

# THE CHALLENGE OF ANCHORING HERITAGE VALUES TO SPACE: NOTES ON THE PRACTICE OF URBAN PRESERVATION IN FLORIANÓPOLIS, BRAZIL

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## **Abstract**

*The cities' challenge deals with an exponential growth in parallel with the maintenance of values of another scale. The recently achieved theoretical concepts regarding heritages' values need physical anchoring to place and an accompanying conservation practice. Through planning instruments, it is possible to enhance heritage values, give them an adequate use and integrate them to the ordinary cities' life. Planning has worldwide lost its "status". The engagement of citizens is getting difficult. On an urban scale, the economic forces that provoke major urban transformation gain power. Heritages' presence in everyday life has to be reinforced and effective instruments for this defense have to be established.*

*This article reflects on the challenges on urban preservation, upon the experience of Florianópolis that has part of its territory on Santa Catarina's Island. Its great beauty, locational importance and role as a strategic point for Portuguese interests in the Americas, resulted in interventions since XVIII century. Its new Master Plan of Urbanism (2014) has a chapter on Heritage and Cultural Landscape. This is the result of a trajectory, began in 1974, with the oldest protection law in Brazil on Municipal level. In 1985, urban conservation was inserted in the former Master plan. This new Plan includes the newly achieved categories, registered in international charters, such as cultural landscape, "spirit of the place", buffer zones, neighborhood impact and public art. Technical efforts address the identification of the anchors of the cities' identity in order to induce a harmonic development that considers these permanence and values.*

**Key words:** *Urban Preservation, Master plan, Protection laws, Historical Urban Landscape, Cultural Landscape, Preservation Charters, City Management.*

## **Introduction**

Heritage is an essential aspect for the cities life and "shapes" its identity. This is a construction through times and not always a conscious process. Heritage establishes a link and a continuity between generations. In the process of transformation, remains that what ties the citizens to their past. The absence of essential chains of this linkage are perceived as gaps and cause a great sense of loss. This feeling of privation is a strong driver for change, and opens the way to promote effective initiatives for protection.

The cities character is formed by setting, social and economic dynamics and the human factor. The geographical and natural aspects are fundamental and the primary basis of its development. Together with the social, functional and economic characteristics, it forms the conditioning element for the cities response. The quality of this response guarantees its survival -

its success or failure - along the historical process. The "written" answer of this process is marked on the territory, materialized by the built substrate and open spaces that conform the cities. In the specificity of each process has to be considered the contribution and initiative of individual persons, whose actions, alone or in groups, through times have been fundamental for the development of the cities' life.

The challenge of urban management has been to deal with a huge growth based on premises that are on transformation and so, difficult to be previewed, planned or controlled. The effort to adapt society to this unexperienced reality has caused irreparable losses. The speed of the changes result it difficult to reflect over the damage upon the "hitherto known" landscape. On the counterpoint, heritage aspects are related to another scale, dimension of time and quality values, such as inter-personal relationships, memory, culture.... The management of this split between "quantity and quality" requires solutions of emergency issues, such as the adaptation to an economy in rapid transformation, associated with the provision of basic urban functions.

The recently achieved theoretical concepts were registered in international charters and have to be put in practice. The concepts upon these heritages' values are a great conquest and most of these categories need to be physically anchored to place. The values require concrete identification in space and an accompanying conservation practice. It is necessity to use instruments of urban and landscape planning in order to enhance these heritage values, give them an adequate use and integrate them to the ordinary cities' life. This implementation needs an interdisciplinary approach. It is fundamental that heritage values stay integrated within the cities development.

### **Important theoretical achievements registered in international charters**

The importance of the International Charters and Recommendations is often overlooked. In fact, these documents turn into a parameter and guideline for professionals, experts and administrations. It represents advances of thoughts, democratizes and levels understandings. Although sufficiently studied and commented, an overlook on these historical processes, regarding events related to urban preservation, helps to give a context to the recent achievements.

The approach to heritage changed fundamentally. It began primary as a form of identifying aspects that deserved evaluation, whose memory was considered important to be part of the future. Besides the existence of museums, there was also a cult of persons, which were fixed in paintings, sculptures, "namegivings" or cemeteries. There was also the preservation, only for enhancement purposes, of important isolated monuments that were meaningful for a community. Later on, this recognition had to be endorsed with actions that aimed and provided heritages' defense and existence. On the other hand, the concept of what should be preserved has also increased significantly. In recent years the concept of the protection was enriched with ideas that concerned surrounding, setting, landscape and the immaterial values that were the "spirit" of this physical reality shaped on space.

Concerning planning purposes, United Nations Stockholms' Conference on Human Environment (1972), recognizes mans' power to transform environment and states that "*rational planning constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment*" (Principle 14). This text, also known as the birth certificate of the green generation, marks a global political agenda addressing population growth, pollution and an increasing use of (irreversible) natural resources. This defense of natural resources of earth and representative ecosystems gained a strength that was never achieved by the defense of Cultural Heritage. Nevertheless, at the same year, 1972, there was established the Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted by

UNESCO, and agreed by more than 130 countries. It represents, for the first time, not only a worldwide framework for international cooperation concerning the safeguard of heritage, but it also linked both concepts of nature and culture. The text considers legal, administrative and financial aspects and represents an agreement of each State Party to inventory, recognize and protect unique and irreplaceable properties of universal value. The elements considered as Cultural Heritage in this convention are monuments, groups of buildings and sites<sup>1</sup>.

In 1976, the UNESCO Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas, known as Nairobi Recommendation, brings the concept that Historic Areas are part of the daily environment and diversity. It states in the introducing considerations that "*their safeguarding and their integration into the life of contemporary society is a basic factor in town-planning and land development*". It indicates that "*it is for each State to adopt, as a matter of urgency, comprehensive and energetic policies for the protection and revitalization of historic areas and their surroundings as part of national, regional or local planning*". In item 3 is considered that "*every historic area and its surroundings should be considered in their totality as a coherent whole ... which include human activities as much as the buildings, the spatial organization and the surroundings*".

The Brazilian Charter on Preservation and Revitalization of Historic Centers was established in Itaipava, in 1987, three months before the Washington Charter. This Charter addresses the continuous dynamics of the place and emphasizes the role of preservation in the context of urban planning. It states that the "*city is in its totality a historical entity*"(I) and that "*urban historical sites are part of a wider totality, comprising the natural and the built environment and the everyday living experience of their dwellers as well. Within this wider space, enriched with values of remote or recent origin and permanently undergoing a dynamic process of successive transformations, new urban spaces may be considered as environmental evidences in their formative stages.*"(II) "*Built space, thus is the physical result of a social productive process*" (III) and that "*preservation of urban historical sites must be one of the basic aims of urban planning, seen as a continuous and permanent process.*"(VI) This Charter also correlates preservation to life quality and citizenship, as stated, "*the main purpose of preservation is the maintenance and enhancement of reference patterns needed for the expression and consolidation of citizenship. It is through the outlook of the citizen's political appropriation of urban space that preservation may contribute to improve life quality*" (IV)

The Charter for the Conservation of Historic Towns and Urban Areas, known as "Washington Charter" (1987), begins introducing the concept of diversity and defines that "*urban communities... are an expression of the diversity of societies throughout history*". It assigns the aimed goals indicating "*historic urban areas, large and small, including cities, towns and historic centers or quarters, together with their natural and man-made environments*". The Charter details which qualities are to be preserved, introducing the term "*material and spiritual elements that express this character*" (2).

This concept of "spiritual elements" is adopted in 2003 by the UNESCOs' Convention for the Safeguarding of the Intangible Cultural Heritage. In its introduction the text considers "the importance of the intangible cultural heritage as a mainspring of cultural diversity and a guarantee of sustainable development" and "*that existing international agreements, recommendations and*

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<sup>1</sup> Sites are defined as "*works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view*" (1972, UNESCO, World Heritage Convention, article 1)

*resolutions concerning the cultural and natural heritage need to be effectively enriched and supplemented by means of new provisions relating to the intangible cultural heritage”.*

It is important to note the recognition of the importance of the international doctrinal texts, as in the same introducing text is stated: “*noting the far-reaching impact of the activities of UNESCO in establishing normative instruments for the protection of the cultural heritage.”* Diversity is addressed in 2005 through UNESCO’s Convention on the Protection and Promotion of the Diversity of Cultural Expressions. In its introduction, it recognizes “*that cultural diversity creates a rich and varied world, which increases the range of choices and nurtures human capacities and values, and therefore is a mainspring for sustainable development for communities, peoples and nations*”. Later on, the introductory text emphasizes the importance of public responsibilities through “*the need to incorporate culture as a strategic element in national and international development policies.*”

Other important doctrinal texts that are related to urban management are the Council of Europe Europeans’ Landscape Convention, of 2000. This convention “*covers natural, rural, urban and peri-urban areas. It includes land, inland water and marine areas. It concerns landscapes that might be considered outstanding as well as everyday or degraded landscapes*”. Among ICOMOS’s contributions there is the Xi’an Declaration, about setting of heritage structures, sites and areas of 2005. Afterwards, in 2008, Quebec’s Declaration addressed the preservation of the spirit of place. The Burra Charter, a contribution of the Australian National Committee, is about places of cultural significance and was adopted in 1979 and at last revised in 1999.

For Archaeology, there are UNESCOs’ Recommendation on International Principles Applicable to Archaeological Excavations (1956) and the Convention on the Protection of the Underwater Cultural Heritage (2001). ICOMOS’ contribution on this topic is the charter for the Protection and Management of The archaeological heritage (1990)

The year of 2011 marks important international deliberations upon approaches on urban preservation. There were adopted two fundamental documents that synthesize the former achievements: UNESCOs’ Recommendation on the Historic Urban Landscape-HUL and ICOMOS’s Valletta Principles for the Safeguarding and Management of Historic Cities, Towns and Urban Areas.

UNESCO’s HUL recommendation enlarged the comprehension of site that was defined in 1972 World Heritage Convention, indicating an integrated approach. The document “*addresses the need to better integrate and frame urban heritage conservation strategies within the larger goals of overall sustainable development, in order to support public and private actions aimed at preserving and enhancing the quality of the human environment. It suggests a landscape approach for identifying, conserving and managing historic areas within their broader urban contexts, by considering the interrelationships of their physical forms, their spatial organization and connection, their natural features and settings, and their social, cultural and economic values*” (5)

The Valletta Principles are a contribution of CIVVIH, the International Committee on Historic Towns and Villages of ICOMOS, and represents the updating of the Washington Charter (1987) and Nairobi Recommendation (1976). In its Preamble, the document considers “*heritage as an essential resource, as part of the urban ecosystem.*” Its main objective is to “*propose principles and strategies applicable to every intervention in historic towns and urban areas*”. It is a document that goes in detail and is divided in four parts: definitions, aspects of change (challenges), intervention criteria and proposals and strategies. Among the addressed definitions can be emphasized the categories of setting, buffer zone and spirit of place. Changes are brought in relation to natural, built and social environment and intangible heritage. As intervention criteria, there are the concepts of value, quality, quantity, coherence, balance and compatibility, time,

method and scientific discipline, governance, multidisciplinary and cooperation and cultural diversity. Among proposals and strategies there are addressed the elements to be preserved, new functions, contemporary architecture, public space, facilities and modifications, mobility, tourism, risks, energy saving, participation, conservation and management plans and follow up.

**"Florianópolis, a binomium of ecosystems and human settlements: 6.000 years of attractiveness".**

This statement often accompanies our speeches. Attractiveness that was present since the pre-history, fact that is attested by a great number of pre-historic archaeological sites. An attractiveness that today has continuity in an intense immigration flow and great number of tourists. (Image 1)



Image 1 – An aerial view of the insular part of Florianópolis, of great beauty for its landscape and the diversity of its ecosystems.

What is the essence of this attractiveness? How to maintain it?

Cultural values identify the cities. What is the identity of Florianópolis?

What mobilizes its growing immigration?

What will leave gaps if it's not present?

Which cities' values are worth to be preserved?

Are there guiding threads that function through times as motors of development of a place?

**The achievement of an effective link of this traditional functioning with todays' development can become a strategy to turn preservation attractive to the contemporary economic motors of development.**

Florianópolis, founded in 1673, is the capital of the State of Santa Catarina, with over 460.000 inhabitants<sup>2</sup>, and a huge number of seasonal tourists in the summer months. The greater part of its

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<sup>2</sup> The number of inhabitants in 2010 was 421.240. For 2015, the estimation is around 470.000 inhabitants (IBGE - <http://www.cidades.ibge.gov.br>)

territory, and its founding place, is on the Island Santa Catarina, linked to the continent through bridges. Due to its locational importance for the navigation in the South Atlantic, the island was registered in the ordinary cartography of the Americas since the beginning of the XVI century. The enormous beauty of its landscape is described in a great number of testimonies since these times. The island was also near the southern line of the Tordesilhas Treaty meridian. This pact, in 1494, divided the "*newly discovered or to be discovered lands*"<sup>3</sup> between Portugal and Castile (Spain). Therefore, the island played an important role as a strategic point of defense of Portuguese geopolitical interests in Latin America. This resulted in the construction of several fortresses and a huge immigration coming from the Azores on the XVIII century. (Image2)



Image 2 - Arriving Santa Catarina's Island, this is a small synthesis of centuries of occupation: On the first plan, the bays' water, historic connection of the island with the world. On the waterfront, Santana Fort (XVIII century), was part of the defensive system. This system together with a settlement policy that brought more than 5000 people from the Portuguese Azorean Islands was meant to protect Portugal's territorial interests in the southern borders of the American Continent. The iron bridge of the 1920s, represents the insertion of the city in the modernity and at the background, we see the growing city of the end of the 20<sup>th</sup> century

### **Trajectory of Florianópolis' changing praxis to preserve its' cultural heritage: 1974 – 1985 – 2014**

On National level, the Brazilian Protection Law was established in 1937. This instrument is effective until now and was conceived by modernist intellectuals, with innovative postures rather than the traditional historicist and conservative ideals. In 1988, the new Brazilian Constitution complemented this legislation on preservation and reaffirmed the importance of cultural heritage. The constitutional text included the concept of tangible and intangible heritage and emphasized the necessity to preserve the diversity of the Brazilian society. It goes even into the detail, nominating what kind of subjects to preserve, such as "*objects, documents, buildings, ensembles and sites*", among others. This Constitution also provides for competences, indicating instruments, and

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<sup>3</sup> Tratado de Tordesilhas, 1492. This and the other texts were translated from the Portuguese by the author.

establishing the co-responsibility of the Union, States and Municipalities on the matter of preservation of cultural heritage.

In Brazil, the protection laws can be established also on the State and Municipal level, depending only on political will. However, urban planning and urban legislation is an obligation and exclusive assignment of the Municipality. Therefore, an important goal for achieving greater success in heritage policy is to turn urban legislation, specially Master Plans, in fundamental complementary and alternative tools for heritage protection.

In Florianópolis there is a new Master Plan of Urbanism, approved in 2014 after long years of discussion. It has a whole chapter on Heritage and Cultural Landscape. This is the result of a long trajectory of almost 35 years of joint work between urban planning and urban conservation policy. For comprehensive reasons, this process is divided in three fundamental periods regarding the cities' trajectory:

#### 1974 – Protection of single monuments. (Florianópolis, Municipal Law 1202/1974)

It represents the start of a preservation practice through the establishment of a protection law, the oldest in Brazil on Municipal level. It aimed protection of historical, artistic and natural elements and created the Department of Historical, Artistic and Natural Heritage of Florianópolis - SEPHAN<sup>4</sup>. In 1974 was also installed a Technical Commission to assess this Department and the Mayor in matters of heritage. The law, the Department and the Commission exist until now.

Protection attained to the recognition of monuments of undeniable value, such as churches, for its "historical and artistic" value, and dunes for its "natural" aspects.

For the cities' management, at this time, the Master Plan of 1976 allowed extremely high densities that resulted in more than 200 hab./ha., permitting 12 pavements buildings to be within 2,00 meters, from the lots' border, without preview of street enlargements.

#### 1985 – Insertion of heritage regulations in the urban legislation and protection of natural heritage, urban ensembles and cultural production areas. (Florianópolis, Municipal Law 2193/1985; Municipal Complementar-Law 001/1997).

The creation of an Urban Planning Institute – IPUF, on municipal level, in 1977, was, again, an innovative action of the Municipality. In the beginning of the 1980s there existed around five institutes of that kind in Brazil. This initiative was closely followed, in 1980, by the transference of the Heritage Department (SEPHAN) to this Planning Institute – IPUF. This transformed the heritage approach. Heritage was considered both, cultural and natural, and became part of urban planning. In addition, cultural heritages' comprehension migrated from the concept of monument to urban preservation. Both initiatives, urban planning (reinforced in 1977 through the creation of an Urban Planning Institute) and heritage preservation are a repercussion of Stokholms' and World Heritage conventions (1972). As said before, heritage preservation was established in 1974, through the creation of SEPHAN that at this time was responsible for both, cultural and natural heritage.

The Master Plan of Urban Development, approved in 1985, represents a milestone for urban planning in Florianópolis. In 1997, this same legal text was extended to all territory of the County. The concept of cultural and natural heritage preservation was inserted in the text of this Master Plan and the protected areas were delimited on its maps. There were created "Cultural Preservation Areas-APC". These APC-Areas overlapped the ordinary zoning of the Master Plan and were

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<sup>4</sup> SEPHAN – Serviço do Patrimônio Histórico e Artístico do Município de Florianópolis.

considered “Special Areas”, where the land use and zoning was limited to the rules of the “overlapping areas”. The legal text brought definitions and detailed regulations related to cultural heritage. It represents a first legal approach about urban preservation in Florianópolis.

There were created three different APC-Areas: Historical, Cultural Landscapes and Archaeological. The Historical Areas were related to “*historical and ethnological heritage, including monuments, buildings, spaces and villages*”<sup>5</sup>. Therefore, the architectonic ensembles were not only protected by Decree. They were also identified in the urban legislation as “Historic Cultural Preservation Areas”. Cultural Landscapes referred to agricultural and fishing traditions. Both categories of Historical and Cultural Landscape can be associated to UNESCO’s Convention for the Protection of Cultural and Natural Heritage of 1972. The Historical Areas have premises based on UNESCO’s Nairobi Recommendation of 1976. Unfortunately, it was not possible to establish a policy on Cultural Landscape. At that time, the team that worked in the municipal department on cultural heritage policies was very small. Otherwise, there had to be developed an applied methodology, because on international level, the theoretical parameters on cultural landscape were incipient. The urbanization trend resulted in ongoing massive transformation of the urban landscape. It required great efforts to guarantee the survival of those Historical Areas that were located in the central areas, which were under strong pressure. The Archaeological Areas included only the prehistoric sites. They are associated to UNESCO’s Archaeological Recommendations of 1956.

2014 – Cultural Heritage and Landscape become the premise of the urban legislation, with inclusion of enlarged preservation values (Florianópolis, Municipal Complementar-Law [482/2014](#))

The great achievement of this new Master Plan of Urbanism of 2014 is that it is structured on the concept of environment and cultural heritage. Both, together with sustainable development are the first principles of the Plan. In the beginning, the Plan states that it “*is the pact which aims to organize the territory in order to provide quality of life for the entire population, based on social values, that should ensure sustainable development practiced in close correlation with the environment and cultural heritage*”. This 2<sup>nd</sup> article continues and mentions that this compromise transcends nowadays interests, in order to protect the heritage received from nature and from those that lived in the city. So this Master Plan has as parting point the acknowledgement and responsibility regarding natural and cultural heritage.<sup>6</sup>

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<sup>5</sup> Municipal Law 2193/85, article 26 (translated by the author)

<sup>6</sup> Municipal Complementary Law 482/2014, 2<sup>nd</sup> Article. – “*O Plano Diretor do Município de Florianópolis é o pacto que visa organizar a ocupação do território municipal de forma a proporcionar qualidade de vida para o conjunto da população, baseado nos valores sociais e deve garantir o desenvolvimento sustentável, praticado em estreita correlação com o meio ambiente e o patrimônio cultural. O conjunto de princípios e regras desta Lei Complementar é o compromisso que transcende os interesses da população atual, trata-se de um pacto que protege a herança recebida da natureza e dos que no passado viveram na cidade e configura um trato de responsabilidade das atuais para com as futuras gerações de cidadãos de Florianópolis, para tanto, o Plano Diretor precisa ter como ponto de partida o reconhecimento geral e a proteção que couber ao patrimônio herdado pelas atuais gerações, formado pelas dotações da natureza e realizações do gênero humano. As áreas a serem ocupadas, as transformações que forem introduzidas, em maior ou menor intensidade, não podem deixar de considerar a responsabilidade sobre esses acúmulos.*”

“Cultural Heritage and Landscape” appear as principles, strategies and parameters, in several articles of the Master Plan, and there is a whole chapter upon the subject. This legal text represents a continuity of the concepts of urban preservation that were established in the 1980s. The idea of the APCs-Cultural Preservation Areas was maintained. Now there are four types of APC-Areas: the Historic, Cultural Landscape, Archaeological and Place of Memory or Interest of the Citizen. The existing concepts, created in 1985, were enlarged and qualified, upon the experience of 35 years of integrated work with “preservation and planning”. There were inserted new views, registered in international documents, such as the recent approaches to landscape and intangible heritage.

The new parameters that are present in the 2014 Plan are associated with the international charters that were established after 2000 and Brazilian legislation. The Historical Areas were complemented with the concepts of vernacular architecture, setting, buffer zones and transition architecture. There are also regulations on interventions criteria and quality values. On international level, these concepts were introduced gradually and were synthetized in the Valletta Principles (2011).

For the new approach in the Plans’ category on Cultural Landscapes Areas, there were used concepts of both the European Convention for Landscape, of 2000 and HULs’ Recommendation. The Archaeological Areas includes the more recent recommendations on historical and underwater archaeology, present in ICOMOS Archaeological Charter of 1990 and UNESCOs’ Convention for Underwater Heritage, of 2001.

The APC-Areas called “Places of Memory or Interest of the Citizen” are an attempt to link intangible heritage to place. The Brazilian legislation, in 2000, established a Register of Cultural Heritage of Immaterial Nature (Decreto Federal 3551/2000). Later on, there was established UNESCOs’ Convention for Intangible Heritage (2003) and the “Spirit of the Place” ICOMOS’ Declaration of 2008. Greater explanation on these four APC-Cultural Preservation Areas will be given further on.

### **Anchoring values to place:**

In the 1970s, there is a mismatch between the historical process and urban interventions. The cities’ growth brought quick changes to the physical aspects of the historical substrate. There occurred damages of high impact, difficult to overcome and repair.

One of the relevant prejudices was the loss of the cities’ relation with the sea. Since the XVI century, the island functioned as support for navigation and its port had important functions until the 1960s, when it was disabled due technical conditions. In the 1970s, justified by the need to expand the highways system, an enormous landfill was built next to the old waterfront of the historic city. This resulted in a concrete physical barrier and a visual disconnection with the sea, now more than 500 meters distant from the historic cities’ waterfront. The symbolic milestone in this process was the demolition of the old Miramar, a small mooring pier with a little restaurant, located in front of the foundational square. This loss, in the 1970s, is mentioned and mourned until today.

The urban planning and legislation, of the 1980s, began to emphasize the historical context. This strengthened the cities’ identity. The 2014 Master Plan reinforced this ongoing process, through contemporary approaches endorsed by the international references.

The principal historical threads assimilated by the urban planning legislation are:

- The enhancement and use of the waters, for protection, leisure and transport purposes.

There is the rescue of the maritime identity of Florianópolis, present since the beginning of occupation, through the recognition of the water element. Besides its importance as landscape component, the revitalization is fundamental for integrating its possible uses: navigation and as an alternative for transport, for leisure and touristic uses, and fishing or aquaculture purposes.

- The reinforcement of the concept of poli-nuclear urbanization that was established in the 18<sup>th</sup> century, through the creation of the “Freguesias”.
- The enhancement of panoramic routes, which often overlap with the historic roads. There is the recognition of the importance of the ancient historical connection paths between urban settlements, which were inductors and are testimonies of the land use development. These routes are also an alternative for urban mobility.

### Transforming values in urban legislation

The achieved heritage values need to be transformed in legal parameters. That is not a simple task, because each heritage property is exceptional and in a certain way, particular and unique. Each **APC - CULTURAL PRESERVATION AREA** has a goal.

The **HISTORIC AREAS** are sufficiently known and studied for the preservation of the morphological aspects. The legal text mentions “*preservation of architectural, artistic, landscape, technological, urban heritage*”, including “*settlements, ensembles, spaces, buildings monuments and objects*” (LC 482/14, Article 143). In Florianópolis all the buildings of a Historical APC had to be included in one of three categories: of monumental value, valuable as part of an ensemble, or as accompanying unit. In the last case, changes are possible, such as demolition, remodeling or insertion, but there has to be observed the height of the protected ensemble and the quality of the new architecture.<sup>7</sup> After 2014, there were created two additional categories: vernacular / intangible architecture and transition elements. (Image 3)



Image 3 – Traditional Architecture on the former waterfront and water edge of the city, located in the founding place of Florianópolis.

<sup>7</sup> The subject “insertion of architecture in protected ensembles” is of huge importance and has to be discussed in an specific approach.

## Vernacular Architecture and the preservation of traditional uses linked to space

There was a need to create a category where the preservation objective is the activity itself that needs a tangible container. On the legal aspect, there was no observance for cases where intangible aspects are “heritage” and the construction is “only” the physical container. These buildings are often of secondary importance and sometimes need adaptations to accompany a vivid tradition. Otherwise, there are vernacular architecture units that have special needs, and where regulations could be more specific or flexible. (Images 4, 5)



Images 4,5 – Left, Candomble Houses “Terreiros” and right, Manioc Flour Mills “Engenhos de farinha”

## Aiming quality of the space through the enhancement of works of art

There is a special benefit for Public Art. In cases where the sponsored work of art can be seen from a public space, the building construction tax can be increased.

### Preservation of the street patterns or significant urban allotments

It is important to protect not only architectural ensembles, but also allotments that are relevant for their concept, or significant for the comprehension of the urban development of the city. In this case, the buildings are not relevant and therefore, not protected. (Image 6)



Image 6 - *Loteamento Praia do Forte* (1960) had as consultant architect Oscar Niemeyer. Streets were at the backward of the house. The front door should open to green lanes, only for pedestrians.

The Master Plan launched a new look for the **CULTURAL LANDSCAPE AREAS**. This APC intend the *“preservation of natural sites of exceptional beauty and cultural landscapes that are representative of the interaction of man with nature and to which were given imprints or attributed values”* (LC 482/14, article 143). The maintenance of traditional forms of production, cultural events and craft activities that are compatible with the sustainable development of the environment is encouraged. (Image 7)



Image 7 – The setting of the small settlement of Sambaqui, at the waterfront, is a harmonious insertion in the landscape. This image shows the importance of establishing visual cones for the protection of panoramic views.

The **ARCHAEOLOGICAL AREAS** include the concept of land and underwater archeology, in order to protect the remnants of shipwrecks related to the, once, strategic function for navigation. The protection extends not only to prehistoric sites (with references of almost 6.000 years) but also to historical archaeological sites. (Images 8, 9)



Images 8, 9 – The pre-historical and subaquatic findings: Left, rock inscriptions in Campeche Island. Right a subaquatic finding in Naufragados. A Spanish ship, probably the cargo ship La Provedora, wrecked in 1583, with construction materials for two forts in Magallanes Strait. (Foto Guto Kuerten, june 2011 accessed on 14/11/205 <http://www.clicrbs.com.br/rbs/image/11344144.jpg>)

The **PLACES OF MEMORY OR INTEREST OF THE CITIZEN**, *intend the preservation of places where occurred events of historical or legendary value, that are present in the collective memory or where happen activities with intangible values that is materialized in*

*space*". (LC 482/14, article 143). This category brings intangible values to space. The concept was established in a specific law in 2009, and now is inserted in the Master Plan.

There are two different aspects: **Places of Memory**, in a more traditional sense. These places represent an anchor for intangible values, that need connection with the territory, such as the founding place of the city, procession routes and the stairs of the cathedral that traditionally functions as place of encounter, claims or celebration. The **Places of Interest of the Citizen** could be anything that persons are attached to. It could even be a tree. This category has specific parameters and has a different approach. (Image 10)



Image 10 – Place of Encounter bellow the old “figueira tree”, founding square of the city.

The Master Plan establishes several instruments to protect and to promote the quality of the natural and cultural environment. For instance, there has to be identified exceptional components of natural or cultural landscape such as: “*waterfronts; historic roads and land trails; traditional nautical routes; scenic routes; reference marks; belvederes and panoramic views*”. (L.C.482/2014, Article 170). The Reference Marks “*are natural or constructed elements that are outstanding in the landscape, or of symbolic reference, that need to be preserved and have guaranteed their visibility*” (L.C.482/2014, Article 171). There also have to be defined visual cones for protection of the visibility of significant elements, questions on buffer zones and about the impact on landscape or neighborhood. Accessibility is guaranteed. Publicity and signs are regulated. Benefits of tax, constructive and urbanistic compensation were installed. Founding and sanctions are addressed.

For additional measures of precaution, there was established a Municipal Inventory of Landscape and Heritage. The previous Plan already had an interesting instrument that conditioned the demolition license for buildings older than 30 years to prior consultation of the Heritage Department – SEPHAN. This measure allowed to know which were the buildings in danger to be demolished. This preventive mechanism remained in the current Master Plan, with the difference that the time variable was extended to 50 years. Theoretically, this principle allows the protection of heritage that is in danger. However, for its effectiveness, there is a need to give continuity, through concrete protection acts. This not always had occurred, because it needs the political endorsement.

### Conquests and failures along the way...

The challenges on heritage preservation are a reality worldwide. Although the importance of these, irreplaceable, values, their management has to be inserted in a common management logic. Heritage has to respond to the social and economical realities of a place. Therefore, its insertion in the Urban Planning Institute was vital for the existence of these properties and continues to be necessary for its "healthy" survival. Through this policy, the links with the driving forces of the cities are settled.

Otherwise, there are aspects related to heritage, in special the immaterial heritage, which need special attention. For instance, the traditional ways of doing and producing, need assistance because they are not competitive or structured for contemporary dynamics. The same is valid for traditional celebrations. Handicrafts, craftworks, traditional technologies and artistic productions, in general, have an essential dimension. There are some important immaterial traditions that are in danger to be irreparably lost, such as the lace making, the technology related to the old manioc flourmills (engenho de farinha de mandioca) and sugarcane alembics (alambique de cachaça) and the production structures themselves (buildings and plantations). They are also "irreplaceable" values, are fragile and on constant adaptation, so there is the need of a proper approach and sometimes an extra "help" from the governments or nonprofit organizations. In Florianópolis these aspects are inserted in a different administrative institution, the Secretary for Culture. Unfortunately, the work done until now is incipient and do not respond for the necessities of immaterial heritage. There has to be established a much stronger and effective policy.

In Florianópolis, since the 1980s, the Master Plan represented a continuity in the combined preservation of natural and cultural values, testimonies of another historical period. This urban legislation is a fundamental ally for the management and enhancement of the heritage aspects linked to space, specially the areas that already are regularly protected by Decree. It represents an endorsement of the legislative power indicating management instruments to these already protected areas. It reaffirms the necessity to protect others, which are delimited only on the Master Plans' maps and need ordination. Most important of all, it is an opportunity to bring attention of economic forces - such as the building industry - to the objective of preservation, indicates a guideline on the cities' policies and therefore gives more security to the investments in the area.

Heritage policy represents quality of life for the citizens and visitors. The touristic sector is the great beneficiary of this policy. In summer, during three months, population in Florianópolis increases its ordinary population up to 300.000 tourists and the city loses its functionality with great problems on mobility.<sup>8</sup> Tourism causes high impacts, of positive and negative proportion. It represents an important topic that has to be given urgent attention in a focused view.

The real state sector was the principal responsible for the economic pressure over the political and technical sectors. Its actions resulted in damages for the environment and the historic substrate. The partnership in the defense of heritage, besides the establishment of legal mechanisms and some sparse support of individuals and non-governmental entities, was the action of the General (State or Federal) Attorney's Office.

The protection initiatives in the 1980s, at the end of a complex process, achieved around 400 classified properties inserted in urban ensembles. After this "courageous" administrative action on municipal level, there was given almost no continuity in the creation of new protected areas. During the last 10 years there was a growing pressure from the building sector, regarding primarily massive constructions near the protected subtract. Most of these situations had to be faced through judicial

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<sup>8</sup> Studies made by Paulo Campanário, PhD in demography, in November 2007, estimated that the floating population increases around 70% in summer.

processes conducted mainly by Public Legal Actions (class actions) to reinforce its protection at administrative or judicial level. This instrument, guaranteed in the 1988 Brazilian Constitution, enables that problems or risks can be denounced and concrete measures can be required through initiatives of a General (State/Federal) Attorneys' Office. They are the so called "Ação Civil Pública" or "Ação Popular" and are initiatives of the "Ministério Público",

The Historical Areas had a concrete development. As said before, the new Master Plan represented a continuity in this policy and included contemporary categories such as setting, cultural landscape, vernacular architecture, "spirit of the place". It goes into detail in topics such as buffer zones, neighborhood impact and public art. For the policies on landscape preservation, in the 1980s this concept was related to rural landscape (agriculture and fishing issues). However, the traditional and vivid economy that was based on subsistence, was gradually decreasing, and there were not established detailed policies and regulations to face this situation. For the archaeological aspects, there was no achievement of an established Policy, although there are more than 100 identified sites, some of them dating 5,700 years B.P. Nevertheless, all these archaeological sites were also protected on national level, since there was established a national legislation in 1961.

Besides the legal instruments, preservation needs political will. There was a lack of substantial political support and effective endorsement of heritage management. The team that was responsible for heritage protection, since the end of the 1980s remained the same, and was far too small to face the growing demands and responsibilities. The scarce financial resources contributed for the lack of administrative counterpart for the heritage policy. There was a need for greater articulation with other sectors and an extensive information and education policy could have been of help for more support for the protection initiatives.

### **Conclusion - Strategies for urban management**

Heritage is an overlapping of layers of occupation. The development of each period, its success in a greater or lesser extend is related to the cities' capacity to take advantage of the given conditions. The adequate management of these conditions gave quality and identity to the cities. The challenge is to identify these often, hidden, motors. Its strength often continues to influence the development of the places. The preservation of the remainings of this process streamlines possibilities for the cities' success. The absorption of historical experience in the present, can guide its development in order to include values that proved to be of importance in the past, and can be updated in the present.

The achieved theoretical concepts, registered in international charters, are a continuous guideline in the process of recognizing values and indicating methodologies for the approach to heritage maintenance, protection, conservation and insertion in contemporary life. The recent achievements represent an enlarged approach to heritage. They are more subtle and need anchorage to place. Nevertheless, other possible and necessary alternatives, urban planning instruments are a democratic form to integrate preservation values to the cities' everyday life. Since the 1980s, Master Plans proved to be an important tool to guarantee a harmonic development of the protected areas, in straight connection with other basic urban functions.

Unfortunately, planning has worldwide lost its strength. The engagement of the beneficiaries of the heritage preservation process is probably the most difficult goal to achieve. Although communities are consulted, there is no guarantee that their views and experiences will be considered by the administrations. The lack of response from the administration regarding the communities engagement, leads to distrust, and disrupts a whole process of confidence that had been constructed. That support represented in the citizens' interlocution gets difficult. With the

weakening of the planning sectors, a number of chaotic actions pop all over, without inter-communication. On an urban scale, the economic forces that provoke major urban transformation, gain power. The real state sector, interested in its own piece of land, uses its weapons more efficiently than community forces has the capacity to defend its heritage on a voluntary scale.

However, growing can also be perceived as result of the attractiveness of the place. Its' success represents an increasing economic development. This dynamic, essentially necessary, has to count with an articulation policy that gives priority to the characteristics and identity values of the site. There has to be straight connection between economic, political and communal forces. The increasing development cannot put in danger the fundamental values of the site, and consequently, its attractivity.

Technical effort contributed to identify the heritage values that deserved maintenance and protection. Values, often of intangible nature, anchored to place and that resulted in material heritage. It now includes enlarged values, such as setting, landscape and the visual context, among others. There are needed new strategies to guarantee a harmonic development that considers these values and permanences. Among these strategies, there has to be brought consciousness to heritage values and references, and through this process, gain an integrate approach to the cities' management,

Heritage's presence has to be strengthened and inserted in daily life. The comprehension of heritage is often linked to past, memory, tradition. However, there have to be aggregated perceptions that are part of contemporary life. The "industry of leisure and tourism" is a fact. Therefore, heritage has also be connected to moments of leisure, relax; encounter, sports, culture... This achievement will aggregate a new approach, a contemporary use and give more strength to the defense of our heritage.

Although there still are huge problems to be faced, there is already good expertise on the management of urban ensembles. However, forwarding for future debates, there is a need to focus on thematic studies such the integration of urban ensembles in the broader context of its setting and cultural landscape and its articulation with social/economical dynamics. Other urgent questions are on how to deal with tourism impact, how to achieve insertions of quality in protected areas. Above all there has to be considered diversity. Different realities, local expressions and historical contexts has to be given recognition, enhancement and dignity in equal grades of importance.

## **Photographic Acknowledgment**

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