

# ENFORCEMENT DECREE OF THE BUILDING ACT

Wholly Amended by Presidential Decree No. 13655, May 30, 1992

Amended by Presidential Decree No. 13782, Dec. 21, 1992

Presidential Decree No. 13811, Dec. 31, 1992

Presidential Decree No. 13870, Mar. 6, 1993

Presidential Decree No. 13869, Mar. 6, 1993

Presidential Decree No. 13953, Aug. 9, 1993

Presidential Decree No. 14271, May 28, 1994

Presidential Decree No. 14447, Dec. 23, 1994

Presidential Decree No. 14486, Dec. 31, 1994

Presidential Decree No. 14521, Feb. 2, 1995

Presidential Decree No. 14548, Mar. 23, 1995

Presidential Decree No. 14891, Dec. 30, 1995

Presidential Decree No. 14920, Feb. 22, 1996

Presidential Decree No. 15096, Jun. 29, 1996

Presidential Decree No. 15396, Jun. 17, 1997

Presidential Decree No. 15476, Sep. 9, 1997

Presidential Decree No. 15480, Sep. 11, 1997

Presidential Decree No. 15639, Feb. 19, 1998

Presidential Decree No. 15675, Feb. 24, 1998

Presidential Decree No. 15659, Feb. 24, 1998

Presidential Decree No. 15802, May 23, 1998

Presidential Decree No. 16026, Dec. 31, 1998

Presidential Decree No. 16179, Mar. 12, 1999

Presidential Decree No. 16284, Apr. 30, 1999

Presidential Decree No. 16508, Aug. 6, 1999

Presidential Decree No. 16523, Aug. 7, 1999

Presidential Decree No. 16874, Jun. 27, 2000

Presidential Decree No. 17028, Dec. 27, 2000

Presidential Decree No. 17365, Sep. 15, 2001

Presidential Decree No. 17395, Oct. 20, 2001

Presidential Decree No. 17816, Dec. 26, 2002

Presidential Decree No. 17926, Feb. 24, 2003  
Presidential Decree No. 18044, Jun. 30, 2003  
Presidential Decree No. 18039, Jun. 30, 2003  
Presidential Decree No. 18108, Sep. 29, 2003  
Presidential Decree No. 18146, Nov. 29, 2003  
Presidential Decree No. 18404, May 29, 2004  
Presidential Decree No. 18542, Sep. 9, 2004  
Presidential Decree No. 18740, Mar. 18, 2005  
Presidential Decree No. 18796, Apr. 22, 2005  
Presidential Decree No. 18931, Jun. 30, 2005  
Presidential Decree No. 18951, Jul. 18, 2005  
Presidential Decree No. 18978, Jul. 27, 2005  
Presidential Decree No. 19092, Oct. 20, 2005  
Presidential Decree No. 19163, Dec. 2, 2005  
Presidential Decree No. 19466, May 8, 2006  
Presidential Decree No. 19639, Aug. 4, 2006  
Presidential Decree No. 19714, Oct. 26, 2006  
Presidential Decree No. 19920, Feb. 28, 2007  
Presidential Decree No. 19954, Mar. 23, 2007  
Presidential Decree No. 20160, Jul. 3, 2007  
Presidential Decree No. 20222, Aug. 17, 2007  
Presidential Decree No. 20254, Sep. 10, 2007  
Presidential Decree No. 20506, Dec. 31, 2007  
Presidential Decree No. 20647, Feb. 22, 2008  
Presidential Decree No. 20722, Feb. 29, 2008  
Presidential Decree No. 20782, May 15, 2008  
Presidential Decree No. 20791, May 26, 2008  
Presidential Decree No. 20947, Jul. 29, 2008  
Presidential Decree No. 21025, Sep. 22, 2008  
Presidential Decree No. 21098, Oct. 29, 2008  
Presidential Decree No. 21445, Apr. 21, 2009  
Presidential Decree No. 21528, Jun. 9, 2009  
Presidential Decree No. 21565, Jun. 26, 2009  
Presidential Decree No. 21590, Jun. 30, 2009  
Presidential Decree No. 21626, Jul. 7, 2009  
Presidential Decree No. 21629, Jul. 16, 2009

Presidential Decree No. 21656, Jul. 30, 2009  
Presidential Decree No. 21688, Aug. 5, 2009  
Presidential Decree No. 21719, Sep. 9, 2009  
Presidential Decree No. 21744, Sep. 21, 2009  
Presidential Decree No. 21881, Dec. 14, 2009  
Presidential Decree No. 22052, Feb. 18, 2010  
Presidential Decree No. 22073, Mar. 9, 2010  
Presidential Decree No. 22224, Jun. 28, 2010  
Presidential Decree No. 22254, Jul. 6, 2010  
Presidential Decree No. 22351, Aug. 17, 2010  
Presidential Decree No. 22493, Nov. 15, 2010  
Presidential Decree No. 24391, Feb. 20, 2013  
Presidential Decree No. 24443, Mar. 23, 2013  
Presidential Decree No. 24568, May 31, 2013  
Presidential Decree No. 24621, Jun. 17, 2013

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Building Act as well as matters necessary for the enforcement thereof.

### Article 2 (Definitions)

The terms used in this Decree shall be defined as follows: <Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 23356, Dec. 8, 2011; Presidential Decree No. 23469, Dec. 30, 2011; Presidential Decree No. 24443, Mar. 23, 2013>

1. The term "new construction" means to erect a new building (including a new erection of a primary building on a site in which only an accessory building is built, except for the cases falling under renovation or reconstruction) on a site without any building (including a site from which an existing building is removed or demolished);
2. The term "extension" means to increase the building area, total floor area, number of floors or height of a building on an existing site;
3. The term "renovation" means to remove the whole or part of an existing building [*referring to cases which include three or more of bearing walls, columns, beams, and roof trusses (in cases of traditional Korean-style houses under subparagraph 16, rafters shall be excluded from the scope of roof trusses)*] to reconstruct a

*building on the site of the existing building in a size the same as that of the previous building;*

4. The term "reconstruction" means to reconstruct a building on the site of a building which has been destroyed due to an act of God, terrestrial upheaval or other disasters in the same size as that of the previous one;

5. The term "relocation" means to move a building to another location within the same site without dismantling main structural parts;

6. The term "water-resistant materials" means materials determined by Ministerial Decree of Land, Infrastructure and Transport, which have water-resistant qualities, such as artificial stone and concrete;

7. The term "fire-resistant structure" means a structure which has a fire resisting performance and meets the standards determined by Ministerial Decree of Land, Infrastructure and Transport;

8. The term "fireproof structure" means a structure which has a performance capable of preventing the spread of flames and meets the standards determined by Ministerial Decree of Land, Infrastructure and Transport;

9. The term "incombustible materials" means materials which have the quality not to burn easily and meet the standards determined by Ministerial Decree of Land, Infrastructure and Transport;

10. The term "noncombustible materials" means materials which have the quality not to burn and meet the standards determined by Ministerial Decree of Land, Infrastructure and Transport;

11. The term "quasi-noncombustible materials" means materials which have the qualities similar to those of noncombustible materials and meet the standards determined by Ministerial Decree of Land, Infrastructure and Transport;

12. The term "accessory building" means a building for subsidiary use, which is separated from the main building located in the same site and is necessary for the use or management of the main building;

13. The term "subsidiary use" means a use falling under any of the following items, which is essential for the function of the main use of a building:

(a) Equipment of a building, shelter, sanitation, and other similar uses of facilities;

(b) Business, work, meeting, storage of goods, parking, and other similar uses of facilities;

(c) Employee welfare facilities, such as an on-premise cafeteria, day care nursery, and sports facilities, and on-premise incineration facilities, and other similar uses of facilities;

(d) Uses of the facilities which are allowed to be installed as incidental facilities for the main use under the provisions of the relevant statutes;

14. The term "balcony" means a buffer space which connects the interior to the exterior in a building, being installed additionally to abut on the building's outer wall for views and resting. In such cases, a balcony installed in a house in conformity with the standards prescribed by the Minister of Land, Infrastructure and Transport may, as occasion arises, be used as a living room, bedroom, storage, etc.;

15. The term "skyscraper" means a building the height of which is minimum 50 stories or 200 meters;

15-2. The term "quasi-skyscraper" means a high rise building which is not a skyscraper.

16. The term "traditional Korean-style house" means a building and its incidental buildings equipped with the wooden structure of columns and beams in the shape of a Korean-style roof truss, which use natural finishing materials, such as Korean-style tiles, rice straw, lumber, and soil, and which reflect Korean traditional architectural style.

### **Article 3 (Scope of Sites)**

(1) Land in which two or more parcels can become one site pursuant to the proviso to Article 2 (1) 1 of the Building Act (hereinafter referred to as the "Act") shall be as follows: *<Amended by Presidential Decree No. 21881, Dec. 14, 2009; Presidential Decree No. 22993, Jun. 29, 2011; Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24874, Nov. 20, 2013>*

1. Cases where a building is constructed extensively over two or more parcels of land: The total of land in each parcel on which the building is constructed;

2. Cases falling under any of the following items, where annexation is impossible under Article 80 (3) of the Act on Land Survey, Waterway Survey and Cadastral Records: The total of land in parcels in which such annexation is impossible: Provided, That the same shall not apply to cases where the land owners are different from one another or legal relationships, other than proprietorship, are different from one another:

(a) Cases where each parcel has a different parcel number-giving area;

(b) Cases where each parcel is mapped on a differently reduced scale;

(c) Cases where each parcel is adjacent to one another but on a discontinuous ground;

3. Cases where a building which falls under urban/Gun planning facilities under subparagraph 7 of Article 2 of the National Land Planning and Utilization Act is constructed: The whole land on which such urban/Gun planning facilities are installed;

4. Cases where housing and its incidental facilities and other welfare facilities are constructed upon approval for a project plan under Article 16 of the Housing Act: Housing complexes under subparagraph 6 of Article 2 of the same Act;

5. Cases of buildings constructed below the ground surface of roads: Land determined to be the land on which such buildings are constructed by the Special Metropolitan City Mayor, Metropolitan City Mayor, Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply);

6. Cases where building permission is granted on the condition that two or more parcels should be combined into one parcel at the time when an application for approval of use as referred to in Article 22 of the Act is filed: Land of such parcels to be combined, except for cases where the owners of such land are different.

(2) Land in which part of one or more parcels can be one site pursuant to the proviso to Article 2 (1) 1 of the Act shall be as follows: *<Amended by Presidential Decree No. 23718, Apr. 10, 2012>*

1. Cases where urban/Gun planning facilities for part of one or more parcels have been determined and publicly announced: Land of the part to which such determination and public announcement is given;
2. Cases where permission for the diversion of the use of farmland as referred to in Article 34 of the Farmland Act for part of one or more parcels is obtained: Land of the part for which such permission is obtained;
3. Cases where permission for the diversion of the use of mountainous districts as referred to in Article 14 of the Management of Mountainous Districts Act for part of one or more parcels is obtained: Land of the part for which such permission is obtained;
4. Cases where permission for development acts as referred to in Article 56 of the National Land Planning and Utilization Act for part of one or more parcels is obtained: Land of the part for which such permission is obtained;
5. Cases where building permission is granted on the condition that a parcel should be partitioned, at the time when an application for approval for use as referred to in Article 22 of the Act is made: Land of the part to be partitioned.

#### **Article 3-2 (Scope of Substantial Repair)**

"Which is further defined by Presidential Decree" in Article 2 (1) 9 of the Act means those falling under any of the following subparagraphs except for extension, renovation or reconstruction: *<Amended by Presidential Decree No. 22052, Feb. 18, 2010>*

1. Enlarging or dismantling a bearing wall, or repairing or altering the bearing wall in a size 30 or more square meters;
2. Enlarging or dismantling a pillar, or repairing or altering three or more pillars;
3. Enlarging or dismantling a beam, or repairing or altering three or more beams;
4. Enlarging or dismantling a roof truss (in cases of traditional Korea-style houses, rafters shall be excluded from the scope of roof trusses), or repairing or altering three or more roof trusses;
5. Enlarging, dismantling, repairing or altering firewalls, or floors or walls for fire zones;
6. Enlarging, dismantling, repairing or altering main stairs, fire escape stairs or special escape stairs;
7. Altering the appearance (including fences) of a building in a fine view district;
8. Enlarging, dismantling, repairing or altering party walls between household units in multi-family houses and multi-household houses.

#### **Article 3-3 (Structure and Width of Roads pursuant to Topographical Conditions, etc.)**

"Road with a structure and width prescribed by Presidential Decree" in Article 2 (1) 11 of the Act with the exception of each item means a road falling under any of the following subparagraphs:

1. A road not less than three meters (not less than two meters in cases of dead-end roads less than ten meters in length) in width within a section of which location is designated and publicly announced by the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu as he/she deems it

difficult to install a road for vehicular traffic in such section due to topographical conditions;

2. A dead-end road not falling under subparagraph 1, of which width is not less than the standards specified in the following Table depending on its length:

### **Article 3-4 (Kinds of Buildings by Use)**

The kinds of buildings falling under each subparagraph of Article 2 (2) of the Act shall be as shown in Appendix 1.

### **Article 4 Deleted.** <by Presidential Decree No. 18951, Jul. 18, 2005>

### **Article 5 (Establishment, etc. of Central Building Committee)**

(1) The Central Building Committee to be established in the Ministry of Land, Infrastructure and Transport under Article 4 (1) of the Act (hereinafter referred to as the "Central Building Committee") shall be responsible for the investigation, deliberation on, conciliation, or arbitration (hereinafter referred to as "deliberation, etc."), of the following matters: <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

1. Matters concerning the standard plans and drawings recognized under Article 23 (4) of the Act;
2. Matters concerning the mediation or arbitration of disputes related to the construction, substantial repair or change of use of a building, and the installation of construction equipment or construction of a structure (hereinafter referred to as "construction, etc. of a building");
3. Matters concerning the enforcement of the Act and this Decree;
4. Where any deliberation by the Central Building Committee is required by other statutes, matters subject to deliberation under the relevant statutes;
5. Other matters referred to a meeting by the Minister of Land, Infrastructure and Transport as deliberation by the Central Building Committee is deemed necessary.

(2) A building which has undergone deliberation, etc. under paragraph (1) and falls under any of the following subparagraphs may be exempted from deliberation, etc. of the Central Building Committee with respect to the construction, etc. of the relevant building:

1. Where the size of a building is altered, meeting all the following conditions:
  - (a) Such alteration shall not infringe on the result of the deliberation, etc. of a building committee;
  - (b) The alteration shall be made within the extent not exceeding 1/10 of each of the building area, total floor area, number of floors or height of the building which has undergone deliberation, etc.;
2. Where the alteration concerning the construction, etc. of a building is made to reflect the results of the deliberation of the Central Building Committee.

(3) The Central Building Committee shall be comprised of 70 or fewer members including one chairperson and one vice chairperson.

(4) Members of the Central Building Committee shall be appointed or commissioned by the Minister of Land, Infrastructure and Transport from among the related public officials and persons with extensive

knowledge on and experience in the affairs related to construction. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(5) The chairperson and vice chairperson of the Central Building Committee shall be appointed or commissioned by the Minister of Land, Infrastructure and Transport from among the members appointed or commissioned under paragraph (4). <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(6) The term of office of a member who is not a public official shall be two years, and consecutive appointment shall be limited to one occasion.

#### **Article 5-2 (Exclusion, Challenge and Evasion of Members)**

(1) Where any member of the Central Building Commission (hereafter referred to as "member" in this Article and Article 5) falls under any of the following cases, he/she shall be excluded from the deliberation and resolution of the Central Building Committee:

1. Where he/she, or a person who is or was his/her spouse, becomes a party to the relevant agenda (in cases where the party is a corporation, organization, etc., including the executives thereof; hereafter the same shall apply in this subparagraph and subparagraph 2) or is holding any right or duty jointly with the party to such agenda;
2. Where he/she is or was a relative of a party to the relevant agenda;
3. Where he/she has given any advice, or conducted any research, service (including any subcontract), appraisal or examination with respect to the relevant agenda;
4. Where he/she or any corporation or organization where he/she belongs is or was an agent of a party to the relevant agenda;
5. Where any corporation, etc. where he/she is holding or has held a post within recent three years has given any advice, or conducted any research, service (including any subcontract), appraisal or examination with respect to the relevant agenda.

(2) If there exists any ground for which it would be difficult to expect the impartial deliberation and resolution of any member, a party to the relevant agenda may file a request for the challenge to him/her with the Central Building Committee, and the Central Building Committee shall make a decision on such request by its resolution. In such case, the member subjected to such request for challenge shall not participate in the resolution.

(3) A member shall, if falling under any subparagraph of paragraph (1), voluntarily refrain from the deliberation and resolution of the relevant agenda.

#### **Article 5-3 (Removal or Dismissal of Members)**

Where a member falls under any of the following cases, the Minister of Land, Infrastructure and Transport may remove or dismiss such member from his/her office: <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

1. Where he/she becomes incapable of carrying out his/her duties due to mental handicap;
2. Where he/she is deemed unsuitable for a member due to delinquency of duties, injury to dignity, or any other reason;
3. Where he/she fails to refrain himself/herself despite that he/she falls under a case set forth in any subparagraph of Article 5-2 (1).

#### **Article 5-4 (Detailed Regulations on Operation)**

Matters concerning the operation of the Central Building Committee and payment of allowances and travel expenses other than those prescribed in Articles 5, 5-2 and 5-3 shall be prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

#### **Article 5-5 (Local Building Committees)**

(1) Each building committee to be established in the Special Metropolitan City, Metropolitan City, Special Self-Governing Province (hereinafter referred to as "City/Do") and each Si/Gun and Gu (referring to autonomous Gu; hereinafter the same shall apply) under Article 4 (1) of the Act (hereinafter referred to as "local building committee") shall be responsible for the deliberation, etc. of the following matters:

*<Amended by Presidential Decree No. 24874, Nov. 20, 2013>*

1. Matters concerning the designation of building lines under Article 46 (2) of the Act;
2. Matters concerning the enactment and amendment of ordinances (limited to municipal ordinances proposed by the head of the relevant local government) under the Act or this Decree;
3. Matters concerning the mediation or arbitration related to construction, etc. of buildings: Provided, That this shall not apply to a local building committee established by the head of a Si/Gun/Gu;
4. Matters concerning the construction of any of the following buildings (hereinafter referred to as "public use building"). In such cases, matters concerning the construction of a building with not less than 21 floors or with a total floor area of not less than 100,000 square meters may be subjected to deliberation of a local building committee established in a City/Do as prescribed by municipal ordinance pertaining to buildings in the relevant City/Do (hereinafter referred to as "Building Ordinance"):
  - (a) A building with a total floor area of not less than 5,000 square meters, which is used for any of the following facilities:
  - (b) A building with not less than 16 floors;
5. Matters concerning the construction and substantial repair (limited to substantial repair under subparagraph 7 of Article 3-2) of buildings in fine view districts, whose uses and sizes fall under the uses and sizes prescribed by Building Ordinance (referring to Building Ordinance of a Special Metropolitan City or a Metropolitan City in the case of an autonomous Gu: hereinafter the same shall apply) of the relevant local government;

6. Matters concerning the construction of buildings for sale, whose uses and sizes fall under the uses and sizes prescribed by Building Ordinance;
  7. Where deliberation by a local building committee is to be made under other statutes, matters subject to deliberation as prescribed in the relevant statutes;
  8. Matters concerning the construction, etc. of buildings prescribed by Building Ordinance, which the Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor"), or the head of a Si/Gun/Gu deems necessary to be deliberated by a local building committee.
- (2) A building which has undergone deliberation, etc. under paragraph (1) and falls under any subparagraph of Article 5 (2) may be exempted from deliberation, etc. of a local building committee with respect to the construction, etc. of the relevant building.
- (3) A local building committee under paragraph (1) shall be comprised of not less than 25 nor more than 100 members including one chairperson and one vice chairperson.
- (4) Members of a local building committee shall be appointed or commissioned by Mayor/Do Governor or the head of a Si/Gun/Gu from among the following persons:
1. Public officials related to urban planning and construction;
  2. Persons with extensive knowledge on and experience in urban planning and construction, etc.
- (5) The chairperson and vice chairperson of a local building committee shall be appointed or commissioned by Mayor/Do Governor or the head of a Si/Gun/Gu from among the members appointed or commissioned under paragraph (4).
- (6) Matters concerning the appointment, commission, exclusion, challenge, evasion, dismissal, matters concerning the term of office of members of a local building committee, matters concerning the composition and operation of meetings and subcommittees, and deliberation, etc., and matters concerning the allowances and travel expenses of members shall be prescribed by municipal ordinances subject to the following standards:
1. Standards for the appointment and commission of members; and the exclusion, challenge, evasion, dismissal and their term of office:
    - (a) Where public officials are appointed as members, their number shall be limited to 1/4 of the total number of members;
    - (b) Members who are not public officials shall be commissioned upon recommendation of the related organizations or institutions, such as societies and associations related to construction, or through public solicitation process;
    - (c) Where a local building committee makes any deliberation under other statutes, the number of experts in the relevant field shall not be less than 1/4 of the number of deliberating members who participate in the deliberation as members. In such cases, experts in the related field who participates only in the relevant deliberations may be appointed or commissioned, if necessary;

- (d) Articles 5-2 and 5-3 shall apply mutatis mutandis to the exclusion, challenge, evasion and dismissal of members;
- (e) The term of office of a member who is not a public official shall not exceed three years, and consecutive appointment shall be limited to one occasion, if necessary;

2. Standards for deliberations, etc.:

- (a) Matters jointly deliberated by a building committee and an Urban planning Committee under the proviso to Article 30 (3) of the National Land Planning and Utilization Act shall be exempted from deliberations;
- (b) A building which has undergone the deliberation of a City/Do local building committee under paragraph (1) 4 shall be exempted from the deliberation of a Si/Gun/Gu building committee;
- (c) The chairperson of a local building committee shall confirm the items on the agenda and members who are to participate in the deliberation 10 days before opening a meeting, and notify each member of the agenda items of the meeting seven days before opening the meeting: Provided, That this shall not apply to any matters requiring to maintain confidentiality from outside or where any other unavoidable reason exists;
- (d) Upon confirming the members who will participate in the deliberation pursuant to item (c), the chairperson of the local building committee shall notify the person who has applied for the deliberation, etc. of the list of such members;
- (e) A local building committee meeting shall be held within 30 days after the receipt of an application for deliberation in cases of matters concerning the construction, etc. of a building under Article 11 of the Act, among the matters subject to deliberations prescribed in subparagraphs of paragraph (1);
- (f) A local building committee meeting shall be duly formed to open with the presence of a majority of the constituent members (referring to the chairperson and the members confirmed by the chairperson to participate in the meeting pursuant to item (c)), and shall adopt a resolution of deliberation, etc. with the affirmative vote of a majority of the members present at the meeting, and the result of the deliberation, etc. shall be notified to the person who has applied for the deliberation, etc.;
- (g) Where deemed necessary for the performance of duties, the chairperson of a local building committee shall have related experts attend a meeting of the local building committee and to state his/her opinion, or shall request data to any institution or organization concerned;
- (h) If requested by the owner or designer of a building or a person who has applied for deliberation, etc., such person shall be permitted to attend a meeting and explain about the relevant agenda item, etc.;
- (i) Where matters prescribed in paragraph (1) 4 through 8 are deliberated, a person who has applied for deliberation, etc. shall be made to submit abridged architectural plans and drawings (referring to layout plan, floor plan, elevation plan and principal sectional plan; and including plans and drawings in the forms of electronic messages).

## **Article 5-6 (Composition, etc. of Specialized Committees)**

(1) The Minister of Land, Infrastructure and Transport, each Mayor/Do Governor, or the head of each Si/Gun/Gu may organize and operate a specialized committee for each of the following fields under Article 4 (2) of the Act: *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

1. Architectural planning and design field;
2. Construction structure field;
3. Building equipment field;
4. Construction accident prevention field;
5. Environmental architecture field, such as energy management;
6. Building landscaping field (including spatial environment);
7. Landscaping field;
8. Urban planning and site planning fields;
9. Traffic and information technology fields;
10. Social and economic fields;
11. Other fields.

(2) Matters concerning the composition and operation of specialized committees under paragraph (1) and payment of allowances and travel expenses shall be prescribed by Ministerial Decree of Land, Infrastructure and Transport or Building Ordinance. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

## **Article 6 (Relaxed Application)**

(1) The relaxed application of criteria to buildings under Article 5 (1) of the Act shall be as follows: *<Amended by Presidential Decree No. 21590, Jun. 30, 2009; Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 22351, Aug. 17, 2010; Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24229, Dec. 12, 2012; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 24568, May 31, 2013>*

1. Where it is difficult to establish the scope of a site because the relevant building, etc. is to be constructed on the water: Criteria under Articles 40 through 47, 55 through 57, 60 and 61 of the Act;
2. In cases of communication facilities, and machinery and equipment facilities without living rooms: Criteria under Articles 44 through 46 of the Act;
3. In cases of buildings with not less than 31 floors (excluding cases where a whole building is used as multi-unit housing) and buildings for special purposes, such as power plants, steel mills, manufacturing facilities for industries prescribed by Ministerial Decree of Trade, Industry and Energy pursuant to subparagraph 2 (e) of Appendix 1 of the Enforcement Decree of the Industrial Cluster Development and Factory Establishment Act, and sports facilities: Criteria under Articles 43, 49 through 52, 62, 64, 67 and 68 of the Act;

4. In cases of buildings in an area determined by Building Ordinance of a City/Do for the preservation of traditional cultures, such as traditional temples and traditional Korean-style houses: Criteria under Articles 2 (1) 11, 44, 46, and 60 (3) of the Act;
5. In cases of multi-unit houses arranged in tiers in a sloppy site, in which it is possible to access to each floor on which household units are located directly from the ground and the household unit on the upper floor is able to utilize the rooftop of the household on the lower floor as a garden, etc., and skyscrapers: Criteria under Article 55 of the Act;
6. In cases of buildings requiring remodeling, in which 15 or more years have passed since approval for their use was obtained: Criteria under Articles 42, 43, 46, 55, 56, 58, 60, and 61 (2) of the Act;
7. Where the criteria under Article 55 or 56 of the Act are not satisfied if convenience facilities under Article 8 of the Act on Guarantee of Promotion of Convenience of Persons with Disabilities, the aged, Pregnant Women, etc. are installed in an existing building: Criteria under Articles 55 and 56 of the Act;
- 7-2. In cases of buildings prescribed by Building Ordinance, constructed in an area corresponding to a Dong or Eup among areas, other than the urban areas and district unit planning zones, under the National Land Planning and Utilization Act: Criteria under Articles 2 (1) 11 and 44 of the Act;
8. In cases of buildings constructed in sites falling under any of the following items, for which measures for the prevention of disasters are required to be taken: Criteria under Articles 55, 56, 60 and 61 of the Act;
  - (a) Disaster prevention districts designated under Article 37 of the National Land Planning and Utilization Act;
  - (b) Areas vulnerable to the danger of collapse designated under Article 6 of the Prevention of Steep Slope Disasters Act;
9. In cases of buildings deemed by the Special Metropolitan City Mayor, Metropolitan City Mayor, Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu (hereinafter referred to as "permitting agency") as creating beautiful urban landscapes through their harmonious and creative construction and urban-type residential housing under Article 3 (1) of the Enforcement Decree of the Housing Act (excluding apartment houses): Criteria under Articles 60 and 61 of the Act;
10. In cases of Bogeumjari housing units defined in subparagraph 1 of Article 2 of the Special Act on the Construction of Bogeumjari Housing, etc.: Criteria under Article 61 (2) of the Act;
11. Where public facilities for residents under subparagraph 3 of Article 2 of the Regulation on Standards for Housing Construction (limited to the facilities jointly owned by owners of houses, which are used for subsidiary uses and not for profit purposes; hereinafter referred to as "public facilities for residents") are installed in any of the following multi-unit housing: Criteria under Article 56 of the Act:
  - (a) Multi-unit housing constructed with the approval for project plan obtained under Article 16 of the Housing Act;
  - (b) Multi-unit housing with not less than 200 but less than 300 units constructed in a commercial area or quasi-residential area with building permission obtained under Article 11 of the Act;

(c) Urban-type residential housing under Article 3 of the Enforcement Decree of the Housing Act constructed with building permission obtained under Article 11 of the Act.

(2) The permitting authority shall, when determining whether to relax criteria, and scope of application under Article 5 (2) of the Act, follow the criteria in each of the following subparagraphs: <Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 22254, Jul. 6, 2010; Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 24229, Dec. 12, 2012; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 24568, May 31, 2013>

1. In cases under paragraph (1) 1 through 5, 7, 7-2, and 9:

- (a) The public interest is not to be undermined and neighboring sites and buildings are not to be excessively disadvantaged;
- (b) The fine views and environments of an urban area are not to be excessively spoiled;

2. In cases under paragraph (1) 6:

- (a) The criteria in each item of subparagraph 1 are to be satisfied;
- (b) Extension shall be done within the size and scope prescribed by Ministerial Decree of Land, Infrastructure and Transport, taking into account functional upgrades, etc.;
- (c) The purpose of remodeling multi-unit houses subject to approval of a business plan under Article 16 of the Housing Act shall not be to sell welfare facilities;

3. In cases under paragraph (1) 8:

- (a) The criteria in each item of subparagraph 1 are to be satisfied;
- (b) The criteria under Articles 55, 56, 60 and 61 of the Act, which apply to the area concerned are to be the rate determined by Building Ordinance within the scope of not more than 140/100;

4. In cases under paragraph (1) 10:

- (a) The criteria in each item of subparagraph 1 are to be satisfied;
- (b) The scope of relaxing the criteria shall be limited to the balcony part which exceeds the length from the centerline of the outer wall to the end of balcony by one and half meters. In such cases, the scope to be relaxed shall be limited to maximum one meter, and no door or window shall be installed at the relaxed part;

5. In cases under paragraph (1) 11:

- (a) Criteria in each item of subparagraph 1 are to be satisfied;
- (b) In applying the criteria for floor area ratio under Article 56 of the Act, the floor area rate prescribed by Building Ordinance shall apply up to the limit calculated by adding the floor area rate corresponding to the joint facilities for residents to the floor rate applicable to the relevant area.

#### **Article 6-2 (Special Cases for Existing Buildings, etc.)**

(1) "Reasons prescribed by Presidential Decree" in Article 6 of the Act means cases falling under any of the following subparagraphs: <Amended by Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24443, Mar. 23, 2013>

1. Cases where an urban/Gun management plan is determined or modified, or administrative districts are changed;
  2. Cases where urban/Gun planning facilities are installed, urban development projects are performed, or roads under the Road Act are built;
  3. Other cases similar to subparagraphs 1 and 2, and prescribed by Ministerial Decree of Land, Infrastructure and Transport.
- (2) If an existing building and site fall under any of the following subparagraphs even though they fail to conform to the provisions of the Act, this Decree or Building Ordinance (hereinafter referred to as "the statutes, etc.") due to the enactment and amendment of statutes or the reasons under each subparagraph of paragraph (1), the permitting authority may grant building permission: *<Amended by Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 23718, Apr. 10, 2012>*

1. Cases where an existing building is reconstructed;
2. Cases where parts intended to be extended or renovated conform to the provisions of the statutes, etc.;
3. Cases where the area of the site of an existing building falls short of the area prescribed by the relevant local government under Article 57 of the Act because of the installation of urban/Gun planning facilities or construction of roads under the Road Act and where such existing building is extended or renovated within the scope of its total floor area;
4. Cases where an existing building has come not to conform to Articles 55 and 56 of the Act because of the installation of urban/Gun planning facilities or the construction of roads under the Road Act and where such existing building is extended within the scope of its total floor area, such as the installation of toilets, stairs and elevators, etc. to maintain the function of the building;
5. Cases where the distance from the construction line of an existing building constructed before the enforcement date of Municipal Ordinance of the relevant local government which was originally amended pursuant to the amended provisions of Article 50 of the Building Act (Act No. 7696) and the borderline of neighboring sites fall short of the distance prescribed by Municipal Ordinance concerned and such existing building is extended in compliance with statutes which have been enforced at the time of construction;
6. Cases where existing traditional Korean-style houses are renovated or substantially repaired.

### **Article 6-3 (Structure, etc. Easy to be Remodeled)**

- (1) "Structure prescribed by Presidential Decree" in Article 8 of the Act means a structure which satisfies the requirements in each of the following subparagraphs. In such cases, the detailed criteria to decide whether or not the requirements in each of the following subparagraphs are satisfied shall be determined and published by the Minister of Land, Infrastructure and Transport: *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24443, Mar. 23, 2013>*

1. Each household unit is required to be able to be integrated or dividable into neighboring household units in either vertical or horizontal direction;
  2. Building equipment, interior finishing materials, and exterior finishing materials in structural parts are required to be separable;
  3. The size, number, location, etc. of partitioned rooms in each household unit is required to be changeable.
- (2) "Rate prescribed by Presidential Decree" in Article 8 of the Act means 120/100: Provided, That in cases where the rate is tightened by Building Ordinance in consideration of regional characteristics, etc., the criteria prescribed by Building Ordinance shall prevail.

## CHAPTER II CONSTRUCTION OF BUILDINGS

**Article 7 Deleted.** <by Presidential Decree No. 14891, Dec. 30, 1995>

### **Article 8 (Building Permission)**

(1) The construction of a building subject to permission from the Special Metropolitan City Mayor or Metropolitan City Mayor under the proviso to Article 11 (1) of the Act means the construction (including cases where the number of floors becomes not less than 21 or the total floor area becomes not less than 100,000 square meters through the extension of not less than 3/10 of the total floor area) of a building which has not less than 21 floors or which has a total floor area of not less than 100,000 square meters: Provided, That the construction of any of the following buildings shall be excluded therefrom. <Amended by Presidential Decree No. 21098, Oct. 29, 2008; Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 24229, Dec. 12, 2012>

1. Factories;
  2. Warehouses;
  3. Buildings which have undergone deliberations by competent local building committees under the latter part of the part other than items of Article 5-5 (1) 4 (excluding skyscrapers).
- (2) Deleted. <by Presidential Decree No. 19466, May 8, 2006>
- (3) "A building for a use prescribed by Presidential Decree, such as a building that is intended to be erected as part of amusement facilities or lodging facilities" in Article 11 (2) 2 of the Act means any of the following buildings: <Amended by Presidential Decree No. 21098, Oct. 29, 2008>

1. Multi-unit houses;
2. Class II neighborhood living facilities (limited to restaurants);
3. Business facilities (limited to general business facilities);
4. Lodging facilities;
5. Amusement facilities.

(4) and (5) Deleted. <by Presidential Decree No. 19466, May 8, 2006>

(6) Necessary matters concerning documents required to make an application for approval under Article 11 (2) of the Act, procedures for application, etc. shall be prescribed by Ministerial Decree of Land, Infrastructure and Transport. <Amended by Presidential Decree No. 21098, Oct. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

#### **Article 9 (Application for Building Permission, etc.)**

(1) A person who desires to obtain building permission pursuant to Article 11 (1) of the Act shall file an application for building permission with the permitting authority along with related documents, as prescribed by Ministerial Decree of Land, Infrastructure and Transport: Provided, That in cases of intending to obtain building permission for defense industry facilities pursuant to the Defense Acquisition Program Act, such relevant documents may be substituted by the designer's confirmation on whether or not statutes pertaining to construction are observed. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(2) The permitting authority shall, when it grants building permission under Article 11 (1) of the Act, issue a written building permit to the applicant, as prescribed by Ministerial Decree of Land, Infrastructure and Transport. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

#### **Article 10 (One-Stop-Service Council for Combined Construction Civil Petitions)**

(1) "Other relevant statutes prescribed by Presidential Decree" in Article 12 (1) of the Act means those in each of the following subparagraphs: <Amended by Presidential Decree No. 21528, Jun. 9, 2009; Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 22073, Mar. 9, 2010; Presidential Decree No. 22560, Dec 29, 2010; Presidential Decree No. 23994, Jul. 26, 2012; Presidential Decree No. 24229, Dec. 12, 2012>

1. Article 13 of the Protection of Military Bases and Installations Act;
2. Article 23 of the Natural Parks Act;
3. Articles 7 through 9 of the Seoul Metropolitan Area Readjustment Planning Act;
4. Article 6 of the Housing Site Development Promotion Act;
5. Articles 24 and 38 of the Urban Parks, Greenbelts, etc. Act;
6. Articles 82 of the Aviation Act;
7. Article 6 of the School Health Act;
8. Articles 8, 10, 12, 14 and 18 of the Management of Mountainous Districts Act;
9. Article 36 of the Creation and Management of Forest Resources Act and Article 9 of the Forest Protection Act;
10. Articles 38 and 49 of the Road Act;
11. Articles 19, 19-2 and 19-4 of the Parking Lot Act;

12. Article 22 of the Framework Act on Environmental Policy;
  13. Article 15 of the Natural Environment Conservation Act;
  14. Article 7 of the Water Supply and Waterworks Installation Act;
  15. Articles 34 and 36 of the Urban Traffic Improvement Promotion Act;
  16. Article 35 of the Cultural Heritage Protection Act;
  17. Article 10 of the Korean Traditional Temples Preservation and Support Act;
  18. Articles 12 (1), 13 and 15 of the Act on Special Measures for Designation and Management of Areas of Restricted Development;
  19. Articles 32 and 34 of the Farmland Act;
  20. Article 11 of the Special Act on the Preservation and Fostering of Ancient Cities;
  21. Article 7 of the Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act.
- (2) The permitting authority shall hold a meeting of the one-stop-service council for combined construction civil petitions under Article 12 of the Act (hereinafter referred to as the "Council") within ten days from the date of application for prior decision under Article 10 (1) of the Act or from the date of application for building permission under Article 11 (1) of the Act.
- (3) The permitting authority shall notify the relevant administrative agencies and relevant departments of the fact of holding a meeting of the Council until three days before it holds a meeting of the Council.
- (4) The relevant public official attending a meeting of the Council shall express his/her opinion on the relevant statutes at the meeting of the Council.
- (5) The relevant administrative agency or relevant department which makes a prior decision or grants building permission shall submit its opinion of approval or disapproval to the permitting authority within five days from the date on which the meeting of the Council is held.
- (6) Matters necessary for the operation, etc. of the Council besides the matters prescribed by this Decree shall be prescribed by Building Ordinance.

#### **Article 10-2 (Deposit for Safety Control at Construction Site)**

- (1) "Letter of guarantee prescribed by Presidential Decree" in Article 13 (2) of the Act means a letter of guarantee falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 22493, Nov. 15, 2010; Presidential Decree No. 24229, Dec. 12, 2012; Presidential Decree No. 24443, Mar. 23, 2013>*
1. Surety insurance policy issued by an insurance company under the Insurance Business Act;
  2. Payment guarantee issued by a bank under the Banking Act;
  3. Letter of guarantee to guarantee the payment of debts, etc., which is issued by a mutual aid association under the Framework Act on the Construction Industry;
  4. Listed stocks under Article 192 (2) of the Enforcement Decree of the Financial Investment Services and Capital Markets Act;
  5. Other letters of guarantee prescribed by Ministerial Decree of Land, Infrastructure and Transport.

(2) "Interest rate fixed by Presidential Decree" in the main sentence of Article 13 (3) of the Act means, in cases where the deposit money for safety control under Article 13 (2) of the Act has been deposited in a financial institution prescribed in Article 11 of the Enforcement Decree of the Management of the National Funds Act, the interest rate applied to such deposit money for safety control.

#### **Article 11 (Building Report)**

(1) "Substantially repairing a building prescribed by Presidential Decree without any demolition of its main structural parts" in Article 14 (1) 4 of the Act means substantial repair falling under any of the following subparagraphs: *<Added by Presidential Decree No. 21668, Aug. 5, 2009>*

1. Repairing a bearing wall in a size 30 or more square meters;
2. Repairing three or more pillars;
3. Repairing three or more beams;
4. Repairing three or more roof trusses;
5. Repairing firewalls, or floors or walls for fire zones;
6. Repairing main stairs, fire escape stairs or special escape stairs.

(2) "Building prescribed by Presidential Decree" in Article 14 (1) 5 of the Act means any of the following buildings: *<Amended by Presidential Decree No. 21098, Oct. 29, 2008; Presidential Decree No. 1668, Aug. 5, 2009; Presidential Decree No. 23718, Apr. 10, 2012>*

1. A building with a total floor area of 100 or fewer square meters;
2. A building of which height is extended by up to 3 meters;
3. A building constructed under the standard architectural plans and drawings under Article 23 (4) of the Act (hereinafter referred to as "standard architectural plans and drawings") and determined by Building Ordinance as its use and size are deemed not to impair the environments and fine views in its neighborhood;
4. A factory with not more than two floors and with a total floor area of not more than 500 square meters, which is built in an industrial area under Article 36 (1) 1 (c) of the National Land Planning and Utilization Act, district unit planning zone (limited to the industry type and circulation type under subparagraph 10 of Article 48 of the Enforcement Decree of the same Act) under Article 51 (3) of the same Act, and industrial complex under the Industrial Sites and Development Act;
5. A warehouse with a total floor area of not less than 200 square meters and stable or crop cultivation shed with a total floor area of not less than 400 square meters, which are constructed in Eup/Myeon areas (excluding the areas designated and publicly announced by the Governor of a Special Self-Governing Province, or the head of a Si/Gun as areas to impede regional planning or urban/Gun planning) in order to conduct agricultural or fishery business.

(3) Article 9 (1) shall apply mutatis mutandis to building reports under Article 14 of the Act. *<Amended by Presidential Decree No. 21098, Oct. 29, 2008>*

## **Article 12 (Alteration of Permitted or Reported Matters, etc.)**

(1) A person who intends to alter permitted or reported matters under Article 16 (1) of the Act shall obtain permission from the permitting authority or report to the Governor of a Special Self Governing Province or the head of a Si/Gun/Gu as classified in each of the following subparagraphs: *<Amended by Presidential Decree No. 21668, Aug. 5, 2009; Presidential Decree No. 24229, Dec. 12, 2012>*

1. In cases of alteration concerning extension or renovation of the portion of which total floor area exceeds 85 square meters, permission is to be obtained, and in other cases, a report is to be made;
  2. In cases of alteration of the total floor area of a building for which permission is substituted by a report under Article 14 (1) 2 or 5 of the Act in a scale that permission is substitutable by a report after alteration, a report is to be made, notwithstanding subparagraph 1;
  3. In cases where the project owner, contractor or project supervisor is changed, a report is to be made.
- (2) "Modification to insignificant matters prescribed by Presidential Decree" in the proviso to Article 16 (1) of the Act means modification which does not fall under new construction, extension, renovation, reconstruction, relocation, substantial repair or alteration of a building for another use. *<Amended by Presidential Decree No. 24229, Dec. 12, 2012>*

(3) "Matters prescribed by Presidential Decree" in Article 16 (2) of the Act means matters falling under any of the following subparagraphs:

1. Cases where the total floor area of the portions to be changed without changing the number of buildings or floors is not more than 50 square meters: Provided, That it shall be limited to changes within the scope under the main sentences of subparagraphs 3 and 4;
  2. Cases where the portion to be changed without changing the number of buildings or floors is not more than 1/10 of the total floor area (limited to cases where the floor area of each floor is changed within the scope of not more than 50 square meters for buildings with a total floor area of not less than 5,000 square meters): Provided, That it shall apply only to changes within the scope under the main sentences of subparagraphs 4 and 5;
  3. Cases falling into substantial repairs;
  4. Cases where the height of the portion to be changed without changing the number of floors is not more than one meter or not more than 1/10 of the full height: Provided, That it shall apply only to cases where portion to be changed is changed within the scope under the main sentences of subparagraphs 1, 2 and 5;
  5. Cases where the location of a portion under construction after obtaining permission or making a report is changed within one meter: Provided, That it shall apply only to changes within the scope under the main sentences of subparagraphs 1, 2 and 4.
- (4) Article 9 (1) shall apply mutatis mutandis to the alteration of permitted or reported matters under paragraph (1).

**Article 13 Deleted.** <by Presidential Decree No. 18951, Jul. 18, 2005>

**Article 14 (Change of Use)**

(1) and (2) Deleted. <by Presidential Decree No. 19466, May 8, 2006>

(3) The Minister of Land, Infrastructure and Transport may publish building standards applicable to the change of use referred to in Article 19 (1) of the Act. In such cases, he/she shall first consult with the head of the related administrative agency about building standards under the authority of other administrative agencies. <Amended by Presidential Decree No. 21098, Oct. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

(4) "Changes prescribed by Presidential Decree" in the proviso to Article 19 (3) of the Act means the mutual changes in the use of the buildings falling under any of the following subparagraphs: <Amended by Presidential Decree No. 21590, Jun. 30, 2009; Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22993, Jun. 29, 2011; Presidential Decree No. 24229, Dec. 12, 2012>

1. Mutual changes in the use of the buildings falling under the same subparagraphs of Appendix 1: Provided, That any of the following cases shall be excluded therefrom:

2. Mutual changes in the use of Class I neighborhood living facilities and Class II neighborhood living facilities in compliance with the restrictions of their use prescribed by the National Land Planning and Utilization Act or other relevant statutes: Provided, That the foregoing shall not apply where the use of Class I neighborhood living facilities is changed to the use prescribed in subparagraph 4 (d) through (m) of Appendix 1 or where the use of Class II neighborhood living facilities is changed to the use prescribed in subparagraphs 3 (a), (b), (e) or (f) of Appendix 2.

(a) Where the use of the buildings falling under subparagraph 3 of Appendix 1 is changed to the use prescribed in item (a), (b), (e), or (f) of the same subparagraph, or where the use of the buildings falling under item (a), (b), (e), or (f) of the same paragraph is changed to the use which is not prescribed in the relevant item (including the mutual changes in the use prescribed in item (a), (b), (e) or (f));

(b) Where the use of the buildings falling under subparagraph 4 of Appendix 1 is changed to the use prescribed in any of items (d) through (m) of the same subparagraph, or where the use of the buildings falling under any of items (d) through (m) of the same paragraph is changed to the use which is not prescribed in the relevant item (including the mutual changes in the use prescribed in any of item (d) through (m));

(5) The uses of buildings falling under the facility groups in each subparagraph of Article 19 (4) of the Act shall be as follows: <Amended by Presidential Decree No. 21098, Oct. 29, 2008; Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 22993, Jun. 29, 2011>

1. Automobile-related facility group: Automobile-related facilities;

2. Industrial, etc. facility group:
  - (a) Transportation facilities;
  - (b) Warehouse facilities;
  - (c) Factories;
  - (d) Storage and treatment facilities for hazardous substances;
  - (e) Night soil and waste treatment facilities;
  - (f) Graveyard-related facilities;
  - (g) Funeral parlors;
3. Electricity and communication facility group:
  - (a) Broadcasting communications facilities;
  - (b) Power generating facilities;
4. Cultural and assembly facility group:
  - (a) Cultural and assembly facilities;
  - (b) Religious facilities;
  - (c) Amusement facilities;
  - (d) Tourist resting facilities;
5. Business facility group:
  - (a) Sales facilities;
  - (b) Sports facilities;
  - (c) Lodging facilities;
  - (d) Gosiwons among Class II neighborhood living facilities;
6. Education and welfare facility group:
  - (a) Medical facilities;
  - (b) Education and research facilities;
  - (c) Facilities for the aged and children;
  - (d) Training facilities;
7. Neighborhood living facility group:
  - (a) Class I neighborhood living facilities;
  - (b) Class II neighborhood living facilities (excluding gosiwons);
8. Residential and business facility group:
  - (a) Detached houses;
  - (b) Multi-unit houses;
  - (c) Business facilities;
  - (d) Correctional and military facilities;
9. Other facility group:
  - (a) Animal and plant-related facilities;

(b) Deleted. <by Presidential Decree No. 22526, Dec. 13, 2010>.

(6) In cases where an existing building or site becomes not to conform to the provisions of the statutes, etc. due to the enactment or amendment of statutes or the causes under each subparagraph of Article 6-2 (1), its use may be changed, as prescribed by Building Ordinance. <Amended by Presidential Decree No. 21098, Oct. 29, 2008>

(7) "Cases prescribed by Presidential Decree" in Article 19 (6) of the Act means cases where the use of a one-storied stable is changed to factory use without accompanying any extension, renovation or substantial repairs and impairing structural safety, escape, etc. <Amended by Presidential Decree No. 21098, Oct. 29, 2008>

## **Article 15 (Temporary Buildings)**

(1) "Guidelines prescribed by Presidential Decree" in Article 20 (1) of the Act means the standards in each of the following subparagraphs: <Amended by Presidential Decree No. 23718, Apr. 10, 2012>

1. It is to be neither a reinforced concrete building nor a steel framed reinforced concrete building;
2. Its retention period is to be within three years: Provided, That such period may be extended until the time when a urban/Gun planning project is implemented;
3. It is not to require the installation of new arterial supply facilities, such as electricity, tap water and gas;
4. It is not to be a multi-unit house, sales facility or transportation facility built for the purpose of sale.

(2) Article 38 of the Act shall not apply to temporary buildings under paragraph (1).

(3) Articles 46 and 55 of the Act shall not apply to shading facilities installed in an open space or road in a marketplace among temporary buildings under paragraph (1).

(4) Articles 45 through 47 of the Act shall not apply to cases where a temporary building under paragraph (1) is built in a road where urban/Gun planning is scheduled. <Amended by Presidential Decree No. 23718, Apr. 10, 2012>

(5) "Any temporary building, other than a temporary building under paragraph (1), for disaster recovery, performances, exhibition, construction works, or any other purpose of use prescribed by Presidential Decree" in Article 20 (2) of the Act means buildings falling under any of the following subparagraphs: <Amended by Presidential Decree No. 21590, Jun. 30, 2009; Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 22993, Jun. 29, 2011; Presidential Decree No. 24568, May 31, 2013>

1. A building constructed for a temporary use in a zone in which a disaster has taken place or in a zone adjacent thereto as designated by the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu;
2. A temporary performance place, temporary exhibition place, temporary shop for direct dealings of agricultural, fisheries and forest products, and other places similar thereto, which are deemed by the Governor of a Special Self Governing Province or the head of a Si/Gun/Gu not to impede urban scenery

or traffic;

3. A temporary building and structure for construction works in a scale necessary for construction works;
  4. A model house for display and others similar thereto;
  5. A temporary shop (referring to those for the purpose of selling goods, etc.) which is constructed in an area designated and publicly announced by the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu for the beautification of roadsides, etc., and does not impede safety, fire prevention and sanitation;
  6. A temporary building of a prefabricated structure, which is used as a guardroom and which has a total floor area of not more than ten square meters;
  7. A temporary garage of a prefabricated light-structure without outer walls;
  8. A temporary building built of containers or other materials similar thereto to be used as a temporary office, temporary warehouse or temporary lodging establishment (those constructed on the rooftop of a building shall be excluded herefrom: Provided, That those constructed on the rooftop of a factory from July 1, 2009 to June 30, 2015 shall be included herein);
  9. A vinyl house for agriculture and fisheries with a total floor area of not less than 100 square meters, which is installed in a residential area, commercial area or industrial area among urban areas;
  10. A vinyl house or building of a tent (including such tent with plastic walls or roof) structure with a total floor area of not less than 100 square meters, which is used as a simplified stable, livestock excrement treatment facility, play yard for livestock, or shelter for livestock from rain;
  11. A fixed-type greenhouse for agricultural and fishery purposes and a livestock breeding facility;
  12. A tent (including such tent with plastic walls or roof) used for storage, simple packaging or simple repair works, which is installed in a factory or warehouse, and others similar thereto;
  13. A tent or establishment of a light structure for temporary tourism, cultural events, etc. in an amusement park, general recreation business area, etc.;
  14. Outdoor exhibition facilities and filming facilities which are established in a special tourism district under subparagraph 11 of Article 2 of the Tourism Promotion Act;
  15. Other buildings similar to those falling under subparagraphs 1 through 14 and prescribed by Building Ordinance.
- (6) Articles 25, 38 through 58, 60 through 62, 64, 67 and 68 of the Act and Article 76 of the National Land Planning and Utilization Act shall not apply to cases where a temporary building under paragraph (5) is built under Article 20 (3) of the Act: Provided, That Articles 48, 49 and 61 shall not apply exclusively to the cases falling under following subparagraphs: <Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 24229, Dec. 12, 2012>
1. Where Articles 48 and 49 of the Act shall not apply: The cases where a temporary building of not less than three floors whose structural safety and safety with regards to escape is recognized by the deliberation by a local building committee is constructed;

2. Where Article 61 of the Act shall not apply: The cases where agreement with the owner of land adjacent to the temporary building due north is reached.
- (7) The retention period of a temporary building subject to a report under Article 20 (2) of the Act shall be within two years.
- (8) A person who intends to construct a temporary building subject to a report under Article 20 (2) of the Act shall submit to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu a building report prescribed by Ministerial Decree of Land, Infrastructure and Transport, attaching thereto relevant documents: Provided, That in cases where the matters concerning the construction of a temporary building for construction work have been submitted together with the matters concerning the construction of a building at the time when an application for building permission was filed, the submission of a building report on the temporary building shall be omitted. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*
- (9) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall, when he/she received a building report on a temporary building under paragraph (8), issue a certificate of building report on temporary building prescribed by Ministerial Decree of Land, Infrastructure and Transport to the reporter after confirming the details of the report. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*
- (10) Deleted. *<by Presidential Decree No. 22052, Feb. 18, 2010>*

#### **Article 15-2 (Extension of Retention Period of Temporary Building)**

- (1) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall report the following matters to the owner of a relevant temporary building 30 days before the retention period of the relevant temporary building under Article 20 of the Act expires:
1. Expiry date of its retention period;
  2. Possibility to extend its retention period;
  3. The fact that its retention period may be extended pursuant to Article 15-3 (limited to a temporary building established in a factory).
- (2) The owner of a temporary building who intends to extend its retention period shall file an application for permission or report thereon to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu according to the following classifications:
1. Temporary buildings subject to permission: Filing an application for permission 14 days before their retention periods expire;
  2. Temporary buildings subject to reporting: Reporting seven days before their retention periods expire.

#### **Article 15-3 (Extension of Retention Period of Temporary Building Established in Factory)**

In cases where the owner of a temporary building which satisfies all the following requirements, notwithstanding Article 15-2 (2), fails to notify the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu of his/her refusal to extend the retention period thereof within a period prescribed in

accordance with the classifications under Article 15-2 (2), its retention period shall be deemed extended for the same period as that of the existing temporary building:

1. Temporary building which is established in a factory;
2. Temporary building for which its retention period can be extended.

**Article 16 Deleted.** *<by Presidential Decree No. 14891, Dec. 30, 1995>*

### **Article 17 (Approval for Use of Building)**

(1) Deleted. *<by Presidential Decree No. 19466, May 8, 2006>*

(2) In cases where a project owner intends to receive approval for the temporary use of the portion of which construction has been completed before he/she receives a written approval for use under Article 22

(3) 2 of the Act, he/she shall submit an application (including submission in electronic documents) for approval for temporary use to the permitting authority, as prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 21098, Oct. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>*

(3) The permitting authority who has received an application under paragraph (2) may approve a temporary use only when the portion of which construction has been completed satisfies the standards under Article 22 (3) 2 of the Act, and with respect to buildings of which construction is completed at the time when it is inadequate to take necessary measures for landscaping, such as tree-planting, its temporary use may be approved on the condition that necessary measures are to be taken for landscaping, such as tree-planting, by the time fixed by the permitting authority. *<Amended by Presidential Decree No. 21098, Oct. 29, 2008>*

(4) The validity period of the approval for temporary use shall be within two years: Provided, That the permitting authority may extend such period for large buildings, or buildings which take a long time in construction due to works on rock floors, etc. *<Amended by Presidential Decree No. 21098, Oct. 29, 2008>*

(5) "Contractors of main works prescribed by Presidential Decree" in the latter part of Article 22 (6) of the Act means a person falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 21098, Oct. 29, 2008>*

1. A construction business operator who has registered a type of business performing general construction business under Article 9 of the Framework Act on the Construction Industry and is given a contract for construction work by a person placing an order;
2. A contractor who performs construction works pursuant to the Electrical Construction Business Act, the Fire-Fighting System Installation Business Act or the Information and Communication Work Business Act.

### **Article 18 (Preparation of Architectural Plans and Drawings)**

"Any of the buildings prescribed by Presidential Decree" in Article 23 (1) 3 of the Act means a building falling under any of the following subparagraphs: <Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 23718, Apr. 10, 2012>

1. A warehouse or farmer's hut (referring to the farmer's hut under the Farmland Act) with a total floor area of not more than 200 square meters, and stable or crop cultivation shed with a total floor area of not more than 400 square meters, among buildings constructed in Eup or Myeon areas (excluding the areas designated and publicly announced by the head of a Si/Gun as areas to impede regional planning or urban/Gun planning);
2. A temporary building falling under any subparagraph of Article 15 (5) and prescribed by Building Ordinance.

### **Article 19 (Supervision of Construction Works)**

(1) In cases of appointing a project supervisor under Article 25 (1) of the Act and having him/her undertake construction supervision, a person according to the following classifications shall be appointed as a project supervisor: <Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22525, Dec. 13, 2010>

1. Cases falling under any of the following items: An architect:
    - (a) Cases of constructing a building that requires building permission under Article 11 of the Act (excluding buildings subject to a building report under Article 14 of the Act);
    - (b) Cases of remodelling a building under Article 6 (1) 6;
  2. Cases of constructing a public use building: A specialized construction supervising firm or a general supervision-specialized firm under the Construction Technology Management Act (excluding cases where he/she is also a contractor or cases where a specialized construction supervising firm or a general supervision-specialized firm is an affiliated company under Article 2 of the Monopoly Regulation and Fair Trade Act) or an architect (limited to cases where a supervisor is positioned pursuant to Article 106 of the Enforcement Decree of the Construction Technology Management Act).
- (2) In cases where a project supervisor of a public use building is appointed under paragraph (1), the criteria for positioning a supervisor and supervision fee shall comply with the conditions prescribed in the Construction Technology Management Act.
- (3) "When the progress of the project has reached the stage prescribed by Presidential Decree" in Article 25 (5) of the Act means cases where the construction (in cases of constructing not less than two buildings on one site, referring to the construction of each building) has reached any of the following subparagraphs:
1. In cases where the relevant building is of reinforced concrete structure, steel framed structure, steel-framed reinforced concrete structure, masonry structure, or reinforced concrete block structure, the cases where the construction has reached any of the following phases:
    - (a) The phase wherein the arrangement of reinforcing bars is completed at the time of foundation works;

(b) The phase wherein the arrangement of roof slab bars is completed;

(c) In cases of buildings with not less than five floors, the phase wherein the arrangement of upper slab bars is completed in every five floors above ground;

2. In cases where the relevant building is of a structure, other than those in subparagraph 1, the cases where the installation of molds or cornerstones is completed at the time of foundation works.

(4) "Project for the use or of the size prescribed by Presidential Decree" in Article 25 (4) of the Act means construction works for a building with a total floor area of not less than 5,000 square meters.

(5) A project supervisor shall carry out the duty of supervision at a construction site occasionally or when necessary, and he/she shall, when supervising construction works in each of the following subparagraphs, have not less than one assistant architect in the field of construction and not less than one assistant architect in the field of civil engineering, electricity or machinery from among assistant architects (including those belonging to professional engineer offices under Article 6 of the Professional Engineer Act or specialized construction supervising firms, etc. provided for in each subparagraph of Article 23 (8) of the Architects Act, who have acquired technical qualifications in the field concerned under the National Technical Qualifications Act or are qualified as supervisors in the fields of civil engineering, electricity or machinery under Article 104 of the Enforcement Decree of the Construction Technology Management Act) under subparagraph 2 of Article 2 of the Architects Act conduct the duty of supervision at respective construction sites during the entire period of construction and during the period of construction of the field concerned, respectively. In such cases, the assistant architect shall have work experience in the design, execution of construction, testing, inspection, construction supervision, supervisory duties, etc. of construction works in the field concerned for not less than two years: *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22525, Dec. 13, 2010; Presidential Decree No. 22526, Dec. 13, 2010>*

1. Construction works for a building with a total floor area of not less than 5,000 square meters: Provided, That construction works of stables or crop cultivation sheds shall be excluded herefrom;

2. Construction works for a building with consecutive five floors (including underground floors) which has a total floor area of not less than 3,000 square meters;

3. Construction works for apartment buildings.

(6) Supervisory duties to be carried out by project supervisors shall be as follows: *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

1. Confirmation of whether the contractor is carrying out construction works in conformity with architectural plans and drawings;

2. Confirmation of whether the building materials used by the contractor are in conformity with the standards under relevant statutes;

3. Other matters concerning the supervision of construction works, which are determined by Ministerial Decree of Land, Infrastructure and Transport.

(7) A project supervisor who assigns an assistant architect to conduct the duty of supervision at a construction site under paragraph (5) shall report the status of positioning of assistant architects to the

permitting authority within the period as classified in each of the following subparagraphs, as prescribed by Ministerial Decree of Land, Infrastructure and Transport: *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

1. In cases of positioning an assistant architect for the first time, within seven days from the expected date of the commencement of construction work;
2. In cases where there have been changes in the positioning of assistant architects, within seven days from the date of such changes.

(8) The permitting authority shall, when it receives the status of positioning of assistant architects from a project supervisor under paragraph (7), forward it to the association of architects designated by the Minister of Land, Infrastructure and Transport from among associations of architects under the Architects Act without delay. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

(9) An association of architects which has received the status of positioning of assistant architects under paragraph (8) shall manage it, and in cases where it has discovered the fact that an assistant architect is positioned at two or more construction sites concurrently, etc., it shall inform Mayor/Do Governor of such fact, etc. without delay. *<Amended by Presidential Decree No. 24229, Dec. 12, 2012>*

#### **Article 20 (Vicarious Execution of Duties of On-Site Surveys, Inspections and Confirmations)**

(1) The permitting authority may have an architect vicariously execute the duties of on-site survey, inspection and confirmation related to building permission, approval for use and approval for temporary use of the buildings determined by Building Ordinance among the buildings subject to permission under Article 27 (1) of the Act. In such cases, the permitting authority shall appoint an architect to vicariously execute the duties of on-site survey, inspection and confirmation related to the approval for use and approval for temporary use of a building in accordance with the criteria in each of the following subparagraphs:

1. The architect is not to be the designer or project supervisor of the building concerned;
2. The permitting authority is to appoint the architect directly, without receiving the recommendations from the project owner.

(2) Necessary matters concerning the scope of duties of a vicarious executor under paragraph (1), procedure of vicarious execution, etc. shall be prescribed by Building Ordinance.

#### **Article 21 (Prevention of Harms at Construction Site)**

Matters concerning the prevention of harms and dangers associated with the construction or demolition of a building shall comply with the provisions of statutes pertaining to industrial safety and health.

#### **Article 22 (Special Cases for Building for Official Use)**

(1) In cases where the State or a local government intends to construct a building under Article 29 of the Act, the head of an administrative agency executing the construction works concerned or a person

entrusted with the execution of such works shall submit (including submission in electronic documents) architectural plans and drawings on such construction works and relevant documents determined by Ministerial Decree of Land, Infrastructure and Transport to the permitting authority before the commencement of the construction works concerned: Provided, That in cases of constructing a building important for national security or treated as a national confidential information, the submission of architectural plans and drawings may be omitted. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(2) The permitting authority shall, after examining architectural plans and drawings and relevant documents submitted under the main sentence of paragraph (1), notify (including notification by means of electronic documents, in cases where the head of the administrative agency concerned or the entrusted person wishes or architectural plans and drawings, etc. under paragraph (1) have been submitted in electronic documents) the result of such examination to the head of the administrative agency concerned or the entrusted person.

(3) The State or a local government shall, when notifying the permitting authority of the completion of the construction of a building under the proviso to Article 29 (3) of the Act, attach relevant document determined by Ministerial Decree of Land, Infrastructure and Transport. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

#### **Article 22-2 (Computerization, etc. of Business of Building Permission, etc.)**

(1) A person who intends to use the data which under the main sentence of Article 32 (2) of the Act with the exception of each subparagraph, have been processed through the electronic data processing system under paragraph (1) of the same Article (hereinafter referred to as "computerized data") shall submit an application stating the following matters to the head of the relevant central administrative agency in order to receive an examination by the head of the relevant central administrative agency:

1. The purpose of and grounds for the use of the computerized data;
2. The scope and contents of the computerized data;
3. The method to be provided with the computerized data;
4. The method of keeping the computerized data, safety control measures, etc.

(2) A person who intends to use computerized data under paragraph (1) shall apply within the minimum scope satisfying the purpose of the use of the computerized data.

(3) The head of the relevant central administrative agency who has received an application under paragraph (1) shall, after examining the matters in each of the following subparagraphs, inform the applicant of the result of the examination within 15 days from the date on which he/she received such application:

1. Feasibility, appropriateness and public nature of the matters in each subparagraph of paragraph (1) ;
2. Whether or not the standards for protection of personal information under Article 32 (3) of the Act are satisfied;

3. Whether or not a measure for the prevention of use of computerized data for purposes beyond the purpose of their use has been formulated.
- (4) A person who intends to obtain approval for the use of computerized data under Article 32 (2) of the Act shall submit to the Minister of Land, Infrastructure and Transport, Mayor/Do Governor, or the head of a Si/Gun/Gu an application for approval for the use of computerized data on construction administration, which is prescribed by Ministerial Decree of Land, Infrastructure and Transport, attaching thereto the result of examination under paragraph (3) : Provided, That in cases where the head of a central administrative agency or the head of a local government intends to use computerized data, he/she may apply for such approval with documents stating the grounds for and purpose of the use of computerized data, safety control measures, etc. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*
- (5) "Guidelines for the protection of personal information of project owners and other parties prescribed by Presidential Decree" in the former part of Article 32 (3) of the Act means the standards in each of the following subparagraphs:
1. The requested computerized data are not to be information by which a specific individual is recognizable by such matters as name and resident registration number which are included in the data (including information by which a specific individual is easily recognizable through combining it with other information even though it is not recognizable only with the information concerned), or other information that are feared to disturb the private life of an individual: Provided, That in cases where there exists the consent of the individual concerned or grounds in other Acts, the use thereof may be allowed;
  2. In cases where computerized data containing personal information are used under the proviso to subparagraph 1, safety control measures are to be prepared against the use of the computerized data for purposes, other than their approved purposes, leakage, loss, theft, etc.
- (6) The Minister of Land, Infrastructure and Transport, Mayor/Do Governor, or head of a Si/Gun/Gu shall, when he/she approved the use of computerized data under Article 32 (3) of the Act, record and manage the details of the approval. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

### **Article 22-3 (Computerized Data Users subject to Guidance and Supervision, etc.)**

- (1) Persons subject to guidance for and supervision of the matters concerning the keeping or management of computerized data among persons using computerized data under Article 33 (1) of the Act shall be those using computerized data (including computerized data provided under other statutes) as classified in each of the following subparagraphs: Provided, That the State and local governments shall be excluded: *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*
1. The Minister of Land, Infrastructure and Transport: Persons who use not less than 500,000 cases of computerized data on a national basis yearly;
  2. Mayors/Do Governors: Persons who use not less than 100,000 cases of computerized data on a City/Do basis yearly;

3. The head of a Si/Gun/Gu: Persons who use not less than 50,000 cases of computerized data on a Si/Gun/Gu basis yearly.

(2) The Minister of Land, Infrastructure and Transport, Mayor/Do Governor or head of a Si/Gun/Gu may, if necessary for guidance and supervision under Article 33 (1) of the Act, request a person subject to guidance and supervision under paragraph (1) to submit the data in each of the following subparagraphs:

*<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

1. Data on the actual status of use of computerized data;

2. Data on safety control measures following the use of computerized data.

(3) A person who has been requested to submit data under paragraph (2) shall submit the relevant data within 15 days unless there exists any justifiable ground which makes him/her unable to do so.

(4) The Minister of Land, Infrastructure and Transport, Mayor/Do Governor, or head of a Si/Gun/Gu shall, when intending to conduct an on-site investigation of the actual status of use of computerized data under Article 33 (1) of the Act, notify the person subject to investigation of the purpose and details of investigation, identity of investigators, date of investigation, etc. by not later than three days before the investigation. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

(5) The Minister of Land, Infrastructure and Transport, Mayor/Do Governor, or head of a Si/Gun/Gu shall notify the person subject to investigation of the result of the on-site investigation under paragraph (4), and may request for corrections when necessary as a result of the investigation. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

#### **Article 22-4 (General Construction Civil Petition Service Center)**

(1) A civil petition service center established in a Special Self-Governing Province or a Si/Gun/Gu pursuant to Article 34 of the Act shall handle the affairs in each of the following subparagraphs:

1. Affairs concerning approval for use under Article 22 of the Act;

2. Affairs concerning building permission, approval for use and approval for temporary use of buildings for which an architect vicariously executes on-site investigation, inspection and confirmation under Article 27 (1) of the Act;

3. Affairs concerning the preparation and management of a building register;

4. Affairs concerning the handling of combined civil petitions;

5. Consulting business on building permission, building report or change of use;

6. Consulting concerning disputes among persons interested in construction;

7. Other affairs deemed necessary for the benefits of residents by the Governor of a Special Self-Governing Province or the head of a Si/ Gun/Gu.

(2) A civil petition service center referred to in paragraph (1) shall be established at a place easily accessible by civil petitioners, and its organization and functions shall be determined by Municipal Rules of the relevant Special Self-Governing Province or Si/Gun/Gu.

## CHAPTER III MAINTENANCE AND MANAGEMENT OF BUILDINGS

### Article 23 (Maintenance and Management of Buildings)

The owner or manager of a building shall maintain and manage the building, site and construction facilities in conformity with Article 35 (1) of the Act.

### Article 23-2 (Implementation of Regular and Occasional Inspections)

(1) The owner or manager of any of the following buildings shall conduct regular inspections under Article 35 (2) of the Act once every two years from the date on which 10 years pass from the approval date of the use of the relevant building (referring to the date on which an occasional inspection has been completed, if the occasional inspection has been conducted under paragraph (5) on the items and in accordance with the standards which are the same with those of the regular inspection; hereafter referred to as "basic date"): *<Amended by Presidential Decree No. 24874, Nov. 20, 2013>*

1. A public use building;
2. A condominium building subject to the application of the Act on Ownership and Management of Condominium Buildings, the total floor area of which is not less than 3,000 square meters: Provided, That this shall not apply to the collective housing managed by a managing body, etc. prescribed in Article 43 of the Housing Act;
3. A building used for the publicly used businesses defined in Article 2 (1) 1 of the Special Act on the Safety Control of Publicly Used Establishments, which is determined by Building Ordinance of the relevant local government.

(2) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall notify in advance the owner or manager of a building which becomes subjected to a regular inspection under paragraph (1) (hereinafter referred to as "regular inspection") of the fact that the building is subjected to a regular inspection and of the procedures for conducting the regular inspection three months before the date on which two years elapse from the basic date.

(3) The notification under paragraph (2) may be given by means of a document, facsimile, electronic mail, text message through a cellular phone, etc.

(4) Where the result of a regular inspection of a building finds no illegality and the result of inspection on items prescribed in Article 23-3 (1) 2 through 4, and 6 is acknowledged as excellent on the basis of the detailed standards for maintenance and management of buildings referred to in Article 23-6 (1), the Governor of the Special Self-Governing Province or the head of Si/Gun/Gu concerned may exempt the relevant building from the regular inspection next one time.

(5) The owner or manager of a building that falls under any subparagraph of paragraph (1) shall, where necessary for securing the safety of the relevant building against a disaster or calamity, such as fire and

inundation, conduct an occasional inspection as prescribed by Building Ordinance of the relevant local government, pursuant to Article 35 (2) of the Act. *<Amended by Presidential Decree No. 24874, Nov. 20, 2013>*

(6) Where the owner or manager of a building conducts a regular or occasional inspection under paragraph (5) (hereinafter referred to as "occasional inspection"), he/she shall arrange any of the following persons (hereinafter referred to as "maintenance and management inspector") to conduct such regular or occasional inspection:

1. A person who has reported on opening of an architect office under Article 23 (1) of the Architect Act;
2. A specialized construction supervisory company and general supervisory company registered under Article 28 (1) of the Construction Technology Management Act;
3. A specialized safety diagnosis institution registered under Article 9 (1) of the Special Act on the Safety Control of Public Structures.

#### **Article 23-3 (Matters subject to Regular and Occasional Inspections)**

(1) Matters subject to regular and occasional inspections shall be as follows: Provided, That the inspection of structural safety prescribed in subparagraph 3 shall be omitted in cases of the first-class public structures or second-class public structures defined in subparagraph 2 of Article 2 of the Special Act on the Safety Control of Public Structures: *<Amended by Presidential Decree No. 24391, Feb. 20, 2013>*

1. Site: Whether it conforms to Articles 40, 42 through 44, and 47 of the Act;
  2. Height and shape: Whether they conform to Articles 55, 56, 58, 60 and 61 of the Act;
  3. Structural safety: Whether it conforms to Article 48 of the Act;
  4. Fire safety: Whether it conforms to Articles 49 through 53 of the Act;
  5. Construction facilities: Whether they conform to Articles 62 through 64 of the Act;
  6. Energy management, eco-friendly management, etc.: Whether they conform to Articles 64-2 and 65-2 of the Act and Articles 15 (1), 16 and 17 of the Green Building Creation Support Act.
- (2) Each maintenance and management inspector shall, when he/she conducts a regular or occasional inspection, provide his/her opinion on the measures for reinforcing safety of the building, saving energy, etc. in addition to that on the items prescribed in subparagraphs of paragraph (1).

#### **Article 23-4 (Provision of Information related to Building Inspection)**

The owner or manager of a building may, when necessary in conducting a regular or occasional inspection, request the Governor of the Special Self-Governing Province or the head of the Si/Gun/Gu concerned to provide related information including architectural plans and drawings of the relevant building. In such cases, the Governor of the Special Self-Governing Province or the head of the Si/Gun/Gu concerned shall provide such information unless any special reason exists.

#### **Article 23-5 (Report on Result of Building Inspection)**

(1) When a regular or occasional inspection is conducted, the owner or manager of the relevant building shall report the result thereof to the Governor of the Special Self-Governing Province or the head of the Si/Gun/Gu concerned within 30 days from the day the inspection is completed.

(2) Deleted. <by Presidential Decree No. 24874, Nov. 20, 2013>

#### **Article 23-6 (Detailed Standards, etc. for Maintenance and Management)**

(1) The Minister of Land, Infrastructure and Transport shall determine and publicly announce detailed standards for the maintenance and management of buildings and the implementation of regular and occasional inspections, including the following matters: <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

1. Appointment of a maintenance and management inspector;
2. Standards for prices for regular and occasional inspections;
3. Method of inspection by items of regular and occasional inspections;
4. Scope of collection of, and method of reviewing, the materials related to inspection, such as architectural plans and drawings, necessary for regular and occasional inspections;
5. Other matters acknowledged by the Minister of Land, Infrastructure and Transport as necessary in connection with the maintenance and management of buildings.

(2) To ensure the fairness in contracts between the owners or managers of buildings and maintenance and management inspectors, the Minister of Land, Infrastructure and Transport may determine and disseminate standard forms of contracts for regular and occasional inspections. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

#### **Article 24 (Building Instructors)**

(1) Building instructors prescribed in Article 37 of the Act shall be designated by the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu from among public officials working in the field of construction in the Special Self-Governing Province or Si/Gun/Gu and persons of learning in architecture, who have the qualifications prescribed by Building Ordinance. <Amended by Presidential Decree No. 23963, Jul. 19, 2012>

(2) The duties of a building instructor shall be as follows:

1. Guidance for the construction of buildings under construction after completing a building report, and confirmation of whether or not an illegal construction is conducted, instruction and control;
2. Confirmation of whether or not the site, height and shape, structural safety, fire safety, building equipment, etc. of a building are properly maintained and managed in conformity with the provisions of the statutes, etc., instruction and control;
3. Control of buildings which are built or of which use has been changed without obtaining permission or making a report.

- (3) A building instructor who conducts the duties under paragraph (2) shall carry a certificate indicating his/her authority and produce it to persons concerned.
- (4) Necessary matters concerning the procedure of designation, remuneration standards, etc. of building instructors shall be determined by Building Ordinance.

#### **Article 25 (Building Ledger)**

"Where prescribed by Presidential Decree" in Article 38 (1) 4 of the Act means cases falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 23963, Jul. 19, 2012; Presidential Decree No. 24443, Mar. 23, 2013>*

1. Cases where an application for the initial registration of a building ledger or registration of alteration is filed under Articles 56 and 57 of the Act on Ownership and Management of Condominium Buildings;
2. Cases where the owner of a building constructed, maintained and managed in conformity with the provisions of the statutes, etc. before the Act enters into force files an application for transcription of the management ledger of the relevant building or other public books similar thereto into the building ledger under Article 38 of the Act;
3. Other cases determined by Ministerial Decree of Land, Infrastructure and Transport, where alteration, etc. of entered matters is necessary.

## **CHAPTER IV SITES AND ROADS OF BUILDINGS**

**Article 26 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

#### **Article 27 (Landscaping of Site)**

(1) Measures, such as landscaping, may not be taken for buildings falling under any of the following subparagraphs under the proviso to Article 42 (1) of the Act: *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24229, Dec. 12, 2012; Presidential Decree No. 24443, Mar. 23, 2013>*

1. A building constructed in a green area;
2. A factory constructed on a site less than 5,000 square meters in size;
3. A factory with a total floor area of less than 1,500 square meters;
4. A factory in an industrial complex under subparagraph 14 of Article 2 of the Industrial Cluster Development and Factory Establishment Act;
5. A building determined by Building Ordinance, falling under cases where its site contains salt, or where it is difficult or irrational to take measures, such as landscaping, when considering the characteristics of its use;
6. A stable;

7. A temporary building under Article 20 (1) of the Act;
8. A logistics facility with a total floor area of less than 1,500 square meters (excluding those constructed in residential areas or commercial areas) determined by Ministerial Decree of Land, Infrastructure and Transport;
9. A building in a natural environment conservation area, agricultural and forestry area, or management area (excluding the areas designated as district unit planning zones) designated under the National Land Planning and Utilization Act;
10. A building prescribed by Building Ordinance among buildings falling under any of the following items:

- (a) Tourist attractions under subparagraph 6 of Article 2 of the Tourism Promotion Act or tourist facilities established in a tourist complex under subparagraph 7 of the same Article;
- (b) Facilities of a specialized recreation business under Article 2 (1) 3 (a) of the Enforcement Decree of the Tourism Promotion Act or facilities of a comprehensive recreation business under Article 2 (1) 3 (b) of the same Enforcement Decree;
- (c) Tourist facilities established in a tourism and recreation type district unit planning zone under subparagraph 10 of Article 48 of the Enforcement Decree of the National Land Planning and Utilization Act;
- (d) Golf courses under Appendix 1 of the Enforcement Decree of the Installation and Utilization of Sports Facilities Act.

(2) The criteria for measures, such as landscaping, under the proviso to Article 42 (1) of the Act shall be as provided for in each of the following subparagraphs: Provided, That in cases where more relaxed criteria than the criteria in each of the following subparagraphs have been set up by Building Ordinance, such criteria shall prevail: *<Amended by Presidential Decree No. 21719, Sep. 9, 2009>*

1. Factories (excluding factories falling under paragraph (1) 2 through 4) and logistics facilities (excluding logistics facilities falling under paragraph (1) 8 and logistics facilities constructed in residential areas or commercial areas):

- (a) Cases where the total floor area is not less than 2,000 square meters: Not less than ten percent of a site area;
- (b) Cases where the total floor area is in the range of not less than 1,500 square meters to less than 2,000 square meters: Not less than five percent of a site area;

2. Airport facilities under subparagraph 8 of Article 2 of the Aviation Act: Not less than ten percent of a site area (excluding the areas used for aircraft take-off and landing facilities, such as runways, taxiways, moorings, landing zones, etc.);
3. Station facilities among railroads under subparagraph 1 of Article 2 of the Railroad Construction Act: Not less than ten percent of a site area (excluding the areas used for facilities for railroad operations, such as railroad tracks and platforms);

4. Other buildings built on a site area in the range of not less than 200 square meters up to less than 300 square meters: Not less than ten percent of a site area.
- (3) In cases where the rooftop of a building is landscaped or other necessary measures are taken for the rooftop of a building in accordance with the criteria publicly announced by the Minister of Land, Infrastructure and Transport under Article 42 (2) of the Act, an area equivalent to 2/3 of the landscaped area of the rooftop may be calculated as a site area subject to landscaping under Article 42 (1) of the Act. In such cases, the area to be calculated as an area subject to landscaping shall not exceed 50/100 of the area subject to landscaping under Article 42 (1) of the Act. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

#### **Article 27-2 (Security of Public Open Area, etc.)**

(1) A public open area or public open space (hereafter referred to as "public open area, etc." in this Article) shall, under Article 43 (1) of the Act, be secured in the site of a building falling under either of the following subparagraphs: <Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24874, Nov. 20, 2013>>

1. Cultural or assembly facilities, religious facilities, sales facilities (excluding distribution facilities for agricultural and fishery products under the Act on Distribution and Price Stabilization of Agricultural and Fishery Products), transportation facilities (limited to passenger traffic facilities), business facilities, or lodging facilities, which have a total floor area of at least 5,000 square meters for the relevant use;
  2. Other facilities used by the general public, which are determined by Building Ordinance.
- (2) The size of a public open area, etc. shall be prescribed by Building Ordinance within the scope of not more than ten percent of the size of a site area. In such cases, an area subject to landscaping under Article 42 of the Act may be included in a public open area, etc.
- (3) The following matters shall be complied with when securing a public open area, etc. pursuant to paragraph (1) for the purpose of making it available for public use. In such cases, the public open area may be installed in a piloti structure: <Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24443, Mar. 23, 2013>

1. One or more signs offering a message that it is available for public use as prescribed by Ministerial Decree of Land, Infrastructure and Transport shall be installed in the public open area, etc.;
  2. Piling up the goods or the establishment of a facility in the public open area, etc. that can block access to the sites shall be prohibited;
  3. Facilities prescribed by Building Ordinance, such as benches or pergolas shall be established to allow more convenient use of them in an environmentally friendly manner.
- (4) In cases where a public open area, etc. is installed in a building under paragraph (1) (including cases where a building under paragraph (1) and another building not falling under paragraph (1) are combined into one building), if the relaxed application of Articles 56 and 60 of the Act is intended under Article 43 (2) of the Act, the conditions prescribed by Building Ordinance within the scope in each of the following

subparagraphs shall be followed:

1. The floor area ratio under Article 56 of the Act is to be not more than 1.2 times the floor area ratio applicable to the area concerned;
  2. The height limit under Article 60 of the Act is to be not more than 1.2 times the height standard applicable to the building concerned.
- (5) Paragraph (4) shall apply *mutatis mutandis* to cases where a public open area, etc. in conformity with paragraphs (2) and (3) is installed in the site of a building (excluding multi-unit houses subject to approval for business plan under Article 16 (1) of the Housing Act) with a total floor area of not less than 5,000 square meters, which is not required to install public open area, etc.
- (6) Cultural or promotional events for residents may be held in a public open area, etc. for an annual period of up to 60 days, as prescribed by Building Ordinance: Provided, That any act causing inconvenience to the use of the relevant public open area, etc. by the public, such as fencing, shall be prohibited herefrom. *<Added by Presidential Decree No. 21590, Jun. 30, 2009>*

#### **Article 28 (Relations between Site and Road)**

- (1) "Vacant area around the building as prescribed by Presidential Decree" in Article 44 (1) 2 of the Act means a plaza, park, amusement park, and other open areas recognized by the permitting authority, in which construction is prohibited under the relevant statutes and no obstruction to the traffic of the general public exists.
- (2) The site of a building (excluding a stable, crop cultivation shed, or others similar thereto which are buildings of a size prescribed by Building Ordinance) with a total floor area of not less than 2,000 square meters (in cases of factories, 3,000 square meters) shall come in contact with at least four meters a road not less than six meters wide in a distance under Article 44 (2) of the Act. *<Amended by Presidential Decree No. 21590, Jun. 30, 2009; Presidential Decree No. 21629, Jul. 16, 2009>*

**Articles 29 and 30 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

#### **Article 31 (Construction Line)**

- (1) Under Article 46 (1) of the Act, a construction line for a corner portion of a site located at the corner of roads less than eight meters wide shall be the line connecting respective two points set back from the intersecting point of the border lines of the roads abutting on the site concerned the distance provided for in the following Table (unit: meter)
- (2) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may, under Article 46 (2) of the Act, separately designate construction lines within the scope not exceeding four meters in urban areas under Article 36 (1) 1 of the National Land Planning and Utilization Act.
- (3) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall, when he/she intends to designate construction lines under paragraph (2), publicly announce the details thereof in the

gazette of the relevant local government, daily newspapers or internet homepage, etc. for not less than 30 days in advance, and a person who has opinions on the publicly announced matters may submit (including submission by means of electronic documents) his/her opinions to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu within the period of public announcement.

## CHAPTER V STRUCTURE AND MATERIALS OF BUILDING

### **Article 32 (Confirmation of Structural Safety)**

(1) In cases of constructing or substantially repairing a building falling under any of the following subparagraphs under Article 48 (2) of the Act, the designer of the relevant building shall confirm the safety of its structure in accordance with the structural standards, etc. prescribed by Ministerial Decree of Land, Infrastructure and Transport: *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 24568, May 31, 2013>*

1. A building which has not less than three floors;
2. A building with a total floor area of not less than 1,000 square meters: Provided, That warehouses, stables, crop cultivation sheds and buildings constructed by standard architectural plans and documents shall be excluded herefrom;
3. A building with a height of not less than 13 meters;
4. A building, the height of the eaves of which is not less than nine meters;
5. A building, the distance between the columns (referring to the distance between the center lines of two adjacent columns and the distance between the center lines of two adjacent bearing walls if there are no such columns; hereinafter the same shall apply) of which is not less than ten meters;
6. A building in a seismic area determined by Ministerial Decree of Land, Infrastructure and Transport;
7. A building determined by Ministerial Decree of Land, Infrastructure and Transport, which is worth preserving as a national cultural heritage.

(2) In cases of extending (limited to extending within 1/10 of a total floor area or adding only one story), partially renovating, or substantially repairing (excluding cases falling under any provision of subparagraphs 1 through 4 of Article 3-2) a building for which five years have passed since a statement of approval for use was received and for which the safety from an earthquake has been confirmed among buildings specified in the subparagraphs of paragraph (1), the confirmation of earthquake safety may be omitted notwithstanding paragraph (1). *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24568, May 31, 2013>*

**Article 33 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

### **Article 34 (Installation of Direct Stairs)**

(1) On each floor of a building, direct stairs leading to the shelter floor or the ground (including slope ways; hereinafter the same shall apply) other than the shelter floor (referring to a floor having a doorway leading directly to the ground and the shelter safety zone of a skyscraper under paragraphs (3) and (4); hereinafter the same shall apply) shall be installed in the way that the walking distance from each part of the living room to the stairs (referring to the stair nearest to the living room) is not more than 30 meters: Provided, That in cases of a building of which main structural part (excluding a performance hall, assembly hall, auditorium and exhibition hall which are installed on underground floors and which have a total floor area of not less than 300 square meters) is made of a fireproof structure or noncombustible materials, the walking distance of not more than 50 meters (in cases of multi-unit houses with not less than 16 floors, not more than 40 meters) may be established, and in cases of a factory prescribed by Ministerial Decree of Land, Infrastructure and Transport, which is equipped with automatic fire extinguishers, such as sprinklers, in an automated production facility, the walking distance of not more than 75 meters (in cases of unmanned factories, 100 meters) may be established. <Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 23469, Dec. 30, 2011; Presidential Decree No. 24443, Mar. 23, 2013>

(2) In a building in which any floor, other than the shelter floor, is for a use and in a size falling under any of the following subparagraphs under Article 49 (1) of the Act, two or more direct staircases leading to the shelter floor or to the ground shall be installed in accordance with the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport: <Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24443, Mar. 23, 2013>

1. A floor used for cultural and assembly facilities (excluding exhibition halls, and zoological and botanical gardens), religious facilities, bar business among amusement facilities, or funeral parlors, on which the total floor area used for relevant purposes is not less than 200 square meters;
2. A third or upper floor used for multi-user houses and multi-family houses among detached houses, private educational institutes and reading rooms among Class II neighborhood living facilities, sales facilities, transportation facilities (limited to passenger traffic facilities), medical facilities (excluding dental clinics which have no rooms for inpatients), and educational institutes among education and research facilities, children-related facilities and welfare facilities for the aged among facilities for the aged and children, and youth hostels among training facilities, lodging facilities, or funeral parlors, on which the total floor area of the living room used for relevant purposes is not less than 200 square meters;
3. A floor used for multi-unit houses (excluding those which have four household units on each floor) or officetels among business facilities, on which the total floor area of the living room used for relevant purposes is not less than 300 square meters;
4. A third or upper floor not used for the purposes prescribed in subparagraphs 1 through 3, on which the total floor area of the living room is not less than 400 square meters;

5. An underground floor on which the total floor area of the living room is not less than 200 square meters.

(3) In each skyscraper, a shelter safety zone directly connected to the direct stairway leading to the shelter floor or the ground floor (referring to a shelter safety zone established on the middle floor of a building for the purpose of escape or safety; hereinafter the same shall apply) shall be established on a maximum of 30 floors each from the ground floor. *<Added by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 23469, Dec. 30, 2011>*

(4) In each quasi-skyscrapers, at least one shelter safety zone directly connected to the direct stairway leading to the shelter floor or the ground floor shall be established on a floor which falls within five floors above and below the floor corresponding to a half of total number of floors of the building: Provided, That this shall not apply where a direct stairway leading to the shelter floor or the ground floor are to be established in accordance with the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Added by Presidential Decree No. 23469, Dec. 30, 2011; Presidential Decree No. 24443, Mar. 23, 2013>*

(5) The size and criteria for the establishment of a shelter safety zone under paragraphs (3) and (4) shall be prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Added by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 23469, Dec. 30, 2011; Presidential Decree No. 24443, Mar. 23, 2013>*

### **Article 35 (Installation of Fire Escape Stairs)**

(1) Direct stairs installed on the fifth or upper floor or the second or lower underground floor under Article 49 (1) of the Act shall be installed as fire escape stairs or special escape stairs according to the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport: Provided, That the same shall not apply to cases where main structural parts are made of a fireproof structure or noncombustible materials and falls under any of the following subparagraphs: *<Amended by Presidential Decree No. 21098, Oct. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>*

1. Cases where the total floor area of the fifth or upper floor is 200 or fewer square meters;
2. Cases where a fire zone is installed for every 200 or fewer square meters of floor area of the fifth or upper floor.

(2) Notwithstanding paragraph (1), direct stairs leading to the shelter floor or to the ground from the 11th (16th, in cases of multi-unit houses) or upper floors (excluding floors with a floor area of less than 400 square meters) or from the third or lower underground floors (excluding floors with a floor area of less than 400 square meters) of a building (excluding side corridor-type multi-unit houses) shall be installed as special escape stairs. *<Amended by Presidential Decree No. 21098, Oct. 29, 2008>*

(3) One or more direct staircases installed on the floor used for sales facilities under paragraph (1) shall be special escape stairs. *<Amended by Presidential Decree No. 21098, Oct. 29, 2008>*

(4) Deleted. *<by Presidential Decree No. 14891, Dec. 30, 1995>*

(5) On the 5th or upper floor used for exhibition halls, or zoological or botanical gardens among cultural and assembly facilities, sales facilities, transportation facilities (limited to passenger traffic facilities), sports facilities, amusement facilities, tourist resting facilities (limited to those used by the general public), or training facilities in living zones among training facilities, on which the total floor area used for relevant purposes exceeds 2,000 square meters, one escape staircase or special escape staircase (limited to fire escape stairs or special escape stairs out of use on the 4th or lower floor), other than direct stairs under Article 34 shall be installed for every excessive 2,000 square meters. <Amended by Presidential Decree No. 21098, Oct. 29, 2008; Presidential Decree No. 21629, Jul. 16, 2009>

(6) Deleted. <by Presidential Decree No. 16284, Apr. 30, 1999>

### **Article 36 (Installation of Outdoor Escape Stairs)**

On the third floor or upper floor (excluding shelter floors) of a building, which is used for a purpose falling under any of the following subparagraphs, outdoor escape stairs leading to the ground from the floor concerned, other than direct stairs under Article 34, shall be separately installed:

1. It is to be a floor used for a performance hall among cultural and assembly facilities, or a bar business among amusement facilities, on which the total floor area of the living room is not less than 300 square meters;
2. It is to be a floor used for an assembly hall among cultural and assembly facilities, on which the total floor area of the living room is not less than 1,000 square meters.

### **Article 37 (Installation of Open Space between Underground Floor and Shelter Floor)**

In cases of installing a performance hall, assembly hall, auditorium, or exhibition hall which has a total floor area of not less than 3,000 square meters on underground floor, an outside space with an open ceiling shall be installed so as to make those in each room able to escape from each underground floor to the outside of the building and evacuate to the shelter floor via outside stairs or slope ways.

### **Article 38 (Installation of Exit from Auditorium, etc.)**

Under Article 49 (1) of the Act, exits from the auditorium or assembly room shall be installed in a building falling under any of the following subparagraphs according to the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport: <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

1. Cultural and assembly facilities (excluding exhibition halls, and zoological and botanical gardens);
2. Religious facilities;
3. Amusement facilities;
4. Funeral parlors.

### **Article 39 (Installation of Exit to Outside of Buildings)**

(1) Under Article 49 (1) of the Act, exits leading from the inside of a building to the outside shall be installed in a building falling under any of the following subparagraphs according to the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport: *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

1. Cultural and assembly facilities (excluding exhibition halls, and zoological and botanical gardens);
2. Religious facilities;
3. Sales facilities;
4. Office buildings of the State or a local government among business facilities;
5. Amusement facilities;
6. Warehouse facilities of which total floor area is not less than 5,000 square meters;
7. Schools from among education and research facilities;
8. Funeral parlors;
9. Buildings in which elevators are to be installed.

(2) A revolving door to be installed at the entrance of a building under Article 49 (1) of the Act shall be in conformity with the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

### **Article 40 (Installation of Roof Plaza, etc.)**

(1) A rail 1.2 meters high or more shall be installed around a roof plaza, or balcony on the second or upper floor or others similar thereto: Provided, That the same shall not apply to the cases of structures not allowing access to such balcony, etc.

(2) In cases where the fifth or upper floor is used for cultural and assembly facilities (excluding exhibition halls, and zoological and botanical gardens), religious facilities, sales facilities, bar business among amusement facilities, or funeral parlors, a plaza which may be used for the purpose of escape shall be installed on the roof.

(3) On the roof of a building which has 11 or more floors and on which the total floor area of the 11th and upper floors is not less than 10,000 square meters, the space as classified in the following subparagraphs shall be secured: *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 23469, Dec. 30, 2011>*

1. Where the roof of the building is a flat type: A space for installation of a heliport or for saving human lives, etc. by a helicopter;
2. Where the roof of the building is a sloping type: A shelter safety zone installed beneath the sloping roof.

(4) The standards for securing the space for installation of a heliport or for saving human lives, etc. by a helicopter and for installation of the shelter safety zone beneath a sloping roof under paragraph (3) shall be prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Added by Presidential Decree No.*

#### **Article 41 (Installation of Passage Necessary for Escape and Firefighting within Sites)**

(1) Within the site of a building, a passage leading to a road or an open space (referring to a park, plaza and others similar thereto, which have no impediment to access to the site concerned for the purpose of escape and firefighting; hereafter the same shall apply in this Article) from the main entrance leading to the outside of the building, and escape stairs leading to the ground and special escape stairs shall be installed in accordance with the criteria in each of the following subparagraphs: <Amended by Presidential Decree No. 22526, Dec. 13, 2010>

1. Detached houses: The effective width shall not be less than 0.9 meter;

2. Cultural and assembly facilities, religious facilities, medical facilities, amusement facilities or funeral parlors which have a total floor area of not less than 500 square meters: The effective width shall not be less than three meters;

3. Buildings used for other purposes: The effective width shall not be less than 1.5 meters.

(2) Notwithstanding paragraph (1), within the site where public use buildings and buildings with not less than 11 floors each are constructed, passages through which all the public use buildings and buildings with not less than 11 floors each therein are accessible by fire engines under Article 21 (hereinafter referred to as "fire engines") shall be installed: Provided, That this shall not apply where all the public use buildings and buildings with not less than 11 floors each are constructed directly adjacent to roads or empty spaces where fire engines can get access, enabling the fire engines to perform fire-fighting activities directly from such roads or empty spaces. <Added by Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 23469, Dec. 30, 2011>

**Articles 42 and 43 Deleted.** <by Presidential Decree No. 16284, Apr. 30, 1999>

#### **Article 44 (Applicability to Escape Provisions)**

In cases where a building is partitioned with fireproof-structured floors or walls without windows, doorways or other openings (hereinafter referred to as "windows, etc."), each partitioned part shall be deemed an independent building for the purposes of Articles 34 through 41.

**Article 45 Deleted.** <by Presidential Decree No. 16284, Apr. 30, 1999>

#### **Article 46 (Installation of Fireproof Partitions)**

(1) A building with a total floor area of over 1,000 square meters, the main structural part of which is of a fireproof structure or noncombustible materials under Article 49 (2) of the Act shall be partitioned with fireproof-structured floors and walls, and Type A fireproof doors under Article 64 (including automatic fire shutters in conformity with the criteria determined by the Minister of Land, Infrastructure and

Transport; hereafter the same shall apply in this Article) in accordance with the criteria determined by Ministerial Decree of Land, Infrastructure and Transport (hereinafter referred to as "fireproof partitions"): Provided, That a nuclear reactor and related facilities under Article 2 of the Nuclear Safety Act shall comply with the conditions determined in the Nuclear Safety Act. <Amended by Presidential Decree No. 23248, Oct. 25, 2011; Presidential Decree No. 24443, Mar. 23, 2013>

(2) With respect to the parts of a building falling under any of the following subparagraphs, the provision of paragraph (1) may not apply or the application thereof may be relaxed to the extent that does not impede their uses: <Amended by Presidential Decree No. 22052, Feb. 18, 2010>

1. An inevitable part of a living room used for cultural and assembly facilities (excluding zoological and botanical gardens), religious facilities, sports facilities, or funeral parlors for the security of sight lines and activity space;
2. An inevitable part for the installation of stationary large machinery necessary for manufacturing, processing, storage, transportation, etc. of goods: Provided, That in cases of the underground floor, it shall be limited to cases where the passage of pedestrians and the entrance and exit of cars are allowed, as the whole area of one side (referring to the side of not less than one fourths in size among outer walls from the surface side of the underground floor to the side below the surface of the ground floor) of the outer wall of the underground floor is open to outside areas;
3. Part of a staircase and corridor, or the part of elevator shaft (including the lobby for getting on and off the elevator), which are fireproof partitioned to be separated from other parts of the building;
4. Parts of the top floor or shelter floor of a building, which are used for a large conference hall, lecture hall, sky-lounge, lobby or shelter safety zone, and inevitable for such purposes;
5. The floor between household units on two different floors in a duplex multi-unit houses;
6. A parking lot of which main structural part is made of a fireproof structure or noncombustible materials;
7. Buildings used for detached houses, animal or plant-related facilities, or military facilities among correctional and military facilities (limited to facilities used for the purposes of assembly, sports, warehouse, etc.).

(3) In cases where part of a building falls under buildings under Article 50 (1) of the Act, such part shall be fireproof partitioned to be separated from other parts.

(4) In cases of apartments among multi-unit houses, in which each household unit on the fourth or upper floor is unable to use not less than two direct staircases, at least one shelter space satisfying the requirements in each of the following subparagraphs shall be installed in the balcony, jointly with the neighboring household units or by each household unit. In such cases, the shelter space installed jointly with the neighboring household units shall be preferentially installed in a place accessible to not less than two direct staircases through the neighboring household units: <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

1. The shelter space is to come in contact with the air outside;
2. The shelter space is to be fireproof partitioned to be separated from other indoor parts;
3. The floor area of the shelter space is not to be less than three square meters in cases of joint installation with the neighboring household units, and not less than two square meters in cases of installation by each household unit;
4. The shelter space is to comply with the criteria prescribed by the Minister of Land, Infrastructure and Transport.

(5) Notwithstanding paragraph (4), in cases where the following structures are installed in the balcony on the fourth or upper floor of an apartment building, a shelter space may not be installed: *<Amended by Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 24443, Mar. 23, 2013>*

1. Where the party wall installed to be separated from the neighboring household units is of a light-weight structure which is easily destroyable;
2. Where an emergency exit has been installed on the party wall;
3. Where a top-down emergency exit prescribed by Ministerial Decree of Land, Infrastructure and Transport has been installed on the surface of the balcony.

#### **Article 47 (Restrictions on Uses Impeding Fire Prevention)**

(1) Under Article 49 (2) of the Act, medical facilities, facilities for the aged and children (limited to children-related facilities and welfare facilities for the aged), multi-unit houses or funeral parlors and amusement facilities, storage and treatment facilities for hazardous substances, factories or automobile-related facilities (limited to repair shops) shall not be installed together in the same building: Provided, That the same shall not apply to cases falling under any of the following subparagraphs, as determined by Ministerial Decree of Land, Infrastructure and Transport: *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24443, Mar. 23, 2013>*

1. Cases where a multi-unit house (limited to a dormitory) and a factory are in the same building;
2. Cases where an urban environment improvement project is implemented in a central commercial area, general commercial area or neighboring commercial area under the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents;
3. Cases where a multi-unit house and a recreational facility alike are in the same skyscraper: Provided, That the doorway, stairs, and elevator of a house shall be structured detached to facilities, other than the house, for the purposes of protecting personal privacy, securing living security, such as crime prevention and fire fighting, and protecting living environments from noise, offensive odor, etc.

(2) Under Article 49 (2) of the Act, a facility used for any of the following purposes shall not be installed together in the same building: *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22351, Aug. 17, 2010; Presidential Decree No. 24229, Dec. 12, 2012>*

1. Children-related facilities or welfare facilities for the aged among facilities for the aged and children, and wholesale markets or retail markets among sales facilities;

2. Detached houses (limited to multi-user houses and multi-family houses), multi-unit houses, midwifery clinics or postpartum care centers among Class I neighborhood living facilities, and Gosiwons among Class II neighborhood living facilities.

#### **Article 48 (Installation of Stairs, Corridors and Doorway)**

(1) Under Article 49 (2) of the Act, stairs and corridors to be installed in a building with a total floor area of not less than 200 square meters shall be installed in conformity with the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

(2) Under Article 49 (2) of the Act, doorways of a building falling under any subparagraph of Article 39 (1) shall be installed in conformity with the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

#### **Article 49 Deleted.** *<by Presidential Decree No. 14891, Dec. 30, 1995>*

#### **Article 50 (Installation of Ceiling of Living Room)**

Under Article 49 (2) of the Act, the ceiling (referring to beams or the bottom side of the floor board of the immediate upper floor and others similar thereto in cases where no ceiling exists) of a living room of a building used for purposes, other than factories, warehouse facilities, storage and treatment facilities for hazardous substances, animal and plant-related facilities, night soil and waste treatment facilities, or graveyard-related facilities, shall be installed in conformity with the standards determined by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

#### **Article 51 (Lighting of Living Room, etc.)**

(1) Under Article 49 (2) of the Act, the living rooms of detached houses and multi-unit houses, classrooms of schools among education and research facilities, wards of medical facilities, or guest rooms of lodging facilities shall be installed with windows, etc. or equipment for lighting and ventilation according to the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

(2) Under Article 49 (2) of the Act, the living rooms of buildings with not less than six floors, which are used for cultural and assembly facilities, religious facilities, sales facilities, transportation facilities, medical facilities, research institutes among education and research facilities, children-related facilities and welfare facilities for the aged among facilities for the aged and children, and youth hostels among training facilities, sports facilities, business facilities, lodging facilities, amusement facilities, tourist resting facilities, Gosiwons among Class II neighborhood living facilities, or funeral parlors shall be installed with smoke exhaust facilities in conformity with the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport: Provided, That the same shall not apply to shelter floors. *<Amended*

*by Presidential Decree No. 22351, Aug. 17, 2010; Presidential Decree No. 24443, Mar. 23, 2013>*

(3) Under Article 49 (2) of the Act, in cases of installing a window that can be opened or closed less than 1.2 meters high over the surface of the living room in an officetel, a safety facility designed to prevent falling accidents shall be installed in conformity with the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Added by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24443, Mar. 23, 2013>*

(4) At each building with 11 floors or less, a place through which firefighters may enter shall be designated and indicated with a mark recognizable day and night from outside in accordance with the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport, pursuant to Article 49 (2) of the Act. *<Added by Presidential Decree No. 23469, Dec. 30, 2011; Presidential Decree No. 24443, Mar. 23, 2013>*

## **Article 52 (Moisture-Proofing of Living Rooms, etc.)**

Under Article 49 (2) of the Act, the floors of living rooms, bathrooms or kitchens falling under any of the following subparagraphs shall be protected against moisture according to the standards determined by Ministerial Decree of Land, Infrastructure and Transport: *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

1. Living rooms on the lowermost floor of a building (limited to cases where the floor is made of wood);
2. Bathrooms of public baths, and kitchens of resting restaurants and confectioneries among Class I neighborhood living facilities;
3. Kitchens of general restaurants, resting restaurants and confectioneries, and bathrooms of lodging facilities among Class II neighborhood living facilities.

## **Article 53 (Installation of Party Walls and Partition Walls)**

Under Article 49 (2) of the Act, party walls and partition walls shall be installed in a building falling under any of the following subparagraphs according to the standards prescribed by Ministerial Decree of Land, Infrastructure and Transport: *<Amended by Presidential Decree No. 22351, Aug. 17, 2010; Presidential Decree No. 24443, Mar. 23, 2013>*

1. Party walls (excluding balconies which are not used for living rooms, bedrooms, etc. under the latter part of subparagraph 14 of Article 2) between families in a multi-family house among detached houses or between household units in a multi-unit house (excluding dormitories);
2. Partition walls between bedrooms of a dormitory among multi-unit houses, wards of medical facilities, classrooms of schools among education and research facilities, or guest rooms of lodging facilities;
3. Partition walls between bedrooms of a Gosiwon among Class II neighborhood living facilities;

4. Party walls between each household of a welfare house for the aged under Article 32 (1) 3 of the Welfare of the Aged Act (hereinafter referred to as "welfare house for the aged") among facilities for the aged and children.

#### **Article 54 (Chimneys Installed in Buildings)**

Chimneys of a building shall be installed in conformity with the standards determined by Ministerial Decree of Land, Infrastructure and Transport. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

#### **Article 55 (Screening Facility of Windows, etc.)**

In cases where windows, etc. are installed within two meters from the borderline of the adjacent site in a beeline, through which the interior of a neighboring house is seen, screening facilities shall be installed.

#### **Article 56 (Fireproof Structure of Building)**

(1) The main structural part of a building (limited to underground floors in cases of a building with not more than two floors and falling under subparagraph 5) which falls under any of the following subparagraphs shall be of a fireproof structure under Article 50 (1) of the Act: Provided, That the same shall not apply to one-storied accessory buildings with a total floor area of not more than 50 square meters which have fireproof outer walls and fireproof bottom part of the eaves, and stage floors: <Amended by Presidential Decree No. 21590, Jun. 30, 2009; Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 22351, Aug. 17, 2010; Presidential Decree No. 24443, Mar. 23, 2013>

1. A building used for cultural and assembly facilities (excluding exhibition halls, and zoological and botanical gardens), religious facilities, bar business among amusement facilities or funeral parlors, in which the total floor area of auditorium or assembly rooms is not less than 200 square meters (in cases of outdoor auditorium, 1,000 square meters);

2. A building used for exhibition halls or zoological and botanical gardens among cultural and assembly facilities, sales facilities, transportation facilities, gymnasiums or auditoriums established in education and research facilities or training facilities, gymnasiums and playgrounds among sports facilities, amusement facilities (excluding those used for bar business), warehouse facilities, storage and treatment facilities for hazardous substances, automobile-related facilities, broadcasting stations, telegraph and telephone stations and movie studios among broadcasting and communication facilities, facilities for cremation among graveyard-related facilities, or tourist resting facilities, in which the total floor area used for such purpose is not less than 500 square meters;

3. A building used for a factory in which the total floor area used for such purpose is not less than 2,000 square meters: Provided, That factories with few fire hazards and determined by Ministerial Decree of Land, Infrastructure and Transport shall be excluded;

4. A building, the second floor of which is used for multi-user houses or multi-family houses among detached houses, multi-unit houses, Class I neighborhood living facilities (limited to facilities used for

medical purposes), Gosiwons among Class II neighborhood living facilities, medical facilities, children-related facilities and welfare facilities for the aged among facilities for the aged and children, youth hostels among training facilities, officetels among business facilities, lodging facilities or funeral parlors, and in which the total floor area used for such purpose is not less than 400 square meters;

5. A building with three or more floors and underground floors: Provided, That buildings used for detached houses (excluding multi-user houses and multi-family houses), animal and plant-related facilities, power generating facilities (excluding facilities used for subsidiary uses of the power plant), correctional facilities and reformatories, or graveyard-related facilities (excluding facilities for cremation) and any extension of not exceeding a gross area of 50 square meters used for control room among factories related to the steel industry shall be excluded.

(2) In cases of buildings which are not used for the purposes under paragraph (1) 1 and 2 and of which roof truss is made of noncombustible materials, the roof truss thereof may not be built of a fireproof structure.

#### **Article 57 (Firewall, etc. of Large Building)**

(1) A building with a total floor area of 1,000 or more square meters shall be partitioned by firewalls under Article 50 (2) of the Act on the condition that the total floor area of partitions shall be less than 1,000 square meters: Provided, That the same shall not apply to the buildings of which main structural part is of a fireproof structure or noncombustible materials, buildings falling under the proviso to Article 56 (1) 5, or warehouse facilities which cannot be partitioned by firewalls due to the structure of internal facilities.

(2) Necessary matters concerning the structure of firewalls under paragraph (1) shall be prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

(3) A wooden building with a total floor area of not less than 1,000 square meters shall be built of a fireproof structure or noncombustible materials, as prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

#### **Article 58 (Buildings in Fire Prevention Zones)**

Buildings of which main structural part and outer walls are allowed not be necessarily made of a fireproof structure under Article 51 (1) of the Act shall be as follows:

1. One-storied accessory buildings with a total floor area of less than 30 square meters, the outer walls and underside of the eave of which are made of a fireproof structure or non-combustible materials;
2. Buildings which are used for wholesale markets and of which main structural part is made of non-combustible materials.

**Articles 59 and 60 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

## Article 61 (Finishing Materials for Building)

(1) "Buildings that meet the criteria prescribed by Presidential Decree" in Article 52 (1) of the Act means a building falling under any of the following subparagraphs: Provided, That a building, the main structural part of which is made of a fireproof structure or noncombustible materials and which is fireproof partitioned for every 200 square meters of the floor area of the living room (referring to the floor area excluding the floor area in which sprinklers or other automatic fire extinguishing equipment similar thereto is installed; hereafter the same shall apply in this Article) shall be excluded herefrom: <Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 24443, Mar. 23, 2013>

1. A building used for cultural and assembly facilities (excluding wedding halls), religious facilities, sales facilities, transportation facilities or amusement facilities (excluding pubs and bar business), in which the total floor area of the living rooms used for such purposes is not less than 200 square meters (400 square meters for any building of which main structural part is of fireproof structure or noncombustible materials);
2. A building used for multi-user houses and multi-family houses among detached houses, multi-unit houses, private teaching institutes, reading rooms, and Gosiwons among Class II neighborhood facilities, lodging facilities (excluding inns and doss houses), medical facilities, private teaching institutes among education and research facilities, children-related facilities and welfare facilities for the aged among welfare facilities for the aged and children, youth hostels among training facilities, officetels among business facilities, or funeral parlors, in which the total floor area of the living rooms used for the purposes concerned on the third and upper floors is not less than 200 square meters (400 square meters in cases of buildings of which main structural part is made of a fireproof structure or noncombustible materials);
3. A building used for storage and treatment facilities for hazardous substances (including facilities used for private heating, private generation, etc.), automobile-related facilities, broadcasting stations and movie studios among broadcasting and communication facilities, or power generating facilities;
4. A building used for a factory: Provided, That a building with not more than one floor and a total floor area of less than 1,000 square meters, which meets all the conditions in each of the following items shall be excluded:
  - (a) The building is to be used for a factory determined by Ministerial Decree of Land, Infrastructure and Transport, which has little danger of a fire;
  - (b) The building is to have exits determined by Ministerial Decree of Land, Infrastructure and Transport, which make evacuation possible at the time of a fire;
  - (c) The building is to use complex materials (referring to materials in which nonflammable materials and flammable materials are combined and which consist of steel plates on both sides and duramen) having the performances determined by Ministerial Decree of Land, Infrastructure and Transport for

finishing materials for the interior;

5. A building in which the total floor area of the living rooms on the fifth and upper floors is not less than 500 square meters;

6. A building used for the purpose of a performance hall and a billiard hall among Class II neighborhood living facilities, a wedding hall among cultural and assembly facilities, a school (limited to elementary schools) among education and research facilities, training facilities, an inn and a doss house among lodging facilities, a bar business among amusement facilities, or a public use business (excluding pubs) under Article 2 of the Enforcement Decree of the Special Act on the Safety Control of Publicly Used Establishments;

7. A building used for the purpose of a warehouse with a total floor area of not less than 3,000 square meters (6,000 square meters, in cases of installing automatic fire-fighting equipment, such as sprinklers or others similar thereto).

(2) "Buildings prescribed by Presidential Decree" in Article 52 (2) of the Act means buildings falling under any of the following subparagraphs: *<Added by Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 23469, Dec. 30, 2011; Presidential Decree No. 24443, Mar. 23, 2013>*

1. Buildings which is located within commercial areas and fall under any of the following subparagraphs:

(a) Buildings used for publicly used businesses defined in Article 2 (1) 1 of the Special Act on the Safety Control of Publicly Used Establishments, each of whose total floor area is not less than 2,000 square meters;

(b) Buildings located within six meters from any building used as a factory (excluding factories prescribed by Ministerial Decree of Land, Infrastructure and Transport as those whose risk of fire is low);

2. High rise buildings.

**Articles 62 and 63 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

#### **Article 64 (Structure of Fire Door)**

Fire doors shall be classified into Type A and Type B, and the standard thereof shall be prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

## **CHAPTER VI BUILDINGS IN AREAS AND DISTRICTS**

**Article 65 Deleted.** *<by Presidential Decree No. 16874, Jun. 27, 2000>*

**Article 66 Deleted.** <by Presidential Decree No. 16284, Apr. 30, 1999>

**Article 67 Deleted.** <by Presidential Decree No. 16284, Apr. 30, 1999>

**Article 68 Deleted.** <by Presidential Decree No. 16874, Jun. 27, 2000>

**Article 69 Deleted.** <by Presidential Decree No. 16284, Apr. 30, 1999>

**Article 70 Deleted.** <by Presidential Decree No. 16284, Apr. 30, 1999>

**Article 71 Deleted.** <by Presidential Decree No. 16284, Apr. 30, 1999>

**Article 72 Deleted.** <by Presidential Decree No. 16284, Apr. 30, 1999>

**Article 73 Deleted.** <by Presidential Decree No. 16874, Jun. 27, 2000>

**Article 74 Deleted.** <by Presidential Decree No. 16284, Apr. 30, 1999>

**Article 75 Deleted.** <by Presidential Decree No. 16284, Apr. 30, 1999>

**Article 76 Deleted.** <by Presidential Decree No. 16874, Jun. 27, 2000>

#### **Article 77 (Cases of Building Sites Extending Over Areas, Districts or Zones)**

In cases where a site extends over an area, district or zone under Article 54 (1) of the Act, a person who intends to have the provisions pertaining to the buildings, sites, etc. in the area, district or zone to which a majority of the site concerned belongs applied to the entire site concerned shall submit (including submission by means of electronic documents) to the permitting authority the area of the site concerned under the categories of areas, districts or zones and matters concerning the area, district or zone he/she intends to have the aforementioned provisions applied to the entire site concerned.

**Articles 78 and 79 Deleted.** <by Presidential Decree No. 17816, Dec. 26, 2002>

#### **Article 80 (Restrictions on Partition of Sites on which Buildings are Located)**

"Limit prescribed by Presidential Decree" in Article 57 (1) of the Act means a scope in any of the following subparagraphs or above:

1. Residential area: 60 square meters;

2. Commercial area: 150 square meters;
3. Industrial area: 150 square meters;
4. Green area: 200 square meters;
5. Areas not falling under subparagraphs 1 through 4: 60 square meters.

#### **Article 80-2 (Open Area within Site)**

The standards for the distance to be kept from construction lines (referring to the construction line under Article 46 (1) of the Act) and borderlines of neighboring sites (referring to the borderline on the opposite side in cases where there is a park, railroad, river, plaza, public open space, green area or other open space in which no construction is allowed between sites) to each part of a building under Article 58 of the Act shall be as provided for in Appendix2.

#### **Article 81 (Construction of Outer Wall of Two-Layer Wall and Connecting Corridors)**

(1) "Area prescribed by Presidential Decree" in Article 59 (1) 1 of the Act means an area falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 21098, Oct. 29, 2008; Presidential Decree No. 24229, Dec. 12, 2012>*

1. Commercial area;
2. Residential area (limited to the cases where an agreement is reached between the owners of the building and site for the construction of out wall of a two-layer wall);
3. Zones that permitting authorities determine by Building Ordinance for urban beauty and the preservation and promotion of traditional Korean-style houses.

(2) Deleted. *<by Presidential Decree No. 19466, May 8, 2006>*

(3) The outer wall of a two-layer wall under Article 59 (1) 1 of the Act shall be firewalls. *<Amended by Presidential Decree No. 21098, Oct. 29, 2008>*

(4) In cases where two-layer wall construction is conducted in the areas under paragraph (1), matters necessary for the use of buildings subject to two-layer wall construction, number of buildings built of two-layer wall, number of floors of buildings built of two-layer wall, etc. shall be determined by Building Ordinance. *<Amended by Presidential Decree No. 21098, Oct. 29, 2008>*

(5) "Standards prescribed by Presidential Decree" in Article 59 (1) 2 of the Act means the standards in each of the following subparagraphs: *<Amended by Presidential Decree No. 21098, Oct. 29, 2008>*

1. The main structural part is to be of a fire-resistant structure;
2. Finishing materials are to be noncombustible materials;
3. In cases of an enclosed structure, windows in a size equivalent to 1/10 or more of the wall area are to be installed: Provided, That the same shall not apply to cases of installing ventilation facilities on underground floor;
4. The width and height are to be not more than five meters, respectively: Provided, That if the permitting authority deems necessary, considering the use, size, etc. of the building, the application of

the standards may be relaxed through the deliberation by a local building committee;

5. Fire shutters or doors are to be installed in connecting parts between a building and its corridor or passage;

6. The aggregate of site areas where a connecting corridor is installed is to be not more than the maximum size of development acts under Article 55 of the Enforcement Decree of the National Land Planning and Utilization Act: Provided, That the same shall not apply within district unit planning zones.

(6) Connecting corridors or connecting passages under Article 59 (1) 2 of the Act shall be subject to the confirmation of an architect or a building structure engineer under the National Technical Qualifications Act (hereinafter referred to as "building structure engineer") for their safety. *<Amended by Presidential Decree No. 21098, Oct. 29, 2008; Presidential Decree No. 21629, Jul. 16, 2009>*

## **Article 82 (Restriction on Height of Building)**

(1) The permitting authority shall, when designating and making public announcement of the maximum height of buildings by block under Article 60 (1) of the Act, consider the matters in each of the following subparagraphs: *<Amended by Presidential Decree No. 23718, Apr. 10, 2012>*

1. Land use plan, such as urban/Gun management planning;
2. Width of a road abutting on the block concerned;
3. Capacity of arterial facilities, such as water supply and sewerage of the block concerned;
4. Urban beauty and landscape plan;
5. Future development plan of the city concerned.

(2) The permitting authority shall, when intending to designate the maximum height of buildings by block under paragraph (1), have it deliberated by a local building committee: In such cases, procedure for hearing the opinions of residents and the like shall be governed by Article 8 of the Framework Act on the Regulation of Land Use. *<Amended by Presidential Decree No. 22993, Jun. 29, 2011>*

(3) The permitting authority may determine a variety of heights of buildings in the same block according to the use and shape of the buildings.

(4) In cases of the relaxed application of the maximum height of buildings in a block under the proviso to Article 60 (1) of the Act, the detailed criteria for such relaxation shall be determined by Building Ordinance in consideration of the matters in each subparagraph of paragraph (1). *<Amended by Presidential Decree No. 22052, Feb. 18, 2010>*

**Articles 83 through 85 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

## **Article 86 (Restrictions on Height of Buildings for Securing Sunshine, etc.)**

(1) In cases where a building is constructed in an exclusive residential area or a general residential area, each part of the building shall be constructed by keeping not less than the distance determined by Building

Ordinance within the scope in each of the following subparagraphs from the borderline of the neighboring site in due north under Article 61 (1) of the Act: Provided, That the same shall not apply to buildings constructed mutually on the sites (in cases where there is a buffer green zone which is an urban/Gun planning facility between site and road, including such site) in contact with a road (including roads for the exclusive use of motor vehicles, pedestrians, and bicycles) which is not less than 20 meters wide and determined by Building Ordinance for the improvement of the fine view of the buildings: <Amended by Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24229, Dec. 12, 2012>

1. Deleted; <by Presidential Decree No. 24229, Dec. 12, 2012>

2. Parts not more than nine meters in height: Not less than 1.5 meters from the borderline of the adjacent site;

3. Parts exceeding nine meters in height: Not less than 1/2 of the height of each part of the building from the borderline of the adjacent site.

(2) Multi-unit houses shall, under Article 61 (2) of the Act, satisfy the following criteria: Provided, That the provision of subparagraph 1 shall not apply to multi-household houses with a horizontal distance determined by Building Ordinance within the scope of not less than one meter from the wall on which windows, etc. for sunlighting are installed to the borderline of the neighboring site in the right angle direction: <Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24568, May 31, 2013>

1. The height of each part of a building (excluding dormitories) is to be not more than two times (four times in cases of a building within neighboring commercial area or quasi-residential area) the distance from the wall of the part concerned, on which windows, etc. for sunlighting are installed to the borderline of the neighboring site in the right angle direction;

2. In cases where not less than two buildings are standing in the same site, facing each other (including cases where respective parts of one building face one another), not less than the distances in each of the following items are to be kept between the respective parts of the buildings: Provided, That such distances may not be less than the distance in which all household units in the site are able to secure sunlight for not less than consecutive two hours during the period from 9 a.m. to 3 p.m. based on the winter solstice:

(a) Not less than the distance prescribed by Building Ordinance within an extent of not less than 0.5 times (in cases of urban-type residential housing, 0.25 times) higher than each part of buildings in the right angle direction from the wall where windows, etc. for sunlighting are installed;

(b) Notwithstanding item (a), in cases where among buildings facing each other, a building in the south (limited to cases where the direction of the axis of two buildings facing each other is between southeast and southwest) is lower than the other and its main opening (referring to the opening of the part in which the living room and main bedroom are located) faces south, not less than the distance prescribed by Building Ordinance within an extent of not less than 0.4 times (in cases of urban-type

residential housing, 0.2 times) the height of the respective parts of the higher building and not less than the distance prescribed by Building Ordinance within an extent of not less than 0.5 times (in cases of urban-type residential housing, 0.25 times) higher than each part of the lower building;

(c) Notwithstanding item (a), in cases where a building faces its incidental facilities or welfare facilities, one or more times higher than each part in such incidental facilities or welfare facilities;

(d) In cases where the surface of a wall without a skylight window (referring to windows, the width of which is not less than 0.5 square meters) and a side wall face each other, not less than eight meters;

(e) In cases where a side wall faces another side wall including cases where a balcony (including openings for entry) with a floor area of not more than three square meters and without a skylight window for sunlighting is installed on one of the side walls facing each other, not less than four meters;

3. Subparagraph 2 (a) through (c) are not to apply to cases where not less than two buildings face each other across a road under Article 2 (1) 11 of the Act in a housing complex under Article 3 (1) 4, on the condition that the provision of subparagraph 1 is to apply to such cases, considering the centerline of the road concerned as the borderline of the neighboring site.

(3) "Height prescribed by Presidential Decree" in Article 61 (3) of the Act with the exception of each subparagraph means the height determined and publicly announced by the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu within the scope of the heights referred to in paragraph (1).

(4) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall, when he/she intends to announce the height of buildings under paragraph (3), consider opinions of residents concerned in advance, as prescribed by Ministerial Decree of Land, Infrastructure and Transport: Provided, That the same shall not apply to areas falling under any of Article 61 (3) 1 through 6 of the Act, which have undergone the deliberation by a building committee. <Amended by Presidential Decree No. 24443, Mar. 23, 2013>

(5) In the application of paragraphs (1) through (4), if there is a park (excluding parks which the permitting authority deems necessary to secure sunshine, etc. in the parks through the deliberation by a local building committee, among urban parks under subparagraph 3 of Article 2 of the Act on Urban Parks, Greenbelts, etc.), road, railroad, river, plaza, public open space, green space, detention basin, road for the exclusive use of motor vehicles, amusement park, and other open areas on which no construction is allowed, between a site on which a building is intended to be constructed and another site, the borderline of the site on the opposite side (in cases of multi-unit houses, the centerline of the borderline of the adjacent site and the borderline of the site on the opposite side) shall become the borderline of the adjacent site. <Amended by Presidential Decree No. 21629, Jul. 16, 2009>

**Article 86-2 Deleted.** <by Presidential Decree No. 19466, May 8, 2006>

## CHAPTER VII EQUIPMENT, ETC. OF BUILDINGS

### Article 87 (Principles of Installation of Building Equipment)

(1) Building equipment shall be installed not to be a hindrance to the safety, fire prevention, sanitation, and rational use of energy, information and communication of a building, and to facilitate easy maintenance and management of equipment through making the cross-sectional area and access holes for repair of piping pits and ducts installed not to impede the repair of the equipment concerned.

(2) Technical standards related to building equipment, such as water supply, sewage, air conditioning, heating, ventilation, lightning arrester, etc. installed in a building shall be prescribed by Ministerial Decree of Land, Infrastructure and Transport on the condition that the standards for building equipment related to the rationalization of energy use shall be determined through consulting with the Minister of Trade, Industry and Energy. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

(3) The disabled-related facilities and equipment which are required to be installed in a building shall comply with detailed standard designs of convenience facilities prepared and disseminated under Article 14 of the conditions prescribed by the Act on Guarantee of Promotion of Convenience of Persons with Disabilities, the Aged, Pregnant Women, etc. *<Amended by Presidential Decree No. 24229, Dec. 12, 2012>*

(4) A master antenna, cable broadcasting reception facility, satellite broadcasting reception equipment, FM radio reception equipment, or joint reception equipment for media broadcasts may be installed in a building for the smooth reception of media broadcasts: Provided, That a joint reception equipment for media broadcasts shall be installed in the following buildings: *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24229, Dec. 12, 2012>*

1. A multi-unit house;

2. A building with a total floor area of not less than 5,000 square meters, which is used as a business facility or a lodging facility.

(5) Standards for the installation of a broadcasting reception equipment under paragraph (4) shall be determined and publicly announced by the Minister of Science, Information and Communications Technology (ICT) and Future Planning. *<Added by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24443, Mar. 23, 2013>*

(6) An area that can be used to install electronic equipment necessary for the supply of electronic power by an electric utility business operator under subparagraph 2 of Article 2 of the Electric Utility Act shall be secured in the site of a building with a total floor area of not less than 500 square meters, as prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Added by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24443, Mar. 23, 2013>*

(7) The relevant local government may prescribe the following matters by Municipal Ordinance to prevent damages from occurring in an area where damages, such as early corrosion in materials, machinery equipment, etc. of a building, are likely to occur due to sea breeze, salt, etc.: *<Added by Presidential Decree*

*No. 22052, Feb. 18, 2010>*

1. Design standards for durability against sea breeze, salt, etc.;
2. Allowance standards for durability against sea breeze, salt, etc.;
3. Other matters necessary to prevent damages resulting from sea breeze, salt, etc. from occurring.

**Article 88 Deleted.** *<by Presidential Decree No. 14891, Dec. 30, 1995>*

#### **Article 89 (Installation of Passenger Elevators)**

"Buildings prescribed by Presidential Decree" in the former part of Article 64 (1) of the Act means buildings with six floors where one or more direct staircases are installed for every floor area of 300 or fewer square meters of living rooms on each floor.

#### **Article 90 (Installation of Emergency Elevators)**

(1) Emergency elevators (including the platform and shaft of an emergency elevator; hereafter the same shall apply in this Article) shall, under Article 64 (2) of the Act, be installed in buildings of which height exceeds 31 meters in not less than the number according to the criteria in each of the following subparagraphs: Provided, That the same shall not apply to cases an elevator installed under Article 64 (1) of the Act is of the structure of an emergency elevator:

1. Buildings of which height exceeds 31 meters and of which largest floor area among the floor areas of each floor is not more than 1,500 square meters: Not less than one unit;
2. Buildings of which height exceeds 31 meters and of which largest floor area among the floor areas of each floor exceeds 1,500 square meters: One unit plus one unit for every not more than 3,000 square meters in excess of 1,500 square meters.

(2) When installing two or more emergency elevators under paragraph (1), they shall be installed at specific intervals not to impede firefighting at the time of a fire.

(3) Necessary matters concerning the structure, etc. of emergency elevators installed in buildings shall be prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

**Articles 91 and 91-2 Deleted.** *<by Presidential Decree No. 24391, Feb. 20, 2013>*

#### **Article 91-3 (Cooperation with Relevant Professional Technical Engineers)**

(1) The designer of a building in any of the following subparagraphs shall, in cases of confirming the structural safety of the relevant building under Article 32, obtain the cooperation of a building structure engineer: *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 24568, May 31, 2013>*

1. A building with six or more floors;
2. A building in which the space between columns is not less than 30 meters;
3. A public use building;
4. A building in which a pent roof, etc., of the structure that one end is fixed and the other end is not supported is protruding not less than three meters from the center line of the outer wall;
5. A building prescribed by Ministerial Decree of Land, Infrastructure and Transport among buildings falling under Article 32 (1) 6.

(2) A person who installs building equipment in a building with a total floor space of not less than 10,000 square meters (excluding warehouse facilities) or in a building which consumes a large amount of energy as prescribed by Ministerial Decree of Land, Infrastructure and Transport shall, as prescribed by Ministerial Decree of Land, Infrastructure and Transport, receive cooperation from relevant specialized engineers according to the following classifications: *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24443, Mar. 23, 2013>*

1. Electricity, elevators (limited to the field of electricity), and lightning rod: Building electric equipment engineers or professional engineers in electric power generation, transmission and distribution under the National Technical Qualifications Act;
2. Gas, water supply, water distribution, drainage, ventilation, heating, fire extinguishing, smoke exhaust, filth-treating equipment, and elevators (limited to the field of machinery): Building mechanical engineers or airconditioning and refrigeration mechanical engineers under the National Technical Qualifications Act.

(3) The designer and the project supervisor of a building which is accompanied with land excavation works in a depth of ten or more meters or construction of a retaining wall, etc. in a height of five or more meters shall, as prescribed by Ministerial Decree of Land, Infrastructure and Transport, receive cooperation from professional engineers in the field of civil engineering or professional engineers geology and geotechnics in the field of national land development under the National Technical Qualifications Act in relation with the relevant land excavation works, etc. *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 24443, Mar. 23, 2013>*

(4) A designer and project supervisor shall, in cases where he/she deems necessary for safety, or where determined by the relevant statutes or where the project owner demands according to the design contract or supervision contract, receive cooperation from relevant professional technical engineers.

(5) The project supervisor of a high rise building shall seek cooperation from a building structure engineer, if he/she finds in the course of conducting an inspection any design change that might affect the structure of the building or any other matter prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Added by Presidential Decree No. 24568, May 31, 2013>*

(6) A relevant professional technical engineer who cooperated with a designer or project supervisor under paragraphs (1) through (5) shall affix his/her name and seal to the architectural plans and drawings or progress supervision report and final supervision report prepared by him/her together with the designer or

project supervisor. *<Amended by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24568, May 31, 2013>*

(7) A building structure engineer who cooperated with a designer regarding the confirmation of structural safety under Article 32 shall affix his/her name and seal to the documents related to the structure, including the structural drawing of a building, with the designer after confirming structural safety. *<Added by Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24568, May 31, 2013>*

**Article 92 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 93 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 94 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 95 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 96 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 97 Deleted.** *<by Presidential Decree No. 15476, Sep. 9, 1997>*

**Article 98 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 99 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 100 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 101 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 102 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 103 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 104 Deleted.** *<by Presidential Decree No. 14891, Dec. 30, 1995>*

## CHAPTER VIII SPECIAL CONSTRUCTION ZONES

**Article 105 (Designation of Special Construction Zones)**

(1) "Project zone prescribed by Presidential Decree" in Article 69 (1) 1 of the Act means zones falling under any of the following subparagraphs: <Amended by Presidential Decree No. 21445, Apr. 21, 2009; Presidential Decree No. 21656, Jul. 30, 2009; Presidential Decree No. 24229, Dec. 12, 2012>

1. Project zones within the Multifunctional Administrative City under the Special Act on the Construction of a Multifunctional Administrative City in Yeongi-Gongju Area for Follow-up Measures for New Administrative Capital;
2. Project zones within the innovation cities under the Special Act on the Construction and Support of Innovation Cities Following Relocation of Public Agencies;
3. Free economic zones designated under Article 4 of the Special Act on Designation and Management of Free Economic Zones;
4. Project zones for the housing site development under the Housing Site Development Promotion Act;
5. Project zones for the construction of Bogeumjari housing under subparagraph 2 of Article 2 of the Act on the Construction of Bogeumjari Housing, etc.;
6. Rearrangement zones under the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents;
7. Urban development zones under the Urban Development Act;
8. Readjustment promotion zones under the Special Act on the Promotion of Urban Renewal;
9. Project zones within the free international cities under the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City;
10. Project zones for the construction of the National Center for Asian Culture under the Special Act on the Development of an Asian Cultural Hub City;
11. Special planning zones for creative development by means of design competition, etc. among district-unit planning zones designated under Article 51 of the National Land Planning and Utilization Act;
12. Tourist destinations, tourism complexes or special tourist zones designated under Articles 52 and 70 of the Tourism Promotion Act;
13. Cultural districts designated under article 8 of the Culture and Arts Promotion Act.

(2) "Cities or areas prescribed by Presidential Decree" in Article 69 (1) 2 of the Act means cities or areas falling under any of the following subparagraphs: <Amended by Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 22993, Jun. 29, 2011; Presidential Decree No. 24443, Mar. 23, 2013>

1. Cities or areas in which international events, etc. are held by the State or a local government;
2. Areas in which buildings or spacial environs prescribed by Ministerial Decree of Land, Infrastructure and Transport are constructed or created to promote architectural culture;
3. Other cities or areas that the Minister of Land, Infrastructure and Transport or any Mayor/Do Governor deems necessary to be designated as a special construction zone for the creation of urban scenery, advancement of construction technology and improvement of construction-related systems.

2-2. Areas where it is necessary to promote the multiple use of land combining various functions, such as residence, commerce and business and which meet all the following requirements:

- (a) They shall be urban areas;
- (b) It shall be necessary to exclude them from the application of restrictions on construction within special-purpose areas provided for in Article 71 of the Enforcement Decree of the National Land Planning and Utilization Act;

#### **Article 106 (Buildings in Special Construction Zones)**

(1) "Public agency prescribed by Presidential Decree" in subparagraph 2 of Article 70 of the Act means the public agencies in each of the following subparagraphs: *<Amended by Presidential Decree No. 21565, Jun. 26, 2009; Presidential Decree No. 21744, Sep. 21, 2009>*

- 1. The Korea Land and Housing Corporation under the Korea Land and Housing Corporation Act;
- 2. The Korea Water Resources Corporation under the Korea Water Resources Corporation Act;
- 3. The Korea Highway Corporation under the Korea Highway Corporation Act;
- 4. Deleted; *<by Presidential Decree No. 21744, Sep. 21, 2009>*
- 5. The Korea Railroad Corporation under the Korea Railroad Corporation Act;
- 6. The Korea Rail Network Authority under the Korea Rail Network Authority Act;
- 7. The Korea National Tourism Organization under the Korea National Tourism Organization Act;
- 8. The Korea Rural Community Corporation under the Korea Rural Community Corporation and Farmland Management Fund Act.

(2) "Building for a use and of a size prescribed by Presidential Decree" in subparagraph 3 of Article 70 of the Act means those provided for in Appendix3.

#### **Article 107 (Procedures for Designation of Special Construction Zones, etc.)**

(1) The details of urban/Gun management planning under Article 71 (1) 4 of the Act shall be as follows: *<Amended by Presidential Decree No. 23718, Apr. 10, 2012>*

- 1. Matters concerning specific-use area, specific-use district and specific use zone under Articles 36 through 38, 38-2, 39, and 40 of the National Land Planning and Utilization Act and Articles 30 through 32 of the Enforcement Decree of the same Act;
- 2. Matters concerning the current status of urban/Gun planning facilities determined and installed in accordance with urban/Gun management planning under Article 43 of the National Land Planning and Utilization Act and matters concerning the new installment and modification of urban/Gun planning facilities;
- 3. Matters concerning the designation of a district unit planning zone, details of district unit planning, establishment and modification of district unit planning, etc. under Articles 50 through 52 of the National Land Planning and Utilization Act and Articles 43 through 47 of the Enforcement Decree of the same Act.

(2) "Matters prescribed by Presidential Decree" in Article 71 (1) 7 of the Act means the following matters:  
<Amended by Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 23718, Apr. 10, 2012>

1. Matters concerning urban/Gun planning facilities in the neighboring areas of special construction zones in accordance with urban/Gun management planning under Article 43 of the National Land Planning and Utilization Act;
2. Matters concerning the designation of district unit planning zones in the neighboring areas of special construction zones and details of such district unit planning;
- 2-2. Matters concerning the reflection of standards for architectural design under Article 21 of the Framework Act on Building;
3. In cases where a private expert has been commissioned under Article 23 of the Framework Act on Building, matters thereabout.
4. Matters concerning the multiple use of land under article 105 (2) 2-2 (limited to cases of application for designation of an area falling under Article 105 (2) 2-2)

(3) The Minister of Land, Infrastructure and Transport shall, when designating, modifying or cancelling a special construction zone under Article 71 (5) of the Act, promptly publish the following matters in the Official Gazette: <Amended by Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24443, Mar. 23, 2013>

1. Purposes of such designation, modification or cancellation;
2. Location, scope and area of the special construction zone;
3. Major matters concerning the size, use, etc. of buildings in the special construction zone;
4. Matters concerning the method of placing orders, such as building design, construction supervision and execution of construction;
5. Matters concerning the new establishment of urban/Gun planning facilities, and the modification thereof, the establishment of district unit planning, and the modification thereof, etc.;
6. Other matters deemed necessary by the Minister of Land, Infrastructure and Transport.

(4) In cases where an agency which is a designated applicant for designation of a special construction zone intends to apply for modified designation of a special construction zone under Article 71 (7) of the Act, falling under any of the following subparagraphs, it shall make an application for modified designation to the Minister of Land, Infrastructure and Transport with materials determined by Ministerial Decree of Land, Infrastructure and Transport. In such cases, Article 71 (2) and (3) of the Act shall apply mutatis mutandis to the modified designation of special construction zones: <Amended by Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24443, Mar. 23, 2013>

1. Cases where the scope of a special construction zone increases or decreases by 1/10 (in cases where the area of a special construction zone is less than 100,000 square meters, 1/20) or more;
2. Cases where the matters concerning the urban/Gun management planning of a special construction zone are modified;

3. Cases where the method of placing orders, such as building design, construction supervision and execution of construction, is modified;
  4. Other cases determined by Ministerial Decree of Land, Infrastructure and Transport, such as the modification of the purpose of designating a special construction zone.
- (5) Detailed matters necessary for the designation of a special construction zone, other than the matters provided for in paragraphs (1) through (4) shall be determined and published by the Minister of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

#### **Article 108 (Deliberation on Buildings in Special Construction Zones, etc.)**

(1) Cases subject to deliberation on modification by a local building committee under Article 72 (5) of the Act shall be as follows: *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

1. Cases where permission for modification is to be obtained under Article 16 of the Act;
  2. Cases where permission for modification or report on modification is to be obtained or made under Article 19 (2) of the Act;
  3. Cases where the exterior design, shape or color of a building is to be changed;
  4. Cases where matters prescribed by Ministerial Decree of Land, Infrastructure and Transport among those falling under each subparagraph of Article 72 (1) of the Act are to be modified.
- (2) In cases where a designer participates in the construction of the relevant building under the former part of Article 72 (8) of the Act, the contractor and project supervisor shall reflect the advice of the designer unless any extenuating circumstance exists.

(3) The duties of designers under the latter part of Article 72 (8) of the Act shall be as follows:

1. Monitoring under Article 72 (6) of the Act;
2. Advice on design change;
3. Advice for the materialization of design ideas on building design, urban scenery, etc.;
4. Other duties entrusted by the ordering agency.

(4) The remuneration for the duties of designers under paragraph (3) shall be determined and published by the Minister of Land, Infrastructure and Transport within the standards for the compensation for engineering projects under Article 31 of the Engineering Industry Promotion Act. *<Amended by Presidential Decree No. 22626, Jan. 17, 2011; Presidential Decree No. 24443, Mar. 23, 2013>*

(5) Except those provided for in paragraphs (1) through (4), the detailed matters concerning the participation of a designer in the construction of a building in a special construction zone after a deliberation on the relevant building was completed and the building permission thereof has been granted shall be determined and published by the Minister of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

#### **Article 109 (Special Cases for Application of Relevant Statutes)**

(1) "Provisions prescribed by Presidential Decree" in Article 73 (1) 2 of the Act means Articles 10, 13, 29, 35, 37, 50, and 52 of the Regulations on Standards, etc. of Housing Construction. *<Amended by Presidential Decree No. 24621, Jun. 17, 2013>*

(2) In cases where the permitting authority intends to relaxedly apply the standards or functions, etc. under Articles 9 and 11 of the Installation, Maintenance, and Safety Control of Fire-Fighting System Act under Article 73 (3) of the Act, it shall undergo the deliberation by a local fire-fighting technology deliberation committee under Article 30 (2) of the Fire-Fighting System Installation Business Act or consult with the head of a fire defense headquarter or the head of a fire station.

#### **Article 110 (Maintenance and Management of Buildings and Monitoring)**

"An interval prescribed by Presidential Decree" in the former part of Article 75 (2) of the Act means an interval prescribed by Ministerial Decree of Land, Infrastructure and Transport within five years. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

**Article 111 Deleted.** *<by Presidential Decree No. 16874, Jun. 27, 2000>*

**Article 112 Deleted.** *<by Presidential Decree No. 16284, Apr. 30, 1999>*

**Article 113 Deleted.** *<by Presidential Decree No. 20647, Feb. 22, 2008>*

## **CHAPTER IX SUPPLEMENTARY PROVISIONS**

#### **Article 114 (Permission for Use of and Business Acts in Building in Violation)**

"Cases prescribed by Presidential Decree" in the proviso to Article 79 (2) of the Act means stables with a total floor area of less than 200 square meters and warehouses for agriculture, forestry, livestock, or fisheries with a total floor area of less than 200 square meters.

#### **Article 115 (Investigation and Improvement of Building in Violation)**

(1) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall establish and implement a rearrangement plan for the measure for corrections under Article 79 of the Act, investigating periodically the status of buildings out of conformity with the statutes, etc. each year, and shall report the result thereof to the competent Mayor/Do Governor (excluding the Governor of a Special Self-Governing Province).

(2) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall, as prescribed by Ministerial Decree of Land, Infrastructure and Transport, prepare and furnish a management ledger of buildings in violation for the systematic post-management and rearrangement of the buildings in violation under paragraph (1). *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

(3) A management ledger of buildings in violation under paragraph (2) shall be prepared and managed in a way that the electronic processing thereof is possible, unless there exists any ground which makes the electronic processing impossible.

#### **Article 115-2 (Imposition and Collection of Charges to Compel Performance)**

(1) "A residential building prescribed by Presidential Decree" in the proviso to Article 80 (1) of the Act with the exception of each subparagraph means a residential building falling under any of the following cases: *<Amended by Presidential Decree No. 23469, Dec. 30, 2011>*

1. Where a building was used without obtaining approval for use under Article 22 of the Act;
2. Where matters concerning the landscaping of a site under Article 42 of the Act were violated;
3. Where restrictions on the height of a building under Article 60 of the Act were violated;
4. Where restrictions on the height of a building for securing sunshine, etc. under Article 61 of the Act were violated;
5. Other cases determined by Building Ordinance, where the Act, or orders or dispositions under the Act were violated (excluding cases falling under subparagraphs 1-2, 4 through 9 and 13 in the column of buildings in violation of Appendix 15).

(2) The criteria for the calculation of charges to compel performances under Article 80 (1) 2 of the Act shall be as set forth in Appendix 15.

(3) The procedures for the imposition and collection of charges to compel performances shall be prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

#### **Article 115-3 (Order for Correction for Existing Buildings)**

"Criteria prescribed by Presidential Decree" in Article 81 (1) of the Act means cases falling under any of the following subparagraphs:

1. Buildings determined to impede the installation of public facilities, such as roads, etc. as a result of the deliberation by a local building committee;
2. Buildings deemed by the permitting authority to threaten to collapse or fall down to do harm to the general public as a result of the deliberation by a local building committee;
3. Buildings located in military operations areas and requested by the Minister of National Defense as they are necessary for national security.

#### **Article 116 (Compensation for Loss)**

(1) In cases where the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu compensates under Article 81 (3) of the Act, he/she shall compensate for the loss that might be caused by a disposition given under Article 81 (1) of the Act at the market price.

(2) If no agreement on the amount of compensation under paragraph (1) is reached, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall pay or deposit such amount of compensation and inform the project owner of such fact. In such cases, such information may be provided by means of electronic documents if the project owner desires.

(3) A person who is dissatisfied with the payment or deposition of compensation money under paragraph (2) may apply (including applications by means of electronic documents) for a ruling to the competent land expropriation committee within 20 days from the date on which he/she was paid the compensation money or given notice of deposition of the compensation money.

(4) Articles 6 through 8 of the Special Act on the Safety Control of Public Structures and Articles 10 through 12 of the same Act shall apply mutatis mutandis to the method of inspection of whether or not the structure of a building is safe, which is designated by the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu under Article 81 (4) of the Act, being deemed to threaten to do harm to the public, notice of the result of inspection, sharing of costs, etc.

#### **Article 117 (Delegation and Entrustment of Authority)**

(1) The Minister of Land, Infrastructure and Transport shall delegate his/her authority related to the designation, change and revocation of special building zones provided for in Articles 69 and 71 (excluding paragraph (4)) of the Act under Article 82 (1) of the Act to each Mayor/Do Governor. *<Added by Presidential Decree No. 22526, Dec. 13, 2010; Presidential Decree No. 24443, Mar. 23, 2013>*

(2) Deleted. *<by Presidential Decree No. 16284, Apr. 30, 1999>*

(3) The authority which is allowed to be delegated to the head of a Gu (referring to the head of a Gu which is not an autonomous Gu) under Article 82 (3) of the Act shall be the following: *<Amended by Presidential Decree No. 21629, Jul. 16, 2009>*

1. Authority for the construction, substantial repair and change of use of buildings with not more than six floors and a total floor area of not more than 2,000 square meters;
2. Authority for extension works executed within an extent of less than ten thirds of the total floor area of an existing building.

(4) The authority which is allowed to be delegated to the head of a Dong/Eup/Myeon pursuant to Article 82 (3) of the Act shall be the following: *<Added by Presidential Decree No. 21629, Jul. 16, 2009>*

1. Authority for a building report under Article 14 of the Act;
2. Authority for the building report on a temporary building under Article 20 (2) of the Act;
3. Authority for approval for use under Article 22 of the Act (limited to a building subject to reporting under Article 14 of the Act);
4. Authority for the building report on a structure, such as a retaining wall under Article 83 of the Act.

(5) "Institution or organization prescribed by Presidential Decree" in Article 82 (4) of the Act means any institution or organization determined and publicly announced by the Minister of Land, Infrastructure and Transport, from among the following institutions or organizations: *<Amended by Presidential Decree No.*

21098, Oct. 29, 2008; Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 24874, Nov. 20, 2013>>

1. A public corporation under Article 5 of the Act on the Management of Public Institutions;
2. A research institution under the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutions or the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutions.

#### **Article 118 (Application Mutatis Mutandis to Structures, such as Retaining Walls)**

(1) Structures subject to a report to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu when constructing a structure (referring to construction separated from the construction of a building; hereafter the same shall apply in this Article) under Article 83 (1) of the Act shall be the following:

1. A chimney in a height exceeding six meters;
2. A decorative tower and commemorative tower in a height exceeding six meters and others similar thereto;
3. An advertising tower and advertising board in a height exceeding four meters and others similar thereto;
4. An elevated water tank in a height exceeding eight meters or others similar thereto;
5. A retaining wall or wall in a height exceeding two meters;
6. An underground shelter with a floor area of not less than 30 square meters;
7. A steel tower in a height exceeding six meters for sports facilities, such as a golf range, communication tower in residential and commercial areas and others similar thereto;
8. A mechanical parking lot or iron-framed fabricated parking lot (including those of which surface of the floor is not fabricated) in a height of not more than eight meters (excluding the height of a rail installed for the purpose of safety) and without exterior walls;
9. A manufacturing facility, storage facility (including cement silos), an amusement facility and other facilities similar thereto, which are prescribed by Building Ordinance;
10. Heavy items prescribed by Building Ordinance, which may inflict a serious impact on the structure of a building.

(2) A person who intends to build a structure falling under any subparagraph of paragraph (1) shall submit (including submission by means of digitally recorded documents) a report on the construction of structures, and design documents determined by Ministerial Decree of Land, Infrastructure and Transport to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

(3) Articles 14, 21 (3), 29, 35 (1), 40 (4), 41, 47, 48, 55, 60, 61, 79, 81, 84, 85 and 87 of the Act and Article 76 of the National Land Planning and Utilization Act shall apply mutatis mutandis to structures under each subparagraph of paragraph (1) pursuant to Article 83 (2) of the Act: Provided, That Article 14

of the Act shall not apply mutatis mutandis to structures under paragraph (1) 3, for which permission was obtained or a report was made under the Outdoor Advertisements, etc. Control Act, Article 58 of the Act shall not apply mutatis mutandis to structures under paragraph (1) 5, and the provision of Article 55 of the Act shall not apply mutatis mutandis to structures under paragraph (1) 8, but only the provision of Article 61 of the Act shall apply mutatis mutandis to structures under paragraph (1) 3 and 8. *<Amended by Presidential Decree No. 22993, Jun. 29, 2011>*

(4) In the case of applying Article 48 of the Act mutatis mutandis pursuant to the main sentence of paragraph (3), details, methods, and other matters of examination of the safety of the relevant structure shall be determined by Ministerial Decree of Land, Infrastructure and Transport. *<Added by Presidential Decree No. 24874, Nov. 20, 2013>*

(5) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall, when he/she received a report on the construction of a structure under paragraph (1), enter the details thereof in the structure management ledger and manage it, as prescribed by Ministerial Decree of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 24443, Mar. 23, 2013>*

(6) The structure management ledger under paragraph (5) shall be prepared and managed in the way that the electronic processing thereof is possible, unless there exists any special ground which makes the electronic processing impossible. *<Amended by Presidential Decree No. 24874, Nov. 20, 2013>*

#### **Article 119 (Method of Calculating Area, etc.)**

(1) The area, height, and number of floors of a building shall, under Article 84 of the Act, be calculated by the following methods: *<Amended by Presidential Decree No. 21590, Jun. 30, 2009; Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 22052, Feb. 18, 2010; Presidential Decree No. 22829, Apr. 4, 2011; Presidential Decree No. 22993, Jun. 29, 2011; Presidential Decree No. 23356, Dec. 8, 2011; Presidential Decree No. 23469, Dec. 30, 2011; Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24229, Dec. 12, 2012; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 24874, Nov. 20, 2013>*

1. Site area: It is to be the area of the horizontal projection plane of a site: Provided, That areas falling under any of the following items shall be excluded:

(a) Cases where a construction line is determined in a site under the proviso to Article 46 (1) of the Act: The site area between the construction line and a road;

(b) Cases where urban/Gun planning facilities, such as roads and parks, exist in a site: The site (excluding sites for urban/Gun planning facilities on which a building or structure is constructed under Article 47 (7) of the National Land Planning and Utilization Act) area included in such urban/Gun planning facilities;

2. Building area: It is to be the area of the horizontal projection plane of the part enclosed by the center line of an outer wall (in cases where there is not an exterior wall, referring to the columns on the outskirts; hereafter the same shall apply in this subparagraph) of a building: Provided, That in any of the following cases, such building area shall be calculated according to the criteria prescribed by the

relevant following items:

(a) The building area of a building that has eaves, pent roofs, extended eaves or others similar thereto of which part is protruding from the centerline of the outer wall one or more meter in a horizontal distance shall be the area of the horizontal projection plane of the part enclosed by the line set back in a horizontal distance according to the following classifications from the edge of such part:

(b) The building area of the following buildings shall be calculated, as prescribed by Ministerial Decree of Land, Infrastructure and Transport:

(c) The following cases shall be excluded from the calculation of the building area:

3. Floor area: It is to be the area of the horizontal projection plane of each floor of a building or part of it enclosed by the central lines of walls, columns, or other partitions similar thereto: Provided, That in any of the following cases, such floor area shall be calculated according to the criteria prescribed by the relevant following items:

(a) In cases of buildings without partition by walls or columns, it is to be the area of the horizontal projection plane enclosed by the line set back one meter in a horizontal distance from the edge part of the roof thereof;

(b) In cases of the floor of the balcony of a building, such as the balcony of a house, or others similar thereto (hereinafter referred to as "balcony, etc."), regardless of the installation of rails, etc., the area balcony, etc. (referring to the area from the centerline of an outer wall to the edge part of a balcony, etc.) obtained by subtracting from the area of a balcony, etc. the value obtained by multiplying the length abutting on the longest outer wall which the balcony, etc. abuts by 1.5 meters is to be counted in the floor area;

(c) In cases of the parts of pilotis or other structures similar thereto (limited to those in which not less than 1/2 of the wall area forms a space from the surface of the floor concerned to the lower surface of the upper floor), if such parts are used exclusively for the traffic of the general public or for vehicles or car parking and if such parts are multi-unit houses, such parts are not to be counted in the floor area;

(d) An elevator tower, stairs tower, decoration tower, garret [*limited to those of which height of floor is not more than 1.5 meters (1.8 meters in cases of a roof of slope style)*], chimney, dust shoot, facility duct and others similar thereto which are installed in the outside or inside of a building, water tank, oil tank, cooling tower, septic tank, city gas governor apparatus, and structures for installing others similar thereto which are installed on the roof, outdoors or underground are not to be counted in the floor area;

(e) A machine room, switchboard room, children's playing ground, landscape facility, and box used to collect domestic waste which are installed on the ground floor of a multi-unit house are not to be counted in the floor area;

(f) An outdoor escape staircase 1.5m or less in width (limited to cases which have become out of conformity with the floor area ratio under Article 56 of the Act because an outdoor escape staircase is installed in an existing building) to be installed in connection with the emergency exit of an existing

public use establishment (limited to those before May 29, 2004) under Article 9 of the Enforcement Decree of the Special Act on the Safety Control of Publicly Used Establishments is not to be counted in the floor area;

(g) In cases of remodelling a building under Article 6 (1) 6 and installing finishing materials, etc. onto the surface of the outer walls for the purposes of improving the fine view of the building and preventing heat loss, such parts are not to be counted in the floor area;

(h) In cases of buildings falling under paragraph (1) 2 (b) (), the floor area shall be the area calculated based on the centerlines of bearing walls among the outer walls where insulators are installed;

(i) The area of a slide for escape or an emergency staircase for infants two meters or less in width to be installed in connection with the emergency exit of a day care nursery under Article 15 of the Infant Care Act (limited to day care nurseries established on or before January 29, 2005) shall not be included in the calculation of the floor area (limited to cases which have become out of conformity with the building-to-land ratio under Article 56 of the Act because a slide for escape or an emergency staircase is installed in an existing building);

4. Total areas: It is to be the sum of the floor areas of each floor of a building on the condition that areas falling under each of the following items are to be excluded when calculating the floor area ratio:

(a) Area of underground floors;

(b) Area used as a ground parking lot (limited to cases of subsidiary use of the relevant building);

(c) Deleted; <by Presidential Decree No. 24229, Dec. 12, 2012>

(d) Deleted; <by Presidential Decree No. 24229, Dec. 12, 2012>

(e) Area of the shelter safety zone to be installed in a skyscraper or a quasi-skyscraper under Article 34 (3) or (4);

(f) Area of the shelter safety zone to be installed beneath the sloping roof of a building under Article 40 (3) 2;

5. Height of a building: It is to be the height *[in cases where a piloti is installed on the entire first floor of a building (including guards' rooms, stair rooms, elevator rooms and others similar thereto for the purpose of using the building), the height excluding the height of the piloti floor when applying Articles 60 and 61 (2) of the Act] from the ground surface to the top of the building concerned: Provided, That in any of the following cases, such height shall be calculated according to the relevant following items:*

(a) The height of a building under Article 60 of the Act is to be measured from the central line of the front road: Provided, That if the front road falls under any of the following cases, it is to be calculated as follows:

(b) In calculation of the height of a building under Article 61 of the Act, if there is a difference of elevation between the ground surface of the site of the building and that of a neighboring site, the average horizontal plane of such ground surface is to be deemed the ground surface (in computing the height under Article 61 (2) of the Act, if the relevant site is lower than the height of a neighboring site, referring to the ground surface of relevant site): Provided, That in cases where a multi-unit house

is constructed in combination with other purposes in areas excluding exclusive residential areas and general residential areas, the lowest part of the multi-unit house is to be deemed the ground surface of the building;

(c) If the sum of the horizontal projection areas of an elevator tower, stairs tower, watch tower, decorative tower, roof tower, etc., which are installed on the roof of a building is not more than  $\frac{1}{8}$  (in cases of multi-unit houses subject to approval of a project plan under Article 16 (1) of the Housing Act, in which the exclusive area of each household unit is not more than 85 square meters, not more than  $\frac{1}{6}$ ) of the building area of the building concerned, and the height of such part is over 12 meters, only such excessive part is to be counted in the height of the building;

(d) Roof-projecting parts of a roof ridge decoration, chimney and fire wall, and others similar thereto, such as roof-projecting parts and parapet (limited to those in which not less than a half of the wall area is a space) are not to be counted in the height of the building;

6. Height of eaves: It is to be the height from the ground surface to the top of a wall, sub-beam, or column supporting the roof truss or other similar horizontal member of a building;

7. Ceiling height: It is to be the height from the floor surface of a room to the ceiling: Provided, That in cases where there are parts with a different ceiling height in the same room, it is to be the weighted average height in accordance with the ceiling area of each part;

8. Floor height: It is to be the height from the upper surface of the floor member of a room to the upper surface of the floor surface of the floor member of the immediate upper floor: Provided, That in cases where there are parts with a different floor height in the same room, it is to be the weighted average height in accordance with the area of the part of each height;

9. Number of floors: An elevator tower, a stairs tower, a watch tower, a decorative tower, a roof tower and other similar parts on a rooftop, of which sum of the horizontal projection area is not more than  $\frac{1}{8}$  (in cases of multi-unit houses subject to approval of a project plan under Article 16 (1) of the Housing Act, in which the exclusive area of each household unit is not more than 85 square meters, not more than  $\frac{1}{6}$ ) of the building area of the building concerned and underground floors of a building are not to be counted in the number of floors, buildings where the floors are not clearly divided are to be considered to have one floor for every four meters of their heights and in cases where the number of floors is different depending on the parts of a building, the largest number of floors is to be the number of floors of the building;

10. Ground surface of an underground floor: The ground surface of an underground floor under Article 2 (1) 5 of the Act is to be the horizontal plane of the weighted average heights of the parts of the ground surface in contact with the circumference of each floor according to the horizontal distance of such part of the ground surface.

(2) In cases where there is a difference of elevation in the ground surface when calculating the area, height, number of floors, etc. of a building according to the standards under each subparagraph (excluding subparagraph 10) of paragraph (1), the ground surface is to be the horizontal plane of the weighted

average heights of the parts of the ground surface in contact with the circumference of the building according to the horizontal distance of such part of the ground surface. In such cases, if the difference of elevation exceeds three meters, the ground surface is to be determined for every part within not more than three meters of such difference of elevation.

(3) The calculation of the horizontal projection area under paragraph (1) 5 (c) or 9 shall comply with the method of calculation of a building area under paragraph (1) 2.

#### **Article 119-2 (Special Exceptions to Application of the Administrative Vicarious Execution Act)**

"Cases prescribed by Presidential Decree" in Article 85 (1) 5 of the Act means cases where buildings discharging air pollutants under the Clean Air Conservation Act or water pollutants under the Water Quality and Ecosystem Conservation Act are likely to heavily pollute the environment.

#### **Article 119-3 (Mediation of Disputes)**

(1) A person who intends to solicit mediation or arbitration (hereinafter referred to as "mediation, etc.") of a dispute under Article 88 of the Act shall submit (including submission by means of electronic documents) an application for mediation, etc. stating expressly the purport of application and details of the case in question, as prescribed by Ministerial Decree of Land, Infrastructure and Transport, to the competent building dispute conciliation committee under Article 88 (2) of the Act (hereinafter referred to as "building dispute conciliation committee"). *<Amended by Presidential Decree No. 21668, Aug. 5, 2009; Presidential Decree No. 24443, Mar. 23, 2013>*

(2) The mediation committee shall, in order to have the parties concerned or witnesses present at the mediation committee to seek their opinions under Article 95 (2) of the Act, request them to be present at the mediation committee in writing (including electronic documents if the parties concerned or witnesses desire) five days before the opening of the meeting, and the parties concerned or witnesses who have received a request to attend at the meeting may submit their opinions in writing or by means of electronic documents in advance if there exists any extenuating circumstance which makes them unable to attend the meeting.

(3) Articles 174 through 197 of the Civil Procedure Act shall apply mutatis mutandis to the service of documents for the mediation, etc. of disputes under Articles 88 through 104 of the Act.

(4) In cases where the parties concerned fail to pay the costs required for appraisal, diagnoses, tests, etc. for the mediation, etc. of disputes under Article 102 (1) of the Act, the mediation committee or the arbitration committee may defer such mediation, etc. of disputes. *<Amended by Presidential Decree No. 21668, Aug. 5, 2009>*

(5) The mediation committee or the arbitration committee may designate a financial institution to deposit costs and have the parties concerned deposit costs, fixing a period of deposition under Article 102 (2) of the Act.

#### **Article 119-4 (Selected Representative)**

- (1) When a large number of persons becomes parties to mediation, etc., three or fewer representatives may be selected from among them.
- (2) In cases where the parties concerned fail to select representatives under paragraph (1), the building dispute conciliation committee may, if deemed necessary, advise the parties concerned to select representatives. *<Amended by Presidential Decree No. 21668, Aug. 5, 2009>*
- (3) Representatives selected under paragraph (1) or (2) (hereinafter referred to as "selected representatives") may perform all the activities regarding the mediation, etc. of the case for other applicants or respondents: Provided, That in cases of the withdrawal of an application and acceptance of a mediation proposal, they shall obtain the consent of other applicants or respondents in writing.
- (4) When representatives have been selected, other applicants or respondents shall be able to perform activities regarding the case only through the selected representatives.
- (5) The parties concerned who have selected representatives may, when deemed necessary, dismiss or replace the selected representatives. In such cases, the parties concerned shall notify the building dispute conciliation committee of the fact without delay. *<Amended by Presidential Decree No. 21668, Aug. 5, 2009>*

#### **Article 119-5 (Closed Procedures)**

Unless particularly prescribed by the Act or by this Decree, the procedures of mediation, etc. performed by the building dispute conciliation committee shall not be disclosed. *<Amended by Presidential Decree No. 21668, Aug. 5, 2009>*

#### **Article 120 (Re-Examination of Regulations)**

- (1) and (2) Deleted. *<by Presidential Decree No. 24229, Dec. 12, 2012>*
- (3) The Minister of Land, Infrastructure and Transport shall examine whether it is feasible to prescribe the kinds and sizes of the buildings subject to regular and occasional inspections under Article 23-2 (1) and (5) and to prescribe such buildings as falling under the cases where 10 or more years have passed since the date of approval for use thereof by July 17, 2015, and shall take such measures as abolition, deregulation, or maintenance thereof. *<Added by Presidential Decree No. 23963, Jul. 19, 2012; Presidential Decree No. 24443, Mar. 23, 2013>*

## **CHAPTER X PENALTY PROVISIONS.**

#### **Article 121 (Criteria for Imposition of Administrative Fines)**

The criteria for the imposition of administrative fines under Article 113 (1) and (2) of the Act shall be specified in Appendix 16.

## ADDENDA

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on June 1, 1992.

### **Article 2 (Transitional Measures concerning those whose Building Permission are Obtained)**

Those who have obtained or applied for building permission before this Decree enters into force, shall be governed by the former provisions.

### **Article 3 (Transitional Measures concerning Matters Delegated to Municipal Ordinance)**

Matters newly delegated to Building Ordinance under this Decree, shall be governed by the former provisions until the enactment of Building Ordinance concerned within the limit of one year from the date this Decree enters into force.

### **Article 4 (Transitional Measures concerning Buildings, Building Permission of which is Restricted pursuant to Former Provisions)**

The construction of a building for which the application for building permission is returned because of a restriction on the building permission under the former provisions of Article 96, shall be governed by the former provisions for six months after such restriction is released.

### **Article 5 (Special Case of Application for Building to Land Ratio, etc.)**

(1) Notwithstanding the revised provisions of Articles 78 (1) and 79 (1), the building-to-land ratio in central and general commercial areas as prescribed in Article 78 (1), and the rate of building volume to lot in said areas as prescribed in Article 79 (1) shall be governed by the former provisions not later than May 31, 1993.

(2) Notwithstanding the revised provisions of the annexed Tables and the provisions of Building Ordinance, any construction which is permitted before the revised provisions enter into force, in any purpose areas as prescribed by the Urban Planning Act, but prohibited by the revised provisions or Building Ordinance under the provisions of the annexed Tables 2 through 7, 9 through 14, shall be governed by the former provisions before May 31, 1994 (in cases of tourist accommodation facilities and any facilities installed in the said facilities under the Tourism Promotion Act, and a gas distribution station, December 31, 1994).

### **Article 6 Omitted.**

## ADDENDA <Presidential Decree No. 13782, Dec. 21, 1992>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

### **Articles 2 through 5 Omitted.**

ADDENDA <Presidential Decree No. 13811, Dec. 31, 1992>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 1993.

**Articles 2 through 11 Omitted.**

ADDENDA <Presidential decree No. 13869, Mar. 6, 1993>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 13870, Mar. 6, 1993>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 13953, Aug. 9, 1993>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Buildings, etc. for Which Building Permission have been Applied for)

Any building which is subject to permission pursuant to the former provisions at the time this Decree enters into force, but becomes an object of the report pursuant to the revised provisions of Article 11, and for which building permission is applied for, shall be considered to have been made the object of a building report as prescribed in Article 9 of the Act.

ADDENDUM <Presidential Decree No. 14271, May 28, 1994>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 14447, Dec. 23, 1994>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 5 Omitted.**

ADDENDUM <Presidential Decree No. 14486, Dec. 31, 1994>

This Decree shall enter into force on January 1, 1995.

ADDENDUM <Presidential Decree No. 14521, Feb. 2, 1995>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 14548, Mar. 23, 1995>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Article 2 Omitted.**

ADDENDA <Presidential Decree No. 14891, Dec. 30, 1995>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 6, 1995: Provided, That the amended provisions of Articles 78 and 80 shall enter into force on the date of its promulgation.

**Article 2 (Transitional Measures concerning Buildings for which Building Permission has been Obtained)**

Buildings, etc. for which building permission has been obtained or for which building permission has been applied for or buildings, etc. upon which a report has been made for the purpose of construction before the enforcement of this Decree shall be subject to the former provisions.

**Article 3 (Transitional Measures concerning Matters Delegated to Ordinance)**

Matters newly delegated to Building Ordinance pursuant to this Decree shall be subject to the former provisions until the enactment of the relevant Building Ordinance.

**Article 4 Omitted.**

ADDENDA <Presidential Decree No. 14920, Feb. 22, 1996>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on March 1, 1996.

**Article 2 Omitted.**

ADDENDA <Presidential Decree No. 15096, Jun. 29, 1996>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on June 30, 1996.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 15396, Jun. 17, 1997>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Article 2 Omitted.**

ADDENDA <Presidential Decree No. 15476, Sep. 9, 1997>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Quality Inspection of Fireproof Structure, etc.) Any person designated by the Minister of Construction and Transportation as a person conducting the quality inspection over fireproof structures, incombustible materials, noncombustible materials, semi-noncombustible materials, and fire-resistant structures pursuant to the former provisions at the time when this Decree enters into force, shall be considered to be designated by the director of the National Construction Laboratory as a person conducting the quality inspection over such fireproof structures, incombustible materials, noncombustible materials, semi-noncombustible materials, and fire-resistant structures under the amended provisions of Articles 2 (1) 8 (g), 9, 10 (b) and 11, and 3 (3) 8.

ADDENDA <Presidential Decree No. 15480, Sep. 11, 1997>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 15639, Feb. 19, 1998>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 and 3 Omitted.**

ADDENDA <Presidential Decree No. 15659, Feb. 24, 1998>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on March 1, 1998.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 15675, Feb. 24, 1998>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on April 11, 1998.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 15802, May 23, 1998>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 14 (2) shall enter into force three months after the date of its promulgation.

(2) (Applicability to Construction in Industrial Promotion Zones) Matters on construction in industrial promotion zones among amended provisions of Article 11 (2) 4, and the annexed Tables 14-2 and 14-3 shall apply to cases where application or report for construction is newly conducted after the enforcement of this Decree.

(3) (Transitional Measures concerning Matters Delegated to Building Ordinance) Before establishment of Building Ordinance of local government concerned, former provisions shall apply for the matters that are newly delegated to Building Ordinance of local government under the amended provisions of Article 62 or 81, or subparagraph 2 (f) of the annexed Table 3.

ADDENDA <Presidential Decree No. 16026, Dec. 31, 1998>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 1999. (Proviso Omitted.)

**Articles 2 and 3 Omitted.**

ADDENDA <Presidential Decree No. 16179, Mar. 12, 1999>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) Omitted.

ADDENDA <Presidential Decree No. 16284, Apr. 30, 1999>

(1) (Enforcement Date) This Decree shall enter into force on May 9, 1999: Provided, That amendments to Articles 11, 15, 27, 81, 90, and 111, and subparagraph 2 (j) of Table 3, subparagraph 2 (g) of Table 4, subparagraph 2 (h) of Table 5, subparagraph 2 (f) of Table 6, subparagraph 2 (g) of Table 7, subparagraph 2 (g) of Table 8, subparagraph 1 (d) of Table 11, subparagraph 2 (d) of Table 12, subparagraph 1 (g) of Table 13, and subparagraph 2 (e) of Table 14, and deleted parts in former Articles 33, 45, 66, 67, 69 (3), 91, 91-2, and 92 shall enter into force on the date of its promulgation, and deleted parts in former Articles 69 (1) and (2), 70 through 72, 74, and 75 shall enter into force on May 9, 2000.

(2) (General Transitional Measures) The application of building standards etc. under application for building permission and under construction after obtaining building permission or making a building report at the time of entry into force of this Decree shall be governed by the former provisions: Provided, That where the former provisions are unfavorable to the constructor, builder or project supervisor compared with amendments, the amendments shall prevail.

(3) (Transitional Measures on Purposes of Existing Buildings) The purposes falling under the left column of the following table of the purposes of buildings as at the time this Decree enters into force shall be deemed to fall under the purposes on the right column of the said table:

(4) (Transitional Measures on Architects who Conduct by Proxy Business of On-Site Surveys, etc.) An architect who conducts by proxy on-site survey, inspection, and confirmation business related to construction pursuant to the former provisions as at the time this Decree enters into force but is no more entitled to do the said business under the amended provisions of Article 20 (1) may, notwithstanding the said amended provisions, continue to conduct only the business which he/she is doing as at the time this Decree enters into force.

(5) With respect to charges for compelling compliance against an offense committed before this Decree enters into force, the former provisions of Appendix 15 shall apply.

ADDENDA <Presidential Decree No. 16508, Aug. 6, 1999>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on August 9, 1999.

**Articles 2 through 6 Omitted.**

ADDENDA <Presidential Decree No. 16523, Aug. 7, 1999>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 16874, Jun. 27, 2000>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2000.

**Article 2 (General Transitional Measures)**

In the application of building standards, etc. to the matters for which building permission is obtained, a building report is filed, or an application for building permission is filed as at the time this Decree enters into force, the former provisions shall govern: Provided, That when the former provisions are unfavorable for the construction party, constructor or supervisor in comparison with the amended provisions, the amended provisions shall govern.

**Article 3 (Transitional Measures concerning Matters Delegated to Building Ordinance)**

Matters newly delegated to Building Ordinance under this Decree shall be governed by the former provisions until an enactment of the relevant Building Ordinance.

**Article 4 Omitted.**

ADDENDA <Presidential Decree No. 17028, Dec. 27, 2000>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) through (5) Omitted.

ADDENDA <Presidential Decree No. 17365, Sep. 15, 2001>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) (General Transitional Measures) The application of the building standards, etc. to cases where an application for building permission is already filed (including cases where an application is filed to the building committee established pursuant to Article 5 for deliberating building permission) and to cases where construction is under way after building permission is obtained or a building report is filed as at the time this Decree enters into force shall be governed by the former provisions: Provided, That if the former provisions are found to be more disadvantageous than the amended provisions to persons placing orders for construction works, contractors or the supervisors of construction works, the application of the construction standards, etc. to above-referenced cases shall be governed by the amended provisions.

(3) (Transitional Measures concerning Matters Delegated to Building Ordinance) The matters delegated newly to Building Ordinance in accordance with this Decree shall be governed by the former provisions until relevant Building Ordinance is enacted.

(4) Omitted.

ADDENDA <Presidential Decree No. 17395, Oct. 20, 2001>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 and 3 Omitted.**

ADDENDA <Presidential Decree No. 17816, Dec. 26, 2002>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2003.

**Articles 2 through 17 Omitted.**

ADDENDA <Presidential Decree No. 17926, Feb. 24, 2003>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation: Provided, That the amendment to Article 86-2 shall enter into force on February 27, 2003.

(2) (General Transitional Measures) The former provisions shall govern in applying the building standards, etc. to cases where an application for building permission has already been filed, and where a building is under construction after building permission has been obtained or a building report has been filed as at the time this Decree enters into force.

(3) (Transitional Measures following Discontinuance of Authority Delegation) The head of a Dong or Eup/Myeon may perform the affairs under each of the following subparagraphs relating to the buildings which are under construction after filing a building report under Article 9 of the Act as at the time this Decree enters into force, notwithstanding the amended provisions of Article 117 (4) :

1. Approval for use under Article 18 (1) and (2) of the Act ;
2. Correctional orders under Article 69 of the Act not later than prior to approval for use.

ADDENDA <Presidential Decree No. 18039, Jun. 30, 2003>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2003.

**Articles 2 through 6 Omitted.**

ADDENDA <Presidential Decree No. 18044, Jun. 30, 2003>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2003.

**Articles 2 through 13 Omitted.**

ADDENDA <Presidential Decree No. 18108, Sep. 29, 2003>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on October 1, 2003.

**Articles 2 through 7 Omitted.**

ADDENDA <Presidential Decree No. 18146, Nov. 29, 2003>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on November 30, 2003. (Proviso Omitted.)

**Articles 2 through 15 Omitted.**

ADDENDA <Presidential Decree No. 18404, May 29, 2004>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on May 30, 2004. (Proviso Omitted.)

**Articles 2 through 11 Omitted.**

ADDENDA <Presidential Decree No. 18542, Sep. 9, 2004>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Interior Finishing Materials of Buildings) The interior finishing materials of buildings which are under application for building permission or under construction after obtaining building permission or a building report at the time of the entry into force of this Decree shall be governed by the former provisions.

ADDENDA <Presidential Decree No. 18740, Mar. 18, 2005>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 through 5 Omitted.**

ADDENDA <Presidential Decree No. 18796, Apr. 22, 2005>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 5 Omitted.**

ADDENDA <Presidential Decree No. 18931, Jun. 30, 2005>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2005.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 18951, Jul. 18, 2005>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 86, 119 (1) 2 and 4 (excluding item (c) ) shall enter into force six months after the date of its promulgation.

(2) (General Transitional Measures) Where it falls under anyone of the following subparagraphs at the time of enforcement of this Act, the former provisions shall govern any application of building standards, etc. (excluding the cases where Article 19 (7) through (9) are applied): Provided, That where the former provisions are unfavorable to the building owner, construction work executor or construction work supervisor, the amended provisions shall govern:

1. Where an application for building permission has been made or in the process of construction after obtaining building permission or filing a building report;
  2. Where an application for a deliberation by a building committee has been filed under Article 5 in order to apply for building permission;
  3. Where there exists on the site intended for a construction a public announcement of a decision on urban management planning for the district unit planning under Article 30 (6) of the National Land Planning and Utilization Act (including cases where a legal fiction has been made under other Acts): Provided, That the former provisions may be applied limited to the building standards included in the district unit planning.
- (3) (Transitional Measures for Matters Delegated to Building Ordinance) The matters delegated by this Decree to Building Ordinance shall be governed by the former provisions, not later than the enactment or amendment of the relevant Building Ordinance.

ADDENDA <Presidential Decree No. 18978, Jul. 27, 2005>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 28, 2005.

## **Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 19092, Oct. 20, 2005>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) (General Transitional Measures) The former provisions shall govern in the application of construction criteria, etc. to cases of receiving building permission before this Decree enters into force and to cases of applying for building permission or making a building report: Provided, That the amended provisions shall govern in cases where the former provisions are unfavorable to the project owner, the work executor or the work supervisor.

ADDENDA <Presidential Decree No. 19163 Dec. 2, 2005>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

### **Article 2 (Transitional Measures for Structural Changes of Balcony of Existing Buildings)**

(1) Before this Decree enters into force, in cases where building permission for construction of balcony has already been granted and in case where a balcony has been installed in a house for which a building report or permission was made or granted (including a part for a simple flower bed under the former provisions of Article 119 (1) 3 (c) ), the balcony may be used for a living room, bedroom, storage, etc. In such cases, where intending to use a balcony which was installed in a house for which a building report or permission was made or granted before June 1, 1992 for a living room, bed room, storage, etc. under the amended provisions of subparagraph 15 of Article 2, a confirmation of structural safety shall be submitted to the permitting authority after undergoing a structural safety check by an architect or certified building structure engineer.

(2) Before this Decree enters into force, where intending to use a balcony which was installed in an apartment among multi-unit houses for which building permission was applied for or a building report was made, for a living room, bed room, storage, etc as provided for in paragraph (1), a shelter place or building walls, which are compatible with the amended provisions of Article 46 (4) and (5), shall be installed: Provided, That where a Type A fire door under Article 64 is installed at a door of a room having two or more square meters of floor areas separated from other indoor places, or a door of a balcony having no glass windows at the front side of the portion abutting on an indoor, it shall be regarded as having installed a shelter place under the amended provisions of Article 46 (4).

### **Article 3 (Transitional Measures for Computation Method for Floor Area)**

With regard to a computation method for a floor area of a terrace, etc. of a building for which building permission was applied for, a building report was made or building permission was granted, before this Decree enters into force, the former provisions shall govern, notwithstanding the amended provisions of

Article 119 (1) 3 (c). In such cases, even in cases where structural changes are made under Article 2 (1) of this Addenda, the floor area shall be computed under the former provisions by regarding that the structural changes have not been made.

ADDENDA <Presidential Decree No. 19466, May 8, 2006>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on May 9, 2006.

**Article 2 (General Transitional Measures)**

The former provisions shall apply to the application of construction standards, etc. (excluding cases of the application of Articles 10-2 and 17 (5) ) where it falls under any of the following subparagraphs as at the time this Decree enters into force: Provided, That where the former provisions are disadvantageous to the owner, constructor or supervisor as compared with the amended provisions, the amended provisions shall apply:

1. Where building permission has been applied for, building permission has been obtained, or a building report has been made;
2. Where the deliberation by a building committee has been applied for pursuant to Article 5 in order to apply for building permission;
3. Where there is determination and public announcement (including cases of legal fiction pursuant to other Acts) of the urban management planning regarding the district unit planning in accordance with Article 30 (6) of the National Land Planning and Utilization Act to the site in which construction is intended: Provided, That the former provisions may apply to only the construction standards included in the district unit planning.

**Article 3 (Transitional Measures concerning Matters Delegated to Building Ordinance)**

The former provisions shall apply to the matters delegated to the Building Ordinance pursuant to this Decree until the relevant Building Ordinance is legislated or amended.

**Article 4 (Transitional Measures concerning Usage Classification of Existing Building)**

The building falling under the left column of the following Table from among the buildings as at the time this Decree enters into force shall be deemed to fall under the right column of the same Table:

**Article 5 Omitted.**

ADDENDA <Presidential Decree No. 19639, Aug. 4, 2006>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on August 5, 2006.

**Articles 2 through 6 Omitted.**

ADDENDA <Presidential Decree No. 19714, Oct. 26, 2006>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on October 29, 2006.

**Articles 2 through 5 Omitted.**

ADDENDA <Presidential Decree No. 19920, Feb. 28, 2007>

(1) (Enforcement Date) This Decree shall enter into force on the date of its promulgation.

(2) (General Transitional Measures) In applying the building standards, etc., the cases for which building permission has been given, for which an application for building permission has been filed, or of which a building report has been submitted before this Decree enters into force shall be governed by the former provisions: Provided, That the amended provisions shall apply to cases where the former provisions are more disadvantageous to project owners than the amended provisions.

(3) (Transitional Measures concerning Matters Delegated to Building Ordinance) The matters delegated to Building Ordinance pursuant to the amended provisions of the proviso to other portion than subparagraphs of Article 86 (2) shall be governed by the former provisions until the corresponding Building Ordinance is enacted or amended.

ADDENDA <Presidential Decree No. 19954, Mar. 23, 2007>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on March 25, 2007.

**Articles 2 through 6 Omitted.**

ADDENDUM <Presidential Decree No. 20160, Jul. 3, 2007>

This Decree shall enter into force on July 4, 2007.

ADDENDA <Presidential Decree No. 20222, Aug. 17, 2007>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 through 9 Omitted.**

ADDENDA <Presidential Decree No. 20254, Sep. 10, 2007>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 through 4 Omitted.**

ADDENDUM <Presidential Decree No. 20506, Dec. 31, 2007>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 20647, Feb. 22, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 107 (2) 3 shall enter into force on June 22, 2008.

**Article 2 (Applicability to Use Change)**

The amended provisions of Article 14 (5) 9, and annexed Table 1 shall apply to cases where the use is changed on or after the date this Decree enters into force.

**Article 3 (Applicability to Temporary Buildings)**

The amended provisions of Article 15 (5) 8 and (10) shall apply to cases where the portion for which a temporary building is reported on or after the date this Decree enters into force.

**Article 4 (Transitional Measures concerning Matters Delegated to Building Ordinance)**

The matters delegated to Building Ordinance pursuant to the amended provisions of Articles 5 (4) 3-2 and 15 (5) 12 shall be governed by the former provisions until the corresponding Building Ordinance is enacted or amended.

**Article 5 (Transitional Measures concerning Classification of Uses of Existing Buildings)**

Any building used for a funeral parlor among medical facilities under the former provisions of Article 14 (5) 6 (a) shall be deemed to be used for a funeral parlor under the amended provisions of Article 14 (5) 9, and any building used for a funeral parlor under the former provisions of subparagraph 9 (c) of Appendix 1 shall be deemed to be used for a funeral parlor under the amended provisions of subparagraph 28 of Appendix 1.

**Article 6 Omitted.**

ADDENDA <Presidential Decree No. 20722, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 6 Omitted.**

ADDENDA <Presidential Decree No. 20782, May 15, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Article 2 (Transitional Measures concerning Classification of Uses of Existing Buildings)**

The building falling under the left column of the following Table as at the time this Decree enters into force shall be deemed to fall under the right column of the same Table:

ADDENDA <Presidential Decree No. 20791, May 26, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 20947, Jul. 29, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on February 4, 2009. (Proviso Omitted.)

**Articles 2 through 28 Omitted.**

ADDENDA <Presidential Decree No. 21025, Sep. 22, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 21098, Oct. 29, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 10 (1) 15 shall enter into force on January 1, 2009.

**Article 2 (Transitional Measures according to Enforcement Date)**

In accordance with the proviso to Article 1 of this Addenda, Article 10 (1) 15 shall be considered to provide as follows before Article 10 (1) 15 enters into force:

15. Articles 16 and 18 of the Urban Traffic Improvement Promotion Act.

**Article 3 (Transitional Measures concerning Matters Delegated to Building Ordinance)**

Matters delegated to Building Ordinance in accordance with the amended provisions of Articles 6 (2) 3 and 82 (4) shall comply with the former provisions until the Building Ordinance concerned is enacted or amended.

**Article 4 Omitted.**

ADDENDA <Presidential Decree No. 21445, Mar. 21, 2009>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 and 3 Omitted.**

ADDENDA <Presidential Decree No. 21528, Jun. 9, 2009>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 and 3 Omitted.**

ADDENDA <Presidential Decree No. 21565, Jun. 26, 2009>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on June 30, 2009: Provided, That ...

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 21590, Jun. 30, 2009>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2009. (Proviso Omitted.)

**Articles 2 through 9 Omitted.**

ADDENDUM <Presidential Decree No. 21626, Jul. 7, 2009>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 21629, Jul. 16, 2009>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Article 2 (General Transitional Measures)**

In cases under each of the following subparagraphs as at the time this Decree enters into force, the application of building standards, etc. shall be governed by the former provisions: Provided, That where such former provisions are more disadvantageous to the project owner, contractor, or project supervisor than the amended provisions, such amended provisions shall apply:

1. Where building permission has been obtained;
2. Where an application for building permission has been filed or an application for deliberation by a building committee under Article 5 has been filed to file for building permission;
3. Where the decision of urban management planning concerning district unit planning has been publicly announced (including cases deemed legally fictitious pursuant to other Acts) for the relevant land pursuant to Article 30 (6) of the National Land Planning and Utilization Act: Provided, That the former provisions shall apply exclusively to the building standards included in the district unit planning.

**Article 3 (Transitional Measures concerning Matters Delegated to Building Ordinance)**

Matters delegated to Building Ordinance pursuant to this Decree shall be governed by the former provisions until the relevant Building Ordinance is enacted or amended.

**Article 4 (Transitional Measures concerning Funeral Parlors Established in Medical Facilities)**

A funeral parlor established in a general hospital, hospital, oriental hospital, and nursing hospital among hospitals prescribed in subparagraph 9 (a) of Appendix 1 as at the time this Decree enters into force shall be deemed the incidental facilities of such medical facility.

**Article 5 Omitted.**

ADDENDA <Presidential Decree No. 21656, Jul. 30, 2009>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 31, 2009.

**Article 2 Omitted.**

ADDENDA <Presidential Decree No. 21668, Aug. 5, 2009>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on August 7, 2009: Provided, That the amended provisions of Articles 5 (1) 2 and (4) 2, and 119-2 through 119-5 shall enter into force on October 2, 2009.

**Article 2 (Applicability)**

The amended provisions of Article 11 (1) shall also apply to an application filed for obtaining building permission pursuant to the former provisions as at the time this Decree enters into force.

**Article 3 Omitted.**

ADDENDA <Presidential Decree No. 21719, Sep. 9, 2009>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on September 10, 2009.

**Articles 2 and 3 Omitted.**

ADDENDA <Presidential Decree No. 21744, Sep. 21, 2009>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on October 1, 2009.

**Articles 2 through 5 Omitted.**

ADDENDA <Presidential Decree No. 21881, Dec. 14, 2009>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

ADDENDA <Presidential Decree No. 22052, Feb. 18, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Article 2 (Applicability, etc. to Temporary Buildings)**

(1) The amended provisions of Articles 15-2 and 15-3 shall apply to a temporary building for which building permission is granted or a report on the construction of a structure is filed on or after the date this Decree enters into force (including a temporary building for which permission for the extension of the period of retention is granted or a report thereon is filed pursuant to paragraph (2)).

(2) The owner of a temporary building established before this Decree enters into force shall, where its period of retention expires for the first time after this Decree enters into force, obtain permission for the extension of the period of retention or file a report thereon pursuant to the former provisions, notwithstanding the amended provisions of Articles 15-2 and 15-3.

**Article 3 (General Transitional Measures)**

In any case under the following subparagraphs as at the time this Decree enters into force, the application of building standards, etc. shall be governed by the former provisions: Provided, That where the former provisions are more disadvantageous to the project owner, contractor, or project supervisor than the amended provisions, such amended provisions shall apply:

1. Where building permission is granted;
2. Where an application for building permission is filed or an application for deliberation by a building committee under Article 5 is filed to apply for building permission;
3. Where the decision of urban management planning regarding district unit planning is publicly announced for a site on which a building is intended to be constructed in accordance with Article 30 (6) of the National Land Planning and Utilization Act (including cases where a legal fiction is made pursuant to other Acts): Provided, That the former provisions shall apply exclusively to building standards included in district unit planning.

**Article 4 (Transitional Measures concerning Matters delegated to Building Ordinance)**

Matters delegated to Building Ordinance pursuant to the amended provisions of this Decree shall be governed by the former provisions until the said Building Ordinance is enacted or amended.

ADDENDA <Presidential Decree No. 22073, Mar. 9, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on March 10, 2010.

**Articles 2 and 3 Omitted.**

ADDENDA <Presidential Decree No. 22224, Jun. 28, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on July 1, 2010.

**Articles 2 through 5 Omitted.**

ADDENDA <Presidential Decree No. 22254, Jul. 6, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 11 Omitted.**

ADDENDA <Presidential Decree No. 22351, Aug. 17, 2010>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

### **Article 2 (General Transitional Measures)**

In any case under the following subparagraphs as at the time this Decree enters into force, the application of building standards, etc. shall be governed by the former provisions: Provided, That where the former provisions are more disadvantageous to the project owner, contractor, or project supervisor than the amended provisions, such amended provisions shall apply:

1. Where building permission is granted;
2. Where an application for building permission is filed or an application for deliberation by a building committee under Article 5 is filed to apply for building permission;
3. Where the decision of urban management planning regarding district unit planning is publicly announced for a site on which a building is intended to be constructed in accordance with Article 30 (6) of the National Land Planning and Utilization Act (including cases where a legal fiction is made pursuant to other Acts): Provided, That the former provisions shall apply exclusively to building standards included in district unit planning.

ADDENDA <Presidential Decree No. 22493, Nov. 15, 2010>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on November 18, 2010.

**Articles 2 through 5 Omitted.**

ADDENDA <Presidential Decree No. 22525, Dec. 13, 2010>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 14 Omitted.**

ADDENDA <Presidential Decree No. 22526, Dec. 13, 2010>

### **Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 61 (2) shall enter into force on December 30, 2010.

### **Article 2 (Applicability concerning Change of Use of Funeral Parlor)**

The amended provisions of Article 14 (5) shall be applicable from the case where an application for permission for change of use or report on the change of use is filed for the first time after this Decree enters into force.

### **Article 3 (Applicability concerning Temporary Buildings)**

The amended provisions of Article 15 (6) shall be applicable from the temporary building for which building permission is received or a building report is made for the first time after this Decree enters into force.

### **Article 4 (Applicability concerning Installation of Passages for Access by Fire Engines within Site where Public Use Buildings are Constructed)**

The amended provisions of Article 41 (2) shall be applicable from the case where an application for building permission is filed or application for deliberation by a building committee is filed (limited to cases where the application for deliberation is filed before applying for building permission) for the first time after this Decree enters into force.

### **Article 5 (Applicability concerning Finishing Materials for Exterior of Building)**

The amended provisions of Article 61 (2) shall be applicable from the case where an application for building permission is filed or application for deliberation by a building committee is filed (limited to cases where the application for deliberation is filed before applying for building permission) for the first time after the amended provisions of Article 61 (2) enters into force under the proviso to Article 1.

### **Article 6 (Applicability concerning Designation of Special Building Zones)**

The amended provisions of Article 107 (2) 2-2, 4 and 117 (1) shall be applicable from the case where a special building zone is designated for the first time after this Decree enters into force.

### **Article 7 (Transitional Measures concerning Building Permission, etc.)**

Where an application for building permission has already been filed (including the cases where an application for deliberation by a building committee is filed) at the time this Decree enters into force, it shall be governed by the former provisions of Article 8 (1), notwithstanding the amended provisions thereof.

ADDENDA <Presidential Decree No. 22560, Dec. 29, 2010>

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on February 5, 2011.

**Articles 2 through 6 Omitted.**

ADDENDA <Presidential Decree No. 22626, Jan. 17, 2011>

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 through 6 Omitted.**

ADDENDA <Presidential Decree No. 22829, Apr. 4, 2011>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 (Applicability concerning Calculation of Floor Area Ratio pursuant to Amended Enforcement Decree of the Building Act)**

The amended provisions of Article 119 (1) 4 (d) of the amended Enforcement Decree of the Building Act shall be applicable from the building permission which is obtained for the first time after this Decree enters into force.

**Article 3 (Applicability concerning Authorization for Change under Amended Enforcement Decree of the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents)**

The amended provisions of subparagraph 3 of Article 27 of the Amended Enforcement Decree of the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents shall be applicable from the change of the authorized matters for establishment of a partnership made for the first time after this Decree enters into force.

**Article 4 (Transitional Measures concerning Penalty Surcharge or Administrative Fines)**

- (1) Where standards for penalty surcharges or administrative fines are applied to an offense committed before this Decree enters into force, such offense shall be dealt with according to the former provisions.
- (2) Dispositions of penalty surcharges or administrative fines against offenses committed received before this Decree enters into force shall not be counted in calculating the number of offenses under the amended provisions of this Decree.

ADDENDA <Presidential Decree No. 22993, Jun. 29, 2011>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 14 (4) and subparagraph 4 (m) of Appendix 1 shall enter into force three months after the promulgation of this Decree.

**Articles 2 (Applicability concerning Change of Use of Gosiwon)**

The amended provisions of Article 14 (5) shall be applicable from the application for permission or a report on change of use filed for the first time after this Decree enters into force.

**Article 3 (Applicability concerning Calculation of Area, etc.)**

The amended provisions of Article 119 (1) 2 (b) and 3 (h) shall be applicable from the case where an application for building permission is filed or a building report is made (including the cases where the application for a deliberation by a building committee under Article 5 is filed in order to apply for building permission) for the first time after this Decree enters into force.

**Article 4 (General Transitional Measures)**

In cases falling under any of the following subparagraphs at the time this Decree enters into force, the application of classification of use or building standards, etc. shall be governed by the former provisions: Provided, That in cases where former provisions are disadvantageous to the project owner, contractor or construction supervisor compared with the amended provisions, it shall be governed by the amended provisions:

1. Where building permission is obtained or a building report is made;
2. Where an application for building permission is filed or an application for a deliberation by a building committee under Article 5 is filed in order to apply for building permission;
3. Where the decision of urban management planning regarding district unit planning is publicly announced in accordance with Article 30 (6) of the National Land Planning and Utilization Act (including cases where a legal fiction is made pursuant to other Acts): Provided, That the former provisions shall apply exclusively to building standards included in district unit planning.

ADDENDA <Presidential Decree No. 23248, Oct. 25, 2011>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on October 26, 2011.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 23330, Nov. 30, 2011>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on December 1, 2011.

**Articles 2 (General Transitional Measures)**

In cases falling under any of the following subparagraphs at the time this Decree enters into force, application of building standards, etc. shall be governed by the former provisions: Provided, That in cases where the former provisions are disadvantageous to the project owner, contractor or construction supervisor compared with the amended provisions, it shall be governed by the amended provisions of Article 91:

1. Where building permission is obtained;
2. Where an application for building permission is filed or an application for a deliberation by a building committee under Article 5 is filed in order to apply for building permission;
3. Where the decision of urban management planning regarding district unit planning is publicly announced in accordance with Article 30 (6) of the National Land Planning and Utilization Act (including cases where a legal fiction is made pursuant to other Acts): Provided, That the former provisions may apply exclusively to building standards included in district unit planning.

ADDENDA <Presidential Decree No. 23356, Dec. 8, 2011>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on December 8, 2011. (Proviso Omitted.)

**Article 2 Omitted.**

ADDENDA <Presidential Decree No. 23469, Dec. 30, 2011>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on March 17, 2012.

**Article 2 (Applicability concerning Securement of Rooftop Space of Buildings)**

The amended provisions of Article 40 shall apply from the case where an application for building permission is filed (including the cases where the application for a deliberation by a building committee under Article 5 is filed in order to apply for building permission) for the first time after this Decree enters into force.

**Article 3 (Applicability concerning Securement of Passages for Fire Engines to Get Access to Buildings)**

The amended provisions of Article 41-2 shall apply from the case where an application for building permission is filed (including the cases where the application for a deliberation by a building committee under Article 5 is filed in order to apply for building permission) for the first time after this Decree enters into force.

**Article 4 (Applicability concerning the Mark Indicating Availability of Entry by Firefighters)**

The amended provisions of Article 51-4 shall apply from the case where an application for building permission is filed (including the cases where the application for a deliberation by a building committee under Article 5 is filed in order to apply for building permission) for the first time after this Decree enters into force.

**Article 5 (Applicability concerning Use of Finishing Materials for Building)**

The amended provisions of Article 61 (2) 2 shall apply from the case where an application for building permission is filed (including the cases where the application for a deliberation by a building committee under Article 5 is filed in order to apply for building permission) for the first time after this Decree enters into force.

**Article 6 (Transitional Measures concerning Imposition of Charges to Compel Performance)**

Notwithstanding the amended provisions of subparagraph 1 of Appendix 15, the buildings which have been substantially repaired by enlargement or dismantlement without making a report at the time this Decree enters into force shall be governed by former provisions.

ADDENDA <Presidential Decree No. 23718, Apr. 10, 2012>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on April 15, 2012. (Proviso Omitted.)

**Articles 2 through 15 Omitted.**

ADDENDUM <Presidential Decree No. 23928, Jul. 4, 2012>

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

ADDENDA <Presidential Decree No. 23963, Jul. 19, 2012>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Articles 2 (Applicability concerning Buildings, etc. Subject to Regular Inspections)**

Matters delegated to Building Ordinance of the Special Self-Governing Province or a Si/Gun/Gu under the amended provisions of Article 23-2 (1) 3 and (5) shall apply beginning from a regular inspection or occasional inspection conducted after the relevance ordinance is enacted or amended.

**Article 3 (Applicability concerning Report, etc. of Result of Inspection)**

The amended provisions of Article 23-5 shall apply beginning from a regular inspection conducted after this Decree enters into force.

**Article 4 (Transitional Measures concerning Implementation of Regular Inspections of Existing Buildings)**

(1) In the case of a building falling under any of the amended provisions of subparagraphs of Article 23-2 (1), approval for use of which is obtained at the time this Decree enters into force, a regular inspection shall be conducted under the amended provisions of Article 23-2 within the period classified as follows, and the result of the inspection shall be reported in accordance with the amended provisions of Article 23-5:

1. A building in the case of which not less than 20 years have elapsed since the date of approval for use: Within two years after this Decree enters into force;
2. A building in the case of which not less than 10 but less than 20 years have elapsed since the date of approval for use: Within two years six months after this Decree enters into force.

(2) Where the owner or manager of a building falling under any subparagraph of paragraph (1) conducts an occasional inspection under the amended provisions of Article 23-2 (5) before conducting a regular inspection under paragraph (1) and report the result thereof, he/she shall be deemed to have conducted a regular inspection under paragraph (1) and reported the result thereof.

(3) The period for the next regular inspection of a building, regular inspection of which is conducted under paragraph (1), shall be reckoned from each last date of the period classified in subparagraphs of paragraph (1).

ADDENDA <Presidential Decree No. 23994, Jul. 26, 2012>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation.

**Article 2 Omitted.**

ADDENDA <Presidential Decree No. 24229, Dec. 12, 2012>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 47 (2) 2 shall enter into force three months after the date of its promulgation, and the amended provisions of Articles 6 (1) 3 and 15 (6) shall enter into force on February 23, 2013.

**Article 2 (Applicability concerning Deliberations, etc. of Local Building Committees)**

(1) Matters delegated to Building Ordinance of a local government under the amended provisions of Article 5-5 (1) 4 and (6) shall apply beginning from a local building committee meeting held after the relevant Building Ordinance is enacted or amended.

(2) Matters delegated to Building Ordinance of a local government under the amended provisions of Article 5-6 (2) shall apply beginning from a local building committee meeting held after the relevant Building Ordinance is enacted or amended.

**Article 3 (Applicability concerning Relaxed Application of Criteria to Buildings)**

The amended provisions of Articles 6 (1) 8 and 11, 6 (2) 5, and 119 (1) 4 (c) and (d) shall apply beginning from an application for building permission (including an application for deliberation of a building committee filed under Article 5 or 5-5 to apply for building permission) filed after this Decree enters into force.

**Article 4 (Applicability concerning Change of Use)**

The amended provisions of Article 14 (4) 2 shall apply beginning from an application for change of matters stated in a building register filed after this Decree enters into force.

**Article 5 (Applicability concerning Restrictions on Uses Impeding Fire Prevention)**

The amended provisions of Article 47 (2) 2 shall apply beginning from an application for building permission (including an application for deliberation of a building committee prescribed in Article 5 or 5-5 filed to apply for building permission) or an application for change of use (including a report on change of use and an application for change of matters stated in a building register) filed after the enforcement date prescribed in the proviso to Article 1 of the Addenda.

**Article 6 (Applicability concerning Restrictions on Height of Buildings for Securing Sunshine, etc.)**

The amended provisions of Article 86 (1) shall apply beginning from an application for building permission (including an application for deliberation of a building committee prescribed in Article 5 or 5-5 filed to apply for building permission and an application for permission for modification) or a building report (including a report on modification) filed after the relevant Building Ordinance is enacted or amended.

**Article 7 (Applicability concerning Installation of Joint Reception Equipment for Media Broadcasts)**

The amended provisions of Article 87 (4) 1 shall apply beginning from an application for building permission (including an application for deliberation of a building committee prescribed in Article 5 or 5-5 filed to apply for building permission) filed after this Decree enters into force.

**Article 8 (Transitional Measures concerning Term of Office of Building Committee Members)**

Notwithstanding the amended provisions of Articles 5 (6) and 5-5 (6) 1 (e), members of the Central Building Committee and each local building committee commissioned at the time this Decree enters into force shall be deemed the members of the relevant building committee until the completion date of their term of office.

**Article 9 (Transitional Measures concerning Imposition of Charge for Compelling Performance)**

Notwithstanding the amended provisions of subparagraph 1 of Appendix 15, former provisions shall apply to a building where a substantial repair by enlargement or dismantlement has been conducted without permission as at the time this Decree enters into force.

**Article 10 Omitted.**

ADDENDA <Presidential Decree No. 24391, Feb. 20, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on February 23, 2013.

**Articles 2 and 3 Omitted.**

ADDENDA <Presidential Decree No. 24443, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 6 Omitted.**

ADDENDA <Presidential Decree No. 24568, May 31, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 6 (2) 2 (c) and Article 91-3 (5) shall enter into force six months after the date of its promulgation.

#### **Article 2 (Applicability concerning Relaxed Application of Criteria to Buildings Requiring Remodelling)**

The amended provisions of Article 6 (1) 6 shall apply with regard to application for an approval for business plan under Article 16 of the Housing Act or application for building permission or substantial repair permission under Article 11 of the Act (including application for deliberation of a building committee under Article 5 or 5-5 in order to apply for an approval for business plan under Article 16 of the Housing Act or application for building permission or substantial repair permission under Article 11 of the Act) or to a report on building or substantial repair under Article 14 of the Act which is filed after this Decree enters into force.

#### **Article 3 (Applicability concerning Standards for Relaxed Application of Criteria to Buildings under Remodelling)**

The amended provisions of Article 6 (2) 2 (c) shall apply with regard to application for an approval for business plan under Article 16 of the Housing Act or application for building permission or substantial repair permission under Article 11 of the Act (including application for deliberation of a building committee under Article 5 or 5-5 in order to apply for an approval for business plan under Article 16 of the Housing Act or application for building permission or substantial repair permission under Article 11 of the Act) or to a report on building or substantial repair under Article 14 of the Act which is filed on or after the enforcement date pursuant to the proviso to Article 1 of the Addenda.

#### **Article 4 (Applicability concerning Omission of Confirmation of Earthquake Safety in Case of Substantial Repair of Building)**

The amended provisions of Article 32 (2) shall apply with regard to application for an approval for business plan under Article 16 of the Housing Act or application for substantial repair permission under Article 11 of the Act (including application for deliberation of a building committee under Article 5 or 5-5 in order to apply for an approval for business plan under Article 16 of the Housing Act or application for substantial repair permission under Article 11 of the Act) or to a report on substantial repair under Article 14 of the Act which is filed after this Decree enters into force.

#### **Article 5 (Applicability concerning Cooperation with Building Structure Engineers)**

The amended provisions of Article 91-3 (5) shall apply with regard to application for an approval for business plan under Article 16 of the Housing Act or application for building permission under Article 11 of the Act (including application for deliberation of a building committee under Article 5 or 5-5 in order to apply for building permission) which is filed on or after the enforcement date under the proviso to Article 1 of the Addenda.

#### **Article 6 (Applicability concerning Imposition of Administrative Fines)**

- (1) The amended provisions of Article 121 and Appendix 16 shall apply with regard to the imposition and collection of administrative fines after the date this Decree enters into force.
- (2) The imposition of administrative fines for violation committed before this Decree enters into force shall not be included in the calculation of the number of violations under the amended provisions of Appendix 16.

ADDENDA <Presidential Decree No. 24621, Jun. 17, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 9 Omitted.**

ADDENDA <Presidential Decree No. 24874, Nov. 20, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 118 (4) shall enter into force one year after the date of its promulgation.

**Article 2 (Applicability concerning Examination of Safety of Structure)**

The amended provisions of Article 118 (4) shall apply with regard to a report on the construction of a structure on or after the enforcement date under the proviso to Article 1 of the Addenda.

ADDENDA <Presidential Decree No. 24884, Nov. 29, 2013>

**Article 1 (Enforcement Date)**

This Decree shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 4 Omitted.**

Last updated : 2014-07-01