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## Land City District Zoning Areas for the Development and Use of the Unified Management and Operation of the Housing Stock

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### Abstract

In this paper we suggest the idea of using the housing and construction cooperatives and functional zoning of the territory of the district, the project of the integrated development of the city district. The authors develop this project in conjunction with the cooperative ownership of the land in order to form a hierarchical system of the government common property and the development of a civil self-government system. It is believed that the idea of using the housing cooperative for the common property will allow homeowners to carry out the common life in a common area in the most efficient way.

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### 1. Introduction

In the current market conditions are increasingly active in the development of urban households in Russia are complex, interdisciplinary projects carried out at the junction of different sciences and of applied (practical) value. In this paper, the authors develop ideas and project proposals aimed at keeping problems of the economy, law and management in the design of the reconstruction of urban areas. The authors suggest that the entire territory of the city economy is holistic and power system - a single. All private households should be connected by a common platform and real estate sites, which should be in common (social) ownership of different private households or in general municipal property. The objects of this work are the integrity of the urban area and the unity of the city

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(municipal) authorities, which may be provided by the formation, protection and regulation of common property systems on different parts of the whole territory, and also the problems and the regulatory environment of communication within the urban project and a single municipal regulation, to development investment and urban economy.

The scientific novelty of this work is to develop theoretical approaches to the substantiation of the optimal balance of the cost of the complex development of the territories, including its social sphere, as well as in the development of management techniques this process.

## 2. Basic conditions.

The project is a new development of one of the districts of Kazan can be conditionally divided into two inter-related projects:

A "Traditional option" urban project on the assumption that the owner of all land and buildings in the construction area will be "local government" (all objects are in the municipal property). [1]

B "Market version of" urban development project on the assumption that most of the land and buildings will be privately owned and only limited, but a specific part of property should be in the municipal property.

Design of the second embodiment leads to the need for functional zoning of the entire territory of the district in relation to different types and forms of ownership. In this zoning should be considered:

A situational plan with the existing character of the distribution of property rights to the existing real estate;

B the long-term plan of development of the territory of the future (desired, planned) distribution of property character in relation to the right to private and municipal property;

C the methods of state regulation, including methods of motivation and incentives for potential investors and property owners to participate in the project ("method of creating a favorable investment climate in the municipality"). [2]

For general project characteristics in Fig. 1 show the forward-looking development of the neighborhood plan.

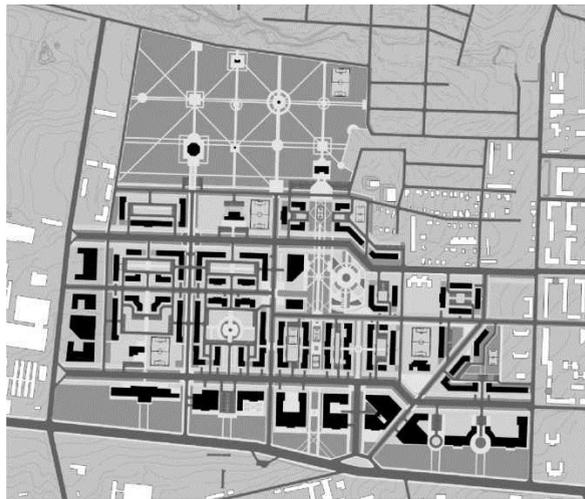


Fig. 1. Perspective Residential District Plan

The figure shows the boundaries of the territory in which it is planned construction of a new residential neighborhood. It is seen that most of the selected territory is occupied by garden societies and members of their garden plots, some of which privatized. Since the entire leased area is practically in private ownership, there is a need to create the legal conditions that would result in the construction of new residential areas. The whole complex of such conditions, measures and actions of local authorities be called "creation of a favorable investment climate."

General principles for the creation of a climate and its impact on functional zoning of building considered in the works. Therefore, in this work, they are not considered. [3]

The figure reflected the "traditional" (the post-Soviet urban planning) approach to zoning of the development area. It reflects the basic ideas of urban project in isolation from the zoning in relation to ownership of property and owners of buildings. These ideas and reasons addressed in the general part of the work. In this paper, they are not considered.

Fig. 2 is a perspective development plan is divided into neighborhood functional areas in relation to the future owners of the construction of real estate law for the right to land ownership.

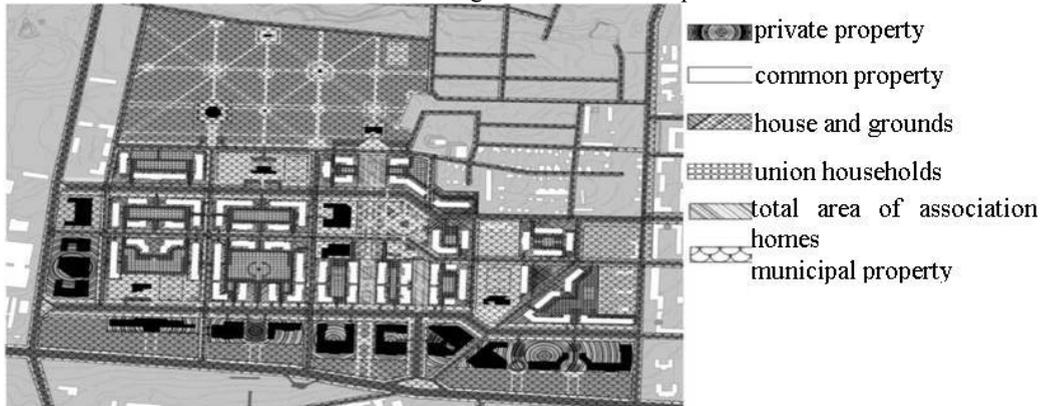


Fig. 2. Perspective plan of development of the territory in relation to ownership of the future owners of the buildings to the ground

### 3. Most of the work.

The purpose of work - to justify the need for housing co-operatives for the implementation of urban development projects, and to consider the need for a functional zoning district. [4-6]

To achieve this goal, based on the study of the existing literature and laws develop and prove the complex model concepts that will be used by the authors in the future.

The main complex model concepts used in this paper.

A Model Management and sole ownership of it.

According to the above model, we introduce the concept of "economy":

"The farm" - heterogeneous system consisting of human (host), real estate and communications between them, called the master power over the real estate [1].

Power - the ability to use an object of power to meet the ruler of their requirements from the facility or the assignment of such a possibility other persons, or the elimination of such an object.

The owner - a subject exercising authority over the estate.

Economic - the exercise of power over the property.

Power over property may be full or limited term or perpetual, exclusive (exclusive) or together with someone. Authorities characterized the greatest opportunities, called "property" [7-11]:

Property - a complete, unlimited and exclusive power of man ("owner") over a thing.

All the features of the property in the manner and on terms determined by the law of the state, received the generic name of "ownership". The limited term of the rights of property are called "property right".

B The total economy model and common ownership of it.

Total economy - agriculture, in which the power of one and the same property is owned by two or more individuals, an organization - a single host. Shared ownership - the full, unlimited and exclusive power of two or more persons (their associations) on the same property. None of the members of such association is not the owner. Only together they are able to carry out the common property, taking its total collection, a unanimous decision.

Depending on the contractual terms of participants of joint ownership can have an equal number of votes in the

adoption of the general solution, regardless of the contribution to the creation of the common property ("total joint ownership") or set the number of votes in relation to the contribution to the creation of the common property ("common share ownership").

#### C The total housing model.

Introduction of model due to the need to allow seamless connection of property rights to housing ownership of the land on which the house, forming a land size of "a single property complex." For this reason, the design of housing buildings must be associated with the zoning area in relation to the right of property owners of buildings.

This need has become extremely relevant and important for Russia, which according to Art. 15 of the Housing Code of the Russian Federation found that "the rights of housing are living quarters" rather than housing, as set out in Art. 40 of the Constitution of the Russian Federation, together with the land under the house.

"Spaces" have no direct physical connection to the land on which the residential building, and this led to a lot of mistakes in housing legislation and issues, as well as to miscalculations in the design of new housing construction.

#### D The author's model is simply "public utility" (PU).

Such economy arises only on the basis of an agreement between the parties to the common ownership of the total housing, as a result of the execution of which the participants marginalize isolated room in the house in the "private property", while maintaining the common property of all the rest of the real estate, which in ancient Rome was called "condominium".

In this model, two types of households: a single common household and three built-in it the private sector on the basis of isolated dwellings, called "housing". In the general economy of power over the common property by a group of individuals (association), which has historically received the name "commune". Activities that their property is called "communal property", and the objects of such property (house and land) - "Communal property". [12]

Special role played by the connection between the housing member and the owner of the property of the commune, which is called "communication." The term "communication" we mean migration path homeowner from one functional state to another state.

One of the owners of property cannot leave the property, enter into it and use it without the consent of the owner of public property, which surrounds any private property on all sides. Due to this fact, the housing commune exercise power not only on real estate, but also on all the people who cannot use the premises without the consent of the municipality. These types of common property will be called "objects of natural monopoly"

#### E Housing cooperative model (author's presentation, based on the ideas of [11]).

The housing cooperative is a "legal person" with a particular legal form.

The authors believe that the "organization" can only mean the union of two or more persons involved in the implementation of common activities. The authors believe that a man known as "organization" cannot be, even if it is created and registered a "legal entity". [13]

When you create a "legal person" encounter with the transformation of the "ownership" of representations. In the classic sense of ownership is an absolute power over the thing - the highest form of "property law". However, the notion of "property" applied to:

- A symbolic stuff (for securities and money);
- B symbolic entities (on the "legal entities");
- C the results of intellectual work (in the "intellectual property");
- D on the power of symbolic subject to different objects, including things.

In these cases, the idea of property detached from notions of "property law" and may be the object of "the law of obligations," especially - in the event of a public or a disguised slavery.

It should be noted that the diversity of ownership of legal entities is characterized by "property forms" (joint stock, cooperative, state, municipal property). The variety of ownership of a thing is characterized by "species of property" (sole, common, communal, private property). This author's position differs from the position of the plurality of lawyers, including the position of the authors of Part 2 of Article 8 of the Constitution of Russia.

The power over a thing (actually - "Property") in the creation of a "legal person" is mediated and not immediate. The founders do not exercise authority over the thing, and on the "legal entity". The power over the thing did not carry out the founders, as belonging to them "legal person". It acts in the exercise of power over a thing as a "mediator". Since the legal entity is the only entity, the collective power over the thing is replaced by "sole authority", but not the physical and symbolic entity. [14]

Section 4 of the Housing Code set very subjective judgment of housing and building society. There was this because formally ban the cooperative form of ownership of the Russian representative legislator did not dare. More precisely, first, in Art. 14 of the Law "On Enactment of the Housing Code of the Russian Federation", has been a ban on the existence of housing cooperatives [11], but later the ban was lifted. There was a following situation. Formally nomes Housing Code stipulates the existence of entities called "housing cooperative" and "housing co-operatives", but these names are assigned to legal entities that are not and cannot be.

Therefore, guided by progressive experience and common sense, the authors had to introduce other ideas.

Specificity of housing cooperatives is as follows:

A members of the housing co-op are equal co-owners of a legal person, regardless of the contribution to the creation of the common property (regardless of the value of "unit");

B the main property in such a cooperative called "indivisible mutual fund" and includes in its membership all of the objects of natural monopoly in the cooperative home ownership (cooperative ownership of such property - the source of its authority over all persons and property on the territory of the co-operative);

C only members of the cooperative may be the owners of the premises in a cooperative house. The owners of the premises are not members of the cooperative, but the same natural or legal persons as members of the indivisible unit trust are members of the cooperative (its "shareholders").

Without prejudice to the technique and technology of creation and use of housing co-operative, we turn to the main idea of the use of housing co-operative in the framework of the urban project.

C The specificity of the cooperative housing construction due to the functional zoning of the territory in the design of the new building of residential urban areas (the author's innovation) (see Fig. 3).

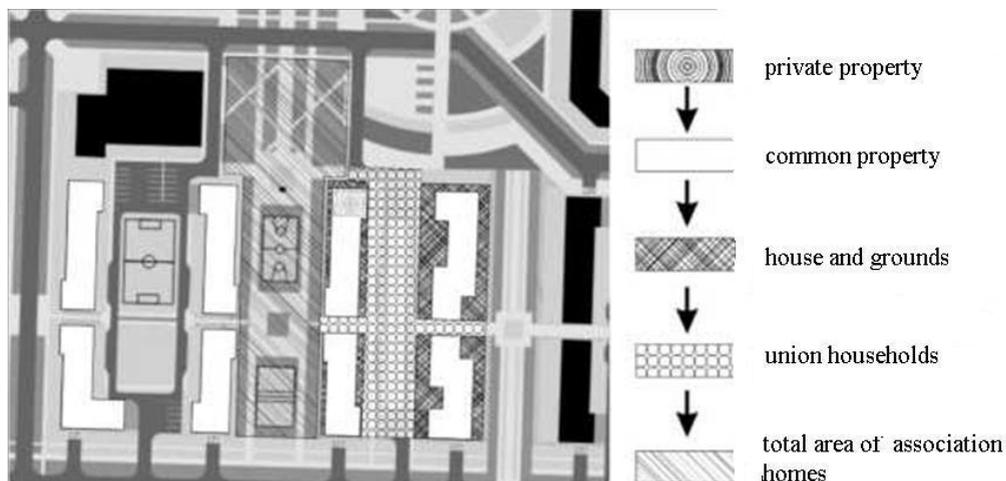


Fig. 3. Zoning Model territory in relation to the right to private and common property with the development of housing cooperatives

The figure reflects a promising situation, which must result from the completion of the object depicted in it. We expand the meaning of urban planning and managerial ideology, hidden in the draft.

Select the object number 1 - apartment building. The figure shows the house together with the land. [15,16]

In accordance with the municipal policy of creating "favorable investment climate" and use "municipal reserve land fund" construction of the house should be allowed only to a legal entity in the form of housing co-operative. At the stage of creating a co-operative it should include only shareholders-investors. The conversion process in the cooperative housing cooperative and specific legal protection of the interests of these persons in the construction process is not considered here. The main thing in a managerial technology lies in the fact that in the process of construction investment capital of founders and those wishing to purchase a house in this house, converted into a number of mutual funds and only the participants of the indivisible unit trust will become full members generated over time housing cooperative. [17]

Consider limiting situation which arises after the successful completion of the homes housing.

"Model the situation" is shown in Fig.4.

The figure reflected the presence of three different types of objects of property:

- A the land on which the house and which is adjacent to the house (with all the elements of its arrangement and landscaping), conditionally called "the territory of homeownership" (a kind of general municipal property);
- B all kinds of common property in an apartment building, including building construction (from the foundation to the roof) and common areas in the house, conventionally called "general communal property in the house";
- C all isolated areas of the house, which are privately owned ("homeowners zones").[18]

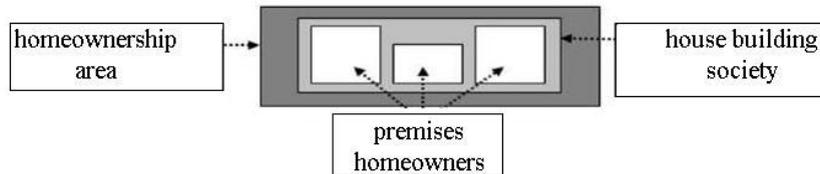


Fig. 4. "Zoning" model in the completion of the co-operative home ownership

All kinds of general municipal property in this house and grounds are protected by a housing cooperative property (subject to cooperative ownership). All members of the cooperative are members of the cooperative to become co-owners of home ownership and home-built. [19,20]

Functional zoning housing development provides three levels of creation and implementation of a common cooperative ownership of real property. The first level is formed by a separate autonomous cooperative ownership of the cooperative. On the second level is formed a common ownership of the common property of a small association of cooperatives. On the third (hierarchical) level is formed and implemented a common ownership of the common property of small cooperative associations, etc.

#### 4. Conclusion.

The work proposed and substantiated the idea of functional zoning of building a residential district with housing co-operatives in relation to the institution of zoning and intercooperative cooperative ownership of the land in order to create a unified system of organized common life of homeowners in the entire neighborhood. The authors believe that the proposed use of the principle of common property and its hierarchy as the basis of a single common life of different owners of houses and property in the interest of citizens, local government and the state.

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