sup>40</sup> Ibid.

applicant.<sup>41</sup> In case, the owner is going to sell his property, he requires submitting completion certificate to the buyer.

To issue building completion certificate, a municipal technical expert shall report about the constructed building and the conformity of the implementation phase with building permission. It deems necessary that the supervisor engineer also reports about the completion of the implementation phase. All interim reports for each phase shall also be studied. Observation of special regulations on how to build on housing corporative lands, building exterior finish, the availability of the rainwater pipes and wastewater facilities, approval of the ‘safety against fire’ from the *Fire Department* (for buildings with more than 6 floors), shall be considered and verified by the municipality before issuing such certificate.<sup>42</sup>

If the building has been constructed in conformity with building permission, without any violation, the non-violation certificate is being issued. If a violation has been occurred in an extent to which that addressing to such violation is beyond the authority of the local municipality, a report of violation is prepared and sent to the secretariat of the *Article 100 Commission*. Upon releasing the commission’s judgment and it’s execution by the applicant (whether such judgment requires paying a fine or demolishing some parts of the building, etc), the non-violation certificate is being issued. If the local municipality discerns that it is authorized to judge about the violation by itself, the non-violation certificate is being issued after paying the related municipal taxes.<sup>43</sup>

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<sup>41</sup> Saidnia, Ahmad, Urban Development and Construction, (Tehran: Municipalities Organization Publication, 2004) 41.

<sup>42</sup> Ibid.

<sup>43</sup> The Administrative Supreme Council, Coordinating the Issuance of Building Permission, Non Violation and Completion Certificates in Municipalities, (Tehran, 1992) Article 3.

### **3.2. Section Two: Provision of Local Public Infrastructure as a Prerequisite for Permissibility of the Projects**

#### **3.2.1. Within the Built-up Areas of the Cities**

##### **3.2.1.1. Legal Character of Land Acquisition for Provision of Public Infrastructure**

The acquisition and reselling of the plots with any land use for the sake of housing construction and public services by MRUD and its affiliated organizations is allowed. Municipalities and other organizations are authorized to acquire plots with any land use for their public service development plans.<sup>44</sup> Selling out any kind of land within the boundaries of the ratified urban development plans, which has already been devoted to be utilized for widening or construction of roads is forbidden.<sup>45</sup> Selling out such lands belonging to the municipalities and their affiliated organizations or companies for any purpose other than provision of urban public services within the borderline of the city is subject to the approval of the MRUD.<sup>46</sup>

All ministries, institutes, organizations, agencies, governmental companies as well as municipalities and their affiliated entities are required to purchase and exchange property deeds of those (private-owned) plots which are within the boundaries of development and public plans that have been determined to be implemented by the minister or the highest authority of an administrative organization, according to the related rules and being located under the legal/individual ownership and within the legal borderlines of the cities and settlements, no later than 18 months after such announcement.<sup>47</sup> When the implementation of a plan or project and possession of the plots within the boundaries of such project are postponed as part of a time table to at least 10 years, the owners shall enjoy all ownership rights as construction, reconstruction, renovation, selling out, renting, etc; while when the implementation is set to be started in less than 10 years, the owner shall be committed at the time of obtaining the building permission that he is not allowed to ask for construction and reconstruction compensations, whenever the implementation phase is started. Municipalities are obliged to document every detail of the area and the existing installations of those buildings, which are subject to the above-mentioned

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<sup>44</sup> Cabinet Ratification, The Executive Regulation of the Urban Land Act, (Tehran, 1988) Article 34.

<sup>45</sup> Ibid., Article 49.

<sup>46</sup> Ibid., Article 57.

<sup>47</sup> Islamic Consultative Assembly, The Act on Determining the situation of the Properties located within Governmental and Municipality Projects, Rooznameh Rasmi (Official Newspaper), No.12258, (Tehran, 1988).

projects to be evaluated as the criteria of paying compensations at the time of implementation of such projects and whenever the project is financed to be started, according to the current costs.<sup>48</sup>

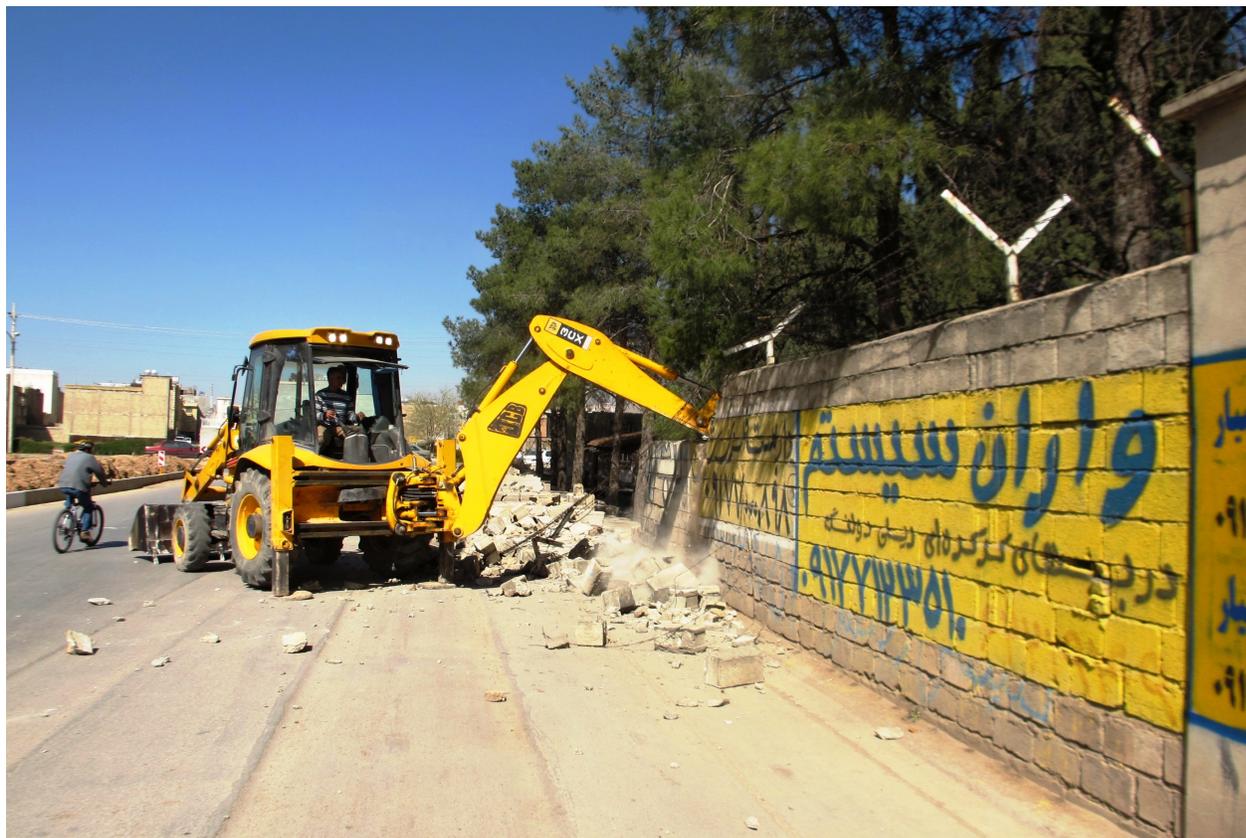


Photo 3.3: Demolition of the wall around Janat Garden to widen the road in Shiraz (Shiraz Municipality<sup>49</sup>)

The MRUD is authorized to transfer the plots of land, resulted from execution of Article 10 of the Urban Land Act<sup>50</sup>, to the related organizations for free to the extent to which that it could meet their basic administrative and installations demands. Extra lands which deem necessary to be utilized by these organizations to establish public infrastructure or accomplish their legal tasks shall be sold out to them, provided that the respected organization has already prepared needed plans to construct such public installations and facilities.<sup>51</sup>

<sup>48</sup> High Council of Architecture and Urban Development, Urban Development, Architecture and Development plans Regulations, (Tehran, 2000) 53-54.

<sup>49</sup> <http://www.shiraz.ir/zone4/listgalley> (Retrieved in March 2012)

<sup>50</sup> According to Article 10 of the Urban Land Act, enacted in 1987 by the Islamic Consultative Assembly, 'all lands belonging to ministries and armed forces and governmental organizations and banks and governmental affiliated organizations as well as revolutionary foundations and institutes shall be possessed by MRUD'. The municipalities are excluded from this Act by the same article.

<sup>51</sup> Cabinet Ratification, The Executive Regulation of the Urban Land Act, (Tehran, 1988) Article 65.

All lands, properties and premises which are being bought or acquired by legal means in order to be utilized by ministries, governmental institutes and such are owned by the government and shall be registered in the related ownership documents.<sup>52</sup>

### *3.2.1.2. Administrative Responsibility*

The MRUD is obliged to purchase and acquire those plots of land with educational, cultural and public service land uses within the boundaries of the urban development plans in all cities with a fair price and transfer them to the related organizations for construction of schools, cultural centers, vocational training, sport and health care centers, fire departments, garbage collection and sewage treatment installations.<sup>53</sup> The MRUD is also authorized to construct the public services and spaces of the residential complexes and transfer them to the related organizations.<sup>54</sup> Before selling out the barren lands, the MRUD is obliged to call the governmental organizations to submit their demands. Upon the approval of such demand in the High Council, these plots shall be transferred for free to the related organizations.<sup>55</sup>

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<sup>52</sup> Islamic Consultative Assembly, Act on Adjustment of a Part of Government Financial Regulation, annexed to the Article 24 of the Public Calculation Act, (Tehran, 1987) Article 69.

<sup>53</sup> Islamic Consultative assembly, Second National Development Plan, (Tehran, 1994) Article 84.

<sup>54</sup> Islamic Consultative Assembly, Urban Land Act, (Tehran, 1987) Article 11; This task is mostly done by the 'Public and Governmental Installations and Buildings Development Organization', affiliated to the MRUD, according to Article 5 of its status which was ratified in 1980 by the Cabinet.

<sup>55</sup> Cabinet Ratification, The Executive Regulation of the Urban Land Act, (Tehran, 1988) Article 25.



Photo 3.4: A sewage treatment plant near Tehran (Tehran Water and Wastewater Management Company<sup>56</sup>)

In cases when the ministries and governmental organizations or the governmental or municipal affiliated organizations or companies need to purchase the private lands and properties for the sake of establishing or developing public infrastructure like construction of roads, rail road or widening them, widening the streets, establishment of oil, water and gas pipelines, digging canals or whatever needed public service and the owner is not consent with such a deal, the property or plot could be acquired by paying a fair price, provided that the realization of such project in that area or such specified direction is deemed necessary and could not be implemented elsewhere as it may cause irrecoverable damages.<sup>57</sup>

All organizations, institutes and companies in charge of provision of public services as water, electricity, telecommunication and gas networks and such are obliged to provide such services to

<sup>56</sup> <http://www.tpww.ir/fa/news/25695> (Retrieved in November 2012)

<sup>57</sup> Revolutionary Council, The Legal Act on Purchasing the Lands and Properties Needed by the Government and Municipalities, (Tehran, 1980) Article 1.

the single buildings and development projects on the basis of the accomplishment of different construction phases and only in return for valid building permission, completion and non violation certificates. In case such buildings have been realized in violation of ratified development plans or without obtaining a valid building permission, provision of such infrastructures or services is not allowed.<sup>58</sup>

### *3.2.1.3. Provision of Financial Resources*

The MRUD and its affiliated organizations and companies are obliged to calculate the land preparation expenses of divided plots on the basis of the benefit that each divided plot may profit from the public urban installations and infrastructure, like permitted building density and the access area to the public roads and public services and land uses in a way that the prices of all divided plots could bear all preparation costs of a development project.<sup>59</sup> In all preparation plans, for realization of the public services such as schools, health care centers and greeneries, etc, the costs shall be borne from revenues resulted from taxes of commercial buildings and the sold plots of the same city which upon realization shall be handed over to the end-user organizations for free.<sup>60</sup> The costs of the lands themselves, which “in division plan shall be devoted to the roads and streets and green spaces and other public services like schools etc, and all other related costs shall be prorated on all other plots which could be sold out.”<sup>61</sup>

### *3.2.2. Outside the Built-up Areas of the Cities*

Whenever at the time of approving the annexation of those plots of land outside the boundaries of the urban services (inside the borderline of the cities, but outside the built-up areas) to the built-up area of city, or approving the establishment of a residential settlement on the mentioned plots, a value-added is brought about and the prices of those plots are increased (as a result of such settlement development plan or annexation to the built-up area of the city), 70% of this value-added would be demanded by the municipality for provision of public infrastructure as water network, electricity and asphalt if realization of such public infrastructure is deemed to be borne by municipality or other related organizations, while only 30% of such value-added would be

<sup>58</sup> Islamic Consultative Assembly, The Act on Prohibition of Selling out the Plots without Residential Land Uses for Housing Projects to the Corporation Companies and Other Legal Individual Entities, (Tehran, 2002) Article 8.

<sup>59</sup> Cabinet Ratification, The Executive Regulation of the Urban Land Act, (Tehran, 1988) Article 46.

<sup>60</sup> Ibid., Article 47.

<sup>61</sup> Ibid., Article 60.

demand, if the owners themselves have realized such public infrastructure.<sup>62</sup> Those plots of land outside the built-up areas of the cities, which are being utilized for construction and realization of educational, healthcare and other non-profit public centers, are exempted to pay such value-added tax subject to the approval of MRUD.<sup>63</sup> Those plots which belong to the government in the undeveloped outskirts areas within the borderline of the cities “shall be prepared by MRUD and divided on the basis of detailed plans and upon their realization as urban public infrastructure, they shall be devoted for free to the related organizations.”<sup>64</sup>

### ***3.2.3. The Prerequisites of Local Public Infrastructure Provision***

The realization of buildings is only allowed on those plots with secure access to the roads network. When they are only accessible by walkways, construction is only allowed provided that it could be easily accessible by Fire Department and medical and rescue teams at the state of emergency. Building permission could be applied only on those plots which could have access to urban water and electricity networks.

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<sup>62</sup> National Consultative Assembly, Land Deal Act, (Tehran, 1975) Article 5.

<sup>63</sup> Ibid.

<sup>64</sup> Islamic Consultative Assembly, Act on Abolition of the Ownership on Urban Barren Lands and the Procedure of their Development, (Tehran, 1979) Article 17.

### ***3.3. Section Three: Approval of Urban Development Projects in Accordance with Environment Protection Law***

It has been certified in the Constitution of Iran that the environment is a public wealth and belongs to the government: “Public assets and property, such as uncultivated or abandoned land, mineral deposits, seas, lakes, rivers and other public waterways, mountains, valleys, marshlands, natural forests, unenclosed pastures, legacies without heirs, property of undetermined ownership, and public property recovered from usurpers, shall be at the disposal of the Islamic government to utilize in accordance with the public interest.

Detailed procedures for the utilization of each of the foregoing items will specified by law.”<sup>65</sup> It has also been insisted that preservation of environment is a national duty for all Iranian nationals and institutions: “In the Islamic Republic, it is considered a public duty to protect the environment where the present and future generations are to have a thriving social life. Thus, any form of activities, whether economic or otherwise, that causes pollution of or irreparable damage to the environment is prohibited.”<sup>66</sup> However, long before that, the efforts to formulize a systematic framework to include environmental concerns had been started, which ultimately embodied in the ‘Protection and Enhancement of the Environment Act’ which was enacted in 1974. According to this Act, the *Department of Environment*<sup>67</sup> “shall be responsible for the protection and enhancement of the environment, the prevention and control of any form of pollution or degradation leading to the disturbance in the environmental balance, and the conducting of all matters related to wildlife and the aquatic of the territorial waters.”<sup>68</sup>

A High Council for Environmental Protection was introduced to mobilize the efforts in this regard under the direct supervision of the Prime Minister; a responsibility which has been later transferred to the President as the chairman. According to this Act, a new criteria has been proposed to be included before any kind of development plan in order to make sure that it would be compatible with the environmental concerns: “Should the implementation of any development

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<sup>65</sup> The Constitution of the Islamic Republic of Iran, (Tehran: Islamic Culture and Relations Organization, 1997) Article 45.

<sup>66</sup> *Ibid.*, Article 50.

<sup>67</sup> The Department of Environment which was formed in 1971 and is affiliated to the President’s Office is mostly responsible for the fulfillment of Article 50 of the Constitution of the Islamic Republic of Iran to protect the environment and ensure legitimate and sustainable utilization of natural resources to guarantee a sustainable development process, prevention of the destruction and pollution of the environment.

<sup>68</sup> National Consultative Assembly, The Protection and Enhancement of Environment Act, (Tehran, 1974) Article 1.

project or operation thereof be, in the judgment of the Department, inconsistent with the laws and regulations governing protection of the environment, the Department shall notify the ministry or the agency concerned accordingly so that the project may be reviewed and the difficulty smoothed in cooperation with the organizations involved. In the event that disagreement arises (in this respect), the matter shall be dealt with in accordance with any decision adopted thereon by the President.”<sup>69</sup> NDPs and other upper hand national documents outline likewise some key regulations, among which the fourth NDP is the most important of them, as it obliges the government to assess all large production and service providing projects (including residential settlements), in the process of feasibility study and before implementation, from the standpoint of their impact on the environment and all persons in charge of implementation of such projects are required to observe the findings of such assessment.<sup>70</sup>

A set of measures are being outlined for the Department of Environment to be followed in some sort of new rules and regulations such as promoting higher education in the field of environmental studies and engineering, initiation of self-declaration plan of monitoring sources of pollution for all productive, service and infrastructural units, presentation of the country’s waste management plan and to adopt a method of implementation through coordination of the municipalities, district governments, and village councils.<sup>71</sup>

An ambitious mission has been defined for the government to reduce the air pollution of the most industrialized cities of the country with the most emission rates as Tehran, Ahvaz, Arak, Tabriz, Mashhad, Shiraz, Karaj, and Isfahan to the level of standards approved by the High Council of Environmental Protection. The government was also bound to take measure in order to dispose all the country’s run down motor vehicles and motorbikes.<sup>72</sup> Department of Environment was also bound to prepare executive by-laws concerning sustainable development in line with promoting public awareness by means of broadcasting it, and to create the country’s environmental information system at the national, provincial and regional level to prepare the ground for environmental monitoring, information dissemination and evaluation.<sup>73</sup>

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<sup>69</sup> Ibid., Article 7.

<sup>70</sup> Islamic Consultative Assembly, Fourth National Development Plan, (Tehran, 2004) Article 105.

<sup>71</sup> Ibid., Article 61.

<sup>72</sup> Ibid., Article 62.

<sup>73</sup> Ibid., Article 64.

***Chapter Four***

***Urban Renewal***

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### ***Introduction***

This chapter addresses to development of new urban fabrics in deteriorated areas.

Section one presents the mechanisms, according to which urban renewal plans shall be proposed, studied, ratified and realized in urban deteriorated fabrics. In this case, the mechanisms of identification and intervention, type of deteriorated fabrics which consequently determines the type of intervention, the authorities who are authorized to intervene according to the law are being outlined. The executive procedure to undertake the urban renewal plan in the implementation phase, the financial resources and the ways of providing them, the role of public participation and the mechanism of providing local public infrastructure after the accomplishment of such plan would also be presented.

#### **4.1. Introduction and Definitions**

In about a century after the establishment of the municipality in Iran, variety of rules and regulations have been adopted in the field of urban development; most of which are directly or indirectly dealing with the procedure of preparing and implementing plans and projects in the field of building and housing construction, urban development and preservation and promotion of welfare, safety and healthcare affairs of the citizens. Since the rehabilitation and renewal of urban fabrics and districts are part of ‘urban development’, many urban development regulations are involved in this field, in spite of the fact that they have not directly mentioned the act of rehabilitation and renewal.

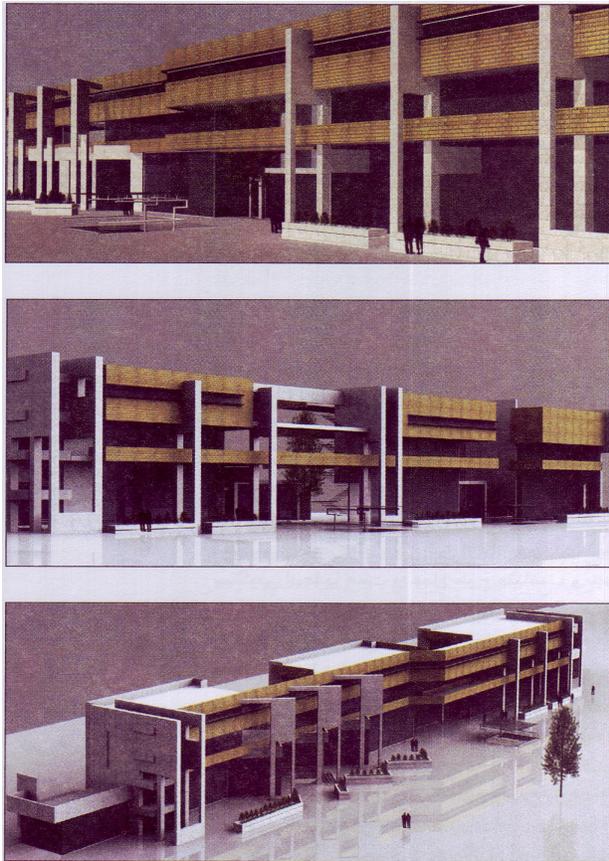
It is also noteworthy that whenever the city officials determine to implement and adopt urban development plans, they shall inevitably enter to the domain of private property rights. It means that conducting urban development along with healthcare, welfare and safety measures in each city is impracticable without adopting sovereignty measures of the government and the municipality, which in most cases comes into conflict with the private property rights of the citizens. That’s why the legislators always have no way but to restrict the private property rights of the citizens, especially in case of land and property acquisition to provide the inhabitants with needed infrastructure through urban development plans and strategies, as the public interest shall always be prioritized over private rights and interests. Consequently urban renewal shall necessarily be addressed in a wider prospective in case of related rules and regulations. The latest act, which has been enacted by the Islamic Consultative Assembly in 2011, defines the urban deteriorated fabrics as “those parts of the city, which in the course of the last years became inefficient and deteriorated in case of infrastructures and facilities, buildings, premises, road networks and accessibilities in a way that the inhabitants who are living there are suffering from various economic, social, cultural and physical deficits.”<sup>1</sup> These fabrics shall be identified and included in the “urban deteriorated and inefficient fabrics map, which is being prepared in accordance with the ratified criteria of the High Council of Architecture and Urban Development

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<sup>1</sup> Islamic Consultative Assembly, Act on Supporting Improvement and Reconstruction of Urban Distressed and Deteriorated Fabrics, (Tehran, 2011) Article 2.

by the MRUD (UDRO<sup>2</sup>) or the municipalities and being ratified by the Commission of Article 5” in each city.<sup>3</sup>

The Improvement, Renovation and Reconstruction plans are “those plans which are being prepared in the framework of the urban development plans (master and detailed plans) by observing the architectural, technical and urban planning principals. These plans involve the new land uses in the boundaries of the inefficient and deteriorated fabrics, whose implementation requires provision of public services and urban infrastructure such as road networks, urban development projects, green spaces, etc, based on the Iranian-Islamic and indigenous architecture and urban planning criteria.”<sup>4</sup> These types of plans shall be prepared by MRUD (UDRO) or



municipalities and could be implemented subject to the approval of the Commission of Article 5 in each city.<sup>5</sup> The responsible bodies (MRUD and municipalities) are authorized to delegate the affiliated organizations and companies or the legal and individual bodies with the technical and financial qualifications to hold the responsibility for realization of such plans. It is UDRO which has the authority to determine if those legal or individual entities possess such qualifications.<sup>6</sup> Diagram 4.1 shows how the renewal system works.

Fig. 4.1: Regeneration of shopping centers at historical Chaharbagh Abbasi Avenue in Isfahan (Nama, No.188-190, 2010: 21)

<sup>2</sup> Urban Development and Rehabilitation Organization.

<sup>3</sup> Islamic Consultative Assembly, Act on Supporting Improvement and Reconstruction of Urban Distressed and Deteriorated Fabrics, (Tehran, 2011) Article 2.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid., Article 3.

<sup>6</sup> Ibid., Article 4.

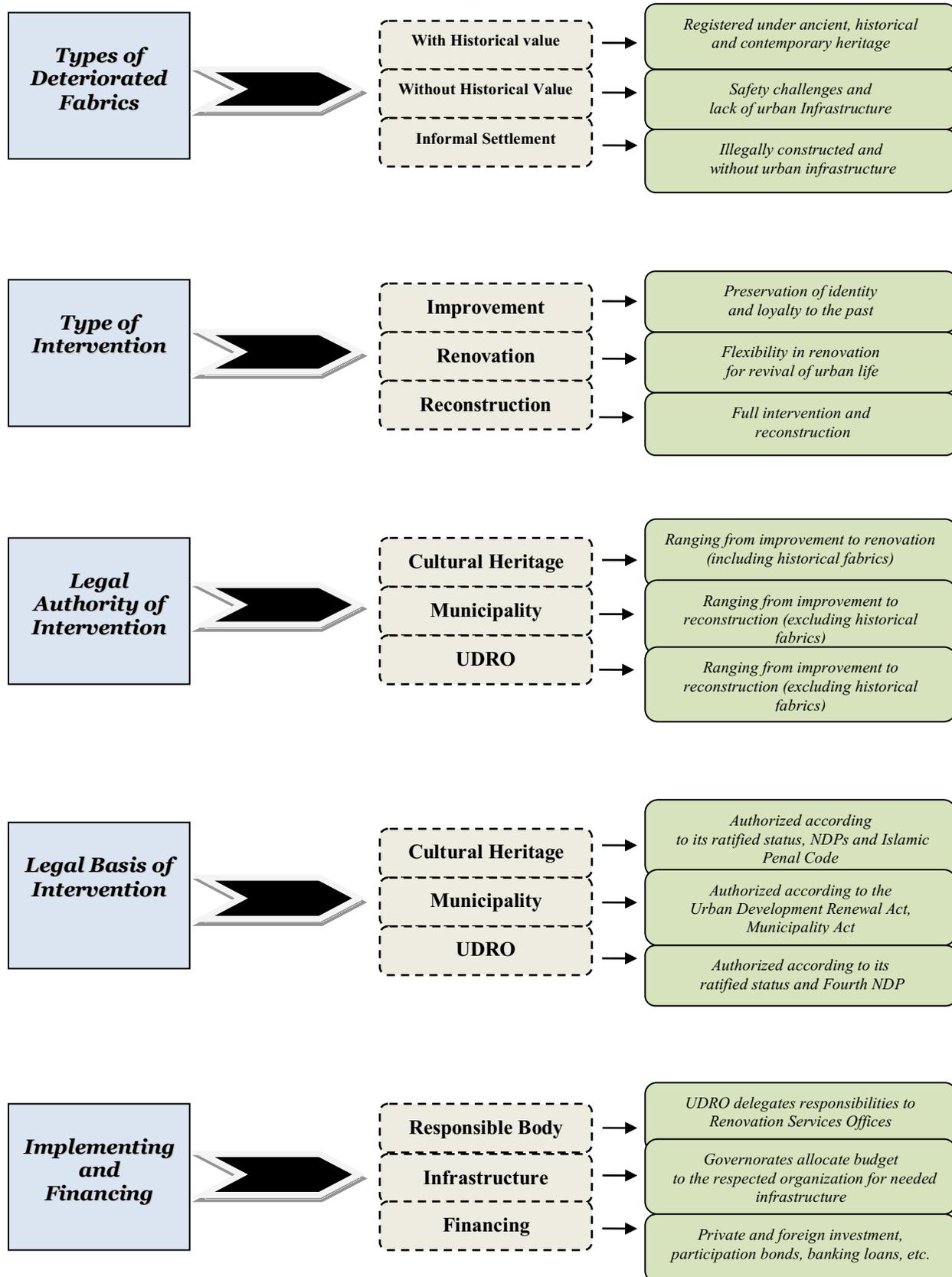
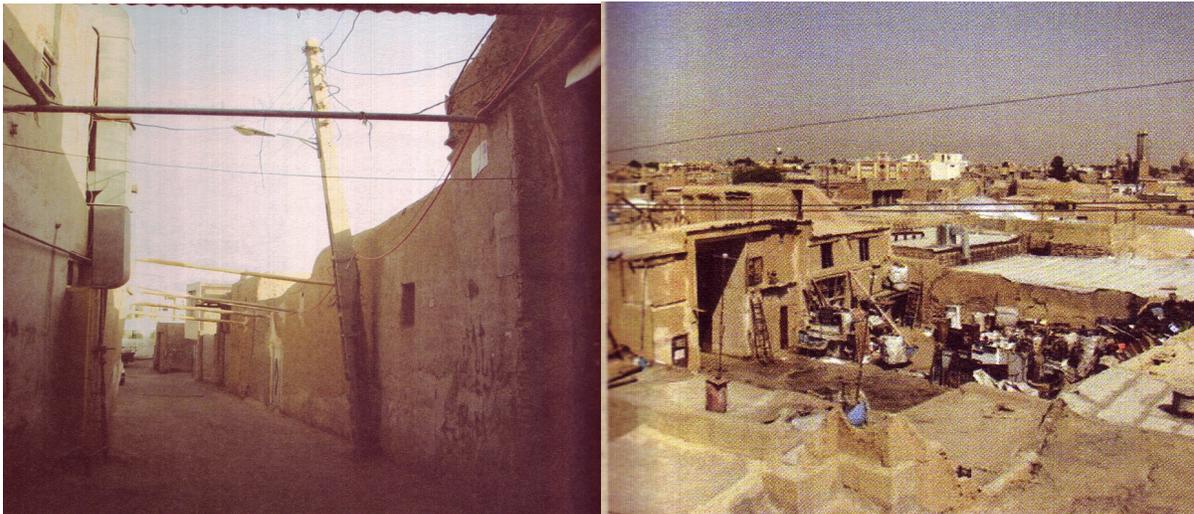


Diagram 4.1: The Urban Renewal System in Planning Law (Source: Adopted from different acts and regulations)

#### 4.2. Section Two: Identification and Intervention Mechanisms

The High Council outlined for the first time the concrete definitions on different types of urban deteriorated fabrics and the act of improvement, renovation and reconstruction in the framework of the ratification on ‘Urban Deteriorated Fabrics’, which shall be employed since then in preparation of urban plans by consultants and related organizations as a guideline. The ultimate goal of this ratification is “to facilitate the methods of identifying urban deteriorated fabrics and legislate the intervention criteria in those cities which are dealing with this phenomenon.”<sup>7</sup> In 2007, the High Council also outlined three criteria for identification of an urban fabric as deteriorated and obliged its secretariat to study and put forth appropriate solutions for those fabrics, for which these three criteria could not be applicable in terms of ambiguity in identifying them as urban deteriorated fabrics:

- a) *High density of horizontal constructed blocks*: The blocks in which 50% of the plots have an area of less than 200 m<sup>2</sup>;
- b) *Instability*: The blocks in which 50% of the buildings are unstable or without structure system;
- c) *Inaccessibility*: The blocks in which 50% of the roads has a width less than 6 m.<sup>8</sup>



Photos 4.2 and 4.3: Isfahan deteriorated Urban Fabric (Source: Nama, No. 181-182, 2010: 14-15)

<sup>7</sup> High Council of Architecture and Urban Development, The Guideline on Identification of and Intervention in Deteriorated Fabrics, (Tehran, 2005) 13.

<sup>8</sup> High Council of Architecture and Urban Development, Ratification on Criteria of Identifying Deteriorated Urban Fabrics, (Tehran, 2006).

### **4.2.1. Types of the Deteriorated Fabric**

#### *4.2.1.1. Fabrics with Historical Value*

The deteriorated fabrics with historical value are those fabrics which contain the national historical heritage with mostly unique monuments that can favor the preservation of the cultural assets of the society. They are being enlisted in three categories: ancient, historical and contemporary and have been registered by the Cultural Heritage Organization or among national heritages.<sup>9</sup>

#### *4.2.1.2. Urban Fabrics (without historical value)*

Urban fabrics without historical values are those fabrics within the legal borderline of the cities with legal and formal ownership deeds, nevertheless they lack structural safety and strength and are deprived of urban services.<sup>10</sup>

#### *4.2.1.3. Informal Settlement Fabrics*

Those urban fabrics which are mostly located at the margins of the cities and metropolitans and have been formed outside the authorized development plans are called informal settlements. The inhabitants are mostly low-income and poor social groups and rural migrants. These fabrics have been constructed illegally and rapidly and they lack structural safety and strength as well as social stability and safety. Moreover in most cases they are deprived of urban infrastructures and services.<sup>11</sup>

### **4.2.2. Type of Intervention**

#### *4.2.2.1. Improvement*

It is a type of intervention which focuses on preservation of the identity and loyalty to the past. The improvement activity is done with the purpose of using the existing capacities via protection, preservation, maintenance, conservation, restoration, consolidation and repair. Intervention in this

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<sup>9</sup> High Council of Architecture and Urban Development, The Guideline on Identification of and Intervention in Deteriorated Fabrics, (Tehran, 2005) 18.

<sup>10</sup> Ibid

<sup>11</sup> Ibid

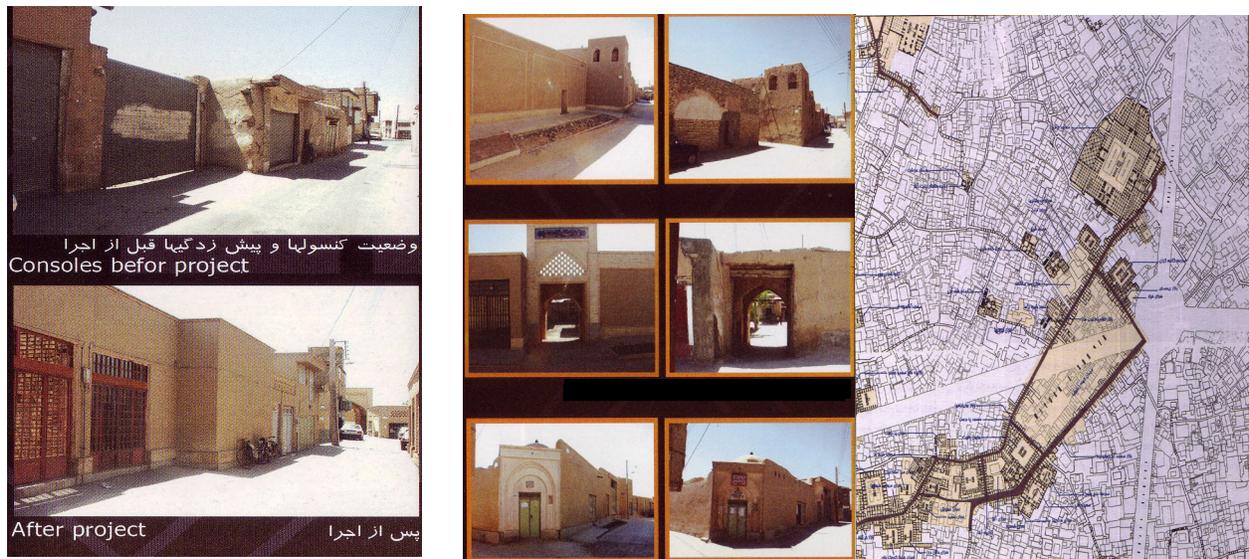
type of fabrics shall be accompanied with due observation of the rules and regulations, set by the Cultural Heritage and Tourism Organization.<sup>12</sup>

#### 4.2.2.2. Renovation

In this kind of intervention, loyalty to the past has more flexibility, while subject to each case it involves a spectrum from little intervention to total regeneration. Renovation activity aims to improve the efficiency and revival of urban life in the fabric via renewal, rehabilitation, revitalization, adaptation and conversion.<sup>13</sup>

#### 4.2.2.3. Reconstruction

In this kind of intervention, there is not only no obligation to preserve the previous image of the fabric, but it is aimed to develop a new environmental and physical-spatial atmosphere through demolition, clearance and reconstruction of the fabric.<sup>14</sup>



Photos 4.4, 4.5 and 4.6: [Left to Right] Improvement, renovation and reconstruction examples in Isfahan city (4.4 & 4.5: Improvement of Jobare historical & cultural axis in Isfahan, Maskansazan Company Brochure 2010: 7-9 4.6: Nama, No. 194-195, 2011: 24)

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

### **4.2.3. The Legal Authority for Intervention**

There are three legal authorities in case of intervention in the deteriorated urban fabrics:

#### *4.2.3.1. The Cultural Heritage and Tourism Organization*

This organization is being authorized to intervene, according to its ratified status<sup>15</sup>. Its scope of intervention is ranged from improvement to renovation.

#### *4.2.3.2. Urban Development and Rehabilitation Organization*

Urban Development and Rehabilitation Organization<sup>16</sup> is mostly involved in intervention in the deteriorated urban fabrics, according to its status. Its activities range from improvement (the improvement of historical monuments and fabrics are excluded) to reconstruction.

#### *4.2.3.3. Municipalities and City Councils*

The municipalities are authorized to intervene, according to the ‘Urban Development and Renewal Act’, ratified in 1968.<sup>17</sup> City Councils are authorized to intervene or participate in the preparation of development plans for urban deteriorated fabrics, according to the ‘Act on the Establishment of Islamic Councils’<sup>18</sup> in 1982, which was modified in 2004.

### **4.2.4. The Legal Basis of Intervention**

The legal basis of intervention includes acts, cabinet ratifications, NDPs and all legal documents which have been enacted by the legal authorized authorities.

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<sup>15</sup> Islamic Consultative Assembly, The Act on the Status of the Cultural Heritage and Tourism Organization, (Tehran, 1988) Article 3.

<sup>16</sup> According to the Cabinet ratification for the establishment of this organization in 2004, UDRO was formed and is affiliated to the Ministry of Roads and Urban Development.

<sup>17</sup> National Consultative Assembly, Urban Development and Renewal Act, (Tehran, 1968) Article 1.

<sup>18</sup> Islamic Consultative Assembly, Act on the Establishment of the Islamic Councils, (Tehran, 1982) Article 71.

#### 4.2.4.1. Cultural Heritage and Tourism Organization

This organization is authorized to intervene in deteriorated fabrics according to its status<sup>19</sup> and the Islamic Penal Code<sup>20</sup>, Third and Fourth NDPs<sup>21</sup> and all international pacts and charters in this regard.

#### 4.2.4.2. Urban Development and Rehabilitation Organization

The UDRO is authorized to intervene according to Article 6 and 7 of its status<sup>22</sup> and Article 30 of the Fourth NDP<sup>23</sup>.

#### 4.2.4.3. Municipality

The municipality is authorized to intervene according to Article 111 of the ‘Municipality Act’<sup>24</sup>, Article 1 of the ‘Urban Development and Renewal Act’<sup>25</sup> and the ‘Tasks and Obligations of the Urban Development Office’.<sup>26</sup>

<sup>19</sup> Islamic Consultative Assembly, The Act on the Status of the Cultural Heritage and Tourism Organization, (Tehran, 1988) Article 3; according to this article, the Cultural Heritage and Tourism Organization is obliged to prepare and implement plans, in order to preserve, repair and revitalize the historical and cultural sites, buildings and monuments and to give opinion on all detailed and comprehensive plans in relation to the cultural and historical sites and to approve if these plans are in line with preservation standards.

<sup>20</sup> Islamic Consultative Assembly, Islamic Penal Code, (Tehran, 1991) Articles 558 to 568; this act maintains that ‘those who damage or demolish the cultural, historical or religious monuments or sites, which have been registered among national heritages and have historical and cultural value or those who start a construction activity near these sites in way that damages their foundation or doing repair, development or changes in those historical buildings, which does not comply with the criteria and standards of the Cultural Heritage and Tourism Organization or change illegally the land use or transfer the property against the existing rules and regulations would face imprisonment sentence from 3 months to 10 years.

<sup>21</sup> Article 115 of the Fourth NDP reiterates the provisions of the Article 166 of the Third NDP that maintains that ‘in the cities with valuable historical fabrics, the organizational chart of the municipalities shall be reorganized in a way to be equipped with needed operational instruments to preserve historical fabrics and the city councils are urged to devote a certain percent of the municipalities income to the municipality related authority to be expended for the purpose of repairing historical buildings, sites and urban fabrics of that city by the cooperation and supervision of the local Cultural Heritage and Tourism Organization.

<sup>22</sup> According to these articles, UDRO delegates the responsibility to Maskan Sazan (Housing Construction) companies, instead of National Land Organization. These companies are in charge of urban renewal as the legal representatives of MRUD through UDRO.

<sup>23</sup> According to this Article, the government is obliged to ‘preserve and promote architectural and urban planning culture’ through ‘revitalization of the deteriorated fabrics of urban areas and re-arranging the marginal fabrics of the country’s urban areas with the aim of rehabilitating residents of these areas.’ It is also ‘bound to initiate renovation and renewal of the deteriorated fabrics of the cities and rural areas through utilization of the domestic and foreign resources’ and to ‘take necessary measures to conclude execution of these provisions within a maximum period of ten years.’ The government is charged, according to this Act, to take action on ‘financial and technical assistance for rehabilitation and renewal of rural housing, as well as promoting the establishment of the production workshops, supplying building material and supporting technical service providers.’ For the execution of these articles, MRUD shall play as the key legal entity on behalf of the government.

<sup>24</sup> National Consultative Assembly, Municipality Act, (Tehran, 1955): According to this Article and in order to promote rehabilitation and renewal, the municipality act allowed the municipalities to invest in the establishment of entities to purchase houses and properties and plots in the old and deteriorated urban fabrics by benefiting from the ordinance of ‘Lands Acquisition Act to Implement Urban Development Programs’ and resell them to the developers, according to the ratified plans or directly start to implement building development plans.

<sup>25</sup> National Consultative Assembly, Urban Development and Renewal Act, (Tehran, 1968): The Municipality is obliged, according to this article to do ‘neighborhood regeneration’ and supervision on the harmonic and balanced urban growth.

<sup>26</sup> Cabinet Ratification, Tasks and Obligations of the Urban Development Office, (Tehran, 2004): It states that this office shall cooperate with the municipalities in presenting the rehabilitation pattern of the deteriorated urban fabrics.

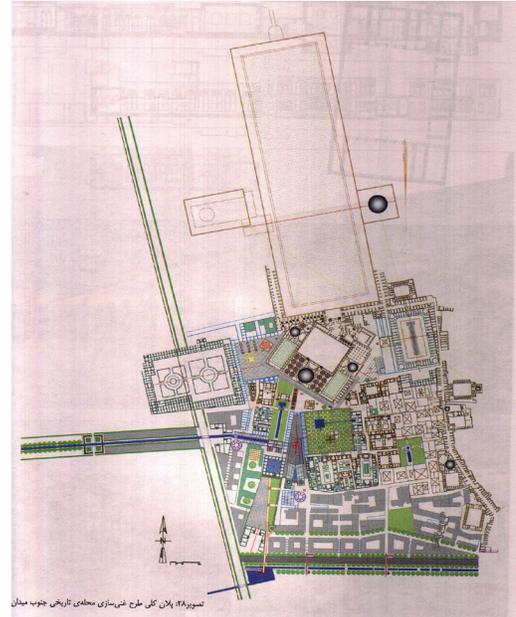


Fig. 4.7 and 4.8: Executive Plan for renewal of the southern part of historical Naghsh Jahan Square in Isfahan  
(Nama, No. 186-187, 2010: 22-24)

#### 4.2.5. Implementation and Methods of Financial Support

##### 4.2.5.1. Executive Procedure of Renewal

In order to realize urban renewal projects, the following measures shall be undertaken:

- a) Determination of the deteriorated fabrics' boundaries by the related authorities and ratification of the resulted maps in 'Commission of Article 5'<sup>27</sup> in the framework of the legal documentations;
- b) Determination of the criteria and regulations on the manners and methods of intervention in the fabric and ratifying them in the above-said commission;
- c) Sending these criteria and regulations to the High Council to be controlled if they are consistent with the master plan and to be enacted;
- d) Preparation of an 'Executive Document' for improvement, renovation and reconstruction of the urban deteriorated fabrics, aiming at enforcing the cooperation

<sup>27</sup> Studying and ratification of urban detailed plans (Tarh-e-Tafsili) and their subsequent amendments in each province shall be done by this commission, according to article 5 of the 'Act on Establishment of the High Council of Architecture and Urban Development', 1972.

between the MRUD, the Cultural Heritage and Tourism organization and the Ministry of Interior, led by the High Council, which shall be finally ratified by the Cabinet;

- e) In case of any ambiguities or disagreements, the secretariat of the High Council would be the reference to settle the dispute.<sup>28</sup>

#### 4.2.5.2. *Responsible Bodies*

In normal cases- where the fabrics are not categorized as historical and cultural heritage- the municipality and the UDRO are responsible for improvement, renovation and revitalization, in which the latter is leading the renewal projects.<sup>29</sup> They both can delegate parts of their responsibilities to the affiliated companies and organizations or the legal or individual bodies that are technically, financially and potentially qualified to implement the projects. The criteria for such qualification shall be determined by MRUD (UDRO).<sup>30</sup> These entities which are established in the neighborhoods are called *Renovation Services Offices* that are acting under the supervision of the municipalities with the capacity of being delegated by all executive organizations to develop the renewal projects.<sup>31</sup>

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<sup>28</sup> Shafae, Sepideh, The Guideline on Identification and Intervention in Deteriorated Fabrics, (Tehran: Idepardazan Fan-o-Honar, 2008) 48.

<sup>29</sup> The most important organization in charge of urban revival of the deteriorated fabrics is the Urban Development and Rehabilitation Organization, which is authorized to act through its local affiliated companies in different cities in case of improvement, renovation and reconstruction of urban deteriorated fabrics by employing mechanisms of optimized utilization of the existing facilities for the internal development of the cities and promotion of urban life environment through the participation of the municipalities, inhabitants of the urban deteriorated fabrics and owners of the properties. It is affiliated to the MRUD and was established by a Cabinet ratification in 1996.

<sup>30</sup> Islamic Consultative Assembly, The Act on Supporting the Revival, Improvement and Reconstruction of Deteriorated and Inefficient Urban Fabrics, (Tehran, 2011) Article 4.

<sup>31</sup> Cabinet Ratification, The Act on Organization and Supporting the Housing Production and Supply, (Tehran, 2009) Chapter 8, Article 42.

#### 4.2.5.3. *Public participation and Purchasing the Properties*

MRUD is obliged to allocate 35% of its income, resulted from selling governmental plots to purchasing the properties, conducting land preparation and constructing housing units in the urban deteriorated fabrics. The boundaries of deteriorated fabrics in each city shall be determined by UDRO and being ratified by Commission of Article 5 and ultimately by the High Council.<sup>32</sup> The executive boundary of an improvement, renovation or reconstruction project shall be announced by the project developer to promote maximum participation of the inhabitants and owners in order to encourage them to reach to a compromise for selling their properties. The project developer shall conduct an evaluation study for determination of a fair price through a committee of 3 judiciary experts.<sup>33</sup> If the owners refrain to participate and their property is being regarded as a hindrance in the way of implementing the project, their property will be sold in the auction and the money would be paid to them in cash.<sup>34</sup> The ‘Act on Purchasing and Acquiring Lands and Properties for the Government’s Public, Development and Military Plans’<sup>35</sup> shall be enforced in purchasing the properties.<sup>36</sup> The owners shall also enjoy tax exemption for the transference of their properties, which are located within the boundary of an improvement, renovation and reconstruction project, to the government.<sup>37</sup>

#### 4.2.5.4. *Providing Financial Resources*

The government is obliged to provide the financial resources through different mechanisms like “absorbing private sector financial investment, using the reserves of foreign exchange, promoting foreign financing, selling participation bonds, encouraging investment, utilizing the financial private donations and using banking facilities”<sup>38</sup> in order to promote projects for the development of housing policies.

Since 1993, MRUD was provided every year with a credit in the annual ‘National Budget Act’ in order to promote investment in the rural housing and reorganization of the informal settlements.

<sup>32</sup> Islamic Consultative Assembly, National Budget Act, (Tehran, 2005) Provision 6, Paragraph B.

<sup>33</sup> Ibid., Article 6.

<sup>34</sup> Ibid., Article 7.

<sup>35</sup> Ratified by the Revolutionary Assembly, 1980.

<sup>36</sup> Cabinet Ratification, Ratification on Improvement and Reconstruction of Deteriorated and Old Neighborhoods, (Tehran, 1996).

<sup>37</sup> Islamic Consultative Assembly, The Act on Modification of Article 70 of the Act on Direct Taxes, (Tehran, 1997).

<sup>38</sup> Islamic Consultative Assembly, National Budget Act, (Tehran, 2007) Article 6.

The organization of housing production and supply and supporting the housing investment companies to construct housing within inter-city urban fabrics were also predicted afterward.<sup>39</sup>

#### 4.2.5.5. *Providing the Public Services and Infrastructure*

The household access to the infrastructures such as gas, water, electricity and telephone shall be resumed after the revitalization by the related organizations.<sup>40</sup> The provincial Planning and Development Councils are obliged to predict the required funds for the development of the public spaces and construction of public buildings, facilities and services within the ratified boundaries of the deteriorated fabrics, to be provided from the budgets of the related organizations.<sup>41</sup>

#### 4.2.5.6. *Implementation in Historical Urban Fabrics*

According to a letter of understanding between the MRUD and the Cultural Heritage and Tourism Organization that ultimately was enforced as a guideline, it was agreed that all developers of the improvement, renovation and reconstruction projects within historical neighborhoods and deteriorated fabrics shall start the projects upon the prior approval of the Cultural Heritage and Tourism Organization.<sup>42</sup> It is also stated that such projects and plans shall be ratified within the detailed plan of each city, and shall be studied by the *Special Committee on Planning and Improvement of Urban Fabrics*, subject to the discretion of the High Council and prior to ratification of the detailed plan.<sup>43</sup>

In order to properly approaching the repair and revival of historical and cultural fabrics and sites in the cities, a management mechanism has been supposed to be established in the municipalities of such cities (in form of a single unit, office or affiliated company) and a certain percent of the municipality revenue which is being determined by the city council according to the density of

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<sup>39</sup> Cabinet Ratification, The Ratification on the Policies and Strategies regarding Organization, Supporting and Supervising the Housing Production and Supply Market, (Tehran, 1996).

<sup>40</sup> Islamic Consultative Assembly, The Act on Supporting the Revival, Improvement and Reconstruction of Deteriorated and Inefficient Urban Fabrics, (Tehran, 2011) Article 11.

<sup>41</sup> *Ibid.*, Article 14.

<sup>42</sup> Cabinet Ratification, Guideline on Coordinating with the Cultural Heritage and Tourism Organization, prior to the Implementation of Improvement and Reconstruction Projects, (Tehran, 1996).

<sup>43</sup> Cabinet Ratification, The Guideline on the Study and Ratification Procedure of Local, District, Regional and National Development Plans and Urban Development and Architecture Regulations, (Tehran, 1999).

the historical fabrics, shall be devoted to the mentioned management to be expended solely for the repair and revival of the historical monuments, sites and fabrics.<sup>44</sup>

The administrative organizations are also entitled to purchase those properties and buildings that are being enlisted among cultural and historical heritages by Cultural Heritage and Tourism Organization and being appropriate to be utilized by that organization in terms of the land use, along with the surrounding buildings and repair, equip and utilize them under the supervision of the Cultural Heritage and Tourism Organization. Acquisition of those properties shall be done by

paying a fair price.<sup>45</sup> Those organizations which already possess such properties shall repair and preserve them on the basis of the guidelines of the Cultural Heritage and Tourism Organization and under its supervision.<sup>46</sup>

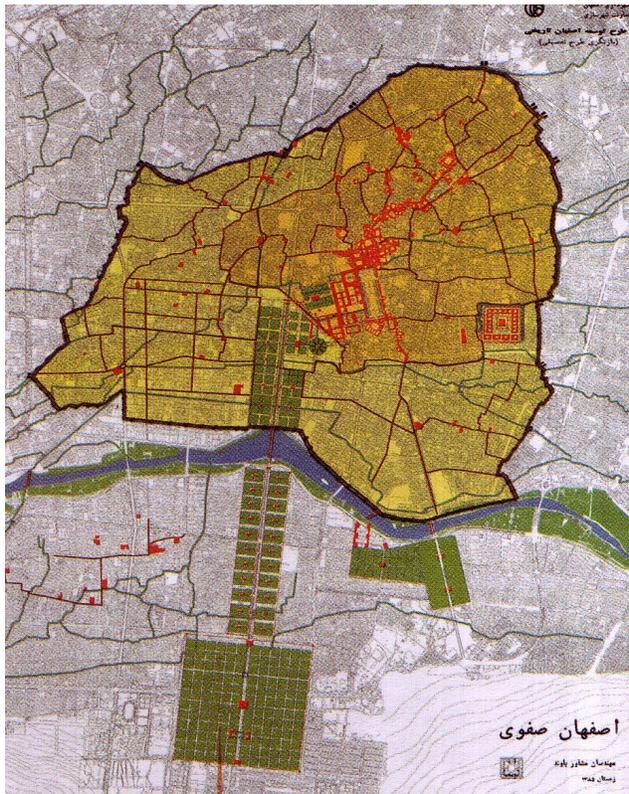


Fig. 4.9: Historical border of Safavid Isfahan in which the historical fabrics are located (Nama, No. 186-187, 2010: 9)

<sup>44</sup> Islamic Consultative Assembly, Third National Development Plan, (Tehran, 2000) Article 166.

<sup>45</sup> Islamic Consultative Assembly, The Act on Adjustment of Some Financial Regulations of the Government, (Tehran, 2001) Article 91.

<sup>46</sup> Cabinet Ratification, The Guideline of the Historical, Cultural and Artistic Properties of the Public and Governmental Organizations, (Tehran, 2002).

*Chapter Five*

*New Towns*

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### ***Introduction***

This chapter addresses the development of new towns in Iran. It starts with giving the definition of new town in Iranian body of law and the history of new towns development in the country. The procedure of developing a new town, preparing the development plans, administrative responsibility and provision of public infrastructure, provision of required financial resources as well as the supervisory mechanisms to safeguard the sound implementation of the development plans would also be notified in this chapter.

### **5.1. Section One: An Introduction to New Town Development**

Before the Islamic revolution in Iran, the new towns have been planned and realized in three phases: first phase) Between first and second World War in the form of political-military and commercial cities as well as the settlements of government employees at the peripheries of the big cities; second phase) After the second World War until mid 60s in the framework of the oil cities and the settlement of the employees who worked for oil industry; and third phase) From mid 60s to 1979 in the form of industrial new towns close to the industrial poles for settlements of the factory workers.<sup>1</sup> After the Islamic revolution in 1979, the new towns have been designed and realized as one of the main urban development strategies to absorb the population overflow of the big cities as well as the migrants.<sup>2</sup> Two more trends in development of new population centers around the big cities could also be mentioned: First the new residential fabrics which were developed mostly on the lands close to the big cities at the last years of Pahlavi dynasty and the beginning of Islamic revolution and second the transformation of the nearby villages to small cities as well as the cities which appeared as a result of merging two or more villages.<sup>3</sup> Introducing the strategies to establish new towns, according to the well-established international standards was actively followed by MRUD after the Islamic revolution, since beside physical challenges some other parameters played a significant role in Iran:

#### *a) Population Growth*

The population of Iran is estimated to reach to 92 million inhabitants in 2020<sup>4</sup>, hence a far bigger urban built-up area will be needed, which subsequently covers the peripheries of the big cities including gardens and agricultural lands; a fact which necessitates the establishment of the new towns as a vital tool to avoid such destruction.<sup>5</sup>

#### *b) Urban Challenges*

Planning to solve the urban housing challenges as well as dealing with the absence of urban infrastructures and physical deficits in the big cities, in addition to secondary set of problems resulted from the extreme dense population in the big cities which brings unemployment,

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<sup>1</sup> Ziary, Keramatallah, New Towns Planning, (Tehran: SAMT, 2009) 105.

<sup>2</sup> Ibid.

<sup>3</sup> Zanjani, Habibollah, Hamideh Amakchi, and Nasser Azimi, A New Approach in the Analysis of the Needs and Locations for New Towns, Abadi (Tehran: MRUD, Winter 2010) 8.

<sup>4</sup> This estimation had been done according to a rapid population growth after the war and the birthrate according to 'Iran Statistics Center' in 2011.

<sup>5</sup> Edalatkhah, Mohammad, Looking at the Experience of New Town's Objectives in Iran, Seminar on Urban Development and New Towns, (Isfahan: MRUD, 1994) 67.

poverty, informal settlement etc. played a big role in deciding for new towns establishment strategies.<sup>6</sup>

*c) Rural-Urban Migration*

Following decentralized policies in the big cities and absorbing their population overflow, avoiding the rapid expansion of the cities and making a socio-economic balance, controlling the migration waves and the inability of the big cities in absorbing the immigrants were among the other main reasons for MRUD to adopt urgent new towns policies after the Iran-Iraq war.

Centralization of economic power in Iranian big cities could be analyzed by Rostow's stages of growth (traditional society, preconditions for take-off, take-off, drive to maturity, and age of high mass consumption). "In the period from 1921 to 1951, in which the traditional economy was dissolved (traditional society) and oil and monetary oriented capitalism was introduced (preconditions for take-off), the Iranian city gained a political-communicative function."<sup>7</sup> Afterwards, Iran joined capitalism in take-off and established the needed mechanisms as prerequisites for maturity (1961 to 1979) in which industrialization came to the stage, that strengthened the conceptualization of megacity, mostly in case of Tehran and some few big cities, which led to evacuation of other cities from population and facilities and resulted in polarization of these big cities and ultimately spatial imbalance in urban areas.<sup>8</sup> So new towns development strategies were aimed to be applied, in hope of tackling with this social and economic disparity and imbalance, as big cities were under growing pressure of population density and "they could not continue their normal urban life as they were unable to provide their citizens with necessary public services; therefore and in order to distribute a balanced socio-economic growth and controlling their rapid growth, establishing satellite cities in a suitable distance from big cities could be the best and most efficient way for their development."<sup>9</sup>

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<sup>6</sup> Ziary, Keramatallah, *New Towns Planning*, (Tehran: SAMT, 2009) 115.

<sup>7</sup> Athari, Kamal, *Development Strategies, Urban Development and New Towns Strategies*, Proceeding of the conference on New Towns, A New Culture in Urbanization, (Tehran: MRUD, 1989) 106.

<sup>8</sup> Ziary, Keramatallah, *New Towns Planning*, (Tehran: SAMT, 2009) 118.

<sup>9</sup> New Towns Development Company, *Annual Report*, (Tehran: NTDC, 1988) 45.

*New Towns*

<b>New Town</b>	<b>Mother City</b>	<b>Distance from the Mother City</b>	<b>Date of Local NTDC Establishment</b>	<b>Estimated Population</b>	<b>Area of the New Town (hectare)</b>	<b>Date of Master Plan Ratification</b>
<b>Pardis</b>	Tehran	25 km	1991	150,000	2000	1995
<b>Hashtgerd</b>	Tehran	65 km	1990	500,000	4000	1993
<b>Andisheh</b>	Tehran	30 km	1991	100,000	1100	2000
<b>Parand</b>	Tehran	35 km	1990	80,000	1467	1998
<b>Letian</b>	Tehran	10 km	1992	26,100	1100	-
<b>Baharestan</b>	Isfahan	15 km	1989	320,000	3000	1993
<b>Fooladshahr</b>	Isfahan	25 km	1989	320,000	7000	1994
<b>Majlesi</b>	Isfahan	65 km	1989	140,000	3000	1993
<b>Sahand</b>	Tabriz	20 km	1991	90,000	3148	1998
<b>Sadra</b>	Shiraz	15 km	1991	200,000	2048	1995
<b>Golbahar</b>	Mashhad	40 km	1990	400,000	4000	1993
<b>Binalood</b>	Mashhad	45 km	1991	120,000	4000	-
<b>Alishahr</b>	Booshehr	24 km	1989	100,000	4000	1986
<b>Mohajeran</b>	Arak	28 km	1990	60,000	826	1997
<b>Alavi</b>	Bandar Abbas	40 km	1990	100,000	3000	-
<b>Ramin</b>	Ahvaz	35 km	1991	65,000	1000	-
<b>Ramshar</b>	Zabol	35 km	1991	60,000	1000	2000
<b>Tis</b>	Chabahar	30 km	1991	100,000	1000	-

Table 5.1: The Characteristics of the realized New Towns in Iran (Source: NTDC, 2000)

## 5.2. Section Two: New Towns Development Policy

### 5.2.1. Definition of a New Town according to Urban Law

A New Town is a physical fabric, which provides the possibility of living and activity of a population of more than 50,000 inhabitants<sup>10</sup> or includes at least 10,000 housing units, as well as public, social, cultural and commercial buildings and infrastructure to meet the demands of the inhabitants, and it shall be located outside of the borderline of the existing cities.<sup>11</sup>

The necessity for the development of a New Town and its location along with its population ceiling shall be ratified by the High Council in the framework of the national and regional and district physical plans. Subsequently like any other cities, master plan and detailed plan shall be prepared for New Towns.<sup>12</sup>



Fig 5.1: Iran New Towns (Building & Housing Research Center, Young Cities Project Report, 2012: 17)

<sup>10</sup> Islamic Consultative Assembly, Act on the Establishment of the New Towns, (Tehran, 2001) Article 1: According to this act, the minimum number of inhabitants was reduced to 30,000.

<sup>11</sup> Ministry of Roads and Urban Development, The Guideline on the Procedure of Reviewing and Enactment of Development Plans, (Tehran, 1999) Article 1.

<sup>12</sup> Ibid.

### **5.2.2. The Applicability of Development Plans for a New Town**

The procedure of ratifying master and detailed plans for the New Towns is the same as any other city with one exception: the manager of the local New Towns Development Company shall be responsible in the provincial Commission of Article 5 in case of preparation of the above-mentioned plans. The plan needs however to be ratified by the High Council to be enforceable.<sup>13</sup> Upon ratification of the master plan, the New Town shall enforce Article 4 of the ‘Engineering Association and Building Control Act’ in 1995, subject to which all construction activities shall be done hereafter in accordance with Article 30 of the above-mentioned Act.<sup>14</sup>

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<sup>13</sup> Hosseini, Seyed Ali, The Technical and Executive Principals of Urban and Regional Law in Iran, (Rasht: Haghshenas 2010) 322.

<sup>14</sup> Cabinet Ratification, The Executive Guideline of the Act on Establishment of the New Towns, (Tehran, 2004) Article 7; Article 30 of the ‘Engineering Association and Building Control Act’ certifies that the municipalities and the authorities in charge of issuing building permissions and settlement construction permissions shall accept only those maps and development plans, which have been signed by authorized legal and individual entities.

Number	New Town	Function	Centers	Division Pattern	Roads Network	New Town Plan
1	<i>Hastgerd</i>	Satellite-Shelter				
2	<i>Andisheh</i>	Satellite Sheltering				
3	<i>Pardis</i>	Satellite-Research				
4	<i>Pooladshahr</i>	Industrial-office building				
5	<i>Majlesi</i>	Industrial-office building				
6	<i>Binalood</i>	Satellite-Industrial				
7	<i>Mohajeran</i>	Industrial-office building				
8	<i>Sadra</i>	Satellite-Sheltering				
9	<i>Sahand</i>	Satellite-Sheltering				

Table 5.2: Main new towns in Iran and their characteristics (adopted from Abadi Quarterly No.65, 2010: 34)

### 5.2.3. Responsible Legal Authorities

New Towns Development Company (NTDC) is responsible for preparation of urban development, architecture and design plans as well as doing land preparation (Tarh-e-Amadesazi) and land division, the development of public infrastructure, issuing building permissions and the management and maintenance of the New Town. NTDC is also responsible for the supervision on sound implementation of the standards, rules and regulations by the private developers. NTDC is authorized to acquire the lands which deem to

be necessary for the development of the New Towns, according to the rules and regulations, set by MRUD and other rules and regulations in this regard.<sup>15</sup> When at least 10,000 inhabitants settled in the New Town, the NTDC is obliged to inform the MRUD, which subsequently reports the case to the Ministry of Interior. The Ministry of Interior is obliged to establish the city council and the municipality within 6 months, even if the development phases of the New Town still have not been fully realized.<sup>16</sup>

#### **5.2.4. Development and Management Procedure**

##### *5.2.4.1. The Developer of a New Town*

The developer of the New Town could be everyone, whether the local NTDC or the private sector. But in case that both NTDC and the non-governmental sector are applying for the development of a New Town, the non-governmental sector shall be prioritized.<sup>17</sup> After the initial studies on locating the New Town, according to the proposal by the MRUD and subsequent ratification of such location by the High Council, the NTDC can start to acquire needed plots, according to the existing rules and regulations. The non-governmental applicant for development can purchase the properties and plots, according to the enforced regulations.<sup>18</sup> The private applicant who aims to develop a New Town has to submit his application, along with following documents:

- Declaration of the planned area (at least 300 Hectare) and submission of the documents which can ensure that the private applicant is capable of providing required lands, if the development plan of such New Town would be finally ratified;
- Delegating and introducing the urban development and architecture engineering consultant, who shall be responsible for plan preparation and supervision;
- Submission of a commitment, if sufficient plots are being allocated, according to the master plan, for public roads, green spaces, squares, public facilities and such for free to the related organizations.<sup>19</sup>

<sup>15</sup> Cabinet Ratification, The Status of the New Towns Development Company, (Tehran, 1988) Article 4.

<sup>16</sup> Cabinet Ratification, The Executive Guideline of the Act on Establishment of the New Towns, (Tehran, 2004) Article 20.

<sup>17</sup> Ibid., Article 31.

<sup>18</sup> Islamic Consultative Assembly, New Towns Establishment Act, (Tehran, 2001) Article 2.

<sup>19</sup> Cabinet Ratification, The Executive Guideline of the Act on Establishment of the New Towns, (Tehran, 2004) Article 26.

#### 5.2.4.2. Preparation and Implementation of Development Plans

Preparation of the master plan shall be done by the developer of the New Town, where the High Council decides about the necessity of such establishment, the location and the population ceiling.<sup>20</sup> The study and ratification of the detailed plan and land division plans and their subsequent modifications -only if they are in contradiction with master plan- shall be carried out by the Commission of Article 5. Instead of the mayor, the manager of local NTDC is representing the municipality in this commission, prior to the establishment of the municipality.<sup>21</sup>

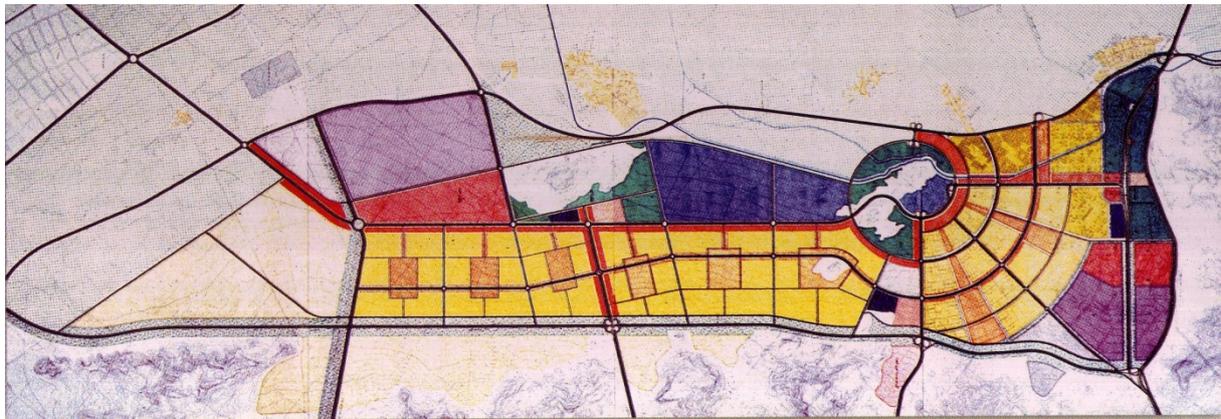


Fig 5.2: Master Plan of Pooladshahr New Town near Isfahan (Iranian New Towns, NTDC, 1999: 26)

The developer of the New Town is authorized to issue land division, partition and development permits, including land preparation and construction activities for those owners, whose plots have been located within the borderline of the New Town, according to the existing rules and regulations of the master, detailed and land use plans. Issuing such permits for owners of those plots which are bigger than 1000 m<sup>2</sup> is subject to their commitment to provide the new town developer with a certain share of their plots for public services and infrastructure as well as public roads for free.<sup>22</sup>

The developer is obliged to do division and land preparation for those plots, which have been acquired or purchased, according to the specified time plan and in accordance with the land uses, which are specified in master and detailed plans and transfer them to the legal or individual applicants.<sup>23</sup> The NTDC shall supervise the procedure of preparing detailed and master plans and land division plans, which are being prepared by the local NTDCs.<sup>24</sup>

<sup>20</sup> Ibid., Article 6.

<sup>21</sup> Ibid., Article 8.

<sup>22</sup> Ibid., Article 14.

<sup>23</sup> Ibid., Article 17.

<sup>24</sup> Cabinet Ratification, *The Status of New Towns Development Company*, (Tehran, 2003) Article 3.

### 5.2.4.3. *The Procedure of Development*

When the necessity to establish a New Town has not already been ratified in the framework of the national and regional physical plans, the locating studies for a New Town<sup>25</sup> shall be done with regard to special or district plans.<sup>26</sup> The result of such studies shall presuppose finding the best location with the considered population ceiling and the needed area to establish a New Town. The borderline of the New Town shall be determined and -upon the suggestion of the MRUD- shall be ratified by the High Council.<sup>27</sup> When according to a special condition, the plots of land in the predefined area of the New Town are located in more than one county, the High Council shall determine to which county the New Town shall belong, in consultation with the Ministry of Interior; upon which the Ministry of Interior shall take legal measures to redefine the borderlines of the related county.<sup>28</sup> Development of the New Town by the non-governmental sector is subject to obtaining development permit by the MRUD even after ratification of its establishment by the High Council.<sup>29</sup>

The developer of the New Town is obliged to prepare a plan including the time plan and the executive procedure of the development with respect to physical and implementation details and financial resources and submit it to MRUD to be ratified. The developer shall abide this plan, upon its approval.<sup>30</sup>

The local NTDC and other developers of the New Town are allowed to divide the plots of land that have been acquired or purchased by them and after doing land preparation, they can resell them to the legal or individual entities to be developed, according to the ratified land uses of the master and detailed plans.

Upon settlement of at least 10,000 inhabitants in the New Town, the MUHD is obliged to report the case to the Ministry of Interior, subject to which the latter is obliged to establish the municipality and the city council in the New Town, even though the development plan of the New Town has not been fully realized. By the establishment of the municipality, the

<sup>25</sup> According to Article 7 of the Act on Name Change of the Ministry of Housing and Urban Development, the criteria to find the best location of a new town have been outlined in the framework of the ratification by the High Council in 1989. This ratification states that “the studies shall include the population growth calculation in the next 20 years, the prediction of population ceiling which shall be settled in the New Town, the job perspective within the New Town or around it, maximum utilization of governmental lands and minimum acquisition of agricultural lands, sufficient distance from the mother city, sufficient water resources, observation of topographical, political, military and security concerns and feasibility studies with respect to economical and implementation advantages and disadvantages.”

<sup>26</sup> Cabinet Ratification, The Executive Guideline of the Act on Establishment of the New Towns, (Tehran, 2004) Article 3: These special or district plans are subject to the cabinet ratification number 55837/t/21414, 1999.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid., Article 5.

<sup>29</sup> Islamic Consultative Assembly, New Towns Establishment Act, (Tehran, 2001) Article 13.

<sup>30</sup> Cabinet Ratification, The Executive Guideline of the Act on Establishment of the New Towns, (Tehran, 2004) Article 16.

developer of the New Town is still obliged to continue the implementation of land preparation and development of the New Town, according to the ratified development plan of the New Town and by observation of the municipality regulations.<sup>31</sup>

#### *5.2.5. Provision of Public Services and Infrastructure*

All ministries, the Islamic Law Enforcement Force (Nirooy-e-Entezami) and all governmental organizations, institutions and administrations are obliged to cooperate in the establishment of the New Town. They have to plan for public infrastructure and allocate budget in a way that such services could be provided gradually and in commensuration with the development and settlement progress of the New Town. The local NTDC or the private developer shall transfer those plots with educational and other public land uses for free to the related organization, municipality and the Water and Waste Water Management companies. Land use change or retransfer of these plots is forbidden. The amount of investment for providing educational, cultural, religious and other public facilities by the local NTDC or the developer itself shall be considered and be reduced from the total tax that shall be paid by them.<sup>32</sup> The local NTDC shall provide the needed development funds for the establishment and realization of the public services for the New Town from the revenues, resulted from selling plots in the same New town.<sup>33</sup> It is also permitted to issue division, partition and development permits according to the land use criteria of master and detailed plans for owners of those plots which are bigger than 1000 m<sup>2</sup>, only if these owners are being committed to allocate a certain percentage of their plots -according to the criteria set by the High Council- for provision of public roads, services, facilities and infrastructure for free to the local NTDC.<sup>34</sup>

The non-governmental applicant shall provide NTDC with a commitment to allocate needed lands for public roads, greeneries, squares, public and social infrastructure, according to the criteria, which have been set in the master plan.<sup>35</sup> Any kind of land transfer in the New Towns by the non-governmental developer is forbidden, prior to land division, land preparation and accomplishment of infrastructural phase upon submitting a letter of commitment to the MRUD to provide the public services for the inhabitants of that certain project.<sup>36</sup>

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<sup>31</sup> Islamic Consultative Assembly, New Towns Establishment Act, (Tehran, 2001) Article 12.

<sup>32</sup> Ibid., Article 5.

<sup>33</sup> Ibid., Article 6.

<sup>34</sup> Ibid., Article 8.

<sup>35</sup> Cabinet Ratification, The Executive Guideline of the Act on Establishment of the New Towns, (Tehran, 2004) Article 26.

<sup>36</sup> Ibid., Article 30.



Fig 5.3: Recreation Park in Baharestan New Town (Baharestan New Town Company Brochure, No.15, 2010: 5)

After the establishment of the municipality, the developer of the New Town is obliged to transfer within a month all public spaces (greeneries, parks, roads, squares, passages, cemetery, etc.) and infrastructural facilities with all related documents and maps, respecting building permits and completion and non-violation certificates to the municipality. The municipality is obliged to accept the validity of them and include them hereafter.<sup>37</sup> Since then, the municipality has the responsibility to provide the inhabitants with all urban and public services and facilities and to prevent urban development and building violations, according to Article 100 of the Municipality Act.<sup>38</sup>

#### 5.2.6. *Supervision on the Development Process*

The MRUD is obliged to supervise -directly or through its provincial Housing and Urban Development Organization- the procedure of construction as well as all development activities to ensure the sound implementation of the master and detailed plans of the non-governmental developer in a New Town and to report in written any breaches and violations with regard to the mentioned plans or the building regulations to the developer and the consulting engineer. It is authorized to invalidate the New Town Development permit after two written warnings, if the developer did not cooperate effectively in resolving the problem.<sup>39</sup>

Determining the tariff for such supervision shall be subject to MRUD proposal and ratification of the Cabinet.<sup>40</sup>

Supervising the sound implementation of New Town plans, issuing construction and building permits, building completion and non-violation certificates, receiving the municipal taxes etc.

<sup>37</sup> Ibid., Article 21.

<sup>38</sup> Ibid., Article 22.

<sup>39</sup> Ibid., Article 29.

<sup>40</sup> Islamic Consultative Assembly, *New Towns Establishment Act*, (Tehran, 2001) Article 13.

shall be performed by the developer of the new town before the establishment of the municipality.<sup>41</sup> Addressing to the construction and urban development violations within the borderline of the New Town, before the establishment of the municipality shall be carried out by a commission which shall be established subject to article 99 of the Municipality Act<sup>42</sup> and the revenues resulted from the opinions of such commission (violation fines) shall be transferred to the local NTDC to be spent for the development of public services.<sup>43</sup>

NTDC shall supervise the procedure of land preparation, building construction and the development of the public urban facilities and infrastructure as well as public, commercial and trade services which are being done by the affiliated local NTDCs. Supervising the utilization and maintenance of the established facilities in each new town before the establishment of the related organizations and monitoring the functional activity of the local affiliated NTDCs are also among the responsibilities of NTDC.<sup>44</sup>

#### *5.2.7. Provision of the Financial Resources*

NTDC is authorized “to cooperate with foreign or internal governmental or non-governmental legal entities and individuals and to apply for loans from the banking and monetary systems”<sup>45</sup> for supplying financial resources for development projects. It has to try its best to “pave the ground for the non-governmental applicants to establish a New Town or participate in its establishment”, through “encouraging and managing the internal and external resources for investment in New Towns projects such as distribution of participation bonds in the framework of the existing rules and regulations.”<sup>46</sup>

The non-governmental applicant enjoys all facilities and benefits, which are being provided by MRUD for other mass construction companies.<sup>47</sup>

When, in order to select the mass constructor or investment partner, the land supply is put out to tender, the final decision shall be made by NTDC, according to the sent application documents such as the design plan, expenditure analyses and the methods of providing

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<sup>41</sup> Ibid., Article 10.

<sup>42</sup> Provision 3 of Article 99 states that ‘in order to avoid the illegal constructions outside the legal boundaries of the cities, a commission shall be established in the governorates, consist of the representatives of the Ministry of Interior, the Judiciary and MRUD. This commission is authorized to issue verdict on violations of master plan, which varies from the demolition of the building to fining up to 70% of the daily price of the building.’

<sup>43</sup> Islamic Consultative Assembly, New Towns Establishment Act, (Tehran, 2001) Article 11.

<sup>44</sup> Cabinet Ratification, The Status of the New Towns Development Company, (Tehran, 2003) Article 3.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Cabinet Ratification, The Executive Guideline of the Act on Establishment of the New Towns, (Tehran, 2004) Article 32.

financial resources to the project.<sup>48</sup> The NTDC and the private or non-governmental developer of the New Town can share the total profit in two ways: a) dividing the total constructed housing units and selling them with certified proportions, b) dividing the total income, resulted from selling the constructed housing units.<sup>49</sup>

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<sup>48</sup> Cabinet Ratification, The Guideline on Supply and Transfer Urban Lands in the Borderline of the New Towns, (Tehran, 1996) Article 1.

<sup>49</sup> *Ibid.*, Article 8.

## *Chapter Six*

### *A Critical Approach to Urban Planning in Iran (Case Study: Isfahan City*

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## ***Introduction***

The primary goal of this research is to give a clear picture of what is being regarded as a puzzle of urban planning in Iran. To support the research hypothesis, a large amount of research has been done, numerous interviews with local municipality officials, experts, academicians and practitioners have been conducted and personal observations and transit walks have been carried out during the PhD research project.<sup>1</sup> As it has already been notified, the hypothesis maintains that the planning system in Iran is multilayered and complicated and suffers heavily from the absence of sound management and supervision tools, which therefore leads to incompatibility with the objectives of sustainable development. Thus it shall be simplified and modified in order to be equipped with stronger managerial and supervisory tools to meet the demands of sustainable development in the country. The utmost effort has been made to work very precisely toward finding trustworthy and scientifically reliable facts, which can support the hypothesis. In this chapter, it is aimed to analyze how urban and regional planning functions in reality in Iran. For that sake Isfahan City, third biggest city in Iran has been chosen as the case study. Looking into a real case and observing how all the above-mentioned rules and regulations are being practiced is serving the purpose of proving the hypothesis as well as addressing the research question which maintains if the planning system in Iran could be simplified to be capable of being reformulated in the framework of sustainability discourse and how the integrated urban management could be established. However, one shall keep in mind that some results may be confined to the case study (Isfahan City) and cannot be generalized to the whole country.

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<sup>1</sup> See the list of interviewees in the bibliography.

### 6.1. Section One: Isfahan in the Course of History

Isfahan has been developed from merging of 6<sup>th</sup> century villages of *Jey* and *Yahoodieh*, and replaced Qazvin as the new capital of the country in 1598 as a symbol of resurgence. [Shah] Abbas, who ruled Iran at that time called on the services of architects, artists and craftsmen to transform Isfahan into a modern capital. Though basing their approaches on an older tradition in architecture, town planning and decorative style, they developed the specifically Safavid style into a point of such rare maturity that it still has power to captivate the observer of today.<sup>2</sup> At that time, Isfahan was already an established city in a well-watered and fertile plain and had a venerable history –expressed notably in its great Saljuq mosque. The center of new Isfahan was shifted south from the *Friday (Jame) mosque* to a new vast rectangular *maidan*,



Fig. 6.1: A typical architecture of a house in Isfahan (Nama, No. 191-192, 2011: 29)

or square, called *Naghsh-e-Jahan*, or Design of the World. The maidan was linked to the older mosque, square and markets by a mile-long bazaar with vaults, domes, caravanserais, baths, schools, shrines, and smaller mosques, all of which understood the importance of trade.<sup>3</sup>

Soon became Isfahan the center of trade between Europe and South as well as East Asia. Adam Olearius, a seventeenth-century German scholar, employed as secretary to an embassy by the small German state of Holstein to explore an overland trade route with Persia reports from a fascinating architecture in Isfahan: “Their houses are in a manner square and most have four stories, accounting the ground-room for one. They call them cellar, and such places belonging to a house as are under ground, *sirsemin*; the ground-rooms of the house, *chane*; the first story, *kuschk*; the second, *tzauffe*; and the third, *kesser*; and they call the open halls, *eiwan*. Their windows are commonly as big as their doors, and in regard their buildings are not very high; the frames ordinarily reach up to the roof. They have not yet the use of glass,

<sup>2</sup> Peter Jackson and others, *The Cambridge History of Iran, Volume 6*, (Cambridge University Press, 1986) 270.

<sup>3</sup> Gene R. Garthwaite, *The Persians*, (New York: John Wiley and Sons, 2008) 175.

but in winter they cover the frames of their windows, which are made like lattices, with oiled paper.”<sup>4</sup>

However in the late 18<sup>th</sup> Century in the second half of Qajar Dynasty<sup>5</sup>, the architecture started to be affected by extended westernized characteristics, resulted from frequents trips of the Qajar royal family to Western Europe and increasing level of trade between Iran and the west.



Photo 6.2: Isfahan Traditional House (Fars News Agency<sup>6</sup>)

Isfahan experienced one of the most devastating periods of its architectural history at the second half of Qajar dynasty under Massoud Mirza Zel el Soltan, the ruler of Isfahan who could not tolerate that the legacy of Safavids and their magnificent castles and monuments are still alive in Isfahan. Following his order, a lot of beautiful castles, noble houses and governmental buildings from the Safavids’ era were demolished or sold. Almost two third of castles, historical buildings and noble houses were totally demolished and many gardens were deserted and finally dried out intentionally by his officials. His reign could be enlisted as the darkest chapter of Isfahan architectural legacy.

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<sup>4</sup> Ibid.

<sup>5</sup> Qajar Dynasty is a Persianized Iranian royal family of Turkic origin, which ruled Persia (Iran) from 1785 to 1925.

<sup>6</sup> Photo by Hamid Reza Nikoo Maram, Retrieved in June 2010 (<http://www.farsnews.com/>)



Photos 6.3 and 6.4: Isfahan under Qajars [Left: Ali Ghapoo Right: Si-O-Se Pol] (Nama, No. 174-175, 1999: 98)

Isfahan started to flourish once again under Pahlavi kings who focused on historical cities like Isfahan and Shiraz to revitalize the elegance of the Persian Empire. Many roads, hospitals and shopping centers were constructed and the industrialization of the city began rapidly, which absorbed huge migration from surrounding cities and provinces to Isfahan. The rapid industrialization and subsequent migration acted like a two-blade sword which from one side helped the city to regain its magic and from the other side exerted unbearable pressures on the urban development and city planning which was intensified during Iran-Iraq war, when many Iranians fled the warzone of the western border cities and came to big cities, particularly Isfahan and Tehran. The extent of immigration and rapid industrialization extremely changed the image of Isfahan from a garden-historical city into a modern industrialized city, which inevitably posed a set of challenges for city officials and municipality, responsible for urban planning and development, which will be discussed in following sections.

## 6.2. Section Two: Isfahan Land Use Planning

### 6.2.1. A Historical Background

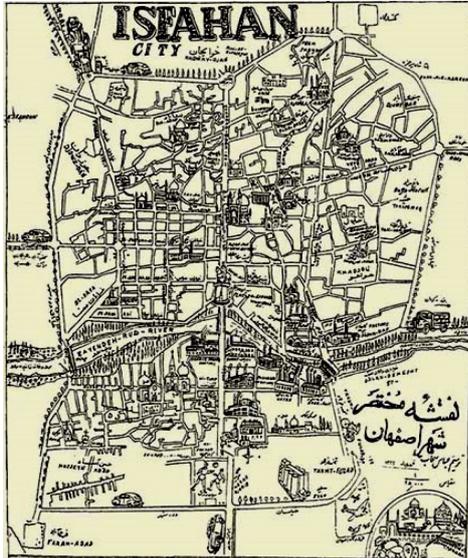


Fig. 6.5: One of the first plans of Isfahan

(Abbas Sahab Historical Map<sup>7</sup>)

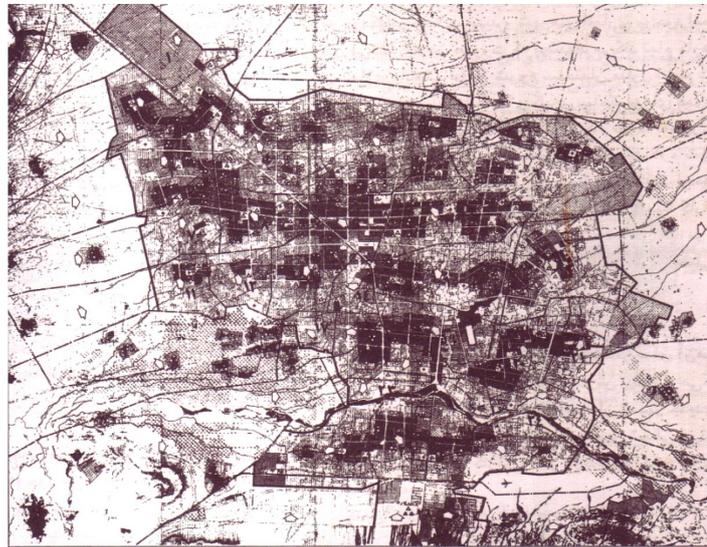


Fig. 6.6: Organic Master Plan of 1971

(Nama, No. 186-187, 2010: 48)

The very first comprehensive effort to define a binding plan for the whole city was started in 1971 by ratification of Isfahan Organic Plan (Tarh-e-Organic), which was already the second master plan but the first of such a scale. The rapid industrialization and urbanization trend was resulted in a drastic population growth and the city had been expanded uncontrolled in the 60s, especially from 1956 to 1966. The organic plan based its future perspective on population growth and estimated the population growth for the next 25 years (until 1991) to be increased up to 1,250,000. The city which witnessed a very low rate of population growth before 1956 (1.4%) had suddenly started to grow very rapidly afterwards until 1966 (5.2%), due to the rapid industrialization as well as rural-urban immigration, resulted from the so-called 'Land Reform' (Eslahat-e-Arzi) programs by the central government.<sup>8</sup> So the general concept of the organic plan was based on preserving the magnificent patterns of the old city and its historical characteristics, while in the meantime it suggested the expansion of Isfahan toward north and north-east. Two viewpoints do exist which are both criticizing the organic plan for various reasons, amongst others for failing to take notice of the natural-historical expansion of Isfahan (*Joybareh* neighborhood at the north toward the *Khajoo* neighborhood at the south) and for demolishing hectares of agricultural lands at the north, which used for

<sup>7</sup> <http://esfahanemrooz.ir/page.php?link=http://www.eenews.ir/fa/news/40371> (Retrieved in August 2011)

<sup>8</sup> Maher, Mohammad Mehdi, *The Lasting Effects of Organic Master Plan on Expansion of Isfahan Residential Neighborhoods*, Danesh-e-Nama (Isfahan: Engineering Association Organization, Volume 186-187, 2010) 45.

housing construction.<sup>9</sup> However, the planners justified it by referring to the huge housing deficit that had been resulted from the enormous population growth from 1956 to 1966. The population was estimated to be increased up to 66% during this decade.<sup>10</sup> They maintained that at least 120,000 new housing units shall be constructed in 25 years to meet the increasing demands of such population.<sup>11</sup>

#### *6.2.1.1. Isfahan Expansion Orientations*

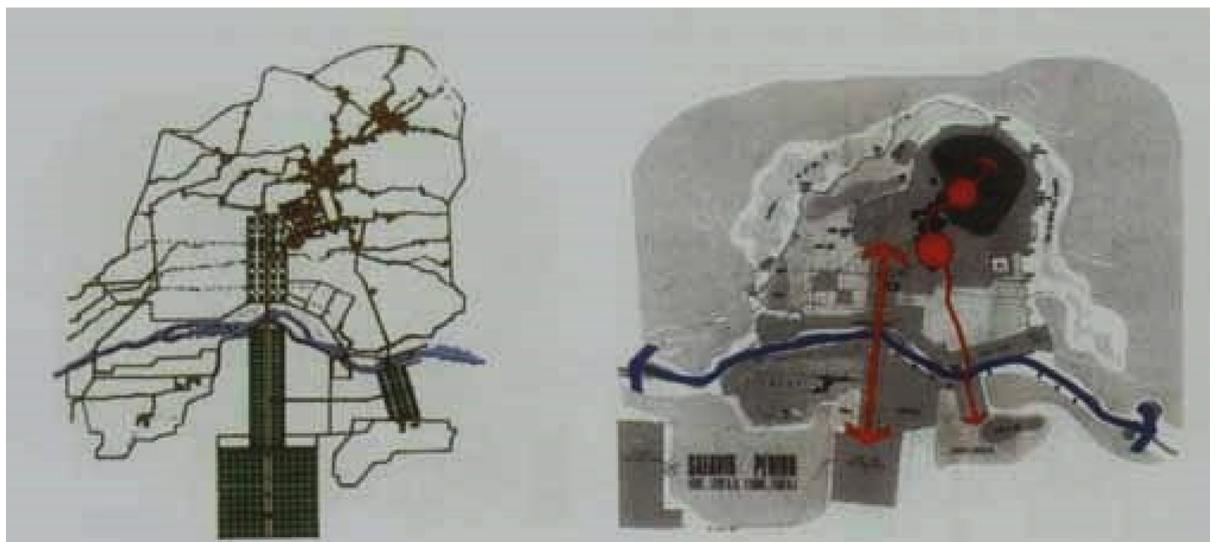


Fig. 6.7 & 6.8: Isfahan Expansion Orientations (Nama No. 161-162, 2010: 54)

To build such a huge amount of housing units, the expansion orientations should be defined by the organic plan as it maintained that keeping the historical city center as the only main center is not economically justifiable. Moreover preserving the historical fabric of the city could not be achieved, unless “a lineal expansion with more city centers at the north and south of this corridor are developed.”<sup>12</sup> The plan was also against a radial urban expansion model for Isfahan region, as it believed that new neighborhoods and satellite cities and settlements perform always very weak absorption capacity and do need permanent governmental monitoring which may –instead of reducing- exert more pressure on the Isfahan city itself. However it was stated that if the development of new settlements and satellite cities is proved to be inevitable, they shall be self-sufficient. Providing local public infrastructure shall also be

<sup>9</sup> Ghoreishi, Abdolrasool, The Reasons for Failure of Isfahan Physical Plans, Danesh-e-Nama (Isfahan: Engineering Association Organization, Volume 133-134, 2006) 69-81.

<sup>10</sup> Maher, Mohammad Mehdi, The Lasting Effects of Organic Master Plan on Expansion of Isfahan Residential Neighborhoods, Danesh-e-Nama (Isfahan: Engineering Association Organization, Volume 186-187, 2010) 45.

<sup>11</sup> Isfahan Housing and Urban Development Organization, Isfahan Regional and Master Plan: Organic and Bodoen Engineering Consultancy Company, (Isfahan, 1966) 13.

<sup>12</sup> Maher, Mohammad Mehdi, The Lasting Effects of Organic Master Plan on Expansion of Isfahan Residential Neighborhoods, Danesh-e-Nama (Isfahan: Engineering Association Organization, Volume 186-187, 2010) 47.

done prior to housing construction projects, in a way that all inhabitants of the new neighborhoods and settlements can benefit from such infrastructure from the very beginning. In this framework, “the establishment of one new neighborhood at the north (to absorb the worker population of Isfahan), the second one at the west and the last one at the east was proposed by organic master plan, under the precondition that each of these new neighborhoods have an independent center to avoid extra overload of the historical center.”<sup>13</sup>

The Organic master plan had suggestions for the development projects with residential land uses, renewal of deteriorated fabrics and new developments. It concluded that the historical center of the city shall be regenerated, and encircled by a green belt of trees and gardens. The plan truly recognized that the preservation of the historical monuments without rehabilitation of their surrounding deteriorated fabric is not realistic. It also insisted that all constructions shall be in accordance with Isfahan typical architecture in order to preserve the historical image of the city. The organic master plan tried to extract the architectural and urban development parameters of Isfahan city by through analyses of the historical fabric. It is therefore the first development plan of Isfahan, which mentioned the necessity of the physical compatibility of all new development projects with the historical fabrics.<sup>14</sup> In this way, it proposed a horizontal expansion of the city, according to which the trees, historical monuments as well as mosques and public spaces shall stand higher than the normal buildings and tried to articulate it in the form of guidelines, aiming to transform Isfahan into a garden city.<sup>15</sup>

The organic master plan was never fully implemented due to the political instability, resulted from the Islamic revolution in Iran. Still it has fundamentally affected the subsequent master and detailed plans of Isfahan city and its future development. The subsequent detailed plans “focused on expansion toward the south, which were never realized due to the absence of a consensus among various responsible administrations.”<sup>16</sup> Hence the city started to expand irregularly in the course of the last years with a strong tendency to expand northward after four decades, while the organic master plan’ preconditions in terms of making “capable north center, self-sufficient neighborhoods and sub-neighborhoods and a coherent physical structure” were fully neglected.<sup>17</sup> This tendency in absence of a systematic urban

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<sup>13</sup> Ibid., 48.

<sup>14</sup> Ibid., 49.

<sup>15</sup> Ibid.

<sup>16</sup> For instance, the army which possesses most of the lands in southern parts of Isfahan city vetoed any kind of efforts to expand the city southward.

<sup>17</sup> Varesi, Hamidreza, *Land Policies and Urban Development in Isfahan*, (Tehran: Proceeding of Urban Land and Development Conference: Urban Development and Architecture Research Center Publications, 1999) 704.

development management caused many disorders in the city of Isfahan, such as emergence of irregular residential cells and demolition of many gardens and orchards as well as agricultural lands which located between the historical fabrics and newborn neighborhoods.<sup>18</sup> However, at some points such as avoiding high rise buildings, proposing more greeneries and locally compatible building materials, it includes positive aspects which later were extracted from this plan and repeated in all subsequent development plans of Isfahan.<sup>19</sup> It is also believed that if the organic master plan was fully implemented, the development of the city could have more balanced situation in terms of the proportions between residential areas and public local infrastructures. However due to ignorance of the organic plan and in the absence of any other adequate alternative development plan, “the floor area of the residential land uses had been increased up to 47.14% more than the ratified residential land use plan, while the realized public infrastructure was far less than what had been planned to be built.”<sup>20</sup> The reason behind it was addition of 2,257 hectares of land to the borderline of the Isfahan city in the framework of the ‘Modified Plan’ without considering the public infrastructure that is required for such annexation.<sup>21</sup> On the contrary, the share of commercial land uses was dramatically decreased in a way that only 30.45% of the ratified commercial land use plan was realized till 1984 as well as the share of educational land use, which was only 31.47% of the ratified educational land use.<sup>22</sup> All these indicators show various disorders in planning of land use in Isfahan in the course of last decades, although the city still enjoys a far better situation in comparison to other cities in the country.

### **6.2.2. Land Use Planning in Practice**

The case study results show that urban development plans mostly dispossess the latest internationally acknowledged parameters governing the plan preparation, in terms of presenting a multidimensional content, which could address the socio-cultural and economic concerns for the sake of a sustainable urban planning. The physical technical approach which governs the plan preparation in Iran ignores almost all other parameters such as public

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<sup>18</sup> Maher, Mohammad Mehdi, The Lasting Effects of Organic Master Plan on Expansion of Isfahan Residential Neighborhoods, Danesh-e-Nama (Isfahan: Engineering Association Organization, Volume 186-187, 2010) 50.

<sup>19</sup> Badrizadeh, Mohammad Ali; Montazer, Ahmad, and Vafi, Mohammad Hossein, Analyses of Isfahan Urban Development Plans, Regarding the Historical Fabrics, Proceeding of the Conference on Iran Urban Development and Architecture History (Tehran, Cultural Heritage and Tourism Organization Publications, 1995) 246.

<sup>20</sup> Hedayat, Mahmoud, An Analyses of Housing and Land Planning in Isfahan, (Tehran: Proceeding of Urban Land and Development Conference: Urban Development and Architecture Research Center Publications, 1999) 729.

<sup>21</sup> Ibid., 728.

<sup>22</sup> Ibid., 729-30.

participation.<sup>23</sup> The people certainly act and cooperate better, if they could utter their demands and a sustainable planning system is only possible when a mixed collection of expertise is being involved. Many new areas of knowledge in various disciplines of urban planning and architecture which are widely being practiced in the world are playing almost no role in Iranian urban planning.<sup>24</sup>

The long period of ratification of urban development plans in different national, regional and local scales due to the centralized planning system of Iran left its trace in unnecessary long realization of many urgent urban projects or spatial planning. For instance, according to article 72 of the Fourth NDP, the government shall implement the 'National Land Preparation Document' in order to provide the means for a balanced population and facility distribution in the country.<sup>25</sup> It is aimed to present an optimal spatial structure to achieve the sustainable development through studying for introducing mutual interactions between population centers for a better economic efficiency and social justice.<sup>26</sup> But this plan has yet to be employed as it still waits for ratification by the government after almost a decade. Another example is the ratification of Isfahan new detailed plan by the High Council which was lasted for 9 years after the initial preparation and ratification by the local administrations in Isfahan.<sup>27</sup> Such a plan could have a very minimal effect on an ever-growing city like Isfahan, since it is already old-fashioned after 9 years and shall be replaced by a new detailed plan. That's why many experts believe in a decentralized management system in the country to pave the ground for all provinces to utilize their own potentials by considering the local realities to the most possible extent in the form of preparing, ratifying and implementing the development plans.<sup>28</sup> At the moment, the 'National Architecture and Urban Development Comprehensive Act' is prepared by MRUD to present a unified approach in ratification and implementation of development plans, but it still lacks comprehensiveness and seems to be far from being realizable, while essential mechanisms for promotion of integrated urban management cannot be found in it.<sup>29</sup> Another challenging issue is the idealistic nature of many development plans, wherein objectives are being outlined without considering their feasibility. The controlling

<sup>23</sup> Fokoohi, Nasser, Identity of the City is in Collective Conscious and Symbols, Danesh-e-Nama (Isfahan: EAO, No. 144-145, 2007) 44.

<sup>24</sup> *Ibid.*, 45.

<sup>25</sup> Islamic Consultative Assembly, Fourth National Development Plan, (Tehran, 2004), Article 72.

<sup>26</sup> Saremi, Somayeh, Land Preparation, Paving the Way for Sustainable Development, (Tehran, Barnameh, 2006) 36.

<sup>27</sup> Isfahan Tarh-e-Tafsili (detailed Plan), Danesh-e-Nama (Isfahan: EAO, No. 57, 2011) 41.

<sup>28</sup> The Report on the Conference of Iranian Contactors, Constructors and Implementers of the Development Projects, Danesh-e-Nama, (Isfahan: EAO, No. 58, 2011) 28.

<sup>29</sup> The Manifest of the Sixth Meeting of the Urban Development Technical Working Groups, Engineering Association Organization, Danesh-e-Nama, (Isfahan: EAO, No. 54, 2010) 38.

tools that are needed to measure if such objective has ever been achieved on the basis of a scheduled time table are also not in place. Many development plans are incapable of presenting a clear picture of how such ambitions shall be realized and therefore only when everybody is willing to cooperate and only if the financial resources are available, they are being realized just partially in those areas where it is proved to be in conformity with realities of a dynamic city.

In addition to the above-mentioned, the implementation phases also suffer from various challenges, such as administrative inefficiency, reluctance to involve public participation, increasingly politicized decision making, existence of a gap between upper hand and regional, local urban development plans, absence of sustainability studies and diversity of decision makers and stake holders who are acting independently.

Most of urban administrative and legislative bodies cannot perform efficiently. For instance, the city councils which have the responsibility of addressing urban challenges according to the law have mostly focused on municipality affairs. As a result, they have failed so far to adequately address to other dimensions of urban challenges such as economic, social and cultural issues. In the absence of the integrated urban management system; where a highly fragmented sectionalized approach to urban management does exist, the city councils cannot act efficiently in terms of studying and proposing city strategic plans and consequently oblige an active interaction among different city stake holders to participate in realization of these plans. Following such an approach which brings inefficiencies, duplication of efforts, overlaps and wasting resources is claimed to be responsible for overwhelmed city councils loaded with minor unimportant tasks, while major urgent challenges have yet to be addressed. The diversity of the legislators and the inefficient coordination between them poses a challenge too. The urban development plans are being prepared during hundreds of hours of professional work, while the Commission of Article 5 can truncate or even totally nullify them. The High Council enjoys the same power and even if the plan survives, the *Administrative Justice Court* (Divan-e-Edalat-e-Edari) can nullify the development plan upon the objection of a single landlord. Moreover, the small scale development plans which are being ratified by various city administrations are mostly in contradiction with each other and come into conflict in terms of the implementation tools and strategies.<sup>30</sup>

At the same time, public participation is almost absent in plan preparation and ratification. The municipality officials in Isfahan, for instance, show small willingness to include the

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<sup>30</sup> Akhavat, Maziar, *Isfahan Historical Houses, Opportunities and Threats*, Danesh-e-Nama, (Isfahan: EAO, No. 191-192, 2011) 143.

opinions of public or the expertise of the scholars in the preparation of development projects, as they claim that the existing planning law does not oblige the municipality to do so.<sup>31</sup> Without such a perspective, the projects cannot gain enough public support to be realized since the citizens as the end-users are always being excluded.

Green space land uses have not been distributed homogeneously in the whole city of Isfahan, which resulted in many intercity trips to utilize these spaces in other parts with extra burden on traffic.<sup>32</sup> One of the main responsibilities of the urban detailed plans is to devote green spaces land uses, though the plots which are being allocated for this purpose in Isfahan are those which dispossess suitable sizes, dimensions and locations. Regarding the fact that the prices of lands in the city are quite high, only those plots of least value have been selected and allocated. The land use change of the green spaces into other land uses frequently happens and demolition of gardens, orchards and natural green spaces are mostly done by the administrative organizations and not the citizens.<sup>33</sup>

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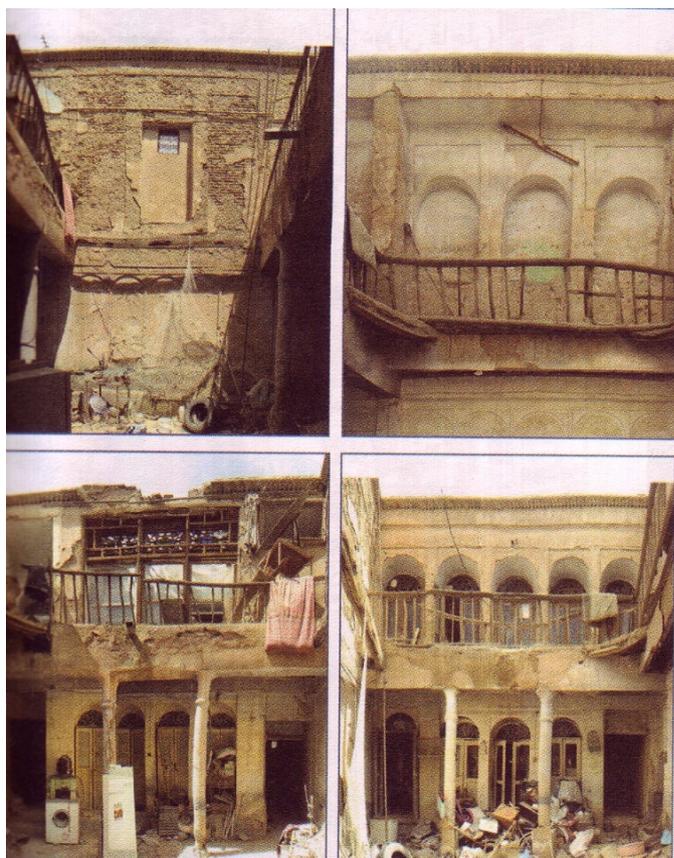
<sup>31</sup> Interview with seyed Jamal-e-Din Samsam Shariat, the Isfahan Deputy Mayor in Urban Development and Architecture, Danesh-e-Nama, (Isfahan: EAO, No. 153-154, 2007) 11.

<sup>32</sup> Varesi, Hamid Reza, and Leila Soltani, Analysis of the Green Spaces' Levels in Eleven Districts of Isfahan City, Danesh-e-Nama (Isfahan: Engineering Association Organization, No. 144-145, 2007) 84.

<sup>33</sup> Ibid.

### **6.3. Section Three: Urban Development Projects in Practice**

Isfahan has been stuck between two different approaches. One approach maintains that Isfahan is internationally well-known because of its prominent cultural and historical heritage which shall be preserved untouched for the next generations. This approach believes that the main factor in the feasibility studies of urban development projects shall be their extent of loyalty to the historical and valuable urban fabrics, since a try and error approach might have irreversible impacts on a city like Isfahan. According to this approach, big urban development



projects such as metro lines, sky scratchers and mega highways cannot demonstrate attraction for the tourists who are coming to visit Isfahan, so changes to the city image shall be kept at the minimum possible level. It is strongly believed among the followers of this approach that as a result of decades of negligence and ignorance by the municipal authorities of Isfahan, many valuable historical fabrics, sites and monuments have been damaged or totally wiped off the map and a comprehensive mobilization is required to prevent it to happen again.<sup>34</sup>

Photo 6.9: Historical Houses are in danger of demolition in the absence of an integrated plan to save them (Nama, No. 186-187, 2010: 16)

On the contrary, the municipal authorities who are facing with daily challenges of a fast growing city do believe that Isfahan shall not be regarded as a museum and the citizens shall not be deprived of the basic infrastructure and public services just for the sake of urban historical identity of Isfahan. They claim that application of new building technologies can help the realization of urban development projects without endangering the existence of historical fabrics and monuments, as they refer to the same experiences in the European

<sup>34</sup> Koopai, Abdollah, Management in Historical Fabrics, a Two Bladed Sword, Danesh-e-Nama (Isfahan: Engineering Association Organization, Volume 144-145, 2007) 2.

historical cities. They argue that citizens do have the right to utilize convenient public services and facilities and the historical fabrics shall actively be equipped with such facilities to avoid the inhabitants of such fabrics to relocate themselves in other neighborhoods. To them such migration will accelerate the trend of demolition in old fabrics, as little care and attention will be paid by the new generation of landlords, most of whom purchase these relatively cheap properties for purposes other than housing, e.g. as warehouse of their shops in bazaar or workshops for their workers.<sup>35</sup>

These two opposite discourses however find a common ground in some places while in other occasions they are conflicting to an extent that they prevent acting promptly to present solutions in the face of everyday urban challenges. For the moment, finding a common ground for an optimum planning model for Isfahan which is acceptable for both sides is not in sight.

It is therefore concluded that the organization of many responsible administrations shall be restructured fundamentally to be compatible with the latest demands and to be equipped with new managerial tools and technologies for 'governing good and planning sustainable'. For instance, the administrative structure of the municipality in Iran is in dire need of restructuring, as it has been left unchanged for decades. The centralization of the activities and decision making process in the municipality shall be reduced and the people and external experts shall be provided with the chance to play actively in the city affairs. From the other side, the correlational interaction between different stake holders in plan preparation and ratification shall be restructured. For instance, the municipality maintains that it does not enjoy an appropriate position in the hierarchy of urban development and seeks the solution in realization of urban integrated management system.<sup>36</sup> Such a system -which should have been established long before according to the former and current NDPs- still waits for a political consensus between various city stake holders which refrain to gather under one umbrella in order to reduce sectoral unresponsive power.<sup>37</sup> Instead, they are blaming each other of

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<sup>35</sup> Mortaza Saghaian Nejad, the Isfahan Mayor maintains that "some experts and consultants are constantly criticizing the Isfahan municipality, while they have ideals in their minds as the claim that the urban spaces and facilities shall be in line with other valuable characteristics of the city; but all these structures have been totally demolished 40 years before and numerous big fabrics and industries have been established here and there and many challenges have been produced as a result of industrialization, which could not be disregarded. Today, the people are nervous as a result of the traffic problems and environmental challenges. When we have 4000 hectares of deteriorated fabrics in Isfahan city and 400,000 people are marginalized in the form of informal settlements and Isfahan is the second city in absorbing the migrants in the country, we have to react. We are not able to solve the problems by our emotions.": Isfahan Municipality Website, 11<sup>th</sup>, March, 2006, Retrieved on 16<sup>th</sup> May 2011, <http://www.isfahan.ir/>

<sup>36</sup> Saghaian Nejad, Morteza, Press Conference of Isfahan Mayor, Danesh-e-Nama (Isfahan: EAO, No.144-145, 2007) 104.

<sup>37</sup> Meeting Report of the Isfahan Islamic City Council, Danesh-e-Nama, (Isfahan: EAO, No. 153-154, 2007) 194.

interference in each others' responsibilities and frequent overlaps. For instance, Isfahan city council maintains that other urban administrative authorities are the main obstacles in succession of a long lasting sustainable urban planning, as they are not willing to transfer those responsibilities which shall logically be exercised by city councils such as ratifying development plans to them. It also complains about restricted power which is being limited only in terms of supervising municipality, while [such supervision] should have been performed in a broader context, according to the city council law.<sup>38</sup> The city councils' call for more power and independency in practice is getting louder. For instance, appointing the mayors is among the main tasks of city councils<sup>39</sup>, which has not been realized fully especially in big cities.<sup>40</sup>

Violation of ratified national and national-local plans is among other challenges. Based on case study results, some experts maintain that "the master and detailed plans which have been prepared after years of study are being simply violated due to the sudden political decisions."<sup>41</sup> It is believed that no comprehensive study is done before implementation of development projects in Isfahan. The international standards for developing a certain project are being ignored and even national regulations are being repeatedly violated. For instance, in case of the agricultural lands of northern Isfahan, "the environmental integrity has been profoundly endangered for the sake of urban development."<sup>42</sup> The urban management system seems to be 'project-oriented instead of plan-based', as some projects are appearing without being mentioned in any ratified development plan.<sup>43</sup> There are a lot of projects that are being imposed to the city, while they do not belong to any of the ratified development plans. For instance, according to the Isfahan Regional Plan which has been ratified by the High Council, "Isfahan shall only move toward high tech industries, while the Isfahan refinery is being developed with 5,000 new workers in a city which already struggles with huge amount of pollution."<sup>44</sup>

<sup>38</sup> Report of the Joint meeting between Isfahan City Council Members and the Members of Engineering Association Organization, Danesh-e-Nama (Isfahan: EAO, No.53, 2010) 4-5.

<sup>39</sup> Islamic Consultative Assembly, The Act on Organization, Obligations and Elections of the Islamic Councils and Electing the Mayors, (Tehran, 1996) Article 71.

<sup>40</sup> The Direct Selection of Mayors by the People is a Move Backwards, Danesh-e-Nama (Isfahan: EAO, No.53, 2010) 32-33.

<sup>41</sup> Darvish, Mahmoud, Head of Isfahan Architectural Engineers Association, Personal Interview, Isfahan, May 16<sup>th</sup> 2010.

<sup>42</sup> Rabanifard, Akbar, The Deputy Head of Isfahan Engineering Association Organization, Personal Interview, May, 8<sup>th</sup> 2010.

<sup>43</sup> Saniizadeh, Abbas, Cheif Editor of Nama Technical Journal of Isfahan Engineering Association Organization, Personal Interview, May, 13<sup>th</sup> 2010.

<sup>44</sup> Behbahani, Mostafa, Member of Isfahan City Council, Personal Interview, Isfahan, April, 1<sup>st</sup> 2010.

As an internationally acknowledged city, all decisions about urban development projects in Isfahan shall be made in active interaction with other stakeholders: “Taking collective decisions and considering the multi dimensional nature of the large scale urban projects shall be the basis of decision making in Isfahan.”<sup>45</sup> However, this principal has been neglected several times, for instance in case of Jahan Nama Complex<sup>46</sup> which triggered an international scandal. If sufficient consultancy had been done by the municipality, this project should have never been realized.<sup>47</sup>

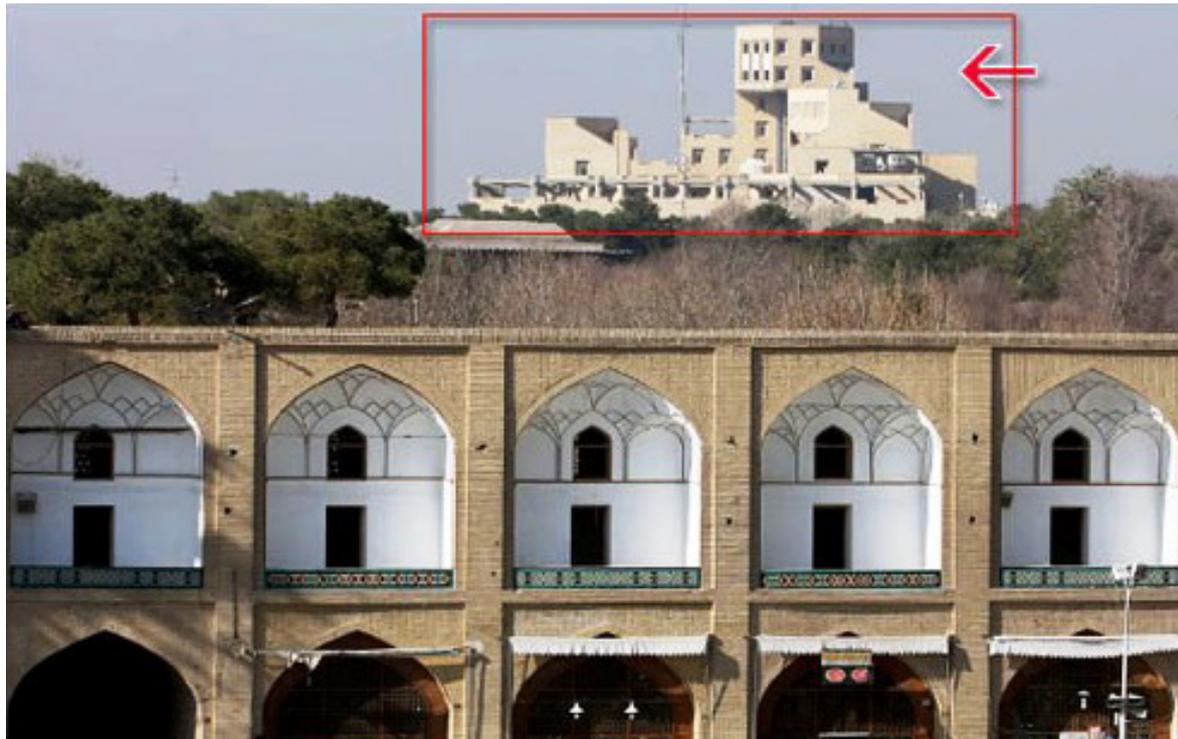


Photo 6.10: Jahan Nama Complex spoiled the horizontal view of Naghsh-e-Jahan Square (Mehr News<sup>48</sup>)

Nevertheless such perspective is absent in Isfahan, where many challenges are being created due to the insufficient interaction of various urban development stakeholders.<sup>49</sup> Lack of a comprehensive view and trying to preserve the organizational interests in urban development

<sup>45</sup> Rabanifard, Akbar, The Deputy Head of Isfahan Engineering Association Organization, Personal Interview, May, 8<sup>th</sup> 2010.

<sup>46</sup> This shopping, leisure and administrative complex has been built in front of Isfahan municipality, west of Naghsh-e-Jahan square and because of its height, it spoiled the horizontal view of the square, containing a complex of monuments which was registered on the UNISECO World Heritage in 1979. In 2005, UNESCO determined that the height of the tower should be reduced by 12 meters on its eastern side and 24.48 meters on its western side. After many years of discussions and resistance by the municipality to demolish the upper floors of the complex, finally they have been forced to modify the height in March, 2010.

<sup>47</sup> Rabanifard, Akbar, The Deputy Head of Isfahan Engineering Association Organization, Personal Interview, May, 8<sup>th</sup> 2010.

<sup>48</sup> <http://www.mehrnews.com/news/1810166> (Retrieved in February 2012)

<sup>49</sup> Nafeli Shahrestani, Mostafa, Pasiloo Consultancy Engineering Company, Personal Interview, May, 8<sup>th</sup> 2010.

plans, where an integrated urban policy is urgently needed will have destructive and irreversible impacts on the future development of the city.

The sustainability studies are mostly being disregarded in Isfahan urban development plans.<sup>50</sup> One of the main reasons is the profit-oriented trend among those consultants who are responsible for preparing the executive plans of the urban development projects. Based on the law, one of the main chapters in the feasibility studies of development projects is the environmental assessment. However as the consultants are offering a lower price to win the municipality tenders, they intentionally disregard such assessment to reduce the costs.<sup>51</sup>

Hectares of land with green space land uses are being acquired by legal and individual entities at the borderline of the city, in hope of changing the land uses in the future and reselling them for much higher prices. Among them is *Nazhvan Park*, a project for a huge park which shall be realized according to the Isfahan detailed plan but has been left untouched, while the municipality has no budget to acquire the lands in the boundary of this project or -as some suspect- is not willing to invest there.<sup>52</sup> Therefore other organizations bought large parcels of it and developing it for mass housing construction purposes.



Fig 6.11: Nazhvan Park (Nama, No.174-175, 2009: 40)

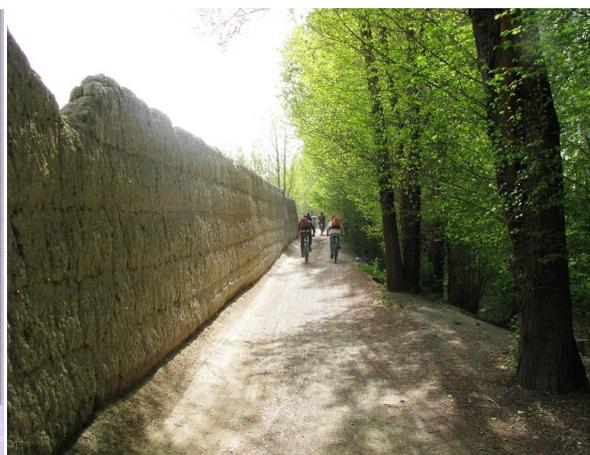


Photo 6.12: Nazhvan park (IMNA News<sup>53</sup>)

The results of the case study and the interviews show how important it is that the municipality delegate most of its tasks to the qualified urban development companies and start to play a supervisory role by introducing a strategic planning system and focus on safeguarding its sound realization. Moreover, in ratification of the plans, the realities of a fast growing metropolis shall be considered. For instance, in case of Isfahan city with such an aggravated

<sup>50</sup> Akbari, Reza, Isfahan Roads and Transportation Organization, Personal Interview, May, 12<sup>th</sup> 2010.

<sup>51</sup> Alamdari, Shahram, Board Member of Mabna Engineering Consultancy Company, Personal Interview, May, 12<sup>th</sup> 2010.

<sup>52</sup> Zandi Esfahani, Siroos, General Manager of Sakht-e-Rah Sepahan, Personal Interview, May, 16<sup>th</sup> 2010.

<sup>53</sup> [www.imna.ir/fa/doc/report/290125](http://www.imna.ir/fa/doc/report/290125) (Retrieved in April 2012)

rate of air pollution, the establishment of polluting industries shall be forbidden in the mega plans, while at the same time the high tech industries shall replace them. Therefore promoting mechanisms for due observation of the national and regional mega plans and at the meantime enabling the municipal managers to plan and act locally may serve as the best solution.

In terms of urban renewal projects, the integrity of the historical heritage shall be preserved and long term strategic plans shall be defined in a way to change the existing approach, according to which the historical fabrics are regarded as threats to development and not opportunities in the cities. The preserving rules and regulations shall be restructured in a way to be extended beyond single monuments and buildings to include the whole urban historical fabrics.<sup>54</sup>

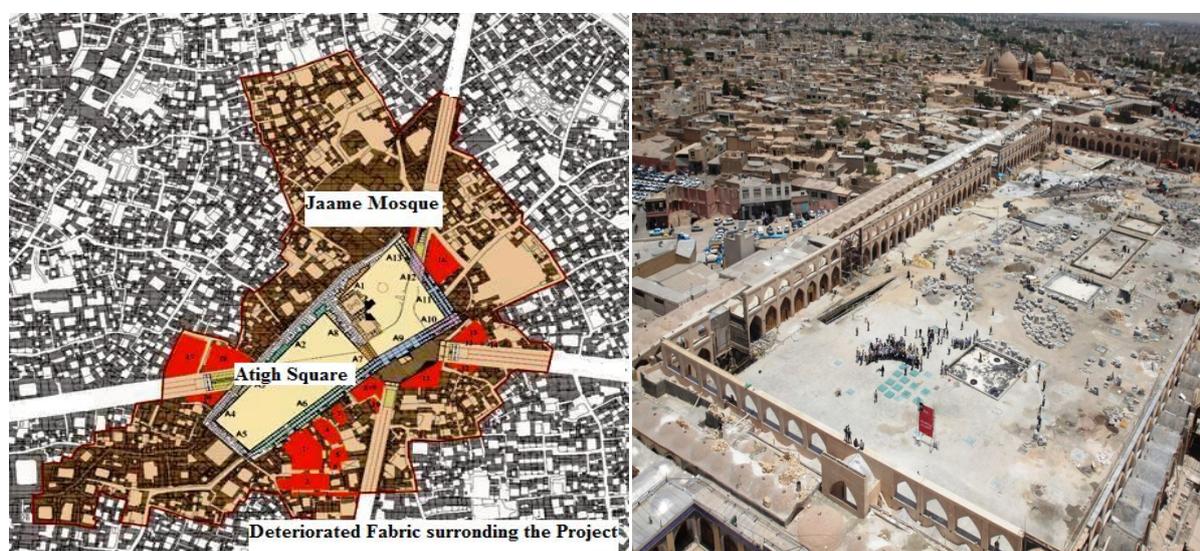


Fig. 6.13 and Photo 6.14: Although the deteriorated urban fabric (left) should be regenerated in parallel to Atigh Square project (right), no real project has been started so far (Isfahan Municipality<sup>55</sup>)

It is true that for many historical cities, the cultural historical corridors have already been defined; nevertheless historical areas and sites within the Isfahan cultural-historical corridor do not enjoy a concrete and well-defined position in development plans, rules and regulations. If any progress it going to be made for preservation of these areas, a comprehensive set of rules shall be prepared and ratified.<sup>56</sup> The Isfahan municipality has introduced *Isfahan 95 Plan* which aims to solidate the sustainable development in a five years program up to 2016 through realization of integrated urban management and preparing strategic plans for the

<sup>54</sup> Nasekhian, Shahriar, *Originality in Renewal*, Danesh-e-Nama (Isfahan: EAO, No.194-195, 2011) 66-67.

<sup>55</sup>[http://www.isfahan.ir/ShowPage.aspx?page\\_news&lang=1&tempname=isfravabeto&sub=61&PageID=11568&PageIDF=308](http://www.isfahan.ir/ShowPage.aspx?page_news&lang=1&tempname=isfravabeto&sub=61&PageID=11568&PageIDF=308) (Retrieved in April 2013)

<sup>56</sup> Aghili, Elham Sadat, *The Limits and Challenges of the Isfahan Old Fabric in Terms of Transportation System and the Methods of Organizing it*, Danesh-e-Nama, (Isfahan: EAO, No.194-195, 2011) 70.

future of the city<sup>57</sup>; a plan which like many other strategic plans lacks a mechanism for assessment.

Any development plan in Isfahan shall be prepared with a comprehensive inclusion of historical fabrics, sites and monuments. In some areas however a tremendous chaos can be traced, since many organizations are getting involved in realization of a given project by law, while a clear line that can separate their own responsibilities and those of the others does not exist. Preserving the historical houses in Isfahan which are estimated to be about 800<sup>58</sup> units is for instance among such urban projects, where MRUD, Isfahan municipality and Cultural Heritage and Tourism Organization are responsible, but little progress was achieved due to the absence of a comprehensive trans-sectoral approach in terms of preservation, renewal and utilization of such houses.<sup>59</sup> Fortunately some experts were recently encouraged to call for preparation of a separate National Building Regulation for historical houses or a separate chapter in Isfahan detailed plan.<sup>60</sup>

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<sup>57</sup> The Presentation of 5 Years Development Plan of 'Isfahan 95 Plan' in Isfahan City Council, Danesh-e-Nama, (Isfahan EAO, No.55, 2010) 19-20.

<sup>58</sup> Historical Houses, Memorials for the Future Generations, Danesh-e-Nama, (Isfahan: EAO, No.191-192, 2011) 8.

<sup>59</sup> *Ibid.*, 12.

<sup>60</sup> *Ibid.*, 22.

## 6.4. Section Four: Urban Renewal in Practice

### 6.4.1. Introduction

It was in 1989 that the necessity of regenerating deteriorated fabrics was introduced for the first time in Isfahan's detailed plan. The city had started already to develop horizontally and very rapidly on the agricultural lands, located on the undeveloped outskirts of the city and the old deteriorated fabrics were gradually evacuated by original dwellers, who were replaced by immigrants and new comers with no sense of belonging to these historical old fabrics; a fact which was considered as a big danger to the old city center.<sup>61</sup> Consequently some projects were proposed by detailed plan in form of identifying and defining a historical corridor which starts from *Toghchi* neighborhood and after crossing *Atigh Square*, *Naghsh-e-Jahan Square* and *Chaharbagh Abbasi* street ends in *Bagh-e-Hezar Jarib*.

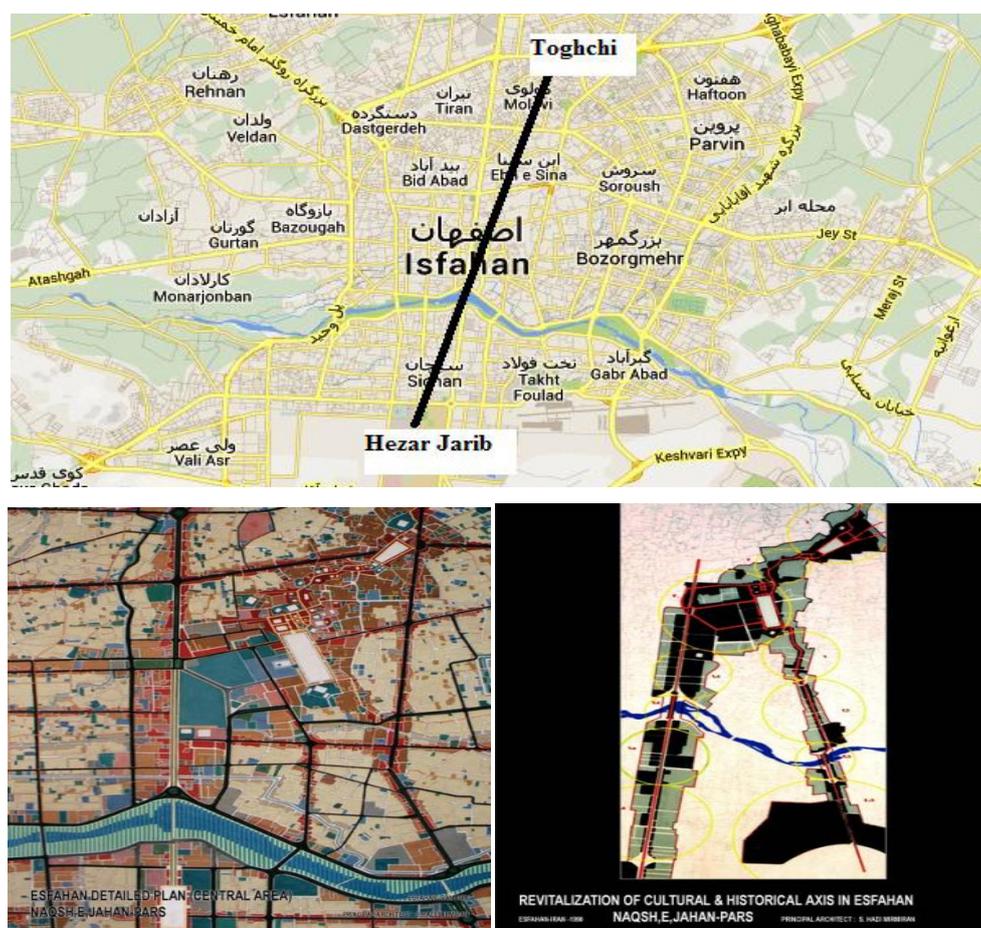


Fig. 6.15-6.16: Isfahan Historical Corridor

(Above: Google Map redefined by author & below: Naghsh-e-Jahan Pars Company<sup>62</sup>)

<sup>61</sup> Omrani, Gholarreza, *Personal Interview*, 17<sup>th</sup> October, 2011.

<sup>62</sup> Naghsh-e-Jahan Pars, *Revitalization of Cultural and Historical Axis in Esfahan*, 27<sup>th</sup> January, 2012. [http://www.njp-arch.com/projects/p\\_c/gall\\_C\\_04.htm](http://www.njp-arch.com/projects/p_c/gall_C_04.htm)

The total area of urban deteriorated fabrics in Isfahan province is about 6,000 hectares.<sup>63</sup> This is about 10% of the deteriorated fabrics in the whole country,<sup>64</sup> which is estimated to be around 70,000 hectares.<sup>65</sup> 2,157 hectares of these fabrics is located in Isfahan city, which in most cases are of historical importance.

The cultural and historical corridor of Isfahan which has been evolved during a period of more than one thousand years acts in fact as the backbone of the city and comprises examples of architecture and urban planning from different historical epochs of this city. The projects which have been introduced by detailed plan are aiming to ensure the identity, internal congruity, homogeneity and functional efficiency of this corridor in compliance with Isfahan's architecture and urban values and to restore it as Isfahan's main corridor in the future. One of these projects in this corridor is the revitalization of Atigh Square, aiming to enable this legendary square to regain its historical excellence and prominence.<sup>66</sup>



Fig. 6.17 & Photo 6.18: Isfahan Deteriorated Fabrics (Isfahan Municipality<sup>67</sup>)

The municipality of Isfahan has established the *Improvement and Renewal Organization* in 1995, subject to article 111 of the Municipality Act<sup>68</sup>, in order to implement urban renewal of the deteriorated and historical fabrics of this city. One of the main objectives of this organization is to organize and improve the deteriorated fabrics, which are generally suffering

<sup>63</sup> Interview with IRNA New Agency, Gholamreza Omrani: General Manger of Isfahan Maskan Sazan Company, 2009, <http://www2.irna.com/ar/news/view/line-14/8704301970191031.htm>, Retrieved on January, 24<sup>th</sup> 2012.

<sup>64</sup> Interview with IRNA News Agency, Gholamreza Omrani: General Manger of Isfahan Maskan Sazan Company, 2011, <http://esfahan.irna.ir/News/30505893/>, Retrieved on January, 24<sup>th</sup> 2012.

<sup>65</sup> Iran New Agency (IRNA), Renewal of Deteriorated Fabrics, a Policy or a Necessity?, October 2011; Retrieved on 26<sup>th</sup> January, 2012, <http://irna.ir/NewsShow.aspx?NID=30619470>

<sup>66</sup> Ibid.

<sup>67</sup> <http://new.isfahan.ir/Index.aspx?page=form&lang=1&PageID=14470&tempname=sazmanNosazivabehsazi&sub=14&methodName>ShowModuleContent> (Retrieved in May 2012)

<sup>68</sup> National Consultative Assembly, Municipality Act, (Tehran, 1955) Article 111; 'In order to implement urban renewal projects, the municipalities are authorized to purchase the houses and plots of land in the deteriorated fabrics and neighborhoods via establishment of the affiliated institutes and sell them to be built in the framework of municipality ratified plans or develop them by their own. The statue of these organizations which are being run like companies shall be prepared by the municipality and could be executed upon the approval of the city council and the Ministry of Interior.'

from socio-cultural, physical and infrastructural deficits. Aiming to do so, the borderline of the deteriorated fabrics of Isfahan city, which encompasses an area about 4,100 Hectares<sup>69</sup> has been identified by the *Naghsh-e-Jahan Consultancy Company* within the detailed plan and was ratified finally by the Commission of Article 5 in 2005.<sup>70</sup> After the preliminary studies by the Roads and Housing Development Organization of Isfahan and the cooperation of *Naghsh-e-Jahan Consultancy Company*, this number has been modified and decreased to 2,157 hectares in 2006 and subsequently ratified again by the Commission of Article 5 and later at the same year by the High Council.<sup>71</sup> According to the priorities which have been defined within this ratified borderline, the Improvement and Renewal Organization started to prepare long term projects in the given fabrics to be studied by the qualified consultants and being finally realized.

The responsible administrations in case of revitalizing non-historical urban deteriorated fabrics in Isfahan are *Isfahan Maskansazan Company*<sup>72</sup> and the *Improvement and Renewal Organization*<sup>73</sup> of the Isfahan municipality. As the Urban Development and Revitalization Organization (UDRO) is one of the stakeholders of the Isfahan Maskansazan company, it is authorized to delegate its responsibilities to Maskansazan companies all over the country as well as Isfahan, according to its status.<sup>74</sup> On the basis of this affinity, the UDRO makes contracts with Maskansazan companies to do renewal projects on behalf of it in the cities.<sup>75</sup> Maskansazan has already accomplished many renewal projects in Isfahan such as *Joybareh* neighborhood- one of the oldest parts of Isfahan- close to Atigh square, which is regarded as a turning point in revitalization experience of deteriorated urban fabrics in the country, as it has employed a new approach which is called 'Land Readjustment'<sup>76</sup>. However the policy is now

<sup>69</sup> Ibid.

<sup>70</sup> Kootah-o-Gooya: Reconstruction and Renewal of Deteriorated Fabrics, (Isfahan Municipality, second edition, 2009).

<sup>71</sup> High Council of Architecture and Urban Development, Ratification on Identification of the Deteriorated Fabrics of the Metropolises of Isfahan, Mashhad, Tabriz and Shiraz, (Tehran, 2006).

<sup>72</sup> This company was established in 1993, according a cabinet ratification in 1989 on 'Establishment of Maskansazan Companies' to coordinate and implement the regeneration of urban deteriorated fabrics in Isfahan and other provinces and the 'National Land and Housing Organization' of the MRUD and some other qualified private companies were among the stakeholders of these companies. UDRO was replaced later by National Land and Housing Organization and now is the main stakeholder in Maskansazan companies in all provinces in Iran.

<sup>73</sup> This organization was established in 1995, according to article 111 of the Municipality Act in order to coordinate the municipality efforts in addressing to the problems of the deteriorated fabrics in Isfahan city.

<sup>74</sup> Cabinet Ratification, The Status of Urban Development and Rehabilitation Organization, (Tehran, 1996) Article 6.

<sup>75</sup> Omrani, Gholamreza, Personal Interview, 17<sup>th</sup> October, 2011.

<sup>76</sup> The general idea of land readjustment is the exchange of the plots in the project area. That means that in land readjustment there is no land acquisition by the municipality or by an investor and therefore there is neither an intermediate finance nor a risk in reprivatizing the building plots. The general way is that all plots within the project area have to be added together to a so-called land readjustment-mass. But this happens only in the way of calculation, not by creating one plot within the total project area. Out of this total land readjustment mass all

shifted toward transferring the urban renewal tasks to the municipality and the *Renewal Services Offices* which shall be supervised by municipalities.<sup>77</sup>

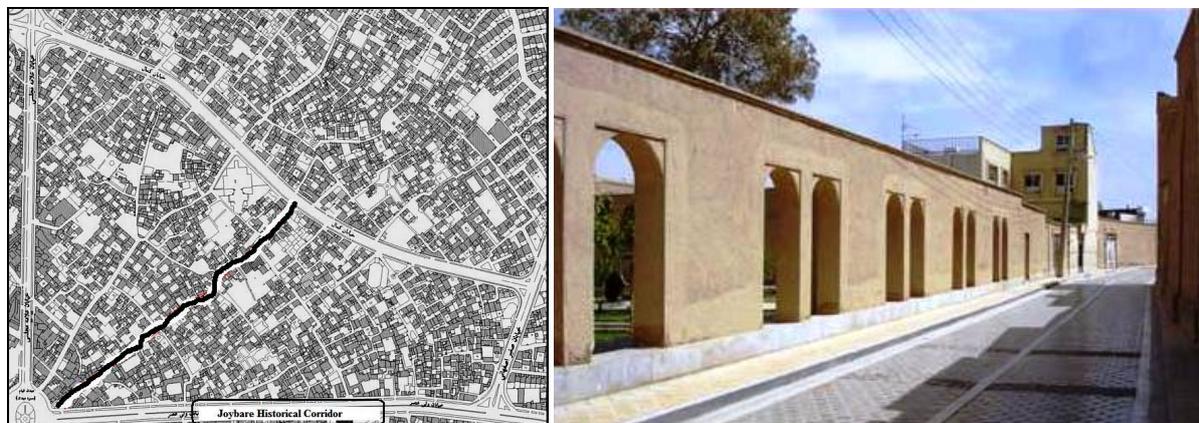


Fig. 6.19 and Photo 6.20: Renewal of Joybareh Historical Corridor (Isfahan Maskansazan Company<sup>78</sup>)

#### 6.4.2. Urban Renewal in Historical Urban Fabrics in Practice (Atigh Square)

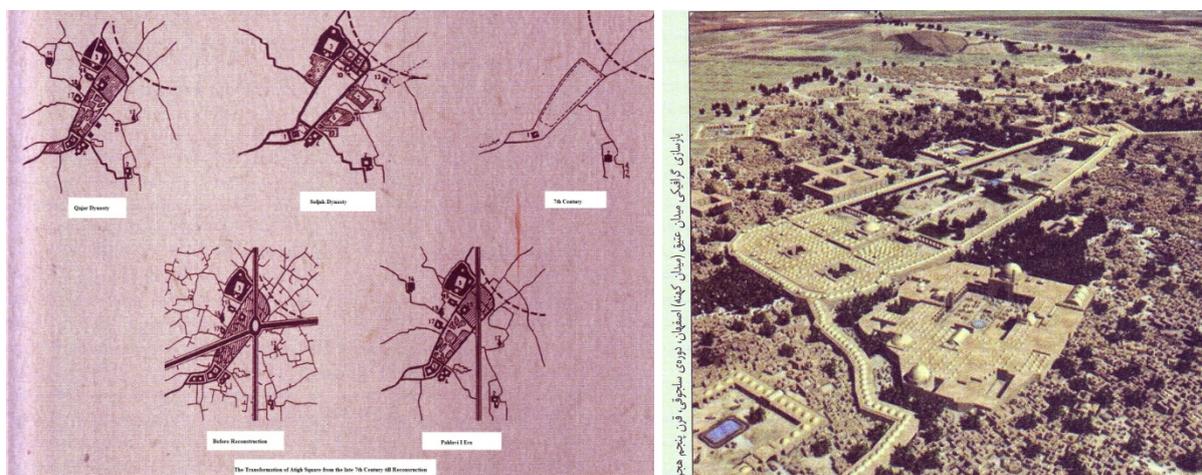


Fig. 6.21: Atigh Square from 7<sup>th</sup> century till now      Fig. 6.22: Fictitious painting of Atigh Square in 12<sup>th</sup> century  
(Nama, No. 181-182, 2010: 6-8)

areas designated in the urban development plans for public facilities, such as roads, spaces for car-parking, public green spaces, children's playgrounds etc. can be excluded and allocated to the municipality. The remaining mass is the so-called redistribution mass. Even those areas, that are needed for other public use like kindergarten, school, cemetery etc. can be given to the municipality or any other public agency, if they are able to contribute suitable alternative land, which also may be located outside the land readjustment area.

The so called redistribution mass, what is the net building land, has to be redistributed to the original landowners. There are two different criteria to redistribute the building land to the original landowners: the relative size or the relative value of their former plots. That means that those landowners who owned a greater part of the original project area will receive a greater part of the new (building) plots.

<sup>77</sup> MRUD and Ministry of Interior, Guideline on Establishment and Obligations of the Renewal Services Offices in Deteriorated Fabrics and Informal Settlements, (Tehran, 2009) Article 1.

<sup>78</sup> Personal Archive of Mr. Omrani, Head of Maskan Sazan Esfahan Company, 2010

Atigh square which belongs to the *Seljuk* period and dates back to 700 years ago is consisted of a square as well as a grocery market and the old bazaar surrounds it. Various old and invaluable monuments such as *Masjed-e-Jame* (Friday mosque) of Isfahan are located at this square. It was the main square and city center before the establishment of Naghsh-e-Jahan Square under *Shah Abbas I*, who decided to build another city center that is in conformity with the new requirements of the city as the capital of Iran. Atigh Square, to his mind, did not possess the sufficient essential physical structure for the ever growing political system of his government.<sup>79</sup>

Since then the Atigh square was failed to care for, due to political and even religious reasons and most of its functions were transferred to Naghsh-e-Jahan square. Under Qajar dynasty (1785-1925), the Atigh square was gradually covered with new buildings, most of which were shops and roofed bazaars. Under Pahlavi dynasty the construction of new streets divided the Atigh Square in two parts with a direct impact on its accelerating decadence. In the last decades, the buildings on the square and the surrounding area became physically deteriorated, and with high density of buildings, small width of the streets, inaccessibility of the surrounding fabrics, lack of public infrastructure and instability of most of the structures, this once valuable historical square became a great challenge for the second biggest Iranian city.

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<sup>79</sup> The History of Isfahan and Emergence of Atigh Square in Different Historical Periods, Danesh-e-Nama (Isfahan: Engineering Association Organization, Volume 146, 2010) 9.



Photos 6.23 to 6.26 (From top-left to bottom right): Atigh Project before implementation, Area of Atigh project, Deteriorated urban fabric around the project, Project under implementation (Nama, No. 181-182, 2010: 18)

The initial plan to revitalize this square was outlined in Isfahan detailed plan in 1989. The main objectives were to enable the square to regain its historical and cultural importance, regenerate the housing units in the surrounding deteriorated fabrics by provision of sufficient local public infrastructure, preservation of historical elements which still remained in the square, redefining the land uses and introducing a new spatial order for revival of the economic dominance of the square.<sup>80</sup> To achieve these objectives, different projects with different land uses were introduced. These land uses were aimed to improve the situation; for instance the share of green spaces in the previous land uses of the square was 0.17 % while it has been increased to 2.1 % (see table 6.4).

<sup>80</sup> Najafi, Mansour. *Interview*. Danesh-e-Nama (Isfahan: Engineering Association Organization, 2010) 41.

Table 6.1: Proposed and Existing Land Uses within the Borderline of the Atigh Renewal Project  
(Source: Adopted from Nama, No.181-182, 2010)

Proposed Land Uses	Floor Area (m <sup>2</sup> )	Percent	Existing Land Uses	Floor Area (m <sup>2</sup> )	Percent
Commercial with Historical Value	71106	23.7	Residential	30130	10.04
Residential	45016	15	Commercial	53264	17.75
Religious-Cultural	40253	13.4	Workshop	4625	1.54
Health care	2055	0.7	Police Office	33	0.01
Parking	22884	7.6	Health Care	2055	0.7
Green Space	6403	2.1	Cultural-Religious	37146	12.4
Commercial-Residential-Parking	4749	1.6	Green Space	520	0.17
Streets	57342	19.1	Sport	1073	0.36
Walkways	18300	6.1	Parking	9278	3.08
Open Spaces	31892	10.7	Storage	30882	10.3
Total	300000	100	Public Infrastructure	300	0.1
Note: The Municipality of Isfahan aims to regenerate 12% of the total 25% deteriorated fabrics of Isfahan Municipality (District 3), in which Atigh Square is located by implementation of all three phases of this project.			Ruined Building	29882	10
			Under Construction	1847	0.6
			Banks and Credit Institute	1508	0.5
			Open Spaces and Road Network	96717	32.2
			Mills and Others	742	0.25
			Total	300000	100

The process of ratifying Atigh renewal project was too long, due to the absence of intra-organizational interactions. The existence of the acknowledged historical monuments in the boundaries of the project was among the main challenges which required the approval of the Isfahan Cultural Heritage and Tourism Organization. It took a long time for this organization to approve the implementation of the project, respecting the necessity of precise studies to ensure the safety of such monuments in the implementation phase. Other organizations and agencies responsible for provision of public services and infrastructure such as *Water and Waste Water Organization*, *Telecommunication Company* and *Electric Power Organization* were also not able to shorten the period of ratification, because of their organizational structure and unpreparedness for such a multi-layered project.<sup>81</sup> Nevertheless the project was finally approved by the 'Technical Committee of the Cultural Heritage and Tourism

<sup>81</sup> A Report on Implementation Phase of Atigh Renewal Project, Danesh-e-Nama (Isfahan: Engineering Association Organization, Special Report, 2010) 24.

Organization', 'Commission of Article 5' and the 'High Council of Policy Making for Isfahan Municipality'.<sup>82</sup>

#### 6.4.2.1. Analyses of Atigh Square Renewal Project

##### a) *The Necessity and the Scope of the Project*

Many experts in Isfahan believed that the implementation of the project was necessary, as "it has many advantages in terms of connecting the historical elements and creating an optimal space for social interaction."<sup>83</sup> They maintain that this project which was developed according to Isfahan Organic master plan to promote the socio-cultural and economic condition of the square and to remove the traffic from above and transfer it to the underground as well as providing sufficient parking spaces and renewal of the square, belonging to Seljuk dynasty can result in a fundamental evolution of the socio-cultural structure of this square. It can be regarded as the largest renewal project in historical fabrics in the country.<sup>84</sup> Although they proposed some conditions, among which the necessity to go in line with the master and detailed plans and original architectural plans for the success of the project are noteworthy.<sup>85</sup>



Photo 6.27 & 6.28: Underground Parking lots and public spaces of the Atigh Project  
(Isfahan Municipality<sup>86</sup>)

But there are other experts who believe that there were some other urgent projects which had to be addressed first instead of initiating symbolic projects.<sup>87</sup> They maintained that with

<sup>82</sup> Isfahan Municipality, Report on Renewal of Isfahan Urban Historical and Deteriorated Fabrics, (Isfahan, 2009) 25.

<sup>83</sup> Gordsichani, Akbar, Urban Development Engineer, Personal Interview, May 22<sup>nd</sup> 2010.

<sup>84</sup> Khayambashi, Jalil, Former Manager of Atigh Square Renewal Project, Danesh-e-Nama (Isfahan: Engineering Association Organization, Special Issue, 2010) 37.

<sup>85</sup> Kazemi, Mohammad, Isfahan Engineers Association Organization, Personal Interview, May, 23<sup>rd</sup> 2010.

<sup>86</sup> <http://new.isfahan.ir/Index.aspx?tempname=Isfahan95&lang=1&sub=0> (Retrieved in May 2012)

<sup>87</sup> Akhavan, Amir Mohammad, Personal Interview, May, 23<sup>rd</sup> 2010.

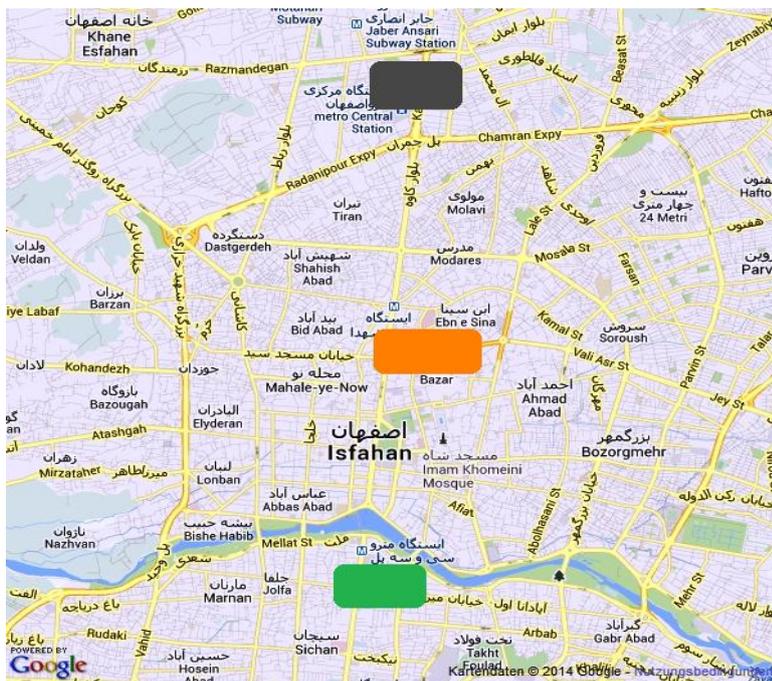
regard to the enormous budget which have been spent so far or is going to be spent in the next phases of this single project, “the rehabilitation of the historical fabrics and monuments of Isfahan city as a whole should have been prioritized.”<sup>88</sup>

### b) Feasibility Studies

The municipality claims that the public and professional expertise was asked and certainly considered,<sup>89</sup> although there are urban experts and practitioners in Isfahan who believe that a project with such a scale should have been discussed at the national level and its physical structure and the implementation procedure should have been put forth in every single detail, as it is of national and even international importance.<sup>90</sup> They maintain that the socio-economic and environmental feasibility studies should be done prior to implementation of the project, which -to their mind- has not been addressed thoroughly in the Atigh renewal project.<sup>91</sup>

### c) Compatibility with Development Plans

The idea of Atigh square renewal project had first been developed in the second master plan



(Isfahan Organic Development Plan, 1971), and subsequently in the Isfahan detailed plan. In the Organic master plan it had been certified that in order to mitigate the growing pressure on the historical fabric, two new centers shall be developed; one at the north of Isfahan city in the framework of the new urban development projects and the second at the south of the city, close to *Si-o-Se Pol*.<sup>92</sup>

<sup>88</sup> Gordsichani, Akbar, Isfahan Urban Development Engineer, *Personal Interview*, May 22<sup>nd</sup> 2010.

<sup>89</sup> Ghari Ghoran, Alireza, Isfahan Deputy Mayor for Urban Development, *Personal Interview*, May, 16<sup>th</sup> 2010.

<sup>90</sup> Gordsichani, Akbar, Isfahan Urban Development Engineer, *Personal Interview*, May 22<sup>nd</sup> 2010.

<sup>91</sup> Samimi, Ghahraman, *Personal Interview*, May, 22<sup>nd</sup> 2010.

<sup>92</sup> High Council of Architecture and Urban Development, *Isfahan Organic Plan*, (Tehran, 1971).

Fig. 6.29: proposed centers for Isfahan city according to Organic Plan (Produced by Author using Google map)

The recent urban development projects show however that exactly a contradictory trend has been followed in the course of the last years. The southern center has been shifted to somewhere else (the junction of *Chaharbagh Bala and Nazar* streets), while the development on agricultural lands at the northern part of Isfahan has been rapidly accelerated in violation of Isfahan master plan with no foreseen plan to realize the predicted northern center. Hence the population was exceeded from more than 600,000 in that area in the absence of a competent northern center. With renewal of the Atigh square without working simultaneously on the northern center, the daily trips of the north, which shall logically be done at north Isfahan will be shifted to the Atigh square, which can overwhelm it in the near future.<sup>93</sup> That's why some experts insist that Isfahan is in dire need of a 'City Development Strategy' (Rahbord-e-Tosee-e-Shahri).<sup>94</sup> Therefore, although the necessity of implementing such a project according to the Isfahan development plans does exist, an inharmonic distribution of main urban public spaces can result in a reversed effect, meaning a destructive one for the historical fabric.<sup>95</sup> Moreover, increasing the percentage of land uses, especially the commercial land uses in the same area, without considering the typology of traditional shops and subsequent increase in the traffic will pose numerous challenges in the future.<sup>96</sup>

*d) Interaction with other Administrative Authorities*

The municipality maintains that the interaction between different administrative authorities regarding Atigh Project is remarkable, and regards such cooperation as a good start for an 'integrated urban management' system in Isfahan.<sup>97</sup> It also states that "the main objective of the project is to revitalize the historical fabric". However the high percentage of the commercial land uses (23.7%), which can make good revenue for the municipality indicates that profit-making has also played a notable role. Some experts go beyond it in claiming that in such projects "interest management governs in municipality instead of urban management"<sup>98</sup>. The 'Cultural Heritage and Tourism Organization' is the most discontented organisation, since it believes that although its experts were present at initial stages, they have

<sup>93</sup> Samimi, Ghahraman, Personal Interview, May, 12<sup>th</sup> 2010.

<sup>94</sup> Ibid.

<sup>95</sup> The Cultural Heritage and Tourism Organization is going to register the cultural, historical axis of Isfahan on the UNESCO World Heritage List, which requires adequate policies in regeneration of the historical fabrics in this area, otherwise it could be profoundly damage all efforts in this respect.

<sup>96</sup> Omrani, Gholamreza, General Manager of Isfahan Maskansazan Company, Personal Interview, May, 23<sup>rd</sup> 2010.

<sup>97</sup> Ghari Ghoran, Alireza, Isfahan Deputy Mayor for Urban Development, Personal Interview, May, 16<sup>th</sup> 2010.

<sup>98</sup> Ali, Khajooi, Isfahan Cultural Heritage Organization, Personal Interview, June, 20<sup>th</sup> 2010.

gradually been excluded after the final approval of the project; a fact which can profoundly endanger archeologically valuable layers in the implementation process.<sup>99</sup>

*e) Public Participation*

The municipality claims that it has paid sufficient attention to the public participation: “That’s why the municipality has been decided to establish a socio-cultural committee with the responsibility of explaining different dimensions of the project and its prospect for the inhabitants and assure them that the project will be realized within earliest possible time.”<sup>100</sup>

Many urban development experts in Isfahan however think differently, as they believe that the preparation, ratification and implementation of the project in Atigh square were without announcement and attracting public participation.<sup>101</sup> To them, “a maquette of the project should have been placed somewhere to be visited by the public in order to include the expertise of the professional visitors in the project.”<sup>102</sup> The shopkeepers and inhabitants who have been interviewed claimed that they have been informed about the project only when they saw the mechanical shovels starting the excavation.

*f) Disintegration between the Project and the Surrounding Area*

The whole project covers an area of 500 hectares with a length of 6 kilometers, which consists 3.7 % of Isfahan city.<sup>103</sup> It is supposed in the third phase of the project to revitalize 32 hectares of Atigh square’s surrounding deteriorated fabrics. The MRUD is supposed to enter in this phase, and the municipality will be present via its ‘Improvement and Renewal Organization’.<sup>104</sup> However the financial capacity of the municipality is already being questioned as “it may run out of the budget in the first phase and the surrounding deteriorated fabrics with definitely less attraction for investment will be left untouched, which consequently affects the socio-cultural capacity of such fabrics.”<sup>105</sup> If the project cannot penetrate in the surrounding social fabric, it will be certainly a non-dynamic and unproductive one.<sup>106</sup>

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<sup>99</sup> Ibid.

<sup>100</sup> Ghari Ghoran, Alireza, Isfahan Deputy Mayor for Urban Development, Personal Interview, May, 16<sup>th</sup> 2010.

<sup>101</sup> Gordsichani, Akbar, Urban Development Engineer, Personal Interview, May 22<sup>nd</sup> 2010.

<sup>102</sup> Hamidi Esfahani, Hossein, Architect, Personal Interview, May 8<sup>th</sup> 2010.

<sup>103</sup> Isfahan Municipality, Atigh Square Renewal Project, (Isfahan, 2010) 3.

<sup>104</sup> Ghari Ghoran, Alireza, Isfahan Deputy Mayor for Urban Development, Personal Interview, May, 16<sup>th</sup> 2010.

<sup>105</sup> Malek Ahmadi, Taghi, Personal Interview, May, 16<sup>th</sup> 2010.

<sup>106</sup> Omrani, Gholamreza, General Manager of Isfahan Maskansazan Company, Personal Interview, May, 23<sup>rd</sup> 2010.

## 6.5. Section Five: Isfahan New Towns

### 6.5.1. Isfahan Urban Region

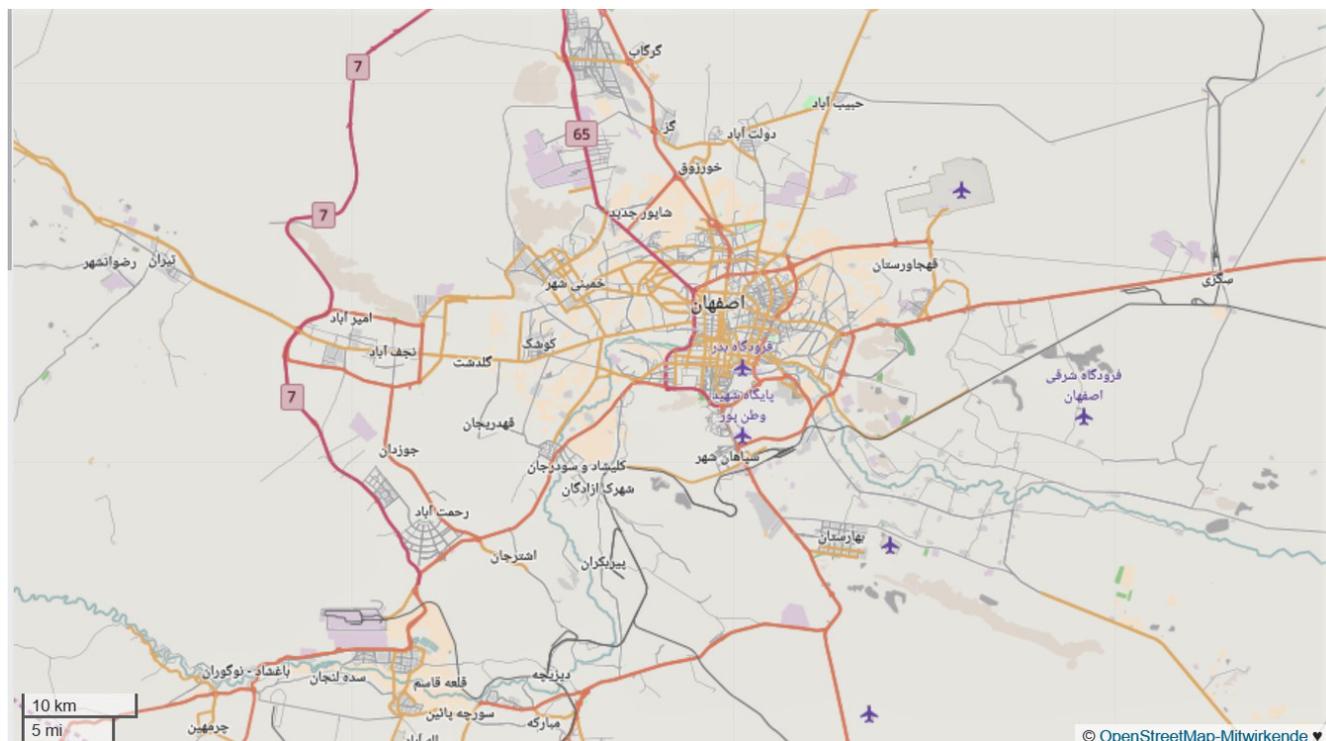


Fig. 6.30: Isfahan and its satellite cities (From OpenStreetMap of Isfahan, adjusted by Author, October 2016)

Isfahan urban region has a floor area of 5,580 km<sup>2</sup>. The initial physical structure of this region before 1966 (before the establishment of *Isfahan Steel Plant*) consisted of five agricultural poles, which were reduced to two after the establishment of the steel plant. One agricultural pole lies at the eastern urban-industrial corridor with Isfahan city as its center, while the second one lies at the western urban-industrial corridor, centered by the Steel Plant. *Zayandeh Rood* which is the main water resource of Isfahan region's agriculture is cutting both axes. Isfahan urban region has the second biggest industrial pole of Iran after Tehran.<sup>107</sup> From 1966 to 1986, Isfahan urban region had the highest urbanization rate in comparison to the whole country, which was due to the rapid industrialization revolution of this region.<sup>108</sup> Therefore three new towns of *Pooladshahr*, *Baharestan* and *Majlesi* have been developed in the course of the last decades, aiming to absorb the population overflow of the Isfahan urban region.

<sup>107</sup> Ziary, Keramatallah, *New Towns Planning*, (Tehran: SAMT, 2009) 191.

<sup>108</sup> Ibid.

6.5.2. *New Towns*

Due to the location of two above-mentioned poles, different functions have been defined for the new towns of Isfahan. Table 6.5 describes the objectives of developing each new town, its physical structure and the current situation.

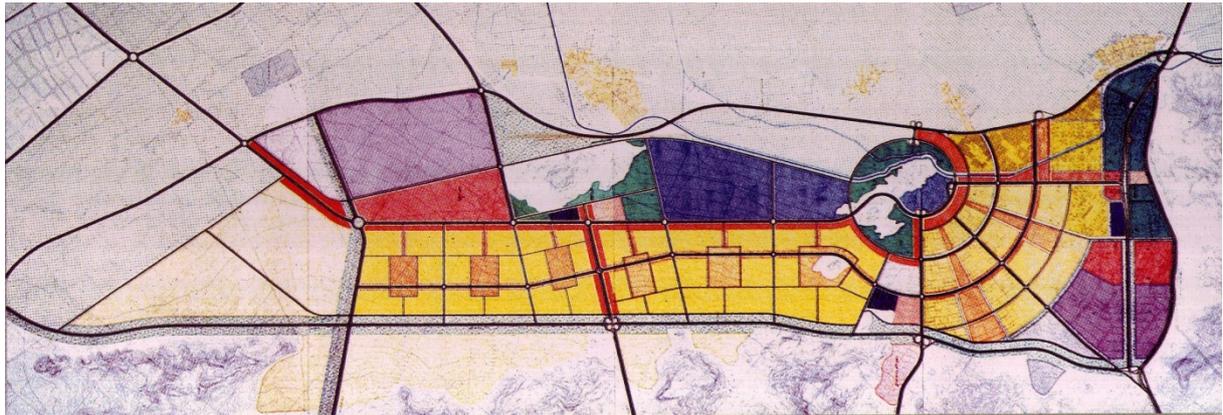


Fig. 6.31: Master Plan of Fooladshar New Town (Iranian New Towns, NTDC Brochure, 1999: 26)

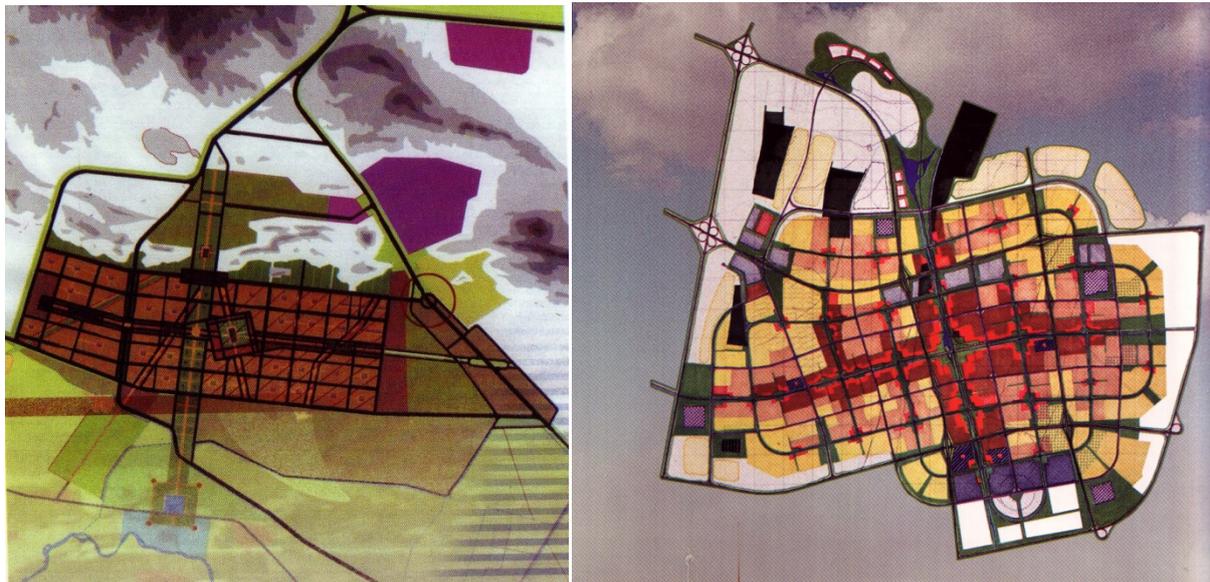


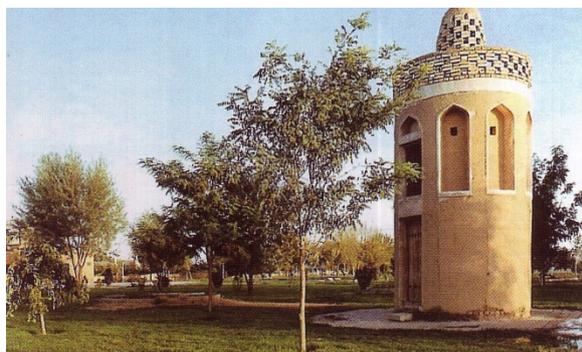
Fig. 6.32: Master Plan of Baharestan New Town    Fig. 6.33: Master Plan of Majlesi New Town  
(Iranian New Towns, NTDC Brochure, 1999: 20 & 29)

Table 6.2: The Objectives of Establishment, the Function and Current Situation of Isfahan New Towns (Adopted from Abadi Quarterly Journal of Architecture and Urbanism: 2010)

New Town	Objectives of Establishment	Physical Structure	Current Situation
Baharestan	<ul style="list-style-type: none"> <li>Absorbing the population overflow and parts of urban activities to avoid the gradual destruction of the historical fabrics;</li> <li>Transferring the population overflow to the barren lands, aiming to avoid the city to expand on agricultural lands;</li> <li>Building public services such as universities to avoid centralization of services in Isfahan;</li> <li>Building small-scale industries and workshops, which pose no environmental threats to the mother city.</li> </ul>	This city has been designed according to the principals of the physical structures of the Iranian historical cities. Zayandeh Rood which stays very close to the new town has made a natural-recreation corridor in the physical structure of the city which bridges Isfahan to Baharestan and since the main corridor of Baharestan is the continuation of Chaharbagh street in Isfahan, this would consist the main cultural-service corridor of the new town. In this way it is a reproduction of Isfahan physical structure, which consists of Chaharbagh street as economic corridor and Zayandeh Rood as the cutting recreation and green corridor.	The new town still lacks the needed local infrastructure and it works mostly as temporary shelter or dormitory for the university students, who are studying there or in Isfahan. As it is the closest new town to the mother town, most of the inhabitants are still binding to Isfahan for employment, public services and even daily needs like shopping. The estimated population ceiling is 320,000, while currently just 70,000 inhabitants are living there after two decades, which is almost one fifth of the estimated population.
Majlesi	<ul style="list-style-type: none"> <li>Establishment of new economic poles outside the Isfahan region;</li> <li>Balanced distribution of population in the Isfahan urban region;</li> <li>Preserving the green belt at the banks of Zayandeh Rood;</li> <li>Directing the development toward the south of Zayandeh Rood;</li> <li>Locating the employees and workers of Mobarakeh steel plant as well as the related industries, service sector and agricultural farms in Isfahan urban region.</li> </ul>	This new town has one main corridor which ends up to water reservoirs at the south and the mountain at the north. The housing units have been constructed independently at both sides of this corridor and a network of green spaces in the form of gardens and agricultural lands are surrounding housing blocks at each side.	The long distance between this new town to the mother city of Isfahan with the absence of a sound transportation system, lack of local public infrastructure and public urban spaces has made this new town the least interesting city for the possible immigrants and overflow population of Isfahan. 20,000 new housing units are going to be constructed in this new town in the course of the next years in the framework of the Mehr Housing Plan, which could be a big challenge for local NTDC, if these problems could not be addressed thoroughly in parallel.
Poolad Shahr	<ul style="list-style-type: none"> <li>Locating the personnel of Isfahan Steel Plant, after the ratification of the Isfahan Regional Plan in 1986;</li> <li>Providing a settlement for the personnel of the west Isfahan big industries;</li> <li>Absorbing the overflow population of the surrounding cities;</li> <li>Making a balance in residential and service distribution in the Isfahan urban region.</li> </ul>	The city is divided in two northern and southern parts. Southern part as the main part has a ring-like structure, while the northern part has a checkered structure. 10 districts and 51 neighborhoods have been predicted in this city to be constructed in the next years.	This city has a far better situation in terms of locating the population overflow of Isfahan in comparison to other two new towns, because of its location, however still lags behind the estimated population ceiling (18,000 inhabitants less than the estimated population ceiling until the end of the Fourth NDP)

*6.5.3. New Towns Planning: Crises of Identity and Self-sustained Economy*

It is argued that in the long history of urbanization in Iran, the cities were always planned and built up as cities; therefore all Iranian historical cities can be considered as new towns.<sup>109</sup> Such a long history might have had positive and tangible effects on the establishment of the new towns in the last two decades, if other affecting parameters were addressed thoroughly. Studies to determine the best location for a new town, which shall be done in the framework of the ‘National Land Comprehensive Plan’,<sup>110</sup> have always been affected by political lobbies, because of which irrecoverable damages have been resulted. For instance in locating the Hashtgerd new town near Tehran, the underground water resources of the old Hashtgerd have been profoundly threatened.<sup>111</sup> Besides, “in locating studies only physical characteristics have been considered, while all needed dimensions of a developed built environment have not been addresses thoroughly.”<sup>112</sup> The design plans “are mostly copied from the western models, without paying attention to the physical and cultural characteristics of Iranian historical cities”<sup>113</sup>; hence new towns lack those characteristics with which all other historical cities can be associated. For instance “Isfahan’s new towns dispossess a dominant economic function: they do not provide their inhabitants with economic and productive opportunities and their economy is mostly relying on the incomes of the workers and civil servants who are living



there.”<sup>114</sup> They are mainly used as temporary shelters or dormitories and are highly dependent on the mother city of Isfahan as they do not possess any kind of independent socio-economic and agricultural activity.<sup>115</sup>

Photo 6.34: Traditional Architecture in Majlesi is also unable to produce identity (Nama, No.56, 2010: 31)

<sup>109</sup> Misaghian, Gholamreza, Reflecting on the Concept of New Town in Iran, Abadi Quarterly Journal, (Tehran: MRUD, 2009) 22.

<sup>110</sup> National Consultative Assembly, Act on the Name Change of the Ministry of Development and Housing to the Ministry of Housing and Urban Development and defining its Mandates, (Tehran, 1974) Article 1.

<sup>111</sup> Ibid.

<sup>112</sup> Afzali, Koorosh, The Effective Parameters in Locating the New Towns, Proceeding of the Seminar on New Towns, a New Culture in Urbanization, (Isfahan: NTDC, 1997) 28.

<sup>113</sup> Baharestan is the only exception, as it is a smaller copy of Isfahan by two main axes of recreation and green spaces, and commercial-public services.

<sup>114</sup> Ziari, Keramatollah, Evaluation of the Theory and Function of the New Towns in Iran, Proceeding of the Seminar on New Towns, a New Culture in Urbanization, (Isfahan: NTDC, 1997) 101.

<sup>115</sup> Ibid.

Since the officials maintains openly that the main target groups of new towns are the overflow population of the mother cities, the inhabitants of the new towns regard themselves as secondary citizens of the mother city, who may never be able to build a sense of belonging to their current place of residence.<sup>116</sup> The employees of the Steel Plant in Pooladshar new town mostly leave this new town after retirement, as enough motivating attractions in terms of sense of belonging are absent. In Baharestan new town, the crisis of identity as a result of a genetically ill urban design, where the role of a city center was neglected, has resulted in different challenges such as the conflicts between sub-cultures, lack of safety, dissatisfaction of living in the neighborhoods, absence of public participation and the inability to distinguish different neighborhoods from each other.<sup>117</sup> Most of the customers who are willing to purchase plots in the new towns are those who regard such purchase as an investment for the future. Though, the local NTDCs feel satisfied as they are content of accomplishing their responsibility in transferring the lands to the private developers, disregarding the fact that these developers are refraining to develop the plots, in hope of reselling them with higher prices in the future. Such a view inevitably endangers the long term strategies in form of a rational and reasonable evolution of new town.<sup>118</sup> On the other side, the government always has the upper hand in policy making, locating studies, land preparation and provision of public infrastructure, with dictated prescriptive policies imposed on the new towns which are proved to be inefficient in most cases.<sup>119</sup> Consequently and because of the deficits in the governmental management system, the new towns always failed to reach to the fundamental objectives of a sustainable city.<sup>120</sup> The planned strategies in terms of absorbing the overflow population, job creation and public services have not been realized and the absence of various economic functions has been resulted in a very slow development process in these cities.<sup>121</sup> That's why some maintain that the new towns policy in Iran has followed a 'center-oriented' approach, which shall be redefined as 'balanced-oriented' in favor of an optimal spatial distribution of population and a harmonic spatial balance in the planning system. While the new towns are dependant to the mother cities for employment, economic and social activities

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<sup>116</sup> Misaghian, Gholamreza, Reflecting on the Concept of New Town in Iran, Abadi Quarterly Journal, (Tehran: MRUD, 2009) 23.

<sup>117</sup> Azizi, Shadi and Shojaee, Marjan, The Crisis of Identity in New Towns (Design Challenges for Town Center of Baharestan New Town), Abadi Quarterly Journal (Tehran: MRUD, 2009) 96.

<sup>118</sup> Misaghian, Gholamreza, Reflecting on the Concept of New Town in Iran, Abadi Quarterly Journal (Tehran: MRUD, 2009) 23.

<sup>119</sup> Ibid.

<sup>120</sup> Naderi, Morteza, The Executive Urban Management in New Towns of Iran, Proceeding of the Seminar on New Towns, a New Culture in Urbanization, (Isfahan: NTDC, 1997) 236.

<sup>121</sup> Ziari, Keramatollah, Evaluation of the Theory and Function of the New Towns in Iran, Proceeding of the Seminar on New Towns, a New Culture in Urbanization, (Isfahan: NTDC, 1997) 102.

and public services, “there is no coordination between the physical growth and development of the mother city and its new towns and they are acting independently in this respect.”<sup>122</sup> In principle, the new towns shall be developed in a reasonable distance from economic and population centers, however in reality some of the new towns have been located at a short distance from the mother city with relatively high possibility that the new town becomes a part of the mother city in the near future and consequently an even bigger agglomerate population center can be emerged.<sup>123</sup> Because of that the establishment of the new towns around Isfahan has not helped to remove the pressure from the mother city at all. On the contrary it exerts more pressure as the rate of reverse immigration from these cities to Isfahan is quite high.<sup>124</sup> So redefining the strategies and objectives as well as the function of some now towns, located at reachable distance from the mother city seems to be urgent.<sup>125</sup> As long as the government focuses on housing plans in the new towns instead of sustainable strategic development plans, the new town planning dooms to be a failed policy in Iran.<sup>126</sup>

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<sup>122</sup> Narimani, Masood, The Development Procedure and Effecting Parameters in New Towns of Iran, Proceeding of the Seminar on New Towns, a New Culture in Urbanization, (Isfahan: NTDC, 1997) 248.

<sup>123</sup> Ibid., 113.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid., 254.

<sup>126</sup> New towns are the main sites for execution of ‘Mehr Housing Plan’ which has been outlined in 2007 National Budget Plan for the first time to provide needed housing units for the low-income households, who do not possess housing units. The general idea is to delete the land price from the final prices of the constructed housing units, which makes the utilization of governmental lands inevitable. As there are not so many plots which belong to the government and left undeveloped in the big cities, the new towns rapidly became the main target cities for Mehr development projects. This added unbearable extra pressure on these cities, which still dealt with providing public infrastructure for the original inhabitants and made the situation even worse.

## **6.6. Section Six: Discussion**

The combination of poorly educated construction sector, disregarding the urban development plans like master and detailed plans along with sudden unpredicted modifications in them, the long period of time between planning a development project and its realization, incompatibility of the current image of the city with the ratified development plans, ignoring to include adjacent fabrics of the development projects in the planning phase, economic factors such as inflation, sacrificing the environment for the sake of development and the unsustainable methods to make revenues for the municipalities are among the main challenges of the urban development in Isfahan city.<sup>127</sup>

In general, practicing urban management in Iran in terms of implementation of urban development projects is sectoral. A smooth coordination between different stakeholders does rarely happen. MRUD undertakes already some measures to prepare and ratify a model of integrated urban management system in mega plans, according to the Fifth NDP<sup>128</sup>. However if any tangible result is going to be achieved is not clear; as even the proposed mechanisms for realization of integrated urban management are not sufficient in most parts.<sup>129</sup>

The implementation of urban development plans (renewal plans for instance) dispossess a multi-phased and softly managed nature, which is very crucial for urban project sites wherein the people already live, which means that above all the provision of local public infrastructure as the prerequisite of next development phases is mostly being postponed to the later phases. Disparity in initiation of planned urban development projects is also a matter of concern in Iran, as in less attractive projects in terms of investment (preservation and rehabilitation of historical urban fabrics for instance), where less profit is expected, different city administrations refrain to shoulder the responsibility. In such a situation, the condition of many historical buildings, sites and monuments is increasingly aggravating in the absence of a suitable comprehensive integrated urban management system to define clear guidelines and address the issue properly.

A set of wrong decisions in implementing the urban development plans and specifically the detailed plans has resulted in demolition of many green spaces and historical buildings. In violation of master and detailed plans, hectares of big gardens at the banks of Zayandeh Rood river have been subdivided for construction of new apartments This has led not only to

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<sup>127</sup> Samsam Shariat, Hossein, Isfahan Deputy Governor for Urban Development, Report of the Seminar on Promoting the Quality of Image of the City in Isfahan, Danesh-e-Nama, (Isfahan: EAO, No.53, 2010) 54.

<sup>128</sup> Islamic Consultative Assembly, Fifth National Development Plan, (Tehran, 2010) Article 173.

<sup>129</sup> Report of the Inauguration of the First Phase of Imam Ali Project in Isfahan, Danesh-e-Nama, (Isfahan: EAO, No. 54, 2010) 6-7.

damaging the image of Isfahan that was famous for centuries as a green city, but created a lot of traffic in the inner city.

Studies show that only 25% of each urban master plan is being realized which means that the rest 75% can never be articulated in urban detailed plans and subsequently defined as urban projects.<sup>130</sup> The fact that a comprehensive strategy to secure the needed financial resources for the municipalities do not exist in Iran can explain the profit making approach by the Isfahan municipality in the view of city development projects.

The need for preparing long term and sustainable strategic plans, equipped with effective monitoring mechanism is more than obvious. For instance, in terms of the environment, the national 'Land Preparation Document' with clear provisions to remove environmental concerns of development projects shall be applied as a national development document. Implementing the local short term plans without considering the national long term strategies and plans will not provide a sustainable solution for increasingly complicating environmental hazards. Restructuring and redefining the obligations and responsibilities of different stake holders in city planning and urban development to empower them in tackling rising challenges is another success factor. The municipality for example is unable to fulfill all responsibilities due to the diversified and multilayered nature of projects in a 21<sup>st</sup> century city. Here again is a need for other governmental organizations as well as the private sector to step in to invest and implement different urban projects. Such a new attitude will certainly imply the necessity for a legal redefinition of responsibilities for outsourcing the tasks.

Proposing and enacting strategies to shorten the period of ratifying city plans from one side and minimizing the implementation period of development projects from the other side shall be discussed at the national and local levels. Considering the fact that many urban development plans are being ratified years after their preparation, they face various challenges at the time of realization, since many parameters of a given plan, especially socio-cultural and demographic ones are time-bound and subject to change in the course of the years and make the projects unfeasible. The fact that the municipality has no or a tiny role in many cities in the course of preparing urban development plans shall be fundamentally changed in favor of a more cooperative, interactive plan preparation approach, where different stake holders can cooperate in the framework of an integrated urban management mechanism with well-defined responsibilities, clear lines and an effective monitoring mechanism.

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<sup>130</sup> Sanizadeh, Abbas, How to Increase the Rate of Realization of Isfahan Detailed Plan?, Danesh-e-Nama, (Isfahan: EAO, No.196-197, 2012) 163.

As it has already been mentioned, the detailed plans are just dealing with determining the land uses and architectural and building regulations respecting the construction of given building or project, while they are mostly silent in presenting concrete and practical solutions to realize urban development projects and most importantly defining a trustworthy mechanism to monitor such realization. Hence they are being criticized as impractical and non-operational plans. In the absence of a comprehensive supervision, the city dispossesses a harmonic and plan-based pattern in terms of building heights and materials with several thousands of blind spots of supervision, where the construction projects are being developed without serious consideration of building regulations. As it has already been discussed, the Engineering Association and Building Control Organization, which shall rationally be the focal point of supervision and monitoring system is still suffering from legal vacuums in undertaking an effective monitoring role, despite the fact that in the last years it has technically been equipped with the most efficient tool which is a countrywide qualified and technical engineering pool, including hundreds of thousands of engineers. This must change for the sake of a powerful organization standing above all private and more importantly public organizations in urban development as the largest part of urban development in Iran is done by the governmental and semi-governmental sector in the framework of the mega construction projects. All other supervisory guidelines, for instance those ratified by *Deputy President for Planning and Strategic Supervision* which pose parallel or sometimes rivalry set of law weakens the role of Engineering Association Organization and shall be nullified. Moreover, Engineering Association and Building Control Organization shall enjoy a full level of independency from the government to act more efficiently.

Resulting from the above-mentioned, it is concluded that the planning system in Iran is highly centralized and multi-layered and in dire need of reformulation in favor of a more coherent, consistent, decentralized and transparent legal basis. Although one shall not forget the importance of the progress which has been made and the efforts which have been carried out in the recent years toward a more sustainable planning model in Iran, nevertheless the diversity and frequency of overlaps, ambiguities and legal vacuums in the way of preparing the urban plans, executing them and supervising their realization showing alarming signals that the planning system has no way but to be restructured and reviewed. The variety of decision makers, executors and supervisors at the national and local levels for one single urban development project, who normally have no or very less interaction with each other hinders the establishment of an efficient, realizable and sustainable model of planning.

***Conclusion***

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## *Conclusion*

As it has already been discussed in the introduction, the hypothesis maintains that the planning system in Iran is multilayered and complicated and suffers heavily from the absence of sound managerial and supervisory tools. Thus it shall be simplified and modified accordingly to be capable of coping with the increasing challenges of urbanization in the country.

This study tried to firstly describe how the urban planning system works in Iran by analyzing not only the legal basis but also the mechanisms of stake holders' interactions through the case study and secondly to study how such a system can be simplified to be capable of being reformulated in hope of more efficiency.

The introduction to this thesis posited the questions below.

- a) How many planning levels are there and if all of them are necessary? Even if they are required, are they being included in decision makings or simply being ignored till becoming obsolete and nullified? What are the right policies to modify the system by merging some levels into each other and/or eliminate those inefficient, duplicating or counter-productive ones?
- b) Who are the stake holders in each level and how the interactions between them are defined? What are the possible conflict zones in cases of overlapping tasks and missions? Are they competent enough to manage that specific task? Are they structurally relevant stake holders for that certain plan or project? How far the distribution of tasks has been institutionalized in decision making chain of various stake holders and how far it is respected by others?

The city shall be empowered to create a nurturing environment through provision of community and leisure infrastructure and by involving all citizens in the framework of active public participation strategies. Urban planners have an active role to play to establish a pattern of an effective urban planning. Based on the case study results however, it is concluded that the planning system in Iran is highly centralized and multi-layered and in dire need of reformulation in favor of a more coherent, consistent, decentralized and transparent legal basis. In spite of the relative progress in the recent years toward a more coherent planning model, the diversity and frequency of overlaps and ambiguities as well as legal vacuums in the way of preparing the urban plans, executing them and supervising their realization are making the restructuring and reviewing the planning system inevitable. The

variety of decision makers, executers and supervisors at national and local levels for one single urban development project who normally have no or very less interaction with each other hinders the establishment of an efficient, realizable and sustainable model of planning.

Another problem is the fact that the government always has the upper hand in policy making, locating studies, land preparation and provision of public infrastructures, with dictated prescriptive policies imposed on plan preparation which proved to be inefficient in most cases. In case of New Towns, various planning levels as well as stake holders in new town development were analyzed. Iranian new towns always failed to reach to the fundamental objectives of a sustainable city. The planned strategies in terms of absorbing the overflow population, job creation and public services have not been realized. Moreover the absence of various required economic functions has been resulted in a very slow development process in these cities. Under current approach, the new towns are dependent on the mother cities for employment, economic and social activities and public services. There is no coordination between the physical growth and development of the mother city and its new towns as well as among the stake holders and they are acting independently in this respect. Currently the government focuses merely on housing plans in the new towns instead of sustainable strategic development plans that can secure a self-sustained habitat for the residents. For that reason, some maintain that the new towns policy in Iran has followed a 'center-oriented' approach. This has to be changed and redefined as a 'balanced-oriented' approach in favor of an optimal spatial distribution of population and a harmonic spatial balance in the planning system.

Despite many efforts, which aimed to promote decentralization of planning, implementation and supervision, the urban planning is still a top-down exercise being practiced in many - partly unnecessary- levels. All stake holders shall be able to be involved appropriately in the urban planning process from initial stages to implementation and maintenance. There shall be coordination between national plans and policy guidance and local interests.

After decades of urban planning practice in Iran, it is more than obvious that the local level shall be empowered in favor of a decentralized urban planning for a better and more efficient urban management. According to case study findings, the organization of many responsible administrations shall be restructured fundamentally in order to make them competent in facing increasingly new threats and challenges of fast growing cities in Iran, if they are going to act locally. Taking collective decisions and considering the multi-dimensional nature of the

large scale urban projects shall be the basis of decision making in Iranian cities. That cannot happen unless they are being equipped with new managerial tools and knowledge for governing well and planning sustainable. As said, restructuring the administrative structure of the municipality in Iran which has been left unchanged for decades shall be the focal point of any endeavor in this regard. The centralized and top-down approach in planning and implementation decision making process in the municipality needs to be rethought, while the citizens and city experts instead shall be provided with the chance to engage actively in the city affairs, secured through an effective legal framework. At the same time, the results of the case study and the interviews show how crucial it is that the municipality delegates most of its tasks to other qualified urban development agencies and start to play a supervisory role by introducing a strategic planning system and focus on safeguarding its sound realization. Therefore promoting mechanisms for due observation of the national and regional upper hand plans and at the meantime enabling the municipal managers to plan and act locally serve as best solutions. The same applies to the interaction between different stake holders in plan preparation and ratification, which is in need of redefinition. The interconnectedness and complexity of the socio-economic and environmental dimensions of urban life in today's cities create fundamental barriers to the effective urban governance and sustainable urban development. Therefore not only the interaction between various stakeholders shall be improved, but also an integrated and well structured urban management mechanism shall be established to safeguard the effectiveness through linking stakeholders in the best possible way by defining appropriate positions for each in the hierarchy of urban planning and development. Urban integrated management should have been established long before according to the National Development Plans, however the political willingness for inter organizational interactions is absent among various city stakeholders. Acting in isolation or through very poor communication channels will have grave consequences for the city. Case study also shows frequent examples of unnecessary interferences and overlaps. The municipality and city councils are the best actors to shoulder this responsibility, as the former is being chosen directly by the citizens and the latter is deeply involved in their everyday life. At the same time, these very key stakeholders which have almost no voice in terms of plan preparation, ratification and realization shall enjoy more rights and be able to use the full legal capacity that they have been provided with according to the law.

There is also a need for a clearer public participation pattern in favor of planning interventions, encouragement of a feeling of ownership, promotion of public awareness,

strengthening urban management instruments and encouraging community involvement. Taking decisions on planning at the lowest level compatible with achieving the desired objectives can help to maximize participation in planning process. Asking for public opinions increases the confidence of the citizens in the city officials. Designing a city in a way to serve the real community needs and in order to make resulted plans socio-culturally acceptable has long been institutionalized in urban planning and development in many countries. The culture of public participation in integrated urban development shall be promoted, where the citizens and experts can express their ideas and concerns in the framework of a more human-oriented and user-centered planning discourse. Public right to know, to judge about interests, to assess the results, to object and to be involved in the final decision shall be respected in planning and implementation of urban projects. This also can be the best supervisory tool ever, as the participative urban planning approach enables the citizens as end users to monitor and where necessary object to implementers if the implementation is distancing from the original plan. It cannot be achieved, unless the political commitment to sustainability in order to secure changing attitudes and behavior is being institutionalized. However, first of all it is required that such policy be integrated at the highest levels, moving away from sectoral approaches and working for intersectoral interaction.

Under the second category these questions have been enlisted:

- a) What are the areas of deficit in planning, implementing and supervising urban and rural projects? Does what is being realized reflect the enacted rules and regulations, governing such realization? What are the differences in implementing the same law in different contexts, if any? What makes it different and why? How the plan-based realization of urban and rural projects is being secured? Who is supervising whom and under what conditions? Is this supervision sufficient to safeguard the sound implementation according to the ratified plans?
- b) If being proved to be inefficient, how such planning system can be improved? What are the pre-conditions and mechanisms for this improvement? Can urban integrated management system be a solution? How realistic is such improvement in the Iranian context of urban and rural planning?

The need for preparing long term and sustainable strategic plans, equipped with effective monitoring mechanism is more than obvious. For instance, in terms of the environment, the national 'Land Preparation Document' with clear provisions to remove environmental

concerns of development projects shall be applied as an environmental master plan. Implementing the local short term plans without considering the national long term strategies and plans is not providing a sustainable solution for increasingly complicating environmental hazards.

Restructuring and redefining the obligations and responsibilities of different stakeholders in city planning and urban development to empower them in tackling rising challenges serves as another success factor. Such a new attitude certainly implies the necessity for a redefinition of responsibilities that shall happen in reviewing the existing legal body.

Proposing and enacting strategies to shorten the period of ratifying city plans from one side and minimizing the implementation period of development projects from the other side shall be discussed at the national and local levels. Taking into consideration that many urban development plans are being ratified years after their preparation, they face various challenges at the time of realization, since many parameters of a given plan, especially socio-cultural and demographic ones are time-bound and subject to change in the course of the years. So it is not surprising that the municipality as the main implementer of projects mostly refrains to start certain projects after ratification, because of the unfeasible nature of the project due to the outdated conditions. The fact that the municipality has no or a tiny role in many cities in the course of preparing urban development plans shall be fundamentally changed in favor of a more cooperative and interactive plan preparation approach, where different stakeholders cooperate in the framework of an integrated urban management mechanism with well-defined responsibilities, clear lines and an effective monitoring mechanism and in a local context.

Plan-based implementations of development projects are very rare, while violation of ratified national and national/local plans at the local level is a common trend. Master and detailed plans are being frequently violated in the view of sudden political decisions. The current urban management system seems to be 'project-oriented instead of plan-based', as some projects are being introduced and implemented without being mentioned in any ratified development plan, simply because of the fact that they are more capable of producing revenue for the related stake holders. It can be changed by empowering the local level and designating the responsibilities to the municipality of each town.

Disparity in initiation of planned urban development projects is also a matter of concern in Iran, as less attractive projects in terms of investment (preservation and rehabilitation of historical urban fabrics for instance), where less profit is expected, are being left untouched for decades. In such a situation, the condition of many historical buildings, sites and monuments is increasingly aggravating in the absence of a suitable comprehensive integrated urban management system to set clear deadlines to start a certain project and address the issue properly. In order to avoid it, a comprehensive strategy to secure the needed financial resources for the municipalities shall be discussed and ratified. As it has already been mentioned, the detailed plans are just dealing with determining the land uses and architectural and building regulations respecting the construction of given building or project, while they are mostly silent in presenting concrete and practical solutions to realize urban development projects and most importantly defining a trustworthy mechanism to monitor such realization. Hence they are being criticized as impractical and infeasible plans. In the absence of such a comprehensive supervisory system, an infrastructural disparity is resulted, where the urban fabrics in different neighborhoods are being widely discriminated. There is almost no or very few supervision in urban peripheral neighborhoods and they therefore dispossess a harmonic and plan-based pattern in terms of building heights and materials, as the monitoring is being restricted only to the structure. In these so-called blind spots of supervision, the construction projects are being developed without serious consideration of building regulations. As it has already been discussed, the Engineering Association and Building Control Organization, which shall logically be the focal point of supervision and monitoring system is still suffering from legal vacuums in undertaking an effective monitoring role, despite the fact that they are technically equipped with highly qualified technical engineering pool all over the country.

As said before, the largest part of urban development in Iran is done by the governmental and semi-governmental sector in the framework of the mega construction projects. The diversity of the mega public construction companies which are acting as parallel non-governmental or pseudo-governmental stakeholders in developing urban projects, whose managers normally do not obey the building and planning rules and regulations, in the absence of any comprehensive legal basis to ensure such obedience, is also counted as a big challenge in urban planning monitoring system. While all buildings and development projects, which are being constructed by the private sector are entitled to observe the building regulations according to the law, the governmental projects are not legally obliged to observe them. There is other set of guidelines which have been prepared by the Deputy President for

## *Conclusion*

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Planning and Strategic Supervision, specifically for such stake holders. That means a parallel supervisory law with many gaps which persuades the governmental sector to disregard the supervisory role of the Engineering Association Organization. Hence merging all acts and regulations in terms of supervising the construction and development by strengthening and implementing the NBRs is a must. Respecting the existence of parallel supervisory administrations in the field of urban development projects, a 'national monitoring system of construction' shall be developed, which shall be binding for governmental and non-governmental, as well as private developers in supervision of the construction projects. From the other side, the Engineering Association and Building Control Organization shall enjoy a full level of independency from the government to act more efficiently. As urban development is being practiced on a sectoral basis and according to personal judgments and interpretations, an independent comprehensive mechanism is required to modify the existing system and redefine it in the framework of a new 'national urban development building regulation'.

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