

# ENFORCEMENT DECREE OF THE ACT ON URBAN PARKS, GREEN AREAS, ETC.

Wholly Amended by Presidential Decree No. 19173, Dec. 9, 2005  
Amended by Presidential Decree No. 19512, jun. 12, 2006  
Presidential Decree No. 20722, Feb. 29, 2008  
Presidential Decree No. 21098, Oct. 29, 2008  
Presidential Decree No. 21215, Dec. 31, 2008  
Presidential Decree No. 21528, jun. 9, 2009  
Presidential Decree No. 21629, Jul. 16, 2009  
Presidential Decree No. 21881, Dec. 14, 2009  
Presidential Decree No. 21965, Dec. 31, 2009  
Presidential Decree No. 22151, May 4, 2010  
Presidential Decree No. 22239, jun. 29, 2010  
Presidential Decree No. 22451, Oct. 14, 2010  
Presidential Decree No. 23234, Oct. 19, 2011  
Presidential Decree No. 23356, Dec. 8, 2011  
Presidential Decree No. 23668, Mar. 13, 2012  
Presidential Decree No. 23718, Apr. 10, 2012  
Presidential Decree No. 24443, Mar. 23, 2013  
Presidential Decree No. 24879, Nov. 22, 2013  
Presidential Decree No. 25050, Dec. 30, 2013  
Presidential Decree No. 25273, Mar. 24, 2014  
Presidential Decree No. 25585, Sep. 2, 2014  
Presidential Decree No. 25663, Oct. 22, 2014  
Presidential Decree No. 25840, Dec. 9, 2014  
Presidential Decree No. 26095, Feb. 10, 2015  
Presidential Decree No. 26302, jun. 1, 2015

## Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Act on Urban Parks, Greenbelts, etc., and those necessary for the enforcement thereof.

## Article 2 (Standard, etc. for Designation of Pilot Project)

(1) Anyone who intends to implement a pilot project pursuant to Article 3 of the Act on Urban Parks, Greenbelts, etc., (hereinafter referred to as the "Act") shall develop a pilot project plan in accordance with the master plan for parks and greenbelts pursuant to Article 5 (1) of the Act (hereinafter referred to as the "master plan for parks and greenbelts"): Provided, That when the Minister of Land, Infrastructure and Transport, the head of a relevant central administrative agency and a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Governor of Do, the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") deems it particularly necessary, the pilot project plan may be developed differently from the master plan for parks and greenbelts. <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 24443, Mar. 23, 2013>

(2) The Minister of Land, Infrastructure and Transport shall designate a project meeting the following standards as a pilot project: <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

1. Contribution to the achievement of the goal of the pilot project, such as expanding or raising the level of parks and greenbelts;
2. Positive responses from residents;
3. Appropriate and feasible financing plan.

(3) When the head of a relevant central administrative agency or Mayor/Do Governor intends to request the Minister of Land, Infrastructure and Transport to designate a pilot project pursuant to Article 3 (1) of the Act, he/she shall submit the following documents: <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 25585, Sep. 2, 2014>

1. A pilot project plan (including a location map and floor plan);
2. Documents evidencing that the project meets the designation standard prescribed in each subparagraph of paragraph (2);
3. A detailed statement of manpower and budget, directly verified by the head of a relevant central administrative agency or Mayor/Do Governor who requests for the designation of the pilot project;
4. A written result of the hearing of residents' opinions and a deliberation result of a City/Do urban park committee pursuant to Article 50 (1) of the Act (hereinafter referred to as the "City/Do urban park committee", where a City/Do urban park committee is not established, referring to the City/Do Urban Planning Committee under Article 113 (1) of the National Land Planning and Utilization Act, and the same shall apply to Article 15 (2) and subparagraph 14-2 of Article 22) and a written opinion of the head of the relevant local government.

(4) The Minister of Land, Infrastructure and Transport may subsidize the budget necessary for the implementation of a pilot project. <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

(5) When the Minister of Land, Infrastructure and Transport designates a pilot project, he/she shall publicly announce the objectives and details of designation, areas subject to designation, etc. in an official gazette and notify the relevant Mayor/Do Governor thereof. *<Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>*

(6) When the Minister of Land, Infrastructure and Transport, by authority, designates and implement a pilot project, he/she shall designate a person to implements and manages the project separately. *<Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>*

### **Article 3 (Research Data for Development of Policies)**

(1) The term “matters concerning the current state of parks and greenbelts, as prescribed by Presidential Decree” in subparagraph 4 of Article 4 of the Act means any of the following matters : *<Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 24443, Mar. 23, 2013>*

1. Matters which a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, the head of a Si/Gun (excluding the head of Gun in the jurisdiction of Metropolitan City; hereinafter the same shall apply) researches or manages regarding the policies on the expansion of parks and greenbelts;

2. Other matters the Minister of Land, Infrastructure and Transport deems necessary for the formulation of the policies on the expansion of parks and greenbelts.

(2) The Minister of Land, Infrastructure and Transport, a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, the head of a Si/Gun shall endeavor to achieve the informatization of building and management of parks and greenbelts. *<Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 24443, Mar. 23, 2013>*

### **Article 4 (City Which Has Authority to Develop Master Plan for Parks and Greenbelts)**

The term “a Si prescribed by Presidential Decree” in Article 5 (1) of the Act means a city which has authority to develop an urban or Gun master plan pursuant to Article 18 (1) of the National Land Planning and Utilization Act. *<Amended by Presidential Decree No. 22239, Jun. 29, 2010; Presidential Decree No. 23718, Apr. 10, 2012>*

### **Article 5 (Details of Master Plan for Parks and Greenbelts)**

The term “matters prescribed by Presidential Decree” in Article 6 (1) 8 of the Act means followings: *<Amended by Presidential Decree No. 22239, Jun. 29, 2010; Presidential Decree No. 23668 Mar. 13, 2012>*

1. Matters concerning the implementation of the master plan for parks and greenbelts;

2. Financing plan for the implementation of the master plan for parks and greenbelts;

3. Other matters deemed necessary by a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si pursuant to Article 4 (hereinafter referred to as the “development authority of the master plan for parks and greenbelts”) for the local condition.

## **Article 6 (Standards for Developing Master Plan for Parks and Greenbelts)**

(1) The Minister of Land, Infrastructure and Transport shall determine the standards for developing master plans for parks and greenbelts pursuant to Article 6 (3) of the Act taking into account following matters comprehensively: <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24443, Mar. 23, 2013>

1. To lay the foundation for the pleasant life of citizens, by presenting long-term development direction-setting for the conservation, expansion, management and utilization of parks and greenbelts;
2. To ensure direction-setting for a feasible plan by fully considering regional characteristics, such as nature, humanities, history and cultural environment, and local conditions;
3. To ensure that a future vision of parks and greenbelts is predicted in terms of management and utilization of natural resources, based on the result of basic survey on natural resources;
4. To ensure that a venue of leisure activities is formed and a network by which human and nature coexist is established, by maintaining and managing the natural environment systematically and continuously;
5. To flexibly respond to changing conditions, such as the characteristics of future users;
6. To ensure that the plan accords to generic plans, such as the metropolitan plan (referring to the metropolitan plan pursuant to subparagraph 1 of Article 2 of the National Land Planning and Utilization Act), and the urban or Gun master plan (referring to the urban or Gun master plan pursuant to subparagraph 3 of Article 2 of the National Land Planning and Utilization Act; hereinafter the same shall apply), and matches with the sectoral plan of the urban or Gun master plan.

(2) When the Minister of Land, Infrastructure and Transport determines the standards for developing the master plan for parks and greenbelts pursuant to paragraph (1), he/she shall consult with the head of the relevant central administrative agency. <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

## **Article 7 (Basic Survey for Developing Master Plans for Parks and Greenbelts)**

(1) The term “matters prescribed by Presidential Decree” in Article 7 (1) of the Act means the followings: <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

1. Landscaping and prevention;
2. Relevant plans such as generic plans;
3. Natural conditions, such as topography, ecologic resources, geological features, soil, water system, and small habitat of organisms;
4. Other matters deemed necessary by the development authority of the master plan for parks and greenbelts for the development or amendment of the master plan for parks and greenbelts.

(2) When the development authority of the master plan for parks and greenbelts must conduct a survey and measurement pursuant to Article 7 (1) of the Act, if there is data, etc. which has been surveyed or measured under the provision of other Acts and subordinate statutes concerning the matters to be surveyed or measured, he/she may utilize it.

## **Article 8 (Approval for Master Plan for Park Greenbelt)**

(1) When the head of a Si pursuant to Article 4 intends to obtain approval for development or amendment of the master plan for parks and greenbelts pursuant to Article 9 (2) of the Act, he/she shall submit the master plan for parks and greenbelts to Do governor by attaching the following documents: <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 22239, Jun. 29, 2010; Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 25585, Sep. 2, 2014>:

1. The findings of the basic survey pursuant to Article 7 of the Act;
2. The results of a public hearing pursuant to Article 8 (1) of the Act;
3. The results of the Si/Gun urban park committee's consulting pursuant to Article 50 (2) of the Act (hereinafter referred to as the "Si/Gun urban park committee"; where no Si/Gun urban park committee was established, referring to the Si/Gun/Gu Urban Planning Committee under Article 113 (2) of the National Land Planning and Utilization Act, and hereinafter the same shall apply to Article 15 (2) and Article 22 (14-2)) and the conclusions from hearing opinions of the local councils pursuant to Article 8 (3) of the Act;
4. Necessary documents for the consulting with the head of the relevant administrative agency and deliberation of a local urban planning committee under the latter part of Article 9 (2) of the Act.

(2) When a Do governor deemed that the master plan for parks and greenbelts submitted under paragraph (1) fails to meet the standards, etc. for developing master plans for parks and greenbelts determined by the Minister of Land, Infrastructure and Transport pursuant to Article 6 (3) of the Act, he/she may request the Mayor who developed such master plan parks and greenbelts to supplement the plan. <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 22239, Jun. 29, 2010; Presidential Decree No. 24443, Mar. 23, 2013>

(3) Public announcements of master plans for parks and greenbelts pursuant to Article 9 (5) of the Act shall be made by publishing the relevant plan in the Official Gazette of the relevant local government, and the period of public perusal of the relevant documents shall be not less than 30 days. <Amended by Presidential Decree No. 22239, Jun. 29, 2010>

## **Article 9 (Standards for Developing Urban Afforestation Plan)**

When the standards, etc. for developing urban afforestation plans are determined by ordinance of a Special Metropolitan City, Metropolitan City, Special Self-Governing City, Special Self-Governing Province, or Si, pursuant to Article 11 (4) of the Act, any of the following matters shall be considered comprehensively: <Amended by Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 23718, Apr. 10, 2012>

1. To ensure that a region which especially requires conservation and expansion of greenbelts is set up and an upgrade plan regarding urban afforestation is developed, based on the plan regarding urban afforestation which was developed through the urban or Gun master plan and the master plan for parks and greenbelts;

2. To ensure basic direction-setting, such as target amount and period, on the subject of urban afforestation, and presented in order to integrate the urban afforestation plan with the urban greenbelts location plan and greenbelts network formation plan;
3. To ensure that locations, such as places which require urban afforestation and where urban afforestation is possible, are selected, and regions, where it is possible to enter into the greenbelt utilization contracts pursuant to Article 12 of the Act and the afforestation contracts pursuant to Article 13 of the Act, are researched and selected.

**Article 10 (Standard, etc. for Conclusion of Greenbelt Utilization Contracts)**

(1) When matters necessary for conclusion, etc. of the greenbelt utilization contracts pursuant to Article 12 (3) of the Act is determined by ordinance of a Special Metropolitan City, Metropolitan City, Special Self-Governing City, Special Self-Governing Province, Si or Gun (excluding Guns in the jurisdiction of Metropolitan City, Special Self-Governing City and Special Self-Governing Province; hereinafter the same shall apply), the followings shall be considered comprehensively: *<Amended by Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 23718, Apr. 10, 2012>*

1. A land subject to the greenbelt utilization contracts shall fall under all of the following matters:
  - (a) A single parcel of land not less than 300 square meters: Provided, That, by the ordinance of a Special Metropolitan City, Metropolitan City, Special Self-Governing City, Special Self-Governing Province, Si or Gun, land less than 300 square meters or land which is not a single land may be determined as the subject of the greenbelt utilization contracts to meet the local conditions;
  - (b) Land shall be selected mainly from the lands with great effects of entering into the greenbelt utilization contracts, such as land which has excellent forest floors in urban areas lack of greenbelts (referring to the urban areas under the National Land Planning and Utilization Act, including district-unit planning zones designated in control areas under the same Act; hereinafter the same shall apply) or lands where it is highly necessary to conserve greenbelts but there is a high possibility of destruction thereof;
  - (c) Land on which no rights of using or earning revenue is created;
2. The term of greenbelt utilization contracts shall be at least five years but the term may be adjusted according to the condition of land at the time of initial contract.

(2) When a greenbelt utilization contract is entered into, necessary matters among the followings shall be determined: *<Amended by Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 23718, Apr. 10, 2012>*

1. The district of land subject to greenbelt utilization contracts (including the address, owner, area and classification of land);
2. Matters on establishment and maintenance of necessary facilities for the convenience of general citizens using greenbelts, such as trails and squares;
3. Matters on establishment and maintenance of necessary facilities for conservation of greenbelts;

4. Matters on method of managing greenbelts;
5. Matters on amendment or cancellation of greenbelt utilization contracts;
6. Matters on measures for cases of breaching greenbelt utilization contracts;
7. Matters on supportive measures, such as reduction of property tax, partial subsidization expenses incurred in establishment, maintenance and management of facilities, in greenbelt utilization contracts;
8. Matters on the purchase of the land designated as urban park and greenbelt among urban or Gun planning facilities, where the greenbelt utilization contract of the relevant land continues more than ten years;
9. Other matters deemed necessary by a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun.

#### **Article 11 (Standard, etc. for Conclusion of Afforestation Contract)**

(1) When matters necessary for the conclusion, etc. of afforestation contracts are determined by ordinance of a Special Metropolitan City, Metropolitan City, Special Self-Governing City, Special Self-Governing Province, Si or Gun pursuant to Article 13 (2) of the Act, the following matters shall be considered comprehensively: *<Amended by Presidential Decree No. 23668 Mar. 13, 2012>*

1. The afforestation contract shall be in the form of an agreement, in which a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun provides support necessary for an urban afforestation, based on voluntary intentions or agreements of land owners or residents in certain regions of urban areas;
2. Where some land owners or residents breach the agreement, land owners or residents shall resolve it autonomously, and where an autonomous resolution of breaches by land owners or residents is impossible or the state of breaching agreement continues more than six months, the afforestation contract may be cancelled;
3. The area of afforestation contract shall be in principle divided in sections, and the term of afforestation contract shall be at least five years.

(2) The scope of urban afforestation subject to the afforestation contract shall be in consideration of the matching with the surrounding environment, and it shall not infringe any property rights of neighboring residents.

(3) When an afforestation contract is entered into, necessary matters among the followings shall be determined: *<Amended by Presidential Decree No. 23668 Mar. 13, 2012>*

1. Matters on the type, number, and place of trees, etc. planted and raised;
2. Matters on the management of trees, etc. planted and raised;
3. Matters on management period of urban afforestation;
4. Matters on amendment or cancellation of afforestation contracts;

5. Matters on measures for breaches of afforestation contracts;
6. Matters on support necessary for urban afforestation, such as provision of urban afforestation materials, including seedlings and administrative or financial support;
7. Matters on boundary marking, etc. of afforestation contract regions;
8. Matters on ownership and rights of urban afforestation materials, including seedlings;
9. Other matters deemed necessary by a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun.

#### **Article 12 (Development Plan including Plan of Securing Urban Parks or Greenbelts)**

The term “development whose size is equal to or greater than the size of development prescribed by Presidential Decree” in Article 14 (2) of the Act, other than each item, means development whose size exceeds the size pursuant to the following classification: *<Amended by Presidential Decree No. 22239, Jun. 29, 2010>*

1. A development plan provided for in Article 14 (2) 1 of the Act: an urban development plan exceeding 10,000 square meters;
2. A housing construction project plan provided for in Article 14 (2) 2 of the Act: a housing construction project of more than 1,000 households: Provided, That excluded herefrom shall be housing construction projects included in the site of development project pursuant to subparagraphs 1, 3, and 5 through 8;
3. A site-leveling project plan provided for in Article 14 (2) 2 of the Act; a site-leveling project exceeding 100,000 square meters;
4. A rearrangement plan provided for in Article 14 (2) 3 of the Act: a house redevelopment project, house reconstruction project and urban condition improvement project exceeding 50,000 square meters: Provided, That the standard of subparagraph 2 shall apply to the cases falling under subparagraph 2;
5. A development plan provided for in Article 14 (2) 4 of the Act; a project where the area planned for residential occupancies, among industrial complex development sites, shall exceed 10,000 square meters;
6. A housing site development plan provided for in Article 14 (2) 5 of the Act: a housing site development project exceeding 100,000 square meters;
7. A project plan provided for in Article 14 (2) 6 of the Act: a project where the area planned for residential occupancies, among joint collection and delivery center projects, exceeds 10,000 square meters;
8. A development plan provided for in Article 14 (2) 7 of the Act: a project where the area planned for residential occupancies, among general regional development projects, exceeds 10,000 square meters;
9. A development plan provided for in Article 14 (2) 8 of the Act: a project falling under the size of each development plan in subparagraphs 1 through 8;

10. A development plans provided for in Article 14 (2) 9 of the Act: a project where the area planned for residential occupancies, among development project cites, exceeds 10,000 square meters.

#### **Article 12-2 (Notification Period of Handling Result of Proposal to Formulate Park Building Plan)**

The term “period prescribed by Presidential Decree” in Article 16 (4) of the Act means 60 days.

#### **Article 13 (Insignificant Changes of Park Building Plan)**

The term “matters prescribed by Presidential Decree” in Article 16-2 (3) 2 of the Act means any of the following matters: *<Amended by Presidential Decree No. 22239, Jun. 29, 2010; Presidential Decree No. 23668 Mar. 13, 2012>*

1. Deleted; *<by Presidential Decree No. 22239, Jun. 29, 2010>*
2. Building park facilities not exceeding 33 square meters, such as a rest area, bench, toilet, fence, wall, bulletin board, sign, and waste bin;
3. Changing location of park facilities;
4. Other matters determined by ordinance of a Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, the Governor of a Special Self-Governing Province, or a Si or Gun.

#### **Article 14 (Method of Publishing Invalidation of Decision on Urban Parks)**

Notification that the decision on the urban or Gun management plan on building of urban parks is made invalid pursuant to Article 17 (2) of the Act shall be made by publishing invalidation date, invalidation grounds and details of urban or Gun management plan. *<Amended by Presidential Decree No. 23718, Apr. 10, 2012>*

#### **Article 15 (Requirements, etc. for Residents to Request for Upgrade of Park Building Plan)**

(1) The term “requirements determined by Presidential Decree” in Article 18 (1) of the Act means a request by residents falling under any of the following classifications: *<Presidential Decree No. 23668 Mar. 13, 2012>*

1. Small parks and children’s parks: requests by more than 500 residents residing within 250 meters from the boundary of park district;
2. Parks other than small parks and children’s parks: requests by more than 2,000 residents residing within 500 meters from the boundary of park area.

(2) When there is a request by residents pursuant to paragraph (1), a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun shall review whether a park building plan shall be upgraded on consultation with Si/Do urban park committee or Si/Gun urban park committee. *<Presidential Decree No. 23668 Mar. 13, 2012>*

#### **Article 16 (Vicarious Performance of Work of Park Management Agency)**

(1) Any person commissioned to manage urban parks or park facilities by proxy pursuant to Article 20 (1) of the Act, any person who manages urban parks or park facilities pursuant to Article 21 (1) of the Act and any person who manages urban parks or park facilities as a manager of river, road, tap-water and sewage system, storage facilities, other facilities, structures, etc. (hereinafter referred to as "other structures")

(hereinafter referred to as “park manager”) pursuant to Article 23 (1) of the Act may vicariously perform, the following works of a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun who manages urban parks or park facilities pursuant to Articles 20 (3), 21 (2) and 23 (3) of the Act: <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

1. Consultation on method of managing any urban park or park facilities pursuant to Article 23 (1) and (2) of the Act (excluding consultation on matters consulted by any park management agency and park manager) and public notification thereof;
  2. Consultation on the bearing of costs incurred in managing any urban park or park facilities pursuant to Article 39 (4) of the Act (excluding consultation on matters consulted by any park management agency and park manager);
  3. Preparation and keeping of a register of urban parks pursuant to Article 51 (1) of the Act.
- (2) The vicarious performance of works pursuant to paragraph (1) shall be limited to where one park manager manages the relevant urban park entirely.

#### **Article 17 (Report on Result of Vicarious Performance of Work)**

(1) When a park manager vicariously performs the work of any park management agency pursuant to Article 16 (1) 1 and 2, he/she shall report the following matters to the park management agency without delay:

1. The name or title and address of the subject agency or person of a consultation;
  2. The name and location of urban parks or park facilities and other structures, the subject of consultation;
  3. The details of consultation and the date of public notification thereof.
- (2) When a park manager vicariously performs the work of any park management agency prescribed in Article 16 (1) 3, he/she shall report the following matters to the park management agency without delay, along with a copy of the urban park register:

1. The date of preparation of the urban park register and the name and address of a person in charge of preparation thereof;
2. The method and place of keeping the urban park register and the name and address of a person in charge of keeping it.

#### **Article 18 (Application for Approval of Building and Management of Urban Parks, etc. by Private Park Promoters)**

When a private park promoter builds or manages urban parks or urban facilities pursuant to Article 21 (1) of the Act, he/she shall submit a written application of designation of an implementer of an urban or Gun planning facility project under Article 96 (1) of the Enforcement Decree of the National Land Planning and Utilization Act and a written application for authorization of the implementation plan under Article 97 (3) of the Enforcement Decree of the same Act to the park management agency, along with the following documents: <Amended by Presidential Decree No. 22239, Jun. 29, 2010; Presidential Decree No. 23718, Apr. 10,

2012>

1. A document stating the ratio of the total area of site for park facilities to the area of urban park and the ratio of the area of buildings, which are the park facilities, to the area of urban park;
2. A document stating the managing body, management method, management plans, etc. of management of urban parks or park facilities.

**Article 19 (Type of Concurrently-Used Structures)**

The term “facilities and structures prescribed by Presidential Decree” in Article 23 (4) of the Act means storage facilities. <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

**Article 20 (Application, etc. for Permit to Occupy and Use Urban Parks)**

(1) Anyone who intends to obtain a permit to occupy and use urban parks pursuant to Article 24 of the Act shall submit an application for permit to occupy and use urban parks to any park management agency, along with the following documents: In such cases, the park management agency shall check a cadastral map through the sharing of administrative information pursuant to Article 36 (1) of the Electronic Government Act: <Amended by Presidential Decree No. 21965, Dec. 31, 2009; Presidential Decree No. 22151, May. 4, 2010>

1. A project plan (including a location map and ground plan);
2. A construction implementation plan;
3. A reinstatement plan.

(2) When any park management agency intends to grant approval to occupy and use urban parks pursuant to Article 24 of the Act for the urban park managed by a park manager, it shall listen to the opinion of the park manager in advance.

**Article 21 (Minor Acts Not Requiring Permit to Occupy and Use Urban Parks)**

The term “minor acts prescribed by Presidential Decree, including thinning any forest” in the proviso to Article 24 (1) of the Act, other than each subparagraph, means any of the following acts: <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

1. Thinning for the purpose of managing forests;
2. Planting trees without acts of felling trees;
3. Plowing and digging own rice paddy or field for farming;
4. Felling or supplementarily planting fruit trees, where the use of own land is orchard.

**Article 22 (Subject matter of Permit to Occupy and Use Urban Parks)**

The subject matter of permit to occupy and use urban parks pursuant to Article 24 (3) of the Act shall be as follows: <Amended by Presidential Decree No. 19512, Jun. 12, 2006; Presidential Decree No. 21629, Jul. 16, 2009; Presidential Decree No. 21965, Dec. 31, 2009; Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24879, Nov. 22, 2013; Presidential Decree No. 25585, Sep. 2, 2014; Presidential Decree No. 26095, Feb. 10, 2015>

1. Installing an electric pole, electric wire, substation, underground transformer, switch, solar energy facility, street light panel board, and telecommunication facility (excluding telecommunication facility

for military purpose);

2. Installing a water pipe, waste pipe, gas pipeline, oil pipeline, gas pressure regulation facility, heat pipeline, common ditch (including a management office of the common ditch), and underground settling facility (earth anchor);

3. Installing a road, bridge, railroad and track, off-street parking lot, and dock;

4. Installing a water intake facility of water for agricultural purpose, irrigation canal (limited to cases of setting up risk preventing facility), drainage facility established in hillside to provide water for living (limited to cases providing by nonpressure flow), emergent water supply facility, and supplementary facilities thereof;

5. Installing a police box, guard post, lighthouse, and sign such as beacon;

6. Installing a fire-fighting water tank and underground evacuation facility;

7. Installing a telecommunication facility for military purposes, and consecration facility, and other minimum facilities deemed inevitable for the military operation by the Minister of National Defense;

8. Installing a temporary building for management, built by anyone who works in agriculture, forestry, fisheries or mining industry in his/her own land for direct supply to his/her own production;

9. Installing a temporary structure established in his/her own land, which is any of the following facilities under the provision of attached Table 1 of the Enforcement Decree of the Building Act;

(a) Office among class II neighborhood living facilities;

(b) Warehouse facilities;

(c) Stables, crop cultivation sheds, seeds and seedlings cultivation facilities, greenhouses for flowers and potted trees, etc., among facilities related to animals and plants;

(d) Crop cultivation sheds, seeds and seedlings cultivation facilities, facilities similar to greenhouses for flowers and potted trees, etc., related to plants, among facilities related to animals and plants (excluding zoos and botanical gardens);

10. Installing a temporary building needed by any park management agency or park manager for the management and operation of urban parks;

11. Installing a temporary building for a refugee camp due to emergency disaster;

12. Installing a structure deemed necessary by any park management agency for prevention or restoration of disaster;

13. Installing a short-term temporary building or short-term temporary structure for a game, rally, exhibition, exposition, or performance;

14. The extension, reconstruction, or major repair of the existing building or existing structure at the time of determining the urban or Gun management plan on installing of urban parks;

14-2. Installing a facility such as underground transportation passage or warehouse facility, which is deemed necessary for industrial activities, by any park management agency after going through the deliberation of the Si/Do urban park committee or Si/Gun urban park committee;

15. Installing a yard for construction equipment and materials necessary for installing facilities pursuant to subparagraphs 1 through 14 and 14-2;
- 15-2. Installing a yard for construction equipment and materials necessary for installing building or structures in the adjacent land;
16. Changing the shape and quality of land, collecting soil stone and felling or planting trees;
17. Installing a facility which has similar functions to those of facilities under subparagraphs 1 through 13;
18. Installing a facility prescribed by ordinance of a Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Special Self-Governing Province, or a Si or Gun, which meet all of the following requirements. In such cases, it shall be limited to less than five facilities in one urban park:
  - (a) A facility not affecting the function of urban parks and not causing inconvenience to park users;
  - (b) A facility installed in the urban park pursuant to Article 15 (1) 2 (g) of the Act;
  - (c) Infrastructure in subparagraph 6 of Article 2 of the National Land Planning and Utilization Act;
  - (d) A facility not exceeding 200 square meters in total floor area of building, for an individual facility.

#### **Article 23 (Standards of Permit to Occupy and Use Urban Parks)**

The standards of permit to occupy and use urban parks pursuant to Article 24 (3) of the Act shall be as follows:

1. General standards of permit to occupy and use urban parks:
  - (a) The object of occupation and use shall be arranged so as not to affect the aesthetics and scenery of urban parks and the function as urban parks;
  - (b) The structure of the object of occupation or use installed on the ground shall prevent falling or collapsing, etc. and it shall not affect the conservation of park facilities and the use of urban parks;
  - (c) The structure of the object of occupation or use installed underground shall be solid and long lasting, and shall not harm the conservation of park facilities and other objects of occupation or use, and the use of urban parks;
  - (d) Changing the shape and quality of land, collecting soil and stones, felling or planting trees and stacking up stuffs shall not affect the aesthetics and scenery of urban parks and the function as urban parks, and shall not affect the conservation of park facilities and the use of urban parks, and shall not cause harms therefrom;
2. Specific standards of permit to occupy and use urban parks shall be prescribed in attached Table 1.

#### **Article 24 (Buildings, etc. that May be Constructed in Land Not Being Purchased)**

The term “building and structures that are prescribed by Presidential Decree” in the former part of Article 24 (5) of the Act means buildings or structures under each subparagraph of Article 41 (5) of the Enforcement Decree of the National Land Planning and Utilization Act. <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

## **Article 25 (Standards for Designating and Changing Urban Natural Park Areas)**

(1) When Mayor/Do Governor designates or changes urban natural park areas pursuant to Article 26 of the Act, he/she shall comply with the standards pursuant to the following classifications: <Amended by Presidential Decree No. 22239, Jun. 29, 2010>

### 1. Standard for designation:

(a) To designate areas that can protect the natural environment and scenery of a city and to provide sound leisure and resting areas to citizens, such as areas where it is necessary to limit the development that destroys forests with good vegetation in urban areas;

(b) To designate by considering an environmental assessment map under the Framework Act on Environmental Policy, an ecological and natural map under the Natural Environment Conservation Act, a green area natural map, a forest-type map and the result of land suitability assessment under the National Land Planning and Utilization Act;

### 2. Standard for marking boundary lines:

(a) To mark boundaries by including areas, etc. of certain sizes worthy of conservation, by considering topographic characteristics and boundaries of administrative districts;

(b) To mark boundaries by considering the state use and ownership of surrounding land;

### 3. Standard for change or revocation:

(a) To revoke designation of areas with a highly degraded function of conserving the natural environment due to the destruction of greenbelts;

(b) To revoke designation of areas which have lost function of leisure and resting areas for citizens.

(2) Specific standards for designating and changing urban natural park area, other than those described in paragraph (1), shall be determined and publicly announced by the Minister of Land, Infrastructure and Transport. <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 22239, Jun. 29, 2010; Presidential Decree No. 24443, Mar. 23, 2013>

## **Article 26 (Types, etc. of Buildings or Structures Subject to Permission for Acts)**

The types and scope of buildings constructed or structures installed after obtaining permission from a Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun pursuant to Article 27 (1) 1 of the Act shall be prescribed in attached Table 2. <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

## **Article 27 (Changes to Form and Quality of Land that Does Not Require Construction of Building)**

Change to the form and quality of land not involving the construction of any building pursuant to Article 27 (1) 3 of the Act shall be following acts, within the scope of not affecting the aesthetics and scenery of urban natural parks area: <Amended by Presidential Decree No. 24879, Nov. 22, 2013>

1. A reclamation or creation of grassland for the purpose of agriculture or forestry for planting trees. In such cases, the land planned to be reclaimed shall have a gradient not exceeding 21 degrees and the land where a grassland is planned to be created shall has a gradient not exceeding 36 degrees;

2. A change to the form and quality of land for installing farm roads or forest trails;
3. A change to the form and quality of land for transforming a rice paddy to a field;
4. A change to the form and quality of land for installing an agricultural reservoir or agricultural water provision facilities;
5. A change to the form and quality of land for the implementation of projects necessary for the rearrangement of a village area designated under Article 28 (1) of the Act;
6. A change to the form and quality of land for converting the land where buildings were demolished and the land adjacent thereto into grassland, etc.

#### **Article 28 (Collection, etc. of Soil and Stones that May be Subject to Permission for Acts)**

The term “acts, which are all prescribed by Presidential Decree” in Article 27 (1) 4 of the Act means following acts to the extent not affecting the aesthetics and scenery of urban natural parks area: <Amended by Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 24879, Nov. 22, 2013>

1. Collecting soil and stones for replotting or transporting soil of a rice paddy or field under cultivation;
2. Felling bamboo of lumbering area of not exceeding 500 square meters or lumbering number of not exceeding 5 cubic meters;
3. Piling sand, gravel, soil stone, stone, lumber, steel, polyvinylchloride, container, concrete product, drum, bottle, and other stuffs which are not wastes pursuant to subparagraph 1 of Article 2 of the Waste Control Act, with gross weight not exceeding 50 tons or total volume not exceeding 50 cubic meters.

#### **Article 29 (Minor Acts that May be Done without Obtaining Permission for Acts)**

The term “minor acts prescribed by Presidential Decree” in Article 27 (2) of the Act shall be any of the following: <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

1. Thinning for the purpose of managing forests;
2. Planting trees without acts of felling trees;
3. Plowing and digging own rice paddy or field for farming;
4. Felling or supplementarily planting fruit trees where the land is to be used an orchard.

#### **Article 30 (Standards for Granting Permission for Acts)**

The standards for granting permission for the acts subject to permission pursuant to Article 27 (3) of the Act shall be prescribed by attached Table 3.

#### **Article 31 (Special Cases for Works in Operation)**

(1) Anyone who intends to continuously perform or undertake works or projects pursuant to Article 27 (5) of the Act shall submit the design contents of the works or the projects to a Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun having jurisdiction over the relevant urban natural park area. <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

(2) Where the purpose of the contents submitted under paragraph (1) is the construction of a building as change to the form and quality of land, the application for a permission for construction shall be filed after the inspection of completion of the relevant construction works are finished.

### **Article 32 (Standards for Designating Village Area and Rearrange Thereof)**

(1) The standards for designating village areas pursuant to Article 28 (1) of the Act (hereinafter referred to as "village area") shall be as follows: <Amended by Presidential Decree No. 22239, Jun. 29, 2010; Presidential Decree No. 23718, Apr. 10, 2012>

1. The number of houses forming the village area shall be at least 10;
2. The number of houses per 10,000 square meters shall be at least 10;
3. The boundary lines of a village area shall be marked by considering the followings:
  - (a) To designate by using the boundary line of the urban or Gun management plan, the boundary lines of areas, districts and zones under other Acts and subordinate statutes, road, river, forest land, boundary line of cadastre of land, or other natural or artificial terrain features. In such cases, where the land is classified as a site, a lot shall not be divided as little as possible;
  - (b) To be the area within 100 meters from the most peripheral house;
  - (c) To exclude the areas with excellent forest floor or areas with a gradient exceeding 30 percent located in the outskirt;
  - (d) To exclude areas prone to disasters;
  - (e) To exclude areas the surrounding scenery is at risk of being destroyed by the development after the designation as the village area;
  - (f) To exclude areas within less than 50 meters from the area with excellent forest floor or natural resources to be protected;
  - (g) To ensure that large-scale development shall not be implemented when marking the boundary of the village area.

(2) The standards for calculating the number of houses pursuant to paragraph (1) and other detailed matters necessary for designating the village area, shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>

### **Article 33 (Special Cases for Purpose of Use, Height, etc., of Buildings In Village Areas)**

The purpose of use, height, total floor area, building-to-land ratio and ratio, of volume of buildings in a village area pursuant to Article 28 (3) of the Act shall comply with the standards applied to the urban natural park areas outside the village areas, except the following cases: <Amended by Presidential Decree No. 22239, Jun. 29, 2010; Presidential Decree No. 25273, Mar. 24, 2014>

1. To change the purpose of use of existing building, which is prohibited to be newly built, to Class I neighborhood living facilities (referring to Class I neighborhood living facilities pursuant to subparagraph 3 of attached Table 1 of the Enforcement Decree of the Building Act, excluding subparagraphs (g) (only referring to public restrooms and evacuation shelters) and (h) (excluding city gas piping prescribed in the same subparagraph): Provided, That for anyone who intends to change the purpose of use into rest area restaurants, the cases shall be limited to those complying with the following standards:

- (a) To be residents who have lived at least five years in the urban natural park areas, or residents thereof at the time of designation;
  - (b) The total floor area of building shall not exceed 300 square meters, and parking lots of not exceeding 200 square meters may be established using the adjacent land, and where the use of rest area restaurants is changed to other use, the land of parking lot may be restored to the original classification;
2. To construct houses and neighborhood living facilities pursuant to subparagraph 6 of attached Table 2 according to the following standards:
- (a) Where the building-to-land ratio exceeds 40 percent;
  - (b) Where the ratio of volume of buildings is not more than 100 percent;
  - (c) Where the building height is not more than 12 meters and the number of floors is not more than three.

#### **Article 34 (Standards for Assessing Land Subject to Purchase)**

The standards for assessing the land subject to purchase pursuant to Article 29 (3) of the Act (hereinafter referred to as “land subject to purchase”) shall be as follows. In such cases, the land owner must not have attributed to the decrease of efficiency of land, impossibility of using land or earning revenue from land, or other causes:

1. The land, the efficiency of which has decreased greatly since it is impossible to use it for the previous purpose: the officially announced individual land price (referring to the officially announced individual land price pursuant to Article 11 of the Public Notice of Values and Appraisal of Real Estate Act; hereinafter the same shall apply) of the relevant land on the date of filing claims for purchase at present is not more than 50 percent of the average officially announced individual land price of the same land classification in the urban natural park areas designated in the eup, myeon, dong where the land is located, since it is impossible to use the land subject to purchase for the land classification before the designation of urban natural park areas at the time of filing claims of purchase (where the purchase claimant is proven by public data that he/she was legally using the land differently from the land classification in the land cadastral register before the designation of urban natural park area, the actual use before the designation of urban natural park area shall be deemed the land classification), at the time of filing claims for purchase;
2. Land which is practically is impossible to use and earn revenue therefrom: it is impossible to use and earn revenue from the land due to the restrictions on acts pursuant to Article 27 of the Act.

#### **Article 35 (Period for Purchase)**

The term “period set by Presidential Decree” in Article 30 (2) of the Act means three years from the date of notifying the purchase claimant of the land subject to purchase. <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

#### **Article 36 (Time for and Methods of Calculating Purchase Price)**

(1) The purchase price in the latter part of Article 30 (3) of the Act shall be appraised on the basis of the officially announced price of reference land (referring to “officially announced price of reference land” pursuant to subparagraph 5 of Article 2 of the Public Notice of Values and Appraisal of Real Estate Act; hereinafter the same shall apply in this Article) at the time of filing claims for purchase, during the period from the base date of public notice to the date of payment to the purchase claimant, considering the following changes: *<Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>*:

1. The location, shape, environment, utilization status, etc. of the relevant land;
2. The inflation rate of producer and fluctuation ratio of nation-wide land prices investigated by the Minister of Land, Infrastructure and Transport pursuant to Article 125 (1) of the Enforcement Decree of the National Land Planning and Utilization Act.

(2) The purchase price pursuant to paragraph (1) shall be, on the basis of the officially announced price of reference land, the arithmetic mean of the prices appraised by at least two appraisal business operators pursuant to subparagraph 9 of Article 2 of the Public Notice of Values and Appraisal of Real Estate Act.

#### **Article 37 (Procedures for Purchase)**

(1) Anyone who intends to file a claim for purchase shall submit document prescribed by the Ordinance of the Ministry of Land, Infrastructure and Transport, including a land purchase invoice stating the following matters to a Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun, pursuant to Article 30 (4) of the Act: *<Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 24443, Mar. 23, 2013>*:

1. The name and address of the land owner (in cases of a corporation, referring to the name and address thereof, and the name and address of the representative thereof);
2. The lot number, classification and status of use of land;
3. Where rights other than ownership are established in the relevant land, the types and details thereof and the name and address of the rights holder (in cases of a corporation, referring to the name and address thereof, and the name and address of the representative thereof);
4. Grounds for filing a claim for purchase.

(2) A Special Metropolitan City Mayor, Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun, in receipt of a request to purchase land pursuant to paragraph (1), shall decide whether the land subject to purchase meets the standards pursuant to Article 34 and notify whether it is the subject of purchase and the estimated purchase price (limited to the cases meeting the standards of Article 34) to the purchase claimant. *<Amended by Presidential Decree No. 23668 Mar. 13, 2012>*

(3) The estimated purchase price pursuant to paragraph (2) shall be the officially announced individual land price as at the time of filing claims for purchase.

(4) When a Special Metropolitan City Mayor, Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun notified the estimated purchase price pursuant to paragraph (2), he/she shall determine the purchase price after requesting the appraisal of the land subject to purchase to appraisal business operators and notify it to the purchase claimant. In such cases, a Special Metropolitan City Mayor, Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun shall notify the purchase claimant of the fact of requesting the appraisal assessment by no later than one month before requesting the appraisal. <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

#### **Article 38 (Notification, etc. of Payment of Expenses of Appraisal Assessment)**

(1) Where the purchase claimant requests the appraisal assessment pursuant to Article 37 (4) and notifies the retraction of his/her purchase claim without any reasons falling under each subparagraph of Article 31 (2) of the Act, a Special Metropolitan City Mayor, Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun, shall have the purchase claimant bear the whole expense of the appraisal of the relevant land. <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

(2) A Special Metropolitan City Mayor, Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun, shall issue the notice of payment of expenses of appraisal assessment, including following matters to the purchase claimant, within seven days from the date he/she was notified the retraction of purchase claim: <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

1. The name and address of a land owner (in cases of a corporation, referring to the name and address thereof, and the name and address of the representative thereof);
2. The number of land parcel and land area;
3. The notified expenses to be paid;
4. The period of payment;
5. The calculated details of the expenses of appraisal assessment.

(3) The purchase claimant notified to pay the expenses of appraisal assessment pursuant to paragraph (2), shall pay the notified appraisal assessment expenses to a Special Metropolitan City Mayor, Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun, within one month from the date he/she is notified thereof. <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

#### **Article 39 (Exemption of Expenses Incurred in Appraisal Assessment, etc.)**

The term “certain level set by Presidential Decree” in Article 31 (2) 1 of the Act means 30 percent of the estimated purchase prices. <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

#### **Article 40 (Creation of Greenbelts for Specific Causes)**

(1) Any causer whom a Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun may

request to create and manage the greenbelt, in whole or in part, pursuant to Article 37 of the Act (hereinafter referred to as “specific causer”) shall be anyone who is conducting or will conduct business activities, which are the cause of determination of the relevant greenbelt. *<Amended by Presidential Decree No. 23668 Mar. 13, 2012>*

(2) When a Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun requests specific causers to create and manage the greenbelt, he/she shall, in advance, comprehensively take into account the area of the land occupied by the facilities required to create the relevant greenbelt and the conditions of surrounding areas, types of business, scale of business activities, degree of environmental pollution, and necessary matters for prevention of accidents, etc., and determine the location and area of the greenbelt which shall be created and managed by a Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun, and the greenbelt which shall be created and managed by the specific causer, respectively. *<Amended by Presidential Decree No. 23668 Mar. 13, 2012>*

(3) When the creation of the greenbelt is relevant to more than two specific causers in cases falling under paragraph (2), the greenbelt shall be created and managed according to the negotiation among specific causers: Provided, That the negotiation fails to be concluded, a Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun shall comprehensively take into account the area of the land occupied by the facilities required to create the greenbelt and the conditions of surrounding areas, types of business, scale of business activities, degree of environmental pollution, and necessary matters for prevention of accidents, etc., and determine the location and area of the greenbelt which shall be managed by each specific causer. *<Amended by Presidential Decree No. 23668 Mar. 13, 2012>*

(4) The specific causer who shall create the greenbelt pursuant to paragraphs (2) and (3) shall submit a written application for designating an implementer of an urban or Gun planning facility project pursuant to Article 96 (1) of the Enforcement Decree of the National Land Planning and Utilization Act and a written application for authorization of the implementation plan pursuant to Article 97 (3) of the same Enforcement Decree to any park management agency, along with the documents prescribed by Ordinance of the Minister of Land, Infrastructure and Transport. *<Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 24443, Mar. 23, 2013>*.

(5) When it is necessary to create and manage the greenbelt, a Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun may have the specific causer submit necessary documents. *<Amended by Presidential Decree No. 23668 Mar. 13, 2012>*

#### **Article 41 (Application, etc. for Permits for Occupation and Use Greenbelts)**

(1) Anyone who intends to obtain a permit for occupation and use of the greenbelt pursuant to Article 38 of the Act shall submit a written application for the permit to occupy and use the greenbelt to a Special

Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun who manages the relevant greenbelt (hereinafter referred to as “greenbelt management agency”), along with the following documents:

<Amended by Presidential Decree No. 23668 Mar. 13, 2012>

1. A project plan (including a location map and ground plan);
2. A project implementation plan;
3. A reinstatement plan.

(2) When any greenbelt management agency intends to grant approval to occupy and use greenbelts managed by anyone who is not a greenbelt agency pursuant to Article 38 of the Act, it shall listen to the opinion of the greenbelt manager in advance.

#### **Article 42 (Minor Acts that May Be Done Without Permit for Occupation and Use of Greenbelts)**

The term “minor activities prescribed by Presidential Decree including thinning any forest” in the proviso to the main sentence of Article 38 (1) of the Act, means acts falling under each subparagraph of Article 21.

<Amended by Presidential Decree No. 23668 Mar. 13, 2012>

#### **Article 43 (Subject of Permits to Occupy and Use Greenbelts)**

The subject matter of permit to occupy and use greenbelts pursuant to Article 38 (3) of the Act shall be as follows: <Amended by Presidential Decree No. 21965, Dec. 31, 2009; Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 23718, Apr. 10, 2012>

Installing facilities under subparagraphs 1 through 4, 6, 8, 9 and 11 of Article 22;

2. Changing the form and quality of land, collecting soil and stones, and felling or planting trees for the purpose of agriculture or forestry;
3. Installing access roads crossing the greenbelts;
4. The extension, reconstruction, or major repair of the existing building or existing structure at the time of determining the urban or Gun management plan related to the creation of greenbelts;
5. Setting up a yard for construction equipment and materials necessary for installing facilities under subparagraphs 1 through 14;
6. Setting up a yard for construction equipment and materials, necessary for installing facilities which are the causes of creation of the relevant greenbelts;
7. Installing a facility which has similar functions to those of facilities under subparagraph 1;
8. Installing a facility prescribed by the ordinance of a Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Special Self-Governing Province, or a Si or Gun, which meet all of the following requirements. In such cases, it shall be not more than five facilities in one greenbelt:
  - (a) A facility not affecting the function of greenbelts;
  - (b) Infrastructure in subparagraph 6 of Article 2 of the National Land Planning and Utilization Act;
  - (c) A facility with not more than 200 square meters of total floor area of building for an individual facility.

#### **Article 44 (Standards for Permits to Occupy and Use Greenbelts)**

The standards for permit to occupy and use greenbelts pursuant to Article 38 (3) of the Act shall be as follows: *<Amended by Presidential Decree No. 23718, Apr. 10, 2012; Presidential Decree No. 26095, Feb. 10, 2015>*;

Creation and management of greenbelts must not be affected: Provided, That for connecting greenbelts, it shall be limited to where the green network is not disconnected due to the permit to occupy and use greenbelt;

The facilities under paragraphs 1 through 4 and 6 of Article 22 shall meet the standard of subparagraphs 1 through 4 and 6 of attached Table 1: Provided, That oil pipelines and heat pipelines, among facilities of subparagraph 2 of Article 22, may be established on the ground, when meeting all the following requirements:

- (a) There shall be inevitable reasons that it is impossible to create facilities underground, due to the topography, etc.;
- (b) The distance between the very bottom of oil pipeline and heat pipeline and the ground shall be not less than five meters;

3. The temporary structure under paragraphs 8 and 9 of Article 22 shall meet the standard of subparagraph 8 of attached Table 1: Provided, That the period for existence of temporary building shall be until the implementation of urban and Gun planning project for creation of greenbelts;

4. The extension of existing buildings pursuant to subparagraph 4 of Article 43 shall meet the standard of subparagraph 11 of attached Table 1.

#### **Article 45 (Costs for Creation and Management of Greenbelts for Specific Causes)**

(1) The expenses for creation and management of greenbelts pursuant to Article 40 (2) and (3) means the land costs, compensation expense, construction costs, and additional expenses thereof and expenses incurred in maintaining and managing it, and additional expenses thereof, which is directly necessary for the creation and management of the relevant greenbelt.

(2) The Minister of Land, Infrastructure and Transport, or Do governor in receipt of an application for adjudication under Article 39 (6) of the Act may have any greenbelt management agency or specific causer submit the following documents: *<Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013; Presidential Decree No. 24879, Nov. 22, 2013>*

1. Documents supporting the basis of calculating costs for creation and management of greenbelts;
2. Documents on the preceding of negotiation between the persons concerned;
3. Documents proving reasons for application.

(3) When the Minister of Land, Infrastructure and Transport, or Do governor intends to adjudicate, he/she shall in advance negotiate with the administrative agency which has jurisdiction over the project of the specific cause. *<Amended by Presidential Decree No. 20722, Feb. 29, 2008; Presidential Decree No. 24443, Mar. 23, 2013>*

#### **Article 46 (Urban Park Capable of Collecting Occupation Fees or Use Fees)**

Any urban park that may collect occupation fees or use fees of urban parks pursuant to Article 40 (1) of the Act shall create all of the following park facilities, for the purpose of providing facilities for the comprehensive use of the whole residents residing in urban region. In such cases, park facilities shall be of scale, which allow the urban park to function fully: <Amended by Presidential Decree No. 20722, Feb. 29; Presidential Decree No. 21965, Dec. 31, 2009; Presidential Decree No. 23668 Mar. 13, 2012>

1. Land facilities, recreational facilities, beneficial facilities, and park management facilities among park facilities;
2. Other park facilities prescribed by Ordinance of a Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Special Self-Governing Province, or a Si or Gun;
3. Deleted. <by Presidential Decree No. 21965, Dec. 31, 2009>

#### **Article 47 (Subsidies to Cover Costs)**

(1) Costs subsidizable by the State pursuant to Article 44 (1) of the Act shall be as follows:

1. Compensation expenses and land costs directly incurred in the establishment of urban parks;
2. Expenses incurred in creating road, square and landscape facilities, which are urban parks facilities.

(2) Pursuant to Article 44 (2) of the Act, the local government may subsidize expenses incurred in creating road and square, which are park facilities, among the expenses directly incurred in creating establishing or extending urban parks.

#### **Article 48 (Procedures of Dispositions Taken Against Violators of Acts or Subordinate Statutes)**

Where a necessary disposition is intended to be taken against any violators of Acts or Subordinate Statutes pursuant to Article 45 of the Act, the Administrative Procedures Act shall apply.

#### **Article 49 (Procedures of Supervisory Disposition for Public Interest)**

Where a necessary supervisory disposition for the public interest is intended to be taken pursuant to Article 46 (1) of the Act, the Administrative Procedures Act shall apply.

#### **Article 50 (Prohibited Acts in Urban Parks, etc.)**

The term “activities prescribed by Presidential Decree” in Article 49 (1) 5 of the Act means the following activities: <Amended by Presidential Decree No. 22239, Jun. 29, 2010; Presidential Decree No. 23668 Mar. 13, 2012; Presidential Decree No. 25663, Oct. 22, 2014>:

1. Camping, cooking and making a fire in places other than designated places;
2. Disposing of garbage or waste in places other than designated places;
3. Parking in places other than designated places;
4. Business activity using power units with not less than two wheels: Provided, That excluded herefrom shall be the business activity (only referring to cases of rest restaurant business under subparagraph 8 (a) of Article 21 of the Enforcement Decree of the Food Sanitation Act and bakery business of item (f) of the same subparagraph) conducted in park facilities, management of which was commissioned from the park management agency pursuant to Article 20 (1) of the Act, using freight motor vehicles under Article 3 (1) 3 of the Motor Vehicle Management Act, which are small or light-typed vehicles used for

portable food selling, or using special motor vehicles under subparagraph 4 of the same Article, which are the special motor vehicles of special work used for portable sale of food;

5. Accessing places other than streets using power units with not less than two wheels: Provided, That accessing of the disabled and the elderly and the infirm is excluded;

6. Cultivating in areas other than a field or rice paddy;

7. Collecting flowers or fruits without permission;

8. Abusing animals inhabiting in parks or capturing them without permission.

#### **Article 50-2 (Evaluation of Regulations)**

(1) The Minister of Land, Infrastructure and Transport shall evaluate the appropriateness of the following matters every three years from the following basic date (before the basic date of every third year) and then shall take measures such as improvement thereof: *<Amended by Presidential Decree No. 25840, Dec. 9, 2014>*

1. Requirements, etc. for residents eligible to request for upgrade of a park building plan pursuant to Article 15: January 1, 2014;

2. Subject matter or standard for permit to occupy and use urban parks pursuant to Articles 22 and 23: January 1, 2014;

3. Limitation on activities in urban natural parks area pursuant to Articles 26 through 31: January 1, 2014;

4. Subject matters and standards for permit to occupy and use greenbelts pursuant to Articles 43 and 44: January 1, 2014.

(2) The Minister of Land, Infrastructure and Transport shall reevaluate the appropriateness of the followings every two years from the following basic date (before the basic date of every second anniversary) and then shall take measures such as improvement thereof: *<Newly Inserted by Presidential Decree No. 25840, Dec. 9, 2014>*

1. Standards for designating and changing urban natural park areas pursuant to Article 25: January 1, 2015;

2. Standards for designating village area and upgrading the same pursuant to Article 32: January 1, 2015;

3. Standards for imposing fines for negligence pursuant to Article 51 and attached Table 4: January 1, 2015.

#### **Article 51 (Standards for Imposition of Fines for Negligence)**

(1) The standards for imposition of fines for negligence pursuant to Article 56 (1) and (2) of the Act shall be prescribed in attached Table 4.

(2) A Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si or Gun may increase or decrease the amount of fines for negligence within half the amount in attached Table 4, taking into account the seriousness of violation, the number of violation, the motivation of the violation, and the result thereof, etc.: Provided, That, in cases of increasing the amount of fines for negligence, the amount of fines for

negligence shall not exceed the upper limit of the fines for negligence pursuant to Article 56 (1) and (2) of the Act. <Amended by Presidential Decree No. 23668 Mar. 13, 2012>

#### ADDENDA

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

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

##### **Article 2 (Special Cases concerning Existing Urban Natural Parks)**

The governor of Si/Do shall designate a region, where it is necessary to conserve the state of nature, among urban nature parks in which the park creation project has not been implemented after the decision of urban planning facility as at the time this Decree enters into force, as urban nature park area, notwithstanding the amended provision of Article 25.

##### **Article 3 (Transitional Measures concerning Permits to Occupy and Use)**

Where an application for permit to occupy and use urban parks or greenbelts was filed before this Decree enters into force according to the previous provisions and it fails to fall under the subjects matter or meet the standards of permit to occupy and use pursuant to the amended provisions of Articles 22, 23, 43 or 44, the previous provisions shall apply thereto notwithstanding the same amended provisions.

##### **Article 4 (Transitional Measures concerning Changes of Standard for Extension of Facilities for Religious Purpose)**

Any facility for religious purposes with more than three floors, established or being established at April 9, 1999 according to the former provisions, notwithstanding the amended provisions of subparagraph 11 (d) of attached Table 1, may be extended to have floors not exceeding the previous number of floors (where in the process of establishment, referring to the number of floors as at the time of permission for construction or at the time of reporting).

##### **Article 5 Omitted.**

##### **Article 6 (Relationship with Other Acts and Subordinate Statues)**

Where other Acts and subordinate statues cites the Enforcement Decree of the Urban Park Act and the provisions thereof as at the time this Decree enters into force, when there are corresponding provisions thereto in this Decree, it shall be deemed to cite this Decree or the relevant provisions in this Decree, substituting the previous provisions.

#### ADDENDA <Presidential Decree No. 19512, Jun. 12, 2006>

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

#### ADDENDA <Presidential Decree No. 20722, Feb. 29, 2008>

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

This Decree shall enter into force on the date of its promulgation: Provided, That among the Presidential Decrees amended according to Article 6 of Addenda, the amended provisions of the Decree, which is

promulgated before this Decree enters into force but of which the date on which it is to enter into force has not arrived, shall enter into force on the date of the promulgation of the relevant Presidential Decree.

**Articles 2 through 6 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. (Proviso Omitted)

**Articles 2 through 4 Omitted.**

ADDENDUM <Presidential Decree No. 21215, Dec. 31, 2008>

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

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. 21629, Jul. 16, 2009>

**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. 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.**

ADDENDUM <Presidential Decree No. 21965, Dec. 31, 2009>

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

ADDENDA <Presidential Decree No. 22151, May 4, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on May 5, 2010.

**Articles 2 through 4 Omitted.**

ADDENDA <Presidential Decree No. 22239, Jun. 29, 2010>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on June 30, 2010.

**Article 2 (Special Cases concerning Change Purpose of Use in Village Area)**

Any existing building which was prohibited to be newly built as at the time this Decree enters into force but construction of which became possible pursuant to the amended provisions of subparagraph 6 of attached Table 2, the purposes of use thereof may be changes by being deemed the existing building which was prohibited to be newly built, when subparagraph 1 of Article 33 applied thereto, notwithstanding the amended provision of subparagraph 6 of attached Table 2.

ADDENDUM <Presidential Decree No. 22451, Oct. 14, 2010>

This Decree shall enter into force on October 16, 2010.

ADDENDUM <Presidential Decree No. 23234, Oct. 19, 2011>

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

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.**

ADDENDUM <Presidential Decree No. 23668, Mar. 13, 2012>

This Decree shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraph 8 of attached Table 2 shall enter into force on March 17, 2012 and the amended provision regarding a Special Self-Governing City and a Special Self-Governing City Mayor shall enter into force on July 1, 2012.

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.**

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.**

ADDENDUM <Presidential Decree No. 24879, Nov. 22, 2013>

This Decree shall enter into force on Nov. 23, 2013.

ADDENDUM <Presidential Decree No. 25050, Dec. 30, 2013>

This Decree shall enter into force on Jan. 1, 2014. (Proviso Omitted)

ADDENDA <Presidential Decree No. 25273, Mar. 24, 2014>

**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. 25585, Sep. 2, 2014>

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

ADDENDUM <Presidential Decree No. 25663, Oct. 22, 2014>

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

ADDENDA <Presidential Decree No. 25840, Dec. 9, 2014>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2015.

**Articles 2 through 16 Omitted.**

ADDENDUM <Presidential Decree No. 26095, Feb. 10, 2015>

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

ADDENDA <Presidential Decree No. 26302, Jun. 1, 2015>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on June 4, 2015.

**Articles 2 and 3 Omitted.**