

A Comparison Between Current Land Readjustment Implementations in Turkey and Value-Based Approach

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SUMMARY

First steps of Planned Urbanization in Turkey were taken during the last times of the Ottoman Empire. Shortly after establishment of the Republic, preparation of plans was become mandatory for all municipalities in 1930 and various legislative regulations regarding the settlement came in to effect until the World War II. After the World War II, due to the globalization and urbanization Turkey became a country searching for a constant renovation of itself. In 1956, Turkey created the legislative framework via the Zoning Law No. 6785 for the purpose of transferring to a real planned settlement. However, it could not be achieved in real implementations. In the mid-1980s, Zoning Law (No. 3194), which is currently in effect, was entered into force for readjustment of rural and urban lands, and various regulations were prepared for planned and unplanned areas in order to ease the implementation of the Law.

When those implementations proceeded based on the current Law and related regulations are analyzed, raw lands are taken into the scope of the plans and lands complying with the zoning plans are generated. Within this framework, under the name of Development Readjustment Share (DRS), a kind of “share” is taken from the land owners. In return to the value increments arising from the readjustment implementation, a deduction up to 40% from the lands currently being readjusted can be made in order to use for the common areas allocated for general services such as roads, squares, parks, green spaces, parking areas which are necessary both for residents and being readjusted areas, and also for primary and secondary schools belong to the Ministry of National Education, prayer halls, police stations and related facilities.

Zoning implementations and legislative regulations which neither meet today’s needs nor public expectations are considered in the 10th Development Plan of Turkish Government which is prepared for the period of 2014-2018. In Article 949 it is stated that “Value increases resulted by

development plans and their revisions will be assessed by objective valuation criteria and the public will be ensured to benefit more from this increase to provide for basic social infrastructure and spaces of common use.” Besides, this topic is considered in the Medium-Term Program and 2015-Program of Ministry of Environment and Urbanization. Those documents clearly show that for the calculation of DRS deductions, land values should be the base instead of the land areas, and encourage the related institutions to prepare the infrastructure of such kind of work.

In this study, previous examples and studies in the field of value based zoning implementation are examined. Determination of the values, choosing the best valuation approaches fit for the purpose, inexistence of a database which includes values determined in previous studies and works, legislative amendment requirements which have been constantly proposed in previous academic literature are some of the requirements and obstacles to be overcome for the purpose of value based zoning implementations. In this paper, all right losses stemming from the current legislation and implementations are analyzed, and a method is tried to be proposed which can enable

- determining the parcel values based on the objective criteria in an analytical approach before the implementation,
- distributing the Gains arising from value increases after the Zoning Implementation to the all parts in a balanced way,
- the Public to be able to take share from the value increases.

This proposal is also tested in an example zoning implementation in the city of Ankara and a comparison is made between the area-based and value-based implementations.