

건축협정제도 개선을 위한 건축법령 정비방안 연구

A Study on Amendment of Building Act and Subordinate
Legislation for Improvement of Construction Agreement System

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1. OUTLINE

Korean government has been introduced 「Construction Agreement」 as part of promoting diverse small-scale renewal systems. Last year several pilot projects designated by MLIT were carried and many difficulties and troubles managing ‘Construction Agreement system’ were verified from a different standpoint of owners, architects and local authorities. Civil complaints received through E-People and consulting requests through AURI and ‘Construction Agreement Support Center’ shows there are complicated legal arguments and legislative inadequacy.

This research aims to improve existing legal systems to settle down the institution and boost its effectiveness. The research method is case study of 4 pilot projects, analysis of civil complaints and consulting request materials, public officials and architects interview, survey, and architectural simulation.

2. POLICY IMPLEMENTATIONS

The research suggests four significant political alternatives as follows. First suggestion is an amendment for decree 2th of Building Act.

It is to clarify the concept and definition of 'Construction Agreement', which considers lots belong to 'building agreement area' as one unit applicable of building codes syntagmatically, but maintains independence of ownership.

Second suggestion is a revision of decree 77-13th of Building Act to minimize legal misunderstanding on kinds, objects and ranges of special building standards.

Third suggestion is an establishment for enforcement ordinance about the scope of minor alteration, standard of abolition, level of incentives in terms of special building standards. The scope of minor alteration is applied in the conditions of decrease of the building-to-land ratio and floor-area ratio, lot division less than 1/10 of lot area, alteration less than 10% of total floor area and less than 1m of building location, etc. Standard of abolition is applied 20 years for single family house and 30 years for all building types except single family house. The incentives cover five elements; landscaping of building sites, building-to-land ratio, floor-area ratio, relation between adjacent road and building height and distance between the buildings. Architectural simulation examines the effect on the peripheral areas in zero, 10%, 20% level of incentives and confirms the reasonable publicness without large scale reduction of floor-area.

Forth suggestion is an unitary content review to simplify procedures and deliberate floor-area ratio incentives.

This study try to suggest legal alternatives for construction agreement system activation. However, legal arguments related with statues such as 'District Unit Plan' are very intricate and being obstacle to make a result of construction agreement. Also modification of construction management ledger and register copy to make the ownership of sharing building by construction agreement. Thus, additional research is needed to

make this construction agreement system more precise and effective.

Keywords : Construction Agreement System, Legal Amendment, Legal Definition, Incentive, Review System