

THE EVOLUTION AND THE INFLUENCE OF GREEK URBAN LAW ON THE PHYSIOGNOMY OF THE OLYMPIC CITY OF ATHENS.

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Summary

The paper examines the evolution of the Greek urban legal framework from the early 20th century until nowadays. The aim of the study is to demonstrate the gradual change of the legal approach on issues of urban planning and zoning depending on both the social and economic needs of the Greek society and on the European influence. The paper presents the evolution of urban law by the gradual change of the urban unit from the plot to housing areas and finally to the square unit.

Moreover the paper demonstrates both the enlargement of urban planning by comprising new concepts, such as sustainable development, the protection of the environment and the protection of cultural heritage, and the influence of planning legislation by the evolution of the above concepts. The methodology of the research consists on the study of Greek and European planning rules, doctrine and judicial decisions.

The contribution of the research could be resumed in the evaluation of the above mentioned legal framework considering the urban needs of the city of Athens during its gradual expansion as the capital of the Greek State until the organization of the 2004 Olympics.

Introduction

The city is the main nuclear of social life, which creates civilization and reflects the values and traditions of society. The above concepts are under constant evolution since they depend on historical events, on the economy and the sociology of the city and on the leading philosophy. Philosophical currents influence both the political system and art. Both urban policy and architecture form the physiognomy of the city. Urban policy needs a legal framework to define its orientation and assure its effectiveness.

During the classical era, Greek philosophers had expressed their ideas on city planning, which reflected the ideals of democracy on urban space. According to Plato the ideal city should be built 10 miles from the shore on a rough soil with a rich inner land. The main characteristic of the city could be resumed in the prevalence of public interest on individual ones, while virtue was the most important value of living together. Following the same ideas Aristotle supported that social life should be guided by the principles of justice and political virtue; therefore the city had to adopt a middle size in harmony with its population¹.

In the city of Athens the separation of powers was clearly shown on the city landscape. Around the Acropolis, which symbolized the divine element, were the People's Assembly (Ecclesia tou Demou) and the Supreme Court (Areios Pagos)². It is worth noticing though that the most important innovation in city planning took place in the Greek city of Millet in Asia Minor, where the Hippodamos planning system applied for the first time. It was a rectangular system orientated towards the four main points of the horizon. Streets were vertically intersected in order to create equal plots, whereas City Services were gathered in the Forum (Agora), which occupied the city center³. Moreover Greek democratic cities took measures in favor of the protection of cultural heritage. Around 450 b.c. the Athens' People's Assembly decided to finance the

¹ Hatzopoulou A., "The influence of legal rules on built environment and the physiognomy of the city", *Archailogia*, 79, June 2001, Aristotle, "Apanta", book 2, Cactos, Athens 1993, pp. 53,69.

² Hatzopoulou A., "The influence of legal rules on built environment and the physiognomy of the city", *Archailogia*, 79, June 2001.

³ Dimitriadis E. P., "History of the City and town planning", Kiriakidis, Thessaloniki 1995, pp. 47-48, Foka I., Balabanis P., "Architecture and town planning", Kedros, Athens 1992, p. 97.

reconstruction of the temples and monuments destroyed by the Persians thirty years ago⁴. Some years later, in 313 b.c., the same decision was taken in Millet concerning the reconstruction of the temple of Apollo, destroyed by the Persians in 494 b.c.⁵.

Urban Law influences the three different levels of the physiognomy of the city:

The horizontal level, which is divided in upper and low; the upper horizontal level refers to the city sky line, whereas the low one includes plots and things subject to public use such as streets, squares and monuments,

The vertical level, which refers to the height and the facade of buildings and

The inclined level, which relevant to slopes⁶.

Among urban rules some have a direct impact on the physiognomy of the city, e.g. those regarding the height of buildings, whereas some have an indirect one, e.g. those concerning billboards and signs on buildings.

We are going to examine the evolution of the Greek urban legislation and its impact on the physiognomy of the city of Athens in two parts representing the main periods of the Greek Urban law.

1. From the early 20's to the early 70's

During the above period, the legislator had to face and propose immediate solutions to an eminent social crisis as a result of two factors: a) the arrival in 1922 in Greece of more than 1,5 million Greek refugees from Asia Minor after the defeat of Greece at the war against Turkey and from Russia following the Soviet revolution in 1917⁷; and b) the desertification of the country and the urbanization of cities and main towns after the Second World War and the Greek civil war, which ended in 1949.

The basic urban law on planning is the **L.D. of 17th July 1923**, concerning the urban plans of cities, towns and communes, which had a direct impact on both the horizontal and the vertical level of the physiognomy of the city. Its provisions were quite advanced for their time, some of which are still in force. The plot was considered as the basic unit of city planning in order to associate urban to social policy. The space was divided into a) areas provided with an urban plan, b) areas without one and c) settlements built ante 1923. The settlements of the first category should be regulated and developed in accordance to an urban plan subject to constraints regarding the ratios and dimensions, site coverage, height of buildings, hygiene, security and the aesthetic aspect of buildings⁸.

Three methods of implementation of urban plans were provided for:

a) The laying out of streets and squares by which properties falling, according to the plan, within areas intended for public use are taken away from their owners on payment of compensation (compulsory purchase); this usually occurs when new streets are to be opened or old ones widened;

b) The re-arrangement of plots through the exchange or the addition and subtraction of certain parts of them; and

c) The concession, by which the administration confers the ownership of plots to owners of neighboring sites according to a certain procedure provided by law⁹.

Under social pressure to implement an affective housing policy the Greek legislator voted in 1928 a L.D. concerning a) building in areas without urban plan; and b) industrial zones. One year later, in 1929, the Greek Parliament voted **L. 3741/1929** concerning on horizontal division of immovable and separate ownership of apartments, with an impact on the vertical level of the physiognomy of the city, since it created the legal frame for building blocks of flats. The same year **the first General Building Regulation¹⁰** was voted, which influenced all three levels of the physiognomy of the city for it provided different building systems, the maximum height of buildings and the insertion in the urban plan of provisions regarding industrial sites and archeological and historical monuments.

Moreover the same period two special laws over the protection of cultural heritage were voted influencing the horizontal level of the physiognomy of the city: **L. 4212/1929** by which a part of the city center of Athens was recognized as an archeological site and **L. 5351/1932** which adopted measures in favor of the protection of ancient, Christian and Meadville monuments including peaces of all kind of arts. Some years later in 1950 another law was voted, **L. 1469/1950**, which extended the protection given by the State to Greek popular monuments post 1830, including historical sites or sites of special natural beauty. It is quite evident that under the growing need for protection of the cultural heritage against the intense urbanization the Greek

⁴ Foka I., Balabanis P., "Architecture and town planning", Kedros, Athens 1992, pp. 86, 92.

⁵ Mastrapas A. N., "Greek Architecture", Kardamitsa, Athens 1994, p. 44.

⁶ Hatzopoulou A., Mitoula R. "The general institutional frame of the protection and promotion of the physiognomy of the city", "The physiognomy of the Greek city", Institute of Urban Planning NTUA, Athens 2000, pp. 190-196.

⁷ Polyzos G., "The Greeks of Asia Minor, an immense economic power. Urban evolution after the arrival of refugees". Oik.Tach. 26/4/1973.

⁸ Hatzopoulou A., "Urban Law", NTUA, Athens 1997, p. 19.

⁹ Kerameus K. D., Kozyris P. J., "Introduction to Greek Law", Kluwer/Sakkoulas, Deventer, Boston 1993, p. 138.

¹⁰ The General Building Regulation was amended in 1955, 1973, 1985, 1988 and in 2000.

legislator extended the protected object of architectural heritage limited though on the conservation and restoration of monuments.

2. From the early 70's till nowadays

In the 70's the Greek legislator was influenced by the European movement in favor of the protection of cultural heritage as it was defined in the European Convention for the Protection of Architectural Heritage (1969) and the Declaration of the Congress of Amsterdam (1975) by which a) the object of architectural heritage was expanded to the immediate environment of a building and to towns and villages with historical and cultural interest and b) the concept of reconvertng the protected site. Furthermore the protection of architectural heritage was set as one of the main aims of urban and regional planning¹¹. The above ideas were first adopted by the **General Building Regulation of 1973**, which entrenched the protection of traditional settlements and preserved buildings in the absence of relevant constitutional provisions. Together with the protection of the environment a more modern approach of planning made its appearance. It widened the urban plan giving to it a dynamic character with emphasis on large-scale planned construction.

The first manifestation of the State to intervene actively in urban and regional matters was **L.D. 1003/1971**, concerning operational urban planning, which was orientated towards an urban planning taking into consideration physical, economic, social and aesthetic factors for zones designated for development or improvement¹².

Under those new currents was elaborated the **Greek Constitution of 1975**, amended in 1986 and 2001, which entrenches a) the obligation of the State to protect natural and cultural environment and the recognition of an equivalent human right; and b) regional and urban planning, subjecting them to state control; therefore the judicial control of the implementation of the above policies became possible. The Constitution also prescribes the means of exercising operational urban planning¹³. Since then the Greek legislator has voted a series of urban laws with a direct influence on the physiognomy of the city.

L. 947/1979 on settlement areas introduced the concept of the urban developed area as the new basis of both regional and urban planning policy. The law also provided the exercise of operational urban planning and urban land consolidation or enactment of building regulations. Property owners were required either to concede a portion of their plots for the creation of public open spaces or to make cash contributions for the construction of basic infrastructure. The compulsory purchase of certain plots might also be required. However the lack of political will and of a regional plan on which the planned developed area should be based did not allow the implementation of L. 947/1979¹⁴.

Thus L. 947/1979 was amended by **L. 1337/1983** concerning expansions of urban plans and settlement development, which restricted the basis of urban planning to the boundaries of a municipality. Another novelty introduced by this statute was the establishment of zones of a) urban control; b) special incentives; and c) special aid. The first ones protect the natural and built environment; the second ones are parts of urban units where financing and planning incentives are available for the construction or development of buildings that will be used as center of urban units, e.g. buildings for cultural activities, recreation, parking etc; and the third ones are zones with priority in housing loans and other such aid¹⁵. Furthermore special provisions were included to the above statute concerning the initiatives of the State or those of Local Governments in favor of the protection of archaeological heritage.

Moreover in order to protect architectural heritage the transfer of the coefficient of building surface had first been introduced by **L. 880/1979** before being reintroduced twice by **L. 2300/1995** and **L. 3044/2002** taking under consideration the remarks of the Council of State on sustainable development in cities¹⁶. The transfer of the coefficient of building surface has a direct effect on the physiognomy of the city since it contributes in saving buildings that have been declared preservable or in creating free space for public use areas. However on the other hand it increases the height of certain buildings in the receiving area.

Meanwhile a special decree was published concerning land use providing for mixed uses in the city apart from disturbing activities.

¹¹ *Institute of Urban Planning NTUA*, "Original urban treatment of an historic city. Application at the city planning of the city of Hermoupolis on the island of Syros. Phase of Research A", Prefecture of the Cyclades-Municipality of Hermoupolis, Syros 2001, pp. 60-63.

¹² *Kerameus K. D., Kozyris P. J.*, "Introduction to Greek Law", Kluwer/Sakkoulas, Deventer, Boston 1993, p. 139.

¹³ Section 24 of the Greek Constitution.

¹⁴ *Hatzopoulou A., Gerasimou S.*, "Critical review of the legal framework on regional planning", Oral Presentation at the Conference of Rhodes over Regional and Urban planning in Greece, November 26-28, 2004.

¹⁵ *Hatzopoulou A., Gerasimou S.*, "Critical review of the legal framework on regional planning", Oral Presentation at the Conference of Rhodes over Regional and Urban planning in Greece, November 26-28, 2004. *Kerameus K. D., Kozyris P. J.*, "Introduction to Greek Law", Kluwer/Sakkoulas, Deventer, Boston 1993, p. 140.

¹⁶ See, SE (full bench) 1071/1994; 6070/1996.

Some years later was voted **L. 1561/1985** concerning the Athens' Master Plan, which prescribes a complete plan for the development of the region of Athens including the various productive sectors, transports and social equipment, taking under consideration the protection of the environment, of cultural heritage and the national regional planning policy of Greece as a member of the E.U. It is the first complete Statute, which protects and shows off the physiognomy of the city of Athens¹⁷.

Furthermore the new **General Building Regulation of 1985** prescribes the procedure of declaring either a whole settlement or a part of it as traditional and a building as preservable.

In 1986 with **L. 1650/1986** over the protection of the environment, the Greek legal system was aligned with E.U. law providing for new categories of studies specializing in environmental protection. It is important to mention that this law applied during the construction of the Olympic public works and venues. For the first time the protection of the environment was associated with planning and public works since the above protection was recognized as a major component of developing policy; therefore the law prescribes **a)** environmental control of works and activities and studies of environmental impact for the most polluting ones; **b)** special environmental studies over protected areas for their natural landscape; **c)** zones of developing activities, such as industries or tourism; and **d)** zones of special environmental aid in order to develop and protect areas facing crucial environmental problems.

According to the above legal framework the physiognomy of traditional areas of the Athens city center was modified. Well-known areas of Athens, such as Plaka, Exarchia, Metaxourgio, Thession and Psirri, were successfully renovated though land use was changed; tourist shops, restaurants, coffees, bars, museums, exhibition halls and theatres replaced manufactories¹⁸.

During that period the Greek legislator and jurisprudence were influenced by the new principle of sustainable development, which became the main orientation of European urban policy. The concept of Sustainable Development was first given real political momentum in the United Nations Brundtland Commission report of 1987 ("Our Common Future"). The 1992 UN Conference on Environment and Development in Rio de Janeiro (the "Earth Summit") was a groundbreaking meeting, adopting the Rio Declaration on environment and development, as well as the Agenda 21 Action Programme. Sustainable Development can be defined simply as a better quality of life for everyone, now and for generations to come. It is a vision of progress that links economic development, protection of the environment and social justice, and its values are recognised by democratic governments and political movements the world over.

Sustainable Development is about:

- 1) Balanced and equitable economic development
- 2) High levels of employment, social cohesion and inclusiveness
- 3) A high level of environmental protection and responsible use of natural resources
- 4) Coherent policy making in an open, transparent and accountable political system
- 5) Effective international co-operation to promote sustainable development globally¹⁹

Sustainable development was introduced into the Greek legal system by two laws: **L. 2508/1997** on sustainable development of towns and settlements, and **L. 2742/1999** on regional planning and sustainable development. Apart from the legislator a series of judgements rendered by the Council of State interpreting the provisions of the Constitution regarding both the protection of the environment and regional and urban planning²⁰ had already introduced the principle of sustainable development²¹ together with the urban "acquis" that prohibits any further degradation of urban environment, allowing only improving measures²². Moreover since 1993 the Greek jurisprudence has adopted the principle of spatial capacity of an area²³, first established in the Declaration of Stockholm as a derivative of sustainable development²⁴. Spatial capacity is a major limitation of urbanization for it consists on respecting spatial potential of a certain area. Greek jurisprudence has imposed the above-mentioned principle especially to control the development in tourist resorts²⁵.

Meanwhile the approach of the protection of architectural heritage has evolved from reconversion to re-conquering of the restored site or building by inserting them in their social environment.

Apart from the above legal and jurisprudential frame, the physiognomy of the city of Athens was considerably shown off in view of the Athens 2004 Olympics. In 1997 "Unification of Athens Archeological Sites S.A." was created both by the Ministry of the Environment and Public Works and the Ministry of Culture. The above

¹⁷ Hatzopoulou A., Gerasimou S., "Critical review of the legal framework on regional planning", Oral Presentation at the Conference of Rhodes over Regional and Urban planning in Greece, November 26-28, 2004.

¹⁸ Stefanou I., Hatzopoulou A., Nikolaidou S., "Urban renovation", TEE, Athens 1995, p. 102.

¹⁹ European Commission, "Sustainable Development", http://europa.eu.int/comm/sustainable/_en.htm

²⁰ Section 24 of the Greek Constitution.

²¹ See, SE 53/1993, EA 4/1992 concerning the PETROLA case; 50/1993; 304/1993.

²² See, SE (full bench) 10/1988, ToS 1988, p. 117, notes Skordas (p. 102) and G. Siouti (p. 114); 1159/1989, NoB 37 (1989) p. 939; 150/1990, p. 111; 106/1991, ED 1991, p. 72; 2506/2002.

²³ See, P.E. 246,586/1992; SE 2844/1993.

²⁴ Dekleris M., "The twelve rules over the environment: the principles of sustainable development", Nomos kai Fysi 1995 pp.323-325.

²⁵ See, SE 50/1993; 2479/2003 concerning the development on the islands of the Cyclades.

S.A. has undertaken the most important urban renovation of Athens; among its accomplishments should be outlined the creation of a pedestrian area unifying the most important monuments of the city and the removal of billboards from some of the main streets and squares of Athens. During the same period the traditional commercial center of Athens was declared as an historical area, land use was modified and a pedestrian commercial triangle was created. Furthermore the Municipality of Athens has undertaken a project of renovation and painting of buildings facades with a significant impact on the physiognomy of the city center.

In 2001 the Greek legislator voted **L. 2947/2001** on Olympic works and infrastructure, which has both improved and shown off the physiognomy of the city of Athens according to the needs of the new role of the Greek capital as the multiracial metropolis of Southeastern Europe. L. 2947/2001 provided for:

- a) Reconstruction and reanimation of the Athens coast line;
- b) Urban renovation of the city center;
- c) Painting of the building facades;
- d) Illumination of monuments, of the most characteristic buildings and the main streets of Athens;
- e) Remodeling of the premises of Olympic venues;
- f) Extension of the Underground combined with a state-of-the-art suburban railway and a tramway connecting the city center to the coast line; and
- g) Extension of the Athens ring road. This law accelerated the realization of the goals of both the Athens' Master Plan and "Unification of Athens Archeological Sites S.A."

The Olympic heritage of the city of Athens is now expected to be incorporated in the city life according to a new law in which the emphasis will be given on sports, tourist and commercial use, recreation and housing policy.

Finally the physiognomy of the city of Athens is influenced by **L. 3028/2002** on the protection of antiquities and cultural heritage, which gave a new definition of cultural heritage according to the Greek jurisprudence and the Convention of Granada (1985), ratified by the Greek Parliament with L. 2039/1992. The new statute expanded the object of cultural heritage in order to comprise monuments of foreign cultures and incorporeal elements such as songs and festivals.

Conclusions

By way of summing up the impact of Urban Law on the physiognomy of the city of Athens we could say that it is influenced by social needs, the satisfaction of which is one of the aims of urban legislation. During the first decades of the 20th century the intense need for an effective and immediate housing policy orientated the Greek legislator towards a utilitarian approach of city planning whose major effect on the physiognomy of the city could be resumed in the construction of blocks of flats, under-evaluating the aesthetic aspect of the city landscape. However from the 70's, environmental pollution and degradation of city life modified the priorities of Urban Law by incorporating new principles such as the protection of the environment and sustainable development. The impact of recent urban laws protects and shows off the physiognomy of Athens by prescribing urban renovation, remodeling and reconstruction of many parts of the city, especially the city center, and restoration of monuments and preservable buildings. Furthermore the demands of Athens 2004 Olympics had as a result the implementation of a legal frame providing for major public works such as the extension of the Underground and the Athens ring road as well as for the remodeling of the Olympic venues. The main impact of the contemporary urban legislation frame on the physiognomy of Athens could be defined as the promotion of the aesthetic approach and the improvement of the city's infrastructure in compliance with the demands of the new role of the Greek capital as the metropolis of Southeastern Europe.

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