



The Rural in territorial planning instruments: the case of the municipalities of COREDE Norte-RS-Brazil¹

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Abstract

Rural regions and municipalities with small population, even though comprising most of the Brazilian territory, are often left unassisted by public authorities regarding territorial planning, being at the mercy of basic and generalist instruments, normally aimed at urban areas or designed for large urban centers. Given the changes undergone by territorial planning in Brazil, especially after promulgation of the 1988 Federal Constitution and the City Statute, this work aims to investigate whether and how rural areas have been treated by the territorial planning instruments of the 32 municipalities that comprise Corede Norte region of Rio Grande do Sul. To this end, documentary research was carried out on planning instruments and organic laws of the municipalities under analysis (obtained from websites of municipal councils and from legislation repositories available on the internet). The documents were cataloged and subsequently analyzed seeking to identify elements related to previously established questions and hypotheses. The predominance of basic instruments of urban policy was observed in practically all municipalities analyzed, which, in addition to perpetuating exclusively urban notions for planning, and exclusively agricultural notions for rural areas, relegate rural areas to other federal regulations, sometimes guided by different institutions (Incra, Conama, Tax Code, etc.) and which do not reach the local planning scale. In cases where rural areas were included in municipal planning instruments, these latter continue to treat them from the viewpoint of opposition to the city and assign them only an agro-silvo-pastoral destination.

Keywords: Territorial planning. Rural. Urban. Urban and regional planning. Rural development.

O Rural nos instrumentos de planejamento territorial: o caso dos municípios do COREDE Norte do RS

Resumo

Mesmo sendo maioria no território brasileiro, as regiões rurais e os municípios de pequeno porte populacional são frequentemente desassistidos pelo poder público no que se refere ao planejamento territorial, ficando à mercê de instrumentos básicos e generalistas, normalmente direcionados as áreas urbanas, ou elaborados para grandes centros urbanos.

¹ Tradução para o inglês por Regina Vargas.

Dadas as mudanças ocorridas na trajetória do planejamento territorial no Brasil, principalmente no que se refere ao período pós Constituição Federal de 1988, e ao Estatuto da Cidade, este trabalho se propõe a investigar se e como o rural tem sido tratado pelos instrumentos de planejamento territorial dos 32 municípios do Corede Norte-RS. Para isso realizou-se uma pesquisa documental nos instrumentos de planejamento e leis orgânicas dos municípios em análise (obtidos em sítios digitais das prefeituras municipais e em repositórios de legislações disponíveis na internet). Os documentos foram catalogados e posteriormente analisados, a fim de identificar elementos relacionados com as questões e hipóteses previamente estabelecidas. Observou-se a predominância de instrumentos básicos da política urbana em praticamente todos os municípios analisados, os quais, além de perpetuarem noções exclusivamente urbanas para o planejamento, e exclusivamente agrícolas para o espaço rural, relegam o espaço rural a outras normativas federais, por vezes, orientadas por instituições diversas (Incrá, Conama, Código Tributário, etc.) e que não chegam na escala local do planejamento. Nos casos onde o rural foi incluído pelos instrumentos de planejamento dos municípios, estes seguem atrelando-o a ótica de oposição à cidade e atribuindo-lhe apenas uma destinação agro-silvo-pastoril.

Palavras-chave: Planejamento territorial. Rural. Urbano. Planejamento urbano e regional. Desenvolvimento rural.

Lo Rural en los instrumentos de planificación territorial: el caso de los municipios de COREDE Norte do RS

Resumen

Si bien son mayoría en el territorio brasileño, las regiones rurales y los municipios con poca población son a menudo desatendidos por las autoridades públicas en lo que respecta a la planificación territorial, quedando a merced de instrumentos básicos y generalistas, normalmente dirigidos a las áreas urbanas, o elaborados para grandes centros urbanos. Dados los cambios ocurridos en la trayectoria de la planificación territorial en Brasil, principalmente en lo que se refiere al período posterior a la Constitución Federal de 1988 y al Estatuto de la Ciudad, este trabajo se propone investigar si y cómo lo rural ha sido tratado por los instrumentos de planificación territorial de los 32 municipios de Corede Norte-RS. Para ello se utilizó una investigación (documental) en instrumentos de planificación de los 32 municipios analizados. Predominaron instrumentos básicos de política urbana en prácticamente todos los municipios analizados, los cuales, además de perpetuar nociones exclusivamente urbanas para la planificación y exclusivamente agrícolas para las áreas rurales, relegan las áreas rurales a otras regulaciones federales, a veces orientadas por diferentes instituciones (Incrá, Conama, Código Tributario, etc.) y que no alcanzan la escala local de planificación. En los casos en que las áreas rurales fueron incluidas en los instrumentos de planificación de los municipios, estos continúan vinculándolas a una perspectiva de oposición a la ciudad y asignándoles únicamente un destino agrosilvopastoral.

Palabras llave: Planificación territorial. Rural. Urbano. Planeación urbana y Regional. Desarrollo Rural.

1 Introduction

The Brazilian Federal Constitution of 1988 conferred responsibility for the provision of territorial ordering through planning, control of land use, subdivision and occupation of the territory to municipalities (DIAS, 2012). Subsequently, in 2001, chapters 182 and 183 of the same Constitution were regulated through Federal Law No. 10,257, the City Statute Law (BRASIL, 2001), which, in addition to listing a series of planning instruments applicable to an important portion of Brazilian municipalities,

also expanded the coverage area of municipal master plans, to encompass the whole territory of municipalities, aiming at integration and complementarity between rural and urban spaces (BRASIL, 2001).

Several factors justify the concern including rural areas in territorial planning instruments, which include (a) the importance ascribed to rural spaces in rural development approaches for which “rural space is no longer defined exclusively through agricultural activity” (CARNEIRO, 1998, p. 56), given the noticeable drop in the number of people employed in agriculture and the increasing number of people residing in the countryside who do not carry out activities related to agriculture; (b) the emergence of a relevant number of small farmers who combine agricultural production with other sources of income generation (GRAZIANO DA SILVA, 1996); and, finally, (c) the growing demand for leisure spaces close to nature and, even, for alternative means of life in the countryside by people from urban centers, causing the rural area to be recognized as a possibility for residence (CARNEIRO, 1998). Mendras (1976) maintains that these experiences, already known in the European reality for at least a few decades, convert the “countryside” – a generic category – or the rural into a place of life, that is, far more than a space of agricultural production, and this, according to Carneiro (1998), certainly contributed to the emergence of critical perspectives to the dualist perspective that opposes “rural” to “urban” also in Brazil.

This research aims to: (a) examine whether and how rural space has been included in the territorial planning instruments of Corede Norte-RS’ municipalities and (b) investigate whether the new perspectives of rurality,² present in rural development studies,³ are being incorporated into municipalities’ territorial planning policies.

This study is organized into four parts, namely: introduction; synthesis of existing urban and territorial planning instruments in Brazil; presentation of the main territorial planning instruments existing in municipalities of Corede Norte-RS and analysis of the presence and quality of rural areas in these legislations; and, finally, the last section presents final considerations.

2 Territorial planning and its instruments in Brazil

Initially, we deem necessary to make clear the differences between urbanism, urban planning and territorial planning. Afterwards, we present the instruments in force in Brazil and their developments.

² Since the late 1990s, Brazilian rurality has been the subject of new reflections, which incorporate into the analysis elements related to the growing interrelations between rural and urban, the dynamics of territories, the diversification of forms of work and income in the countryside, the diversity of actors and their organizational forms, the different functions that agriculture and the rural can perform and the understanding of the rural as a “space of life” and not just of agricultural activities (WANDERLEY, 2009).

³ According to van der Ploeg et al. (2000), the paradigm of agricultural modernization, which predominated in theory, practices and policies as the main tool for increasing income and developing rural communities, has been replaced by a new paradigm, that of “rural development”. This includes the search for a new model for the agricultural sector, focused on sustainability as a goal, and on new objectives, such as production of public goods (landscapes), search for synergies with local ecosystems, favoring economies of scope over economies of scale and pluriactivity of rural families. In the Brazilian case, these objectives include reducing poverty and hunger in rural areas, valuing democracy and citizen participation and using the territory as a reference unit for public actions and policies.

Regarding urbanism and urban planning, Rovati (2013) notes that, while urbanism has a disciplinary vocation and has architectural design as its object, claiming a “competence for the project”, urban planning gathers knowledge from different disciplines (economics, geography and sociology, among others) and aims to prepare and manage “[...] plans, programs and projects – even those of architectural nature, though not necessarily; claiming a ‘competence for planning and management’” (ROVATI, 2013, p. 33-34).

Therefore, these fields, although being close and complementary, are guided by different epistemologies (ROVATI, 2013). The same applies to territorial planning, since it involves different areas of knowledge. Regarding this third term, we draw on Limonad *et al.* (2021), who maintain that, firstly, territory must be understood as a socially appropriated portion of space, that is, a “[...] territory is built by the human (social) action of appropriation of and/or domination over a portion of the social space, based on concrete and symbolic power relations” (LIMONAD *et al.* , 2021, p. 9), considering the social space as that described by Sánchez (1990, p. 18) and Santos (1996), that is, “[...] space in its entirety (social and physical) including nature, which is produced and is given a new meaning”.

Subsequently, the authors define territorial planning as one that encompasses both sectoral and socio-spatial aspects of interventions in a given social space, being defined as “[...] a complex set of interventions, conducted by different institutional agents and social actors, at different sectors and scales” (LIMONAD *et al.*, 2021, p. 10). In other words, from this perspective, territorial planning would become the great umbrella under which all other sectoral public policies would be located, ranging from the rights to the city, to housing, to urban mobility, as well as territorial and environmental management, concerning the social organization of space and the management and exploitation of natural resources, on scales that extend from the local to the national (LIMONAD *et al.* 2021, p. 10).

2.1 Brazilian urban policy

The emergence of urban policies leads to transformations in the dynamics of cities.⁴ A starting point is required and, in this regard, Lefebvre (2001) points out European industrialization as the phenomenon that presupposes the rupture of the pre-existing urban system, until then understood as human agglomerations, spaces of accumulation and exchanges of agricultural surpluses.

Benevolo (1982) views the emergence of the first public policies aimed at cities in Europe in this period as a consequence of impacts of the industrial city. Without regulation for occupation of urban land, houses and industries were quite close together, causing mutual discomfort. The routine of industries dumped waste into the waterways damaging the health of surrounding residents, the streets were narrow and tortuous, and there was a fever of densification, leaving no free space between houses and other buildings. It is in this chaotic context that the first urban public policies

⁴ For IBGE, municipalities are the lowest-ranking units within Brazil's political-administrative organization, while the urban location where the City Hall is headquartered is categorized as city and both have the same nomenclature. However, within a municipality, other urban areas may exist, which are politically linked and administered by the main headquarters and hold a distinct nomenclature, being called districts.

emerged, responding to health problems caused by the industrial city (BENEVOLO, 1982, p. 49).

In the Brazilian context, beyond health issues in colonial cities, urban policies emerge in parallel with major economic, social and political transformations. Regarding urban planning proper, Zanon (2009) notes that it began in Brazil in the late 19th century, as a response to changes post-Proclamation of the Republic. It is worth highlighting here that urbanism at the end of the 19th century and early 20th century in Brazil was promoted and financed by rural elites of the period, comprised by large farmers and land holders concentrated in cities such as São Paulo and Rio de Janeiro, major centers of commerce at the time (ZANON, 2019).⁵

Therefore, differently from what Benevolo (1982) says about the emergence of public policies aimed at cities in Europe, urban planning in Brazil, and in Latin America generally, emerges associated with “urban art”, bearing a discourse leaned towards urban beautification and creation of a new image for cities, erasure of the colonial past and removal of the poorest class from central areas (VILLAÇA, 1999).

From the 1930s onwards, Brazilian industrialization began to gain its own dynamism. As the growth of wealth in the country and centralization of capital in certain regions shaped the new urban setting of that time, there was also an increasing need for large infrastructure works. Thus, more technocratic and scientific urban planning became indispensable for solving urban problems newly arisen. Villaça (1999) characterizes the 1930s by the transition of classes, since, on the one hand, there was a growing organization and awareness among the popular and urban working classes and, on the other hand, there was a weakening of the dominant classes, mainly in cities such as São Paulo and Rio de Janeiro. However, in the following decades it was the urban-industrial bourgeoisie that ended up increasingly assuming dominance over Brazilian society, replacing the old domination by rural aristocracy.

The following thirty years are marked by increasing demand for cities’ urbanization and planning due to migratory processes resulting from both industrialization and agricultural modernization. Steinberger and Bruna (2001) observe that, in this period, “[...] issues related to spatial redistribution and regional equity, migration, as well as the interrelation between urban and regional issues, were present in virtually all national plans”, which, in turn, were not effective, since urbanization has always been slower than cities’ growth. Also, in this same period, the country’s urban population surpassed the rural population, leaving behind the image of a rural country (IBGE, 1970).

For Melo (1982), the interval between the years 1956 and 1961 – considered as the period of “heavy industrialization” stemming from high investments in infrastructure by the federal government through the *Plano de Metas* (Juscelino Kubitschek’s government) – mobilized several sectors of the economy and had a direct impact on cities, turning them into a lure to rural populations. From this period onwards, the economic and national development project began to increasingly demand consolidated urban structures, making cities essential spaces for the desired economic changes, whether because they already had the provision of public services

⁵ The Brazilian reality of this period reflected the preponderance of rural complexes over the national economy, denoting an absence of urban dynamism, given that the economy of the period revolved around the large-scale production of primary products destined for the international market.

and infrastructure or because they already housed considerable populations (SANTOS, 1984).

However, Zanon (2019) notes that, during this period, city planning was infused with projects based on technical devices and calculations that public administration could hardly assimilate. In the following decade, although the technical ideology of urban planning predominated, the characteristics of urban plans changed and they became simplistic lacking the rigor of technical analyses. As highlighted by Villaça (1999), in the 1970s, plans give up complexity to become overly simple – in fact simplistic – elaborated by municipal technicians themselves, practically without resorting to maps or technical diagnoses as opposed to the previous years (VILLAÇA, 1999, p. 221).

It is also from the 1960s onwards and throughout the period of the military regime that Brazilian society's struggles for urban reform began, mostly focused on land reform. It is important to emphasize that the military regime put an end to debates and seminars on urban studies, preventing the accomplishment of urban reform as a whole and just allowing for more urgent actions, such as those related to housing deficit (MARICATO, 2014; SOUZA, 2001).

In the 1980s, the general background of urban policies changed, popular demands gained strength and visibility and discourses claiming social inclusion as a primary right of citizens gained momentum, turning the urban issue into a political issue, fundamental for the process of justice and democratization of Brazilian society (MARICATO, 2014; SAULE JUNIOR; UZZO, 2009). Finally, in 1988, the new Federal Constitution dedicated, for the first time, an entire chapter to urban policy. Placed under the title “Of the Economic and Financial Order”, in chapter II, articles nº 182 and 183 defined the main limits to urban property and set out the role of municipal authorities in guaranteeing citizens the basic rights to sanitation, housing, mobility and social leisure, marking the beginning of the third period mentioned by Villaça (1999).

For Santos (2020), after promulgation of the new Federal Constitution, a new urban order was established in the country, which transferred the competencies related to urban planning, until then under the rule of a national authority, to municipalities. Urban planning became a responsibility of municipal administrations, to be included in the municipal master plans, thus advancing the autonomy of municipalities. In parallel, population's effective participation in discussions and understanding of urban planning increased, allowing for a more comprehensive view of the territory, the social functions of property and the right to the city.

Thirteen years after the promulgation of the 1988 Federal Constitution, urban issues' constitutional provisions were regulated by the City Statute, Federal Law nº 10,257 of July 10, 2001. Since then, the City Statute has become a valuable political device, as it has, on several occasions, prevented private interests from prevailing over collective interests, thus helping sectors that work in defense of civil society and citizen rights. It is worth highlighting here that the City Statute only determines how urban policy should be applied in municipalities, presenting paths and possibilities for the construction of fairer cities (CARVALHO, 2016; MARICATO, 2014) and that the main initiatives based on the City Statute in Brazilian cities were the creation of Master Plans “[...] for the most urbanized portion of Brazilian municipalities” (MARICATO, 2014, p. 55).

2.2 History of legislation and planning instruments in Brazil

For Whitaker (2003), in the European context, planning instruments were initially created as legal-institutional devices necessary for the State to exercise effective control over the dynamics of production and use of urban space, so that to promote collective interests over individual ones and mediate conflicts arising from these processes. Along these lines, planning instruments only arrived in Brazil after the 1960s, following mobilizations demanding urban reform and as tools that allowed city halls to exercise some control over the dynamics of building cities.

According to Whitaker (2003), what distinguishes these two realities is the fact that, in Europe, urban instruments emerged in the post-war period and in parallel with the structuring of the welfare state, while in Brazil, they emerged as an attempt to confront the model of society and cities organized and built in a purposefully unequal way (WHITAKER, 2003). In what follows, we present some of the main planning instruments in force in Brazilian cities.

In Brazil, according to Villaça (1999), the first and most used planning instrument was zoning, a procedure for the sectorization of urban spaces based on function. At the time of its emergence, urban zoning was based on health reform and on the precepts of the then modern movement, which had as its main objective the sectorization and organization of urban space defined by function (opening streets, creating neighborhoods and installation of industrial complexes).

This instrument first appeared in the states of Rio de Janeiro and São Paulo, in the last decades of the 19th century. Still according to Villaça (1999), the introduction of urban zoning in Brazil took place without any theoretical apparatus or scholarly participation. However, for the author, this instrument was fundamental in the urban planning process in Brazil and is still considered, if not the main one, one of the most important, since, despite its favoritism, contradictions and segregationist characteristics, it contributed positively to growth and densification of Brazilian cities, avoiding occupations in non-recommended areas.

It was also during this period that the first law on Brazilian territorial division appeared, Decree-Law nº 311 of 1938, which established a new administrative division for the country, delimiting rural and urban areas, defining municipal seats and districts as cities and everywhere else as rural areas. In force to this day, this law is strongly criticized by several scholars (BERNARDELLI, 2013; EDLICH, 2013; WANDERLEY, 2011; VEIGA, 2002), who believe that these criteria do not consider the function, size or situation of Brazilian territories (VEIGA, 2002). The legal definition of urban perimeter also emerged at this time, aiming to establish limits for the urban area of municipalities. However, this nomenclature was only used to specify the location of regulated interventions within the city, without further specifying what was actually urban and what was rural and, therefore, it was not used as a planning instrument (CASTRO, 2017).

In 1966, the Federal Law No. 5,172, the National Tax Code Law, is enacted, which, although not being considered an urban law proper, remains to this day as an important territorial planning instrument insofar as its Article No. 32, which provides for the Tax on Urban Property and Territorial Property (IPTU), establishes minimum criteria for an area to be characterized as urban, such as: the presence of curbs or sidewalks, rainwater drainage, water system, public lighting network, presence of

urban equipment such as a school and health center at a distance of less than 3 km (BRASIL, 1966). Article 32 also defines that for an area to be considered urban, at least two of these elements must occur, referred to in the legislation as “improvements”.

Regarding the rural area, Castro (2017, p. 103) notes that the National Tax Code “[...] is also responsible for regulating the Tax on Rural Land Property (ITR), levied by the federal administration, today with transfers to municipalities.” However, for Santos (2020), such criterion produces a very misleading classification of urban areas, because taking as reference water supply, lighting network and sidewalks, for example, these elements are easily found in several rural areas of the country, what makes this classification confusing. It is also worth noting that from the tax perspective, both urban and rural land are today mostly analyzed taking the price of land on the market as a basis, what turns the analyzes simplistic and distorts their original characterizations.

Later, in 1979, Law No. 6,766 of 1979, the Lhemann Law or Lotting Law, is enacted, aiming to define directives for the division of urban land within municipalities. It established parameters such as the minimum size for lots and minimum percentage of green areas and public spaces, regulating the creation of new subdivisions in urban areas or urban expansion, and establishing that investors/developers should provide the necessary infrastructure and the public authorities should provide public facilities. In short, this law gave municipalities the autonomy to regulate their urban expansion with the delimitation of the urban perimeter and the modification of its zoning, that is, this legal framework allowed municipalities to transform rural areas into urban areas as they deemed necessary. (BRASIL, 1979; CASTRO, 2017).

The 1988 Federal Constitution, the City Statute and the Master Plans

The Federal Constitution of 1988, particularly its articles nº 182 and 183, established a new reference framework and, perhaps, the beginning of a planning vision that would go beyond the scales known until then. These articles established the Master Plan as a fundamental instrument for urban policy and guaranteed municipalities the role of protagonists in different areas of local interest. On the other hand, article no. 30, item VIII, of the Constitution, also imposed on municipalities the duty to regulate territorial ordering through planning, control of use, subdivision and occupation of municipal territory (DIAS, 2012).

Regarding implementation of these articles, Santos Junior and Montandon (2011, p. 27) note that the 1990s represented a period of transition, when “[...] new and old practices in the field of urban policy coexisted”, with the “new practices” being those driven by the new culture associated to social rights provided for in the 1988 Constitution and the “old practices” being those referred to “[...] conservative culture and technocratic paradigms that still prevail in many Brazilian municipalities.” That said, it was only thirteen years after the 1988 Constitution that the City Statute Law was enacted, regulating Articles No. 182 and 183 of the Constitution and presenting the Participatory Master Plan as the basic instrument of Brazilian urban policy, aiming to strengthen democratic governance and the social function of the city and the private property, with a view to greater territorial integration and reduction of socio-spatial inequalities.

The existence of Master Plans in Brazil dates back to the first decades of the 20th century, however, it was only from the 1950s on, due to increasing migration of

people from the countryside to the cities, that these and other territorial planning instruments began to expand their objectives and concerns, now including issues such as land use and integration between the city's various sectors and functions, such as housing, health and people well-being. For some authors, the master plans at that time brought a first notion of integration between the city and its region (NYGAARD, 2005; VILLAÇA, 1999). However, during this period, authoritarian practices ignored the reality of cities and disregarded the society's actual problems and appeals, whether rural or urban.

After the enactment of the City Statute, the idea of planning focused on urban and democratic public policies gained strength (PRUDENTE, 2017). Some public authorities begin to design participatory Master Plans by establishing guidelines and proposals, in the form of a municipal law, for short-, medium- and long-term initiatives aimed at expanding and reformulating essential public facilities and ensuring better living conditions for the population. Another novelty introduced by the Cities Statute was the mandatory nature of master plans for: (a) Brazilian cities with more than 20 thousand inhabitants; (b) cities located in metropolitan regions; (c) cities whose municipal government plans implement compulsory lotting and/or building, tax on property (IPTU) progressive over time and expropriation with compensation paid with treasury bills; (d) cities located in special areas focused on tourism and, finally, (e) cities within the area of influence of large companies or of activities with great environmental impact at a regional or national level (BRASIL, 2001).

Finally, it is important to highlight the contribution of City Statute to participatory processes, since it also made mandatory for the master plans' elaboration and review a civic monitoring and control system, provided for in art. 42, aiming to guarantee democratic and participatory management of the entire territorial planning process in municipalities. Complementing it, Resolution No. 25 of the National Council of Cities also specifically addresses the importance of civic participation in all stages of Master Plans' preparation, aiming to guarantee the right to voice in decision making to all population (urban and rural), as well as ensuring transparency and wide publicity of all stages and results.

Master Plan in municipalities categorized as small population size I

According to IBGE (2010) small population size I municipalities are those with a total population of up to 20,000 inhabitants.⁶ As demonstrated in the previous topic, the City Statute (Federal Law No. 10,257/2001) expanded the range of municipalities required to prepare master plans, including, for some situations, municipalities with a population of less than 20 thousand inhabitants. Furthermore, the City Statute also expanded the scope of master plans, which now encompass not only urban areas and urban expansion, but also rural areas of the municipalities, turning the urban issue into a territorial issue.⁷

⁶ According to IBGE (2010), the map of municipalities population size classifies municipalities as follows: Small Municipalities I: up to 20,000 inhabitants; Small Municipalities II: from 20,001 to 50,000 inhabitants; Medium-Sized Municipalities: from 50,001 to 100,000 inhabitants; Large Municipalities: from 100,001 to 900,000 inhabitants; Metropolis: 900,001 inhabitants or more.

⁷ These being the criteria, the legislation did not make the Master Plan mandatory for at least 70.33% of the country's municipalities, where approximately 17.12% of the total population reside (IBGE, 2010; LAGE and FILHO, 2021).

In 2015, according to the Basic Municipal Information Survey (IBGE, 2015), 52.1% of the 3914 municipalities with less than 20 thousand inhabitants did not have master plans and 15.6% reported being in process of preparing them. Lage and Filho (2021) highlight that, generally, these municipalities with a small population size are characterized by small urban areas in the midst of extensive rural territories where agricultural production plays an important role in food security and economic vitality; furthermore, they bear a rich environmental heritage as well as ways of life that are increasingly valued in contemporary society.

However, regarding territorial planning instruments in municipalities with a small population size, Veiga (2002, p. 55) maintains that “[...] it was an unforgivable failure of the City Statute not to (re)define what a city is, thus prolonging the validity of an aberration that places Brazil among the most backward countries in the world from a territorial point of view.” Possibly Veiga’s criticism of the City Statute, more than highlighting the need for a plan/law aimed at rural Brazil, denounces the standardization of the City Statute in the face of the many and diverse municipal realities in Brazil. Such standardization becomes explicit, for example, in the instruments listed as the minimum content of municipal master plans, namely: a) compulsory lotting, construction or use; b) right of preemption; c) payable granting of the right to build and modify use; d) combined urban operations; and, e) transfer of the right to build, etc., (BRASIL, 2001, Art. 42). Such instruments were established to deal with a reality more easily found in large urban centers, where intense economic and real estate dynamics predominate and where the jurisdiction of technical-administrative, legal and financial power is capable of supporting these instruments, unlike municipalities with a small population size (LAGE and FILHO, 2021).

The extension of the Master Plan over rural territory

Regarding the extension of the Master Plan over the territory, Federal Law No. 10,257, of July 10, 2001, sets forth the following:

§ 2 of article 40 establishes that the Master Plan must encompass the territory of the Municipality as a whole, thus the Master Plan must cover both the urban and rural areas of the Municipality. The City Statute defines the territorial scope of the Master Plan to include rural areas leaning on the constitutional text, since urban policy, in accordance with the guideline provided for in section VII of article 2 of the City Statute, must promote the integration and complementarity between urban and rural activities, with a view to socioeconomic development of the Municipality and the territory under its area of influence. [...] The municipal planning system, which is subject of the Master Plan, for example, must be constituted by regionalized administrative bodies that also include the rural region. (BRAZIL, 2002, s/p).

However, Mesquita and Ferreira (2016) observe that territorial planning as a whole, urban and rural, is still very incipient or even non-existent due to: a) lack of methodologies for a complete interpretation and organization of these areas; b) a persistent prejudice against rural spaces; c) misunderstandings regarding jurisdictions between the municipal, state and federal spheres as to legislation involving rural areas; d) lack of adequate administrative structures for performing urban/rural planning; e) lack of technical resources and appropriate technologies; f) difficulties in accessing data and materials about rural areas; and g) lack of qualified professionals to

coordinate and manage these plans. For these authors, although rural regions require the same systemic planning process as urban areas, they also require a certain specialization and experience on the part of planners, since they lack attention and adequate methodologies for a more effective solution of their problems.

In other words, despite its good intentions, the City Statute defined the coverage criteria for Master Plans without first coordinating it with other federative levels, such as the federal and the states governments. This favored divergent interpretations and understandings, generating conflicts of jurisdiction, since rural areas are constitutionally within the federal government's jurisdiction (ZUQUIM, 2008).

Considering the responsibilities over the rural space of each federative sphere, the federal government is responsible, for example, for: a) legislating on agrarian law; b) preparing and implementing national and regional planning for territorial ordering and economic and social development; c) expropriate land on the grounds of social interest for the purposes of agrarian reform; d) implement agricultural policy; d) institute taxes on rural land property (BRASIL, 1988). The states are responsible for the remaining functions, that is, those that do not belong to either the municipality or the federal administration. In rural territory, for example, the state is authorized by the Land Statute (BRASIL, 1964) to carry out inspections, registrations and evaluation of rural properties located in its territory, always respecting federal law. The municipality, according to Saule Jr. (2004), is responsible for promoting municipal planning throughout its territory, based on the provisions of article no. 30, item IX, of the Federal Constitution, as well as guaranteeing access to basic facilities and infrastructures to the entire population, regardless of where they live. For Saule Jr. (2004, p. 47) “[...] the Master Plan that is restricted only to urban areas and urban expansion suffers from a constitutional defect.”

Therefore, in order to treat impartially the inhabitants of the municipality, the municipal administration must adopt a Master Plan that covers urban and rural areas. In this sense, a greater integration between the urban issue and the agrarian issue is essential, as sometimes the territorial ordering and the regulation of rural land use, established by federal and state legislation, do not consider the needs and interests of local inhabitants. This is in line with Miranda's (2008, p. 110) observation that the municipality is “[...] the entity with the best conditions to plan sustainable rural development, based on the understanding of the interfaces between urban and agrarian issues.”

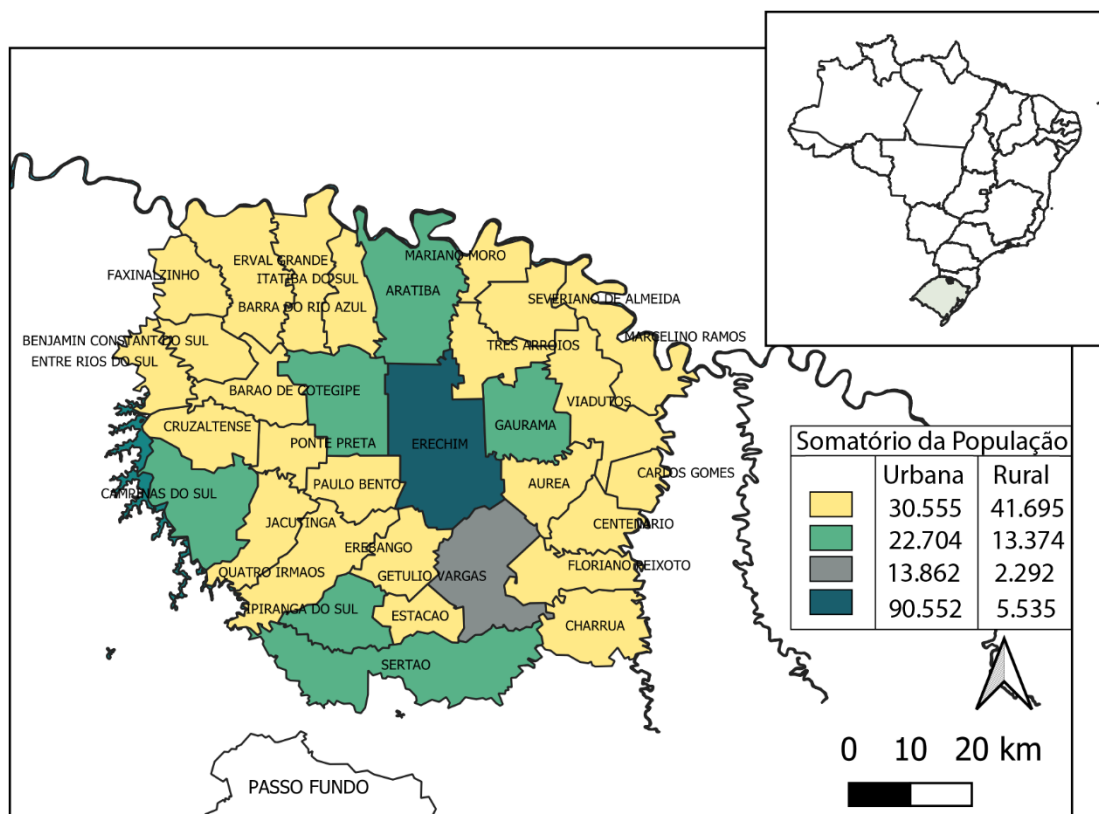
2.3 The Corede Norte of Rio Grande do Sul: Socioeconomic and population characterization

According to SEPLAN (2015) the Regional Development Council of the Northern Region (Corede Norte), currently covers 32 municipalities, namely: Aratiba, Áurea, Barão de Cotegipe, Barra do Rio Azul, Benjamin Constant do Sul, Campinas do Sul, Carlos Gomes, Centenário, Charrua, Cruzaltense, Entre Rios do Sul, Erebangó, Erechim, Erval Grande, Estação, Faxinalzinho, Florianópolis, Gaurama, Getúlio Vargas, Ipiranga do Sul, Itatiba do Sul, Jacutinga, Marcelino Ramos, Mariano Moro, Paulo Bento, Ponte Preta, Quatro Irmãos, São Valentim, Sertão, Severiano de Almeida, Três Arroios and Viadutos.

In 2010, the total population of the region was approximately 221,418 inhabitants, with nearly 72% of them living in urban areas and 28% in rural areas (IBGE, 2010). Erechim is the most populous municipality with approximately 106,603 inhabitants (45.88% of the region's total population)⁸, followed by Getúlio Vargas, with 17,308 inhabitants and the other municipalities with populations of less than ten thousand inhabitants each (FEE, 2019). It is also noteworthy that among the 32 municipalities encompassed, 24 have a population of less than five thousand inhabitants.

The following map (Map 01) presents information about the urban and rural populations in the region, showing that in the 24 municipalities with a population of less than five thousand inhabitants, the majority are residents of rural areas. In other words, even though most of the region's population live in urban areas, mainly due to the municipality of Erechim, a large part of the municipalities (24) has a predominantly rural population.

Map 1: Sum of population residing in urban and rural areas according to the population parameter



Source: IBGE (2010)

According to Seplan (2015), the region has currently an agricultural base related to agro-industrial production, with emphasis on poultry, cattle and pig farming. Such activities are mostly located on the north of the region, while in the southern part grain production predominates. This division of agricultural activities is due to the natural conditions of the terrain, since in the northern regions soils are more rugged and

⁸ Erechim is considered a class A sub-regional center (IBGE, 2010).

forested, what makes large-scale production difficult, while on south, soils are rather undulating covered with herbaceous vegetation, allowing for more intensive agriculture and the use of larger machines and implements. Another factor that influences this distribution of agricultural production is the size of agricultural establishments since, according to Piran (2015), in the north there are smaller properties, of up to 50 hectares, while in the south, the properties are larger, with 200 hectares or more.

Industrial production in the region is characterized by food processing and the manufacture of cabs, trailers and bodyworks of automotive vehicles, mostly located in the city of Erechim. According to information from IBGE (2018), agriculture is the predominant activity in the formation of the Gross Domestic Product (GDP) of the municipalities in the region, followed by the services sector, which predominates in the formation of the GDP of eight municipalities, by social security, in four municipalities, and energy production in two municipalities. Industrial activity and livestock farming predominate, each of these, in a single municipality.

2.4 Methodology

A documentary research (BARDIN, 1977) in the planning instruments and organic laws of the 32 municipalities of Corede Norte-RS was the first methodological step. The searches were conducted on city hall digital websites and other repositories available on the internet. Once collected, legislations were cataloged and analyzed using a keywords search tool, in order to identify elements related to the questions and hypotheses previously established to meet the objective of this research. In this case, the keywords used were: a) rural; b) field; and c) agricultural. Based on the results identified, excerpts where each of these words appeared were cut. Subsequently, the content of these clippings was again evaluated and categorized, in order to identify how these terms were used in each legislation analyzed.

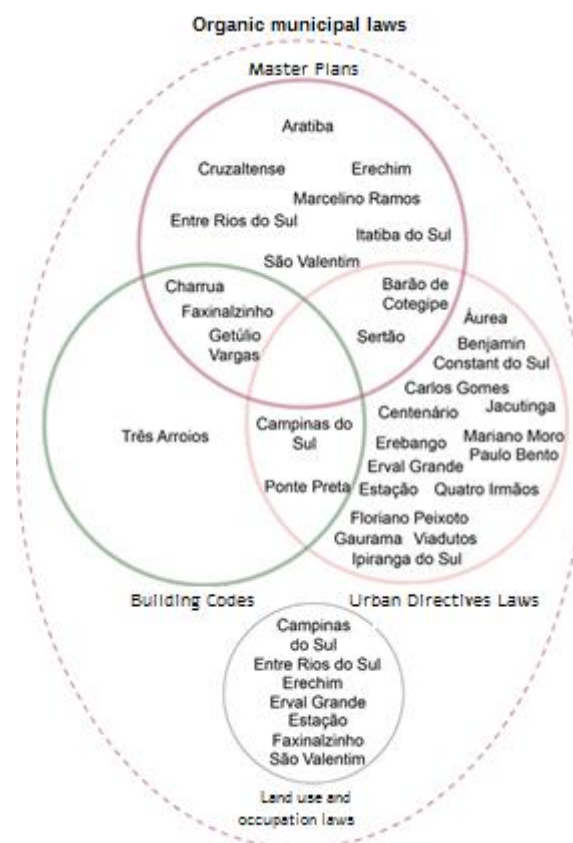
3 Territorial planning instruments for municipalities of Corede Norte-RS

Previously to the analyses, we once again resorted to a definition of territorial planning instruments, considered here to be all legislation aimed at controlling the dynamics of construction and transformation of cities and municipal territories generally (WHITAKER, 2003).

An important point to highlight is that, except for Participatory Master Plans, that is, those whose parameters are already based on what Federal Law No. 10,257 of 2001 establishes, a good part of the other laws identified in the studied municipalities makes reference to what Lage and Francisco Filho (2021) define as basic urban legislation, which comprise the Urban Perimeter Law, Zoning and/or Land Use and Occupation Law, Lotting Law and the Building Code. Finally, another point considered in this research was the inclusion of municipal organic laws in the universe of analysis, given that, despite not appearing as urban laws per se within the legal hierarchy of municipalities, the Organic Law is the main municipal legislation, followed by the Master Plan and, only then, by other legislation and municipal plans. It, therefore, carries important guiding parameters for the elaboration of municipal legislation (MORAES, 2002).

In figure 01, the main territorial planning instruments identified in Corede Norte municipalities are presented. It can be observed that the most recurrent planning instrument among municipalities in this analysis is the Urban Directives Law, followed by the Master Plans, and then by the Building Codes and the Land Use and Occupation Laws⁹ Below, the analyzes of each of the identified planning instruments are presented and the way rural space is treated by each of these legislations is demonstrated.

Figure 1: Main territorial planning instruments identified in the municipalities of Corede Norte in 2021



Source: BARIVIERA, C, A. 2021.

3.1 The rural in Municipal Organic Laws

Among the 32 municipalities approached, seven situations were identified in which rural areas were mentioned in their Organic Laws. The table below presents some notes according to the situations.

⁹ Other laws were also identified and in smaller numbers, such as: a) Urban development plan; b) health code; and c) economic, social and urban development policy, however, when searches were carried out using the terms stipulated in the methodology of this research, these presented results that were not very relevant for their inclusion with the other laws analyzed.

Table 01: Rural areas mentioned in Municipal Organic Laws

Presence of rural in public policies and actions	Number of municipalities and situations
In policies to promote economic activities	In 23 municipalities. Planned economic activities and promotion policies are aimed at agricultural activities. Only the Organic Law of the municipality of Charrua refers inclusion of tourism practices in rural areas as an economic alternative and as a way to encourage populations to remain in the countryside.
In public policies for health, basic sanitation, education, transport, maintenance of local roads, garbage collection services, water supply, electricity and telephony.	In 23 municipalities, there are plans for the urban and rural population
In policies for universalization of complete primary education and vocational education programs	In 23 municipalities, there are plans for urban and rural areas
In actions to create and maintain leisure, recreation and sports areas	In 23 municipalities, actions are planned for rural areas
Forecast for land use in rural areas	Still exclusively related to agricultural production
Planned strategies for keeping people in rural areas	In nine municipalities. In these cases, the mentioned strategies are restricted to encouraging agricultural activities
Forecast for interaction between urban and rural population	In eight municipalities. These include activities such as fairs and guided tours to the countryside, for example.

Source: Authors, 2024.

The data in the table shows that 23 municipalities include rural areas in their development strategies, but that the strategies highlighted are restricted to promoting agricultural activities. In only one case there was a type of non-agricultural activity identified – in this case, rural tourism, in Charrua. This is confirmed by the forecasts for land use, which are still restricted to agricultural activities in the municipalities, as established in Organic Laws.

In parallel, a considerable number of municipalities (23) are identified in which policies and provision of health, education, transport, roads maintenance, electrification and water supply services for rural areas are foreseen. This aspect is quite significant, given the fact that we are dealing with Organic Laws, laws that occupy the top of the legal hierarchy in municipalities and are directly reflected in other legislation.

3.2 The rural in Participatory Master Plans

The Master Plan appears after the municipal Organic Law as one of the main mechanisms for managing the territory, directly affecting the path that the municipality will take to its territorial development, organizing the territory in the present and arranging for the fulfilment of the municipality's wants and wishes in the medium and long terms (MORAES, 2002). It is worth highlighting, again, that before the promulgation of the City Statute, the incorporation of rural areas of municipalities was not common in Master Plans.

Below we present the findings in the analysis of the content of Master Plans and the inclusion and treatment of rural areas:

- (a) Only 11 of the 32 municipalities in the region have Master Plans, or variations thereof, namely: Aratiba (2008)¹⁰, Charrua (1994), Cruzaltense (2008)¹¹, Entre Rios do Sul (2009), Erechim (2016), Faxinalzinho (2012), Getúlio Vargas (1992), Itatiba do Sul (2009), Marcelino Ramos (2013), São Valentim (1984) and Sertão (2009). Also noteworthy is the lack of updating observed in most instruments, since according to Law 10,257 of 2001, these should be updated every 10 years.
- (b) Only seven of these municipalities fall within the parameters established by Federal Law No. 10,257 of 2001 regarding its mandatory nature, namely: Erechim, due to the population level and Aratiba, Cruzaltense, Itatiba do Sul, Entre Rios do Sul, Faxinalzinho and Marcelino Ramos for complying with what is stated in item 5 of article 41 of the City Statute, which deals with the mandatory Master Plan for municipalities within the area of influence of large enterprises or activities with strong environmental impact at a regional or national level – in this case, for the dams of hydroelectric plants. In other municipalities, Master Plans were adopted on an optional basis, some even prior to the City Statute.
- (c) The only Master Plans that include rural spaces are of those municipalities located in the area of influence of large enterprises or activities with major environmental impact at a regional or national level. Likewise, these are the only municipalities that have macrozones in rural spaces and, consequently, legal provisions for their use and occupation, establishing parameters for agricultural buildings and activities permitted for each zone, indices for occupation, areas of preservation, legal reserve zones, agricultural production zones, among others.
- (d) As regards standards for buildings in rural areas, the identified Plans make no mention to residential buildings, giving more attention to minimum parameters for agricultural buildings, such as poultry houses and pig pens, except for Erechim's Master Plan that, although without stipulating macrozones in rural areas, determines minimum parameters for residential buildings located in rural areas, such as: a) maximum occupancy rate of 10% of the land; b) maximum height of 3 (three) floors; c) minimum setback from any boundary and/or access of 5 (five) meters; d) the requirement for access, electricity, drinking water and

¹⁰ The dates refer to the year when the municipality's Master Plans was promulgated.

¹¹ The municipality of Cruzaltense has a Master Plan for Sustainable Urban and Environmental Development (PDDUAS) based on Federal Law 10,257 of 2001 and State Law 10,116. This latter law provides for minimum criteria and requirements for the definition and delimitation of urban areas and urban expansion, directives and general rules for lotting land for urban purposes, preparation of plans and general directives for territorial occupation by municipalities and other measures.

- treatment of domestic effluents; and e) respect for the relevant environmental, historical and cultural conditions of the location.¹²
- (e) Only Marcelino Ramos and Entre Rios do Sul include practices beyond agriculture in rural areas in their Master Plans. In these cases, the activities are tourism in rural areas and nautical tourism based on the lakes of the respective hydroelectric plants, as well as family agri-processing production.
 - (f) The municipalities of Aratiba, Entre Rios do Sul, Faxinalzinho, Itatiba do Sul and Marcelino Ramos integrate their Master Plans with other planning instruments, such as rural development plans, plans to complement the municipal road system and specific master plans for towns, villages, urban or rural communities.
 - (g) With regard to the provision of public infrastructure and facilities in rural areas, there is concern among some municipalities regarding paving of main rural roads and quality of local roads, expansion of the machinery fleet to provide assistance to rural producers and inclusion of rural areas in sanitation programs as well as promotion of public health in rural areas.
 - (h) Another point worth noting is the inclusion of rural areas in environmental aspects covered in the Master Plans, involving: a) concern of some municipalities about environmental impacts of urban and rural production practices; b) the need to strengthen the municipality's police powers over the use of urban and rural land through control and supervision of use of the territory; c) the need to guarantee a qualified urban and rural environment through preservation of natural resources. There was also the establishment of several prohibitive rules regarding the use of agrochemicals and pesticides in production areas, as well as prohibition of activities that threaten to extinguish regional flora and fauna in protected areas. The need to monitor and control the use of urban and rural land, air and soil pollution and, mainly, natural springs and water resources is highlighted, as well as the establishment of green belts with the aim of alleviating conflicts between rural and urban activities.

Based on these findings, it can be stated that in the analyzed Master Plans the view of rural areas as a space destined for agricultural production is preponderant, especially from an economic perspective. However, different from what was observed in Organic Laws, in the Master Plans we can see a treatment of rural areas interspersed with other functions, such as the enhancement and preservation of environmental heritage, the search for dialogue with other planning instruments and with rural development policies, the inclusion of other economic activities, the intentions of complementarity between city and countryside, the provision of public facilities and infrastructures, etc., thus demonstrating its importance as a planning instrument, as it is possible to note relevant advances in terms of consideration for more adequate fulfillment of local demands and a more integrated vision between rural and urban

¹² A point worth noting refers to the fact that most plans determine that any and all work, whether construction, reconstruction, renovation or addition to buildings, must first be approved by the competent municipal authority. However, the enforcement of this practice is still not effective, as we observed, during field visits, that in some situations, the approval of new works in rural areas, when these are in fact subjected to approval (what is not a common practice) is made by the economic development department and not by the technical sector responsible for analyzing projects or works.

areas. Nevertheless, such advances are still presented generically way, as proposals, without a clearer specification regarding their implementation.

3.3 The rural in the Building Codes

The Building Code is an important urban legislation, given its standardizing and monitoring nature of the constructed space, guaranteeing the safety and health of buildings and their surroundings. In general, the Building Code of a municipality must establish: a) technical standards for civil construction; b) procedures for approving projects and obtaining licenses to carry out constructions; and c) the criteria for issuing the *Occupancy Permit*, which is the certificate that the building was completed within the parameters established by legislation and is fit to be occupied. Given this, it is interesting to know whether municipalities extend these concerns and regulations to rural constructions, specifically housing.

Of the 32 municipalities that make up the object of this study, eight have Building Codes and seven out of these presented some results regarding the existence of regulations on buildings located in rural areas. However, none of them deals with issues relevant to the project, construction and use of buildings intended for housing, nor the establishment of desirable minimum technical and environmental standards.

In other words, there is no concern within this urban planning instrument, in the cases analyzed, about rural housing nor is it clear whether the same regulations applied to urban buildings are valid to these buildings, what suggests a superficial approach to an extremely important topic.

The big issue here is that, by not establishing minimum parameters and criteria for rural residential constructions, in addition to those intended for animal husbandry, storage sheds, etc., these legislations disregard important issues for the habitability, healthiness and environmental preservation in rural areas.

3.4 The rural in Urban Directives Laws and other basic urban laws

State Legislation, Law No. 10,116, Urban Development Law (RIO GRANDE DO SUL, 1994) and the Constitution of the State of Rio Grande do Sul (RIO GRANDE DO SUL, 1989) provide for the institution of a law called Urban Directives Law addressed to all municipalities with a population of less than 20 thousand inhabitants.

This urban planning instrument, like the Master Plan, acts as a regulatory agent for the social function of the city and private property, ensuring that the exercise of this right is not harmful to the collective good and is supported by local ecological issues and cultural heritage. It also establishes minimum criteria and requirements for the definition and delimitation of urban areas and urban expansion, as well as general guidelines for the territorial occupation by municipalities (RIO GRANDE DO SUL, 1989).

Among the 32 municipalities in the region, 18 presented Urban Directives Laws, in which the term rural is only used to refer to:

- a) Division of municipal territory between urban and rural areas;
- b) Regulation of buildings for agricultural use, such as pig pens, coops, warehouses, stables, slaughterhouses, etc.

c) Search for integration and complementarity between urban and rural activities with a view to socioeconomic development of the municipality and actions aimed at preserving nature for present and future generations;

d) Situations in which rural areas appear linked to lotting and land use, although only referred to distribution of plots, as long as the relevant federal legislation is respected, namely the Land Statute, Law No. 4,504 of 1964.

In these legislations, the provision of guidelines for pursuing integration and complementarity between urban and rural activities with a view to economic development, preservation of natural resources and rural development as guiding elements stand out – elements that are also part of both the State Law on Urban Development (RIO GRANDE DO SUL, 1994) and the State Constitution (RIO GRANDE DO SUL, 1989).

However, just like with the elements provided for by the City Statute (BRASIL, 2001), no mechanisms or legal procedures necessary for the establishment of these directives by municipalities were identified. In short, the predominant focus of the analyzed Urban Directives laws is put on urban issues, leaving rural spaces relegated to very specific issues and without major parameters for its use and occupation.

3.5 Land use and occupation laws

Legislation regarding land use and occupation refer to Federal Law No. 6,766 of 1979, the Lehmann Law, or Lotting Law. Among the 32 municipalities covered by this analysis, seven presented their own laws aimed at regulating land use and occupation. Regarding the presence of matters that involve rural areas, only four situations were identified, as follows.

Table 2: Approach to rural areas by Land Occupation Laws in municipalities of COREDE Norte-RS

Definition of rural areas	A rural area is considered to be any municipal area not covered by the urban and urban expansion areas, as long as it is used to carry out activities that include agricultural or extractive exploitation.
Attributions given to rural space	Agricultural and farming activities, with complementary activities including agritourism, family agribusinesses and other related activities
Land division	The identified legislation only allows division of land for urban purposes in urban areas, areas of urban expansion or of specific urbanization. Rural areas with characteristics of urban expansion must first be incorporated into the urban perimeter, subject to approval from the National Institute of Colonization and Agrarian Reform - INCRA to be lotted.
Lotting of rural land	This type of lotting is not subject to the land use and occupation laws, but rather to INCRA which, based on the Land Statute, Law No. 4,504 of 1964, defines that lots subdivision must comply with the fiscal module of 20 hectares (200,000 square meters) in force in the region.

Source: Authors, 2024.

Differently, the municipality of Erechim allows the division of land in a rural area for subdivision in gated lots aimed at industrial activities and/or commercial and

services activities related to tourism and development. In other municipalities, there is no legal provision for dividing land for carrying out non-agricultural activities or for housing on lots smaller than the fiscal module of 20 hectares.

3.6 Summary of findings

The following table summarizes the functions attributed to rural areas in each of the legislations for each researched municipality. For this synopsis, and based on the findings, we established the following indicators for the approaches to rural areas: (1) rural areas approached by legislation as an exclusively agricultural space (EA); (2) rural areas approached by legislation as spaces capable of other uses and activities (OUA), such as tourism, agri-processing and/or environmental protection activities; and (3) rural approached only indirectly in legislation (non-relevant results - NRR).

Table 3: Functions of rural space in territorial planning instruments of municipalities of Corede Norte-RS (2021)

Municipality	Planning instruments				
	Organic Law	Master plan	Buildings Code	Urban Directives Law	Land Use and Occupation Law
Aratiba	EA	OUA	-	-	-
Áurea	EA	-	-	EA	-
Barão de Cotegipe	EA	EA	-	EA	-
Barra do Rio Azul	EA	-	NRR	-	-
Benjamin C. do Sul	EA	-	-	EA	-
Campinas do Sul	EA	-	EA	NRR	EA
Carlos Gomes	EA	-	-	EA	-
Centenário	EA	-	-	EA	-
Charrua	OUA	EA	EA	-	-
Cruzaltense	EA	OUA	-	-	-
Entre Rios do Sul	EA	OUA	-	-	EA
Erebango	EA	-	-	EA	-
Erechim	EA	EA	-	-	EA
Erval Grande	EA	-	-	EA	EA
Estação	EA	-	-	NRR	EA
Faxinalzinho	EA	OUA	EA	-	EA
Floriano Peixoto	EA	-	-	EA	-
Gaurama	EA	-	-	EA	-
Getúlio Vargas	EA	EA	EA	-	-
Ipiranga do Sul	EA	-	-	EA	--
Itatiba do Sul	EA	OUA	-	-	-
Jacutinga	EA	-	-	EA	-
Marcelino Ramos	EA	OUA	NRR	-	-
Mariano Moro	EA	-	-	NRR	-

Paulo Bento	EA	-	-	NRR	-
Ponte Preta	EA	-	EA	EA	-
Quatro Irmãos	EA	-	-	EA	-
São Valentim	EA	EA	-	-	-
Sertão	EA	EA	-	EA	EA
Severiano de Almeida	EA	-	-	-	-
Três Arroios	EA	-	EA	-	-
Viadutos	EA	-	-	-	-

EA: Exclusively agricultural; **OUA:** Other uses and activities; **NRR:** Non-relevant results.

Source: BARIVIERA, C, A. (2022)

It can be seen that the approach to rural areas as exclusively agricultural spaces (EA) is still predominant, especially in the organic laws of municipalities. Looking at other legislations, we observe the predominance of the exclusively agricultural approach to rural (EA) and the indicator irrelevant approach to rural areas (NRR). The presence of other uses attributed to rural areas occurs almost exclusively in master plans. Considering that there are few municipalities that have master plans, we may infer that rural areas do not receive much attention from legislation of the municipalities under study.

4 Final remarks

The question raised by this research sought to identify which municipalities in Corede Norte-RS had instruments for space regulation and characterize them, as well as identify the kind of approach to rural areas those instruments contain. A wide range of planning instruments was observed for each of the municipalities covered by this universe of analysis, including, in some cases, their overlap.

Among the 32 municipalities analyzed, we identified a predominance of basic instruments of urban policy, which are those characterized by Land Use and Occupation, Building Codes and Urban Directives laws, which, for the most part, perpetuate notions exclusively urban for planning and exclusively agricultural for rural areas. When expanding the analysis to the municipal Organic Laws, since these serve as a basis for the development of other laws and plans at the municipal sphere, these same notions about urban and rural spaces were also verified.

It is also observed that few municipalities had Master Plans among their urban planning instruments, and even smaller the number of those whose basis for their elaboration was the City Statute. Furthermore, the lack of updating of these instruments is also noteworthy – most of them have already exceeded the ten years period stipulated by law for renewal. The only Master Plans that include rural spaces in the planning instrument, even if in a limited way, are those of municipalities located in the area of influence of large enterprises or activities with major environmental impact at a regional or national level and which are based on City Statute.

Two other instruments draw attention due to the way rural space is mentioned: the Building Codes and the Land Use and Occupation Laws. The first, by omitting rural residential buildings and emphasizing only minimum parameters for agricultural buildings, such as coops and pig pens, neglects important issues for habitability, health and environmental preservation in rural areas, which can result in populations living in

situations of unhealthiness and dangerousness. The second, by not providing for subdivision of land for carrying out non-agricultural activities or for housing/residences on lots smaller than the fiscal module of 20 hectares, gives rise to disorderly occupation and land irregularities.

In view of these aspects, what can be observed is the existence of a largely rural region, nevertheless, deeply lacking in territorial planning instruments focused on its characteristics so that to enhance them and to do planning for the municipality as a whole. It was concluded, therefore, that the territorial planning instruments of municipalities of Corede Norte region in the state of Rio Grande do Sul, even those subsequent to the City Statute (BRASIL, 2001), continue to give priority to urban areas of the municipalities to the detriment of rural areas, that is, relegating the rural space to the background when it comes to planning, and deeming it as having exclusively an agricultural vocation.

Likewise, where some appropriation of rural space was identified in the analyzed instruments, this space is still mostly approached as a space for agro-silvo-pastoral production. In other words, besides low incidence of cases in which rural areas are effectively included in territorial planning instruments, when included, this space is still deemed as opposed to the city. This clashes with recent literature on rural development, for which the countryside needs to be dealt with as a dynamic, diverse space endowed with new economic, social, cultural arrangements and in constant transformation.

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