

LAW ON LAND DEVELOPMENT PLANNING AND CONTROL*

(* Article 70 of the Law No. 5302 dated 22/2/2005 on Special Provincial Administrations provides that the Law No. 5302 shall prevail if any conflict arises between this Law and the Law No. 5302.

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CHAPTER ONE General Provisions

Purpose:

Article 1- This Law has been passed to ensure that settlements and development therein come into being in compliance with plans, science, hygiene and environmental conditions.

Scope:

Article 2- All plans to be made and public and private structures to be constructed inside and outside municipal boundaries and adjacent areas shall be governed by this Law.

General principle:

Article 3- No site may be used for any purpose contrary to the principles of plans of any scales, the conditions of its region, and provisions of the regulation.

Exceptions:

Article 4- Provisions of this Law not contrary to special laws shall apply to such places as specified or to be specified by the Law No. 2634 on Tourism Incentives, the Law No. 2863 on Conservation of Cultural and Natural Assets, and the Law No. 2960 on Bosphorus and the Law No. 3030 on Administration of Metropolitan Municipalities provided that the relevant Articles of this Law be complied with, and other special laws.

The Ministry of National Defence and the Ministry of Public Works and Settlement shall jointly decide how and which Articles of this Law shall apply to the structures of operational, training and defence purposes belonging to the Turkish Armed Forces.

Definitions:

Article 5- Some of the terms used in this Law are defined as follows.

“Master Plan” is a whole plan with a detailed explanatory report which is drawn on the base maps with cadastral drawings worked if available in compliance with regional or environmental plans, and prepared to form a basis for the preparation of the implementation plan and display such matters as general forms of use of land pieces, main zone types, future population densities of the zones, building densities as necessary, development direction and magnitude and principles of various settlement areas, transport systems and solutions to transport problems.

“Implementation Plan” is the plan which is drawn on approved base maps with cadastral drawings if available in accordance with the principles of the master plan, and contains in detail the building blocks of various zones, their density and order, roads and implementation phases to form the basis for land development implementation programmes and other information.

“Settlement Area” is the whole of the settled and developing areas within limits of the land development plan.

“Planned Block” is the block of land formed according to principles in the land development plan.

“Planned Plot” is the form of cadastral plots as arranged in the building blocks in accordance with the principles of the Law on Land Development Planning and Control, the Land Development Plan and regulations.

“Cadastral Block” is the block existing at the time of cadastral work.

“Cadastral Plot” is the plot with registered ownership existing within the cadastral blocks at the time of cadastral work.

“Structure” means any fixed or mobile facilities including constructions on land or in water, temporary or permanent, public or private, under or over the ground, and additions, modifications and repairs thereof.

“Building” means any covered, individually usable structure which can be entered into and is used for people to live in, work, entertain and rest or worship, or used to keep animals and things.

“Relevant Administration” means the municipality within municipal boundaries and adjacent areas, or the governorship elsewhere.

“Ministry” means the Ministry of Public Works and Settlement.

“Adjacent Area” means areas under the authority and responsibility of municipalities according to the land development legislation.

“Environmental Plan” is the plan that lays down settlement and land use decisions such as housing, industry, agriculture, tourism, transportation in compliance with regional and national planning decisions.

(Supplementary: 26/4/1989 - 3542/1 Art.) “Technical men” are graduates of schools at least equivalent of high schools which provide vocational and technical training in such areas as construction, electrical installation, sanitary installation and heating, machinery, cartography-cadastre and similar fields or high school graduates who successfully completed a course organized by the ministries for one school year and those who obtained mastership certificate in accordance with the Law No. 3308 on Apprenticeship and Vocational Education.

Further terms in this Law shall be defined in a regulation to be issued by the Ministry.

CHAPTER TWO

Principles Relating to Land Development Plans

Planning stages:

Article 6- Plans shall be prepared as “Regional Plans” and “Land Development Plans” in terms of area coverage and purpose; and land development plans as “Master plans” “Implementation Plans”. Where necessary, implementation plans may be prepared in stages.

Base maps and land development plans:

Article 7- The following shall apply to the preparation of base maps and land development plans.

a) Municipalities or governorships shall prepare or cause to prepare base maps for those settlements which have no base maps. The certifying authority of such maps shall be municipalities and governorships; and one copy of each certified map shall be sent to the Ministry and another to the relevant land registry office.

b) It is mandatory to cause to make land development plans for settlements with population more than 10,000 residents in the last census.

For settlements with population less than 10,000 residents in the last census, the municipal council shall decide whether a land development plan must be made or not. Existing land development plans shall be in force.

c) Where existing plans are insufficient for the resident population or for creating new settlement areas for urgent use, action shall be taken in accordance with the localized development plans to be made by municipalities or governorships, or in absence of such plans, the principles of regulations to be issued by the Ministry.

Officials charged with procuring maps or implementing land development plans shall have the authority prescribed in Article 7 of the Law No. 2613 on Cadastre and Land Registration when they discharge their duties.

Preparation and entry into force of plans:

Article 8- The following principles shall apply to the preparation and entry into force of plans.

a) Regional plans: The State Planning Organization shall, where necessary, make or cause to

make regional plans which shall be prepared to determine socio-economic development trends, development potential of settlements, sectoral objectives and distribution of activities and infrastructure.

b) Land Development Plans shall comprise the Master Plan and the Implementation Plan. Relevant municipalities shall make or cause to make the master plan and implementation plans of places within municipal boundaries by making them comply with the regional plan and environmental plan decisions if any. They shall enter into force upon approval by municipal councils. Such plans shall be posted publicly for one month from the date of approval at such posting boards as designated by municipalities. Objections may be raised against plans within the posting duration of one month. Municipal councils shall review and finally resolve within fifteen days any objections and plans referred by mayors to municipal councils.

Governorships or the relevant administration shall make or cause to make the plans for the areas outside municipal boundaries and adjacent areas. They shall enter into force after approval of the governorship. They shall be posted publicly for one month from the date of approval at such posting boards as designated by the governorship. Objections may be raised against plans within the posting duration of one month. Objections shall be filed with the governorship which shall review and finally resolve within fifteen days such objections and plans.

Amendments to the approved plans shall be subject to the aforementioned procedures. One copy of the finalized land development plans shall be sent to the Ministry.

Land development plans shall be public. It shall be the duty of administrations to make it public. Municipalities or civil administrations shall copy, or make into booklets and reproduce the whole or part of the land development plan and give them to anyone for a fee to be determined.

c) (Supplementary: 3/7/2005 - 5403/25 Art.) No agricultural land may be planned to be used for purposes other than agricultural ones without obtaining permissions as required in the Law on Soil Conservation and Land Use.

Ministry's authority in respect of land development plans:*

(*) By Article 24 of the Law No. 5784 dated 9/7/2008, the expression "relating to" in the first paragraph of this Law was amended as "and relating to infrastructure, superstructure and power transmission lines concerning power facilities" and inserted in the text.

Article 9- The Ministry shall be authorized, where deemed necessary and by informing the relevant municipalities or other administrations and collaborating with them as necessary, to make, cause to make, amend and approve ex officio, partially or wholly, land development plans and amendments relating to infrastructure, superstructure and transmission lines relating to public structures and power facilities; plans and amendments that must be made due to disasters affecting public life or mass housing or for the purpose of implementing the Law on Squatter Houses; the land development plans of interest to more than one municipality; or the land development plans or settlement plans of places with airport or air or sea connection or with railways or airways passing through or nearby.

(Supplementary: 24/11/1994 - 4046/41 Art.) Land development plan amendments and localized development plans and appropriate development planning status of the land and landlots within municipal boundaries and adjacent areas owned by entities included in the privatization program shall be prepared by the Prime Ministry Privatization Administration (Supplementary expression: 3/4/1997 - 4232/3 Art.) in such manner not to impair the integrity of the surrounding land development consulting the opinions of relevant entities (Municipality)*, approved by the privatization High Council, then enter into force; and the relevant municipalities may not amend land development functions of such land and landlots for five years. (Supplementary expression: 3/4/1997 - 4232/4 Art.) The relevant municipalities shall deliver their opinions in fifteen days.

(*) The bracketed provision was amended as inserted in the text by Article 4 of the Law No. 4232 dated 3/4/1997.

Where it is necessary for the performance of a public service to reserve space for public buildings and facilities or make amendments for this purpose in the land development plans, the Ministry may instruct the relevant municipality accordingly through the governorship, or shall make and approve ex officio the part of the land development plan relating to public buildings and facilities.

The Ministry shall resolve disputes that may arise during the preparation, adoption or approval

stages of the land development plans of interest to more than one municipality, approve them ex officio if necessary.

(Supplementary paragraph: 20/6/1987 - 3394/7 Art.; Annulled: by the Decision of the Constitutional Court No. E. 1990/38, K. 1991/32 dated 26/9/1991).

Finalized plans shall be notified to the relevant municipalities and governorships. It is mandatory to implement such plans.

Changes ex officio in the plans shall be subject to the aforementioned procedures. (Supplementary paragraph: 3/7/2005 - 5398/19 Art.) The Ministry of Public Works and Settlement shall be authorized to approve ex officio the plans prepared or caused to prepare at places where the investments shall be made in the nature of service privatization for which the privatization actions have been executed according to the revenue partnership model under the Law No. 4046 and the method of other legal actions appropriate for the work, provided that the Privatization Administration review such plans and deliver an opinion on their compliance with contracts (...)*; and the relevant municipality shall grant all sorts of permits within two months*.

(*)The expression "...not being subject to restrictions in the land development legislation" in this paragraph was annulled by the Decision of the Constitutional Court No. E.:2005/98, K.:2006/3 dated 5/1/2006.

Land development programs, expropriation and restriction:

Article 10- Municipalities shall prepare, within three months from the date of entry into force of the land development plans, the five-year land development programs to implement such plans. During the deliberations of such five-year land development programs, representatives from the relevant public entities shall attend the council meetings for consulting their opinions. Such programs shall be final when adopted by the municipal council. The areas allocated to the public entities under the program shall be notified to the relevant entities. The public entities concerned shall expropriate the areas allocated for public service facilities within the boundary of five-year land development programs during the time period of the program. Appropriations necessary for this purpose shall be reserved in the annual budget of the public entities concerned.

Rights on the land granted under other laws shall be enjoyed until such places as allocated for public services in the land development program or subject to restrictions pursuant to special laws are expropriated or the projects of public services are realized.

Public immovable properties:

Article 11- The land and landlots owned by the Treasury and special administrations, except the immovable property owned by the General Directorate of Foundations and military forbidden zones, security zones and places of operational and defence purposes owned by the Turkish Armed Forces directly related to national security, which fall in such places earmarked for public services as public squares, roads, parks, green areas, parking lots, public transport stations and terminals shall be transferred abandoned free of charge to municipalities within municipal boundaries and adjacent areas or to special provincial administrations outside municipal boundaries and adjacent areas upon a proposal from the municipality or governorship and the approval by the Ministry of Finance and Customs and the entry at the land register shall be deleted. However, if there are buildings on such places, the present value to be appraised only for the buildings except for the landlot shall be paid. The price and form of payment shall be agreed by the parties.

The land and landlots acquired in this way may not be sold or used for other purposes by the municipality or the special provincial administration. Necessary annotation to this effect shall be entered in the declarations section of the land register.

Where the form of use of the places concerned is changed by a new land development plan into a status of private ownership, such places shall be returned by the municipality or the special provincial administration to the original transferor administration in the same way. Persons proven to have breached such rule shall be personally accountable. Such cancellations shall in no way be subject to duties, charges or taxes.

(Amended: 25/2/1998 - 4342/35 Art.) Cadastral roads and public squares within the limits of the land development plans shall automatically lose such quality upon approval of the land development plans, then be subject to the purpose of use introduced by the approved land development plan decision.

(Supplementary paragraph: 24/7/2008 - 5793/14 Art.) Of the immovable properties owned by the Treasury

or under the ownership and control of the State and have been permitted to afforest, those that have been afforested in accordance with their projects may not be allocated for any other purpose.

Building line:

Article 12- **No building may be constructed beyond the building line** marked on land development plans. Where the part of a landlot behind the building line is not enough to construct a building in accordance with the plan and regulations, the entire landlot shall be expropriated by the relevant administrations upon the written application of the property owner considering whether or not it is in the five-year land development program, if provisions of Article 18 are not applied within the time period stated in Article 10 and if there is no other way to solve the problem.

Spaces in the land development plans allocated for public services:

Article 13- (Annulled first paragraph: by the Decision of the Constitutional Court No. E.:1999/33, K.:1999/51 dated 29/12/1999)

The payment of the property tax shall be suspended until the areas included in the land development plans are expropriated. When the expropriation is realized, the property tax to be accrued between the date of suspension and the date of expropriation shall be paid by the administration which executed the expropriation. Where the places stated in the first paragraph are allocated to a purpose which does not require expropriation by a change in the plan before expropriation is realized, the property owner shall pay the property tax for the time passed since the date of suspension.

(Annulled third paragraph: by the Decision of the Constitutional Court No. E.:1999/33, K.:1999/51 dated 29/12/1999)

Where property owners transfer the portions beyond the share of common use reserve from redivision as prescribed in this Law in the land and landlots at locations indicated in the first paragraph on the approved land development plans to the relevant administrations free of charge, such transfer shall not be subject to property transfer taxes.

Right of easement:

Article 14- Municipalities or governorships may establish rights of easement for public interest on a certain portion, height and depth of a site without expropriating the entire property during the implementation of land development plans.

Municipalities or governorships may establish rights of easement free of charge where possible with the consent of the property owner in exchange of granting the right of easement free of charge.

CHAPTER THREE

Subdivisions and Amalgamations

Subdivision and amalgamation:

Article 15- No subdivision or amalgamation shall be allowed for parts of immovable properties which fall in such places earmarked for public services as roads, public squares, green areas, parks and parking lots.

Subdivisions or amalgamations to be executed on sites for which the plotting plans have been completed must comply with such plans.

Minimum façade widths and sizes of subdivisions at places where the façades of plots have not been specified on the land development plan shall be specified in accordance with the principles laid down in the regulation.

No subdivisions smaller than the size as prescribed in the regulations shall be allowed in areas outside the limits of land development plans.

Registration and elimination of joint ownership:

Article 16- Municipal executive committees or provincial administrative committees shall approve the compliance with this Law and regulations of the subdivision or amalgamation ex officio or upon request, establishment or deletion of easement on immovable properties within municipal boundaries and adjacent areas.

The approval procedure shall be completed within 30 days starting from the receipt of the request by municipalities or governorships, and notified to the land registry office for registration or

deletion.

The land registry office must complete the registry procedure within one month.

Where owners of the immovable properties placed under joint ownership pursuant to the provisions of this Law fail to reach an agreement among themselves within six months from the date of notification by the relevant administration, or if no petitions to eliminate joint ownership are filed with the court, then the relevant administration may initiate a legal action to eliminate joint ownership as if it were an owner.

The elimination of joint ownership and partition of the land by consent of the parties or by court ruling shall be subject to the foregoing provisions.

Expropriation residues:

Article 17- Municipalities or governorships shall make compliant with the land development plan those parts of the sites under their ownership or left over from the expropriation as a result of the implementation of land development plans or parts left over from closed or redirected roads or closed public squares which are not suitable for detached construction by way of selling such parts to the owner of the neighbouring landlot or building by way of appraisal, exchanging by way of appraisal the shares accruing to the property owners in return for their parts included into the roads and if the neighbouring property owner refrains from buying such shares at the appraised price, then placing them under joint ownership and selling.

Municipalities or governorships shall be authorized, for the sake of public interest, to exchange those parts of land suitable for detached construction in return for their shares by way of appraisal, or if necessary, establishing equivalency upon consent of such persons whose land has been acquired by the municipality or governorship.

Municipalities or governorships shall be further authorized to sell, by way of elimination of joint ownership, the shares in the planned plots under joint ownership suitable for detached construction, where owners of such shares refrain from selling them by way of appraisal to other joint owners of the plots and the relevant parties refrain from buying the same by way of appraisal.

Price appraisals and objections to such appraised values shall be made pursuant to the provisions of the Law No. 2942 on Expropriation.

Land and landlot arrangement*

(*) By Article 9 of the Law 4928 dated 15/7/2003, the expression "mosque" in this Article was amended as "place of worship".

Article 18- Municipalities shall be authorized to combine land and landlots with or without buildings within the limits of the land development plan with one another, with residues left over from the roads or with places owned by public entities or municipalities without consent of the property owners or beneficiaries, subdivide the same again into blocks or plots or subdivide again in compliance with the land development plan, or distribute to the beneficiaries on the basis of individual, joint or divided co-property ownership and register ex officio. If the places concerned are outside municipal boundaries and adjacent areas, such authority shall be exercised by the governorship.

During the distribution of land and landlots arranged by municipalities or governorships, sufficient area may be deducted as "common use reserve from redivision" from their acreage in return for the increase in value due to the arrangement. However such common use reserve from redivision pursuant to this Article may not exceed 40% of the acreage of the land and landlots before the arrangement.*

(*) The expression "thirty five" in this paragraph was amended as inserted in the text by Article 1 the Law No. 5006 dated 3/12/2003.

(Amended third paragraph: 3/12/2003 - 5006/1 Art.) Common use reserves from redivision may not be used for purposes other than public services such as primary and secondary schools under the Ministry of National Education, roads, public squares, parks, parking lots, playgrounds, green areas, places of worship and police stations and facilities related to such services, all of which shall be needed by the areas being arranged.

Where the total of common use reserves from redivision is smaller than the acreage of the places which must be reallocated for the public services mentioned in the paragraph above, the short amount shall be completed by the municipality or governorship through expropriation.

If a part of a plot needs to be expropriated, the common use reserve from redivision shall be allocated from the site left over from the expropriation.

According to the provisions of this paragraph, the common use reserve from redivision may not be deducted from any plot more than once. However, this shall not bar a new arrangement in that plot by the land development plan.

The betterment tax shall not be collected in consequence of this arrangement separately from the land and landlots from which the common use reserve from redivision has been deducted.

The placement under joint ownership shall involve only the ground for the plots on which there are buildings; and the value of the building shall also be taken into consideration when eliminating joint ownership.

During the arrangement, a structure which is not objectionable to keep according to the land development plan and the legislation may be left only in one planned plot. Those structures which are impossible to keep in part or in whole according to the plan and legislation may fall into more than one planned plot. Former owners shall continue to use those structures under joint ownership or spread over several building plots unless their prices are paid by the owners of the plot to the owner of the structure or some other agreement is reached among them or the joint ownership is eliminated.

The structures falling in the spaces allotted to the public services indicated in this Article may not be demolished until they are expropriated by the municipality or governorship.

No extension, modification or substantial repair may be allowed on the structures on the arranged landlots, except for necessary minor repair, without the consent of the relevant plot owners or where such action is objectionable under the plan and legislation. Where it is necessary to make an arrangement but impossible to implement the provisions of this Article, building permits may be granted for cadastral plots that are suitable for construction according to the provisions of the land development plan and the legislation.

The municipality or governorship may, when implementing this Article, allocate places from sites owned by the municipality or governorship where construction is possible according to provisions of the plan and legislation in return for the places being expropriated upon the consent of the relevant owners instead of paying the expropriation.

No special plotting plans or preliminary contracts for sale may be executed which will subdivide the landlots and plots for the purpose of development of any sort in areas where no land development plan exists, except for those landlots and plots which have been inherited, or placed under joint ownership according to the provisions of this Law or for the purposes of implementations of the Law on Divided Co-property, agriculture and animal husbandry, tourism, industry and storage, or sold by forced execution.

Preparation and registration of plotting plans:

Article 19- Plotting plans shall be prepared according to land development plans and enter into force upon approval by the municipal executive committee within municipal boundaries and adjacent areas and by the provincial administrative committee elsewhere. Such plans shall be publicly posted at the relevant administration for a month. They shall be also announced by usual means. They shall become final at the end of such term. The same provision shall apply to the plans to be revised.

Finalized plotting plans shall be sent to the land registry office to be registered. Such offices shall establish and arrange the registers ex officio according to the plans.

Where it is necessary to build more than one building and facility on a plot (such as cooperative housing units, housing complexes, or mass housing construction), plotting plans shall be arranged or revised to achieve the purpose with no need for dividing land into landlots; and here, the provisions of the Law on Divided Co-property shall apply if requested.

CHAPTER FOUR Structure and Principles for Structures

Structure:

Article 20- Structures may be built:

- a) By persons or organizations on the land, landlots or plots which they own under title

deeds;

b) By persons or organizations, though not holding the title deeds, based on the certificates of allocation or establishment of right of easement issued by public entities, in accordance with land development plans, regulations, permits and annexes.

Building permits:

Article 21- **It is mandatory to obtain building permits for all structures under the provisions of this Law from municipalities or governorships (...)*** with the exception in Article 26.

(*) The expression "...or from offices of certified architecture or engineering" here was annulled by the Decision of the Constitutional Court No. E. 1985/11, K. 1986/29 dated 11/12/1986.

Any change in a building already granted a building permit shall also be subject to a new building permit. In this case, the permit shall not be subject to any further tax, duty and charge if the gross area of the detached units does not increase.

However, sutures, interior and exterior stuccos, paint, whitewash, gutters, drain, joinery, flooring and headliners, electrical wiring and plumbing repairs and roof repairs and roof retiling and other modifications and repairs which shall not affect the load bearing elements as indicated in the regulations on land development planning by municipalities in accordance with characteristics of the location shall not be subject to permit.

Municipalities and governorships shall be authorized to **determine exterior paints and sidings and roof materials and colours** in accordance with the characteristics of the neighbourhood in order to form the harmony of structures and create a beautiful view. Those structures built before the entry into force of this Law shall also be subject to this provision.

Eligibility conditions for obtaining permits:

Article 22- Owners of the structures or their legal agents shall file an application petition to municipalities, governorships (...)* to get a building permit. It is necessary to attach to the petition only the title deed (or a document standing for a title deed in exceptional cases), architectural plan, structural system plan, electrical wiring and plumbing plans, drawings and calculations, benchmark survey or, in the absence of a benchmark survey, a dimensioned drawing.

(*) The expression "...or offices of certified architecture or engineering" here was annulled by the Decision of the Constitutional Court No. E. 1985/11, K. 1986/29 dated 11/12/1986.

Municipalities or governorships (...)* shall examine the permit and annexes, and issue the building permit within thirty days from the date of application if no deficiency or error is found.

Where there is any deficiency or error in the application documents, the applicant shall be notified thereof within fifteen days from the date of application. After remedying such deficiencies or errors, the building permit shall be granted within fifteen days from the date of re-filing.

(*) The expression "...or by offices of certified architecture or engineering" here was annulled by the Decision of the Constitutional Court No.E. 1985/11, K. 1986/29 dated 11/12/1986.

Building permit in development areas:

Article 23- In order to grant building permits in the sites within the boundaries of the settlement and reserved for the development of the town in the land development plan, it is mandatory that

a) Plotting plans of such sites be approved by the municipal executive committee or the provincial administrative committee in accordance to the principles of the land development plan and provisions of the regulations;

b) The technical infrastructure for roads and waste water and potable water networks of such areas be completed according to the plan and conditions of the region.

However, in areas where the plotting plans have been approved but such technical infrastructure as roads, waste water and potable water networks has not yet been built, building permits shall be granted, subject to the permission of the relevant administration, to those who have completed such infrastructure in accordance with the project to be prepared by the relevant administration or those who have paid in advance 25% their share of the cost of technical infrastructure corresponding to their plots and undertaken to pay the remaining 75% within six months from the realization of the infrastructure by the relevant administration. Where the sewer facility is not constructed until the time the structure is finished and commissioned for use, an alternative way shall be chosen such as

constructing a cesspool or a similar temporary structure. If such a facility is not built, no occupancy permit may be granted for the structure. When the main facility is built, the owners of the structures must connect sewer extensions to such facility.

For mass housing areas, no building permits shall be issued to the owners of plots on both sides of the technical infrastructure that has been constructed and completed in its entirety by the relevant persons or entities upon the permission of the relevant administration unless the owners of such plots pay the cost corresponding to their respective plots.

Municipalities shall collect no charges on the account of infrastructure services where, in the mass housing areas, the relevant persons or entities have constructed the infrastructure facilities according to the projects as approved by municipalities.

The monies so collected shall be paid back to the persons who already caused to construct the technical infrastructure or paid the amount in advance to the relevant administrations.

However, unless the owners of the plots on both sides of a road pay for the cost of the road concerned and unless the owners of the plots who use or need to use the sewer network pay for the cost of the technical infrastructure to the relevant administration, the relevant administration shall not be obliged to construct and complete such facilities.

Although substantial modifications and additions to the present buildings are subject to the provisions of this Article, the foregoing conditions shall not be sought for their repair.

The Law No. 6183 on Procedures for Collecting Public Claims shall apply to the implementation of this Article. Other matters relating to the implementation shall be prescribed in the regulation on land development planning.

Where the urban technical and social infrastructure needs to be renovated or extended in the implementation in settlement areas for which revisions and renovations have been introduced in the density and construction scheme by the resolutions in the land development plan, the contributions as prescribed in the laws for the provision of urban services shall be duly collected from the owners of landlots, structures or buildings who shall benefit from such services.

In places indicated as residential areas in the land development plans, it is mandatory for the property owners to connect waste water courses to the sewer network or the general cesspool, if any, in the street where the structure is located, or in places where there is no sewer network or cesspool, construct the necessary system in the property according to the principles laid down by the relevant administration according to local needs and means. Where such connections are not made by the property owners within the time period notified by the relevant administration, they shall be demolished by the administration concerned.

Establishment, authority and liability of offices of certified architects and engineers:

Article 24- (Annulled: by the Decision of the Constitutional Court No. E.1985/11, K. 1986/29 dated 11/12/1986).

Classification of offices of certified architects and engineers:

Article 25- (Annulled: by the Decision of the Constitutional Court No. E.1985/11, K. 1986/29 dated 11/12/1986).

Licensing for public structures and facilities and industrial facilities:

Article 26- Building permits shall be granted, on the basis of a preliminary project, for the structures which public entities shall construct or cause to construct provided that such structures be devoted for the said purpose in the land development plans and not contradict the plans and the legislation; public entities assume technical responsibility for architectural plan, structural system plan, installations and all sorts of technical responsibilities; and the ownership be documented.

Building permits shall be granted, without requiring the documents enumerated in Article 22, for the structures of secret nature in respect of the security and safety of the State and the operations and defence of the Turkish Armed Forces, where it is communicated in writing to the municipality or governorship that their design projects have been approved by the relevant entities in conformity with the land development planning status, floor plan, building line, construction depth and total construction area obtained from the municipality and that the relevant entities assume the responsibility for structural system plan and installations.

(Annulled third paragraph: by the Decision of the Constitutional Court No. E.1985/11, K. 1986/29 dated 11/12/1986)

Structures not subject to permit and principles they must conform to:

Article 27- (Annulled first, second and third paragraphs: by the Decision of the Constitutional Court No. E.1985/11, K. 1986/29 dated 11/12/1986)

No building permit or occupancy permit shall be required for the structures to be constructed for housing, animal husbandry or agriculture on and around village settlement areas and hamlets by those people who are registered in the village population registers and reside permanently in the village outside municipal boundaries and adjacent areas. However, the structure must be in conformity with technical and hygiene rules and be permitted by the village master.

Project authorship, technical responsibility, site management, construction contracting and records:*

(* The title of this Article was "Architects and engineers of record, their responsibilities, and records of contractors", but was amended as inserted in the text by Article 1 of the Law No. 5940 dated 9/12/2009.

Article 28- (Amended: 9/12/2009- 5940/1 Art.)

It is mandatory to cause the professionals indicated in Article 38 in accordance with their specialties to prepare and implement maps, plans, surveys, plans and annexes to architecture, engineering and planning services in the context of this Law according to the class, quality and magnitude of the area, settlement centre and the structure where the implementation is intended. Project authors and practising professionals shall be responsible for performing their work according to this Law and other relevant legislation.

It is mandatory that professionals of specialties as required for surveys and plans annexed to the permit assume the technical responsibilities individually for the control of construction, installation works and materials used in the structure on behalf of the public. Technical men of record shall, according to their specialties, be in charge of controlling whether the structure including installations and materials is being constructed in compliance with this Law, other relevant legislation, implementation plans, permits and surveys and plans annexed to permits, standards and technical specifications. Technical men of record who are accountable to the owner of the structure and the administration shall, according to their specialties, be obliged to notify in writing to the relevant administration within six workdays in the event of employing masters with no certificate of authorization, or having the construction work go on with no site manager, or construction work being in violation of the legislation or their resignation. Otherwise, they shall be legally accountable. Upon such notification, action shall be taken pursuant to Article 32 within three workdays.

In the event of resignation or death of the technical man of record, the construction shall not be allowed to go on unless another member from the profession undertakes the technical responsibility. In case of resignation, his accountability relating to the works done before the date of resignation shall continue. The newly appointed technical man of record shall be responsible for the control of the works done previously, and making up deficiencies if any and notifying accordingly. The construction work shall not be allowed to continue unless the deficiencies and errors are corrected.

Technical men of record must employ technical people, in sufficient numbers and qualifications in accordance with Article 38, to assist with the control activity of the structures with the class, quality and size as prescribed in the regulation issued by the Ministry.

Technical men of record must, according to their specialties, present all the detailed documents relating to the control of the construction works and the report of architecture and engineering services to the administration and sign the occupancy permit. The relevant administration shall communicate the information on the structure to the chambers of professions to which the relevant survey or project authors, technical men of record, construction contractors, site managing engineers or architects are members for entry into their individual membership files.

Technical men of record may not engage in construction contracting, site management, subcontracting or materials supply in relation to the structure for which they assume technical responsibility. The owner of the structure may not assume technical responsibility for his own structure.

Provincial special administrations or provincial organizations of the Ministry may prepare surveys and designs for the structures not covered under Article 27 and for agriculture or animal husbandry structures subject to permit which are not integrated plants. Architects and engineers of special

provincial administrations or provincial organizations of the Ministry may assume the technical responsibility relating to such agriculture and animal husbandry structures.

The construction contractor and the site manager must construct the structure including installations and materials in compliance with this Law, other relevant legislation, implementation plans, permits and surveys and plans annexed to permits, standards and technical specifications, and correct any violations of the legislation they have caused. The construction contractor and the site manager may not continue with the construction works without the control of technical men of record or employ masters without certificates of authorization in the construction and installation works.

No person may contract construction works including constructions and installations without a certificate of authorization issued from the Ministry or any administration as authorized by the Ministry. Certificates of authorization may be issued temporarily or permanently. The records of construction contractors performing construction works for natural or legal persons shall be kept individually for each structure. One copy of each set of such records shall be submitted to the Ministry to be used in the procedures of authorization for the respective contractors. The Ministry shall execute the procedures of issuing certificates of authorization to contractors considering such documents.

The relevant administration shall, upon the request of the owner of the structure who is not the construction contractor, determine the state of, and issue a certificate of occupancy permit for, any structure for which the technical men of record have prepared the architectural and engineering reports; and the owner of the structure, the technical men of record and the employees from the relevant administration have collectively established in a status report that the structure has been completed; however the actions of issuing the occupancy permit have not been concluded because the construction contractor has failed to perform his obligations of tax debts and insurance premiums arising from the construction work of the construction contractor and other responsibilities. A copy of such certificate shall be sent to the relevant entities, and chambers of professions and the Ministry for entry into the personal files of the persons concerned.

Where the owner of the structure has not assumed any of the survey or project authorship, the construction contracting or site management of a structure for which the permit has not yet expired, then all responsibilities for such a structure shall fall on the survey and project authors, the construction contractor, the site manager and the relevant technical men of record.

Term of Permit:

Article 29- **The time to start construction shall be two years from the date of permit.** If the construction is not started within such time, or if the construction is started but not completed within five years for whatever reason, then the permit shall become invalid. In such case it is mandatory to obtain a new permit. For the constructions already commenced, vested rights shall be reserved.

No more fees shall be charged for permit renewal or plan modification. However, if the construction site is enlarged or some alteration is made in the total area or the nature of the detached units, the previously paid fee shall be deduced from the recalculated fee. If the recalculated fee is to be smaller than the previously paid one, no refund shall be made. Exemption provisions in other laws shall be reserved.

It is mandatory to have the permit and annexes thereof available at the construction site.

Occupancy permit:

Article 30- It is mandatory to obtain occupancy permits from the municipality or governorship (...)* offices which issued the building permit in order to use the entire structure if the construction is completed fully, or part of the structure in case of partial completion; or from the relevant municipality or governorship for the complete or partial use of structures not subject to permit pursuant to Article 27. Upon application of the property owner, it is necessary to determine whether the structure is in conformity with the building permit and annexes thereof and that there is no technical obstacle to use it.

(*) The expression "...or certified architecture or engineering ..." here was annulled by the Decision of the Constitutional Court No. E. 1985/11, K. 1986/29 dated 11/12/1986.

Municipalities and governorships* must conclude the applications of the owners of the property within thirty days. Otherwise, the occupancy permit shall be deemed granted to the entire structure or

the finished part.*

(*) The expression "...or by offices of certified architecture or engineering" here and the two sentences at the end of this paragraph "... However if application has been made to offices of certified architecture or engineering, this provision shall not be applicable. The office must conclude the application affirmatively or negatively..." were annulled by the Decision of the Constitutional Court No. E. 1985/11, K. 1986/29 dated 11/12/1986.

The permit issued pursuant to this Article shall not relieve the property owner of any liability arising from the violation of laws or the permit and annexes thereof or any obligation to pay any sort of taxes, duties and charges.

Structures without occupancy permit:

Article 31- The end date of construction shall be the issue date of the occupancy permit. Structures without occupancy permits shall not be allowed to use electricity, potable water and sewer services and facilities until they get the permit. However, detached units with occupancy permit may use such services.

Constructions commenced without permit or in violation of permit and annexes:

Article 32- Except for structures that may be built without permits, where the relevant administrations find out, the technical men of record (...) * find out and notify or it is otherwise become known that some construction has been commenced without permit or is proceeding in violation of the permit and annexes thereof, the municipalities or governorships shall determine the state of the construction then. The structure shall be sealed and the construction shall be suspended.

(*) The expression "...or by offices of certified architecture or engineering" here was annulled by the Decision of the Constitutional Court No.E. 1985/11, K. 1986/29 dated 11/12/1986.

The owner of the structure shall be considered notified of the suspension by posting the cease-and-desist letter at the construction site. A copy of such notice shall also be delivered to the master.

The owner of the structure shall make the structure compliant with the permit or obtain the permit within one month from such date and request the municipality or governorship to remove the seal.

The municipality or governorship shall remove the seal and allow the continuation of the construction upon its examination and determination that the violation of the permit in the construction has been remedied or that the permit has been obtained and the structure is in conformity with such permit.

Otherwise, the permit shall be revoked; then the building constructed in violation of the permit or without permit shall be demolished by the municipality or governorship pursuant to the decision of the municipal executive committee or provincial administrative committee and all the associated expenditures shall be collected from the owner of the structure.

Temporary structures in spaces allocated for public services:

Article 33- Temporary construction or installation shall be allowed and building permits shall be granted on such basis, upon the decision of the municipal executive committee or provincial administrative committee, to plots which are located on roads to be closed or on dead-end streets or plots for which no building permit is issued without the application of provisions in Article 18 or which are reserved for services indicated in Article 13 but to which the application of this Article is requested, and upon the request of owners of the properties on which construction is possible pursuant to the regulation, in places included in the land development plans but not included in the five-year land development program on the date of application.

It is necessary in such cases that the time period being granted be ten years, and before the building permit is granted, an annotation be entered in the land register which shall include the date and number of the decision of the municipal executive committee or provincial administrative committee, the fact that it is a temporary construction or installation for a period of ten years, and necessary dimensions and conditions. The term of temporality shall start on the day the annotation is entered in the land register.

Where, on such a plot mentioned in the first paragraph, there exists a building substantially usable, no further permits shall be granted for new construction or additions to such plot; likewise, the total of the dimensions of the structures in places where more than one temporary structure is allowed

may not exceed the total amounts indicated in the regulation. In the application of this Article, a cadastral plot shall be considered as a planned plot.

Temporary constructions or facilities shall be demolished during the application of the plan. Where temporary constructions or facilities are demolished or expropriated after the expiry of the ten-year period or before the expiry of ten years, the value of the temporary buildings and facilities appraised in accordance with the provisions of the Law No. 2942 on Expropriation shall be paid to their owners.

Measures and obligations relating to construction, repairs and landscape:

Article 34- In the course of construction and repair works and arrangement and forestation of the gardens, it is mandatory that roads or sidewalks and the places belonging to municipalities, governorships or neighbours not be occupied; facilities under or over the ground not be destroyed or damaged; vehicle traffic and pedestrian movements not be obstructed; the façade of the construction structure be screened with wooden screens or appropriate materials if the structure is constructed at a distance of three meters or less to the limit of the road and be illuminated at night.

Where the structure is being constructed on the roadsides, the relevant administration may, under conditions of necessity by its discretion, permit that a part of the sidewalk may be occupied provided that appropriate passage for the pedestrians be provided and the precautions above be taken.

In such cases, the property owner or the person or the owners of the organization who undertake the construction shall take measures to prevent harm and danger to passers-by.

No walls or barriers may be built which will jeopardize pedestrians' safety of life or allow entry of pedestrians into front yards at the same level with the sidewalk on the ground floors and in structures where shop constructions are allowed.

In such places and in situations where it is necessary to build stairs on the borders of the plots, the riser height may not be greater than 0.15 metre.

Excavating natural ground between building line and road:

Article 35- No excavation of the ground from the building line to the roadside that would further lower the ground below the level of the sidewalk shall be permitted for the purpose of obtaining another floor space below the ground level of buildings.

Owners of buildings, with front yards which were created, for whatever reason, at more than 0.50 metre lower than the sidewalk level, and of landlots thereof, must erect garden walls or fences on the roadside as prescribed in the regulation or by the relevant administration according to the nature of the surroundings and take necessary safety measures in order to ensure safety of passers-by.

Doorman's flat and shelters:

Article 36- In the buildings where a doorman's flat and a shelter must be allocated, such places must have the dimensions and conditions indicated in the regulation.

The doorman's flat may be in the main building, or at any location of the yard or appurtenances provided that it be constructed in accordance with regulations and hygiene and technical rules, and not exceed 40 square metres in gross.

Where residences are allocated for the employees such as security guard, gardener and furnaceman, the same requirements shall apply. The provisions in Articles 29 and 30 shall apply to the flats mentioned in this Article.

Land development planning regulations shall indicate where and in which buildings to establish a doorman's flat and shelters.

Parking lots:

Article 37- When preparing land development plans, necessary parking lots shall be allocated considering the conditions and future needs of the town and the region.

No building permit shall be granted to buildings and facilities which need parking lots unless such lots are reserved; and no occupancy permit shall be granted unless the parking lot is established.

The space allocated for the parking lot may not be allocated to other purposes in violation of the plan and provisions of the regulation after obtaining the occupancy permit. Where the provision of this

paragraph is violated, such violation shall be remedied within three months upon notification by the relevant administration. If, despite such notification, the property owner does not take the required remedial action within the time allowed, the relevant administration shall perform the service by the decision of the municipal executive committee or provincial administrative committee and the expenditures shall be collected from the property owner.

CHAPTER FIVE Miscellaneous Provisions

Preparation and implementation of base maps, land development plans and construction projects:

Article 38- Engineers, architects and urban planners shall assume the technical responsibilities for preparing and implementing base maps and land development plans in accordance with their specialties, areas of study and the relevant laws.

(Amended: 26/4/1989 - 3542/2 Art.) Engineers, architects and technical people whose duties, powers and responsibilities shall be laid down by regulations shall assume the technical responsibilities for preparing and implementing architectural, structural and all sorts of plans, designs, drawings and calculations in accordance with their specialties and the relevant laws.

Dangerously unstable structures:

Article 39- The municipality or governorship shall serve a notice within ten days to the owner of a building part or all of which has been observed to be dangerously unstable to remedy such situation depending on the degree of danger. Where the owner is not found, the residents of the building shall be so notified. Where no residents are found, the notice paper shall be posted on the dangerously unstable structure in lieu of notification and the situation shall be recorded in a report together with the master.

If, following such notice, the danger is not eliminated through repair or demolition by the owner, the municipality or governorship shall perform such works and collect the costs with a 20% surcharge from the owner.

If the relevant owner is certified to be in poverty, the cost shall be covered from the municipality's or governorship's budget. If the degree of danger requires the evacuation of the structure and vicinity, it shall immediately be evacuated by the intervention of the municipal police with no judgment required.

Measures to be taken for public safety:

Article 40- The people concerned shall be notified that they must eliminate the problems of and prevent emergence of debris and heaps in landlots, houses and other places, facilities that generate noise and smoke, private courses, sewers, pits, wells, caves and similar things which violate public safety and hygiene and are objectionable in respect of urban planning, aesthetics or traffic.

If the notification is not respected within the time allowed in the notification, the municipality or governorship shall eliminate such problems and collect the costs with a 20% surcharge from the landlot owner; and suspend the activity that gives rise to such problems.

Road-facing sides of landlots:

Article 41- Municipalities or governorships shall be authorized to decide to cover the road-facing sides of the landlots on some roads which have objectionable buildings or no buildings in the way determined. In such case, the property owners must cover such places within the time allowed by the municipality or governorship. If such obligation is not observed, the municipality or governorship shall do what is necessary and collect the cost from the landlot owner.

Administrative sanctions:*

(*) The title of this Article was "Penal provisions" but amended as inserted in the text by Article 2 of the Law No. 5940 dated 9/12/2009.

Article 42- (Amended: 9/12/2009 - 5940/2 Art.)

The executive committee of the relevant administration shall impose administrative sanctions prescribed in this Article individually for each case of violation on the culpable parties within ten workdays from the date when acts or cases prescribed in this Article violating the land development legislation have occurred.

Administrative fines, not to be less than five hundred Turkish Liras, calculated as follows according to ownership status, characteristics of the area, condition, quality and class of the land, its effect on settlement and environment, whether it poses danger to safety of life and property and the degree of the violation, shall be imposed on the owner, construction contractor or technical men of record who have failed to notify the violation within six workdays of the structure constructed without permit, or in violation of the permit, surveys and plans annexed to the permit or the land development legislation:

a) For each square metre of violation of the legislation as to be calculated over the construction area of the structure according to structure classes and groups as designated by the Ministry;

- 1) Three Turkish Liras for class I group A structures, five Turkish Liras for group B structures;
- 2) Eight Turkish Liras for class II group A structures, eleven Turkish Liras for group B structures;
- 3) Eighteen Turkish Liras for class III group A structures, twenty Turkish Liras for group B structures;
- 4) Twenty three Turkish Liras for class IV group A structures, twenty five Turkish Liras for group B structures, thirty one Turkish Liras for group C structures;
- 5) Thirty eight Turkish Liras for class V group A structures, forty six Turkish Liras for group B structures, fifty two Turkish Liras for group C structures, sixty three Turkish Liras for group D structures, shall be imposed as administrative fine. Such amounts shall be increased every year at the rate of revaluation determined and announced pursuant to the provisions of Article 298-bis of the Law No. 213 dated 4/1/1961 on Tax Procedures effective from the beginning of each calendar year, taking into account also the fractions of Turkish Lira.

b) For the violating applications for which it is not possible to calculate the fine for violation over the construction area, or which alter the exterior or other elements of construction, or violate the requirements for construction materials, administrative fines shall be imposed at the rate of 20% of the cost as determined by the administration according to the unit price list published by the Ministry effective on the date of detecting the violating production.

c) In the following circumstances of the violating structure that requires fining according to subparagraphs (a) and (b), the respective fines shall be increased by the following rates on top of the fines calculated according to subparagraphs (a) and (b):

- 1) If it has been constructed on a jointly owned plot without the consent of other owners, 30% of the fine;
- 2) If it has been done on a public plot or on a plot owned by someone else 40% of the fine;
- 3) If it has been done in an area designated as "Public Facility Area or Public Service Area" in the implementation plan or the plotting plan, 60% of the fine;
- 4) If it poses danger to safety of life and property on account of its present conditions or in a likely risk of disaster, 100% of the fine;
- 5) If it has been done in an area with an implementation plan, 20% of the fine;
- 6) If it has been done in an area with construction prohibition, 80% of the fine;
- 7) If it has been done in an area subject to a special land development regime determined by special laws, 50% of the fine;
- 8) If it has no permit, 180% of the fine;
- 9) If its construction is continued although the permit has become invalid, 50% of the fine;
- 10) If an activity of new construction is being carried out without obtaining a building permit despite the grant of an occupancy permit, 100% of the fine;
- 11) If its construction has been completed and it is not in use, 10% of the fine;
- 12) If its construction has been completed and it is in use, 20% of the fine;
- 13) If it causes environmental and visual pollution, 20% of the fine.

The violating area shall be taken into account in the calculation of the area subject to fines.

The owner of the structure or the plot, owners of the maps, designs, surveys and plans, the technical men of record, the construction contractor and the site manager who have failed to fulfil the obligations prescribed in, or acted contrary to, Articles 18, 28, 32, 33, 34, 35, 36, 37, 40 and 41 shall be imposed, separately and according to their relations, a fine of two thousand Turkish Liras; or four thousand Turkish Liras if such actions are in violation of environmental conditions and hygiene; or six thousand Turkish Liras if such violations jeopardize safety of life and property.

An administrative fine of ten thousand Turkish Liras shall be imposed on the owner of a structure which, while in conformity with the plan and legislation as of the date of its construction, has been determined by the relevant administration or by court decision to be jeopardizing or to jeopardize safety of life and property in its present condition or in likely risk of a disaster, and despite the written warning from the relevant administration, the owner has not reinforced or demolished the structure pursuant to the provisions of Article 39 within the time allowed by the administration.

An administrative fine of three hundred Turkish Liras shall be imposed on the owner who is registered in the village population registers and resides permanently in the village within the village settlement area as designated by the special provincial administration pursuant to Article 27 and has built, without obtaining a permit from the master, a house or a structure of agriculture or animal husbandry for personal purposes, although its design has been examined and found by the special provincial administration to be compliant with science, art and hygiene. The administrative fine for the other violations in such structures and violations in the structures with the purpose of agriculture and animal husbandry shall be applied one fifth of the total amount of fine calculated according to second paragraph, not to less than three hundred Turkish Liras.

In case of recurrence of the acts and cases stated in the paragraphs above in the course of the construction of the structure, the administrative fines shall be doubled.

The administrative fines collected according to paragraphs above shall be returned without interest to those convicted of the same act according to Article 184 of the Turkish Criminal Code No. 5237 dated 26/9/2004.

Acts and actions done in accordance with the written permission of the administration to make the structures compliant with this Law, other relevant legislation, plan, permit and survey and plans annexed to the permit shall not constitute the crime of breaking the seal.

Penalties imposed on, and finalized court decisions about, the project authors, technical men of record, construction contractors, site managing architects and engineers on account of their acts contrary to the land development legislation shall be notified by the relevant administration to the chambers of professions to which they are members and the Ministry for entry in their personal files and initiation of criminal proceedings against them. Such persons may not assume new work during the penalty period imposed.

The certificate of authorization of a construction contractor shall be revoked by the Ministry;

a) For five years where the construction work is performed in violation of the permit and surveys and plans annexed to the permit and the violation is not remedied within the time allowed according to Article 32;

b) For ten years where the production performed in the construction work in violation of the permit and surveys and plans annexed to the permit jeopardizes safety of life and property;

c) For one year where the Ministry has negative assessment of the records.

The certificate of authorization of a construction contractor shall be revoked by the Ministry for not less than one year where he has failed to pay the tax and insurance premium debts arising from the construction work or fulfil other responsibilities; and new certificates of authorization shall not be issued until he fulfils his responsibilities. The construction contractor whose certificate of authorization has been revoked may not undertake new work until he gets a new certificate of authorization but may complete the present works. The building permit of the structure where the construction has started without a construction contractor with certificate of authorization shall be revoked and the structure shall be sealed.

Repealed provisions:

Article 43- a) The Law No. 6785 dated 9/7/1956 on Land Development Planning and Control and supplements and amendments thereto by the Law No. 1605;

b) The Law No. 141 dated 11/1/1963 on Elimination of Rights of Use and Ground in Bursa Central District;

c) The Law No. 1351 dated 28/5/1928 (together with movable and immovable properties, shareholdings if any, budget, revenues and employee remunerative rights, it shall be affiliated to Ankara Metropolitan Municipality);

d) The Law No. 3196 dated 3/6/1937;

e) The Law No. 710 dated 18/1/1966,

and the provisions of other laws that are contrary to those of this Law have been hereby repealed.

Regulation:*

(* By Article 9 of the Law 4928 dated 15/7/2003, the expression “mosque” in this Article was amended as “place of worship” and inserted in the text.

Article 44- I - The following shall be laid down in a regulation to be issued by the Ministry:

a) Which facilities and appurtenances relating to energy, irrigation, natural resources, transport and similar services shall not require licenses;

b) Places to be allocated in land development plans for schools, places of worship, health, sports, social and cultural facilities and structures of public entities and other matters relating to this subject matter;

c) Implementation methods and conditions of arrangement of land and landlots;

d) Principles to be observed in structures subject to permit;

e) (Amended: 9/12/2009 - 5940/3 Art.) The certification of authorization of construction contractors relating to any sort of construction and installation; the classification of construction contractors according to the size of the work to be undertaken, specialization and work groups and quality and personnel conditions and administrative structure, minimum education, work experience, technical background and capacity; the supervision, recording and assessment of the activities of the construction contractors; structures which have obligation to employ site managers with the titles of architect and engineer and structures which do not require construction contractors; procedures and principles and other matters on site managers, technical people to be employed in construction and supervision and masters with certificates of authorization, consulting the opinions of the Ministry of National Education, the Ministry of Labour and Social Security, the Vocational Proficiency Agency, the Union of Chambers and Commodity Exchanges of Turkey, the Turkish Confederation of Tradesmen and Craftsmen and the Turkish Union of Chambers of Architects and Engineers;

f) The determination of the criteria relating to the preparation of land development plans and other matters relating to land development planning;

g) Minimum façade widths and sizes of subdivisions at places where the façades of plots have not been specified on the land development plans;

h) (Annulled: by the Decision of the Constitutional Court No. E. 1985/11, K. 1986/29 dated 11/12/1986);

i) General principles relating to settlement areas;

j) Principles relating to the rearrangement of qualifications of project authors and organizations that will undertake the procurement of base maps and the preparation of land development plans.

II - (Amended: 26/4/1989 - 3542/3 Art.) The duties, powers and responsibilities of technical people other than engineers, architects and urban planners cited in Article 38 shall be laid down in a regulation to be issued jointly by the Ministry and the Ministry of Education consulting the opinions of relevant Ministries, the Turkish Union of Chambers of Architects and Engineers and the Council of Higher Education.

III- Buildings and facilities where parking lots must be allocated and other relevant matters shall be laid down in a regulation to be issued by the Ministry.

Such regulation shall also lay down which buildings and facilities shall require parking lots, the amount, dimensions and other conditions of parking lots and how this requirement shall be determined

and fulfilled.

Adjacent areas:

Article 45- Boundaries of the adjacent areas shall be sent by the governorships to the Ministry based on the resolutions of municipal councils and provincial administrative committees. The Ministry shall be authorized to examine and approve them without change, or approve after amendment or return for revision.

The adjacent area shall not necessarily be contiguous with the boundaries of the municipality. Further, such areas may also include villages. The same procedures shall apply to exclusion from the adjacent areas. If necessary, the Ministry may decide ex officio upon inclusion into and exclusion from the adjacent area.

CHAPTER SIX

Provisions Relating to the Law No. 2960 on Bosphorus

Article 46- By this Law, the organs established by Article 6 of the Law No. 2960 on Bosphorus have been abolished. The functions and responsibilities of such entities shall be discharged by Istanbul Metropolitan Municipality and relevant district municipalities.

Namely, according to the plan prescribed in Article 2 of the Law No. 2960 on Bosphorus and approved on 22/7/1983, applications in the "Bosphorus Coastal Band" and "Frontal View Area" indicated in the Bosphorus area shall be implemented by Istanbul Metropolitan Municipality and those in "rear view area" and "area of influence" shall be executed by the relevant district municipalities.

Articles 47- 48- (These articles are about the amendments of paragraphs "f" and "g" in Article 3 of the Law No. 2960 on Bosphorus and inserted in their places in the aforementioned law.)

Supplementary Article 1- (Supplementary: 30/5/1997 - Decree-Law - 572/1 Art.)

It is mandatory to conform to the relevant standards of the Turkish Standards Institute in the land development plans and in areas and structures of urban, social and technical infrastructure in order to make the physical environment accessible and livable to the persons with disabilities.

Supplementary Article 2- (Supplementary: 31/7/1998 - 4380/1 Art.; Amended: 15/7/2003 - 4928/9 Art.)

In the preparation of land development plans, necessary places of worship shall be allocated taking into consideration of the conditions and future needs of the territory planned.

In provinces, districts and towns, houses of worship may be built provided that permits be obtained from the civilian administrator and they conform to the land development legislation.

A place for worship may not be allocated for other purposes in violation of the land development legislation.

Supplementary Article 3- (Supplementary: 3/7/2005 - 5398/12 Art.; Amended: 24/7/2008 - 5793/15 Art.)

The Prime Ministry Privatization Administration shall prepare or cause to prepare, with authors being urban planners, the plans, land developments plans and amendments and revisions of all sorts and scales not violating the integrity of the surrounding land development for the land and landlots owned by, or easements or usufructs established in favour of, entities in the privatization program and those land and plots included in the privatization program according to their special law to be privatized, consulting the opinions of entities authorized to make and approve land development plans in all areas within the scope of general and special law provisions including places in the scope of the Law No. 3621 on Coastal Protection and the Law No. 2634 on Tourism Incentives; and such plans shall become final upon approval of the Privatization High Council and enter into force upon publication in the Official Gazette as exempt from the provisions in Article 8 of this Law on announcement and posting. The relevant entities may not change the plans in the scope of this Article for a period of five years starting from the date of transfer. In such period, acts and actions relating to the change of the land development plan shall be executed by the Privatization Administration in accordance with the procedures and principles in this Article in order to fulfil the requirements of the court decisions

relating to the land development plans. The relevant entities shall deliver their opinions within fifteen days. Plans and land development plans of every scale prepared within the scope of this Article shall be exempt from the provisions in the second and eighth paragraphs of subsection (a) of Article 17 of the Law No. 2863 on Conservation of Cultural and Natural Assets. The Privatization Administration shall, where needed in the process of privatization, prepare or cause to prepare plotting plans relating to the land development implementation according to such plans. Such plotting plans shall be approved by the Privatization Administration and become final and enter into force as exempt from the provisions relating to announcement and posting in Article 19.

All sorts of licenses, other documents and permits for the structures to be built according to such plans shall be issued by the relevant competent entities in the frame of the relevant legislation.

CHAPTER SEVEN

Transitional Provisions, Entry into Force and Execution

Using structures for designated purposes:

Transitional Article 1- Structures in any site built after the entry into force of the Law No. 2981 may not be used for purposes in violation of the formation conditions of their region, principles of the land development plan and provisions of the regulation. Any such structure shall be restored to its former form by those who had it constructed within three months from the date of entry into force of the Law. If the violation is not remedied by the end of this period, the municipality or governorship shall perform or cause to perform such works and collect the costs with a 20% surcharge from the owner of the structure.

Parking lots used for other purposes:

Transitional Article 2- Action shall be taken pursuant to the last paragraph of Article 37 against those parking lots for which the certificate of occupancy permit has been obtained before the date of entry into force of the Law, which have been allocated for other purposes in violation of the permit and annexes thereof, are not within the scope of the Law No. 2981, and require parking lot allocation pursuant to the parking lot regulation.

Previously issued licenses and permits:

Transitional Article 3- Licenses and permits issued in compliance with the land development plan and legislation before the date of entry into force of the Law shall be valid.

Common entrance:

Transitional Article 4- Those immovable properties which have been registered in the land register as common entrance before the date of entry into force of the Law, but are used actually by the public as road and not deleted in the land register to become a road, and been allocated in the land development plan for public services and facilities shall be adjusted, without seeking consent, in the land register for its purpose of allocation by the decision of the municipal executive committee within municipal boundaries and adjacent areas or by that of the provincial administrative committee elsewhere.

Customary right of construction and customary land usufruct:

Transitional Article 5- The right to use and the right to ground (“örfü belde” and “paftos”) inside or outside municipal boundaries and adjacent areas shall be liquidated without considering whether or not they have become totally destroyed and exterminated (extinguished and disappeared) or have evaporated from existence.

Rights to ground in immovable properties subject to liquidation have been hereby transformed into value.

The value of the right to ground shall be 1/5 of the last property tax value corresponding to the immovable property relating to the ground. The value of the right to ground to be so assessed shall be deposited in escrow by the land registry office with a national bank to the name of the beneficiary of the right to ground if so requested by such beneficiary. In absence of such request, a legal hypothec

shall be established in favour of the owner of the ground.

One fourth of the value of right to ground shall be paid in cash, and the balance shall be paid in equal annual instalments within three years with interest on demand deposits applied by the bank on such value. The cash amount and instalments may not be less than 40,000 Turkish Liras. After such transactions, necessary deletions and corrections shall be executed ex officio in the land register.

Claims on the value of the right to ground deposited in escrow in a bank or obtained by hypothec shall be subject to general provisions.

Transitional Article 6- In the implementation of the land development rehabilitation plans arranged and approved according to the Law No. 2981, municipalities within municipal boundaries and adjacent areas or governorships elsewhere shall be authorized to specify conditions of eligibility and procedures for issuing building permits.

Transitional Article 7- (Annulled first paragraph: by the Decision of the Constitutional Court No. E.: E. 1985/11 K. 1986/29 dated 11/12/1986)

Penthouses existing in the Bosphorus area shall be augmented to full storeys on condition of keeping the same height. However, the owners of penthouses for which the right to use terrace have not been registered in the land register shall pay, to other divided co- property owners in proportion to their shares in the entire property, the value found by multiplying the square meters of the gained area by the value per square meter obtained by dividing the flat value declared for property tax by the flat surface area in square meters. If other owners are not available, the amount shall be deposited in a national bank on their names.

Time allowed to issue regulations:

Transitional Article 8- Regulations indicating how to implement this Law shall be issued within six months from the publication of the Law.

Transitional Article 9- (Supplementary: 30/5/1997 – Decree-Law - 572/2 Art.)

The Ministry of Public Works and Settlement shall make necessary amendments to the regulations on land development planning and the legislation concerning public buildings by 1/6/1998 in order that the arrangements prescribed in Supplementary Article 1 of this Law shall be realized in the areas of infrastructures and structures built or to be built.

Transitional Article 10- (Supplementary: 8/1/2002 - 4736/2 Art.)

Where it is documented that one or several of the infrastructure services such as road, water, sewer, natural gas have been delivered to structures for which occupancy permits have not been granted or obtained, electricity, water and/or telephone may be temporarily connected until occupancy permits are obtained provided that technical requirements have been fulfilled pursuant to the relevant regulations and applications be filed within six months from the publication date of this Law.

The connection of electricity, water and/or telephone in the scope of this Article shall not constitute vested rights.

Transitional Article 11- (Supplementary: 9/7/2008 - 5784/25 Art.)

Where it is documented that one or several of the infrastructure services such as road, electricity, water, telephone, sewer, natural gas have been delivered to structures for which building permits were obtained and which were constructed by the date the date of entry into force of this Article but for which occupancy permits have not been granted or obtained, water and/or electricity may be temporarily connected considering the subscriber group of the structure as prescribed in the relevant legislation until occupancy permits are obtained provided that technical requirements have been fulfilled pursuant to the relevant regulations and applications be filed within six months from the publication date of this Law. In this context, because the subscription shall be revoked if a request to disconnect electricity is made by the relevant municipality to the electricity distribution companies to cut electricity, the connection of water and/or electricity shall not constitute vested rights. However, the requirement of having obtained building permits and been constructed accordingly shall not apply

to the structures constructed before 12/10/2004.

Subscriptions established prior to the date of entry into force of this Article shall be converted to the proper group.

Transitional Article 12- (Supplementary: 9/12/2009 5940/4 Art.)

The regulation on the matters set fourth in subparagraph (e) of paragraph (I) in Article 44 of this Law shall enter into force within one year.

Transitional Article 13- (Supplementary: 9/12/2009 - 5940/4 Art.)

Temporary certificates of authorization, indicating their status as masters, shall be issued to those who wish to get certificates of authorization, after the entry into force of this Article, in construction, installation, electricity, plastering and similar branches and document such branch of work. Such certificates shall be converted to permanent certificates of authorization from 1/1/2012.

Entry into force

Article 49- Articles 43/b, c, d, e; 46; 47 and 48 and Transitional Article 7 shall enter into force on the date of publication of this Law; and other articles in six months following the date of publication.

Execution

Article 50- The Council of Ministers shall execute this Law.

LIST INDICATING DATE OF ENTRY INTO FORCE OF THE LEGISLATION SUPPLEMENTING AND AMENDING THE LAW NO. 3194

Law, Decree- Law No.	Articles entering into force on different dates	Date of entry into force
3394	–	30/6/1987
3542	–	4/5/1989
4046	–	27/11/1994
4232	–	8/4/1997
Decree-Law/572	–	6/6/1997
4342	–	28/2/1998
4380	–	2/8/1998
4736	Article 2	19/1/2002
4928		19/7/2003
5006		17/12/2003
5403	8	19/7/2005
5398	9, Supplementary Article 3	21/7/2005

Amending Law	Amended articles of the Law No. 3194	Date of entry into force
5784	9 and Transitional Article 11	26/7/2008
5793	11 and Supplementary Article 3	6/8/2008
5940	28, 42, 44, Transitional Article 12, 13	17/12/2009
	The provision “may not employ masters without certificates of authorization in construction and installation works” in the last sentence of the eighth paragraph of Article 28, and provisions relating to issuing certificates of authorization to contractors in the ninth paragraph of the same Article	1/1/2012