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Enforcement Decree on Planning and Use of National Territory

[Enforcement Date: Aug. 7, 2009] [Enforcement Decree No. 21669, Aug. 5, 2009, partly amended]

Ministry of Land, Transport and Maritime Affairs (Urban Policy Division)

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The propose of this Decree is to provide matters delegated by Planning and Use of National Territory and matters necessary to implement said Act. <Amended on Sep. 8, 2005>

Article 2 (Infrastructure)

(1) The term "facilities as prescribed by Presidential Decree" in the main part of Subparagraph 6 of Article 2 of Planning and Use of National Territory, (hereinafter referred to as the "Act"), means facilities of the following subparagraphs, (including incidental facilities and convenience facilities required for the working and utilization of the facilities concerned): <Amended on Sep. 8, 2005>

1. Transport facilities: Roads, railways, harbors, airports, parking lots, automobile depots, tracks, cableways, canals, inspection facilities for automobiles and construction machinery, and drivers' schools for automobiles and construction machinery;

2. Space facilities: Squares, parks, Green areas, amusement parks, and public vacant land;

3. Distribution and supply facilities: Distribution business facilities, waterworks, electricity, gas and heat supply facilities, broadcasting and communications facilities, Utility-Pipe Conduits, markets, oil-storage and oil-supply facilities;

4. Public, cultural, and athletic facilities: Schools, athletic fields, public buildings, cultural facilities, athletic facilities, libraries, research facilities, social welfare facilities, public vocational training facilities, and juvenile training facilities;

5. Disaster Prevention District facilities: Rivers, storage ponds, reservoirs, fire Prevention District, windbreak facilities, waterproof facilities, erosion-control facilities, and tide-control facilities;

6. Health and sanitary facilities: Crematories, cemeteries, charnel facilities, funeral halls, slaughterhouses, and general medical facilities; and

7. Basic environmental facilities: Sewage systems, waste treatment facilities, water pollution control facilities, and auto junkyards.

(2) Roads, automobile depots, and squares from among the infrastructure under Paragraph (1) may be subdivided as follows:

1. Roads:

(a) Roads;

(b) Exclusive roads for automobiles;

(c) Exclusive roads for pedestrians;

(d) Exclusive roads for bicycles;

(e) Overpass road;

(f) Underpass road;

2. Automobile depots:

(a) Passenger automobile terminals;

(b) Truck terminals;

(c) Public garages;

(d) Joint garages, (only those installed by the associations under Article 33 of the Trucking Transport Business Act and the federations under Article 35 of the same act.)

3. Squares:

(a) Traffic squares;

(b) General squares;

(c) Scenic squares;

(d) Underground squares;

(e) Squares annexed to buildings.

(3) Any additional subdivision and definite scope of the infrastructure under Paragraphs (1) and (2) shall be determined by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

Article 3 (Area-wide facilities)

The term "facilities prescribed by Presidential Decree" in the main part of Subparagraph 8 of Article 2 of the Act means the facilities of the following subparagraphs: <Amended on Mar. 23, 2006>

1. Facilities that extend over the jurisdictional areas of two or more Special Metropolitan Cities, Metropolitan Cities, and Cities/Counties, (excluding Counties located in the jurisdictional area of a Metropolitan City; hereinafter the same shall apply, excluding Articles 110, 112, and 128, where Counties located in the jurisdictional area of a Metropolitan City shall be included): Roads, railways, canals, squares, Green areas, waterworks, electricity, gas and heat supply facilities, broadcasting and communications facilities, Utility-Pipe Conduits, oil-storage and oil-supply facilities, rivers and sewage systems, (excluding sewage terminal treatment facilities); and

2. Facilities that are jointly utilized by two or more Special Metropolitan Cities, Metropolitan Cities, and cities/counties: harbors, airports, automobile depots, parks, amusement parks, distribution business facilities, athletics fields, cultural facilities, athletics facilities, social welfare facilities, public vocational training facilities, juvenile training facilities, storage ponds, crematories, cemeteries, charnel facilities, slaughterhouses, sewage systems, (limited to sewage terminal treatment facilities), waste treatment facilities, water pollution control facilities, and auto junkyards.

Article 4 (Public Facilities)

The term "other Public Facilities prescribed by Presidential Decree" in Subparagraph 13 of Article 2 of the Act means the facilities of the following subparagraphs:

1. Harbors, airports, canals, squares, Green areas, public vacant land, Utility-Pipe Conduits, rivers, storage ponds, fire prevention facilities, windbreak facilities, waterproof facilities, erosion-control facilities, and tide-control facilities, sewage systems, and conduits; and

2. Parking lots, athletics fields, reservoirs, crematories, cemeteries, and charnel facilities constructed by administrative offices.

Article 4-2 (Infrastructure Required for Construction in Infrastructure Cost-bearing Zones)

The term “infrastructure as determined by Presidential Decree, including roads, parks, and Green areas, etc.” in Subparagraph 19 of Article 2 of the Act means infrastructure of the following subparagraphs, (including subsidiary and convenience facilities required to use the facilities concerned).

1. Roads, (including roads leading to the infrastructure cost-bearing zone from the adjacent main road),
2. Parks,
3. Green areas,
4. Schools, (excluding schools under Article 2 of the Higher Education Act),
5. Waterworks, (including waterworks leading to the infrastructure cost-bearing zone from the adjacent waterworks),
6. Sewage, (including sewage leading to the infrastructure cost-bearing zone from the adjacent sewage),
7. Waste treatment facilities, and
8. Other facilities as determined by the Mayor of the Special Metropolitan City or Metropolitan City or the head of the City/County(*Gun*) in the plan for the infrastructure cost-bearing zone under the provision of Article 68(2) of the Act.

[This Article Newly Inserted on Sep. 25, 2008]

Article 4-3 (Types of Facilities that Attract Infrastructure)

The term “facilities, including single-family houses and lodging facilities, as determined by Presidential Decree” in Subparagraph 20 of Article 2 of the Act means buildings with specific purposes under Table 1 of the enforcement decree of the Housing Act, provided, that buildings under Table 1 are excluded.

[This Article Newly Inserted on Sep. 25, 2008]

Article 5 (Restrictions on the Designation of Zones, etc. concerning Land Use by Other Acts)

(1) The term "an area prescribed by Presidential Decree" in the text of Article 8 (2) of the Act means one square kilometer, (5 square kilometers in the case of urban development zones under the Urban Development Act). <Amended on Sep. 8, 2005>

(2) The term "where they intend to alter within the limit as set by Presidential Decree" in Article 8 (2) 4 of the Act means cases falling under any one of the following subparagraphs:

1. Where they increase or decrease the area within the limit of 10 percent of the size of the area, district, zone, or division, etc. for which consultation or approval has been obtained, (hereinafter referred to as the "zone, etc."); and

2. Where they intend to correct errors in the computation of the size of the zone, etc. for which consultation or approval has been obtained.

(3) The head of the central administrative agency or local government shall, when he/she requests a consultation or approval of the Minister of Land, Transport, and Maritime Affairs under Article 8 (2) of the Act, submit the following documents to the said Minister: <Amended on Feb. 29, 2008>

1. An explanation of the purpose, necessity, background, procedures for promotion, etc. of the designation or alteration of the zone, etc., (including the details to be included in the designation or alteration of the relevant zone, etc. under related Acts and subordinate statutes);

2. Map on current status of land use drawn on a scale of 1 to 25,000 indicating the specific use area or infrastructure, etc. in the area concerned and its outskirts;

3. Sketch drawn on a scale of 1 to 5,000 through 25,000 indicating the zone, etc. intended for a designation within the area concerned; and

4. Other documents as determined by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

Article 6 (Restrictions on the Alteration of Specific Use Areas, etc. under Other Acts)

(1) Where the heads of the central administrative agency or the heads of local government intend to permit, authorize, approve, or determine any plans containing the contents to legally fictionalize any decision by urban management planning on the designation or alteration of a Land Use Zone, Land Use District, or Land Use Area under the text of Article 9 of the Act, they shall undergo in advance a deliberation by the National Urban Planning Committee under Article 106 of the Act, (hereinafter referred to as the "National Urban Planning

Committee”), or the Local Urban Planning Committee under Article 113 of the Act, (hereinafter referred to as the "Local Urban Planning Committee"), pursuant to the classifications as determined in the following subparagraphs, provided, that the same shall not apply in cases where it has undergone a deliberation by the National Urban Planning Committee or the Local Urban Planning Committee under other Acts and subordinate statutes: <Amended on Jan. 20, 2004>

1. Where it shall undergo a deliberation of the National Urban Planning Committee:

(a) Where the head of a central administrative agency intends to permit, authorize, approve, or decide the plans to legally fictionalize a decision on the urban management plan on the designation or alteration of a specific use area, specific use district, or specific use zone of not less than 300,000 sq. meters; and

(b) Where the head of a local government intends to permit, authorize, approve, or decide the plans to legally fictionalize a decision on the urban management plan on the designation or alteration of a specific use area, specific use district, or specific use zone of not less than 5 sq. kilometers; and

2. Where it shall undergo a deliberation of the Local Urban Planning Committee: Where the head of a local government intends to permit, authorize, approve, or decide the plans to legally fictionalize a decision on the urban management plan on the designation or alteration of a specific use area, specific use district, or specific use zone of not less than 300,000 sq. meters but less than five sq. kilometers.

(2) When the head of a central administrative agency or the head of a local government undergo a deliberation of the National Urban Planning Committee or the Local Urban Planning Committee under Paragraph (1), he/she shall submit the documents of the following subparagraphs to the Minister of Land, Transport, and Maritime Affairs or the head of the local government wherein the relevant Local Urban Planning Committee has been established:

1. A written plan with a statement of the purpose, necessity, background, contents, procedures for promotion, etc. of the plan, (including the details to be included in the relevant plans under related Acts and subordinate statutes);

2. Map on current status of land use drawn on a scale of 1 to 25,000 indicating the specific use area and infrastructure, etc. in the area concerned and its outskirts;

3. Sketch drawn on a scale of 1 to 1,000 indicating the details of the designation or alteration of the specific use area, specific use district, or specific use zone, (on a scale of not less than 1 to 5,000 for areas other than Urban Zone / Area); and

4. Other documents as stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

CHAPTER II METROPOLITAN PLANNING

Article 7 (Designation of Metropolitan Planning Zones)

(1) The metropolitan planning zone under Article 10 (1) of the Act shall be designated by the unit of the jurisdictional area of two or more adjacent Special Metropolitan Cities, Metropolitan Cities, or City's/County's.

(2) When the Minister of Land, Transport, and Maritime Affairs intends, notwithstanding the provisions of Paragraph (1), to include part of the jurisdictional areas of two or more adjacent Special Metropolitan Cities, Metropolitan Cities, or City's/County's into a metropolitan planning zone, he/she shall do so by the jurisdictional zone unit of a *Gu* or County(*Gun*), (referring to County in the jurisdictional area of the Metropolitan City), *Eup*, or *Myeon*.

Article 9 (Contents of Metropolitan planning)

The term "matters prescribed by Presidential Decree" in Article 12 (1) 5 of the Act mean the matters falling under each of the following subparagraphs:

1. Matters concerning the traffic, distribution, and circulation system of the metropolitan planning zone; and
2. Matters concerning the cultural and leisure spaces and the prevention of disaster in the metropolitan planning zone.

Article 10 (Standards for Formulating Metropolitan planning)

The Minister of Land, Transport, and Maritime Affairs shall, when he/she sets the standards for formulating the metropolitan planning under Article 12 (2) of the Act, take into account comprehensively the following matters: <Amended on Feb. 29, 2008>

1. The metropolitan planning shall suggest the future vision for the zone covered under the plan and a well-organized strategy for the realization of the vision in connection with the general land planning;
2. Formulation of the metropolitan planning shall be focused on such matters as the sharing of functions among the Special Metropolitan City, Metropolitan City, and City/County, prevention of the disorderly expansion of Urban Zone / Area, environmental conservation,

rational allocation of Area-wide facilities, and specific sectors that have been long under consideration within the metropolitan planning zone;

3. The planning shall be sufficiently comprehensive and broad to resiliently handle the fluctuations in the given conditions, but where it is focused on specific sectors, it shall be defined enough to distinctly present the guidelines for basic urban planning or urban management planning.

4. The planning shall provide sufficient consideration to favorable natural environments, such as the green belt axis, ecosystem, forest, scenery, etc., and excellent farmlands and specific use areas for preservation purposes, etc.

5. The planning by sectors shall be made in such a way that ensures interconnection between sectors.

Article 11 (Basic Survey for the Formulation of Metropolitan planning)

(1) The term "others as prescribed by Presidential Decree" in Article 13 (1) of the Act means matters of the following subparagraphs:

1. Natural conditions, such as weather, topography, resources, ecology, etc;
2. Current status and prospects of the infrastructure and residential levels;
3. Current occurrence status and progress of wind and flood disasters, earthquakes, and other disasters;
4. Details of other planning and projects relating to the metropolitan planning; and
5. Other matters necessary for the formulation of the metropolitan planning.

(2) Data surveyed and measured under other Acts and subordinate statutes with regard to matters to be surveyed, if any, may be used in a basic survey under Article 13 (1) of the Act.

(3) Where the Minister of Land, Transport, and Maritime Affairs or the Mayor of the Special Metropolitan City or Metropolitan City, or the Governor of the province or Special Autonomous province, (hereinafter referred to as the "Mayor/province governor"), intends to alter the formulated metropolitan planning, he/she shall survey and measure the matters necessary for altering the relevant metropolitan planning from among the matters of the basic survey under Article 13 (1) of the Act.

Article 12 (Public Hearing for the Formulation of Metropolitan planning)

(1) Where the Minister of Land, Transport, and Maritime Affairs or the Mayor/province governor, or the head of the City/County intends to hold a public hearing under Article 14 (1) of the Act, he/she shall publicly notify the matters outlined in the following subparagraphs on a daily newspaper that has the area of the Special Metropolitan City, Metropolitan City, or City/County concerned as its principal circulation area on more than one occasion not later than 14 days prior to the scheduled date of said public hearing: <Amended on Feb. 29, 2008; Aug. 5, 2009>

1. Purpose of the Public Hearing;
2. Scheduled date and venue of the Public Hearing;
3. Summary of the metropolitan planning intended for formulation or alteration; and
4. Other necessary matters.

(2) Public Hearings under Article 14 (1) of the Act shall be held by the unit of a metropolitan planning zone, but where deemed necessary, they may be held by dividing the metropolitan planning zone into several areas.

(3) Public Hearings under Article 14 (1) of the Act shall be presided over by a person nominated by the Minister of Land, Transport, and Maritime Affairs or the Mayor/province governor or the head of the City/County. <Amended on Feb. 29, 2008; Aug. 5, 2009>

(4) Matters necessary with respect to the holding of a Public Hearing other than the matters referred to in Paragraphs (1) through (3) may be set forth by the Minister of Land, Transport, and Maritime Affairs, or by the Municipal Ordinance for the urban planning, (hereinafter referred to as the "urban planning Ordinance"), of the Special Metropolitan City, Metropolitan City or province, (hereinafter referred to as the "City/province"), or by Ordinance regarding urban planning of the City/County, (hereinafter referred to as the "Ordinance on urban planning"). <Amended on Feb. 29, 2008; Aug. 5, 2009>

Article 13 (Approval of Metropolitan planning)

(1) Where the Mayor/province governor intends to obtain approval for metropolitan planning pursuant to Article 16 (1) of the Act, he/she shall submit to the Minister of Land, Transport, and Maritime Affairs draft metropolitan planning, accompanied by the documents outlined in the following subparagraphs: <Amended on Mar. 23, 2006; Feb. 29, 2008>

1. Results of the basic survey;
2. Results of the public hearing

3. Results of the hearing of opinions of the local council of the related City or province, or the head of the related City/County under Article 15 (1) of the Act, (excluding the head of the County located within the jurisdictional area of the Metropolitan City; hereinafter the same shall apply, provided, that the head of the County located within the jurisdictional area of the Metropolitan City shall be included in Articles 110, 112, 117, 122 through 124-3, 127, 128, and 130);

4. Advice from the City/province Urban Planning Committee under Article 113 (1) of the Act, (hereinafter referred to as the "City/province Urban Planning Committee"), if the matter has been referred to the City/province Urban Planning Committee; and

5. Documents necessary for a consultation with the head of the related central administrative agency and a deliberation by the National Urban Planning Committee under Article 16 (2) of the Act.

(2) When the draft metropolitan planning submitted under Paragraph (1) is not consistent with the formulation standards, etc. under Article 12 (2) of the Act, the Minister of Land, Transport, and Maritime Affairs may request the Mayor/province governor to supplement such said draft metropolitan planning. <Amended on Feb. 29, 2008>

(3) Public notification of metropolitan planning under Article 16 (4) of the Act shall be made by publishing in the public bulletin of the related City/province and the public notification of metropolitan planning under Article 16 (6) of the Act by publishing in the public bulletin of the related City/County, and the period for public inspections of related documents shall be no less than 30 days, respectively.

Article 13-2 (Composition and Operation of a Metropolitan planning Council)

(1) The Metropolitan planning Council under Article 17-2 of the Act shall consist of public officials concerned and persons of learning and knowledge in metropolitan planning.

(2) Particulars with respect to the composition and operation of the Metropolitan planning Council under Paragraph (1) shall be determined by the person who has the authority to formulate metropolitan planning under Article 11 of the Act.

[This Article Newly Inserted on Aug. 5, 2009]

CHAPTER III BASIC URBAN PLANNING

Article 14 (Areas for Which Basic Urban Planning May not be Established)

The term "City/County as prescribed by Presidential Decree" in the provision of Article 18 (1) of the Act means the City/County falling under any one of the following subparagraphs: <Amended on Sep. 8, 2005>

1. A City or County that has a population of not more than 100,000, that does not belong to the metropolitan zone under Subparagraph 1 of Article 2 of the Seoul Metropolitan Area Readjustment Planning Act, (hereinafter referred to as the "metropolitan zone"), and that does not form a boundary with Metropolitan Cities; and
2. A City or County to which all of the matters under Subparagraphs of Article 19 (1) of the Act are included and of which the whole area is covered in the established metropolitan planning.

Article 15 (Contents of Basic Urban Planning)

The term "other matters as prescribed by Presidential Decree" in Article 19 (1) 10 of the Act means matters of the following subparagraphs that are related to the purpose and achievement of the purpose of the basic urban planning:

1. Matters concerning the rearrangement and preservation of the downtown and residential environment;
2. Matters concerning the development and promotion of the economy, industry, society, and culture;
3. Matters concerning the improvement of traffic and distribution systems and the development of information and communications;
4. Matters concerning the management of urban beauty;
5. Matters concerning the disaster prevention and safety;
6. Matters concerning financial expansion and financing the implementation of basic urban planning; and
7. Matters concerning the promotion by phases of matters referred to in Subparagraphs 1 through 6.

Article 16 (Standards for Formulating Basic Urban Planning)

The Minister of Land, Transport, and Maritime Affairs shall, when he/she sets the standards for formulating the basic urban planning under Article 19 (3) of the Act, take into account comprehensively all the matters outlined in the following subparagraphs: <Amended on Feb. 29, 2008>

1. It shall be a general plan for Land Use, traffic, environment, etc. that suggests the basic space structures and long-term development directions of a Special Metropolitan City, Metropolitan City, or City/County;
2. It shall be comprehensive and broad enough to resiliently cope with fluctuations in the given conditions;
3. Only those portions that require corrections shall be extracted from among the details of the previous basic urban planning when the basic urban planning is readjusted pursuant to Article 23 of the Act to ensure planning continuity;
4. The level of details shall be differentiated between Urban Zone / Area, rural communities, and mountain regions by comprehensively taking account of the population density, peculiarity of Land Use, and peripheral environment, etc., however a link shall be made between Urban Zone / Area, rural communities, and mountain regions in the plan for infrastructure allocation and land use;
5. Plans by sectors shall be consistent with the direction of basic urban planning under Article 19 (1) 1 of the Act and suggest strategies to realize the aim of basic urban planning so that they may maintain unity and consistency with the basic urban planning;
6. The feasible land for development located in an urban area, etc. shall be developed step-by-step with time lags;
7. The Land Use planning shall give sufficient consideration to favorable natural environments, such as a green belt axis, ecosystem, forests, scenery, etc., and excellent farmlands and the specific use areas for preservation purposes, etc;
8. Arrangements shall be made whereby a separate volume of the basic urban planning may be prepared with regard to matters concerning scenery under Article 19 (1) 8 of the Act.

Article 16-2 (Public Notification and Inspection of the Basic Urban Planning of the Special Metropolitan City and Metropolitan City)

The public notification of the basic urban planning of the Special Metropolitan City and Metropolitan City under Article 22(3) of the Act shall be carried out by publishing in the official bulletin of the Special Metropolitan City and Metropolitan City concerned, where the period for public inspections of relevant documents shall be 30 days or more.

[This Article Newly Inserted on Aug. 5, 2009]

Article 17 (Approval for Basic Urban Planning of the City/County) <Amended on Aug. 5, 2009>

(1) When the head of the City/County intends to obtain approval for the basic urban planning under Article 22-2(1) of the Act, he/she shall submit to the Minister of Land, Transport, and Maritime Affairs a draft basic urban plan, accompanied by the documents outlined in the following subparagraphs: <Amended on Feb. 29, 2008; Aug. 5, 2009>

1. Results of the basic survey;
2. Results from the public hearing;
3. Results from the hearing of opinions of the local council of the relevant local government under Article 21 of the Act;
4. Advice from the Local Urban Planning Committee established in the relevant local government, where the planning has been referred to the Local Urban Planning Committee; and
5. Documents necessary for a consultation with the head of the related central administrative agency and a deliberation by the National Urban Planning Committee under Article 22 (2) of the Act.

(2) Where the draft basic urban planning submitted under Paragraph (1) is not consistent with the formulation standards, etc. under Article 19 (3) of the Act, the Minister of Land, Transport, and Maritime Affairs may request the head of the City/County to supplement such said draft basic urban planning.

(3) Public notification of the basic urban planning under Article 22 (4) of the Act shall be made by publishing in the public bulletin of the related City/County, and the period for public inspections of the related documents shall be 30 days or more.

Article 17-2 (Scale of State Plan)

The term “the scale as prescribed by Presidential Decree” in Article 22-3(1) of the Act shall mean 3.3 million sq. meters or more. <Amended on Aug. 5, 2009>

[This Article Newly Inserted on Apr. 19, 2007]

CHAPTER IV URBAN MANAGEMENT PLANNING

SECTION 1 Procedure for Formulating Urban Management Planning

Article 18 (Standards, etc. for Preparing Documents and Specifications of Urban Management Planning)

(1) The scheme drawing referred to in the documents of urban management planning under Article 25 (2) of the Act shall be prepared by a drawing specifying the urban management matters on a topographical map, (including digital maps; hereinafter the same shall apply), drawn on a scale of 1 to 1,000 or 1 to 5,000, (where topographical maps on a scale of 1 to 1,000 or 1 to 5,000 are not published, a scale of 1 to 25,000), provided, that where the topographical maps are not published, the drawings of a maritime chart, seafloor topographical map, etc. may substitute for the topographical map.

(2) Where the scheme drawings under Paragraph (1) are 2 sheets or more, the summarized map of urban management planning, (referring to a drawing specifying the principal matters of urban management planning on a topographical map of a scale of not less than 1 to 50,000), may be included in the specification of planning under Article 25 (2) of the Act.

Article 19 (Guidelines for formulating urban management planning)

The Minister of Land, Transport, and Maritime Affairs (referring to the Minister of Food, Agriculture, Forestry and Fisheries in case of a fishery-resources protection zone pursuant to Article 40 of the Act) shall, when he/she sets forth the guidelines for formulating urban management planning under Article 25 (4) of the Act, take account comprehensively of the following matters:

1. Details presented in the metropolitan planning, the basic urban planning, etc. shall be accepted, and relations with respective project plans and the growing trends of Urban Zone / Area shall be considered in the formulation;
2. City or County not formulating basic urban planning shall contain matters required for a smooth formulation of urban management planning from among matters to be included in the conception of the long-term development of the relevant City/County and the basic urban planning under Article 19 (1) of the Act;
3. Rearrangement limited to a specific area or a specific field shall be allowed, where it is required for the efficient operation, etc. of urban management planning;
4. Spatial structures shall be properly divided by living zones, and living and convenience facilities shall be wholly furnished for each living zone;
5. The level of details shall be differentiated between Urban Zone / Area, rural communities, and mountain regions by comprehensively taking into account the population density, peculiarity of Land Use and peripheral environment, etc., however a link shall be made between Urban Zone / Area, rural communities, and mountain regions in the plan for infrastructure allocation and land use;

6. Movements of population, such as a population that works in the daytime and in the nighttime, and growing trends of Urban Zone / Area shall be considered in the formulation of a Land Use plan to ensure proper development density;
7. The Land Use planning shall give sufficient consideration to favorable natural environments, such as a green belt axis, ecosystem, forests, scenery, etc., and excellent farmlands and specific use areas for preservation purposes, etc;
8. Where any facilities that are located in a metropolitan zone and attract a concentration of population are intended to be moved to outside the metropolitan zone, the Land Use planning for the previous site shall be formulated in such a way that promotes the relocation of the said facilities to local areas;
9. Urban Planning Facilities / Infrastructure shall be determined at appropriate levels considering execution capabilities and, for existing Urban Planning Facilities / Infrastructure, the current state of installation, maintenance, and operation shall be inspected, and facilities that are found to have been irrationally determined in the aspect of size, etc. or impossible to be realized shall be re-considered to reduce the number of facilities that are not executed;
10. Measures that can enhance the organic harmony between planning and the environment, including an advance examination of the impact of urban development or construction of infrastructure on the environment, shall be taken for sound and sustainable urban development.

Article 20 (Procedures for Processing Written Proposals)

- (1) The Minister of Land, Transport, and Maritime Affairs, the Mayor/province(*Do*) governor, or the head of the City/County that has received any proposal for drafting urban management planning under Article 26 (1) of the Act shall notify the proposer as to whether the proposal shall be reflected on drafting the urban management planning within 60 days from the date of the proposal, provided, that in unavoidable circumstances, the time limit may be extended for a period of 30 days only once. <Amended on Jan. 20, 2004; Feb. 29, 2008>
- (2) The Minister of Land, Transport, and Maritime Affairs, the Mayor/province(*Do*) governor, or the head of the City/County may, where deemed necessary for making a decision on whether the proposal under Article 26 (1) of the Act shall be reflected when devising urban management planning, receive advice from the National Urban Planning Committee or the Local Urban Planning Committee established in the relevant local government.
- (3) The Minister of Land, Transport, and Maritime Affairs, the Mayor/province(*Do*) governor, or the head of the City/County may, in case he/she reflects the proposal under Article 26 (1) of the Act on devising urban management planning, use the document of urban management planning and the specifications of planning attached to the proposal in drafting the urban management planning.

Article 21 (Basic Survey, etc. for Devising Urban Management Planning)

(1) The term "minor matters prescribed by Presidential Decree" in the provision of Article 27 (1) of the Act means the matters under the Subparagraphs of Articles 25 (3) and (4).

(2) The term "requirements as prescribed by Presidential Decree" in Article 27 (4) of the Act means the cases falling under any one of those outlined in the following subparagraphs, provided, that the provisions of Subparagraphs 5 through 11 shall apply only to the appraisal of the land's aptitude, (hereinafter referred to as the "assessment of land suitability "):
<Amended on Jan. 20, 2004; Sep. 8, 2005; Feb. 29, 2008; Sep. 25, 2008>

1. Where the relevant District Unit Plan Area is located in the city centre, (referring to the Commercial Zone and the area adjacent to the Commercial Zone);
2. Where the area of vacant building site within the relevant District Unit Plan Area falls short of 2/100 of the district area;
3. Where the relevant District Unit Plan Area or urban planning facility site is designated as the area, district, zone, complex, etc. under other Acts, or any development plans have been formulated for the zone;
4. Where the purpose of designation of the relevant district Unit Plan Area is to readjust or manage the relevant district, and where there exists no plan to construct a road wider than 12 meters in the district unit planning;
5. Where urban management planning is drafted for a Residential Zone, Commercial Zone, or Industrial Zone;
6. Where urban management planning is drafted for an area created under the Act, or other Acts and subordinate statutes;
7. Where urban management planning is drafted for an area for which an Assessment of land suitability has been made within five years prior to the date of drafting the urban management planning, provided, that the same shall not apply in cases where the given conditions of infrastructure, etc. have been greatly changed;
8. Where urban management planning is drafted for an area which has been adjusted or removed from an area of restricted development for reasons under Article 2 (3) 1 or 2 of the Enforcement Decree of the Act on Special Measures for the Designation and Management of Areas of Restricted Development;
9. Where it is an urban development project under the Urban Development Act;

10. Where urban management planning is drafted for a District Unit Plan Area or an urban planning facility site;

11. Where the draft urban management planning falls under any one of the following items:

(a) Change of the Land Use Zone for development usage, (referring to a Residential Zone, Commercial Zone, Industrial Zone and planning management area; hereinafter in this subparagraph, the same shall apply), into a Land Use Zone for conservation usage, (referring to a Land Use Zone other than a Land Use Zone for development usage; hereinafter in this subparagraph, the same shall apply), provided, that the case of changing the planning management area into a natural Green area shall be excluded;

(b) Mutual changes between the Land Use Zones for conservation usage, provided, that the case of changing the planning management area into a natural Green area shall be excluded;

(c) Designation or change of the Land Use District and Land Use Area, provided, that the designation or expanded designation of the development promotion district or the amusement district shall be excluded; and

(d) Construction of the following infrastructure:

(i) Infrastructure equivalent to the size of development acts by Land Use Zones under the provisions of each subparagraph of Article 55 (1);

(ii) Transport facilities and supply facilities made in a linear style, such as roads, railways, tracks, cableways, water supply, gas, etc;

(iii) Spatial facilities, (excluding athletics parks, cemetery parks, and amusement parks);

(iv) Disaster prevention facilities and basic environmental facilities, (excluding car disposal places); and

(v) Infrastructure constructed in an area of restricted development; and

12. Where it meets the requirements as set forth by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

Article 22 (Hearing of Opinions of Residents and Local Councils)

(1) The term "minor matters prescribed by Presidential Decree" in the provision of Article 28 (1) of the Act means the matters of the Subparagraphs of Articles 25 (3) and Article 25 (4).

(2) Where the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County intends to hear the opinions of residents on drafting urban management

planning under Article 28 (4) of the Act, (including the time to hear the opinions of residents on a draft urban management planning forwarded by the Minister of Land, Transport, and Maritime Affairs, (referring to the Minister of Food, Agriculture, Forestry, and Fisheries in the case of a fishery-resources protection zone pursuant to Article 40 of the Act; hereinafter in this Article the same shall apply), or the Mayor/province(*Do*) governor under Article 28 (2) of the Act), he/she shall publicly notify the major contents of draft urban management planning in two or more daily newspapers having the areas of the relevant Special Metropolitan City, Metropolitan City, or City/County as their principal circulation area, and the Internet website of the relevant Special Metropolitan City, Metropolitan City, or City/County, and shall offer the draft urban management planning for public inspections for more than 14 days. <Amended on Sep. 8, 2005; Feb. 29, 2008; Jul. 28, 2008>

(3) Any person who has opinions on the contents of the draft urban management planning notified publicly under Paragraph (2) may submit his/her written opinion within the period of public inspection to the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County.

(4) The Minister of Land, Transport, and Maritime Affairs, the Mayor/province(*Do*) governor, or the head of the City/County shall examine whether he/she shall reflect opinions submitted under Paragraph (3) on the draft urban management planning, and notify the person who has submitted the relevant opinions of the results of the said examination within 60 days after the expiration of the public inspection period.

(5) Where the Minister of Land, Transport, and Maritime Affairs, the Mayor/ province(*Do*) governor, or the head of the City/County intends to reflect opinions submitted under Paragraph (3) on the draft urban management planning and contents thereof fall under the important matters set forth by the Municipal Ordinances of the relevant Special Metropolitan City, Metropolitan City, or *Si*/County, he/she shall publicly notify and offer the said contents for public inspection and hear opinions of residents again.

(6) Provisions of Paragraphs (2) through (4) shall apply mutatis mutandis to the second public notification and inspection under Paragraph (5).

(7) The term "matters prescribed by Presidential Decree" under Article 28 (5) of the Act means the matters outlined in the following subparagraphs, provided, that the matters under each subparagraph of Article 25 (3) and those subject to a determination or a modified determination by the district unit planning shall be excluded: <Amended on Sep. 8, 2005; Nov. 11, 2005; Jul. 7, 2009>

1. Designation or modified designation of the Land Use Zone, Land Use District, or Land Use Area under Articles 36 through 40 of the Act;

2. Determination or modified determination of the urban management planning concerning the construction, rearrangement, or improvement of Area-wide facilities contained in the metropolitan planning; and

3. Determination or modified determination of the urban management planning concerning the construction, rearrangement, or improvement of infrastructure falling under any one of the following items:

(a) Major arterial roads, (referring to roads that constitute the skeleton of the City/County connecting major areas in City/County, or between City's/County's or between major local areas to address transit traffic in large quantity), from among the roads;

(b) Urban railroads from among the railroads;

(c) Terminals of passenger automobiles from among the automobile depots, (limited to those for the suburban bus business);

(d) Parks, (excluding small parks and children's parks under the Urban Parks, Green zones, etc. Act);

(e) Facilities for the distribution business;

(f) Colleges and universities from among the schools;

(g) Athletics fields;

(h) Deleted; <Sep. 8, 2005>

(i) Buildings of local governments from among the government buildings;

(j) Crematories;

(k) Cemeteries;

(l) Charnel facilities;

(m) Sewage systems, (limited to sewage terminal treatment facilities);

(n) Waste treatment facilities; and

(o) Water pollution control facilities.

Article 23 (Requests for Determination of Urban Management Planning)

Where the head of the City/County, (in cases of requesting the determination of urban management planning falling under any one of Articles 29 (2) 2 through 29 (2) 4 of the Act, including the Mayor/province(*Do*) governor), intends to request the determination of urban management planning under Article 29 (1) of the Act, he/she shall submit to the province(*Do*) governor (in cases of requesting the determination of urban management planning falling under any one of Article 29 (2) 2 or Article 29 (2) 3 of the Act, referring to the Minister of Land, Transport, and Maritime Affairs and in cases of requesting the determination of urban management planning falling under Article 29 (2) 4 of the Act, referring to the Minister of Food, Agriculture, Forestry and Fisheries) the document of urban management planning and the specifications of planning under Article 25 (2) of the Act, accompanied with the documents falling under each outlined in the following subparagraphs, provided, that where the head of the City/County requests the determination of urban management planning to the Minister of Land, Transport, and Maritime Affairs, he/she shall undergo the province(*Do*) governor:

1. Results from the hearing of opinions of residents under Article 28 (1) of the Act;
2. Results from the hearing of opinions of local councils under Article 28 (5) of the Act;
3. Advices of the Local Urban Planning Committee established in the relevant local government where he/she has gone through the advice by the committee;
4. Documents necessary for a consultation with the head of the related administrative agency under Article 30 (1) of the Act (where a consultation has been held in advance with the related administrative agency pursuant to Article 35 (2) of the Act, the result of such consultation); and
5. Documents necessary for a deliberation by the National Urban Planning Committee or City/province(*Do*) Urban Planning Committee.

Article 24 Deleted <Aug. 5, 2009>

Article 25 (Determination of Urban Management Planning)

(1) The term "urban management planning concerning other important matters prescribed by Presidential Decree" under Article 30 (2) of the Act means the urban management planning falling under each outlined in the following subparagraphs, provided, that such matters as fall under each subparagraph of Paragraph (3) and paragraph (4), and as have consulted in advance with the Minister of Land, Transport, and Maritime Affairs, (referring to the Minister of Food, Agriculture, Forestry and Fisheries in cases of a fishery-resources protection zone pursuant to Article 40 of the Act) under the related Acts and subordinate statutes shall be excluded: <Amended on Feb. 29, 2008; Jul. 28, 2008>

1. Urban management planning drafted by the Mayor/province(*Do*) governor in connection with the metropolitan planning;
2. Urban management planning that is first determined with regard to the former limited development district after the cancellation of the limited development district; and
3. Urban management planning set forth by Ordinance of the Ministry of Land, Transport, and Maritime Affairs from among the urban management planning concerning the construction, rearrangement or improvement of infrastructure that extends over two or more Cities/province(*Do*)'s.

(2) Where the building committee and the Urban Planning Committee intend to jointly deliberate on the district unit planning under the provision of the main part of Article 30 (3) of the Act, they shall constitute a joint committee pursuant to standards as prescribed in the following subparagraphs:

1. Members of the joint committee shall be appointed or commissioned by the Mayor/province(*Do*) governor from among the members of the building committee and the Urban Planning Committee: In this case, if any subcommittee for deliberating on the district unit planning has been established in the City/province(*Do*) Urban Planning Committee under 113 (3) of the Act, the whole members of the relevant subcommittee shall be appointed or commissioned to members of the joint committee;
2. The number of members of the joint committee shall not be more than 25;
3. The members of the building committee shall account for more than 1/3 of the total members of the joint committee; and
4. In the case of the Special Metropolitan City and Metropolitan City, the vice-mayor shall be appointed to the chairperson of the joint committee, and in the case of province(*Do*), the vice-governor shall be appointed to the chairperson of the joint committee.

(3) In case of falling under any one outlined in the following subparagraphs, the urban management planning, (excluding the district unit planning) may be altered pursuant to the provision of Article 30 (5) of the Act, without going through a consultation with the head of the related administrative agency, a consultation with the Minister of Land, Transport, and Maritime Affairs, and a deliberation by the National Urban Planning Committee or Local Urban Planning Committee: <Amended on Sep. 29, 2003; Jan. 20, 2004; Jan. 15, 2005; Sep. 8, 2005; Feb. 29, 2008; Sep. 25, 2008; Jul. 7, 2009>

1. Where less than 5 percent of unit area of constructed infrastrure is altered, provided, that for facilities falling under any one of the following items, the same shall apply only to the case where the facilities meet requirements of the item concerned:

(a) Roads: Where its starting point and terminal point are not altered and its centerline does not deviate from the scope of road determined previously;

(b) Parks and green belts: In case of falling under any one of the following:

(i) Where the area is increased; or

(ii) Where the total area altered after the first determination of the Urban Planning Facilities / Infrastructure does not exceed 10,000 sq. meters and the area is reduced by 5 percent or less of the site area at the time of first determining the Urban Planning Facilities / Infrastructure, provided, that buffer greenbelts, (including the case where they are constructed outside the urban area with the application of the same act) under Subparagraph 1 of Article 35 of the Act on Urban Parks and Greenbelts, etc. shall be excluded.

2. Inevitable alteration of a facility site owing to topographical conditions, including minor change of location or an ascending surface of the urban planning facility;

3. Determination or alteration of detail parts of the Urban Planning Facilities / Infrastructure that have been already determined;

4. Alteration of the Land Use Zone, Land Use District, Land Use Area, or District Unit Plan Area following reduction of urban area;

5. Determination of the agriculture-promotion area under the Farmland Act or the conserved mountainous district under the forest land management act as the agricultural and forestry area in areas outside the urban area;

6. Determination of the park zone or park protection zone under the Natural Parks Act, the water resource protection district under the Water Supply and Waterworks Installation Act, and the designated cultural property or the natural monuments and their protection zone designated by the Protection of Cultural Properties Act as the natural environment preservation area; and

7. Other alteration of minor matters as determined by Ordinance of the Ministry of Land, Transport, and Maritime Affairs, (referring to the Ordinance of the Ministry of Food, Agriculture, Forestry and Fisheries in cases of a fishery-resources protection zone pursuant to Article 40 of the Act).

(4) Where a district unit planning falls under any one outlined in the following subparagraphs, the district unit planning may be altered without going through a consultation with the head of the related administrative agency, a consultation with the Minister of Land, Transport, and Maritime Affairs, and the deliberation by the National Urban Planning Committee or Local Urban Planning Committee pursuant to the provision of Article 30 (5) of the Act: In this case, Matters with respect to which the urban planning municipal Ordinance of the Special

Metropolitan City, Metropolitan City, or City/County has provisions may be altered without going through a deliberation by the building committee and the urban planning committee: <Amended on Jan. 20, 2004; on Jan. 15, 2005; Jan. 8, 2008; Feb. 29, 2008>

1. Where it is a modified determination on the Land Use Zone, Land Use District or urban planning facility that has been determined by the district unit planning and the alteration falls under any one of Subparagraphs of Paragraph (3),
2. Where it is an alteration within 10 percent of the area of a block, (including the separate zone under Subparagraph 4 of Article 48; hereinafter in this paragraph, the same shall apply);
3. Where it is an alteration within 30 percent of the lots;
4. Where it is an alteration within 20 percent of the height of structure, (including the case that is accompanied with an alteration of the number of stories);
5. Where it is an alteration of the size and development plan of lots falling under any one item of Article 46 (7) 2;
6. Where it is an alteration within one meter of the construction line;
7. Where it is an alteration of the arrangement, form, or color of structure;
8. Where it is an alteration of matters that have been determined as minor matters in the district unit planning, provided, that matters that falls under an alteration of the Land Use Zone, Land Use District, urban planning facility, block area, area of lots, height of structure, or construction line shall be excluded;
9. Where it is a decrease or an increase within 10 percent, of the building coverage ratio or floor area ratio as determined in the development plans regarded as the Class-II district unit planning under the provisions of Article 17 (2) of the Addenda of the National Land Planning and Utilization Act, Act No. 6655, (excluding the case that exceeds the limit of the building coverage ratio or floor area ratio under the provisions of Article 47 (1), in cases of any increase in the said ratio);
10. Where it is an alteration within 5 percent of the area of the District Unit Plan Area and it is an alteration of the district unit planning within the altered zone; and
11. Where it is an alteration of other minor matters as determined by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

(5) Public announcement of the determination of urban management planning under Articles 30 (6) and 30 (7) of the Act shall be made by publishing the matters falling under each outlined in the following subparagraphs, in cases of public announcement by the Minister of

Land, Transport, and Maritime Affairs, on the Official Gazette and in cases of public announcement by the Mayor/province(*Do*) governor or by mayor of City, (hereinafter referred to as the “mayor of large city”), that has non-autonomous *Gus* established under Article 3(3) of the Local Autonomy Act, on the public bulletin of the relevant City/province(*Do*) or the large city concerned:

1. The purport that it is a plan falling under any one of items of Subparagraph 4 of Article 4 of the Act;
2. Location;
3. Area or size; and
4. Other matters as determined by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

(6) When the Special Metropolitan City Mayor or the Metropolitan City Mayor notifies publicly a determination of urban management planning which contains jurisdictional areas of other Special Metropolitan City, Metropolitan City, or City/County, he/she shall forward the related documents to the relevant Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County.

Article 26 (Special Case for Works in Progress)

(1) Any person who has already undertaken the project or works at the time of determination of urban management planning for the designation of an urbanization coordination district or a fishery resource protection zone, shall file a report on the details of such project or work to the competent Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County within 3 months after the public announcement of the determination of urban management planning for the designation of an urbanization-coordination district or a fishery resource protection zone under the provision of Article 31 (2) of the Act.

(2) Where the activities reported under Paragraph (1) are an alteration of form and quality of the land aiming at building the structure, the person who intends to build the relevant structure may build the relevant structure when he/she files an application for a construction permit within 3 months after completion of the work for alteration of land's form and quality.

(3) Where public announcement of the determination of urban management planning under Paragraph (1) is made within a year after the work for alteration of land's form and quality has completed, the person who intends to build the relevant structure may build the relevant structure when he/she files an application for a construction permit within 6 months after the public announcement of the determination of the relevant urban management planning.

Article 27 (Method of Preparation and Public Announcement of Topographical Map)

(1) When a drawing specifying the matters of urban management planning is prepared on a topographical map indicating the cadastral matters under the text of Article 32 (1) of the Act, it shall be drawn on a scale of 1 to 500 through 1 to 1,500 (the forest, control area, agricultural and fishery area and natural environment conservation area within the green belt may be drawn on a scale of 1 to 3,000 through 1 to 6,000), provided, that where the boundary of land intended for a public announcement correspond to the boundary of administrative area, and where it is the zone wherein the projects of urban planning, of developing an industrial complex or of site development, the drawing specifying the matters of urban management planning on a copy of cadastral map may substitute for it.

(2) Database of topographical maps indicating the cadastral matters, if it has been constructed, may be used in the preparing of drawing under Paragraph (1).

(3) Drawings of a maritime chart, seafloor topographical map, etc. may, if topographical maps have not been published, substitute for topographical map in the preparing of drawing under Paragraph (1).

(4) For the land outside the urban area whose Urban Planning Facilities / Infrastructure have not been determined under the provision of Article 32 (1) of the Act, the drawing specifying the urban planning matters may be prepared on the topographical map (for the sea surface portions, the topographical map may be substituted by a drawing of a maritime chart, seafloor topographical map, etc.) drawn on a scale of not less than 1 to 5,000 without indication of the cadastral matters (in cases where no topographical map drawn on a scale of not less than 1 to 5,000 has been published, the scale of not less than 1 to 25,000).

(5) Where there are two or more drawings under the provisions of Paragraphs (1) through (4), the overall map on a scale of 1 to 5,000 through 1 to 50,000 may be separately appended.

(6) Criteria, etc. for drawing up the topographical maps, (referring to the maps drawn under Paragraphs (1), (3) and (4); hereinafter the same shall apply) shall be determined by the Minister of Land, Transport, and Maritime Affairs, (referring to the Minister of Food, Agriculture, Forestry and Fisheries in cases of a fishery-resources protection zone pursuant to Article 40 of the Act). <Amended on Feb. 29, 2008; Jul. 28, 2008>

(7) The term "period prescribed by Presidential Decree" in the latter part of Article 32 (2) of the Act means 30 days.

(8) Public announcement of the preparation of or approval for the topographical maps under Article 32 (4) of the Act shall be made by publishing on the Official Gazette in cases of public announcement by the Minister of Land, Transport, and Maritime Affairs, and on the public bulletin of the relevant City/province(*Do*) or the large City in cases of public announcement by the Mayor/province(*Do*) governor or the mayor of the large City. <Amended on Feb. 29, 2008; Aug. 5, 2009>

(9) The term "the scale prescribed by Presidential Decree" in the former part of Article 32 (5) of the Act means a scale of 1 to 500 through 1 to 1,500 (the forest, control area, agricultural and fishery area and natural environment conservation area within the green belt may be on a scale of 1 to 3,000 through 1 to 6,000).

Article 28 (Method of Public Announcement of Invalidation)

Public announcement of the invalidation of a determination of an urban management planning under Article 33 (2) of the Act shall be made by publishing the date of invalidation, cause for invalidation, and the details of invalid urban management planning on the Official Gazette in the case of public announcement by the Minister of Land, Transport, and Maritime Affairs, and on the public bulletin of the relevant City/province(*Do*) or the large City in the case of public announcement by the Mayor/province(*Do*) governor or the mayor of the large City. <Amended on Feb. 29, 2008; Jul. 28, 2008; Aug. 5, 2009>

Article 29 (Rearrangement of Urban Management Planning)

(1) When the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County consolidates the urban management planning under Article 34 of the Act, if the urban planning facility project for installing the relevant Urban Planning Facilities / Infrastructure has not been implemented within 10 years from the date of public announcement of the determination of urban management planning for the Urban Planning Facilities / Infrastructure, (hereinafter referred to as the "determination of Urban Planning Facilities / Infrastructure"), he/she shall examine propriety of the determination of the relevant Urban Planning Facilities / Infrastructure, and reflect its results on the drafting of the urban management planning.

(2) The head of the City/County wherein no basic urban planning has been formulated under the provision of Article 18 (1) of the Act shall, when he/she consolidates the urban management planning under Article 34 of the Act, include the long-term development conception for the relevant City/County in the specifications of planning under Article 25 (2) of the Act, and hold a public hearing to hear opinions of residents thereon.

(3) Provisions of Article 12 shall apply *mutatis mutandis* to the public hearing under Paragraph (2).

SECTION 2 Land Use Zone, Land Use District and Land Use Area

Article 30 (Subdivision of land use zoning)

The Minister of Land, Transport, and Maritime Affairs, the Mayor/province(*Do*) governor or the mayor of the large city may determine the Residential Zone, Commercial Zone, Industrial

Zone and green belt by the determination of urban management planning in subdivisions pursuant to Article 36 (2) of the Act as follows: <Amended on Feb. 29, 2008; Aug. 5, 2009>

1. Residential Zone:

(a) Exclusive residential zone: Area required for protecting the favorable residential environment:

(i) Class I exclusive residential zone: Area required for protecting the favorable residential environment mainly for independent housing; and

(ii) Class II exclusive residential zone: Area required for protecting the favorable residential environments mainly for collective housing;

(b) General Residential Zone: Area required for creating the convenient residential environment:

(i) Class I general Residential Zone: Area required for creating the convenient residential environments mainly for low-rise housing;

(ii) Class II general Residential Zone: Area required for creating the convenient residential environments mainly for medium-rise housing; and

(iii) Class III general Residential Zone: Area required for creating the convenient residential environments mainly for medium- and high-rise housing; and

(c) Quasi Residential Zone: Area required for partially supplementing the commercial function and business function to support residence-centered function;

2. Commercial Zone:

(a) Central Commercial Zone: Area required for expanding the commercial function and business function in the center and sub center of a metropolis;

(b) General Commercial Zone: Area required for entrusting the area with the general commercial function and business function;

(c) Neighborhood Commercial Zone: Area required for supplying daily necessities and services in the neighborhood area; and

(d) Distribution commercial zone: Area required for increasing the circulation function in the city and between areas;

3. Industrial Zone:

(a) Exclusive Industrial Zone: Area required for admitting mainly the heavy chemical industry, polluting industry, etc;

(b) General Industrial Zone: Area required for deploying industries that do not cause to environment; and

(c) Quasi Industrial Zone: Area to admit light and other industries, where residential, function and business function should be supplemented; and

4. Green zone:

(a) Conservative Green zone: Area required for conserving natural environment, scenery, forest and Green area of the urban area;

(b) Agricultural green zone: Area where developments should be restricted for the main purpose of agricultural production; and

(c) Natural Green zone: Area that should be preserved for securing Green area, prevention of urban area from expanding, future supply of urban area, etc., wherein restrictive developments are allowed only for the inevitable cases.

Article 31 (Designation of Land Use District)

(1) Deleted <Sep. 25, 2008>

(2) The Minister of Land, Transport, and Maritime Affairs, the Mayor/province(*Do*) governor or the mayor of the large City may designate the Aesthetic District, aesthetic district, Height-control district, conservation district, facilities protection district, community district, and development promotion district in the following subdivisions by a determination of urban management planning pursuant to Article 37 (2) of the Act: <Amended on Jan. 15, 2005; Sep. 8, 2005; Feb. 29, 2008; Sep. 25, 2008>

1. Aesthetic District:

(a) Natural Aesthetic District: District required for protecting natural scenery, such as mountain land, hilly land, etc., or for keeping natural urban elegance;

(b) Waterside Aesthetic District: District required for protecting and keeping waterside natural scenery in the principal water systems of the area; and

(c) Urban Aesthetic District: District required for creating favorable environment for Residential Zone and for protecting urban scenery of urban districts;

2. Aesthetic district:

(a) Central place's aesthetic district: District required for keeping and maintaining scenery of areas wherein land is utilized in high level;

(b) Historic and cultural aesthetic district: District required for keeping and maintaining scenery of cultural properties and structures, etc. worth preserving in the aspect of culture; and

(c) General aesthetic district: Districts required for keeping and maintaining scenery other than the central aesthetic district and the historic and cultural aesthetic district;

3. Height-control district:

(a) Height Maximum Controlled District: District where to set the highest permissible height of buildings is required in order to protect the environment and scenery, and to prevent an overconcentration; and

(b) Height Minimum Controlled District: District where to set the lowest permissible height of buildings is required in order to increase Land Use and to protect the scenery;

4. Conservation district:

(a) Cultural resources conservation district: District required for protecting and preserving areas and facilities worth preserving in the aspect of history and culture, such as cultural properties and traditional Buddhist temples;

(b) Important installation conservation district: District required for protecting and preserving installations important for the national defense and security; and

(c) Ecosystem conservation district: District required for protecting and preserving areas worth preserving in the aspect of ecology, such as habitats of wild animals and plants;

5. Facilities protection district:

(a) School Protection District: District required for protecting and maintaining the educational environment of schools;

(b) Public facilities protection district: District required for protecting Public facilities, and for raising efficiency of public service functions;

(c) Harbor facilities: District required for raising efficiency of the harbor functions as well as for management and operation of harbor facilities; and

(d) Airport facilities: District required for protection of airport facilities and safe operation of aircrafts;

6. Community district:

(a) Natural Village District: District required for consolidating communities situated within Green zones, controlling areas, agricultural and forestry areas, or Natural Environment Conservation Zone; and

(b) Collective Village District: District required for consolidating communities situated within limited development areas; and

7. Development promotion district:

(a) Residence development promotion district: District that is in need of development and rearrangement with priority given to the residential function;

(b) Industry development promotion district: District that is in need of development and rearrangement with priority given to the industrial function;

(c) Circulation development promotion district: District that is in need of development and rearrangement with priority given to the circulation and distribution function;

(d) Tourism and recreation Development promotion district: District that is in need of development and rearrangement with priority given to the tourism and recreation function;

(e) Complex development promotion district: District that is in need of development and rearrangement with priority given to two or more functions from among the residential function, industrial function, circulation and distribution function, and tourism and recreation function; and

(f) Specific development promotion district: District that is in need of development and rearrangement for specific purposes with priority given to functions other than residential function, industrial function, circulation and distribution function, tourism and recreation function.

(3) When it is required according to local conditions, the Mayor/province(*Do*) governor or the mayor of the large city may, under the conditions as determined by the municipal ordinances of the relevant City/province(*Do*) or the large city, further subdivide the scenic zone and aesthetic zone under Paragraphs (2) 1 and (2) 2 or designate the specific use restriction district in subdivisions pursuant to Article 37 (1) 10 of the Act, and

(4) In the determination of other Land Use Districts than the Land Use District under Article 37 (1) and (2) of the Act by the municipal urban planning ordinances of City/province(*Do*) pursuant to paragraph (3) of the same Article, the following standards shall apply:

1. A new Land Use District shall be determined only when it is impossible to achieve efficient Land Use with the Land Use Zones, Land Use Districts or the Land Use Areas under the Act;

2. Restrictions on activities within the Land Use District shall hold to the minimum required for achieving the designation purpose of the said Land Use District; and

3. Any new Land Use District shall not be established to relax restrictions on activities in the relevant Land Use Zone or the Land Use Area.

Article 32 (Designation of Urbanization-Coordination District)

(1) The term "specific period fixed by Presidential Decree" under Article 39 (1) of the Act means a period of not less than 5 years but not more than 20 years.

(2) The Minister of Land, Transport, and Maritime Affairs shall, when he/she intends to designate or alter the urbanization-coordination district under Article 39 (1) of the Act, fix the period of reserving the urbanization by an urban management planning considering movements of population, status of Land Use and industrial development, etc. in the relevant urban area and its peripheral areas. <Amended on Feb. 29, 2008>

(3) Public announcement of the validity loss of the designating of urbanization-coordination district under the latter part of Article 39 (2) of the Act shall be made by means of printing the date of losing validity, cause for losing validity, and the details of invalid urban management planning on the Official Gazette.

Article 33 (Designation of Land Use Zone for Reclaimed Land from Public Waters)

(1) The term "Land Use Zone prescribed by Presidential Decree" under the former part of Article 41 (1) of the Act and paragraph (2) of the same Article means the Land Use Zone under each subparagraph of Article 6 of the Act.

(2) Public announcement under the latter part of Article 41 (1) of the Act shall be made by means of printing on the public bulletin of the relevant City/province(*Do*).

Article 34 (Public Announcement of Restoration to Land Use Zone)

Public announcement of restoration to the Land Use Zone under the latter part of Article 42 (4) of the Act shall be made by means of printing the date of restoration, the reasons for

restoration, and the details of urban management planning under which the Land Use Zone has been restored on the public bulletin of the relevant City/province(*Do*).

SECTION 3 Urban Planning Facilities

Article 35 (Installation and Management of Urban Planning Facilities)

(1) The term "the case where the Presidential Decree prescribes" in the provision of Article 43 (1) of the Act means the following cases: <Amended on Sep. 8, 2005; Nov. 11, 2005; Feb. 29, 2008; Nov. 2, 2009>

1. Where it is intended to install the following infrastructure in the urban area or the district unit planning zone:

(a) Inspection facilities of automobile and construction machinery, drivers' schools of automobile and construction machinery, public vacant land, heat-supply facilities, broadcasting and communications facilities, market, public office buildings, cultural facilities, sports facilities, libraries, research facilities, social welfare facilities, public vocational training facilities, juvenile training facilities, reservoirs, fire prevention facilities, windbreak facilities, flood protection facilities, erosion control facilities, tide embankments, funeral service facilities, general medical facilities and auto junkyards;

(b) Infrastructure in parks to be subjected to an occupation permit under the Urban Parks, Green Areas, etc. Act; and

(c) Other facilities as stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs;

2. Where it is intended to install the following infrastructure in other areas than the urban area and the district unit planning zone:

(a) Infrastructure under Subparagraph 1 (a) and (b);

(b) Track, cableway and power supply facilities; and

(c) Other facilities as stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

(2) Urban planning facilities managed by the State under Article 43 (3) of the Act shall be managed by the management office under Article 8 (3) of the State Properties Act. <Amended on Sep. 8, 2005; Jul. 27, 2009>

Article 36 (Hearing of Opinions on Installation of Utility-Pipe Conduit)

(1) When any operator of urban planning project that is an administrative office intends to install any Utility-Pipe Conduit, he/she shall determine the matters falling under each outlined in the following subparagraphs and notify the managers of the power line, gas pipe, water supply pipe, sewage pipe, communication wire, telecommunication circuit equipment, heat supply pipe, etc. to be installed at the Utility-Pipe Conduit, (hereinafter referred to as the "prospective Utility-Pipe Conduit user"), of the said matters in advance:

1. Location;
2. Structure;
3. Particulars of the relevant prospective Utility-Pipe Conduit users;
4. Summary of the portions to be occupied by each of the prospective Utility-Pipe Conduit users;
5. Costs required for building the Utility-Pipe Conduit and matters on sharing such costs; and
6. Dates scheduled for the start and the completion of the work.

(2) Any prospective Utility-Pipe Conduit user may, upon receipt of the notice on building the Utility-Pipe Conduit under Paragraph (1), submit his/her opinion thereon by the deadline fixed by the operator of urban planning project which is an administrative office.

(3) The operator of urban planning project that is an administrative office shall, upon receipt of a written opinion under Paragraph (2), append it to an application for authorization for implementation plan of the urban planning project.

Article 37 (Admittance into Utility-Pipe Conduit)

(1) When the operator of urban planning project that is an administrative office has completed the installation of the Utility-Pipe Conduit, he/she shall determine the period for occupation work for individual facilities to be admitted into the Utility-Pipe Conduit promptly after the public announcement of work completion under Article 98 of the Act and notify the fixed period to the prospective Utility-Pipe Conduit users separately.

(2) Any prospective Utility-Pipe Conduit user shall admit the facilities to be admitted into the Utility-Pipe Conduit within the period for the occupation work under Paragraph (1), provided, that the same shall not apply in cases where a consultation has been held in advance with the operator of urban planning project that is an administrative office owing to a special condition under which it is impossible to complete the occupation work within the fixed period.

(3) Any prospective Utility-Pipe Conduit user shall remove the previous facilities that fall into disuse owing to admittance of the facilities into the Utility-Pipe Conduit within the period designated by the operator of urban planning project that is an administrative office and restore the road to its original state.

Article 38 (Costs for Installation of Utility-Pipe Conduit)

(1) Costs for installing the Utility-Pipe Conduit under Article 44 (2) of the Act shall be as follows, provided, that when there is any subsidy under Article 104 of the Act, the amount of such subsidy shall be deducted from the costs:

1. Costs for installing work;
2. Costs for interior work;
3. Costs for measurement and design for installation;
4. Costs for compensation, if it needs to compensate due to the installation of the Utility-Pipe Conduit;
5. Costs for installing accessory facilities to the Utility-Pipe Conduit;
6. Amount equivalent to interest of a loan under Article 104 of the Act, if any.

(2) The ratio of sharing the costs for installing the Utility-Pipe Conduit for each prospective Utility-Pipe Conduit user shall be calculated based on the area of the Utility-Pipe Conduit to be occupied.

(3) The operator of urban planning project that is an administrative office that installs the Utility-Pipe Conduit shall give the prospective the Utility-Pipe Conduit users a notice for payment of the share calculated under the provisions of Paragraphs (1) and (2) promptly after the public announcement of authorization for an implementation plan for urban planning project that contains the installation of the Utility-Pipe Conduit.

(4) The prospective Utility-Pipe Conduit user who has received the notice for payment of the share under Paragraph (3) shall pay 1/3 or more of his/her share before the start of the work for installing the Utility-Pipe Conduit and shall pay the remainder thereof before the expiration of the period for occupation work under Article 37 (1) (where the work is completed prior to the expiration, referring to the date of completion of work).

Article 39 (Management of Utility-Pipe Conduit)

(1) The Utility-Pipe Conduit shall be managed by the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County.

(2) The Utility pipe conduit management council (hereinafter in this Article, referred to as the "Utility pipe conduit management council"), shall be established in the Special Metropolitan City, Metropolitan City, or City/County in order to provide advice and suggestion requested by the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County about important matters concerning the management of the Utility-Pipe Conduit, including safety inspection, facility improvement, bearing of management expenses, etc. of the Utility-Pipe Conduit.

(3) The Utility pipe conduit management council shall be comprised of the public officials of the local government that takes charge of the management of the Utility-Pipe Conduit, officials of the competent fire station, employees of the Utility-Pipe Conduit users, and persons with knowledge and experience in the structural safety or disaster prevention service of the Utility-Pipe Conduit, etc.

(4) Costs for managing the Utility-Pipe Conduit shall be jointly borne by the Utility-Pipe Conduit users, and the ratio of sharing shall be determined by the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County who is in charge of the management of the Utility-Pipe Conduit considering the occupied area of each user: In this case, the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County shall have the expenses for management of the Utility-Pipe Conduit paid in two installments a year.

(5) The Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County who manages the Utility-Pipe Conduit shall conduct a safety inspection on the Utility-Pipe Conduit at least once a year, and when the result of the safety inspection shows any disorder, he/she shall promptly take required measures, such as the precision safety inspection, repair, maintenance, etc.

(6) The Minister of Land, Transport, and Maritime Affairs may stipulate matters necessary with respect to criteria for installation and management of the Utility-Pipe Conduit. <Amended on Feb. 29, 2008>

(7) Matters other than stipulated in Paragraphs (1) through (6) concerning the costs for and method of managing the Utility-Pipe Conduit, composition and operation of the Utility pipe conduit management council, etc. shall be stipulated by the urban planning municipal Ordinance of the Special Metropolitan City, Metropolitan City, or City/County.

Article 40 (Supports Concerning, Installation of Metropolitan Facilities, etc.)

Where any local government intends to install any metropolitan facilities in the jurisdictional areas of other local governments under Article 45 (4) of the Act, it shall either implement the project falling under any one outlined in the following subparagraphs jointly with the relevant local government or support the fund, etc. required therefor:

1. Projects for preventing environmental pollution: Projects to install the green belt, sewage system, or waste treatment facilities, projects to prevent air pollution, water quality pollution, offensive odor, noise and vibration, etc; and

2. Projects for conveniences of local residents: Projects to construct roads, parks, water supply facilities, cultural facilities, libraries, social welfare facilities, houses for senior citizens, sewage system and general medical facilities, etc.

Article 41 (Request for Purchase of Sites for Urban Planning Facilities)

(1) Any person intending to request purchase of land pursuant to Article 47 (1) of the Act shall submit the written request for a purchase of sites for the urban planning facilities, (including a request made in the form of electronic documents) as stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs accompanied by a certified copy of the register of object land and building to the person liable for purchase under the provision of the main part of Article 47 (1) of the Act, however, provided that the information included in the accompanying documents can be confirmed through the joint use of administrative information under Article 21 (1) of the <Act on Promotion of the Digitalization of Administrative Affairs, etc. for Creation of Electronic Government>, such confirmation may substitute for the accompanying documents. <Amended on Mar. 17, 2004; on Sep. 8, 2005; Feb. 29, 2008>

(2) Provisions of Article 26 of the Enforcement Decree of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply *mutatis mutandis* to the scope of land of an absentee owner of real estate under Article 47 (2) 2 of the Act: In this case, the term "date of public announcement of authorization for business" shall be read as "date of request for a purchase". <Amended on Sep. 8, 2005>

(3) Provisions of Article 49 (1) 1 of the Enforcement Decree of the Corporate Tax Act shall apply *mutatis mutandis* to the scope of non-business land under Article 47 (2) 2 of the Act. <Amended on Sep. 8, 2005>

(4) The term "specific amount as prescribed by Presidential Decree" under Article 47 (2) 2 of the Act means 30 million won.

(5) The term "buildings or structures as prescribed by Presidential Decree" under the former part of the main part of Article 47 (7) of the Act means those falling under each outlined in the following subparagraphs, provided, that if any permissible scope has been separately stipulated in the urban planning municipal Ordinance of the Special Metropolitan City, Metropolitan City, or City/County within the following scope, such permissible scope shall govern: <Amended by Presidential Decree No. 19036, Sep. 8, 2005; Jul. 7, 2009; Jul.16, 2009>

1. Independent house of not more than three floors under Subparagraph 1 (a) of the attached Table 1 of the Enforcement Decree of the Building Act;
2. Class I community facilities of not more than three floors under Subparagraph 3 of the attached Table 1 of the Enforcement Decree of the Building Act; and
3. Structures.

Article 42 (Public Announcement of Invalidation of Determination of Urban Planning Facilities)

Public announcement of the invalidation of a determination of urban planning facilities under Article 48 (2) of the Act shall be made by means of printing the date of invalidation, reason for invalidation and the details of invalid urban planning on the Official Gazette for public announcement by the Minister of Land, Transport, and Maritime Affairs, and on the public bulletin of the relevant City/province(*Do*) for public announcement by the Mayor/province(*Do*) governor.

SECTION 4 District Unit Planning

Article 43 (Areas Subject to Designation as Class-I District Unit Planning Zone)

(1) The term "areas as prescribed by Presidential Decree" under Article 51 (1) 10 means the areas outlined in the following subparagraphs: <Amended on Jun. 30, 2003; Sep. 8, 2005; Aug. 5, 2009>

1. Model city designated under Article 127 (1) of the Act;
2. Areas that have been publicly announced under Article 63 (2) of the Act as development permission areas in which development permission is restricted;
3. Areas where efficient development of underground and Ground is intended;
4. Areas publicly announced for public inspection in order to draft the urban management planning regarding designation or alteration of the specific-use area;
5. Sites and their adjacent areas generated by moving or abolishment of large-scale installations, such as the factory, school, military unit, market, etc;
6. Areas wherein the collective housing is built by housing reconstruction project;
7. Natural green areas where public facilities are intended to install adjacent to the land intended to designate as the Class-I district unit planning district; and

8. Other areas as determined by the urban planning municipal Ordinance of the Special Metropolitan City, Metropolitan City, or City/County as an area necessary for creating favorable environment or promoting functions and fine views, etc.

(2) The term "areas as prescribed by Presidential Decree" under Article 51 (2) 2 of the Act means the area falling under each outlined in the following subparagraphs and whose area is not less than 300,000 sq. meters:

1. Areas removed from parks or urbanization-coordination district, provided, that such cases are excluded as where the area is designated or retained as the green belt zone, or where any development plans, such as the urban planning projects, are not formulated under the Act or other Acts and subordinate statutes; and

2. Areas that are altered from the green belt zone to the residential, commercial or industrial area.

Article 44 (Areas Intended for Designation as Class-II District Unit Planning Zone)

(1) The term "requirements as prescribed by Presidential Decree" under Article 51 (3) 1 of the Act means the requirements falling under each outlined in the following subparagraphs: <Amended on Jan. 15, 2005; on Sep. 8, 2005; Feb. 29, 2008>

1. Area of the land intended for a designation as the Class-II district unit planning zone shall meet any one of requirements for area referred to in any of the following items:

(a) Where the area intended for designation has any plans for building apartment or tenement house, from among the collective housing under Subparagraph 2 of the attached Table 1 of the Enforcement Decree of the Building Act, it shall not be less than 300,000 sq. meters: In this case, if it falls under the following requirements, it may be designated as a single Class-II district unit planning zone by combining a group of land:

(i) Area of each land planned to build the apartment or tenement house shall not be less than 100,000 m², and its gross area is not less than 300,000 sq. meters; and

(ii) Respective land under (i) above shall be located within the scope as stipulated by the Minister of Land, Transport, and Maritime Affairs, and shall be mutually connected by the road with a size exceeding the size determined by the Minister of Land, Transport, and Maritime Affairs, or may be possible to construct the connecting roads.

(b) Where the area intended for designation has any plans for building apartment or tenement house, from among the collective housing under Subparagraph 2 of the attached Table 1 of the Enforcement Decree of the Building Act and falls under any one of the following terms, it shall not be less than 100,000 sq. meters:

(i) Where the district unit planning zone falls under the nature conservation zone under Article 6 (1) 3 of the Seoul Metropolitan Area Rearrangement Planning Act;

(ii) Where a site for an elementary school is secured in the district unit planning zone with the consent of the competent Office of Education, or an elementary school that can admit school children is located within the district unit planning zone or within a commutable distance from the district unit planning zone with the consent of the competent Office of Education; and

(c) For the cases other than items (a) and (b), it shall not be less than 30,000 sq. meters.

2. The relevant area shall be able to be furnished with infrastructure, such as roads, water supply facilities, sewage system, etc.

3. The natural environment, scenery, fine view, etc. shall not be impaired, and there shall be no concern over damaging cultural properties.

(2) The term "requirements as prescribed by Presidential Decree" under Article 51 (3) 2 of the Act means the requirements outlined in the following subparagraphs: <Amended on Sep. 8, 2005>

1. It shall meet the requirements of Paragraph (1).

2. The relevant development promotion district shall be located in the areas falling under each of the following items:

(a) Residence development promotion district, complex development promotion district, (limited to the case where the residence functions are included) and specific development promotion district: Planning management area;

(b) Industry development promotion district, distribution development promotion district and complex development promotion district, (limited to the case where the residence functions are not included): Planning management area, production management area, or agricultural and forestry area; and

(c) Tourism, recreation development promotion district: Other areas than the urban area.

(3) The Minister of Land, Transport, and Maritime Affairs may set forth in detail the requirements for designations under each subparagraph of Paragraphs (1) and (2), where deemed necessary to ensure that the Class-II district unit planning zone is to be rationally designated.

Article 45 (Details of District Unit Planning)

(1) The term “purposes, such as industry and promotion of distribution development, as prescribed by Presidential Decree” in the provision of the main part of Article 52 (1) of the Act means the purpose to build one outlined in the following subparagraphs: <Amended on Aug. 5, 2009>

1. Agricultural and industrial estate under Subparagraph 5 (a) of Article 2 of the Industrial Sites and Development Act,
2. Factory under Subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act,
3. Distribution facilities under Article 2 (1) 4 of the Framework Act on Distribution Act,
4. Distribution estate under Subparagraph 6 of Article 2 of the Distribution Facilities Development and Operation Act, or
5. Large-sized store under Subparagraph 3 of Article 2 of the Distribution Industry Development Act, gathering and delivery facilities under Subparagraph 14 of the same article and joint gathering and delivery center under Subparagraph 15 of the same article.

(2) Subdivision or alteration of the specific-use area or specific-use district under Article 52 (1) 1 of the Act shall mean the subdividing or altering of the specific-use area under each subparagraph of Article 30 or the specific-use district, (excluding a height district) under each subparagraph of Article 31 (2) within the scope of the said each subparagraph, (including the specific-use district subdivided as determined in the urban planning municipal Ordinance under Article 31 (3)). <Amended on Jan. 15, 2005; Aug. 5, 2009>

(3) The term "infrastructure as prescribed by Presidential Decree" under Article 52 (1) 2 of the Act means the facilities falling under each outlined in the following subparagraphs which are necessary for achieving the purpose of designation of the relevant district unit planning zone: <Amended on Sep. 8, 2005; on Nov. 11, 2005; Aug. 5, 2009>

1. In the case of the areas under Article 51 (1) 3 through 9 of the Act, the infrastructure to be installed by the development projects under the relevant Acts;
2. Roads, parking lots, squares, parks, (excluding the cemetery parks under the Urban Parks, Green Areas, etc. Act), green areas, public vacant land, water supply facilities, Utility-Pipe Conduits, markets, schools, (excluding schools under Article 2 of the Higher Education Act), public office buildings, cultural facilities, sports facilities, libraries, research facilities, social welfare facilities, public vocational training facilities, juvenile training facilities, general medical facilities, sewage systems, and waste treatment facilities; and
3. Deleted <Aug. 17, 2006>

(4) The term "matters as prescribed by Presidential Decree" under Article 52 (1) 8 of the Act means the matters falling under each outlined in the following subparagraphs:

1. Height, depth, arrangement or size of the installations to be built in the underground or Ground;
2. Forms or colors of the main gate, walls or fence;
3. Size, form, color or material quality of the signboard;
4. Plans for convenience facilities for the disabled persons, old and infirm persons, etc;
5. Plans for the economy and recycling of the energy and resources; and
6. Plans for protection, creation and connection of the biological habitat space, and for the circulation, etc. of water and air.

(5) The term "urban planning facilities prescribed by Presidential Decree" under Article 52 (2) of the Act means roads, parking lots, parks, green areas, public vacant land, water, power, gas and heat supply facilities, schools, (limited to the primary and middle schools), sewage systems, and waste treatment facilities. <Amended on Aug. 5, 2009>

Article 46 (Mitigated Application of Building Coverage Ratio, etc. Within Class-I District Unit Planning Zone) <Amended on Mar. 23, 2006>

(1) In case any person intending to build a structure within the Class-I district unit planning zone offers a part of such site for the site of schools or infrastructure facilities as prescribed by the urban planning Ordinance of the relevant City/province(*Do*) (hereinafter referred to as "public facilities, etc." in this paragraph), the building coverage ratio, ratio of floor area to site and height restriction may be mitigated down to the ratio falling under each outlined in the following subparagraphs and applied to the relevant structure by the Class-I district unit planning under Article 52 (3) of the Act, provided, that where the person offering part of the land within the Class-I district unit planning zone as the site for public facilities, etc. constructs a building at another site within the relevant district unit planning zone, the relevant ratio of floor area to site may be mitigated to the ratio under Subparagraph 2 and applied: <Amended on Sep. 8, 2005; Mar. 23, 2006; Sep. 25, 2008>

1. Allowable building coverage ratio is no more than = building coverage ratio to be applied to the relevant specific-use area \times [1 + Area offered for sites of the public facilities, etc. (where the person who offers sites for the public facilities has taken over gratuitously public facilities to be disused, the area of the disused public facilities shall be subtracted from the calculation: Hereinafter in this article, the same shall apply) \div Area of original sites];

2. Allowable ratio of floor area to site = Ratio of floor area to site to be applied to the relevant specific-use area + $[1.5 \times (\text{Area offered for sites of the public facilities, etc.} \times \text{ratio of floor area to site of sites offered for public facilities, etc.}) \div \text{Area of sites after offering for the public facilities, etc.}]$; and

3. Allowable height = Height restricted under Article 51 of the Building Act $\times (1 + \text{Area offered for sites of public facilities, etc.} \div \text{Area of original sites})$.

(2) Where any person who has received the compensation for the land located within the Class-I district unit planning zone and offered for the site of public facilities, or his/her general successor, returns the compensation money with interests as prescribed by Ordinance of the Ministry of Land, Transport, and Maritime Affairs (hereinafter in this paragraph, referred to as the "returned money"), the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County may mitigate the building coverage ratio, ratio of floor area to site and restriction on height of the relevant building by applying the provisions of each subparagraph of Paragraph (1) under the conditions as determined by the urban planning municipal Ordinance of the relevant local government: In this case, the said returned money shall be used for securing the infrastructure. <Newly Inserted on Jan. 20, 2004; Sep. 8, 2005; Feb. 29, 2008>

(3) Where any person intending to build a structure within the Class-I district unit planning zone has installed privately-owned public space or open space in privately-owned area under Article 67 (1) of the Building Act in excess of the liable area under the same paragraph, the ratio of floor area to site and height restriction may be mitigated and applied to the relevant structure by the Class-I district unit planning under Article 52 (3) of the Act up to the ratio falling under each outlined in the following subparagraphs: <Amended by Presidential Decree No. 19036, Sep. 8, 2005>

1. Allowable ratio of floor area to site= The mitigated ratio of floor area to site under Article 67 (2) of the Building Act + $(\text{Ratio of floor area to site to be applied to relevant specific-use area} \times \text{Half of areas of privately-owned public space or open space in privately-owned area in excess of the liable area} \div \text{Area of sites})$; and

2. Allowable height = The mitigated height under Article 67 (2) of the Building Act + $(\text{Height under Article 51 of the Building Act} \times \text{Half of areas of privately-owned public space or open space in privately-owned area in excess of the liable area} \div \text{Area of sites})$.

(4) Within the Class-I district unit planning zone, the building coverage ratio may be mitigated and applied by the Class-I district unit planning under Article 52 (3) of the Act within the scope as stipulated in Article 84, notwithstanding the provisions of the urban planning municipal Ordinance.

(5) Within the Class-I district unit planning zone, restrictions on uses, type, size, etc. of the structures allowed to construct within the specific-use area under each subparagraph of

Article 30, (limited to the structures permitted in the urban planning municipal Ordinance, in the case of the structures allowed to construct under the conditions as stipulated by the said Ordinance) may be mitigated and applied by the Class-I district unit planning under Article 52 (3) of the Act pursuant to the provisions of Article 76 of the Act.

(6) Where the purpose of designating the Class-I district unit planning zone falls under any one outlined in the following subparagraphs, the criteria for installation of parking lots under Article 19 (3) of the Parking Lot Act may be mitigated and applied by the Class-I district unit planning under Article 52 (3) of the Act up to 100 percent: <Amended on Sep. 8, 2005; Feb. 29, 2008>

1. Where it is intended to conserve the village of traditional Korean-style houses;
2. Where it is intended to create the street free of cars, (including the cases where the exclusive pedestrians' roads are designated or the passage of automobiles is prohibited under the Class-I district unit planning); and
3. Other cases as stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

(7) Where it falls under any one outlined in the following subparagraphs, the ratio of floor area to site may be mitigated and applied by the Class-I district unit planning under Article 52 (3) of the Act, within the limit of 120 percent of the ratio of floor area to site to be applied to the relevant specific-use area:

1. Where a development promotion district is designated in the urban area and the relevant urban area is designated as the Class-I district unit planning zone; and
2. Where it falls under any one of the following items, which is jointly developed at the advice from the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County:
 - (a) Where one structure is to be built on two or more lots of land pursuant to the Class-I district unit planning;
 - (b) Where a joint-wall building is to be built pursuant to the Class-I district unit planning; and
 - (c) Where it needs to build structures simultaneously on two or more lots of land as the Class-I district unit planning provides that parking lots and pedestrians' passages shall be jointly used.

(8) Where the development promotion district is designated in the urban area and the relevant district is designated as the Class-I district unit planning zone, the restriction on height may be mitigated and applied to the relevant structure by the Class-I district unit planning under

Article 52 (3) of the Act, within the limit of 120 percent of the height of structures restricted under Article 51 of the Building Act. <Amended on Sep. 8, 2005; Sep. 25, 2008>

(9) The provisions of Paragraphs (1) 2, (including cases applied pursuant to the provisions of Paragraph (2)), (3) 1, and (7) shall not apply to cases falling under one outlined in the following subparagraphs: <Amended on Jan. 20, 2004>

1. Where the area is in need of the planned development or management from among the zones released from the development restriction zone, urbanization coordination district, green belt zone or park, and the zone newly incorporated in the urban area; and

2. Where the existing specific-use area or specific-use district is altered into the specific-use area or specific-use district having a higher ratio of floor area to site, and where to a ratio of floor area to site of the existing specific-use area or specific-use district is not applied.

(10) The building coverage ratio and that ratio of floor area to site that is mitigated and applied under Paragraphs (1) through (4) and (7) shall not exceed 150 percent of the building coverage ratio and 200 percent of the ratio of floor area to site to be applied to the relevant specific-use area or specific-use district. <Amended on Jan. 20, 2004>

Article 47 (Mitigated Application of Building Coverage Ratio, etc. within Class-II District Unit Planning Zone)

(1) Within the Class-II district unit planning zone, the building coverage ratio and the ratio of floor area to site may be mitigated and applied by the Class-II district unit planning under Article 52 (3) of the Act within the scope of 150 percent of the building coverage ratio and 200 percent of the ratio of floor area to site to be applied to the relevant specific-use area or development promotion district. <Amended on Jan. 15, 2005>

(2) Within the Class-II district unit planning zone, restrictions on uses, type and size, etc. of the structures under Article 76 of the Act may be mitigated and applied by the Class-II district unit planning under Article 52 (3) of the Act, provided, that the apartment and tenement house from among the collective housing under Subparagraph 2 of the attached Table 1 of the Enforcement Decree of the Building Act shall not be permitted for the Class-II district unit planning zone designated in the development promotion district, (excluding the development promotion district designated in the planning management area). <Amended on Sep. 8, 2005>

(3) Deleted <Apr. 19, 2007>

(4) Deleted <Apr. 19, 2007>

Article 48 (Standard for Formulation of District Unit Planning)

The Minister of Land, Transport, and Maritime Affairs shall, when he/she sets the standard for formulating the district unit planning under Article 52 (4) of the Act, take account comprehensively of the following matters: <Amended on Sep. 8, 2005>

1. The district unit planning in the development restriction zone shall be formulated in such a way that does not impair the purpose of designating the development restriction zone or peripheral environments and shall preferentially adopt the contents of the Act on Special Measures for the Designation and Management of Areas of Restricted Development and subordinate statutes.

2. Where it is required for a smooth traffic flow within the district unit planning zone, parking lots annexed to structures shall be allowed to be independently or jointly installed outside the site of the relevant structures within the block which the site of the relevant structure belongs to by the district unit planning: In this case the location, size, etc. of the joint parking lots annexed to structures to be installed outside the site shall be determined by the district unit planning.

3. The entrance to the parking lots annexed to the structure outside the site under Subparagraph 2 shall not to be placed on the side of an arterial road, provided, that the same shall not apply in cases where the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County deems that it causes no impediments to traffic flow considering the plans, etc, for the traffic flow in the relevant district unit planning zone;

4. Where it is required for the execution of public projects, construction of large structure, joint development by landowners with two or more lots of land, etc. in the district unit planning zone, specific portions shall be designated as the separate zones to determine particularity of the planning separately.

5. A decision shall be made as to whether the minor matters under Article 25 (4) 8 should be determined considering the purpose of designating the district unit planning zone, anticipated future changes of conditions, management scheme of the district unit planning zone, etc. to reflect the decision in the district unit planning.

6. Where matters concerning the alteration of the existing specific-use area or specific-use district into the specific-use area or specific-use district with a higher ratio of floor area to site are included in contents of district unit planning, the plan shall be made in such a way that the ratio of floor area to site of the existing specific-use area or specific-use district applies to the ratio of floor area to site of the zone to be altered and the ratio of floor area to site may be mitigated considering the offering of the public facility sites;

7. A district unit planning shall be formulated including the mitigating scope of the building coverage ratio, floor are ratio, etc. under Articles 46 and 47;

8. Deleted <Sep. 25, 2008>

9. The matters under Article 52 (1) 1 and 4 of the Act, (excluding the restriction on the uses of structure) from among the contents of the Class-I district unit planning to be formulated in the area under Article 51 (2) 1 of the Act, shall be provided in principle to maintain the conditions at the time when the projects executed in the relevant area have been completed;

10. The Class-II district unit planning zone shall divide its designation purposes into the residence type, the industry type, the distribution type, the tourism and recreation type or the complex type according to principal functions of the relevant area; and

11. Uses, type, size, etc. of structures allowed to be constructed in the Class-II district unit planning zone shall be determined by the Class-II district unit planning considering restrictions on building, etc. by specific-use areas of the urban area that is similar to the relevant zone in principal functions.

Article 49 (Opinions of Residents, etc. on Draft District Unit Planning)

Any person that falls under any one outlined in the following subparagraphs may submit matters that are desired to be included in the draft district unit planning to the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County, and the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County shall, when he/she deems that the submitted matters are pertinent, reflect them on the draft district unit planning:

1. Where the district unit planning zone has been designated by the proposal from the residents under Article 26 of the Act, the said proposers; and

2. Where the district unit planning zone has been designated for the areas under Article 51 (1) 3 through 9 of the Act, the operator of the development project under individual Acts on which the designation is based.

Article 50 (Public Announcement of Invalidation of a Designation of a District Unit Planning Zone)

Public announcements of the invalidation of a designation of a district unit planning zone under Article 53 (2) of the Act shall be made by publishing in the Official Gazette in cases of public announcements by the Minister of Land, Transport, and Maritime Affairs, and on the public bulletin of the relevant local government in cases of public announcements by the Mayor/province(*Do*) governor or the metropolitan city mayor. <Amended on Aug. 5, 2008>

CHAPTER V DEVELOPMENT PERMISSION DEVELOPMENT PERMISSION, ETC.

SECTION 1 Development permission

Article 51 (Object of Development permission)

Acts that shall obtain development permission under Article 56 (1) of the Act shall be as follows: <Amended on Sep. 8, 2005; Mar. 23, 2006; Sep. 25, 2008>

1. Construction of buildings: Construction of the buildings under Article 2 (1) 2 of the Building Act;
2. Installation of engineering works: Installation of the facilities produced artificially, (excluding the structures under Article 2 (1) 2 of the Building Act);
3. Diversion of form and quality of land: Acts of diverting the form and quality of land by means of cutting, backfilling, leveling, paving, etc. of the ground, and acts of reclaiming the public waters, (excluding the diversion of form and quality of land for farming);
4. Gathering earth and rocks: Acts of gathering earth and rocks, such as the soil, sand, gravel, rock, etc. excluding acts aiming at altering the form and quality of land;
5. Division of land: Division of land which falls under one of the following items, (excluding sites wherein structures under Article 49 of the Building Act exist):
 - (a) Division of land that is performed within the green zone, control area, agricultural and forestry area or natural environment conservation area without obtaining any permit, authorization, etc. under the related Acts and subordinate statutes;
 - (b) Division of land into the level below the minimum size for partition under Article 49 (1) of the Building Act; and
 - (c) Division of land into the level not exceeding 5 meters in width without obtaining any permit, authorization, etc. under the related Acts and subordinate statutes; and
6. Acts of piling up goods: Acts of piling up goods for more than one month on area outside an enclosure, (limited to the sites created by the lawful procedures), in the green zone, control area or natural environment conservation area.

Article 52 (Minor Alteration of Development permission)

(1) The term "minor matters prescribed by Presidential Decree" in the provision of Article 56 (2) of the Act means matters outlined in the following subparagraphs:

1. Reduction of the project period;
2. Reduction of the project area within the limit of 5 percent; and

3. Unavoidable alteration of matters permitted owing to the amendments of the related Acts and subordinate statutes or the alteration of urban management planning.

(2) Any person who has obtained the development permission shall, when he/she has altered minor matters falling under one of Subparagraphs of Paragraph (1), promptly notify the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County of the said facts.

Article 53 (Minor Acts that May be Performed without Permission)

The term "other minor acts as prescribed by Presidential Decree" in Article 56 (4) 3 of the Act means the acts outlined in the following subparagraphs, provided, that where they are separately stipulated by the urban planning municipal Ordinance of the Special Metropolitan City, Metropolitan City, or City/County within the scope stipulated in the following subparagraphs, it shall govern: <Amended on Sep. 8, 2005; Aug. 17, 2006; Sep. 25, 2008; Jul. 7, 2009; Jul. 27, 2009>

1. Construction of structures: Construction of the structures that do not need to obtain the construction permit under Article 8 (1) of the Building Act, or of the report on construction under Article 9 (1) of the same Act;

2. Installation of engineering works:

(a) Installation in the urban area or the district unit planning zone of the engineering work with a weight of not more than 50 tons, a volume of not more than 50 cubic meters and floor Area of not more than 25 sq. meters, provided, that an installation of engineering work falling under one of Subparagraphs of Article 118 (1) of the Enforcement Decree of the Building Act (the steel tower for communications shall be included regardless of the specific-use area) shall be excluded;

(b) Installation in the urban area, the natural environment conservation area and the district unit planning zone of the engineering work with a weight of not more than 150 tons, a volume of not more than 150 cubic meters and a floor Area of not more than 75 sq. meters, provided, that an installation of engineering work falling under one of Subparagraphs of Article 118 (1) of the Enforcement Decree of the Building Act (the steel tower for communications shall be included regardless of the specific-use area) shall be excluded; and

(c) Installation of plastic houses for the purpose of agriculture, forestry and fishery, (excluding the shore fish-breeding ground installed within the vinyl house) within the green zone, control area or agricultural and forestry area;

3. Alteration of form and quality of land:

(a) Cutting, backfilling, leveling, etc. within a height of not more than 50 cm or a depth of 50 cm, (excluding the paving, and in other areas than the residential area, commercial area and industrial area, limited to the case unaccompanied with any change in land category);

(b) Cutting, backfilling, leveling, paving, etc. unaccompanied with any change in the land category for the land with an area of not more than 660 sq. meters, in other areas than the urban area, natural environment conservation area and district unit planning zone (the area with an alteration of land's form and quality refers to the gross areas of the relevant lot of land of which form and quality is altered; hereinafter the same shall apply);

(c) Alteration of the form and quality of land for the installation of buildings or other structures at the sites whose development has completed; and

(d) Alteration of the form and quality of land for the projects that are directly implemented by the State or local governments for the necessity of public interests.

4. Gathering of earth and rocks:

(a) Gathering of earth and rocks of the volume of not more than 50 cubic meters from the land whose gathering area is not more than 25 sq. meters in the urban area or the district unit planning zone; and

(b) Gathering of earth and rocks of the volume of not more than 500 cubic meters from the land whose gathering area is not more than 250 sq. meters in other areas than the urban area, natural environment conservation area, and district unit planning zone.

5. Division of land:

(a) Division of land which has obtained a permit to construct private roads under the Private Road Act;

(b) Division of land to make a part of the land as public land or land for public use;

(c) Division of disused administrative properties or division of general properties to sell, trade or transfer;

(d) Division of the land a part of which has been announced publicly as urban planning facilities by topographical map; and

(e) Division of the land that has been already divided into parcels with a width of not more than 5 meters into parcels with an area exceeding the minimum partition area Article 57 (1) of the Building Act.

6. Acts of piling up goods:

(a) Acts of piling up goods with the gross weight of not more than 50 tons and the gross volume of not more than 50 cubic meters on a land parcel on which the goods are piled is not more than 25 sq. meters in the green zone or district unit planning zone; and

(b) Acts of piling up goods with the gross weight of not more than 500 tons and the gross volume of not more than 500 cubic meters on a land parcel on which the goods are piled is not more than 250 sq. meters in the control area, (excluding the area designated as a district unit planning zone).

Article 54 (Procedures, etc. for Development permission)

(1) The term "period as prescribed by Presidential Decree" in Article 57 (2) of the Act means 15 days (where it has to undergo a deliberation by the urban planning committee or to hold a consultation with the head of the related administrative agency, excluding the period for the deliberation or consultation).

(2) When the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County intends to attach conditions to development permission under Article 57 (4) of the Act, he/she shall hear in advance opinions of the applicant for development permission. <Amended on Aug. 17, 2006>

Article 55 (Size of Development permission)

(1) The term "size of development acts as prescribed by Presidential Decree" in Article 58 (1) 1 of the Act means the size of changes in the form and quality of the land falling under each outlined in the following subparagraphs, provided, that with respect to the control area and agricultural and forestry area, Special Metropolitan City, Metropolitan City, or City/County may separately set forth the size by the urban planning municipal Ordinance within the scope of sizes under Subparagraphs 2 and 3:

1. Urban area;

(a) Residential area, commercial area, natural green area, production green area: Less than 10,000 m²;

(b) Industrial area: Less than 30,000 m²; and

(c) Conservation green area: Less than 5,000 m².

2. Control area: Less than 30,000 m²;

3. Agricultural and forestry area: Less than 30,000 m²; and

4. Natural environment conservation area: Less than 5,000 m².

(2) In applying the provisions of Paragraph (1), if the land subject to development permission extends over two or more specific-use areas, the separate provisions for sizes of development acts in respective specific-use areas shall apply to the portion of land located in respective specific-use areas, provided, that the gross area of the land subject to development permission shall not exceed the size of development acts in the specific-use area with the largest size of development acts among the specific-use areas over which the relevant land extends.

(3) The restriction on the area under Paragraph (1) shall not apply to cases falling under any one outlined in the following subparagraphs: <Amended on Jan. 15, 2005; Sep. 8, 2005; Mar. 23, 2006; Feb. 29, 2008; Jul. 7, 2009; Aug. 5, 2009>

1. Where it is a change of form and quality of land within the scope of the block and partitioned land set forth by a district unit planning and the infrastructure related to the change of form and quality of land has been already constructed or the alteration of form and quality of land and the construction of the infrastructure are simultaneously conducted;
2. Where the relevant development acts are conducted as a rearrangement project for agricultural and fishing villages under Subparagraph 2 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act;
3. Where it is to develop grassland or farmland, manage the forest or gather earth and rocks;
4. Where it is a land restoration project that is implemented unaccompanied with construction of buildings, installation of structures or any change in land category; and
5. Other cases as stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

(4) In applying the provisions of Paragraphs (1) and (2), if any development is made in connection with green zone, control area, agricultural and forestry area or natural environment conservation area, or is made in parts over several times, the relevant size shall be regarded and computed as a single development act, provided, that cases falling under any one outlined in the following subparagraphs shall not be counted in the calculation of the size: <Amended on Jan. 20, 2004; Jan. 15, 2005; Jul. 7, 2009>

1. Where the district unit planning has not been formulated;
2. Where development acts are conducted at different specific-use areas;
3. Where the area is the site for urban planning facilities projects; or
4. When the development act has completed before January 1, 2003.

(5) The provisions of Paragraph (4) shall not apply to cases falling under any outlined in the following subparagraphs: <Amended on Jan. 20, 2004; Jan. 15, 2005; Sep. 8, 2005; Apr. 19, 2007; Sep. 25, 2008; Jul. 7, 2009>

1. Where the requirements of the following items are satisfied, provided, that where the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County deems that it is irrational to apply the requirements of the following items under the local conditions, he/she may relax the requirements by going through a deliberation by the Local Urban Planning Committee established in the relevant local government;

(a) The land to which the development permission is applied shall be separated from other land for which a development act was finished or is in progress or scheduled under a permission of development acts by the configuration and the natural feature on the ground, such as the express national highways, general national highways or the roads with a width of not less than 20 meters, rivers, parks, etc; and

(b) Approach road to the land to which the development permission is applied shall be not less than 8 meters wide, and shall be directly connected with the major arterial roads, or the roads under Article 11 of the Road Act, (excluding the express national highways) or the rural roads under Article 2 of the Rural Road Rearrangement Act, which are with a width of 6 meters;

2. Where the land to which the development permission is applied shall be located in the natural village district, development promotion district, the zone liable for infrastructure or factory sites induction district under Article 40-2 of the Industrial Sites and Development Act;

3. Where it is intended to construct the Class-I neighborhood living establishments or housing, (excluding the housing subject to an approval for project plans under Article 16 of the Housing Act) on the land to which the development permission is applied; and

4. Where among factories provided for in the following items, the site of a factory of which size is less than 10,000 m² is extended within the limit of 50 percent of the previous site within a planning management area (where a management area is not subdivided, referring to the management area): In this case, it shall include the case where the site to be extended abuts on the previous site with a road with a width of less than 8 meters between:

(a) A factory which was completed on or before December 31, 2002;

(b) A factory which is subject to the application of the former Act on the Utilization and Management of the National Territory, Urban Planning Act, or Building Act pursuant to Article 19 of the Addenda of the National Land Planning and Utilization Act, Act No. 6655; and

(c) A factory the approval for which establishment under Article 13 of the former Industrial Placement and Factory Construction Act, (referring to the one not amended pursuant to the Amendment to the Industrial Placement and Factory Construction Act, Act No. 6842) was granted or an application for approval of which establishment under the said Article was made on or before December 31, 2002 [including the case where the application is returned on or after January 1, 2003 because it does not meet the requirements for the restriction on the size of an area under Subparagraph 2 (j) of the attached Table 27] and of which start of construction was reported not later than January 20, 2005 pursuant to Article 16 of the Building Act.

(6) Where the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County grants permission for a development act pursuant to paragraph (5) 3 or 4 though the area concerned does not meet the size of an area which is allowable for development acts under Paragraph (1), he/she shall attach conditions to the permission for the development act so as not to alter the specific use of the building concerned, (excluding changes between buildings to which connected development is not applied). <Newly Inserted on Jan. 15, 2005>

Article 56 (Standards for Development permission)

(1) The standards for granting development permission under Article 58 (3) of the Act shall be as the attached Table 1-2. <Amended on Aug. 5, 2009>

(2) The Minister of Land, Transport, and Maritime Affairs may set forth detail criteria for examination on the standards for development permission under Paragraph (1). <Amended on Feb. 29, 2008>

Article 57 (Deliberation. by Urban Planning Committee on Development Acts, etc)

(1) The term "acts prescribed by Presidential Decree" in Article 59 (1) of the Act means the acts outlined in the following subparagraphs, provided, that the case pursuant to the urban planning projects, (excluding urban planning projects which are legally fictionalized by other Acts, such as the Housing Site Development Promotion Act, etc.) shall be excluded: <Amended on Sep. 8, 2005>

1. Alteration of form and quality of land aiming at construction of buildings or installation of structures of which size is more than the scale specified in Subparagraphs of Article 55 (1) (where the scale is separately set forth by the urban planning municipal Ordinance under the provision of other portions than each subparagraph of the same paragraph, referring to the said scale; hereinafter in this Article, the same shall apply);

2. Gathering earth and rocks in excess of 30,000 m³; and

3. Deleted <Jan. 8, 2008>

(2) Where the head of the related administrative agency intends to permit under the Act any acts falling under each subparagraph of Paragraph (1), or to grant under other Acts any permission, authorization, approval or to hold a consultation, he/she shall undergo deliberation by the National Urban Planning Committee or Local Urban Planning Committee under conditions as determined in the following subparagraphs pursuant to Article 59 (1) of the Act: <Amended on Sep. 8, 2005; Sep. 25, 2008; Aug. 5, 2009>

1. Matters to undergo deliberation by the National Urban Planning Committee:

(a) Alteration of form and quality of a land with an area of not less than 1 km²; and

(b) Gathering earth and rocks not less than 1,000,000 m³.

2. Matters to undergo deliberation by the City/province(*Do*) Urban Planning Committee:

(a) Alteration of form and quality of a land with an area of not less than 300,000 m² and less than 1 km²; and

(b) Gathering earth and rocks not less than 500,000 m³ and less than 1,000,000 m³.

3. Matters to undergo deliberation by the City/County/*Gu* Urban Planning Committee under Article 113 (2) of the Act, (excluding the Urban Planning Committee established in the large city):

(a) Alteration of form and quality of a land with an area of not less than the scale falling under one of Subparagraphs of Article 55 (1) and less than 300,000 m²;

(b) Gathering earth and rocks not less than 30,000 m³ and less than 500,000 m³; and

(c) Deleted <Jan. 8, 2008>

(3) Notwithstanding the provisions of Paragraph (2), where the head of a central administrative agency intends to permit under the Act the matters falling under one of each item of Subparagraph 2 of the same paragraph or one of each item of Subparagraph 3, or to grant under other Acts the permission, authorization, approval or to hold a consultation, he/she shall undergo deliberation by the National Urban Planning Committee, and where the Mayor/province(*Do*) governor intends to permit under the Act the matters falling under one of each item of Subparagraph 3 of the same paragraph, or to grant under other Acts the permission, authorization, approval or to hold a consultation, he/she shall undergo deliberation by the City/province(*Do*) Urban Planning Committee.

(4) Where the head of the related administrative agency undergoes deliberation by the National Urban Planning Committee or Local Urban Planning Committee under Paragraphs (2) and (3), he/she shall submit the documents falling under each outlined in the following subparagraphs to the Minister of Land, Transport, and Maritime Affairs or the head of the local government wherein the relevant Local Urban Planning Committee is established:

1. Details of the development acts with statement of the purpose, necessity, background, content, promotion procedure, etc. of the development acts, (including details to be contained at the time of granting the permission, authorization, approval, or holding consultation for the relevant development acts under the related Acts and subordinate statutes);
2. Current land utilization map on a scale of 1 to 25,000 indicating the specific-use area, infrastructure in the subject areas and outskirt areas;
3. Arrangement, elevation, (limited to the case of constructing buildings or installing structures) and plan for construction work; and
4. Other documents as determined by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

(5) The term "projects prescribed by Presidential Decree" in Article 59 (2) 5 of the Act means all of the projects stipulated in Subparagraph 2 of Article 2 of the Rural Village Rearrangement Act.

Article 58 (Deliberation on Development Acts not Included in Urban Planning)

(1) Where the Minister of Land, Transport, and Maritime Affairs or the head of local government requests the head of the related administrative agency to take the deliberation by the National Urban Planning Committee or Local Urban Planning Committee under Article 59 (3) of the Act, he/she shall clarify the reason for requiring the deliberation. <Amended on Feb. 29, 2008>

(2) Where the head of the related administrative agency who has been requested to take the deliberation by the National Urban Planning Committee or Local Urban Planning Committee under Article 59 (3) of the Act, is the head of a central administrative agency, he/she shall take the deliberation by the National Urban Planning Committee, and where he/she is the head of a local government, he/she shall take the deliberation by the Local Urban Planning Committee established in the relevant local government.

Article 59 (Performance collateral, for Development permission, etc.)

(1) The term "cases prescribed by Presidential Decree" in the text of other portions than subparagraphs of Article 60 (1) of the Act means the cases falling under any one outlined in the following subparagraphs:

1. Where construction of infrastructure, such as roads, water supply facilities, sewage systems, etc. is required owing to the development acts that fall under any one of the Article 56 (1) 1 through 3 of the Act;
2. Where there is concern over the collapse of adjacent land due to digging of earth, or concern over damaging adjacent buildings or structures;
3. Where it is worried that falling rocks, dusts, etc. produced from the blasting of earth and rocks may cause damages to adjacent areas;
4. Where it is worried that trucks carrying earth and rocks may pollute environment around their passages; or
5. Where landscaping needs to be done after the completion of alteration of form and quality of land or gathering of earth and rocks.

(2) Deposit for the performance guarantee under Article 60 (1) of the Act, (hereinafter referred to as the "performance guarantee"), shall be computed within the scope of the costs required for the installation of infrastructure, prevention of dangers, control of environmental pollution and scenery, landscaping and gardening and shall not exceed 20 percent of gross work expenses: Particulars for computation and method of deposit shall be determined by the urban planning municipal Ordinance of the Special Metropolitan City, Metropolitan City, or City/County: In this case, the deposit for the performance guarantee for development acts performed in mountainous areas in the urban area or planning management area shall be determined including the costs for restoration under Article 38 of the forest land management act, but the costs for restoration shall not be added up to the performance guarantee in duplication. <Amended on Sep. 29, 2003; Sep. 8, 2005; Mar. 23, 2006>

(3) The performance guarantee shall be paid in cash, which may be substituted by letter of guarantee, etc. under Subparagraphs of Article 37 (2) of the Enforcement Decree of the Act on Contracts to Which the State is a Party and subparagraphs of Article 37 (2) of the Enforcement Decree of the Act on Contracts to Which the Local Government is a Party or letter of performance guarantee issued by the Korea Mine Reclamation Corporation pursuant to Article 39 (1) 5 of the Act on Prevention and Restoration of Mining Damages. <Amended on Sep. 8, 2005; Dec. 30, 2005; Aug. 17, 2006; Sep. 30, 2008>

(4) The performance guarantee shall be promptly returned when the person who obtained the development permission has had the work-completion inspection under Article 62 (1) of the Act.

(5) The term "institutions as determined by Presidential Decree" in Article 60 (1) 2 of the Act means institutions falling under Article 5 (3) 1 or 2 (b) of the Act on Operation of Public Institutions. <Newly Inserted on Aug. 5, 2009>

(6) The Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County may, when the person who obtained the development permission has failed to execute the order to restore the land to its original state under Article 60 (3) of the Act, restore the land to its original state by the vicarious administrative execution under Paragraph (4) of the same Article using the performance guarantee: In this case, the balance, if any, shall be promptly returned to the depositor of the performance guarantee.

Article 60 (Restrictions on Development permission)

(1) In case it is intended to restrict the development permission under Article 63 (1) of the Act, the Minister of Land, Transport, and Maritime Affairs shall undergo deliberation by the National Urban Planning Committee, and the Mayor/province(*Do*) governor or the head of the City/County shall undergo deliberation by the Local Urban Planning Committee established in the relevant local government. <Amended on Feb. 28, 2008>

(2) In case it is intended to restrict the development permission under Article 63 (1) of the Act, the Minister of Land, Transport, and Maritime Affairs or the Mayor/province(*Do*) governor shall hear in advance opinions of the head of the competent City/County over the area intended for restriction prior to the deliberation by the National Urban Planning Committee or the City/province(*Do*) Urban Planning Committee under Paragraph (1). <Amended on Feb. 28, 2008>

(3) Public announcement of the restriction on development permission under Article 63 (2) of the Act shall be made by publishing in the Official Gazette in cases of public announcements by the Minister of Land, Transport, and Maritime Affairs, and on the public bulletin of the relevant local government in cases of public announcements by the Mayor/province(*Do*) governor or the head of the City/County. <Amended on Feb. 28, 2008>

Article 61 (Development Acts in Sites of Urban Planning Facilities)

The term "cases prescribed by Presidential Decree" in the provision of Article 64 (1) of the Act means any of the following: <Amended on Jul. 7, 2009>

1. Where buildings or structures which are not urban planning facilities, are installed at the site of buildings or structures which are urban planning facilities that have been determined at a fixed specific spatial extent in the ground, water surface, air, underwater or underground within the scope that there exists no impediment to the installation, utilization and possibility for future expansion of the urban planning facilities; and

2. Where urban planning facilities and facilities which are not urban planning facilities are installed in the same building, (referring to the case that the facilities were installed pursuant to the Urban Planning Act before its amendment by Act No. 6243), and it falls under any one of the following items with authorization of the implementation plan under Article 88 of the Act:

(a) Where facilities which are not urban planning facilities are installed by enlarging or remodeling the building concerned within the scope that the building coverage ratio thereof is not increased; or

(b) Where urban planning facilities are changed to facilities which are not urban planning facilities within the scope that it does not cause any impediment to the installation, utilization and possibility for future expansion of urban planning facilities.

3. Where buildings or structures are constructed with permission for occupation and use under the Road Act or other Acts governing the installation and management of urban planning facilities.

[Wholly Amended on Jan. 15, 2005]

SECTION 2 Installation of Infrastructure following Development Acts

Article 62 (Scope of Strengthening Development Density, etc.)

(1) The term "scope prescribed by Presidential Decree" in Article 66 (2) of the Act means 50 percent of the maximum limit of the ratio of floor area to site that applies to the relevant specific-use area.

(2) Public announcement of the designation or alteration of the development-density control area under Article 66 (4) of the Act shall be made by publishing the matters under Subparagraphs of Paragraph (3) of the same Article on the public bulletin of the relevant local government.

Article 63 (Standards for Designation and Management for Development density Management Area)

Where the Minister of Land, Transport, and Maritime Affairs sets forth the standards for designating and management method of Development density Management Area under Article 66 (5) of the Act, he/she shall consider comprehensively matters outlined in the following subparagraphs: <Amended on Sep. 8, 2005; Feb. 29, 2008; Dec. 31, 2008>

1. It shall be ensured that the development-density control area may be designated to the area falling under any one of the following items, where it is difficult to construct infrastructure from among areas expected to be short of the capacity of infrastructure, such as roads, water supply facilities, sewage systems, schools, etc.:

(a) Areas wherein the automobile traffic is remarkably delayed due to an extremely low-level road services: In this case, measurement of the road service level shall follow the example of

analysis and improvement of traffic impact under the Urban Traffic Improvement Promotion Act;

(b) Areas whose road ratio falls below 20 percent of the road ratio by specific-use areas as stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs;

(c) Areas where demand for water supply is expected to exceed the capacity of the current water-supply facility in 2 years;

(d) Areas where sewage generation is expected to exceed the capacity of current sewage systems in 2 years; or

(e) Areas where the number of students is expected to exceed 20 percent or more of the admittance capability of schools in 2 years;

2. It shall be ensured that the boundary line of the development-density control area shall be clearly distinguished by characteristic configuration and feature on a ground, such as roads and rivers, the boundary line of a specific-use area or any other means;

3. It shall be ensured that the scope of strengthening the ratio of floor area to site shall be determined within the scope under Article 62 (1) considering the level of insufficiency of infrastructure stipulated in items of Subparagraph 1; and

4. It shall be ensured that changes of infrastructure within the development-density control area shall be checked periodically to take necessary measures, such as strengthening or relaxing the ratio of floor area to site or revoking of the development-density control area, etc.

Article 64 (Designation of Infrastructure Cost-Bearing Zone)

(1) The term "areas prescribed by Presidential Decree" under Article 67 (1) 3 of the Act means the areas that fall under any one outlined in the following subparagraphs and where the Mayor/province(*Do*) governor or the head of the City/County deems it necessary to construct infrastructure under Article 4-2.

1. The area where the number of permissions for development acts increased by over 20 percent in the previous year compared to the year before the previous year; or

2. The area where the population increased 20 percent or more over the population of the Special Metropolitan City, Metropolitan City or City/County, (excluding County's in the jurisdictional area of a Special City) to which the area belongs in the previous year.

(2) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall, when he/she has designated or altered the infrastructure cost-bearing area, announce publicly the title, location, area and designation date of the infrastructure cost-

bearing zone and method of public inspection on relevant drawings and specifications on the public bulletin and website of the local government concerned pursuant to Article 67 (2) of the Act.

[This Article Newly Inserted on Sep. 25, 2008]

Article 65 (Formulation of Plan for Construction of Infrastructure)

(1) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall include the following matters in the plan for construction of infrastructure under Article 67 (4) of the Act (hereinafter referred to as the “plan for construction of infrastructure”), when he/she formulates the said plan:

1. Type, location and size of the infrastructure required for construction, (referring to the infrastructure under Subparagraphs of Article 4-2: The same shall apply hereinafter in this section);
2. Priority order for constructing infrastructure and phased plan for construction; and
3. Other matters necessary for construction of infrastructure.

(2) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall consider comprehensively the following matters when he/she formulates the plan for construction of infrastructure:

1. The infrastructure shall be properly arranged considering the land utilization plan or the anticipated future demand for development of the infrastructure cost-bearing zone concerned; and
2. The time for constructing infrastructure shall be reasonably set taking the financing plan, priority order for facilities, convenience of users and the estimated time for completion of development act concerned into consideration.

(3) The plan for construction of infrastructure shall be considered as formulated, notwithstanding Paragraphs (1) and (2), when a Class II district unit plan has been formulated pursuant to Article 52 (1) of the Act.

(4) The designation of an infrastructure cost-bearing zone shall be considered as cancelled on the day following the day falling on one year after the designation, if the plan for construction of infrastructure has not been formulated for a year after the public announcement of designation of the infrastructure cost-bearing zone.

[This Article Newly Inserted on Sep. 25, 2008]

Article 66 (Standards for Designating Infrastructure Cost-Bearing Zone)

The Minister of Land, Transport, and Maritime Affairs shall, when he/she sets forth the standards for designating the infrastructure cost-bearing zone under Article 67 (5) of the Act, comprehensively take matters outlined in the following subparagraphs into account:

1. The infrastructure cost-bearing zone shall be of a size that can ensure proper arrangement of infrastructure with an area of 100,000 sq. meters at least.
2. Areas where development acts are expected to be conducted in consecution shall be combined into a single unit infrastructure cost-bearing zone.
3. The boundary line of an infrastructure cost-bearing zone shall be clearly distinguished by characteristic configuration and feature on the ground, such as roads and rivers, other means.

[This Article Newly Inserted on Sep. 25, 2008]

Article 67 (Formulation of Infrastructure Cost-Bearing Plan)

(1) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall include the following matters when he/she formulates an infrastructure cost-bearing plan under the provision of Article 68 (2) of the Act (hereinafter referred to as the “infrastructure cost-bearing plan”):

1. Gross costs to be borne for construction of infrastructure or securing necessary land therefor;
2. The portion to be shared and borne by the performers of building act under Article 68 (1) of the Act, (including the persons falling under Subparagraphs of Article 70-2 (1); hereinafter referred to as the “person liable for payment”), among the gross costs under Paragraph (1);
3. The time for payment of the portion under Paragraph (2); and
4. Method of financing, management and operation of funds.

(2) The portion for bearing shall be computed by one of the following methods:

1. Sharing based on floor area and weighted depending on purposes of the building; or
2. Notwithstanding paragraph (1), the method of computation agreed between the Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County and the person liable for payment after consultation, if any method has agreed.

(3) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the *Si/County* shall, when he/she formulates an infrastructure cost-bearing plan, comprehensively take the following matters into consideration:

1. The gross costs for bearing shall be computed based on reasonable grounds, such as the cost for compensation for land and the cost for construction work, and attention shall be paid not to compute costs necessary for construction of infrastructure and securing land excessively.

2. The share for each of the person liable for payment shall be reasonably and equitably determined by comprehensively taking floor area, purpose, etc. of buildings into consideration.

3. The personal sharing Fees shall be adjustable considering increase in prices, etc. in case that the time to formulate the infrastructure cost-bearing plan does not coincide with the time to pay the costs for construct infrastructure or securing land.

(4) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall, when he/she formulates or alters the infrastructure cost-bearing plan, hear opinions of residents and undergo deliberation of the Local Urban Planning Committee established in the local government: In this case, the provisions of Article 28 (1) through (4) shall apply to the hearing of opinions of residents.

(5) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall, when he/she has formulated or altered the infrastructure cost-bearing plan, announce publicly details thereof: In this case, the provisions of Article 64 (2) shall apply to the public announcement of the formulation or alteration of the infrastructure cost-bearing plan.

(6) Paragraphs (4) and (5) shall not apply to alteration of minor matters falling under any one outlined in the following subparagraphs from among the infrastructure cost-bearing plan:

1. Where the share for the whole or part of the person liable for payment has not increased and the time for payment has not been advanced: or

2. Where the support of the Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County has not been reduced in connection with construction of infrastructure and securing of necessary land.

[This Article Newly Inserted on Sep. 25, 2008]

Article 68 (Announcement of the standard construction cost for infrastructure)

The Minister of Land, Transport, and Maritime Affairs shall announce publicly the standard construction cost for infrastructure as of January 1 by June 10 each year pursuant to Article 68 (3) of the Act.

[This Article Newly Inserted on Sep. 25, 2008]

Article 69 (Standards for Computation of Infrastructure Construction Cost)

(1) The term “site conversion factor” in Article 68 (4) 1 of the Act means a factor used in converting the ratio of area requiring infrastructure calculated by considering the rate of constructed infrastructure for each infrastructure cost-bearing zone into an area requiring infrastructure per floor area of buildings.

(2) The term “infrastructure induction factor by buildings as prescribed by Presidential Decree” in Article 68 (4) 2 is as shown in Table 1-3.

[This Article Newly Inserted on Sep. 25, 2008]

Article 70 (Reduction of Infrastructure Construction Costs, etc.)

(1) In case that the person liable for payment constructs infrastructure or have secured the site therefor in person, the costs expended on the construction of infrastructure or securing the site in person shall be deducted from the infrastructure construction costs.

(2) The costs expended on the construction of infrastructure in person among the amount to be deducted under Paragraph (1) shall be calculated by summing up the money outlined in the following subparagraphs:

1. Value of land determined by the arithmetic average of values appraised as of the date on which the building permit (approval for project, in case that approval for project, etc. under other Acts is legally fictionalized as the building permit) was issued (hereinafter referred to as the “standard charging time”), by two or more appraisers under the Public Notice of Values and Appraisal of Real Estate Act who meet requirements as determined by the Minister of Land, Transport, and Maritime Affairs; and

2. Construction cost for each of infrastructure facilities calculated by multiplying together the unit standard construction cost as of the standard charging time announced each year by the Minister of Land, Transport, and Maritime Affairs and the quantity of infrastructure facilities constructed by the person liable for payment, provided, that if the person liable for payment presents the statement of actually expended costs for construction, it may be considered as the construction costs for each of infrastructure facilities according to conditions as determined by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

(3) If the amount to be deducted calculated by applying value of land corresponding to the price falling under any one outlined in the following subparagraphs and the construction cost for each of infrastructure facilities under Paragraph (2) 2 exceeds the infrastructure construction costs, notwithstanding provisions of Paragraph (2), the said amount of money shall be considered as the costs expended on the construction of infrastructure in person:

1. The latest publicly notified individual land price as of the standard charging time;
2. Value of land purchased from the state, local government, government-invested institution or local public enterprise;
3. Value of land that government-invested institution or local public enterprise has purchased;
4. Value of land acquired in compliance with consultation or expropriation under the Act on Acquisition of Land, etc. for Public Projects and Compensation Thereof; or
5. Land price appraised with the purpose of gratuitous reversion of the land.

(4) The cost expended on securing the site necessary for infrastructure among the amount to be deducted under Paragraph (1) shall be calculated pursuant to paragraph (2) 2.

(5) Costs and amount to be deducted from the infrastructure construction costs pursuant to Article 68 (6) other than prescribed in paragraph (1) shall be as shown in Table 1-4.

[This Article Newly Inserted on Sep. 25, 2008]

Article 70-2 (The Person Liable for Payment)

The term “the truster of building act or successor to position, etc. as determined by Presidential Decree” means a person falling under any one outlined in the following subparagraphs:

1. In case of trusting or giving a contract, the person who has trusted or given a contract for building act;
2. In case of conducting building act on land leased from the owner, the person who conducts the building act; and
3. In case of succeeding to the position of the owner of building or position of the person falling under Subparagraph 1 or 2 before the completion of the building act, the person who succeeds to the position.

[This Article Newly Inserted on Sep. 25, 2008]

Article 70-3 (Advance Notice of Infrastructure Construction Costs)

(1) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall, when he/she intends to charge the infrastructure construction costs under Article 69 (2), notify the person liable for payment of the applicable standard for charging and the infrastructure construction costs to be charged at latest 30 days before the standard charging time.

(2) The person liable for payment who has received the notice under Paragraph (1) (hereinafter referred to as the “advance notice”), may, in case he/she has an objection to the infrastructure construction costs noticed in advance, request an examination to the Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County (hereinafter referred to as the “examination before notice”), within 15 days after receipt of the advance notice.

(3) The person liable for payment who has received the advance notice shall, when he/she intends to request the examination before notice, submit an application for the examination before n notice with statement of the following matters to the Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County.

1. Name of the applicant, (referring to the name of the corporation and the representative, in case that the applicant is a corporation);
2. Permanent or temporary address of the applicant, (referring to the address of the corporation and the representative, in case that the applicant is a corporation);
3. Detail information of the building to which the infrastructure construction cost is charged;
4. The infrastructure construction cost noticed in advance; and
5. Reason for requesting the examination before notice.

(4) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall, when he/she has received an application for examination before notice under Paragraph (2), examine details of the application and notify the applicant of the results within 15 days after receipt of the notice.

(5) The result of the examination before notice shall be notified by a written notice of the decision on the examination before notice stating the following matters;

1. Name of the applicant, (referring to the name of the corporation and the representative, in case that the applicant is a corporation);
2. Permanent or temporary address of the applicant, (referring to the address of the corporation and the representative, in case that the applicant is a corporation);

3. Detail information of the building to which the infrastructure construction cost is charged;
4. The infrastructure construction cost to be paid; and
5. Results of the examination before notice and the reason therefor.

[This Article Newly Inserted on Sep. 25, 2008]

Article 70-4 (Decision of Infrastructure Construction Costs)

The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall, in case there is no objection to the advance notice or he/she has given a notification on the result of examining the application for the examination before notice, decide the infrastructure construction costs as the amount that he/she has noticed.

[This Article Newly Inserted on Sep. 25, 2008]

Article 70-5 (Notification for Payment)

(1) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall, when he/she intends to charge the infrastructure construction costs under Article 69 (2), deliver a notification for payment in writing to the person liable for payment.

(2) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall, when he/she issues a notification for payment under Paragraph (1), specify the amount to be paid, ground for computation, time limit and place of payment.

[This Article Newly Inserted on Sep. 25, 2008]

Article 70-6 (Correction of Infrastructure Construction Costs)

(1) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall, when he/she has found any omission or mistake in details of the infrastructure construction costs that he/she notified under Article 70-5, immediately investigate and correct the imposed infrastructure construction costs, and notify the corrected details to the person liable for payment.

(2) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall, if any reason for increasing the infrastructure construction costs occurs, such as increase of floor area of the building owing to alteration of details of building permit, additionally charge the difference of subtracting the amount calculated as of the date of building permit alteration on the original building before the alteration of building permit from the amount calculated as of the date of building permit alteration on the altered building after the alteration of building permit.

[This Article Newly Inserted on Sep. 25, 2008]

Article 70-7 (Payment in Kind of Infrastructure Construction Costs)

(1) The infrastructure construction costs shall be, in principle, paid in cash, but the payment in land subject to imposition or land of the similar nature (hereinafter referred to as the “payment in kind”), may be accepted.

(2) Any person who intends to apply for payment in kind under Paragraph (1) shall submit an application for payment in kind with statement of the infrastructure construction costs, area and location of the land to be paid in kind, publicly notified individual land price of the land to be paid in kind as of the date of application, etc. by 20 days before the time limit for payment to the Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County.

(3) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall notify the applicant of whether he/she would accept the payment in kind in writing by 10 days after receipt of the application for payment in kind under Paragraph (1).

(4) Value of the land for which the payment in kind is applied shall not exceed the imposed infrastructure construction cost and the person liable for payment shall pay in cash the difference subtracting the value of the land paid in kind from the imposed infrastructure construction cost.

(5) Value of the land to be paid in kind shall be determined by the summing up of the following amounts:

1. The latest decided and publicly notified individual land price as of the date of written notice under Paragraph (3); and
2. The amount calculated by the daily application of the fluctuation rate of the City, County or *Gu* concerned between the basic dates for the individual land price under Paragraph (1) and the date of written notice under Paragraph (3).

(6) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County shall, when he/she has received the payment in kind, shall make it revert to the special account for infrastructure established in the infrastructure cost-bearing zone concerned pursuant to Article 70 (1) of the Act.

[This Article Newly Inserted on Sep. 25, 2008]

Article 70-8 (Delay of Time Limit for Payment and Payment in Installments)

(1) The Special Metropolitan City Mayor, Metropolitan City Mayor or the head of the City/County may, when it is deemed hard for the person liable for payment to pay the infrastructure construction costs for reason as any one of the following, delay the time limit for payment for up to a year or allow paying in installments for a time span of two years.

1. Heavy property loss due to disaster or being stolen;
2. Serious loss in business;
3. Serious crisis of business; or
4. Where the person liable for payment or his/her family has become seriously ill or injured, requiring long-term recuperation.

(2) Any person who intends to apply for delay of the time limit for payment or paying in installments under Paragraph (1) shall submit an application for delay of the time limit for payment or an application for paying in installments within 15 days after receipt of the notification for payment under Article 70-5 (1) to the Special Metropolitan City Mayor, Metropolitan City Mayor, or the head of the City/County.

(3) The Special Metropolitan City Mayor, Metropolitan City Mayor, or the head of the City/County shall notify in writing the applicant of whether he/she accepts the application for delay of the time limit for payment or the application for paying in installments within 15 days after receipt of the application.

(4) Any interest under Article 30 (2) of the Enforcement Decree of the Framework Act on National Taxes shall be imposed in addition to the infrastructure construction costs for the payment period delayed or payment in installments under Paragraph (1).

[This Article Newly Inserted on Sep. 25, 2008]

Article 70-9 (Demand for Payment)

The Special Metropolitan City Mayor, Metropolitan City Mayor, or the head of the City/County shall, in case that the person liable for payment has not paid the infrastructure construction cost in full until the time of applying for approval for use, (inspection on the completion, in case that inspection on the completion, etc. is legally fictionalized as the approval for use by other Acts), under Article 69 (2) of the Act, send a demand note within 10 days after the time limit for payment.

[This Article Newly Inserted on Sep. 25, 2008]

Article 70-10 (Refund of Infrastructure Construction Costs)

(1) The Special Metropolitan City Mayor, Metropolitan City Mayor, or the head of the City/County shall, in case that it falls under any one outlined in the following subparagraphs, refund the infrastructure construction costs pursuant to Article 69 (4) of the Act:

1. Where there is a reason for reduction of the paid infrastructure construction costs, such as the case of reduction of building area owing to alteration of matters for building permit;
2. Where the person liable for payment has paid any cost falling under any one of Table 1-4; or
3. Where the amount to be deducted under Article 70 (1) has increased.

(2) The Special Metropolitan City Mayor, Metropolitan City Mayor, or the head of the City/County shall, when he/she refunds the infrastructure construction costs under Paragraph (1), refund the amount after subtracting the infrastructure construction costs for the altered matters for building permit calculated as of the original standard charging time from the infrastructure construction costs paid by the person liable for payment, and interest calculated by the interest rates under Article 30 (2) of the Framework Act on National Taxes during the period from the day following the day falling under any one outlined in the following subparagraphs to the day of the decision about the refund, (hereinafter referred to as the “refund extra”);

1. The date of payment, in cases of refunds owing to payment due to error, double payment, or cancellation or correction of imposition after payment;
2. The date of cancellation, in cases of refunds owing to a cancellation of the permit for which the construction costs were paid due to reason attributable to the payer; or
3. The date of the alteration permit or the date of an administrative disposition corresponding to the permit.

(3) The refund and the refund extra shall be paid from the special account for infrastructure established in the infrastructure cost-bearing zone concerned, provided, that the Special Metropolitan City Mayor, Metropolitan City Mayor, or the head of the City/County may, where the operator of the project is liable for restoring land to the original state owing to a cancellation of a permit, reduction of a project, etc., defer the payment of the amount equivalent to the costs required for restoring land to the original state.

(4) Any person liable for payment who intends to receive the refund of the infrastructure construction costs under Paragraph (1) shall submit altered matters with respect to the payment of the share and infrastructure construction and materials proving such alteration up until the date of approval for use of the building act concerned or the date of the completion thereof to the Special Metropolitan City Mayor, Metropolitan City Mayor, or the head of the City/County.

[This Article Newly Inserted on Sep. 25, 2008]

Article 70-11 (Management, Use, etc. of Infrastructure Construction Costs)

(1) The term “a case as determined by Presidential Decree” in the provision of Article 70 (2) of the Act means cases where there is a balance after the complete construction of the infrastructure required for the infrastructure cost-bearing zone concerned or after securing land therefor.

(2) The infrastructure construction costs paid under Article 69 (2) of the Act shall be used for the following purposes:

1. Formulation of a plan for infrastructure construction and the bearing of infrastructure cost by infrastructure cost-bearing zones;
2. New construction of infrastructure required owing to new construction or extensions of buildings in the infrastructure cost-bearing zone and securing of sites therefor or improvement of existing infrastructure; and
3. Management and operation of the special accounts established by infrastructure cost-bearing zones.

[This Article Newly Inserted on Sep. 25, 2008]

CHAPTER VI DEVELOPMENT ACTIVITY RESTRICIONS IN ZONING AREAS, ZONING DISTRICTS, AND ZONING BONDARIES

Article 71 (Restrictions on the Construction of Buildings in Zoning Areas)

(1) The restrictions on usage, type, and size, etc. of buildings within the zoning area under Article 76 (1) of the Act, (hereinafter referred to as the "restrictions on construction"), shall be as follows:

1. Buildings allowed to be constructed within the Class-I exclusive residential zone: Buildings as prescribed in the attached Table 2;
2. Buildings allowed to be constructed within the Class-II exclusive residential zone: Buildings as prescribed in the attached Table 3;
3. Buildings allowed to be constructed within the Class-I general residential zone: Buildings as prescribed in the attached Table 4;

4. Buildings allowed to be constructed within the Class-II general residential zone: Buildings as prescribed in the attached Table 5;
5. Buildings allowed to be constructed within a Class-III general residential zone: Buildings as prescribed in the attached Table 6;
6. Buildings allowed to be constructed within a quasi-residential zone: Buildings as prescribed in the attached Table 7;
7. Buildings allowed to be constructed within a central commercial zone: Buildings as prescribed in the attached Table 8;
8. Buildings allowed to be constructed within a general commercial zone: Buildings as prescribed in the attached Table 9;
9. Buildings allowed to be constructed within a neighborhood commercial zone: Buildings as prescribed in the attached Table 10;
10. Buildings allowed to be constructed within a distribution commercial area: Buildings as prescribed in the attached Table 11;
11. Buildings allowed to be constructed within an exclusive industrial zone: Buildings as prescribed in the attached Table 12;
12. Buildings allowed to be constructed within a general industrial zone: Buildings as prescribed in the attached Table 13;
13. Buildings allowed to be constructed within a quasi-industrial zone: Buildings as prescribed in the attached Table 14;
14. Buildings allowed to be constructed within a conservation green zone: Buildings as prescribed in the attached Table 15;
15. Buildings allowed to be constructed within a production green zone: Buildings as prescribed in the attached Table 16;
16. Buildings allowed to be constructed within a natural green zone: Buildings as prescribed in the attached Table 17;
17. Buildings allowed to be constructed within a conservation management zone: Buildings as prescribed in the attached Table 18;
18. Buildings allowed to be constructed within a production management zone: Buildings as prescribed in the attached Table 19;

19. Buildings allowed to be constructed within a planning management zone: Buildings as prescribed in the attached Table 20;

20. Buildings allowed to be constructed within an agriculture and forestry area: Buildings as prescribed in the attached Table 21; and

21. Buildings allowed to be constructed within a natural environment conservation zone: Buildings as prescribed in the attached Table 22;

(2) In applying the restrictions on construction under Paragraph (1), the restrictions on construction of principal structures shall govern for any annexed structures.

Article 72 (Restrictions on Construction in Scenic Zones)

(1) In the scenic zone, such buildings as are provided in the urban planning municipal Ordinance not to build as they are deemed to impede protection and formation of scenic views in the zone shall not be built, provided, that the same shall not apply in cases where the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County has gone through deliberation of the Urban Planning Committee established in the relevant local government as the buildings are deemed to meet the criteria stipulated by the urban planning municipal Ordinance within the limit that do not violate the purpose of designating the said zone.

(2) The building coverage ratio, the ratio of floor area to site, height, maximum width, color and landscaping within the scenic zone, etc. in the sites shall be stipulated by the urban planning municipal Ordinance within the scope required for the protection and formation of scenic views of the said zone.

Article 73 (Restrictions on Construction in Aesthetic Zones)

(1) In the aesthetic zone, such buildings as are provided in the urban planning municipal Ordinance not to build as they are deemed to impede maintenance of fine views resulting from the location, environment and other peculiarities of the zone shall not be built, provided, that the same shall not apply in cases where the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County has gone through deliberation of the Urban Planning Committee established in the relevant local government as the buildings are deemed to meet the criteria stipulated by the urban planning municipal Ordinance within the limit that do not violate the purpose of designating the said zone.

(2) Restrictions and prohibitions on height and size of buildings in the scenic zone, (including the ratio of the side length or height of a building to its front length), size of annexed buildings, forms and colors of buildings, walls and gates, and forms and colors of the structural installations jutting out to the outside of buildings and similar ones, and installation thereof, shall be stipulated by the urban planning municipal Ordinance within the scope

required for the maintenance of fine views resulting from the location, environment, and other peculiarities of the said zone.

Article 74 (Restrictions on Construction in Height Areas)

In the height area, any buildings exceeding or falling short of the height stipulated by the urban management planning shall not be constructed.

Article 75 (Restrictions on Construction of Building in Disaster Prevention Areas)

In the disaster prevention area, any structures as are stipulated by the urban planning municipal Ordinance to impede prevention of wind and flood, landslide, ground collapse, earthquake and other disasters, shall not be constructed: within the conservation area

Article 76 (Restrictions on Construction in Conservation Areas)

In the conservation area, buildings shall be constructed in compliance with the following classification, provided, that the same shall not apply in cases where the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County has gone through consultation with the head of the administrative agency concerned and deliberation of the Urban Planning Committee established in the relevant local government as the buildings are deemed to meet the criteria stipulated by the urban planning municipal Ordinance within the limit that do not violate the purpose of designating the said zone.

<Amended on Sep. 8, 2005>

1. Cultural resources conservation area: Buildings with the main purpose to maintain and protect cultural properties subject to the application of the Protection of Cultural Properties Act, and buildings that are determined by the urban planning municipal Ordinance as not to impede protection and conservation of the area with high cultural value to conserve;
2. Essential facilities conservation area: Buildings which are stipulated by the urban planning municipal Ordinance as not to impede protection and conservation of facilities essential for the national defense and security; and
3. Ecosystem conservation area: Buildings which are stipulated by the urban planning municipal Ordinance as not to impede the protection and conservation of the area with high conserving value in terms of ecology.

Article 77 (Restrictions on Construction in Facility Protection Areas)

(1) In the school facility protection area, public-use facility protection area and harbor facility protection area, any buildings determined by the urban planning municipal Ordinance as deemed to impede the performance of functions of schools and public-use facilities or

harbors shall not be built, provided, that the same shall not apply in cases where the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County has gone through consultation with the head of the administrative agency concerned and deliberation of the Urban Planning Committee established in the relevant local government as the buildings are deemed to meet the criteria stipulated by the urban planning municipal Ordinance within the limit that do not violate the purpose of designating the said zone.

(2) Restrictions on construction within the airport facility protection area shall be governed by the Aviation Act, but other restrictions on the purpose, type, etc. of building shall be stipulated by the urban planning municipal Ordinance within the limit that does not cause impediments to the protection of airport facilities, and the landing and takeoff of aircrafts.
<Amended on Sep. 8, 2005>

Article 78 (Restrictions on Construction in Community Districts)

(1) Buildings that can be constructed in the natural village district under Article 76 (5) 1 of the Act shall be as the attached Table 23.

(2) Restrictions on construction in the collective village district shall be governed by the Act on Special Measures for the Designation and Management of Areas of Restricted Development.

Article 79 (Restrictions on Construction in Development Promotion Districts)

Any buildings shall not be constructed in the development promotion district in violation of the district unit planning or the development planning under related Acts, and until the formulation of the district unit planning or the development planning, buildings that the urban planning municipal Ordinance determines within the limit of not violating the planned development of the development promotion district may be constructed.

Article 80 (Restrictions on Construction in Specific Use Limitation Districts)

In the specific use limitation district, any buildings that are deemed to damage residential functions or to be harmful to aesthetic sentiments of youth and determined by the urban planning municipal Ordinance shall not be constructed.

Article 81 Deleted. <Nov. 29, 2003>

Article 82 (Restrictions on Construction in Other Zoning Districts)

Restrictions on construction in other zoning districts than the zoning districts stipulated in Articles 72 through 81 shall be stipulated by the urban planning municipal Ordinance of the Special Metropolitan City, Metropolitan City, or City/County within the scope necessary to achieve the goal of the zoning district designation.

Article 83 (Exceptions, etc. to Restrictions on Construction in Zoning Areas, Zoning Districts, and Zoning boundaries)

(1) Provisions of Articles 71 through 82 shall not apply to the urban planning facilities in the zoning area or zoning district.

(2) Relaxed restrictions may be applied with respect to the height, size, etc. of buildings that are in need of remodeling under Article 6 (1) 5 of the Enforcement Decree of the Building Act within the scenic zone, aesthetic zone or height zone notwithstanding the provisions of Articles 72 through 74 pursuant to Article 6 (1) 5 of the Enforcement Decree of the Building Act. <Amended on Sep. 8, 2005>

(3) Restrictions on construction in the urbanization-coordination district shall conform to Articles 87 through 89, restrictions on construction in the marine resource protection zone to Articles 90 through 92 and restrictions on construction within the development restriction district to the provisions of the Act on Special Measures for the Designation and Management of Areas of Restricted Development and subordinate statutes.

(4) Matters concerning buildings in the attached Table 2 through 27, Articles 72 through 77, and Articles 79 through 82 shall apply to restrictions on purpose, type, size, etc. of facilities other than buildings in the zoning area, zoning district, or zoning boundary .

(5) Accessory facilities for work, such as materials open storage yards and the ready-mixed concrete and asphalt concrete production facilities to be built in the field of construction work for the purpose of constructing buildings or facilities allowed in the zoning area, zoning district, and zoning boundary, may be permitted to be built during a fixed period within the scope of the minimum area required for the relevant work, notwithstanding the provisions of Paragraph (4) and Articles 55 and 56, under the conditions that the site shall be restored to the original status after use on the constructor's own account. <Newly Inserted on Jan. 20, 2004>

Article 84 (Building Coverage Ratio in Zoning Areas)

(1) Building Coverage Ratio under Article 77 (1) and (2) of the Act shall not exceed the ratio stipulated by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County within the following scopes:

1. Class-I exclusive residential zone: Not more than 50 percent;
2. Class-II exclusive residential zone: Not more than 50 percent;
3. Class-I general residential area: Not more than 60 percent;
4. Class-II general residential area: Not more than 60 percent;

5. Class-III general residential area: Not more than 50 percent;
6. Quasi-residential area: Not more than 70 percent;
7. Central commercial area: Not more than 90 percent;
8. General commercial area: Not more than 80 percent;
9. Neighborhood commercial zone: Not more than 70 percent;
10. Distribution commercial area: Not more than 80 percent;
11. Exclusive industrial area: Not more than 70 percent;
12. General industrial area: Not more than 70 percent;
13. Quasi-industrial area: Not more than 70 percent;
14. Conservation green area: Not more than 20 percent;
15. Production green area: Not more than 20 percent;
16. Natural green area: Not more than 20 percent;
17. Conservation management area: Not more than 20 percent;
18. Production management area: Not more than 20 percent;
19. Planning management area: Not more than 40 percent;
20. Agriculture and forestry area: Not more than 20 percent; and
21. Natural environment conservation area: Not more than 20 percent.

(2) If it is necessary in the fixing of the building coverage ratio by zoning areas pursuant to the Urban Planning Ordinance under Paragraph (1), jurisdictional area of the relevant local government may be subdivided and the building coverage ratio varies from a subdivided area to another subdivided area.

(3) building coverage ratio in the following area shall not exceed the ratio stipulated by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County within the limit specified in each outlined in the following subparagraphs:
<Amended on Sep. 8, 2005>

1. Community district: not more than 60 percent (the collective village district shall conform to the Act on Special Measures for the Designation and Management of Areas of Restricted Development and subordinate statutes);
2. Development promotion area designated in other areas than the urban area: Not more than 40 percent;
3. Marine resources protection zone: Not more than 40 percent;
4. Natural parks and park protection areas under the Natural Parks Act: Not more than 60 percent;
5. Agricultural and forestry complex under Subparagraph 5 (c) of Article 2 of the Industrial Sites and Development Act: Not more than 60 percent; and
6. National industrial complex and local industrial complex under Subparagraph 5 (a) and (b) of Article 2 of the Industrial Sites and Development Act located within the industrial area: Not more than 80 percent.

(4) With respect to buildings in the district that has been determined by the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County after deliberation of the urban planning committee established in the relevant local government as the reduction of the building coverage ratio was deemed necessary to prevent excessively concentrated land-use in the urban area pursuant to Article 77 (4) 1 of the Act, the building coverage ratio shall not exceed the ratio fixed by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County within the limit not exceeding 40 percent of the maximum limit of the building coverage ratio to be applied to the said zone.

(5) With respect to buildings falling under any one of the following subparagraphs, the building coverage ratio shall not exceed the ratio specified in each of the following subparagraphs, notwithstanding the provision of Paragraph (1): <Amended on Sep. 25, 2008; Jul. 7, 2009>

1. Buildings that are in fire-prevention district from among the quasi-residential areas, general commercial areas, and neighborhood commercial zone, and that fall under any one of the following items: a ratio determined by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County within the limit of not less than 80 percent but not more than 90 percent

1. Buildings of which principal structural parts is the fire-proof structure; or

- (a) Buildings of which site is located at the corner of street, and falls under any one of the following items:

(i) A site that is adjacent to two roads crossing each other, of which aggregate width is not less than 15 meters, and the interior angle the part adjacent to roads is not more than 120 degrees, and more than one third of the girth of the site is adjacent to roads; and

(ii) A site that is adjacent to two roads not crossing each other, of which respective width is not less than 8 meters, and a distance between their boundary lines is not more than 35 meters, and more than one third of the girth of the site is adjacent to roads.

2. Existing factories, warehousing facilities or research centers in the natural green area (only the cases of extending the existing facilities of which construction had been completed at the time of designating the area as a natural green area): The building coverage ratio permitted at the first building permit within the limit of 40 percent; or

3. Existing factories, warehousing facilities or research centers in the planning management area (only the cases of extending the facilities that were completed before Jan. 1, 2003 at the existing site, and infrastructure facilities, such as roads, water supply and sewage, that are determined by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County, are recognized to have sufficiently secured after deliberation of the Local Urban Planning Committee concerned: The building coverage ratio determined by the Urban Planning Ordinance within the limit of 50 percent.

(6) With respect to buildings that can be constructed pursuant to Article 34 of the Farmland Act in the conservation management area, production management area, agricultural and forestry area or natural environment conservation area pursuant to Article 77 (4) 3 of the Act, the building coverage ratio shall not exceed the ratio determined by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County within the limit of not more than 60 percent notwithstanding the provision of Paragraph (1). <Amended on Sep. 8, 2005; Jul. 7, 2009>

(7) The building coverage ratio of the public garden from among the urban planning facilities that are constructed in the natural green area, notwithstanding the provision of Paragraph (1), shall not exceed the ratio determined by the Urban Planning Ordinance within the limit of 30 percent and the building coverage ratio of the parks shall not exceed the ratio determined by the Urban Planning Ordinance within the limit of 20 percent. <Amended on Jul. 7, 2009>

Article 85 (Floor Area Ratio in Zoning Areas) <Amended on Mar. 23, 2006>

(1) The floor area ratio under Article 78 (1) and (2) of the Act shall not exceed the ratio determined by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County considering the size and population of the jurisdictional area and peculiarities of zoning area, etc. within the following limits:

1. Class-I exclusive residential zone: Not less than 50 percent, but not more than 100 percent;

2. Class-II exclusive residential zone: Not less than 100 percent, but not more than 150 percent;
3. Class-I general residential area: Not less than 100 percent, but not more than 200 percent;
4. Class-II general residential area: Not less than 150 percent, but not more than 250 percent;
5. Class-III general residential area: Not less than 200 percent, but not more than 300 percent;
6. Quasi-residential area: Not less than 200 percent, but not more than 500 percent;
7. Central commercial area: Not less than 400 percent, but not more than 1,500 percent;
8. General commercial area: Not less than 300 percent, but not more than 1,300 percent;
9. Neighborhood commercial zone: Not less than 200 percent, but not more than 900 percent;
10. Distribution business area: Not less than 200 percent, but not more than 1,100 percent;
11. Exclusive industrial area: Not less than 150 percent, but not more than 300 percent;
12. General industrial area: Not less than 200 percent, but not more than 350 percent;
13. Quasi-industrial area: Not less than 200 percent, but not more than 400 percent;
14. Conservation green area: Not less than 50 percent, but not more than 80 percent;
15. Production green area: Not less than 50 percent, but not more than 100 percent;
16. Natural green area: Not less than 50 percent, but not more than 100 percent;
17. Conservation management area: Not less than 50 percent, but not more than 80 percent;
18. Production management area: Not less than 50 percent, but not more than 80 percent;
19. Planning management area: Not less than 50 percent, but not more than 100 percent;
20. Agriculture and forestry area: Not less than 50 percent, but not more than 80 percent; and
21. Natural environment conservation area: Not less than 50 percent, but not more than 80 percent.

(2) If it is necessary to determine the floor area ratio by zoning areas by the Urban Planning Ordinance pursuant to paragraph (1), the jurisdictional area of the relevant local government may be subdivided and the floor area ratio may be differently determined by subdivided areas.

(3) Additional construction of rental housing, (limited to cases where the obligatory lease period is not less than ten years under the provision of Article 9 (1) of the Enforcement Decree of the Rental Housing Act), may be, notwithstanding the provision of Paragraph (1), permitted by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County within the scope of not more than 20 percent of the floor area ratio under the provision of Paragraph (1) in areas specified in paragraph (1) 1 through 6, provided, that housing reconstruction projects where the construction of rental housing is obligated under the provision of Article 30-2 of the Act on the Maintenance and Improvement of Urban & Residential Environments shall be excluded. <Newly Inserted on Sep. 8, 2005>

(4) The provisions of Paragraph (3) shall not apply to cases falling under any of Subparagraphs of Article 46 (9). <Newly Inserted on Sep. 8, 2005>

(5) The floor area ratio in the area outlined in the following subparagraphs shall not exceed, under Article 78 (3) of the Act, the ratio fixed by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County within the limit stipulated in each of the following subparagraphs: <Amended on Sep. 8, 2005; Sep. 30, 2005; Nov. 11, 2005>

1. Development promotion district designated in areas other than urban areas: Not more than 100 percent;

2. Marine resources protection zone: Not more than 80 percent;

3. Natural parks and park protection zone under the Natural Parks Act: Not more than 100 percent, provided, that in the case of the park-concentrated community district under the Natural Parks Act, it shall be not more than 150 percent and in the case of the park-collective facility district, it shall be not more than 200 percent; and

4. Agro-industrial complex under Subparagraph 5 (c) of Article 2 of the Industrial Sites and Development Act, (limited to the agro-industrial complex designated in other areas than the urban area): Not more than 150 percent.

(6) The floor area ratio of the buildings that fall under any one of the following subparagraphs and are located in the quasi-residential area, central commercial area, general commercial area, neighborhood commercial zone, exclusive industrial area, general industrial area or quasi industrial area may conform to the ratio determined by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County within the limit of less than 120 percent of the relevant ratio of floor area to site under each subparagraph of Paragraph (1) in case that it is deemed not to cause any damage to scenery, traffic, fire prevention and sanitation: <Amended on Sep. 8, 2005>

1. Buildings within the sites that have the road adjacent to park, square, (excluding a traffic square; hereinafter in this Article, the same shall apply), river and other vacant lots where

building is prohibited on their front side, or building within the sites that adjoin park, square, river, and other vacant lots where building is prohibited more than 20 meters; and

2. Buildings of which building area is more than 1,000 m² and which are located within the sites adjoining the road of not less than 25-meter width more than 20 meters.

(7) Where any person who intends to construct buildings within the area, district or zone falling under any outlined in the following subparagraphs provides part of the site as the site for public facilities, the floor area ratio for the relevant buildings may conform to the ratio determined by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County in proportion to the provided ratio of the site within the limit of not more than 200 percent of the relevant ratio of floor area to site under each subparagraph of Paragraph (1): <Amended on Jun. 30, 2003; Jan. 15, 2005; Sep. 8, 2005>

1. Commercial area;

2. Deleted; <Jan. 15, 2005> and

3. Rearrangement zone for the implementation of housing redevelopment project, an urban environment rearrangement project, and housing reconstruction project under the Act on the Maintenance and Improvement of Urban & Residential Environments.

(8) The term "buildings or establishments of which purposes are determined by Presidential Decree" in Article 78 (5) of the Act means warehouses. <Newly Inserted on Mar. 23, 2006>

(9) Deleted; <Jul. 7, 2009>

Article 86 (Development activity restrictions in Non-subdivided Zoning Areas)

The term "areas prescribed by Presidential Decree" in Article 79 (2) of the Act means the conservation green area.

Article 87 (Urban Planning Projects Allowed in Urbanization-Coordination Areas)

The term "projects prescribed by Presidential Decree" in Article 81 (1) of the Act means the urban planning projects of which implementation in the urbanization-coordination district is inevitable for the purpose of national defense and public interests, and which are admitted by the Minister of Land, Transport, and Maritime Affairs that they do not impede attaining the purpose of designating the urbanization-coordination district upon request from the head of the related central administrative agency.

Article 88 (Restrictions on Behaviors in Urbanization-Coordination Areas)

Acts that are allowed under Article 81 (2) of the Act in the urbanization-coordination district after obtaining permission from the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County shall be as shown in the attached Table 24.

Article 89 (Standards, etc. for Permitting Behaviors in Urbanization Coordination Areas)

(1) Where the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County deems that it would impede the attaining of the purpose of designating the urbanization-coordination district or rational utilization of the relevant land or its surrounding land, he/she shall not grant permission under Article 81 (2) of the Act.

(2) Standards for permitting deforestation of standing trees, forestation, and silviculture in the forest located in the urbanization-coordination district shall conform to the Forestry Act. <Amended on Sep. 8, 2005>

(3) The Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County shall not refuse permission under Article 81 (2) of the Act to the acts stipulated in the attached Table 25, unless there are any special reasons.

(4) Where the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County deems, in granting permission under Article 81 (2) of the Act, that it is necessary for the purpose of designating the urbanization-coordination district, he/she may attach conditions to take necessary measures, such as landscaping, to the permission.

(5) When the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County intends to grant permission under Article 81 (2) of the Act, he/she shall hear the opinions of the implementer of urban planning projects that are implemented in the relevant urbanization-coordination district as to whether the relevant act impedes the implementation of urban planning projects.

(6) Provisions of Articles 55 and 56 shall apply *mutatis mutandis* to permission under Article 81 (2) of the Act.

(7) Any person intending to file an application for permission under Article 81 (6) of the Act shall submit documents as stipulated in the Ordinance of the Ministry of Land, Transport, and Maritime Affairs to the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County. <Amended on Feb. 29, 2008>

Article 90 Deleted <Jul. 28, 2008>

Article 91 Deleted <Jul. 28, 2008>

Article 92 Deleted <Jul. 28, 2008>

Article 93 (Special Cases for Existing Buildings)

(1) Even when the existing buildings have become unfit to the criteria for scale, such as building coverage ratio, floor area ratio, height, etc. under Articles 71 through 89 and under Articles 48-3 and 48-4 of the Enforcement Decree of the Fishery Act for reasons falling under any one of the following subparagraphs, the rebuilding, (referring to the rebuilding under Article 2 (1) 8 of the Building Act) of such buildings may be allowed, and the extension or remodeling, (referring to the extension or remodeling under Article 2 (1) 8 of the Building Act; hereinafter in this Article, the same shall apply) may be allowed when the portions intended for the extension or remodeling conform to the criteria for scale, such as building coverage ratio, ratio of floor area to site, height, etc. under Articles 71 through 89 and under Articles 48-3 and 48-4 of the Enforcement Decree of the Fishery Act:<Amended on Sep. 8, 2005; Jul. 28, 2008; Sep. 25, 2008>

1. Enactment or amendment of the Acts and subordinate statutes or the Urban Planning Ordinances;
2. Determination or alteration of the urban management planning, or alteration of the administrative districts; and
3. Installation of the urban planning facilities, implementation of the urban planning projects or installation of roads under the Road Act.

(2) Even when the existing buildings have become unfit for the provisions of Articles 71 through 80 and 88, and the provision of Articles 48-3 (2) of the Enforcement Decree of the Fishery Act concerning the restrictions on construction for reasons falling under Paragraph (1) 1 or 2, the buildings may be continually used for the existing purpose if the existing purpose of such said buildings are confirmed under conditions as prescribed by Ordinance of the Ministry of Land, Transport, and Maritime Affairs, provided, that when plants or factories alter their business type within the scope of their existing zoning, the alteration may be allowed only when the pollutant discharge level is equal to or lower than the level of the existing business type under conditions as determined by the Urban Planning Ordinance of the Special Metropolitan City, Metropolitan City, or City/County. <Newly Inserted on Jan. 15, 2005; Feb. 29, 2008; Jul. 28, 2008; Jul. 7, 2009>

(3) The existing buildings may, even when they have become unfit for the provisions with respect to restrictions on construction under Articles 71 through 80 and 82 through 89, and under Articles 48-3 and 48-4 of the Enforcement Decree of the Fishery Act for reasons under Paragraph (1) 1 or 2, change their specific use, (referring to specific use excluding restrictions on the building coverage ratio, floor area ratio, height and area), to one allowed in the zoning area, zoning district, or zoning boundaries where they are located. <Newly Inserted on Jul. 7, 2009>

(4) The existing factories located in the green area, management area, agriculture and forestry area or natural environment conservation area may be, when the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County admits that the factories have sufficiently secured land required for construction of infrastructure and there are no worries over the environmental pollution of the neighborhood areas, extended on the existing site in the scope of the building coverage ratio not exceeding 40 percent. <Newly Inserted on Jul. 7, 2009>

[The Term of Validity: Jul. 8, 2011: Article 93 (4)]

Article 94 (Application Criteria for Land Extending over Two or More Zoning Areas, Zoning Districts or Zoning Boundaries)

The term "size prescribed by Presidential Decree" in the text of Article 84 (1) of the Act means 330 m², provided, that it refers to 660 m² in the case of a parcel extending over the commercial area designated in the shape of belt on the roadside. <Amended on Jan. 20, 2004>

CHAPTER VII IMPLEMENTATION OF URBAN PLANNING FACILITY PROJECT

Article 95 (Formulation of Phased Implementation Plan)

(1) When the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County intends to formulate a phased implementation plan under Article 85 (1) of the Act, he/she shall hold in advance a consultation with the head of the related administrative agency.

(2) The Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County shall examine every year the second-phase implementation plan under Article 85 (3) of the Act, and may include the urban planning facilities for which project is to be implemented in 3 years in the first-phase implementation plan.

(3) Public announcement of the phased-implementation plan under Article 85 (4) of the Act shall be made by printing the fact on the public bulletin of the relevant local government.

(4) The term "case of alteration of the minor matters as prescribed by Presidential Decree" in the provision of Article 85 (5) of the Act means the case of altering the phased-implementation plan for alterations in the urban management planning under Subparagraphs of Article 24 (3) and (4).

Article 96 (Designation of Implementer)

(1) Any person intending to be designated as the implementer of an urban planning facility project under Article 86 (5) of the Act shall file a written application stating matters outlined in the following subparagraphs with the Minister of Land, Transport, and Maritime Affairs, the Mayor/province(*Do*) governor, or the head of the City/County: <Amended on Feb. 29, 2008>

1. Type and title of the project;
2. Name and address of the developer, (name and address of the corporation and the representative in the case of a corporation);
3. Location, parcel number, land category, size of the land or building, specifications of the ownership and other rights, and the name and address of the owner or right holder;
4. Scheduled date of commencement and completion of the project; and
5. Plan for financing the funds.

(2) The term "requirements as prescribed by Presidential Decree" in the part outside subparagraphs of Article 86 (7) of the Act means the owning of land equivalent to, or exceeding, two thirds (2/3) of the land on which the urban planning facilities project is planned, and the obtaining of consent of more than half of the landowners. <Amended on Jan. 8, 2008; Aug. 5, 2009>

(3) The term "public institutions as prescribed by Presidential Decree" in Article 86 (7) 2 of the Act means the public institution falling under any one of the following subparagraphs: <Newly Inserted on Aug. 5, 2009>

1. The Agricultural and Marine Products Distribution Corporation under the Agricultural and Marine Products Distribution Corporation;
2. The Korea Coal Corporation under the Korea Coal Corporation Act;
3. The Korea National Housing Corporation under the Korea National Housing Corporation Act;
4. The Korea Tourism Organization under the Korea Tourism Organization Act;
5. The Korea Rural Community Corporation under the Korea Rural Community Corporation and Farmland Management Fund Act;
6. The Korea Expressway Corporation under the Korea Expressway Corporation Act;
7. The Korea National Oil Corporation under the Korea National Oil Corporation Act;

8. The Korea Water Resources Corporation under the Korea Water Resources Corporation Act;
9. The Korea Electric Power Corporation under the Korea Electric Power Corporation Act;
10. The Korea Railroad Corporation under the Korea Railroad Corporation Act; and
11. The Korea Land Corporation under the Korea Land Corporation Act.

(4) The term “persons as prescribed in the Presidential Decree” in Article 86 (7) 3 of the Act means a person falling under any outlined in the following subparagraphs: <Amended on Jan. 15, 2005; Sep. 8, 2005; Jan. 8, 2008; Aug. 5, 2009>

1. Local corporations and local industrial complexes under the Local Public Enterprises Act;
2. Any person who has been designated under other Act as the implementer of a project wherein the urban planning facility project is included;
3. Any person who intends to install the public facilities to be gratuitously reverted to the management office that manages public facilities under Article 65 of the Act; and
4. Any person who intends to install facilities subject to donation under Article 9 of the State Properties Act or Article 7 of the Public Properties and Goods Management Act.

(5) In case that any urban planning facility project is subject to receiving license, permission, authorization, etc. pursuant to other Acts and subordinate statutes, a copy of the document attesting the fact of license, permission, authorization, etc. concerning the implementation of the said project shall be appended to the application under Paragraph (1), provided, that in case that designation of the implementer of urban planning facility project is subject to obtaining license, permission, authorization, etc. by other Acts and subordinate statutes, the said copy may be substituted with a written opinion of the head of the related administrative agency.

Article 97 (Authorization for Implementation Plan)

(1) The implementation plan under Article 88 (1) of the Act, (hereinafter referred to as the "implementation plan"), shall include the following matters:

1. Type and title of the project;
2. Area or scale of the project;
3. Name and address of the developer (in the case of a corporation, name and address of the corporation and its representative); and

4. Scheduled date of the start and completion of the project.

(2) When any implementer of an urban planning facility project intends to obtain authorization for the implementation plan under Article 88 (2) of the Act, implementers who have been designated by the Minister of Land, Transport, and Maritime Affairs shall obtain the authorization from the said Minister, and other implementers shall obtain authorization from the Mayor/province(*Do*) governor.

(3) Any person who has been designated as the implementer of an urban planning facility project shall submit an application for authorization for the implementation plan stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs not later than the time limit fixed at the time of designation of the implementer, to the Minister of Land, Transport, and Maritime Affairs or the Mayor/province(*Do*) governor.

(4) When any person who has been designated as the implementer of an urban planning facility project under 86 (5) of the Act intends to prepare the implementation plan, he/she shall in advance hear opinions of the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County concerned.

(5) When an urban planning facility project is implemented by dividing the area concerned according to Article 87 of the Act, its implementation plan may be formulated by divided areas.

(6) The term "other matters prescribed by Presidential Decree" under Article 88 (5) of the Act means the following matters: <Amended on Sep. 8, 2005; Sep. 25, 2008>

1. Location map and ground plan of the project site;

2. Work design documents (in cases of the project for which a consultation on construction is required under Article 25 of the Building Act, the outline design documents);

3. Location, parcel number, land category and size of the land or building to be expropriated or used, and a specifications of ownership and other rights than ownership, and the names and addresses of such owners and stakeholders;

4. Protocols and drawings of the public facilities newly installed by the implementation of urban planning facility project or the existing public facilities, (limited to the case where the project implementer is an administrative agency);

5. Written appraisals issued by two or more appraisers for the assets of the State or local governments to be disused owing to the implementation of urban planning facility project, (limited to the case where the implementer is not an administrative agency);

6. Protocols and drawings of the public facilities newly installed by the implementation of urban planning facility project and the calculation statement of such construction costs, (limited to the case where the implementer is not an administrative agency): In this case, if the new public facility is constructed on the same land where the existing public facilities stand, the land price shall be excluded from the calculation of the construction costs;

7. Documents necessary for consultation with the heads of the related administrative agencies under Article 92 (3) of the Act; and

8. Outcomes of hearing opinions of the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County under Paragraph (4).

Article 98 (Performance collateral for Urban Planning Facility Project)

(1) The term "cases prescribed by Presidential Decree" under other portion than subparagraphs of Article 89 (1) of the Act means the following cases:

1. Where construction of infrastructure, such as roads, water supply facilities, sewage system, etc., is required on account of the urban planning facility project; and

2. Cases that fall under any one of Article 59 (1) 2 through 5 on account of the urban planning facility project.

(2) The term "public institutions as determined by Presidential Decree" in Article 89 (1) 2 of the Act means institutions that fall under Articles 5 (3) 1 or 5 (3) 2 (b). <Newly Inserted on Aug. 5, 2009>

(3) The term "other persons prescribed by Presidential Decree" under Article 89 (1) 3 of the Act means the local corporations and local industrial complexes under the Local Public Enterprises Act. <Amended on Sep. 8, 2005; Aug. 5, 2009>

(4) Provisions of Article 59 (2) through (4) shall apply *mutatis mutandis* to the computation of deposit amounts, the deposit method, etc. under Article 89 (2) of the Act. <Amended on Aug. 5, 2009>

Article 99 (Public Inspection, etc. of Documents)

(1) Public announcement under Article 90 (1) of the Act shall be made by publishing the following matters in the Official Gazette or the daily newspapers having the nationwide circulation in cases of public announcements by the Minister of Land, Transport, and Maritime Affairs, and on the public bulletin of the relevant City/province(*Do*) or the large city, or the daily newspapers mainly circulated in the areas of the relevant City/province(*Do*) or the large city in cases of public announcements by the Mayor/province(*Do*) governor or the large city mayor: <Amended on Feb. 29, 2008; Aug. 5, 2009>

1. Purports of the application for authorization; and

2. Date and venue of the public inspection.

(2) Alterations of minor matters falling under any one of the following subparagraphs may not be announced publicly and offered to public inspection under Paragraph (1):

1. Alterations in the contents of projects within the scope not accompanying any alteration in project site; and

2. Alteration in the scheduled date of the start and completion of the project.

(3) Expenses required for the public announcement under Paragraph (1) shall be borne by the implementer of urban planning facility project.

Article 100 (Public Announcement of Implementing Plans)

(1) Public announcement of an implementing plan under Article 91 of the Act shall be made by publishing the following matters in the Official Gazette or the daily newspapers having the nationwide circulation in cases of public announcements by the Minister of Land, Transport, and Maritime Affairs, and on the public bulletin of the relevant City/province(*Do*) or the large city, or the daily newspapers mainly circulated in the areas of the relevant City/province(*Do*) or the large city in cases of public announcements by the Mayor/province(*Do*) governor or the large city mayor: <Amended on Feb. 29, 2008; Aug. 5, 2009>

1. Location of project site;

2. Type and title of the project;

3. Area or scale;

4. Name and address of the project implementer (in the case of a corporation, name and address of the corporation and its representative); and

5. Scheduled date of the start and completion of the project.

6. Location, parcel number, land category and size of the land and building to be expropriated or used, and a specifications of ownership and other rights than ownership, and the names and addresses of such owners and stakeholders; and

7. Matters with respect to the reversion and transfer of public facilities, etc. under Article 99 of the Act.

(2) Where the Minister of Land, Transport, and Maritime Affairs, the Mayor/province(*Do*) governor or the large city Mayor has announced publicly the implementing plan under Paragraph (1), he/she shall notify the head of the related administrative agency of its contents. <Amended on Feb. 29, 2008; Aug. 5, 2009>

Article 101 (Service by Public Notice)

When any implementer of an urban planning facility project who is not an administrative agency intends to provide a service by public notice under Article 94 (1) of the Act, he/she shall obtain approval from the Minister of Land, Transport, and Maritime Affairs or the competent Mayor/province(*Do*) governor or the large city Mayor. <Amended on Feb. 29, 2008; Aug. 5, 2009>

Article 102 (Public Notification, etc. of Work Completion)

(1) Where the work completion inspection, work completion authorization, etc. under other Acts and subordinate statutes have been obtained for the urban planning facility project, the work completion inspection under Article 98 (2) of the Act may be dispensed with for the said portion: In this case, the Mayor/province(*Do*) governor or the large city Mayor may request the head of the agency that has performed the work completion inspection, work completion authorization, etc. under other Acts and subordinate statutes to notify him of the details of said work completion inspection, work completion authorization, etc. <Amended on Feb. 29, 2008>

(2) Public announcement of the work completion under Article 98 (3) and (4) of the Act shall be made by publishing the following matters in the Official Gazette in cases of public announcements by the Minister of Land, Transport, and Maritime Affairs, and on the public bulletin of the relevant City/province(*Do*) or the large city in cases of public announcements by the Mayor/province(*Do*) governor or the large city Mayor: <Amended on Feb. 29, 2008; Aug. 5, 2009>

Article 103 (Sale of Developed Sites, etc.)

When the State or local government intends to sell properties belonging to its possession from among the sites developed and buildings constructed by an urban planning facility project under Article 100 of the Act, it shall notify publicly the following matters by publishing them in the Official Gazette in cases of public announcements by the State and on the public bulletin of the relevant local government in cases of public announcements by a local government:

1. Purports that the sale is made by the order under Subparagraphs of Article 100 of the Act; and
2. Location and area of the site or buildings intended for sale.

CHAPTER VIII COSTS

Article 104 (Cost Sharing by Local Governments)

(1) The total sum of costs to be borne under Article 102 (1) of the Act shall not exceed 50 percent of all costs required for the relevant urban planning facility project: In this case, the expenses for land survey and measurement, design and management for the relevant urban planning facility project shall not be included to the costs for an urban planning facility project.

(2) Where the Minister of Land, Transport, and Maritime Affairs or the Mayor/province(*Do*) governor intends to impose the costs under Article 102 (1) of the Act on the City/province(*Do*) or *Si/County* benefited from any urban planning facility project, he/she shall forward a notice with statement of total costs required for the urban planning facility project and the amount to be borne to the relevant Mayor/province(*Do*) governor or head of the City/County.

(3) Provisions of Paragraphs (1) and (2) shall apply *mutatis mutandis* to the case where the head of the City/County intends to impose, under Article 102 (3) of the Act, a part of the costs required for an urban planning facility project to other local governments.

Article 105 (Cost Sharing by Manager of Public Facilities)

(1) The total sum of costs to be borne under Article 103 of the Act shall not exceed 1/3 of costs required for the relevant urban planning facility project, provided, that where rearrangement of other public facilities is the main contents of the said urban planning facility project, the whole or the amount equivalent up to 1/2 of the costs required for the relevant urban planning facility project may be imposed.

(2) In the case of Paragraph (1), the expenses for land survey and measurement, design and management for the relevant urban planning facility project shall not be included to the costs for an urban planning facility project.

(3) Provisions of Article 104 (2) shall apply *mutatis mutandis* to the cost sharing under Paragraph (1).

Article 106 (Subsidies or Loans)

(1) Costs required for the basic survey or the preparation of topographic drawings under Article 104 (1) of the Act may be subsidized by the State budget up to 80 percent of such costs.

(2) Any urban planning facility project implemented by an administrative agency under Article 104 (2) of the Act may be subsidized or loaned by the State budget up to 50 percent of the costs required for the relevant urban planning facility project, (referring to the construction costs excluding expenses for survey and measurement, design and management, and the compensation costs including the appraisal costs; hereinafter in this paragraph, the same shall apply), and any urban planning facility project implemented by any person who is not an administrative agency may be subsidized or loaned by the State or local government up to 1/3 of the costs required for an urban planning facility project.

Article 107 (Supports to Community District)

Projects which may be implemented or supported by the State or local government for the convenience of living and welfare promotion, etc. of the residents in the community district under Article 105 of the Act shall be as follows:

1. Collective village district: it shall conform to the Act on Special Measures for the Designation and Management of Areas of Restricted Development and subordinate statutes; and

2. Natural Village District:

(a) Rearrangement of roads, water supply facility, sewage system, etc. either located within the natural village district or connected to the natural village district;

(b) Installation or rearrangement of the children's playgrounds, parks, green areas, parking lots, schools, village halls, etc;

(c) Installation or improvement of the waste treatment places, sewage treatment facilities, etc;

(d) Installation or improvement of the facilities for preventing disasters, such as riparian rearrangement, etc; and

(e) New construction or improvement of housing.

CHAPTER IX URBAN PLANNING COMMITTEE

Article 108 (Operation of the National Urban Planning Committee)

(1) The National Urban Planning Committee may, when it deems it necessary, request the heads of the related administrative agencies to furnish necessary data, and hear explanations from the persons of profound academic knowledge in the urban planning.

(2) The Mayor/province(*Do*) governor or the head of the *Si*/County may attend the National Urban Planning Committee and obtain the floor on the matters pertaining to the urban planning of the relevant local government.

(3) Executive secretary of the National Urban Planning Committee shall prepare the minutes every time a meeting is held, report them to the next meeting, and keep them in custody.

Article 109 (Subcommittees of the National Urban Planning Committee)

(1) Subcommittees to be established in the National Urban Planning Committee under Article 110 of the Act and their competent duties shall be as follows: <Amended on Jan. 20, 2004>

1. First subcommittee:

(a) Designation of the zone, etc. relating to land-use planning under Article 8 (2) of the Act;

(b) Deliberation on the matters concerning the modified plans for a zoning area, etc. under Article 9 of the Act; and

(c) Deliberation on the matters concerning the development under Article 59 of the Act;

2. Second subcommittee: Deliberation on the matters delegated by the National Urban Planning Committee; and

3. Deleted. <Jan. 20, 2004>

(2) Each subcommittee shall consist of not less than 5 but not more than 17 members, including one chairperson. <Amended on Jan. 20, 2004; Sep. 8, 2005>

(3) Members of each subcommittee shall be elected by the National Urban Planning Committee from among its members, and the members of the National Urban Planning Committee may become members of two or more subcommittees.

(4) The chairperson of each subcommittee shall be elected from among the members of the subcommittee.

(5) The chairperson of the National Urban Planning Committee may, notwithstanding Paragraph (1), coordinate part of competent duties of each subcommittee, where deemed necessary for efficient deliberation. <Newly Inserted on Jan. 8, 2008>

Article 110 (Functions of Local Urban Planning Committee)

(1) The City/province(*Do*) Urban Planning Committee may give counsel to the Mayor/province(*Do*) governor, under Article 113 (1) 4 of the Act as to matters related to the

enactment and amendment of the Urban Planning Ordinance of the relevant City/province(*Do*).

(2) The City/County/*Gu* Urban Planning Committee may give counsel to the head of the City/County/*Gu*, (referring to the head of autonomous *Gu*: hereinafter the same shall apply), under Article 113 (2) 4 of the Act as to the following matters related to the relevant City/County/*Gu*, (referring to an autonomous *Gu*; hereinafter the same shall apply): <Amended on Mar. 23, 2006; Jul. 7, 2009>

1. Enactment and amendment of the Urban Planning Ordinance; and
2. Formulation of the model urban project plan under Article 128 (1).

Article 111 (Composition and Operation of City/province(*Do*) Urban Planning Committee)

(1) The City/province(*Do*) Urban Planning Committee shall consist of not less than 25 but not more than 30 members, including one chairperson and one vice chairperson. <Amended on Jul. 7, 2009>

(2) The chairperson of the City/province(*Do*) Urban Planning Committee shall be appointed or commissioned by the Mayor/province(*Do*) governor concerned and the vice chairperson shall be elected from among its members. <Amended on Jan. 8, 2008>

(3) The members of the City/province(*Do*) Urban Planning Committee shall be appointed or commissioned by the Mayor/province(*Do*) governor from among the persons falling under one outlined in the following subparagraphs: In this case, the number of members falling under Subparagraph 3 shall be not less than 2/3 of all members:

1. Members of the municipal council of the relevant City/ province(*Do*);
2. Public officials of the relevant City/province(*Do*) and of an administrative agency relating to the urban planning; and
3. Persons of learning and experience in the field relating to the urban planning, such as the land-use, construction, housing, traffic, environment, prevention of disasters, culture, agriculture and forestry, information and communications, etc.

(4) Term of office for the members falling under Paragraph (3) 3 shall be two years and they may be reappointed or re-commissioned, provided, that the term of office for the supplementary member shall be the remainder of that for his/her predecessor.

(5) The chairperson of the City/province(*Do*) Urban Planning Committee shall exercise overall control of the functions of the Committee, convene its meetings, and preside over them.

(6) The deliberation of a meeting of the City/province(*Do*) Urban Planning Committee shall start by the attendance of a majority of all incumbent members (a majority of members present shall be those falling under Paragraph (3) 3), and its resolution shall require the consent of a majority of those present. <Amended on Jul. 7, 2009>

(7) The City/province(*Do*) Urban Planning Committee may have one executive secretary and a few assistant secretaries, who shall be appointed by the chairperson.

(8) Executive secretary of the City/province(*Do*) Urban Planning Committee shall deal with administrative affairs upon orders from the chairperson, and the assistant secretaries shall assist the executive secretary.

Article 112 (Composition and Operation of the City/County/*Gu* Urban Planning Committee)

(1) The City/County/*Gu* Urban Planning Committee shall consist of not less than 15 but not more than 25 members, including one chairperson and one vice chairperson, respectively, provided, that where the City/County/*Gu* Urban Planning Committee is jointly established in two or more City's/County's/*Gu*'s, the number of its members may be up to 30.

(2) The chairperson of the City/County/*Gu* Urban Planning Committee shall be appointed or commissioned by the head of the City/County/*Gu* concerned and the vice chairperson shall be elected from among its members, provided, that the chairperson of the City/County/*Gu* Urban Planning Committee to be jointly established in 2 or more City's/County's/*Gu*'s shall be determined by consultations among the heads of the relevant City's/County's/*Gu*'s. <Amended on Jan. 8, 2008>

(3) The members of the City/County/*Gu* Urban Planning Committee shall be appointed or commissioned by the head of the City/County/*Gu* from among the persons falling under any one of the following subparagraphs: In this case, the number of members falling under Subparagraph 3 shall be not less than 50 percent of the total number of members:

1. Members of the municipal council of the relevant City/County/*Gu*;
2. Public officials of the relevant City/County/*Gu* and of an administrative agency relating to the urban planning; and
3. Persons of learning and experience in the field relating to the urban planning, such as the land-use, construction, housing, traffic, environment, prevention of disasters, culture, agriculture and forestry, information and communications, etc.

(4) Provisions of Article 111 (4) through (8) shall apply *mutatis mutandis* to the City/County/*Gu* Urban Planning Committee.

Article 113 (Subcommittees of Local Urban Planning Committee)

The term "matters prescribed by Presidential Decree" in Article 113 (3) of the Act means the following matters:

1. Matters concerning plans for modifying the zoning area, etc. under Article 9 of the Act;
2. Matters concerning a determination or alteration of the district unit planning zone and district unit planning under Article 50 of the Act;
3. Matters concerning deliberation on the development under Article 59 of the Act;
4. Matters concerning raising of objections under Article 120 of the Act; and
5. Matters referred by the Local Urban Planning Committee.

Article 113-2 (Reasons for Exclusion, etc. of Local Urban Planning Committee Members)

(1) The term "cases as prescribed by Presidential Decree" in Article 113 (5) 4 of the Act mean the cases falling under any outlined in the following subparagraphs:

1. Where the member has offered services, provided consulting on, or has directly involved in by other means for the matter which he/she is to deliberate on or provide advice for; or
2. Where the member is a direct interested person to the matter which he/she is to deliberate on or provide advice for.

(2) Deleted <Aug. 5, 2009>

(3) Deleted <Aug. 5, 2009>

(4) Deleted <Aug. 5, 2009>

[This Article Newly Inserted on Mar. 23, 2006]

Article 113-3 (Opening of Minutes to Public)

(1) The term "a period as prescribed by Presidential Decree" in the text of Article 113-2 of the Act means 6 months after finishing of deliberation for the National Urban Planning Committee and a period as prescribed by the Urban Planning Ordinance of the local government concerned within the scope not exceeding 6 months for the Local Urban Planning Committee.

(2) Opening of minutes to the public pursuant to the text of Article 113-2 of the Act shall be made by offering of minutes to public inspection.

(3) The term “personal identification information, including but not limited to, name and resident identification number, as prescribed by Presidential Decree” in the provision of Article 113-2 of the Act means the information by which a specific person can be identified, including but not limited to, name, resident identification number, position and address.

[This Article Newly Inserted on Aug. 5, 2009]

Article 114 (Detailed Rules for Operation)

Except for matters prescribed in this Decree, the matters necessary for the operation of the National Urban Planning Committee and its subcommittees shall be determined by the Minister of Land, Transport, and Maritime Affairs, and the matters necessary for the operation of the Local Urban Planning Committee and its subcommittees shall be determined by the Urban Planning Ordinance of the relevant local government.

Article 115 (Allowances and Travel Expenses)

Allowances and travel expenses may be paid under Article 115 of the Act to the members and expert members of the National Urban Planning Committee within the limit of budget, under conditions as determined by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

CHAPTER X PERMISSION, ETC. FOR LAND TRANSACTION

Article 116 (Designation of Permission Area)

(1) The term "areas as prescribed by Presidential Decree" in Article 117 (1) of the Act means the areas falling under any one of the following subparagraphs:

1. Area for which the land-use plan, such as the metropolitan planning, comprehensive planning, urban management planning, etc., is newly formulated or altered;
2. Area for which the development activity restrictions of land-use are relaxed or lifted by the enactment, amendment or abrogation of the Acts and subordinate statutes or the public notification or announcement thereby;
3. Area for which the development projects under the Acts and subordinate statutes are in progress or scheduled, and its neighborhood areas; and

4. Other areas for which the Minister of Land, Transport, and Maritime Affairs deems that there exists a concern over the speculation, and an area for which the head of the related administrative agency makes a request to the Minister of Land, Transport, and Maritime Affairs by deeming that there exists a concern over the special prevalence of speculations.

(2) Where the Minister of Land, Transport, and Maritime Affairs has designated a permission area for land trades under Article 117 (1) of the Act, (hereinafter referred to as the "permission area"), he/she shall publicly notify, under Article 117 (3) of the Act, the scope and designation period of the permission area, and the size of land that is dispensed the permission under Article 118 (1). <Amended on Feb. 29, 2008>

Article 117 (Procedures for Permitting Land Transaction Contract)

(1) Any parties intending to conclude a land transaction contract under Article 118 (1) of the Act shall jointly submit a written application for permission stating the following matters accompanied with documents as stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs, to the head of the City/County/*Gu* having jurisdiction over the said land: <Amended on Sep. 8, 2005; Nov. 11, 2005; Feb. 29, 2008>

1. Names and addresses of the parties concerned (in the case of a corporation, the title and location of the corporation and the name and address of its representative);
2. Parcel number, land category, size, and current status of utilization and of creation of rights of land;
3. Matters concerning the structures, engineering works and standing trees, etc. which are fixed in land;
4. Kinds of rights intended for transfer or creation;
5. Estimated contract amounts;
6. Plans for land-use; and
7. Plans for raising the funds required for acquisition of land.

(2) The head of the City/County/*Gu*, in receipt of a written application for permission under Paragraph (1), shall promptly conduct the necessary investigations.

Article 118 (Size, etc. of Land Dispensed with Permission for Land Transaction Contract)

(1) Size of land which are dispensed with permission for a land transaction contract under Article 118 (2) of the Act shall be as follows, provided, that where the Minister of

Construction, Transportation and Maritime Affairs has separately determined and publicly announced the size of such land within the limit of more than 10 percent and less than 300 percent of the relevant standard size for a certain area as he/she deemed that it is not pertinent to apply the size outlined in the following subparagraphs to the area in view of the actual conditions, etc. of transactions in the area at the time of designating the permission area, the separately announced size shall govern: <Amended on Jan. 15, 2005; Feb. 28, 2008>

1. Residential area: Not more than 180 m²;
2. Commercial area: Not more than 200 m²;
3. Industrial area: Not more than 660 m²;
4. Green area: Not more than 100 m²;
5. Areas without designation of zoning area as specified in Subparagraphs of Article 30 in an urban area: Not more than 90 m²; and
6. Other areas than the urban area: Not more than 250 m², provided, that in the case of farmland, it shall be not more than 500 m², and in the case of the forest, it shall be not more than 1,000 m².

(2) In computing the size under Paragraph (1), in case that a land transaction contract has been made for the whole or part of a group of land once again within one year after concluding a land transaction contract for the utilization of a group of land, it shall be considered as a transaction for the whole of the group of land.

(3) In case that a land that had exceeded the size stipulated in Paragraph (1) at the time of having designated the permission area has been divided after the designation, a transaction contract for the divided land shall be considered as a transaction contract for the land exceeding the size stipulated in Paragraph (1) limited to the first transaction after the division. The same shall also apply to the case where the relevant land is traded as the jointly owned shares after designation of the permission area.

(4) With respect to Paragraph (3), if land has been divided for public purposes, such as the implementation of an urban planning project, etc., and size of the said land does not exceed the size of land dispensed with permission for land transaction under Paragraph (1), the provision of Paragraph (3) shall not be apply to the land.

Article 119 (Standards for Permission)

(1) The term "persons as prescribed by Presidential Decree" in Subparagraph 1 (c) of Article 119 of the Act mean the persons falling under any one of the following subparagraphs: <Amended on Jan. 15, 2005; Sep. 8, 2005; Nov. 11, 2005; Mar. 23, 2006>

1. Person who is the farmer or fisherman under Subparagraph 2 of Article 2 of the Act on the Special Measures for Development of Agricultural and Fishing Villages, or the forestry business operator under Subparagraph 2 of Article 2 of the Forestry and Mountain Villages Development Promotion Act, (hereinafter in this Article, referred to as the "farmer, etc."), who intends to transfer or establish the proprietary right or superficies, or the right for the purpose of acquiring the proprietary right or superficies of the land, (hereinafter in this Article and Article 124, referred to as the "acquisition of land"), located in the Special Metropolitan City, Metropolitan City, (excluding the County's located within the competent districts of Metropolitan City), or City/County, (including the County's located within the competent districts of Metropolitan City) wherein he/she resides;

2. The farmer, etc. intending to acquire a land located within 20 km from the place wherein he/she resides, provided, that when any person falling under any of the following items intends to acquire land to substitute the land which he/she has transferred through consultation or which has been expropriated within three years after the said transfer through consultation or expropriation, he/she may acquire a land located within 80 km from the place wherein he/she resides: In this case, the value of newly-acquired land, (referring to the value based upon the publicly-announced land price) shall be the same as previous land value or lower, excluding the cases where the head of any administrative agencies specifies and mediates the acquisition of substitution farmland under conditions as provided in related Acts and subordinate statutes:

(a) Any person, (limited to an actual farmer) who has made a transfer of farmland under Subparagraph 1 of Article 2 of the Farmland Act through consultation or whose farmland has been expropriated for the purpose of public works pursuant to the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor or other Acts and subordinate statutes; or

(b) Any person who has rented or has cultivated by acquiring permission for use the farmland falling under the provision of item (a) and has received compensation for losses in farming under the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor; and

3. Person who does not fall under Subparagraphs 1 and 2, but satisfies the requirements stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs, such as the dwelling place, dwelling period, etc.

(2) The term "cases intended to be utilized for purposes as prescribed by Presidential Decree" in Subparagraph 1 (g) of Article 119 of the Act means the cases falling under each of the

following subparagraphs: <Amended on Sep. 8, 2005; Mar. 23, 2006; Feb. 29, 2008; Jul. 7, 2009>

1. Where any person who has transferred through consultation or has been expropriated of the land other than farmland under Subparagraph 1 of Article 2 of the Farmland Act for the purpose of public works pursuant to the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor and other Acts and subordinate statutes intends to acquire land to substitute the land that has been transferred through consultation or expropriated within the relevant permission within three years after the said transfer through consultation or expropriation: In this case, the value of newly-acquired land, (referring to the value based upon the publicly-announced land price) shall be lower than the value of the previous land; and
2. Where any person intends to acquire land in which any act of development or utilization has been limited or prohibited according to related Acts and subordinate statutes and the Ordinance of the Ministry of Land, Transport, and Maritime Affairs for the purpose of maintaining the current status.
3. Where any person who is able to conduct rental business according to related Acts and subordinate statutes, including rental business operator under Subparagraph 4 of Article 2 of the Rental Housing Act, acquires buildings and land belonging thereto for rental business.

Article 120 (Scope, etc. of Government-Invested Institutions, etc.)

(1) The term "government-invested institutions or public organizations prescribed by Presidential Decree" in Article 121 (1) of the Act means the following institutions or organizations: <Amended on Sep. 8, 2005; Aug. 5, 2009>

1. Public organizations under Article 96 (3) 1 through 10;
2. Forestry cooperatives and the National Forestry Cooperatives Federation under the Forestry Cooperatives Act;
3. Agricultural cooperatives, livestock industry cooperatives and the National Agricultural Cooperatives Federation under the Agricultural Cooperatives Act;
4. Fisheries cooperatives and the National Federation of Fisheries Cooperatives under the Fisheries Cooperatives Act;
5. The Small Business Corporation under the Promotion of Small and Medium Enterprises and Encouragement of Purchase of Their Products Act;
6. The Bank of Korea under the Bank of Korea Act;

7. Local corporations and local industrial complexes under the Local Public Enterprises Act;
8. The Government Employees Pension Corporation under the Public Officials Pension Act;
9. The Incheon International Airport Corporation under the Incheon International Airport Corporation Act;
10. The Korea Container Terminal Authority under the Korea Container Terminal Authority Act;
11. The National Pension Service under the National Pension Act;
12. The Korea Teachers Pension under the Pension for Private School Teachers and Staff Act; and
13. The Korea Asset Management Corporation under the Act on the Efficient Disposal of Non-Performing Assets, etc. of Financial Institutions and the Establishment of Korea Asset Management Corporation, (hereinafter referred to as the "Korea Asset Management Corporation").

(2) The term "government-invested institutions or public organizations prescribed by Presidential Decree" in Articles 122 (1) and 123 (2) of the Act means public organizations under Article 96 (3) 1 through 10. <Amended on Sep. 8, 2005; Sep. 8, 2009>

(3) Acquisition or disposal of state properties pursuant to the national property management plan under Article 9 of the State Properties Act shall, where it has been carried out in conformity with the permission standards under Article 119 of the Act and thereafter has been notified to the head of the City/County/*Gu*, be considered as having undergone consultation under Article 121 (1) of the Act. <Amended by Presidential Decree No. 19036, Sep. 8, 2005>

Article 121 (Cases where Provision of Land Traction Permission System is not Applied)

The cases where the provision of Article 118 of the Act is not applied pursuant to the provision of Article 121 (2) of the Act shall be as follows: <Amended on Jun. 30, 2003; Nov. 29, 2003; Sep. 8, 2005; Mar. 29, 2006; Apr. 28, 2006; Jan. 31, 2008; Sep. 18, 2008; Sep. 25, 2008; Jun. 26, 2009; Jul. 7, 2009; Jul. 27, 2009>

1. Cases of an acquisition through consultation, expropriation or use of land under the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor, and a barter under Article 91 of the same Act;
2. Public auction under the Civil Execution Act;

3. Cases where the state properties are disposed of by a general public tender pursuant to the state property management plan under Article 9 of the State Properties Act;
- 3-2. Cases where the public properties are disposed of by a general public tender pursuant to the public property management plan under Article 10 of the Public Properties and Goods Management Act;
4. Cases of selling in lots and cases of selling reserved land, etc. pursuant to the plan for control disposal under Article 48 of the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents;
5. Cases of supplying land pursuant to the plan for supplying the created land, etc. under Article 26 of the Urban Development Act, designating the land projected for substitute lot under Article 35 of the same Act, a disposition of substitute lot under Article 40 of the same Act and selling an area of land secured by the authorities in recompense of development outlay, etc. under Article 44 of the same Act;
6. Cases of supplying the sites created with approval for the project plan under Article 16 of the Housing Act and supplying housing under Article 38 of the same Act, (including subsidiary and welfare facilities, and in cases of supplying housing and other facilities as one building, including facilities other than housing);
7. Cases of supplying the sites under Article 18 of the Housing Site Development Promotion Act;
8. Cases of selling in lots an area of land created through a project for development of industrial complexes under Subparagraph 6 of Article 2 of the Industrial Location and Development Act by the developer under Article 16 of the same Act, (including the industrial complex management corporation entrusted with the affairs for sales in lots from the developer pursuant to Article 38 of the Act);
9. Cases of delivery of substitute land, and exchange or divided combination of farmland, etc. pursuant to the plan for land substitution under Articles 40, 41, 57 and 58 of the Rearrangement of Agricultural and Fishing Villages Act;
10. Case of purchasing farmland by the developer for rearrangement of agro-fishery villages under the Rearrangement of Agricultural and Fishing Villages Act;
11. Cases of transferring or creating the rights with permission of the court pursuant to the procedures under the Section 10, Chapter IV, Part III of the Commercial Act, or the Debtor Rehabilitation and Bankruptcy Act;
12. Cases of the disposition on default of the national and local taxes, or compulsory execution thereof;

13. Cases of transferring or creating the rights by the State or local governments for devising emergency measures required at emergency pursuant to the provisions of the relevant Acts and subordinate statutes;

14. Cases of the trade, exchange and division of farmland by the Korea Rural Community and Agricultural Corporation under the Korea Rural Community and Agricultural Corporation and Farmland Management Fund Act;

15. Cases of reporting of land acquisition or obtaining permission by foreign governments or international organizations under Article 4 of the Foreigner's Land Acquisition Act;

16. Cases of acquiring or selling land through a public tender by the Korea Asset Management Corporation under Article 4 or 5 of the Act on the Efficient Disposal of Non-Performing Assets, etc. of Financial Institutions and the Establishment of Korea Asset Management Corporation, and case of selling land that has not been sold more than three times in public auctions by the Korea Asset Management Corporation in consignment;

16-2. Cases of acquiring an area of land for which the request for purchase has been filed pursuant to Article 47 of the Act or Article 17 of the Act on Special Measures for the Designation and Management of Development Restriction Area;

16-3. Cases of supplying building sites or housing developed under the Special Act on Construction of Yeongi-Gongju Complex City Mainly for Public Administration as Follow-up Measure for New Administrative Capital, the Special Act on Construction of and Supports for Innovative Cities to Promote Relocation of Public Institutions or the Special Act on Development of Business Cities;

16-4. Cases of selling buildings in lots under the Act on the Selling of Buildings in Lots;

17. Cases of making a payment in land for the taxes, public shares, etc. under the provisions of other Acts and subordinate statutes.

Article 122 (Consultation on Preemptive Purchase)

Any person who has been designated as the advance-sale purchaser under Article 122 (2) of the Act shall give the landowner a written notice stating the conditions for the advance-sale purchase, such as the price, etc. within 15 days from the date of the said designation to hold consultation on the advance-sale purchase, and submit the protocol of advance-sale purchase consultation to the head of the City/County/*Gu* within 30 days from the date of the said designation under conditions as stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

Article 123 (Application for Purchasing Land)

Any person who intends to make an application for purchase to the head of the City/County/*Gu* under Article 123 (1) of the Act shall submit a written application for land purchase stating the type and content of rights on the land, size of the said land, and other matters stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs to the head of the City/County/*Gu*.

Article 124 (Obligation, etc. for Land-use)

(1) The term "grounds prescribed by Presidential Decree" in Article 124 (1) of the Act means the cases falling under any one of the following subparagraphs: <Amended on Feb. 29, 2008; Sep. 25, 2008; Jul. 7, 2009>

1. Where it is impossible to utilize the land in pursuance of its utilization purpose due to a restriction on behaviors under the Act or related Acts and subordinate statutes, as plans for land use management such as the zoning area, etc. have been altered under the Act or related Acts and subordinate statutes after having acquired the land;

2. Where an application has been filed for permission, authorization, etc. under the related Acts and subordinate statutes for the purpose of land-use, but the State or a local government restricts its permission, authorization, etc. for a specific period for reasons provided for by Ordinance of the Ministry of Land, Transport, and Maritime Affairs, and it is within the relevant restriction period;

3. Where the original utilization purpose has been modified in compliance with the standards for permission under Article 119 of the Act with approval from the head of the City/County/*Gu*;

3-2. Where the original utilization purpose is modified in compliance with the standards for permission under Article 119 of the Act after having obtained authorization for act under other Act and the person who has the right to authorize the said act has held consultation with the head of the City/County/*Gu*;

4. Where making an emigration under Article 6 of the Emigration Act;

5. Where joining the army under Article 18 of the Military Service Act;

6. Where it is impossible to attain the permitted purposes due to the disaster under the provision of Subparagraph 1 of Article 2 of the Countermeasures against Natural Disasters Act;

7. Where it is impossible to utilize land in pursuance of the permitted purposes for reasons not attributable to the person who has obtained the permission for a contract for land transaction for the execution of a public project, etc;

7-2. Where any person who has acquired and actually uses a multi-family house under Subparagraph 1 (c) of Table 1 of the Enforcement Decree of the Housing Act, Class-I neighborhood community facilities under Subparagraph 3 of the same Table or Class-II neighborhood community facilities under Subparagraph 4 of the same Table leases part of the house; or

8. Where the City/County/*Gu* urban planning committee has acknowledged that it is impossible for the person who has been permitted for a contract for land transaction to use the land in compliance with the permitted purpose for other inevitable reasons.

(2) The term "the period as prescribed by Presidential Decree" in Article 124 (1) of the Act means the period under the classifications falling under each of the following subparagraphs:

1. Where a permit has been obtained for the purpose under Subparagraph 1 (a) of Article 119 of the Act, 3 years from the acquisition of land;

2. Where a permit has been obtained for the purpose under Subparagraph 1 (b) of Article 119 of the Act, 4 years from the acquisition of land;

3. Where a permit has been obtained for the purpose of running the farming business under Subparagraph 1 (c) of Article 119 of the Act, 2 years from the acquisition of land;

4. Where a permit has been obtained for the purpose of running the livestock, forestry or fishery business under Subparagraph 1 (c) of Article 119 of the Act, 3 years from the acquisition of land, provided, that where there are no products, such as the livestock products, forestry products or fishery products, since the acquisition of land, it shall be 5 years;

5. Where a permit has been obtained for the purpose under Subparagraph 1 (d) through (f) of Article 119 of the Act, 4 years from the acquisition of land, provided, that the same shall not apply to the case of sales in lots after undertaking the development of land for the purpose of sales in lots;

6. Where a permit has been obtained for acquiring the substitute land under the provision of Article 119 (2) 1, 2 years from the acquisition of land;

7. Where a permit has been obtained for acquiring the land with the purpose of maintaining current status under the provisions of Article 119 (2) 2, 5 years from the acquisition of land; and

8. In other cases than Subparagraphs 1 through 7, 5 years from the acquisition of land.

[This Article Wholly Amended on Nov. 11, 2005]

Article 124-2 (Prize Money for Reports)

(1) Prize money under Article 124 (3) of the Act shall be 500,000 won for a case of a report, and shall be paid within the limit of the budget: In this case, reports or accusations on the areas of land that have been acquired for the same purpose shall be considered as one case.

(2) The head of the City/County/*Gu* shall pay the prize money under Paragraph (1) in the following cases:

1. Where the public prosecutor has decided to indict or suspend indictment, in cases of a report or accusation by a person of any person falling under Article 124 (3) 1 of the Act to the head of the City/County/*Gu* or an investigation agency before it is disclosed by an administrative agency or an investigation agency; and

2. Where the head of the City/County/*Gu* issues a performance order, in cases of a report or accusation by a person of any person falling under Article 124 (3) 2 of the Act to the head of the City/County/*Gu* or an investigation agency before it is disclosed by an administrative agency.

(3) In cases where an investigation agency accepts an accusation case falling under Paragraph (2) 1 or decides to indict or suspend indictment, it shall inform the head of the City/County/*Gu* thereof without hesitation.

(4) In cases where more than two persons receive the prize money under Paragraph (1), distribution method, other payment method, procedure, etc. shall be determined by Ordinance of the Ministry of Land, Transport, and Maritime Affairs.

[This Article Newly Inserted on Mar. 23, 2006]

Article 124-3 (Imposition of Compulsory Performance Charge)

(1) An order to perform the obligation for utilization under the main sentence of Article 124-2 (1) of the Act shall be issued in writing by specifying a period not exceeding 3 months.

(2) The term "reasons as prescribed by Presidential Decree" in the provision of Article 124-2 (1) of the Act means cases where the compulsory performance charge has been imposed pursuant to Article 65 of the Farmland Act in violation of any of Article 10 (1) 1 through 4 of the same Act.

(3) The term "amount as prescribed by Presidential Decree" in Article 124-2 (2) of the Act means the amount in the following:

1. An amount equivalent to 10/100 of the acquisition value of land, in case that a person who has acquired land with permission for a land transaction contract has failed to use the land for the initial purpose and has left it idle;

2. An amount equivalent to 7/100 of the acquisition value of land, in case that a person who has acquired land with permission for a land transaction contract has failed to use the land at first hand and rented it out;

3. An amount equivalent to 5/100 of the acquisition value of land, in case that a person who has acquired land with permission for a land transaction contract uses the land for purpose different from the initial purpose without obtaining approval of the head of the City/County/*Gu* under Article 124 (1) 3; or

4. An amount equivalent to 7/100 of the acquisition price of land in cases other than Subparagraphs 1 through 3.

(4) The acquisition value of land under each subparagraph of Paragraph (3) shall be the actual trade price, provided, that in cases where the actual trade price is not confirmed, it shall be the latest published official land price as of the date of acquisition.

(5) The head of the City/County/*Gu* shall, before he/she imposes the compulsory performance charge under Article 124-2 (2) of the Act, give advance information in writing that the compulsory performance charge shall be imposed and collected.

(6) The imposition of the compulsory performance charge under Paragraph (2) shall be made in a written form with a statement of the amount to be paid, reason for the imposition, time limit for payment, the collecting agency, and how and where to raise objection. <Amended on Aug. 17, 2006>

(7) Objections against the compulsory performance charge imposed pursuant to the provision of Paragraph (6) shall, if it is intended to be raised pursuant to Article 124-2 (6) of the Act, be raised within 30 days after receipt of the notice of imposition.

[This Article Newly Inserted on Mar. 23, 2006]

Article 125 (Survey of Land Prices Trend, etc.)

(1) The Minister of Land, Transport, and Maritime Affairs shall make a survey on the fluctuation ratio of nation-wide land prices more than once a year under Article 125 of the Act, and where deemed necessary, he/she may let the president of the Korea Land Corporation to submit more than once a month land prices trend, fact of land transactions and other necessary data: In this case, the expenses required for the survey on the land prices trend and fact of land transactions and preparation of data, etc. may be supported by the State budgets within the limit of actual expense. <Amended on Feb. 29, 2008>

(2) The Mayor/province(*Do*) governor shall make a survey on land prices trend and land transactions within his/her jurisdictional area as occasion calls, and when it is deemed necessary to designate, reduce or revoke the permitted areas under Paragraph (1) in

accordance with Article 117 (1) of the Act as a result of the said survey, may request the Minister of Land, Transport, and Maritime Affairs to designate, reduce or revoke the said areas. <Amended on Feb. 29, 2008>

(3) The Minister of Land, Transport, and Maritime Affairs shall furnish every year the electronic data on land prices with an input of publicly-announced land prices and publicly-announced individual land prices under the Public Notice of Values and Appraisal of Real Estate Act to the Minister of Public Administration and Security. <Amended on Sep. 8, 2005; Feb. 29, 2008; Dec. 31, 2008>

(4) The Minister of Land, Transport, and Maritime Affairs may, where deemed necessary, request the Minister of Public Administration and Security to furnish the data on land under Article 42 (1) of the Cadastral Act, and in this case, the Minister of Public Administration and Security shall comply with it unless there exist any inevitable reasons not to do so. <Amended on Sep. 8, 2005; Feb. 29, 2008; Dec. 31, 2008>

(5) The Minister of Land, Transport, and Maritime Affairs shall build the electronic data network of land trades by combining the data on permissions for land transaction contracts with the data on approval seals for contracts under Article 3 of the Act on Special Measures for the Registration of Real Estate and supplement it as occasion calls. <Amended on Sep. 8, 2005; Feb. 29, 2008>

CHAPTER XI SUPPLEMENTARY PROVISIONS

Article 126 (Designation of Model Cities)

(1) The term "other fields prescribed by Presidential Decree" in Article 127 (1) of the Act means the fields of education, safety, traffic, economic vitality, urban regeneration, and climate change. <Amended on Jul. 7, 2009>

(2) Any model city shall meet the following standards: <Amended on Jul. 7, 2009>

1. A model city shall be designated in such a way that it may contribute to improvement of urban competitiveness, special development and balanced regional development;
2. Designation of a model city shall win the enthusiastic support of the residents;
3. Residents shall be allowed to take part in the projects required for achieving the purpose of designating the model city, (hereinafter referred to as "model city project"); and
4. Financing plan for model city projects shall be reasonable and feasible.

(3) The Minister of Land, Transport, and Maritime Affairs may set forth detailed standards for designating model cities by fields under Article 127 (1) of the Act. <Amended on Feb. 29, 2008>

(4) The head of the related central administrative agency or Mayor/province(*Do*) governor shall, when he/she intends to request the Minister of Land, Transport, and Maritime Affairs to designate a model city under Article 127 (1) of the Act, hear the opinions of residents through questionnaire and public perusal, etc. and thereafter hear the opinions of the head of the related local government. <Amended on Feb. 29, 2008>

(5) The Mayor/province(*Do*) governor shall, when he/she intends to request the Minister of Land, Transport, and Maritime Affairs to designate a model city under Article 127 (1) of the Act, take counsel with the Urban Planning Committee of the relevant City/province(*Do*) in advance. <Amended on Feb. 29, 2008>

(6) The head of the related central administrative agency or the Mayor/province(*Do*) governor shall, when he/she intends to request the Minister of Land, Transport, and Maritime Affairs to designate a model city under Article 127 (1) of the Act, submit the following documents to the Minister of Land, Transport, and Maritime Affairs: <Amended on Feb. 29, 2008>

1. Document that shows the conformity with the designation standards referred to in Paragraphs (2) and (3);

2. Details of the budget, manpower, etc. that the head of the central administrative agency or the Mayor/province(*Do*) governor who has requested the designation can give to the model city as direct support;

3. Results of hearing the opinions of residents and of the head of the related local government under Paragraph (4); and

4. Results of taking counsel with the City/province(*Do*) Urban Planning Committee under Paragraph (5).

(7) The Minister of Land, Transport, and Maritime Affairs shall, when he/she intends to designate a model city, undergo a deliberation by the National Urban Planning Committee. <Amended on Feb. 29, 2008; Aug. 5, 2009>

(8) The Minister of Land, Transport, and Maritime Affairs shall, when he/she has designated a model city, publish the purpose of designation, designated fields, cities to be designated, etc. in the Official Gazette and give notice thereof to the heads of the related administrative agencies. <Amended on Feb. 29, 2008>

Article 127 (Public Invitation for Model City)

(1) The Minister of Land, Transport, and Maritime Affairs may, when it needs to directly designate a model city under Article 127 (1) of the Act, invite publicly cities intending to be designated as a model city under conditions as stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs. <Amended on Feb. 29, 2008>

(2) Persons eligible to enter for the public invitation under Paragraph (1) shall be the Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of the City/County/*Gu*.

(3) The Minister of Land, Transport, and Maritime Affairs may, when it needs to perform smoothly affairs relating to the public invitation and evaluation, etc. of model cities, seek advices from, or entrust a survey or research to a professional institution. <Amended on Feb. 29, 2008>

Article 128 (Formulation and Implementation of a Project Plan for a Model City)

(1) The Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County/*Gu* who has control over a model city shall formulate and implement a plan for implementing a model city project, (hereinafter referred to as the "plan for model city project"), according to the classifications falling under each of the following subparagraphs:

1. Where a model city is confined to the jurisdictional area of the City/County/*Gu*; the head of competent City/County/*Gu* shall formulate and implement; and

2. In other cases: the Special Metropolitan City Mayor or the Metropolitan City Mayor shall formulate and implement.

(2) The plan for model city project shall contain the following matters:

1. Matters concerned with the goal, strategy, and plan for special development and promotion system for the model city project;

2. Matters concerned with the adjustment and rearrangement of the related plans, such as the urban planning, etc., required for implementing the model city project;

3. Matters concerned with the urban planning projects required for implementing the model city project;

4. Matters concerned with financing the implementation of the model city project; and

5. Other matters necessary for smooth implementation of the model city project.

(3) The Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County/*Gu* shall, when he/she intends to formulate a plan for a model city project under

Paragraph (1), hear the opinions of residents through the questionnaire and public perusal, etc in advance.

(4) The Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County/*Gu* shall, when he/she intends to formulate a plan for a model city project, consult in advance with the Minister of Land, Transport, and Maritime Affairs, (referring to the institution which has requested such designation, in the case of a model city designated upon request from the head of the related central administrative agency or the Mayor/province(*Do*) governor). <Amended on Feb. 29, 2008>

(5) The Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County/*Gu* shall, when he/she has formulated the plan for a model city project under Paragraph (1), publish its principal contents in the public bulletin of the relevant local government and thereafter forward a copy thereof to the Minister of Land, Transport, and Maritime Affairs.

(6) Provisions of Paragraphs (3) through (5) shall apply *mutatis mutandis* to the alteration of the plan for a model city project.

Article 129 (Standards for Supporting Model City)

(1) The Minister of Land, Transport, and Maritime Affairs or the head of the related central administrative agency may render the subsidy or loan to model cities within the following limit pursuant to Article 127 (2) of the Act: <Amended on Feb. 29, 2008; Aug. 5, 2009>

1. Not more than 80 percent of the expenses required for formulating the plan for a model city project; and
2. Not more than 50 percent of the costs required for implementing the model city project, (excluding the compensation costs).

(2) The Mayor/province(*Do*) governor may render the subsidy or loan to model cities within the limit under the subparagraphs of Paragraph (1) pursuant to Article 127 (2) of the Act. <Newly Inserted on Aug. 5, 2009>

(3) The head of the related central administrative agency or the Mayor/province(*Do*) governor shall, when he/she has supported the budget, manpower, etc. for a model city under Article 127 (2) of the Act, notify the Minister of Land, Transport, and Maritime Affairs of the details of such support. <Amended on Feb. 29, 2008; Aug. 5, 2009>

(4) The head of the City/County/*Gu* may, when required to implement the model city projects, prescribe the following matters as a municipal Ordinance. <Newly Inserted on Aug. 5, 2009>

1. Matters relating to execution of the budget for a model city project; and

2. Matters relating to residents' participation.

Article 130 (Assessment and Adjustment of Model City Project)

(1) The Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of the City/County/*Gu* that has control over a model city shall submit the promotion record of model city project for the year to the Minister of Land, Transport, and Maritime Affairs, and the head of the related central administrative agency or the Mayor/province(*Do*) governor who has requested the designation of the model city by the end of each year. <Amended on Feb. 29, 2008>

(2) The Minister of Land, Transport, and Maritime Affairs, the head of the related central administrative agency or the Mayor/province(*Do*) governor may, when he/she deems it necessary as a result of analyses of the promotion record submitted under Paragraph (1), take such measures as the request for an adjustment of the plan for the model city project, reduction or increase of supports, etc. <Amended on Feb. 29, 2008>

Article 131 Deleted <Jun. 7, 2006>

Article 132 Deleted <Jun. 7, 2006>

Article 133 (Delegation and Entrustment of Authority)

(1) The Minister of Land, Transport, and Maritime Affairs, (referring to the Minister of Food, Agriculture, Forestry and Fisheries, in cases of the fisheries resources protection zone under Article 40 of the Act; hereinafter in this Article, the same shall apply), shall, under Article 139 (1) of the Act, delegate his/her authority on the following matters to the Mayor/province(*Do*) governor: <Amended on Sep. 8, 2005; Feb. 29, 2008; Jul. 28, 2008; Aug. 5, 2009>

1. Approval for designation or alteration of zones, etc. with an area less than 5 km² conducted by the head of a local government pursuant to Article 8 (2) of the Act from among the zones, etc. designated under other Acts;

2. Deleted <Aug. 5, 2009>

3. Decision on an urban management planning for designation and alteration of zones with an area less than 1 km² from among urban management planning falling under Article 29 (2) 5 or 6 of the Act; and

4. Designation, reduction or revocation of the permission area under Article 117 (1) and (6) of the Act in part of the areas of the identical City/County/*Gu*, (limited to an area designated by the Mayor/province(*Do*) governor).

(2) Deleted <Jun. 7, 2006>

(3) The Mayor/province(*Do*) governor shall, when he/she has performed the duties delegated under Paragraph (1), file a report thereon with the Minister of Land, Transport, and Maritime Affairs under conditions as stipulated by Ordinance of the Ministry of Land, Transport, and Maritime Affairs. <Amended on Feb. 29, 2008; Jul. 28, 2008>

CHAPTER XII PENAL PROVISIONS

Article 134 (Standards for Imposition of Fine for Negligence)

(1) The standards for imposing the negligence fine under Article 144 (1) and (2) of the Act shall conform to Table 28.

(2) The Minister of Land, Transport, and Maritime Affairs, (referring to the Minister of Food, Agriculture, Forestry, and Fisheries, in cases of the fisheries resources protection zone under Article 40 of the Act), the Mayor/province(*Do*) governor or the head of the City/County/*Gu* may raise or reduce the negligence fine within the scope of 1/2 of the amount as shown in Table 28 considering motive, result and frequency of offenses.

(3) The negligence fine shall not be raised or reduced under Paragraph (2) exceeding the amount as shown in the following:

1. The case of Article 144 (1) of the Act: 10 million won; and
2. The case of Article 144 (2) of the Act: 5 million won.

[This Article Newly Inserted on Jul. 7, 2009]

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into effect on Aug. 7, 2009.

Article 2 (Interim Measures)

Matters delegated to municipal Ordinance pursuant to Article 84 (3) shall conform to the previous provisions until the municipal Ordinance concerned is enacted or amended.

