

# Town and Country Planning in Canton Geneva

## Institutions and Procedures



Town and Country Planning Directorate  
Department of Public Works and Energy  
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## Introduction A Long Tradition of Land Resources Management

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Swiss federal legislation on town and country planning dates back just over 15 years. On 22 June 1979, the *Federal Town and Country Planning Act (LAT)* was passed. It confirmed the growing public awareness of the limited nature of national land resources and the dawning realization of the potential risks of landscape degradation. Canton Geneva had however not waited until that year to develop its planning: as the canton is small and land use intensive, planning rules and instruments were established at a very early stage.

### Scarce Land Resources and Prosperity: the Need for Planning

For centuries, land in Geneva<sup>2</sup> has been scarce and therefore carefully managed. After the Reformation (1536), the 'Protestant Rome'-as the city has since also been called- was a besieged town surrounded by an unstable hinterland. It was periodically occupied by hostile armies and home to hundreds of refugees, who were crammed in higher and higher buildings. At the beginning of the 19th century, the small territory of Canton Geneva was defined, which helped to stabilise Geneva countryside; concern with preserving land resources was nevertheless maintained. At the end of the 19th century, the town spread out from its medieval walls and since then there has been concern about controlling this expansion. The first *Monument and Landscape Protection Act* was passed on 19 June 1920; this was followed on 9 March 1929 by the *Road Extension and Local Planning Act* which governed the development of public roads in the new districts. The instruments and procedures which were established then, although they have since been renamed, remain valid to the present day.

With the 1950s post-war boom, extraordinary economic growth put additional pressure on the 282 sq. km canton. Legislation on 'Development Zones' gave the authorities of Canton Geneva widespread powers for the urbanization of large areas, as a response to the tremendous housing

and infrastructure needs of that time. Even today, these laws are considered very progressive.

Land remained nonetheless scarce and expensive. Geneva had therefore to address, at an early stage and more forcefully than elsewhere, the problem of housing demolition and conversion, a process which involved the eviction of inhabitants from the city centre. Geneva was also the first canton in Switzerland to pass legislation on housing protection, playing a leading role in the research and application of building renovation techniques.

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If town planning in Geneva was more 'advanced' than in the rest of Switzerland, it is because its problems appeared earlier and in a more critical form than in other places. The limited nature of Geneva's territory and the intensity of economic activities within it exacerbated land use conflicts. These conflicts required firm arbitration by the local authorities, at a much earlier date than in other urban areas in Switzerland.

### Land Use Planning for a Small Territory

Land use planning in Geneva is closely linked to local geopolitical constraints. Development prospects are severely limited by the canton borders. The canton is located at the tip of Lake Léman (Lake Geneva), surrounded by France for 103 kilometres of its borders and linked to Switzerland for only 4.5 kilometres with Canton Vaud. Geneva itself has therefore no hinterland, its region is inter-cantonal and cross-frontier and is characterized by deep political and institutional disparities. Within the small canton territory, competition for space is fierce and with any project, however small, conflicts tend to multiply: more and more effort is being devoted to the arbitration of small scale developments, which are made very complex by the number of interested parties involved.

Somewhere between 'housekeeping' and 'management', town planning in Geneva has been very focused on local land allocation issues. By necessity, large plans or distant programmes have been discarded; planning is now more pragmatic, remaining deliberately close to reality and interested parties involved.

The major town and country planning institution in Geneva is the Department of Public Works and

Energy; it is in charge of land use planning, infrastructures, development control and energy policy. Within the Department, planning authorities consist of several subdivisions called 'Services'. They are responsible for carrying out planning studies, follow up procedures, reference documents conservation and co-ordination with other institutions. By tradition however, some aspects of land use management remain part of others cantonal departments, with responsibilities for rail and air links, traffic and public transport, the provision of housing subsidies, forestry and agriculture, relationships between the canton and the communes, and regional affairs.

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### Communication

Land use planning began during the inter-war period, but only really took off between the 1960s and the 1980s. Today, the notion is enshrined in a number of laws, documents and procedures of various origins. Terminology has had to be adapted to recent developments in Swiss federal legislation, a process which has not helped people's understanding of the issues involved in planning. This field understandably appears obscure to the general public who are often only aware of the 'difficult cases' which make the headlines.

The first aim of this brochure is to locally disseminate information on land use planning, as it has been understood in Geneva over the years, throwing light on the major historical landmarks, as well as on current legislation and procedures. It is also aimed at improving external communication: providing a general reference document, which presents the specific features of the town and country planning system in Geneva is particularly necessary with regard to the expansion of the build-up area beyond the border and the growing exchanges of know-how among planners of various countries.

The planning system can be defined with tree elements: land management, law enforcement, implementation procedures. The first part of the brochure presents Canton Geneva's territory and its major historical landmarks. The second part describes the laws and institutions on which planning procedures are based. The third part is devoted to a review of the main planning documents and the adoption and implementation procedures. Of course, planning strategies

<sup>1</sup> Page numbers refer to the original French publication, which also contains various illustrations.

<sup>2</sup> In this document, 'Geneva' refers to the area covered by the canton. When reference is made to the commune, the term 'City of Geneva' is used.



continue to evolve over time. After presenting the status of on-going discussions, the brochure ends with an outline of the current views proposed to broaden the approach to land use planning in Geneva. This new approach will place planning firmly within the national and cross-frontier framework.

## Background and History Canton Geneva and its Area

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Planning in Geneva is about managing an urban area surrounded by a protected countryside, but separated from its hinterland by a political frontier. The approach to planning is adapted to the management of a small territory, entirely transformed by human activities, in which land has to be allocated for the best possible use considering the various interests at stake. In Canton Geneva, land is never 'virgin', but has always already been structured, shaped, inhabited. It shows several strata of local history and results of often subtle compromises between its varied inhabitants: every planning action is thus transforming former planning decisions and is extremely dependant on past and present constraints.

The best way to present the canton is therefore to look back at its history: the origin of its political limits and the periods when the various planning legislation appeared. The great periods of urban expansion are indeed not part of the past but a living heritage, a constraint for the present, out of which one must get the maximum, for today's needs.

### A Permanent Urban Centre, a Changing Hinterland

Geneva exists because of its geographical situation. Lake Geneva has always been an obstacle to man's movements: since prehistoric times, there has been a human settlement on the fortified hill overlooking the first bridges on the Rhone and the Arve rivers. Thereafter, the city has never moved away from this favourable location, improved over the centuries first by trade roads, military strategies, and then by international tourism. Geneva, as a lake-side city

has been reinvented again and again on the same spot, showing a remarkable historical continuity.

On the other hand, beyond this urban centre developed around the bridge on the Rhone river, Geneva's hinterland has changed considerably. Until the political establishment of the canton borders on the 19th century, Geneva was not a 'country' with stable frontiers, but an economic area developed around the city, whose influence varied over time and according to stand points.

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#### Before the Canton

Geneva lost control of its geographical region in the 16th century, when it became the 'Protestant Rome'; it was as if to become an international city, Geneva had had to lose its region. The Reformation and the protection offered by the city walls attracted many refugees, often on transit. They were housed as well as could be expected in a very dense urban area of houses that had been enlarged several times to respond to an endemic housing crisis. Beyond the walls, the countryside was the scene of periodic struggles involving allies from Bern and enemies from France and the Duchy of Savoy; the intervals between these military episodes did therefore not leave much time to build a proper 'country'.

#### 1816: The Political Frontier

During the French occupation (1798-1814), Geneva was made the Prefecture of a vast *Département du Léman*, which brought together in a single entity the *Pays de Gex*, the left bank of Lake Geneva up to Evian and the alpine valleys up to Chamonix. The political area of Geneva, from then on a canton of Switzerland, was defined during the Restoration in 1816. The frontier line resulted from tough negotiations between Switzerland and the European powers; it was an 'isobaric policy', a compromise between Geneva's desire for independence and the territorial claims of its powerful neighbours. Although the frontier follows large and small rivers, the canton area is much smaller than the natural limit of the Geneva basin, surrounded as it is by the Jura hills, the Salève and the Voirons.

#### 1860: Free Trade Zones, an Economic Frontier

In 1860, when France annexed Savoy, Canton Geneva saw its independence threatened. In agreement with the great powers, 'Free Trade Zones' were created so

as to provide the canton with an economic hinterland. These 'zones', which push French customs back from the canton border, have been re-negotiated several times. They are still in place today, although they have virtually lost their economic function.

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### Two Great Periods of Urban Expansion

Geneva is more urban than rural. The contrast between the urban centre with a strong identity and the poorly defined hinterland is also reflected in the evolution of the planning system. Planning procedures have long been devoted exclusively to urban areas and have only recently been widened to the whole canton area: on 19 December 1952, the 'agricultural zone' was created in order to protect agricultural land, which until then could also be used to provide individual housing plots.

Geneva's urban area has had two great periods of expansion, separated by a gap of a century:

- In the middle of the 19th century, the demolition of the fortifications allowed the city to spread beyond its walls. This first wave of urbanization continued until the start of the First World War.
- In the middle of the 20th century, the post-war economic boom enabled a new construction expansion, which resulted in the present suburban area. The city is no longer just a 'built island' surrounded by the countryside, but is part of a compact urban area, spreading beyond the canton borders.

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#### In the 19th Century: Pulling Down the Fortifications

Important infrastructure works were started at the beginning of the 20th century, notably through the impetus given by the Cantonal Engineer Guillaume-Henri Dufour (quays, bridges, water supply, sanitation, parks and promenades, Bergues Quarter, Corrairie Street, etc.). Yet Geneva remained confined within its walls. The decision to pull these fortifications down was taken after the so called Radical Revolution of 1846: James Fazy's modern Geneva gave up all military defence works in 1849, and gained land was made available for the construction of new districts. From 1850 to 1880, the Geneva Ring, called today 'Fazyst Belt', was gradually urbanized; it spread out around the Old Town and Saint-



Gervais area, according to development plans and terms of reference formulated by the canton authorities. The City of Geneva and Canton Geneva allocated plots for construction by private developers.

These works initiated a period of prosperity and demographic boom that lasted until the First World War. The old Geneva, the small religious town surrounded by hostile territories and curled up within its walls, became a large 'open' city. The new districts with wide avenues and regular façades housed modern facilities and put Geneva in an outstanding position amongst the great European cities (with stations, museums, theatres, libraries, university, schools, renown hotels, public gardens, etc.).

At the end of the 19th century, the development of transportation infrastructure opened up the urbanization of the rest of the canton. Within twenty years (1887-1907), Geneva was serviced by a tramway network of 132 kilometres reaching as far as neighbouring France. This brought several suburban communes closer to the city centre, and saw detached housing schemes sprawled over agricultural land.

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**The Inter-War Years: an Interlude**  
Economic growth slowed down in 1918, followed by a stagnation period that went on until the Second World War. During this period, Geneva strengthened its international position and established planning institutions.

In 1920, the selection of Geneva as the seat of the League of Nations (the UN predecessor) vividly confirmed its profile as a 'world capital city' - a profile already well established in economic (banks), tourist (hotels) and institutional terms (the Red Cross, the International Labour Office, etc.).

At the same time, the canton authorities set out to strengthen public facilities and planning instruments. In 1920, the first airport was put into operation at Cointrin, 6 kilometres from downtown Geneva. During the same year, the canton created an 'Extension Plan Bureau', run by the architect Camille Martin, who directed the urbanization of the city's right bank and the development of the international organisations district. On 9 March 1929, two laws were introduced which strengthened the building zone regulations and the control by local authorities over new urban development. In 1931, the merging of the former Geneva City and three suburban communes

(Eaux-Vives, Petit-Saconnex and Plainpalais) took place at the same time as an important administrative reform, which assigned the main planning powers to canton authorities.

Changing economic circumstances in the inter-war period were however not favourable to plan implementation. While there were plenty of town planning projects, competitions, debates and exhibitions under the impetus of town planners such as Le Corbusier or Maurice Brillaud, property developments were mainly limited to increasing building density on vacant land in the city, and to develop detached housing schemes in suburban communes.

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#### **After 1950: the Economic Boom**

After the war, growth resumed earlier and more strongly in Geneva than elsewhere Switzerland. The United Nations had been established to succeed the League of Nations and the number of international organisations based in the canton increased. Industry and services experienced a spectacular boom. In addition, accommodation had to be provided to the population, which grew on average at a rate of 2% per year.

The extent of the developments, although anticipated by various studies, was unexpected. Planning laws, instruments and institutions had therefore to be established in the context of an acute housing crisis. On 19 December 1952, the notions of 'Agricultural Zone' and 'Village Zone' completed the zoning system. On 29 June 1957, the *Expansion of the Geneva Urban Area Act* created the notion of 'Development Zone', loosening the tight control of the building zones formerly in place and giving canton authorities wide powers over the urbanization of new areas. The first 'Development Zones' were created in nearby suburbs. Followed rapidly by others, further away from the city centre, the creation of these zones led to the rapid urbanization of suburban communes at the expense of agricultural land, vacant detached housing zones, or former estates. To facilitate industrial development, the FIPA (Praille and Acacias Industrial Estate Foundation) was instituted in 1958 as a public foundation responsible for planning, operating and managing large industrial zones, on usually leased land.

#### **A Strong Growth**

At the beginning of the 1960s, everything was ready for the 'booming era' and approximately 5'000 new

accommodation units were constructed each year, over a period of fifteen years. During this exceptional time, the canton changed dramatically. Social housing schemes in the 'satellite towns' of Onex, Meyrin and Le Lignon were built in record time. Geneva was linked with a motorway to the neighbouring Canton Vaud and to the rest of Switzerland. Cointrin runway was extended and the new airport opened in 1968. Modern infrastructure provision increased (wastewater treatment plants, solid waste incineration plant, sport facilities, hospitals, university, schools, etc.).

Development was planned and co-ordinated by a very active 'Committee on Town Planning', set up in 1961, with the support of a strong consultancy. In 1966, its first Activity Report proved to be a true master plan, considering all aspects of development in the short and medium term: general infrastructure, transport networks, urban development areas. The latter were defined on the assumption that Geneva would have a population of 800'000 by the year 2015.

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As the period ended, an impressive series of major works were completed. Among the international organisations buildings which were opened were the extension of the United Nations Office building (1972), the International Conference Centre (1973), the new International Labour Office (1974) and the World Intellectual Property Organisation (1978) buildings. A later but significant addition was the new Exhibition Hall (Palexpo), opened in 1983 to replace the former downtown hall: this development gave rise to the first large suburban centre, serviced by an extended international airport, by the motorway, and not long after by the railroad. Finally in 1993, another major development was the opening of the ring road, which completed a now continuous North - South European motorway network.

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#### **After Growth: Managing the Consequences**

The building industry suffered a long and lengthy setback, starting in 1974, at the time of the so called 'oil' crisis. At the same time, the emphasis on planning changed. Its aim was no longer to promote development, but to amend some of its unforeseen impacts. The tremendous upheaval of the preceding years determined three strong public reactions. First against



'satellite towns': here community associations stood up for the urban character of the city centre and struggled for the maintenance of low rent accommodation. Secondly, against a triumphant modernity: here dynamic interest groups argued for the protection of the architectural heritage and the preservation of the urban landscape. Finally, against the 'construction euphoria': here nature conservation groups mobilised support for the preservation of urban green spaces. The 1960s property boom has given rise to a longing for stability.

From then on, problems were considered at a 'basic' level of planning: the use and quality of new developments were decided plot by plot, building by building. Broad structural planning gave precedence to several sectoral policies, operating on groups of housing schemes and plots, at a micro-level. The best example of this is the policy for housing preservation. Rented accommodation affordable to most people had to be protected from rampant erosion by demolition, by conversion to office and luxury flats, or by demographic and social instability factors. In 1983, the *Housing Demolition, Conversion and Renovation Act* stated that in principle, blocks of flats were to be preserved according to their nature and current use. Through focusing attention on buildings, the law had a number of major impacts on land use: in ten years, the City of Geneva recovered the population it had lost over the preceding decade, with many blocks of flats preserved and renovated, on favourable terms for the tenants.

In 1966, based on the assumption of a rapid increase of the population density in the canton, infrastructure provision was designed for 800'000 inhabitants. Reality has not matched this intense development theory. There is indeed no longer enough place for such a population: the space used per inhabitant has dramatically increased and population density is currently at its limit. Although the population has reached a peak, jobs continue to increase at a strong rate, creating ever more important flows of commuters between the congested city centre and ever more distant housing estates, which spread beyond the canton border. With infrastructure problems, urban pollution, transport crisis, and especially the spread over the border, planning can no longer cater separately for the 380'000 inhabitants of the canton. It has now to integrate

the larger scale of its suburban area (500'000 inhabitants), the cross-frontier area (620'000 inhabitants) and even the wider areas, like that of the Lake Geneva Region (900'000 inhabitants), at the scale of small European metropolis of one to two million inhabitants.

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#### A Change of Scale

In a century, the scale of urban development in Geneva has changed. Formerly enclosed within its city walls, then a dense urban centre surrounded by countryside, Geneva today is a continuous built-up area spreading out over into neighbouring France and Canton Vaud. The institutional and political division of the border, both cantonal and national, is however a heavy handicap to the coherent management of this urban area. In this sense, the 1989 cantonal Master Plan is a transition document, the last attempt to consider the demographic, economic, natural and social balance at the canton scale.

Cross-frontier inter-dependency is becoming stronger, and the benefits of co-ordination increasingly more obvious. The greatest planning challenge facing Geneva today is to work out and organise its integration into a wider context, transcending the difficult inter-cantonal and cross-frontier issues (transport, infrastructure, land use, etc.), and thereby maximising the strengths and complementary nature of the 'Franco-Valdo-Genevan Region' (i.e. the region covering Canton Geneva, part of Canton Vaud and bordering French *Départements*).

### Levels of Power Planning Regulations and Institutions

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Town and country planning is the work carried out by public authorities in order to steer, co-ordinate and control land use. At the basis of this action is a series of legal and technical regulations, issued by political bodies and applied by civil servants with consideration for interests of the public and citizen rights.

#### Planning Institutions

Planning regulations are issued by several institutions, at four levels: the Confederation, the canton, the communes and the citizens.

#### The Confederation

In Switzerland, the responsibility for planning rested for a long time with the cantons and the communes. Each of them legislated separately to address local issues, which resulted in a very mixed body of laws and instruments, which varied greatly from one region to another. Federal authorities intervention was limited to landscape and nature protection. Since 22 June 1979 with the introduction of the *Federal Town and Country Planning Act*, followed on 7 October 1983 by the *Federal Environment Protection Act*, planning has been defined in a more unified way: the cantons are still take responsible, but they all now refer to an identical set of federal laws, to which their legislation and specific procedures have been adapted.

Federal laws are voted by the two chambers of the Swiss Parliament, the *Conseil national* (which represents the people with 200 members divided up in proportion to the population of the cantons) and the *Conseil des Etats* (which represents the cantons with 2 members per canton, i.e. 46 Senators). Laws are proposed by the executive power, the *Conseil fédéral*, a Council of seven Ministers (*Conseillers fédéraux*), each heading a Department.

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Federal authorities liaise directly with the cantons, the latter being in charge of implementation at the local level. Planning responsibilities rest with 'Federal Offices' (*Offices fédéraux*), which belong to several Departments. Which include:

- at the **Federal Department of Justice and Police**: the Federal Office of Town and Country Planning;
- at the **Federal Department of the Interior**: the Federal Office of Environment, Forest and Landscape;
- at the **Federal Department for Economic Affairs**: the Federal Office of Housing;
- at the **Federal Department of Transport, Communications and Energy**: the Federal Offices of Transport, Water Resources Management, Energy and Roads.

#### The Canton

In Geneva, planning powers rest mainly with canton authorities: it is a unique case in Switzerland, where these powers traditionally belong to



the communes. This particular feature is explained by institutional history: in Geneva, the commune is not an old tradition, but a creation of the French administration during its occupation (1798 -1814). It is also explained by the small size of the canton, which does not encourage duplication of responsibilities.

Cantonal laws are passed by the *Grand Conseil* (the legislative), made up of 100 members elected every four years according to proportional representation. Laws are generally proposed by the Executive, the *Conseil d'Etat*, a Council of seven *Conseillers d'Etat*, elected every four years by majority vote. Each *Conseiller d'Etat* heads a Department, with one of them heading also the Department of Defence.

Responsibility for the implementation of cantonal laws rests with the 'Directorates' and 'Subdivisions' of the canton authorities, which as in the federal institutions belong to different 'Departments'. Besides the Department of Defence, they include:

- The **Department of Public Works and Energy**, in charge of strategic planning and implementation. This responsibility was added in 1920 to its traditional missions of planning control and supervision of public and civil engineering works (roads, infrastructure, etc.). It also runs the cantonal 'Energy Office' and supervises the *Services Industriels*, the public utility which supplies water, gas and electricity.
- The **Department for Justice, Police and Transport** is in charge of traffic planning and management, provided by the 'Transport and Traffic Office'. Public transport is the responsibility of the autonomous 'Geneva Public Transport' (TPG), a state-owned company supervised by the Department. Railways are handled by in conjunction with the 'Swiss Federal Railways' (CFF).

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- The **Department of Economic Affairs** is in charge of employment, and in particular of agriculture. It also deals with air transport (Geneva Airport).
- The **Department of the Interior, Environment and Regional Affairs** heads the general 'Environment Directorate', which groups the 'Cantonal Ecotoxicology Subdivision' and the subdivisions in charge of nature (forest, wildlife), water resources, solid waste

management and sanitation. The Department includes the 'Cadastre' and 'Land Registry', which are at the basis of all planning decisions, as well as the 'Housing Directorate'. It also deals with the important matters relating to regional affairs, European issues and development aid.

- The **Department of Welfare and Health** is in charge of social, medical and public health provision.
- The **Department of Finance** is in charge of the Treasury, as well as the general administrative subdivision of the canton.
- The **Department of Education** is responsible for all training-related activities.

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#### The Commune

The canton is divided into 45 communes which are on average about 57 hectares in size. The largest commune in terms of population and employment is the City of Geneva.

Although planning decisions are the responsibility of the canton, communes none the less have important planning powers. They define and implement their 'Local Master Plan' (*plan directeur communal*) and 'Land Utilization Plan' (PUS). They issue recommendations on all planning documents which relate to their area. communes can oppose and appeal against cantonal decisions. Finally, they can request the adoption, amendment or repeal of 'Land Allocation Plans' (*plan d'affectation*).

In practice, communes act as local experts, providing an essential link between the cantonal civil service and the general public. The City of Geneva has its own 'Town Planning Subdivision' (*Service d'urbanisme*) which takes an active part in land use studies and in helping planning ideas to come to maturity. Urban communes have one or several planning officers.

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#### The Citizen

The review of the 'origins' of planning regulations would be incomplete if the institution at the basis of democracy - the citizen - was omitted. In Geneva as in the rest of Switzerland, at every stage of the planning process, the consultation, public inquiry, objection and appeal procedures make provision for public participation, both of individuals and of interest groups.

The 'right of referendum' and the 'right of initiative' date back more than a

century.

- Introduced since 1879, the '**right of referendum**' (*droit de référendum*) enables a group of citizens to demand that a decision taken by the Swiss Parliament be submitted to a general vote.
- Instituted in 1891, the '**popular initiative**' (*initiative populaire*) enables a group of citizens to request the creation or amendment of a federal law.

The same rights exist at the canton level.

- The '**cantonal referendum**' enables citizens to submit a law voted by the *Grand Conseil* to a general vote. In order to do that, the group launching the referendum must collect at least 7'000 signatures of canton voters over a period of 40 days. This right is often used on the occasion of a budget allocation for infrastructures of cantonal importance: for example, a 'cantonal referendum' was held on the projects of the Geneva by-pass motorway and of the airport extension.
- The '**cantonal initiative**' enables citizens to propose a bill or to request that the *Grand Conseil* legislates on a specific issue. For that, the group launching the proposition must collect 10'000 voter signatures over a 4-month period. In relation to planning issues, the 'right of initiative' is less commonly used than the 'right of referendum': recent examples of proposed bills concerned the construction of a crossing at Geneva harbour and the autonomy of communes.

**These same rights also exist at the commune level.** The 'commune referendum' and the 'commune initiative' are focused on local issues ('Localized Area Plans', for example). A scale sets the required number of voter signatures according to the size of the commune electorate.

In addition, at the level of current affairs, a '**right of petition**' enables people at any time to request the amendment of a public decision or to petition authorities in relation to a local issue. Finally, several **appeal procedures** exist which enable individuals or groups to put under review an official decision. For administrative decisions in relation to land use, there is also a specialised planning appeal authority (the 'LCI Appeal Commission') and a cantonal court of appeal (the 'Administrative Court'). The ultimate



appeal authority is the 'Federal Court', whose abundant jurisprudence forms a major source of operational planning regulations.

In order to appeal, it is necessary to 'qualify'. A 'qualification' is granted to people whose right are directly affected by a planning decision (objection procedure). It can also be granted to people less directly concerned, to representative interest groups or to associations that have a proven interest in planning: conditions for access to the appeal procedures are fixed by a complex jurisprudence and are in constant evolution.

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Before appeal is considered, approval procedures for planning documents provide for various safeguards: the interested parties can be consulted, in order to achieve as much consensus as possible on a project; the public has to be informed (public inquiry, information meetings, and possibly information documents); everyone can make observations, addressed in writing to the competent authority within a defined period; and when necessary, conciliation procedures can be used to clarify problems and if possible to address differences. It is only after these procedures have been completed that an appeal can be lodged against a public decision.

## The Main Planning Legislation

The laws set out general planning standards: they stipulate the rules which will apply in the preparation of specific planning standards within localized planning documents.

The body of federal laws, which was not large fifteen years ago, has grown day by day. Cantonal laws, traditionally more numerous, form a complex collection that remains nevertheless remarkably understandable by the public. These laws are constantly updated and reorganised in an effort to secure that they remain pragmatic in their nature. They are less a monumental judicial structure than an operational collection of judicial and technical thematic documents, outlining specific principles, rules and procedures. Dissemination is the responsibility of the *Chancellerie d'Etat*, which holds the individual laws and thematic collections at the disposal of the public. The Chancellerie also ensures that these documents are regularly updated.

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## The Main Federal Legislation

Recent Swiss federal planning legislation arose from a growing public awareness of the limited nature of national land resources and a dawning realization of the risks of landscape degradation.

### • The Federal Town and Country Planning Act

Switzerland adopted the *Federal Town and Country Planning Act* (LAT) on 22 June 1979, after several years of discussions and a first attempt to pass legislation which failed when a referendum was held on the bill. This intervention by the federal authorities on an issue traditionally the responsibility of the cantons and the communes was justified by four objectives laid down within the Act: securing a moderate use of land resources (art. 1); matching planning policies at the level of the Confederation, the canton and the commune (art. 2); preserving landscape through development control (art. 3); and enabling public information and participation (art. 4). The law stipulates that Cantonal Master Plans have to be prepared, Land Allocation Plans defined, and legislation on environmental protection enforced. The *Ordinance on Town and Country Planning* (2 October 1989) details the implementation requirements of the Act.

### • The Federal Environment Protection Act

The *Federal Environment Protection Act* (LPE), passed on 7 October 1983, was inspired by environmental principles. Its aim is 'to protect men, animals and plants, their biotic community and habitat from harmful or unpleasant damage, and to preserve soil fertility' (art. 1). It is based on the 'polluter-pays' principle (art. 2). It introduces the notion of a mandatory 'environmental impact assessment', when a development can be seen to 'noticeably affect the environment' (art. 9). For each type of nuisance and pollution (air, noise, vibrations, radiation, waste), the law establishes permitted 'upper limits' and 'planning limits', which constitute policy objectives. The *Ordinances* on noise protection, on air protection (15 December 1986) and on environmental impact assessment (19 October 1988) specify implementation conditions which are the responsibility of the cantons.

### • Other Federal Planning-related Legislation

Federal legislation also governs others areas relevant to planning, these include: the *Federal*

*Compulsory Purchase Act* (20 June 1930), the *Federal Act on Forest Control Supervision by the Confederation* (11 October 1902), the *Federal Water Protection Act* (8 October 1971), the *Federal Nature and Landscape Protection Act* (1 July 1966). There are also federal laws and ordinances on agriculture, transport (rail, roads, air links), energy, sanitation, administrative procedures, designated natural areas of national importance, pedestrian links, etc.

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## The Main Cantonal Legislation

The introduction of federal planning legislation did not catch Canton Geneva unprepared: on the whole, the cantonal laws required by the Confederation were already in existence in Geneva, and their adaptation to the federal framework required only minor changes, mostly in terminology. Land use planning in Geneva is governed by six main laws.

### • The Enforcement Act of the Federal Town and Country Planning Legislation (LALAT), 4 June 1987

Passed in 1987 in accordance with the new federal legislation, this law combines in a coherent framework articles that were previously dispersed, and adapts them to the federal terminology. Its two main subjects, the Cantonal Master Plan (which was then made compulsory) and Land Allocation Plans are examined in more detail in the following section of this brochure.

### • The Road Extension and Local Town Planning Act (LEXT), 9 March 1929

This Act was passed in 1929 in order to co-ordinate urban expansion. It was the first town planning law governing district development. It introduced the notion of a 'Planning Scheme' (*plan d'aménagement*), which defined town planning conditions over a given area (road access, building height and layout, open spaces, infrastructure, car parks, etc.). Cantonal government (the *Conseil d'Etat*) was granted the right to demand these Planning Schemes 'as and when needed and after consulting the commune' (art. 1), each time a project challenged important objectives (town planning, public infrastructure). The canton can refuse to grant planning permission 'when the construction project is likely to compromise town planning objectives or the creation of public infrastructure' (art. 2). After such a



refusal, canton authorities have 3 years to prepare a 'Planning Scheme' for the particular area involved. Such a plan may be designated of public interest when it enables public infrastructure provision; it is then called an 'Extension Plan'.

An amendment in the cantonal law terminology had to be made in 1983, in order to comply with the federal legislation. 'Planning Schemes' were then renamed as 'Localized Area Plans' (*plans localisés de quartier*), the former phrase '*plans d'aménagement*' taking a more general sense in the federal legislation. A more important amendment was that which related to the division of powers between the canton and the communes: on 26 June 1983, the law introduced the notion of 'Land Utilization Plan', prepared by the communes in collaboration with the canton (see following section). In Geneva, these are the only planning documents submitted for formal approval to *Conseils municipaux* (the legislative at the commune level).

• **The Development Zone General Act (LGZD), 29 June 1957**

Geneva legislation on 'Development Zones' is unique in Switzerland. It was introduced in 1957 in answer to the pressing economic growth needs of that time. The building zones which were in existence were too small and their regulations poorly adjusted to the large programme of social housing development that was planned. Therefore an additional planning device was introduced, called 'development regulations'. These regulations were added to the legal provisions already in place at the canton level, thereby complementing to the 'ordinary' regulations.

First called the '*Geneva Suburban Expansion Act*', the *General Development Zone Act* enables canton authorities to open new areas for urbanization, in return for strengthened development control. The *Grand Conseil* defines the extent of Development Zones but delegates the responsibility to the *Conseil d'Etat* to determine the scope and conditions of development within these zones.

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The law lays down three main provisions.

- Each construction project must get preliminary approval of its **Localized Area Plan** and building by-laws; these documents are prepared or accepted by the Department of Public

Works, and then approved by the *Conseil d'Etat*. The canton authorities control the overall schemes into which private property development must fit.

- Each property project is subjected to a state-controlled **financial plan**, that specifies the project's economic rationale, the sources of its finance (in particular possible public subsidies) and rent levels. It is required that 'the provision of rented housing corresponds in number, type and anticipated rent to the overriding public needs' (art. 5). This law has indeed enabled the creation of thousands of subsidized flats in Geneva.

- The law also makes provision for a '**development charge**' (*taxe d'équipement*), proportional to the scale of the property development, in order to pay for part of the area infrastructure costs (roads, open space).

• **The Industrial Development Zone General Act (LGZDI), 13 December 1984**

The 'Industrial Development Zones' are aimed at encouraging the establishment of secondary industries. The scope of this legislation is twofold:

- on the one hand, local authority intervention aims to allocate land for industry, providing it with appropriate infrastructure and maintaining the availability of such land. This will be done by land price control, pre-emptive buying and a development charge;

- on the other hand, plans and regulations lay down conditions for rational land management, providing in particular for roads, water supply and sanitation, building phases, construction height and layout, landscaping and screens, etc.

The *Conseil d'Etat* grants planning permission and can also require a Localized Area Plan prepared by the Department of Public Works and Energy. It can entrust the 'Pralle and Acacias Industrial Area Foundation' (FIPA) with the task to prepare draft Master Plans, to carry out projects and infrastructure work and to take on the management of Industrial Development Zones.

• **The Monument, Nature and Landscape Protection Act (LPMNS), 4 June 1976**

In Geneva, the protection of built and natural heritage is not a separate area, but is an integral part of town and country planning. The first *Monument and Landscape*

*Conservation Act*, which was passed on 19 June 1920, established a 'Committee on Monument and Landscape' to oversee the conservation of major historic monuments and archaeological relics. Since then, the scope of this protection has expanded. It now includes architectural heritage understood in a very broad sense (buildings representative of a certain period, architectural entities, urban landscapes), as well as historic sites, natural landscapes, flora and fauna habitats, and public access provision.

Architectural heritage protection includes several types of measures:

- A building can be **listed** by decree of the *Conseil d'Etat*, which guarantees its protection and that of its surroundings. The canton can participate in financing its maintenance and restoration.

- The **inventory** of ancient and historical monuments includes all buildings and remains 'that have an archaeological, historical, artistic, scientific or educational interest' (art. 4). Work on these buildings is controlled by the Department of Public Works and Energy.

- Buildings can be **classified** within Localized Heritage Plans.

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Conservation policy is based on a number of inventories and on a survey of buildings and heritage sites.

**Nature and landscape protection** focuses on trees (protected species, groves, hedgerows...), rivers, landfills, gravel pits and landscapes. Its implementation is overseen jointly by the Department of Public Works and Energy and by the Department of the Interior, Environment and Regional Affairs.

The law also establishes the notion of **Heritage Plans** (*plan de site*), extending protection measures to cover urban or natural sectors.

• **The Housing Demolition, Conversion and Renovation Act (LDTR), 22 June 1989**

At the end of the 1960s, while property development slowed down on the periphery, developers became interested again in the city centre. Market prices encouraged them to demolish old buildings and build new ones, to convert flats into offices and increase the number of prestige flats. This process induced a 'scattered renovation', which progressively could have drastically changed the population of the city centre, as well as the whole urban landscape. The new law was approved with a large



majority by voters on 26 June 1983, and amended several times before it was finally agreed on 22 June 1989. It stipulates that no existing housing could be demolished, converted or its use changed, unless a special dispensation was granted, with precise conditions. This legislation is aimed at providing housing that corresponds, 'in type, rent or price to the overriding needs of the population'. Standing somewhere between housing policy, heritage protection policy and town planning policy, this law has been subject to many appeals from the property industry. In practice, it is however the main operative instrument to preserve housing and to ensure the population in the existing city districts is maintained.

#### • Other Cantonal Planning-related Legislation

Planning affects many aspects of urban life. In practice, the five basic laws cannot be separated from others laws that govern the various aspects of land management in the canton.

These include:

- legislation on building and architecture. In particular, the *Building and Various Installation Act*, 14 April 1988, lays down operating regulations for the different building zones. In the section related to 'Protected Zones', it makes provision for measures to protect the 19th and early 20th century housing estates that have an important place in the urban set up.
- The *Urban Regrouping of Land Act*, 11 June 1965.
- The *Road Act*, 28 April 1967.
- The *Water Act*, 5 July 1961 and the *Public and Private Forestry Act*, 2 July 1954 (building line).
- The *Public Transport Network Act*, of 17 March 1988, etc.

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#### Administrative Set-up: Planning authorities at the Department of Public Works and Energy

At the Department of Public Works and Energy, the 'Town and Country Planning Directorate' provides co-ordination with other institutions and with the different departments at the federal, canton and commune levels. It consists of a Director, four Division Heads and six Subdivisions (called *Services*). The latter carry out their various tasks supported by several 'Advisory Committees' (*Commissions consultatives*).

#### Divisions

- The **Infrastructure Division** co-ordinates the general studies and

projects related to infrastructure provision in the canton: main infrastructures (public and private transport networks, roads, water supply, and others) and main public facilities (hospitals and schools, transport facilities, and others).

- The **Land Allocation Plan Division** co-ordinates the approval procedures of Land Allocation Plans (Zoning Plans, Land Utilization Plans, Localized Area Plans, Heritage Plans, Building Line Plans, Special By-laws, Public Interest Orders, and others) and prepares certain draft zoning amendment or others Land Allocation Plans.
- The **Planning Studies Division** co-ordinates local studies on the urbanization of the canton, particularly in relation to large social housing developments; it also prepares specific studies.
- The **Landscape and Heritage Protection Division** co-ordinates planning studies on sensitive sectors or issues, and prepares specific studies.

#### Subdivisions (*Services*)

- The **Master Plan Subdivision** carries out tasks related to the Cantonal Master Plan and prepares the planning studies required by federal provisions.
- The **Zoning Plan and Information Subdivision** prepares and up-dates the Zoning Plan, informs the public, drafts the special conditions for planning permission in the Development Zones as well as *Conseil d'Etat* Decrees.
- The **Studies and Localized Area Plan Subdivision** prepares the planning documents (Local Master Plans, Localized Area Plans) that define land allocation and zoning for the areas to develop or restructure.
- The **Monument, Nature and Landscape Subdivision** is responsible for the protection of historic monuments, heritage sites and areas of landscape beauty; it supervises related surveys and studies.
- The **Housing Subdivision** follows up every housing demolition, conversion or renovation work, prepares general studies and in some cases draws up Localized Area Plans.
- The **Archaeology Subdivision** is in charge of scientific and technical tasks related to the protection of archaeological relics.

#### 'Advisory Committees' (*Commissions consultatives*)

Public services are supported in carrying out their tasks by a number of 'Advisory Committees' which act as advisors and experts for the Department of Public Works and Energy. These Committees are made up of representatives of the communes, of delegates from the parties represented at the *Grand Conseil*, of interested groups (community associations) and of professionals. They issue advisory notices at the request of the Department, particularly on sensitive issues.

In relation to town and country planning, the main Committees are:

- The Committee on Land Use Planning (takes part to the preparation of the draft Concept for Cantonal Planning)
- The Committee on Town Planning
- The Committee on Monument, Nature and Landscape Protection
- The Committee on Architecture.

### Implementation Planning Documents and Procedures

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In compliance with the *Federal Town and Country Planning Act*, the Cantonal Master Plan is the major element of Geneva's planning system. The document has both a reference and co-ordination role. This 'Planning Charter' is prepared for a ten-year period and is binding on the local authorities and civil service only, not on third parties. The Plan acts as a link between the Confederation, the canton and the communes. It describes the fundamental direction of the different land policies affecting the canton.

In particular, the Cantonal Master Plan provides the overall reference for the various Land Allocation Plans which are binding on all. An outline of these documents and their approval procedures will be presented in the second part of this section.

#### The Cantonal Master Plan

The last Geneva Cantonal Master Plan dates back to 1989. Its preparation was begun in 1982 by the Department of Public Works and Energy, supported by the cantonal 'Advisory Committee on Land Use Planning'. In 1984, a draft 'Concept



for Cantonal Planning' was widely circulated for public consultation. After several amendments, the Concept was approved in 1988 by resolution of the *Grand Conseil* (not subject to a referendum). The Plan was then adopted by the *Grand Conseil* on 15 September 1989 and endorsed by the *Conseil Fédéral* (Swiss Government) on 24 May 1991.

This long process demonstrates the significant effort devoted to the preparation of an explicit reference document which represents a consensus and which draws together in a coherent whole, a largely debated overall 'concept' and a series of operative measures. The evolutionary character of the Master Plan is secured by 'Co-ordination Sheets' that outline on-going and intended measures, and that facilitate the relations between the Confederation, the canton and the communes.

The voluminous final document is made up of nine Sector Plans on: urbanization, public facilities and recreation provision, transportation, technical infrastructure, agriculture, landscape, natural constraints, environmental protection and regional affairs. What follows is a review of five central issues considered in these plans.

#### **The Best Use of the Building Zones**

Given its scarce land resources, the canton did not have to deal with the problem of reducing the size of building zones allocated for development, as other cantons had to. Geneva rather had to assess whether existing zones were adequate to meet future land requirements for housing and industry, over the period covered by the Master Plan.

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A survey of the theoretical building capacity remaining in existing zones showed that:

- 55 % of the potential capacity was in Development Zones;
- while 35% was located in the zones intended for village development, and particularly in the zone allocated for detached housing development. This latter zone covers half of the building land area and houses only 10% of the population and 6% of the jobs of the canton.

The Cantonal Master Plan concluded that there was no need to widen existing building zones, recommending that their density be increased where landscape, nature or heritage constraints would allow it. Experience suggests that these

assessments underestimated two factors. First, in several locations building capacities were less available than had been anticipated (integration constraints, heritage, appeals, etc.); the densification was mainly concentrated in central urban areas, where building density became too high. Secondly, employment figures increased more than was forecasted, which resulted in a process of demographic growth which spilled over the border. This was something that the Master Plan had wanted to avoid, recommending on the opposite a 'balance between the distribution of jobs and housing'.

#### **Multiple Land Use in the 'Agriculture Zone'**

The policy to conserve the 'Agriculture Zone' is complementary to the best use of the building zones described above. Except for essential public infrastructure provision or in order to match zoning with prevailing use, the Cantonal Master Plan stated that no 'zoning amendment' of farm land for the benefit of urbanization would be allowed. The protection of the 'Agricultural Zone' was used as a mechanism to enforce federal prescriptions on 'land for crop rotation' (*surfaces d'assolement*, that is a plan for food supply in the event of a crisis and difficulties in obtaining supplies from abroad).

The rural areas have other functions in the small canton apart from the support of the farming industry (which by the way is competitive, Canton Geneva is in third position in Switzerland for its wine production). The countryside is indeed used for rambling and recreation by people who live in the city, where open green spaces are rare. The 'Agricultural Zone', together with the 'Woodland and Forest Zone', covers 57% of the total land areas of the canton (disregarding areas of water). Similar to the 'rural belt' dreamt of by E. Howard around his 'garden cities', this Zone acts as a buffer of landscape and nature surrounding the city, separating it from the peripheral suburban towns in Canton Vaud and neighbouring France. It also provides a mechanism to respond to the ecological-driven demand for the protection of rivers and natural environment (flora, fauna, habitat).

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#### **A New Urban Transport Policy**

With more than one car per 2 inhabitants, to which can be added more than 50'000 vehicles commuting daily across Geneva border, the canton suffers from a serious private transport crisis.

The 'car-focused' transport policy developed after 1950 is reaching its limits: the roads are saturated; traffic congestion is increasingly frequent; pollution (noise, air) is reaching alarming levels; traffic fluidity and access to town can no longer be increased, and even deteriorate. As a result of various studies over a period of ten years, a profound policy review was started in the Transport Master Plan.

There are two new options:

- promoting a 'modal transfer' from private cars to improved public transport: the programme '*Public Transport Network for 2005*' plans to create the first light automatic railway serving the main sectors of the city and its suburbs, as well as several new tramway lines (the first of which is under construction);
- reorganizing traffic in a selective manner, so as to only favour traffic and parking facilities which are absolutely necessary to the economy, while at the same time reducing local environmental impacts: this is the aim of the programme '*Traffic 2000*' (*Circulation 2000*).

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#### **Built and Natural Heritage Protection**

'Despite its scarce land resources, Canton Geneva devotes considerable attention to the preservation of its heritage, both natural and built, and to the maintenance of natural resources.' This quote from the 1989 Cantonal Master Plan demonstrates the importance given to heritage and nature protection values. The document reviewed the protection measures of listed buildings, 'Protected Zones', open green spaces, built and natural 'Heritage Plans'. The Plan also described the surveys already undertaken and identified the projects to be continued, with priority given to hamlets and natural landscapes.

#### **Current Revision of the Master Plan**

All master plans will in time be superseded by reality: planning strategies issued in a certain economic climate, rapidly appear no longer relevant to the new circumstances that they have contributed to create. Prepared at the end of a period of economic boom, the 1989 Cantonal Master Plan indeed no longer forms an adequate framework to respond to the current challenges. Before launching the long procedure



of its revision, which will probably require several years of consideration as well as considerable political and social debate, a critical review of the 1989 planning policies has been drawn up. It identifies the major facts of the new economic circumstances. The approach is targeted at two issues in particular.

#### • Project Planning

On the whole, the 1989 Cantonal Master Plan only recorded measures that had been decided or studied on different sector-based issues, drawing them together in a coherent whole. This passive vision of planning needs to be complemented with a more dynamic and forward looking vision, in particular through the definition of projects.

#### • Towards a 'Franco-Valdo-Genevan Master Plan'

On housing, industry, environment or transport issues, the canton can no longer be run separately from neighbouring regions. Co-ordination of mapping is the first essential step towards inter-cantonal and cross-frontier studies, which should in the medium term lead up to a 'Franco-Valdo-Genevan Master Plan'.

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#### Land Allocation Plans

Land Allocation Plans are 'the body of regulations that are binding on all and lay down the type, location and extent of land use'. They are the 'active hand' of the Cantonal Master Plan that, as mentioned previously, is only binding on the local authorities.

The *Enforcement Act of the Federal Town and Country Planning Regulations (LALAT)* identifies two categories of Land Allocation Plans:

- **General Land Allocation Plans** determine the general land use rules for the whole canton area. They constitute a key document: the Zoning Plan.
- **Special Land Allocation Plans** detail the local land use regulations, respecting the general rules or departures from them. They include the Land Utilization Plan, Localized Area Plan, Development Plan, Heritage Plan, Building Line Plan and Special By-laws Orders.

Making or amending a Land Allocation Plan must be processed through public consultation, public inquiry and final adoption procedures.

#### The Zoning Plan

The Geneva Zoning Plan identifies three types of zones, with different

planning constraints:

- **Ordinary Zones:** in these, the Localized Area Plan is optional, required only when a project is likely to compromise a town planning objective or a goal of public interest.
- **Development Zones:** in these, the Localized Area Plan is mandatory; the canton collects a 'development charge' and controls the financial plan of the project.
- **Protected Zones:** the features and character of certain urban districts, villages or special interest areas are protected.

**Ordinary zones** divide the canton according to a radial and pyramidal system: density is maximal at the city centre and falls away gradually to rural areas.

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#### The Various Building Zones

- *The 1st Zone* corresponds to the area of the City of Geneva within the limits of the old city walls. Buildings here are intended for housing, retailing and trades without environmental impacts. The maximum height of buildings is 24 meters.
- *The 2nd Zone* includes the districts built on the land of the former city walls and their adjacent urban areas. Buildings are intended for the same use as in the 1st zone, with the same maximum height.
- *The 3rd Zone* includes the already intensively developed districts around the city centre. Buildings are intended for the same use as the above zones, with a maximum height of 21 meters.
- *The 4th Zone* groups together urban housing (*Zone 4A*) and rural housing (*Zone 4B*) districts. Buildings here are intended for housing and for certain permitted trades. Building height must not exceed 15 meters in *Zone 4A* and 10 meters in *Zone 4B*.
- *The 5th Zone* is that of detached housing districts. Land here is for residential development, at a maximum height of 10 meters.
- *In the Craft and Industry Zones*, also intended for railway construction, maximum building height is 21 meters.
- *the Airport Zone* is related to the operations of the international Cointrin airport.

**Agricultural Zone** - The only permitted developments in this zone are constructions intended for agriculture and for people working mainly in agriculture. A protected *Vineyard Zone* is included in the Agricultural Zone.

**Woodland and Forest Zone** - This zone includes the forest area defined

and protected by the federal legislation on forests. Its surface area must not be reduced (if a development takes place in this Zone, a similar sized surface must be reverted to woodland by way of compensation).

#### Open Green Space and Recreation Zones

- *Open Green Space Zone (zone de verdure)*: public recreational areas and cemeteries
- *Sport Zone (zone sportive)*
- *Allotments Zone (zone de jardins familiaux)*.

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**Development Zones** are superimposed on Ordinary Zones. They are defined by the *Grand Conseil* 'with a view to facilitate urbanization, area restructuring, village extension, the development of existing zones and the establishment of public or private enterprise areas'. According to the area concerned and its objectives, land has been zoned as '2nd', '3rd', '4th' or '5th' Development Zones or 'Industrial Development Zones'.

#### Protected Zones include:

- Geneva Old Town and South Sector of the Old City Walls
- Carouge Old Town
- the 19th and early 20th century building schemes
- the protected villages
- private and public water resources, as well as their banks
- heritage sites and landscapes, as well as natural reserves
- open green spaces
- the Rhone River
- the banks of Lake Geneva
- the Arve River.

Zoning amendments take the form of a law that must be approved by the *Grand Conseil*. A zoning amendment proposal can be issued by the Department of Public Works and Energy, by a motion of the *Grand Conseil* as well as by communes. They can initiate the preparation of a bill and address it to the *Conseil d'Etat*, that is then obliged to begin the amendment procedure.

In the simplest case, when the proposal is issued by the Department of Public Works and Energy, the procedure is as follows:

- A *draft bill* and a *draft justification statement*, as well as a map defining the limits of the proposed zones, are prepared by the Department, which consults interested authorities.
- *The draft bill* goes through a



consultative public inquiry of 30 days. Comments must be sent in writing to the Department.

- A recommendation statement is issued by the *Conseil municipal* of the commune concerned, within 60 days of receipt of the comments forwarded by the Department at the end of the public inquiry process.
- The referendum period against the (favourable) recommendation issued by the commune is 21 to 40 days, according to the size of its population.
- The *Conseil d'Etat* then proposes the bill to the *Grand Conseil*. Objections to the bill must be made in writing within a period of 30 days by whoever is 'qualified' (legal appeal in the sense of the federal legislation).
- The *Grand Conseil* take a vote on the bill and rule on the objections.
- The referendum period and the appeal period to the Federal Court are 30 days.

In order to inform interested parties and to limit the length of the procedures, the Department can issue both the zoning amendment proposal and the Localized Area Plan project at the same time for public inquiry. Indicative District Development Plans or Schemes can also play the same role.

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#### The Land Utilization Plan

In Canton Geneva, the only Land Allocation Plan that the communes formally approve is the *Land Utilization Plan*. This document completes the general zoning arrangements at the local level, and for the time being exists only for the City of Geneva. The preparation of such a plan is justified by the desire to better control the fragile balance between housing and employment: its aim is 'to maintain and to re-establish housing in the first four building zones and in the four matching Development Zones; to promote well adapted and balanced distribution of employment; to protect housing as well as possible; and to limit the pollution that could result from economic activities'.

Land Utilization Plans, issued with by-laws, are prepared by each commune in collaboration with the canton. They have to be adopted by the *Conseil municipal*, then approved by the *Conseil d'Etat*, 'who check their conformity with the Zoning Plans and with the Cantonal Master Plan'. They are subject to appeal to the Administrative Court within 30 days after the *Conseil d'Etat* Endorsement

Decree is issued.

There is not yet enough experience to be able to measure the practical effects of this local planning document intended to complete cantonal regulations. Until now, the City of Geneva is the only commune with a statutory *Land Utilization Plan* and its *Provisional By-laws* (adopted by the *Conseil municipal* on 21 June 1988, approved by the *Conseil d'Etat* on 24 August 1988). The plan indicates the intended use of floor area that could still be created. The draft *Definitive General By-laws* are still under discussion. While completing the rules on the allocation of additional floor area, the draft is also expected to introduce the concepts of 'public interest areas', of 'maximum built density level' and of 'open green space rate or recreational area rate'.

#### The Localized Area Plan (*plan localisé de quartier*)

Since 1987, with the implementation of the *Federal Town and Country Planning Act*, the new designation 'Localized Area Plan' has replaced the former 'Planning Scheme', introduced by the *Road Extension and Local Town Planning Act* in 1929. This document makes provision for the consideration of the urban context and controls the town planning impacts of property development projects.

These 'special' Land Allocation Plans, which detail at the local scale the general zoning rules or departures from them, are optional in Ordinary Zones and mandatory in Development Zones. They are prepared or approved by the Department of Public Works and Energy, in consultation with the cantonal 'Committee on Town Planning' and the commune concerned.

In the Ordinary Zones, the Localized Area Plan makes provisions for the main planning features:

- roads and building line
- location, height and allocation of future buildings
- public and private open spaces, such as square, promenades, open green spaces and playgrounds
- land allocated for public facilities
- vegetation to be protected or created
- car parks.

Should the situation arise, the Localized Area Plan also indicates the listed buildings to be preserved in relation to the *Monument, Nature and Landscape Protection Act*, and the

groupings of land required for carrying out a particular development.

**Within the Development Zones,** Localized Area Plans make additional provision for the transfer of land free to the state, as part of the land development process. In addition by-laws set up the precise planning conditions for carrying out the development.

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#### The adoption procedure of

Localized Area Plans is the same in Ordinary Zones and in Development Zones. It is relatively complex as these documents establish local rules that may depart from the general rules. The procedure however falls essentially within the competence of the Executive (*Conseil d'Etat*).

- A Draft Localized Area Plan is prepared by the Department of Public Works and Energy, in consultation with the 'Committee on Town Planning' and the technical subdivisions concerned.
- A public inquiry of 30 days allows everyone to send in comments to the Department.
- A recommendation statement is issued by the *Conseil municipal* of the commune concerned, within a period of 45 days after receipt of the comments forwarded by the Department at the end of the public inquiry process.
- The referendum period against the (favourable) recommendation issued by the commune is 21 to 40 days, according to the size of its population.

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- The Draft Localized Area Plan is announced in the Official Gazette and displayed in the commune. The period to make objections is 30 days. Objections can come from the communes or 'anyone who is affected by the Draft Localized Area Plan and who has a interest deserving to be protected to see the plan amended or abandoned'.
- The *Conseil d'Etat* adopts the Localized Area Plan and rules on the objections. When the objection is made by the commune, it is the *Grand Conseil* that gives the ruling and forwards the document to the *Conseil d'Etat*.
- The appeal period to the Federal Court is 30 days.

Localized Area Plans remain in force for as long as they are not modified, repealed or replaced by new plans.

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The practice of Localized Area Plans



has followed the general evolution of town planning in Geneva. At the start, these documents were generally produced for relatively important perimeters, of about ten hectares. More recently, growing tension over local issues and the increased scarcity of building land have resulted in the preparation of multiple small-sized Localized Area Plans.

### The Industrial Development Zone Master Plan and Regulations

Master plans in Industrial Development Zones aim at facilitating the development of secondary industry in the canton, within a sensible planning framework. They stipulate:

- the road system and building line along these roads;
- industrial water supply and distribution pipe networks, waste water and rainwater pipes;
- infrastructure provision and settlement phasing;
- intended use of the various parts of the Industrial Zone;
- open spaces, landscaping, building height, possible grouping of land, car parks;
- the transfer of land free to the state property.

In addition, strategic by-laws lay down the infrastructure requirements, the rules imposed on developers and the rate of the 'development charge'.

The amendment and repeal procedure for these plans and by-laws is the same as that of Localized Area Plans (see pp. 44-45).

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### The Heritage Plan (*plan de site*)

The notion of 'heritage' (*site*), brings together several conservation policies. It applies both to built up areas with an archaeological, historical or architectural heritage value, and to undeveloped areas with a nature and landscape heritage value. Areas of nature and landscape value are given comprehensive protection. In addition, small areas can be subject to special conservation and planning measures formulated in a Heritage Plan.

The Heritage Plan is less binding than the listed building designation. It however encompasses an additional notion in comparison with the listing procedures: the plan makes provision for taking into account the particular context of the protected area when granting planning permission. Contemporary developments are permitted, provided that they contribute to strengthening the particular features of the sector

concerned. Conservation and planning conditions vary from case to case. Thus:

- In urban areas, the Geneva Harbour Heritage Plan (*plan de site de la rade*) provides for the protection of the tip of Lake Geneva, its surroundings and lakeside buildings. Others public urban areas, such as the *Rond-Point de Plainpalais*, are also protected by a Heritage Plan.
- Some villages are protected by Heritage Plans, for example Hermance and Dardagny. Others villages are not protected by a Heritage Plan, but appear on the 'Swiss Federal Inventory on Protected Built-up Heritage Sites' (*ISOS*) or are subject to special regulations by the *Conseil d'Etat*.
- A good example of an area of nature interest is the Valley of the Allondon: this small and still wild tributary of the Rhone Rive appears on the Inventory of Nature and Landscape Areas of National Importance. The evolution of the Swiss federal legislation has also lead to habitat protection (for example, the biological reserve of Pré-de-Faverge in Presinge).

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### The Building Line Plan

Building Line Plans are localized planning documents which are part of the body of Land Allocation Plans under the *Federal Town and Country Planning Act*. They are drawn up in order to enable departures from the general provisions of the following legislation:

- the *Road Act*, 28 April 1967: which specifies the building line at 15 or 25 meters from the road axis;
- the *Water Cantonal Act*, 5 July 1961: which specifies the building line at 10, 30 or 50 meters from the banks of waterways;
- the *Private and Public Forestry Act*, 2 July 1954: under which no buildings are permitted within 30 meters of the forest edge.

The adoption procedure is the same as that of Localized Area Plans.

### Special By-laws

Finally, special by-laws can be laid down to define integration rules. In urban areas, they focus particularly on specifying building height, architectural features or the intended use of buildings (for example the 'Rive District By-laws'). In several villages of Geneva countryside, the

by-laws have been used to specify how to blend a new building into the local style, indicating the 'Land Use Density Grade' (*indice d'utilisation du sol*), materials, vegetation, landscape, car parks, etc.

The adoption procedure is the same as that of Localized Area Plans.

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### Local Master Plans

Relationships between local authorities at the commune and canton level are also facilitated by 'Local Master Plans' (*plans directeurs communaux*). These documents have no statutory role and are therefore only co-ordination and communication instruments. Similar to the Cantonal Master Plan, the Local Master Plan enables a commune to assert its strengths, to put forward solutions to its problems and to define the major focus of land resources management over the forthcoming years. This provides an operational planning 'background' which acts as a common reference to commune and canton authorities, as well as to the various interested parties. Local Master Plans are very useful in particular during the preparation of recommendations relative to planning permissions.

In 1993, the City of Geneva carried out the review of its Local Master Plan. Entitled '*Geneva 2001*', this important report draws together planning assessments, constraints and opportunities in three chapters corresponding to the main responsibilities of the communes: public facilities management, urban development and road infrastructure planning in relation to transport.

Local Master Plans are prepared at the initiative of the communes, in association with the Department of Public Works and Energy. Broader Master Plans have also been prepared by groups of communes; they are called 'Alveolar Plans' (*plans alvéolaires*).

## Prospects New Challenges

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Land use planning has mainly medium and long term effects, it must therefore anticipate. Over the next few years, planners will be facing several new challenges.

The construction of Europe affects Canton Geneva (and its region), whatever the rate and institutional



manner in which Switzerland will participate within it. The single market accelerates the metropolisation and territorial competition trends, for which it is important to consider and even to devise alternatives. Town and country planning has to go with and to structure these processes, so that their land use effects are controlled. Planning will also have to be able to influence land use beyond the reach of traditional institutions, as the economy has done previously.

**The economic crisis, a particular aspect of an institutional and social crisis,** challenges town and country planning to go beyond the main protection and development control role which it performed over the last few years. Today, a **planning programme** needs to be prepared to support the establishment of economic activities according to society aspirations. It is a programme for the medium to the long term which has to integrate a large body of planning objectives. For Geneva today, the preparation of a planning programme necessarily involves transcending the canton borders: on the scale of the Geneva basin, so as to integrate in a coherent framework the whole living environment of approximately 650'000 people; and on the larger scale of Western Switzerland and of the French Rhone - Alps Region, in order to locate Geneva within a European context.

This reorientation will be more constructive and forward looking than simple 'deregulation'. The latter would leave economic activities free to shape land use according to immediate successful ventures, at the expense of social, cultural and environmental objectives and, particularly, of long-term development projects. Indeed, one may question whether cumbersome regulation and implementation, which are often put forward by people, are not rather due to the absence of consensus on projects?

### The Limitations of Insularity

Over the last decades, Geneva has been characterized by an open-mind attitude to the international world. Today, it no longer seems possible to function with this understanding alone. After the disappearance of the East-West blocs, the presence of international activities is no longer an automatic asset, nor is it alone sufficient to 'secure' Geneva's economic development. The maintenance and strengthening of this function can indeed no more be guaranteed without regional solidarity.

If the new economic circumstances provides a new 'climate' for town and country planning, it does not imply its other objectives enshrined in the *Federal Town and Country Planning Act* should be abandoned: namely the protection of basic natural resources, such as soil, air, water, forests and landscape; the creation and preservation of a built environment favourable to housing and to economic activities; and the maintenance of a certain balance in employment distribution (decentralization).

### A Planning Model: the 'Cities Network'

In devising a new planning model, it is necessary to consider all the above criteria. Furthermore, this model has to be based on an unbiased analysis of Geneva's strengths and opportunities.

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A planning model can be developed taking advantage of Swiss tradition and in line with French planning: promoting the 'complementarity of centres' (or of cities). Developed by the Federal Office of Town and Country Planning (OFAT) and by the French Ministry of Cities and Land Use Planning (DATAR), this integrative model can provide a more effective system than that of big metropolis. This model would bring a number of qualitative benefits supported by most people. It is indeed probably the only possible approach for our region made up as it is of small and medium sized towns. It also provides an alternative to an inward looking, conservative and regionalist attitude.

### The Qualities of 'Network Cities'

Developing the complementary functions of towns aims to provide them with all the ordinary urban functions, while at the same time having them share special (metropolitan) functions. Planning policy aims to develop a qualitative programme where 'medium' sized towns keep compact and rich in urban qualities (with close and varied facilities, existing and important public space, a mix of housing and employment), link with rural areas, without exclusion or domination, and are an instrument of open-mindedness. People and firms would also benefit by being near others towns, thanks to the development of an efficient transport network (inter-

city railroad service).

### Planning with Shifts in Emphasis

The network of these complementary towns goes beyond regionalism. It has no limit and by definition requires different shifts in emphasis: it will be adapted to the various types of exchanges, cultural, scientific, economic, training-related, etc.

Areas considered by land use planning also have to be subject to shifts in emphasis, defined by studies on different scales, each of them considering issues of different magnitude. Three relevant study areas are considered below: the wide Rhone-Alps/ Western Switzerland Region; the smaller Franco-Valdo-Genevan Region; and finally, the even smaller Geneva urban area.

### Planning Issues at Stake

- **Within the wider region,** Geneva enjoys a privileged geographical location, at the junction between the Rhone-Alps Region and Western Switzerland, two dynamic regions with an important urban network. The major strength of Geneva lies in the presence of international activities, which is indeed a key asset for the future. Nevertheless, it will have to be subject to a strengthened regional solidarity. In others areas, such as culture, research, high-tech facilities, regional infrastructures, Geneva will have to play the game of complementarity with surrounding towns. In relation to transport, it is central to improve the development of public transport links between Geneva and neighbouring towns, as is better integration into the international rail network.

- **The Franco-Valdo-Genevan Region** is home to a population of 650'000. The growth of the last few years has indeed meant that Geneva has already sprawled beyond its borders. Its urban area has developed according to a typical implosion-explosion process (downtown concentration of economic activities, scattered urbanization in the suburban belt, strong increase of commuter journeys and of environmental damage).

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A global vision of town and country planning needs to be defined urgently. The overarching



issues include the provision of land use management strategies which secure the functioning of human activities and guarantee quality of life. This implies developing efficient daily public transport links to towns on periphery, conducting coherent management of open spaces, securing the protection of the urban qualities of central districts, securing improvements in suburban areas, and in particular establishing a concerted policy for

providing facilities of regional importance that will structure town development.

- **The city and its suburbs** form a continuous built-up area, spreading nowadays across communes, and even across frontiers. The main concern therefore is to focus on ways to slow down building densification in the city centre, to develop scarce building land in the central districts for the benefit of projects

of public interest, to structure the transforming suburban belt, and if necessary to organize its extension, while maintaining a compact urban area.

Consideration of these issues implies starting a new dialogue about land use planning, developing the relationships between communes and improving inter-cantonal and cross-frontier collaboration.

