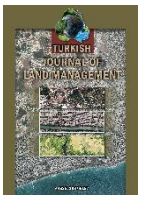
Turkish Journal of Land Management
https://dergipark.org.tr/tr/pub/tayod
e-ISSN: 2687-5187



The Role of Zoning Practices on Public Land Acquisition; Gölhisar Example

Hasan Çevik[*1]

[1] *Burdur Mehmet Akif Ersoy University, Gölhisar Vocational School, Department of Architecture and Urban Planning, 15400, Gölhisar/Burdur.*

Keywords
Land Management,
Land acquisition
Public Spaces
Contribution Partnership
Development Plan

Research Article
Received: 03/06/2025
Revised: 12/12/2025
Accepted: 16/12/2025
Published: 30/12/2025

Abstract

The purpose of this study is to examine the historical development and legal basis of the land readjustment method based on Article 18 of Zoning Law No. 3194, and to evaluate the effects of the amendments introduced by Laws No. 7181 and 7534 on the acquisition of public areas. In this study, Reconstruction plan implementation methods were briefly explained, and the advantageous and disadvantageous aspects of these methods were emphasized. Of the methods of implementary reconstruction plan, a special focus has been placed on the land readjustment. In this study, the historical development of the interruption called the contribution partnership share (CPS) in land readjustment, which takes its legal basis from Article 18 of the zoning law numbered 3194, and the advantages of the land readjustment method in terms of real estate owners are discussed. In this study, the importance of bringing accessory areas and public spaces to the public through the land readjustment method, with some changes made in the zoning laws with the laws no. 7181 and 7534, is emphasized and the role of zoning practices in obtaining public areas is emphasized. In addition, in this study, a development plan implementation registered in the Gölhisar district of Burdur province was considered in terms of the reinforcement areas provided to the public. As a result, the land readjustment method offers a more equitable approach in the acquisition of public facilities and public areas. The arrangements made with the laws numbered 7181 and 7534 will create a fairer process for both the public budget and private property owners.

In conclusion, the findings indicate that land readjustment constitutes an equitable and effective model for obtaining public areas, as further demonstrated by the implementation example in Gölhisar.

1. Introduction

There are three different zoning plan application methods for the public use of areas such as roads, squares, parks, parking lots, children's playgrounds, green areas, places of worship and police stations, educational facility areas affiliated to the Ministry of National Education, health facility areas affiliated to the Ministry, markets, neighbourhood sports areas, public transportation stations and stops, roads where access control is applied except for highways, waterways, official institution areas, cemeteries, municipality service areas, social and cultural facility areas, afforestation areas not subject to private facility construction and recreation areas. The following constitute the relevant categories: expropriation, applications made upon the request of the owner, and land readjustment (İnam and Akdeniz, 2020).

The implementation of zoning plans on land is subject to one of two application methods: optional or mandatory. Optional zoning applications encompass transactions such as subdivision, unification, and abandonment to the road, which are governed by Articles 15 and 16 of the Zoning Law. Compulsory zoning applications, in turn, refer to l land readjustment and expropriation transactions conducted within the ambit of Article 18 of the Zoning Law (Karaca, 2018).

The expropriation method is one of the zoning plan implementation methods. It is defined as the process of transferring privately owned real estate that falls within the social facilities and official institution areas in the zoning plan to public ownership. This is achieved by paying the price in advance in line with the public interest. It is important to note that the plan is only applicable to the areas required for public services during the expropriation process. While expropriation processes are based on Articles 10 and 13 of the Zoning Law No. 3194, their implementation is carried out within

***Corresponding Author**
*(hcevik@mehmetakif.edu.tr) ORCID 0000-0001-6359-3251

Cite this article
Çevik, H. (2025). The Role of Zoning Practices on Public Land Acquisition; Gölhisar Example. *Turkey Land Management Journal,* 7(2), 98-112. https://doi.org/10.51765/tayod.1712845

the framework of Law No. 4650 and Expropriation Law No. 2942. This method frequently results in the property rights of the real estate owner being compromised, whilst the advance payment of the price engenders a considerable financial obligation for the administration. The disadvantages of this method include the expropriation method's high cost, insufficient institutional budgets, implementation without the consent of the real estate owners, the initiation of litigation processes due to disagreements, and the extension of projects. Furthermore, while some real estate may experience a decline in value following expropriation, it is important to note that some real estate may also witness an increase in value due to public investments, which is another salient negative aspect of this method (Akdeniz and İnam, 2020). In certain projects employing the expropriation method, expropriation expenses have been known to account for more than half of the total cost, with the potential to either delay project completion or result in project cancellation (Aliefendioğlu and Duman, 2021).

The second of the zoning plan application methods, which are carried out upon the request of the property owner, are applications carried out with the processes of subdivision, unification, abandonment to the road and creation from the road within the framework of Articles 15 and 16 of the Zoning Law No. 3194. At this stage, the real estate owners generally carry out the abandonment to the road by consent in accordance with the implementation zoning plan. However, as not all properties are abandoned to the road in equal proportions, the plan is applied to the ground in parts.In this method, as the plan cannot be applied to the land in a holistic manner, the reinforcement areas cannot be opened to use on time and the real estate owners cannot benefit equally from the value increases that will occur (Akdeniz and İnam, 2020).

It is evident that municipalities and other public institutions encounter various difficulties in providing services to regions undergoing zoning applications in accordance with Articles 15 and 16 of the Zoning Law No. 3194. The failure to open abandoned roads has been identified as a significant impediment, causing problems in the provision of services and the development of urban infrastructure, even in the parcels where licensed buildings are located (Boz and Çay, 2020).

The objective of this study is to ascertain the most equitable and effective method for the public utilisation of facilities and public areas encompassed within the zoning plans. The significance of this study is rooted in its capacity to ensure justice and efficiency in the process of introducing the facilities and public areas encompassed within the implementation development plans to the public. This, in turn, supports the efficient utilisation of the public budget and safeguards the rights of private property owners.

This study examined a zoning application that commenced after 2019 and was registered in accordance with Article 18 of the Zoning Law No. 3194 and Law No. 7181 in the Gölhisar district of Burdur province. The data pertaining to the CPS calculation were analysed, and the processes of bringing public areas and social facilities to the public through land readjustment methods were evaluated. The study examined how areas determined as Public Partnership Share (PPS) prior to 2019 evolved into zones designated as Public Partnership Share after 2019. It was emphasised that the utilisation of land readjustment methods for the purpose of bringing public areas and facilities to the public was deemed the most equitable solution.

The existing literature compares expropriation, owner-initiated applications under Articles 15 and 16, and land readjustment under Article 18 in terms of cost, applicability, and fairness. Studies highlight that expropriation is costly and prone to disputes, while owner-initiated applications fail to ensure holistic plan implementation. In contrast, land readjustment is identified as the most systematic and equitable method for providing public areas. This study contributes to the literature by analysing post-2019 practices introduced by Law No. 7181 through the contemporary case of Gölhisar.

This study offers a distinct contribution to the literature by providing one of the first empirical assessments of land readjustment practices implemented after the amendments introduced by Law No. 7181. While prior studies largely examine the pre-2019 framework, the present research analyses a completed post-7181 implementation and thereby fills a critical gap regarding the practical functioning of the revised CPS mechanism.

2. Methodology

This study adopts a qualitative research approach based on document analysis and case study methods. First, the legal framework governing zoning plan implementation specifically Articles 15, 16, and 18 of Zoning Law No. 3194, together with the amendments introduced by Laws No. 7181 and 7534 was examined through an analysis of legislative texts, regulations, and secondary academic sources. Subsequently, the advantages and limitations of zoning implementation methods identified in the literature were evaluated comparatively.

In the case study section of the study, a development plan implementation carried out in the Gölhisar district of Burdur province after the entry into force of Law No. 7181 was selected as a case study.

The Gölhisar case was chosen because it constitutes one of the earliest fully executed zoning plan implementations conducted in accordance with Law No. 7181. Its complete cadastral documentation and clear transition from the former PPS system to the updated CPS structure provide a scientifically robust basis for evaluating the practical implications of the post-2019 legal amendments.

This study adopts a qualitative research design based on document analysis. The dataset consists of cadastral maps, the 1/1000 implementation zoning plan, the land readjustment plan, and CPS calculation sheets obtained from the municipality and the cadastre office. These documents were examined in accordance with the provisions introduced by Law No. 7181, and the implementation process was analytically evaluated. The

findings were then compared with existing literature to assess consistency and practical implications.

Official cadastral and zoning records, CPS/PPS calculations, and plan implementation documents were reviewed to assess how public facility areas were obtained through land readjustment. The transformation of PPS calculations before and after 2019 was analysed to identify changes introduced by the new legal framework. Finally, the findings obtained from the case study were compared with the general conclusions of the existing literature to evaluate the fairness and efficiency of the land readjustment method.

2.1. Historical Process of the Contribution partnership share Rate

In relation to the scope of the contribution partnership share ratio (CPSR), the provision "……..can be made with a deficiency of up to 15%." is included in the 2nd article of the law numbered 1663, which was published in the official gazette dated 2 June 1930 and numbered 1509 in our country and entered into force on 31.05.1930 (Law No. 1663, 1930). Article 6 of Law No. 2290, which was published in the official gazette dated 21 June 1933 and numbered 2433, and which entered into force on 10 June 1933, includes the provision that "……. shall be made with a deficiency of up to 15%" (Law No. 2290, 1933). Article 42 of Zoning Law No. 6785, dated 09.07.1956 and published in the Official Gazette No. 9359 on 16.07.1956, includes the following provision: "Municipalities are authorised to divide the lands into plots, either individually or in groups, and to distribute these lands to their owners with a deduction of up to twenty-five percent" (Law No. 6785, 1956). In the initial iteration of the Zoning Law, a regulation was in place that permitted deductions from the surface area during the distribution phase subsequent to the regulation. Within this context, the term "making deductions" was explicitly stipulated within the legal framework. This regulation, which was included in the zoning legislation and allowed the distribution of real estates to their owners by making a deduction of up to 25% of their net surface area without giving them consideration, was annulled by the Constitutional Court's decision numbered E. 1963/65, K. 1963/278 on 22.11.1963 on the grounds that it was contrary to Article 38 of the 1961 Constitution, which regulates expropriation (Constitutional Court of Turkey, 1963). Article 42 of the Zoning Law No. 6785 was subject to revision in conjunction with the "Law on Certain Amendments to the Zoning Law No. 6785", which was published in the official gazette dated 20 July 1972 and numbered 1605 (Law No. 1605, 1972). The amendment resulted in the revocation of the regulation that had previously granted municipalities the authority to make deductions and under-distribution on real estates included in the regulation. This regulation was replaced by the CPS application (Çay and Kandemir, 2022). Accordingly, the zoning legislation enumerated as Law No. 6785 in the year 1956 underwent an amendment in Article 42/b of the zoning legislation enumerated as Law No. 6785 in the year 1972. This amendment stipulates that a sufficient area can be deducted as the zoning partnership share in return for the value increases resulting from the zoning. However, it is important to note that the zoning partnership shares to be taken according to this article cannot exceed twenty-five percent of the pre-zoning area of the zoning lands and plots subject to zoning (Law No. 1605, 1972). Following the enactment of the Zoning Law No. 3194 on 3 May 1985, the Zoning Law No. 6785 was repealed. Article 29 of the latter law stipulated that, upon approval by the municipal council, zoning and road direction plans were to be submitted to the Ministry of Zoning and Settlement. This situation resulted in protracted approval processes for zoning plans, thereby impeding the central government's capacity to effectively oversee the zoning plans of municipalities. Consequently, Law No. 3194 was enacted to transfer the authority to approve zoning plans from the central government to local governments (Çay and Kandemir, 2022). Article 18 of the Zoning Law No. 3194, dated 03.05.1985, titled land readjustment, published in the Official Gazette No. 18749, dated 9 May 1985, includes the provision that "...the contribution partnership share to be received cannot exceed thirty-five percent of the area of the land and plots subject to arrangement before arrangement." Furthermore, the terms "mosque area" and "police station area" were included in the areas to be covered by the contribution partnership share (Law No. 3194, 1985).

The upper limit of the contribution partnership share, as stipulated in Law No. 6785, was increased from 25% to 35% with the promulgation of Law No. 3194. This amendment was implemented with the objective of averting any potential inadequacies that might ensue from the incorporation of police stations and places of worship within the ambit of the contribution partnership share, in conjunction with public domains such as roads and parks as delineated in zoning plans. Consequently, the contribution partnership share rate was increased to 35%, thus ensuring the fulfilment of the objectives. The compulsory education period, which was five years in Turkey, was increased to eight years in 1997. It was anticipated that this change would result in an increased demand for school facilities due to the introduction of the eight-year compulsory education period. Consequently, it was determined that primary education areas should be included in the contribution partnership share (Çay and Kandemir, 2022).

The Law No. 5006, which was published in the official gazette dated December 17, 2003 and numbered 25319, and accepted on December 3, 2003, made several significant changes to the scope of the contribution partnership share. Previously excluded from the scope of the contribution partnership share, the "primary and secondary education institutions affiliated to the Ministry of National Education" were now included in the scope of the contribution partnership share. Furthermore, the upper limit of the contribution partnership share rate was increased from 35% to 40%. Moreover, Article 2 of Law No. 5006, which was enacted on 3 December 2003, includes the provision that the phrase 'mosque' in Law No. 2981, dated 24 February 1984, concerning Certain Procedures to be Applied to Structures Contrary to the Zoning and Slum Legislation

and Amendment of an Article of the Zoning Law No. 6785, has been substituted with 'place of worship' (Law No. 5006, 2003).

In the Omnibus Law No. 6704, which was accepted on 26/04/2016, the following provision was included: "The phrase "road, waterway, excluding motorways, on which access control is applied" was added after the phrase "road" in the third paragraph of Article 18 of Law No. 3194" (Law No. 6704, 2016). The general service areas covered by the contribution partnership share rate are also included in the "roads with access control other than highways" and "waterway" areas, as per the regulation. The term "waterway" is defined as a watercourse used for irrigation purposes; however, it cannot be covered by the contribution partnership share. Conversely, if the waterway is intended for transportation purposes, it can be covered by the contribution partnership share. It is therefore essential to clarify the term's meaning to avoid any legal ambiguity (Çay and Kandemir, 2022).

Following the acceptance of Law No. 7139 on 28.04.2018, the Zoning Law was amended to include the following provision: "It is essential that the flood control facility areas within the area subject to regulation are covered from the remaining treasury-owned areas after the contribution partnership share is deducted for the uses specified in this paragraph. However, in instances where adequate land cannot be allocated for the flood control facility, provided that the contribution partnership share does not exceed the rate specified in the second paragraph, a share is also allocated for the flood control facility up to the rate specified in the second paragraph, subsequent to the allocation of the contribution partnership share from the surface areas of other lands and plots subject to regulation for the uses specified in this paragraph (Law No. 7139, 2018). The regulation in question stipulated that flood control facility areas could be covered by the contribution partnership share. Consequently, the term "flood control facility area" was included in the list of general service areas under Law No. 7139 (Çay and Kandemir, 2022).

The Law No. 7181 on Amendments to the Land Registry Law and Certain Laws, which was accepted on 04.07.2019, introduced amendments to the partnership shares in the Zoning Law No. 3194 by regulating them as "the places subject to regulation and the public service areas such as roads, squares, parks, parking lots, children's playgrounds, green areas, places of worship and police stations, educational facility areas affiliated to the Ministry of National Education, health facility areas affiliated to the Ministry of Health, markets, neighbourhood sports areas, public transportation stations and stops, roads where access control is applied except for highways, waterways, official institution areas, cemeteries, municipality service areas, social and cultural facility areas, areas to be afforested that are not subject to the construction of private facilities, and parcels allocated as recreation areas and picnic areas (Law No. 7181, 2019). The aforementioned legislation entailed the amalgamation of public and general service areas into public service areas, thereby augmenting the number of areas that could be acquired within the purview of the CPS from 15 to 23 (Yılmaz and Yılmaz, 2024).

An examination of the regulation made with Law No. 7181 reveals that the expression "primary and secondary education institutions area affiliated to the Ministry of National Education" to be covered from the contribution partnership share has been changed to "education facility area affiliated to the Ministry of National Education". In addition, the contribution partnership share has been expanded to include the following areas: "health facility area affiliated to the Ministry of Health", "public institution area", "cemetery area", "municipality service area" and "social and cultural facility area". This change has resulted in the scope of areas that can be obtained with the contribution partnership share being expanded. It is evident that Public Partnership Shares PPS have been abolished and, in their stead, the CPSR to be taken during the distribution of lands and plots subject to regulation in Article 18 of the Zoning Law No. 3194 has been increased from 40% to 45% (Law No. 7181, 2019). The primary objective of encompassing official institution areas within the contribution partnership share is to guarantee that all public areas are comprehensively covered by the contribution partnership share within a single category. In contemporary zoning practices, all public areas and official institution areas are subject to the contribution partnership share. In instances where the contribution partnership share is inadequate, treasury lands become applicable. In scenarios where treasury lands are insufficient, expropriation is executed through the process of agreement (Çay and Kandemir, 2022). This innovation in the legislation has simplified the process by removing the distinction between CPS and PPS and has facilitated the work of the administrations by expanding public areas (Çepni and Doğuyıldız, 2022).

As is evident, the contribution partnership share rate has been increased in order to resolve the issues encountered during the implementation of urban plans in the physical area. In this process, the free deduction rate, which was 15% in 1933, was increased to 25% in 1972, 35% in 1985, 40% in 2003 and 45% in 2019. In summary, a solution was sought by increasing the rate at a rate of 15-20 years. If this understanding is sustained, it is predicted that the rate will reach 50% in the 2030s (Akdeniz, 2022).

The laws enacted in our country from 1930 to the present, along with the deduction rates introduced by these laws, are presented in Table 1.

Table 1. Laws enacted since 1930 and the deduction rates introduced by these laws

Year	Deduction Rate	Official Gazette Date and Number	Law Number	Name of the Law
1930	15%	Official Gazette dated 02.06.1930 and numbered 1509	1663	Law No. 1504 dated June 8, 1929
1933	15%	Official Gazette dated 21.06.1933 and numbered 2433	2290	Municipal building and roads law
1956	25%	Official Gazette dated 16.07.1956 and numbered 9359	6785	Zoning Law
1972	25%	Official Gazette dated July 20, 1972 and numbered 1605	1605	Law No. 6785 on Certain Amendments to the Zoning Law
1985	35%	Official Gazette dated May 9, 1985 and numbered 18749	3194	Zoning Law
2003	40%	Official Gazette dated 17 December 2003 and numbered 25319	5006	Law on Amending the Law on Certain Procedures to be Applied to Buildings Contrary to the Zoning Law and Zoning and Slum Legislation and Amending an Article of the Zoning Law No. 6785
2019	45%	Official Gazette dated 10/07/2019 and numbered 30827	7181	Law on Amendments to the Land Registry Law and Certain Laws

In this country, amendments to zoning practices and regulatory partnership shares are documented in two distinct tables: the first, entitled "Changes made from 1956 to 2018 (including 2018)", and the second, "Changes made in 2019". Table 2 display concerns laws enacted from 1956 to 2018 (including 2018) and the subsequent changes brought by these laws. Table 3 provides a comprehensive overview of the amendments to the Contribution partnership share Ratio as outlined in the Law on Amendments to the Land Registry Law No. 7181 and Associated Legislation, which came into effect in 2019.

2.2. Some Important Issues Introduced by Law No. 7181

The most substantial amendment to Article 18 of the Zoning Law, which establishes the foundation for land readjustment, occurred subsequent to 1985 with the enactment of Law No. 7181 in 2019. Subsequently, the regulation of this legislation was revised in 2020 (Çepni and Doğuyıldız, 2022).

2.2.1. Making Public Areas Reserved for Public Services

The primary objective of zoning applications is to reorganize existing property in accordance with the land use decisions stipulated in the zoning plan, thereby establishing a new ownership structure through registration with the land registry (Sadıç and Arabacı, 2013). In accordance with Article 7 of Law No. 7181 on Amendments to the Land Registry Law and Certain Laws dated 04/07/2019, which came into effect upon publication in the Official Gazette dated 10/07/2019, Article 13 of the Zoning Law No. 3194 was amended by Law No. 7181. The title of the article was amended from "Places allocated to public services in zoning plans" to "Places allocated to public services and public services in zoning plans". The law stipulates that, within the five-year zoning program period in areas subject to a definitive construction ban, it is mandatory to transfer these parcels to public ownership. The primary objective of this process is to encompass the CPS within the scope of Article 18. However, if this proves unfeasible, the acquisition process is to be conducted through barter or purchase in accordance with the Expropriation Law. The five-year period can be extended for a maximum of one additional year if deemed necessary (Bilgin, 2020). This article sets out the process by which areas designated for public services or general services in zoning plans are to be transferred to public ownership. It also stipulates that real estate owned by private entities may be allocated for public services in zoning plans. These areas can initially be transferred to the public domain by deducting the CPS through the land readjustment method, as outlined in Article 18, and that if this cannot be resolved with Article 18, then the Expropriation Law No. 2942 will come into play and these real estates can be transferred to public ownership through barter (exchange) or expropriation.

Table 2. Laws enacted from 1956 to 2018 (including 2018) and changes brought by these laws

Year	Name of the Law	Law Number	Statement Regarding the Change
1956	Zoning Law	6785/42	The phrase "…… is made with a deficiency of up to 15%" in Article 6 of Law No. 2290, which entered into force on 10.06.1933, underwent a revision, with the revised text reading "Municipalities are authorised to divide …… into plots, individually or in groups, and to distribute these places to their owners with a deficiency of up to twenty-five percent."
1972	Law on Certain Amendments to the Zoning Law	6785/42b	The amendment resulted in the repeal of the regulation that had previously granted municipalities the authority to make deductions and under-distribution on real estates included in the regulation. This regulation was replaced by the CPS practice.
1985	Zoning Law	3194	a-) The present Zoning Law No. 3194 was accepted on 3 May 1985, thereby repealing the previous Zoning Law No. 6785. b-) In accordance with Article 29 of Zoning Law No. 6785, zoning and road direction plans were to be submitted to the Ministry of Zoning and Settlement for approval, subsequent to their endorsement by the municipal council. An amendment to Law No. 3194 transferred the authority to approve such plans from the central government to local governments. c-) The areas to be covered by the partnership share of the regulation have been expanded to include "mosque location" and "police station location". d-) The upper limit of the Contribution partnership share Rate, which was 25% in the zoning law numbered 6785, was increased to 35% with the zoning law numbered 3194.
2003	Law on Amending the Law on Certain Procedures to be Applied to Buildings Contrary to the Zoning Law and Zoning and Slum Legislation and Amending an Article of the Zoning Law No. 6785	5006	a-) It is evident that primary and secondary education institutions affiliated with the Ministry of National Education, which were previously excluded from the regulatory partnership share, have now been included in the regulatory partnership share. b-) The upper limit of the regulatory partnership share ratio has been increased from 35% to 40%. c-) The term "mosque" has been substituted with "place of worship".
2016	Law on Granting Monthly Allowances to Needy, Weak and Destitute Turkish Citizens Over 65 Years of Age and Law on Amendments to Certain Laws and Legislative Decrees	6704	The regulation in question expanded the ambit of the general service areas covered by the partnership share ratio to encompass "roads with access control other than highways" and "waterway" areas.
2018	Law on Amendments to the Law on the Organization and Duties of the General Directorate of State Hydraulic Works and Certain Laws and the Decree Law on the Organization and Duties of the Ministry of Food, Agriculture and Livestock	7139	The regulation in question stipulated that flood control facility areas could be covered by the contribution partnership share. Consequently, the term "flood control facility area" was included in the list of general service areas under Law No. 7139.

Table 3. Changes regarding CPSR that came into force with Law No. 7181

Year	Name of the Law	Law Number	Statement Regarding the Change
2019	Law on Amendments to the Land Registry Law and Certain Laws	7181	a-) In the Zoning Law No. 3194, the partnership shares of the Regulation were amended by regulating it as "...the places subject to regulation and the public service areas such as roads, squares, parks, parking lots, children's playgrounds, green areas, places of worship and police stations, educational facility areas affiliated to the Ministry of National Education, health facility areas affiliated to the Ministry of Health, markets, neighbourhood sports areas, public transportation stations and stops, roads where access control is applied except for highways, waterways, official institution areas, cemeteries, municipality service areas, social and cultural facility areas, areas to be afforested that are not subject to the construction of private facilities, and parcels allocated as recreation areas and picnic areas." The aforementioned legislation has resulted in the amalgamation of public and general service areas, thereby establishing public service areas. b-) An examination of the regulation made with Law No. 7181 reveals that the expression "primary and secondary education institutions area affiliated to the Ministry of National Education", which will be covered from the partnership share of the regulation, has been changed to "educational facility area affiliated to the Ministry of National Education". c-) In accordance with the provisions stipulated in Law No. 7181, the health facility area, the official institution area, the cemetery area, the municipality service area and the social and cultural facility area have been incorporated into the ambit of the partnership share of the regulation. d-) Following the abolition of the Public Partnership Share by Law No. 7181, the distinction between the CPS and the PPS was eliminated. e-) The upper limit of the regulatory partnership share ratio has been increased from 40% to 45%. f-) Article 13 of the Zoning Law No. 3194 has undergone amendments as a consequence of Law No. 7181. The title of the article, which was previously "Places allocated to public services in zoning plans", has undergone a change to "Places allocated to public and public services in zoning plans" as a consequence of this amendment.

In instances where the construction in the designated zoning block has been largely completed and the necessary permits have been obtained, the primary objective is to implement the remaining cadastral parcels within the framework of Article 18 of the Zoning Law No. 3194. This process involves bringing the facilities and public areas into the public domain. However, should the prevailing construction conditions render the implementation of facilities and public areas within the purview of Article 18 unfeasible, it is permissible to proceed in accordance with Articles 15 and 16, thereby ensuring the integration of said facilities and public areas into the public domain (Odabaş, 2022).

2.2.2. Subdivision and Unification in Areas with Implementation Development Plans

The Zoning Law is comprised of seven sections in total. The title of the third section, which was previously entitled "Division and Unification Procedures", was amended to "land readjustment principles" with the regulation made by Law No. 7181 (Bilgin, 2020). It can be posited that the amendment was made to emphasise that land readjustment are a fundamental instrument in implementing the zoning plan (Tetik, 2022). In addition to the aforementioned amendment, various regulations have been made to Article 15 of Law No. 3194, and new paragraphs have been added to the article.The first paragraph of Article 15, titled "Subdivision and Unification" of the Zoning Law No. 3194, has been amended.Prior to the amendment, this paragraph was regulated as follows: "The division or unification of parts of real estate coinciding with areas allocated for public services, such as roads, squares, green areas, parks and parking lots, according to zoning plans, shall not be permitted."However, following the amendment, the paragraph has been rearranged as follows: "In areas with a zoning plan, it is essential to first prepare a subdivision plan in accordance with the implementation zoning plan." The second paragraph of Article 15, titled "Subdivision and Unification" of the Zoning Law No.

3194, has undergone amendments. Previously, the stipulation was that "In areas where the zoning subdivision plan has been completed, the subdivision or unification to be made must be in accordance with these plans." The regulation was previously formulated as follows: "In areas where the zoning plan has been completed, subdivision and unification transactions can be carried out in areas where the subdivision plan has been registered." However, following the amendment, the regulation was revised to state that "In areas with a zoning plan, subdivision and unification transactions can be carried out in areas where the subdivision plan has been registered." This revised regulation stipulates that subdivision and unification transactions can only be carried out in areas where the subdivision plans have been completed and registered. Consequently, these transactions cannot be carried out in areas that do not have a subdivision plan (Bilgin, 2020).

Following the enactment of Law No. 7181, it has become obligatory to undertake land readjustment in regions where a zoning plan has been implemented. Subsequent to this, the subdivision and unification processes are to be initiated (Çoruhlu et al., 2019). The following statement was incorporated into the third paragraph of the third section of Law No. 3194: "The subdivision or unification to be made in places where the subdivision plan has been registered must be in accordance with the zoning plans and zoning legislation" (Law No. 7181, 2019).

According to Article 15, Paragraph 4 of Zoning Law No. 3194, subdivision and amalgamation procedures carried out in areas with a parcelation plan must primarily comply with zoning plans and zoning legislation. The fourth paragraph of Article 15 of the zoning law numbered 3194 regulates special situations related to public investments and areas belonging to public property. The provision stipulates that in instances where public investments or areas belonging to public property fall within the jurisdiction of public administrations as defined in the Public Financial Management and Control Law numbered 5018 dated 10/12/2003, and in residential areas where where subdivision plans cannot be applied, in areas with a conservation zoning plan and in the remaining parts of the zoning blocks, the majority of which are formed in accordance with the implementation zoning plan, the conditions specified in the provisions of the first and second paragraphs of this article shall not be sought."This regulation clearly states that the conditions in the first and second paragraphs shall not be applied for subdivision and unification processes in the specified areas. This paragraph eliminates the prohibition of subdivision and unification in public buildings, buildings to be used by the public, and areas with a conservation zoning plan, and the conditions for subdivision and unification in accordance with the plan.This regulation introduces an exception to the general rule for the specified real estates (Bilgin, 2020). Upon the implementation of the zoning plan in question, it has been observed that public areas are generally found to be concentrated in regions where the processes of subdivision and unification have not been executed. This phenomenon can be attributed to the high regulatory partnership share in these areas, which serves to impede the submission of zoning applications based on land readjustment (Tetik, 2022).

2.2.3. Land Readjustment

Article 18 of Law No. 3194 previously regulated zoning practices and parceling procedures under the title of " land readjustment ". However, with the amendment made by Law No. 7181, the article title was changed to "Preparation of Parcelling Plans".The text of the article regulates the procedures related to zoning practices, and with the amendment, many issues are included in the scope of the legal regulation. The amendment of the article title was deemed an appropriate measure, given that zoning practices should be based on parceling plans (Bilgin, 2020).

In 2019, an amendment was made to Article 18 of the Zoning Law by Law No. 7181, which introduced the concept of an "equivalent area" into the legal text. This amendment resulted in the following alteration to Article 18: "The parcels to be given to the real estate owners as a result of the regulation shall be given primarily from the location of the real estate subject to regulation, or if this is not possible, from the nearest equivalent area" (Çepni and Doğuyıldız, 2022).

In accordance with Law No. 7181, within the designated zoning blocks of the regulation area, the establishment of independent shared plots and lands is permitted, provided that the minimum parcel size stipulated is met. This approval is contingent upon the consent of the shareholders or the prevailing usage status.Additionally, the absence of a provision in the implementation zoning plan precludes the creation of parcels below the minimum parcel size stipulated in the regulation. Furthermore, in instances where the **c**ontribution **p**artnership **s**hare cannot be obtained from the parcels due to existing structures, it has been stipulated that the amount of this share can be converted into a price in the expropriation transactions to be carried out for the purpose of implementing the regulation (Law No. 7181, 2019).

As outlined in Table 4, significant amendments have been made to the Land Registry Law and associated legislation in accordance with the provisions of Law No. 7181, which came into effect in 2019.

Table 4. Some important changes made to the law numbered 7181 regarding division and unification

Year	Name of the Law	Law Number	Statement Regarding the Change
2019	Law on Amendments to the Land Registry Law and Certain Laws	7181	a-) The title of the third chapter of the zoning law numbered 3194 was previously entitled "Subdivision and Unification Procedures", but was subsequently altered to " land readjustment principles" with the enactment of Law numbered 7181. b-) The first paragraph of Article 15 of Zoning Law No. 3194, titled "Subdivision and Unification", stipulates the following: "The subdivision or unification of parts of real estate that coincide with areas allocated for public services, such as roads, squares, green areas, parks and parking lots according to zoning plans, is not permitted." Following the amendment, the paragraph was rearranged as follows: "In areas with a zoning plan, it is essential to first prepare a subdivision plan in accordance with the implementation zoning plan." c-) The second paragraph of Article 15 of the Zoning Law No. 3194, titled "Subdivision and Unification", was subject to amendment. The previous formulation stated, "The subdivision or unification to be made in areas where the zoning subdivision plan has been completed must be in accordance with these plans." The current formulation is now, "In areas with a zoning plan, subdivision and unification transactions can be made in areas where the subdivision plan has been registered." d-) The phrase "The subdivision or unification to be made in places where the subdivision plan has been registered must be in accordance with the zoning plans and zoning legislation" was added as the third paragraph to the third section of Law No. 3194. e-) The fourth paragraph of Article 15 of Zoning Law No. 3194 deals with special situations relating to public investments and areas belonging to public property, and the following provision has been added: "In public investments or areas belonging to public property within the authority of public administrations within the scope of central administration specified in the Public Financial Management and Control Law No. 5018 dated 10/12/2003, in residential areas where the subdivision plan cannot be applied, in areas with a conservation zoning plan and in the remaining parts of zoning blocks, the majority of which are formed in accordance with the implementation zoning plan, the conditions specified in the provisions in the first and second paragraphs of this article shall not be sought."

As outlined in Table 5, significant amendments have been made to the legislation pertaining to land readjustment, as stipulated in Law No. 7181 on Amendments to the Land Registry Law and Certain Laws. These amendments were officially implemented in 2019.

The "Law on Amendments to the Village Law and Certain Laws" numbered 7534, which was accepted on 05.12.2024, in which significant changes were made to the zoning law numbered 3194, was published in the official gazette dated 12.12.2024 and numbered 32750 and entered into force.

2.3. Some Important Issues Introduced by Law No. 7534

2.3.1. Transfer of Development Rights

The definition of transfer of development rights is set out in Article 4 of Law No. 7534. The definition stipulates that in areas where a 1/1000 scaled development plan is in place, land readjustment has been made or is not possible. In cases where the right to construction subject to private property cannot be granted on the parcel due to the fact that the whole or part of the parcel remains in public and public service areas, the process of transferring the construction right based on the comparable that cannot be granted to another parcel or parcels with a zoning plan decision is permitted. The provision is included (Law No. 7534, 2024).

Table 5. Some important changes made to the law no. 7181 regarding land readjustment

Year	Name of the Law	Law Number	Statement Regarding the Change
2019	Law on Amendments to the Land Registry Law and Certain Laws	7181	a-) Article 18 of Law No. 3194, which previously regulated the implementation of zoning and the processes involved in the division of land under the title of " land readjustment ", was changed to "Preparation of Parcelling Plans" with the amendment made by Law No. 7181. b-) In 2019, an amendment was made to Article 18 of the Zoning Law by Law No. 7181, which introduced the concept of an "equivalent area" into the legal text. This amendment resulted in the following alteration to Article 18: "The parcels to be given to the real estate owners as a result of the regulation shall be given primarily from the location of the real estate subject to regulation, or if this is not possible, from the nearest equivalent area." c-) It has been stated that in the zoning blocks within the regulation area with Law No. 7181, if the minimum parcel size is provided, the shared plots and lands can be made independent with the approval of the shareholders or according to the actual usage status. d-) As outlined in Law No. 7181, in the absence of a provision in the implementation zoning plan, the creation of a parcel below the minimum parcel size determined in the regulation is prohibited. e-) In accordance with the provisions stipulated within Law No. 7181, in instances where the contribution partnership share cannot be obtained from the relevant parcels due to the presence of existing structures, the amount of this share is to be converted into a price in the expropriation transactions to be carried out for the purpose of implementing the arrangement.

2.3.2. Contribution partnership share Areas

In accordance with Article 6 of Law No. 7534, the following phrases were added to the contribution partnership share areas: "public nurseries and daycare centres, bus station area, sports area serving the whole region, technical infrastructure and transformer area planned for public service and other public and public service areas brought by the implementation zoning plan" (Law No. 7534, 2024). The most significant changes made by Law No. 7534 are illustrated in Table 6.

Table 6. Some important changes made by Law No. 7534

Year	Name of the Law	Law Number	Statement Regarding the Change
2024	Law on Amendments to the Village Law and Certain Laws	7534	a-) The transfer of development rights has been introduced. b-) The provisions of the CPS will be applicable to public nurseries and daycare centres. c-) The bus station areas will be covered by CPS. d-) Sports fields serving the entire region will be covered by CPS. e-) The technical infrastructure and transformer areas planned for public service will be covered by CPS. f-) The implementation of the zoning plan will result in the coverage of other public and public service areas by the CPS.

3. Material and Method

In this study, the focus is on an individual zoning application that has been registered within the scope of Article 18 of the Zoning Law No. 3194 and the Law on Amendments to the Land Registry Law and Certain Laws No. 7181 dated 04/07/2019 in the Gölhisar district of the Burdur province. The subdivision plan of the zoning application is shown in Figure 1.



Figure 1. Subdivision plan of the zoning application

In the zoning application, the data regarding the calculation of the CPS were analysed, and the processes of bringing public areas and social facilities to the public through land readjustment methods were evaluated. In this study, upon examination of the 1/1000 scale Implementation Zoning Plan, it was determined that the cadastral parcel numbered 461/52 was designated as the "Open Sports Facility Area" in the zoning plan, as illustrated in Figure 2. In accordance with the most recent regulations (2019), open sports facility areas were removed from the scope of PPS and included in the scope of CPS.

Prior to 2019, the incorporation of all proprietors within the regulatory domain as shareholders in the PPS regions resulted in a substantial number of shareholders, often numbering in the hundreds, within these areas. This state of affairs led to an augmentation of the expropriation process, thereby occasioning delays in investments that extended over a period of years as a consequence of legal proceedings.

Following the dissolution of the Public Partnership Share application in 2019, issues pertaining to expropriation in official institution areas were effectively addressed. Prior to this development, there had been instances of both expropriation and non-expropriation seizures in numerous real estate cases originating from areas (Güler and Ertaş, 2022).

Within the context of zoning applications, expropriation will not be necessary due to the inclusion of the open sports facility area within the Contribution partnership share Ratio, which will eliminate the financial burden on the relevant administration and ensure the timely and uninterrupted execution of public investments.

In the zoning application, the CPSR was calculated as 34.500%. The total area of the cadastral parcel numbered 461/52 is 7698.05m^2.Of this, 2655.83m^2 was deducted as CPS The remaining area after the deduction is therefore 5042.22m^2. The distribution of the remaining net amount after the deduction is illustrated in Table 7, detailing the allocation to individual parcels and the respective amounts.

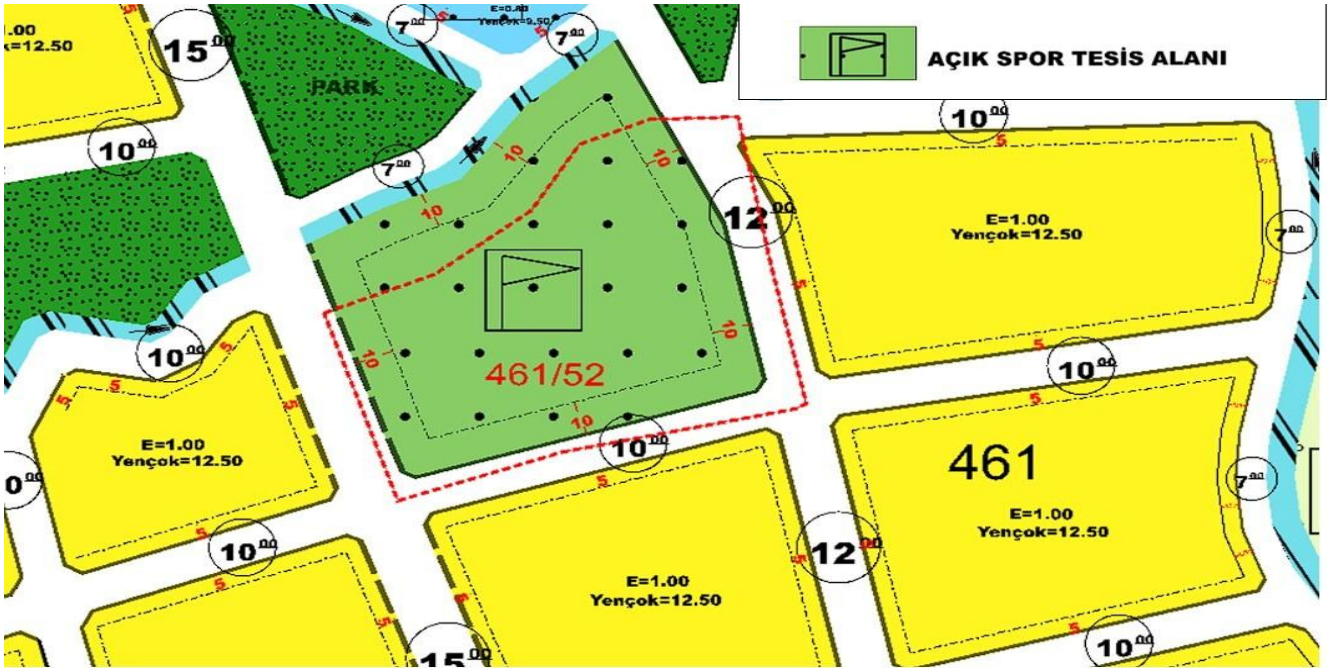


Figure 2. 1/1000 Scale Implementation Zoning Plan of parcel 461/2

The CPSR calculation is based on the formula presented by Uzun et al. (2024).

$$CPSR = \frac{\sum KPA - \sum IAA}{\sum KPA} \qquad (1)$$

In this formula:

- $\sum KPA$ represents the total area of cadastral parcels included in the readjustment,
- $\sum IAA$ refers to the total area of the block(s) to be re-parceled within the readjustment zone.

Adapted from Uzun, et al., (2024).

Table 7. The situation of the parcel 461/52 as a result of the zoning application

Old Parcel No.	Area(m2)	CPSR	Cut (m2)	Remaining (m2)	Island/ parcel	Area (m2)
461/52	7698.05	0.345000	2655.83	5042.22	796/3	708.63
					796/4	708.86
					796/8	612.49
					806/1	400.00
					806/10	520.34
					806/11	520.32
					807/5	412.49
					811/6	403.25
					811/8	755.84

The subdivision plan illustrating the post-distribution status of the old 461/52 cadastral parcel in the zoning application is presented in Figure 3.



Figure 3. Parceling plan showing the post-distribution status of 461/52 cadastral parcels

Had the application been implemented prior to 2019, all shareholders within the designated area would have continued to hold shares in 794/1, which was earmarked for an open sports facility in the zoning plan. In such a scenario, the construction of the sports facility would have necessitated expropriation of the parcel, a process that could have taken years and resulted in a delay to the commencement of the project. The total area designated for public use within the specified arrangement area amounts to 99,402.38m^2. The public areas acquired through the zoning application, along with the surface areas of these zones, are delineated in Table 8.

Table 8. Public areas gained through zoning and their surface areas

Public Spaces and Amenity Areas	Area (m2)
Parking Areas	26 859.38
School Area	12 336.27
Open Sports Area	7 542.01
Social Cultural Facility Area	6 405.04
Road Areas	46 259.68
Total Public and Amenity Areas	**99 402.38**

4. Results and Discussion

Applications made through division and unification have been shown to offer certain advantages to some owners, whilst causing losses to others. Therefore, it would be more appropriate to bring the facilities and public areas to the public through a more equitable method, namely land readjustment.

It was stated in the amendment to Law No. 7181 that the parts of privately owned real estates located in areas allocated for public services in zoning plans should first be made public by making a deduction for the CPS through the land readjustment method, as outlined in Article 18. However, it has been observed that in certain municipalities within our country, the facility areas are made public by the decision of the municipal council, in accordance with Articles 15 and 16 of the zoning law No. 3194.

The recent increase in the CPSR to 45% as stipulated in Law No. 7181 has implications for the allocation of land for public and public services in zoning plans. The CPS now applies to these areas without the need for expropriation, and this does not result in additional costs to the public budget.

The Law on Amendments to the Village Law and Certain Laws No. 7534, adopted on 05.12.2024, aims to address the concerns of owners who have shares in Public Partnership Share areas in zoning practices carried out before 2019. This regulation will enable owners to exercise their rights in various areas through the transfer of zoning rights, without the necessity of undergoing the expropriation process. The valuation of these rights will be determined by licensed valuation institutions, and shareholders will be able to exercise these rights in the new parcels allocated to them. This regulatory framework is designed to safeguard the rights of shareholders while ensuring the transformation of parcels designated as Public Partnership Share areas prior to 2019 into public service.

In this study, an analysis is conducted of a zoning application that has been registered within the scope of Article 18 of the Zoning Law No. 3194 and the Law on Amendments to the Land Registry Law and Certain Laws No. 7181 dated 0 4/07/2019 in the Gölhisar district of the Burdur province was examined and it was found that the total area of public areas gained with the zoning application was 99,402.38 m^2.

The development of CAD-based software supported by artificial intelligence is recommended for the purpose of accelerating and enhancing the precision of land readjustment. These software applications are capable of executing zoning applications in accordance with Article 18 of the Zoning Law No. 3194 and the regulation on land readjustment. Furthermore, the preparation of parceling plans in accordance with the net amount remaining after the CPS deduction according to the application zoning plan facilitates the automatic creation of sequential and registration-based distribution tables for cadastral parcels, thereby preventing potential errors in zoning applications.

Author Contributions

A single author carried out the study.

Conflicts of İnterest

Author of the present study does not have any conflicts.

Statement of Research and Publication Ethics

Research and publication ethics were complied with in the study.

References

Law No. 1605 (1972). 6785 sayılı İmar Kanununda bâzı değişiklikler yapılması hakkında Kanun. Official Gazette No. 14251, July 20, 1972. [in Turkish]

Law No. 1663. (1930). 8 haziran 1929 tarih ve 1504 numaralı kanuna müzeyyel kanun. Official Gazette No. 1509, June 2, 1930. [in Turkish]

Law No. 2290. (1933). Municipal Buildings and Roads (Belediye Yapı ve Yollar Kanunu). Official Gazette No. 2433, June 21, 1933. [in Turkish]

Law No. 2942. (1985). Kamulaştırma Kanunu. Official Gazette No. 18749, May 9, 1985. [in Turkish]

Law No. 2981. (1985). İmar ve Gecekondu Mevzuatına Aykırı Yapılara Uygulanacak Bazı İşlemler ve 6785 Sayılı İmar Kanununun Bir Maddesinin Değiştirilmesi Hakkında Kanun. Official Gazette No. 18335, March 8, 1985. [in Turkish]

Law No. 3194. (1985). Zoning Law (İmar Kanunu). Official Gazette No. 18749, May 9, 1985. [in Turkish]

Law No. 4650. (2001) Kamulaştırma Kanununda Değişiklik Yapılması Hakkında Kanun. Official Gazette No. 24393, April 24, 2001. [in Turkish]

Law No. 5006. (2003). İmar Kanunu ile İmar ve Gecekondu Mevzuatına Aykırı Yapılara Uygulanacak Bazı İşlemler ve 6785 Sayılı İmar Kanununun Bir Maddesinin Değiştirilmesi Hakkında Kanunda Değişiklik Yapılmasına İlişkin Kanun. Official Gazette No. 25319, December 17, 2003. [in Turkish]

Law No. 6704. (2016). 65 Yaşını Doldurmuş Muhtaç, Güçsüz ve Kimsesiz Türk Vatandaşlarına Aylık Bağlanması Hakkında Kanun ile Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılmasına Dair Kanun. Official Gazette No. 29695, April 26, 2016. [in Turkish]

Law No. 6785. (1956). Mülga İmar Kanunu. Official Gazette No. 9359, July 16, 1956. [in Turkish]

Law No. 7139. (2018). Devlet Su İşleri Genel Müdürlüğünün Teşkilat ve Görevleri Hakkında Kanun ile Bazı Kanunlarda ve Gıda, Tarım ve Hayvancılık Bakanlığının Teşkilat ve Görevleri Hakkında Kanun Hükmünde Kararnamede Değişiklik Yapılmasına Dair Kanun, Official Gazette No. 30405, April 28, 2018. [in Turkish]

Law No. 7181. (2019). Tapu Kanunu ve Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun. Official Gazette No. 30827, July 10, 2019. [in Turkish]

Law No. 7534 Köy Kanunu ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun. (2024). Official Gazette No. 32750, December 12, 2024. [in Turkish]

Akdeniz, H. (2022). Land readjustment as an implementation tool of urban plans. İDEALKENT, 13(37), 1753–1771.

Akdeniz, H. B., and İnam, Ş. (2020). Professional competence in determining the boundary of

urban land regulation. Turkish Journal of Land Management, 2(2), 62–66.

Aliefendioğlu, Y., & Duman, İ. (2021). Discussion of opening ring roads through Article 18 implementations of Zoning Law No. 3194 from theoretical and practical perspectives: The case of Van Province. *Journal of Turkish Social Research*, 25(2), 407–424.

Bilgin, H. (2020). An examination of the amendments to the Zoning Law under Laws No. 7153 and 7181. *Anadolu University Faculty of Law Journal, 6*(2), 339–385.

Boz, Y., & Çay, T. (2020). Examination of gratuitous land dedications within zoning implementation in the context of Council of State decisions. *Turkish Journal of Land Management, 2*(1), 10–17.

Constitutional Court of Turkey. (1963). Decision dated 22/11/1963, E. 1963/65, K. 1963/278. Official Gazette No. 11606, January 14, 1964. [in Turkish]

Çay, T., & Kandemir, E. S. (2022). The development process of zoning implementation legislation in Turkey. *Geomatics, 7*(1), 26–40.

Çepni, M. S., & Doğuyıldız, C. (2022). Some evaluations on the 2020 amendments to the land readjustments. *Turkish Journal of Land Management, 4*(2), 54–61.

Çoruhlu, Y. E., Bayram, U., & Yıldız, O. (2019). Examination of the consolidation requirement restriction arising from zoning plans on property ownership. *Selçuk University Faculty of Law Review, 27*(3), 411–434.

Güler, N., & Ertaş, M. (2022). Examination of sustainable land management at the urban scale. *Advanced Land Management, 2*(2), 79–88.

İnam, Ş., & Akdeniz, H. B. (2020). Professional competence and ethics in the selection of zoning plan implementation methods. *Turkish Journal of Land Management, 2*(2), 56–61.

Karaca, A. G. E. (2018). An examination of land readjustment within the framework of relevant legislation among zoning plan implementation methods. *Journal of the Court of Jurisdictional Disputes*, (11), 217–261.

Odabaş, A. İ. (2022). *Examination of the amendments and their impacts in* land readjustment *legislation: The case of Çorum province* (Master's thesis). Ondokuz Mayıs University, Graduate School of Education.

Sadıç, Ö., & Arabacı, C. (2013). Application methods and problems encountered in zoning plan implementations. In *1st International Urban Transformation Symposium* (October 7–8).

Tetik, A. T. (2022). Subdivision and amalgamation procedures in zoning law. *TBB Journal*, 158, 125–190.

Uzun, B., Yıldırım, V., Terzi, F., Atasoy, B. A., & Uzun, S. (2024). Determination of the conversion amount in land readjustment practices. *Karadeniz Journal of Science*, 14(3), 1604–1622.

Yılmaz, A., & Yılmaz, O. (2024). Examination of the allocation approach for expropriation in land readjustment. *Journal of Geodesy and Geoinformation*, 11(2), 171–189.

© Author(s) 2025.
This work is distributed under https://creativecommons.org/licenses/by-sa/4.0/