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കേരള സർക്കാർ
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KERALA GAZETTE

കേരള ഗസറ്റ്

EXTRAORDINARY

അസാധാരണം

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GOVERNMENT OF KERALA

Local Self Government (RD) Department

NOTIFICATION

G O. (Ms.) No. 46/2013/LSGD. *Dated, Thiruvananthapuram, 1st February, 2013.*

S. R. O. No. 80/2013.—In exercise of the powers conferred under sections 381, 382, 383A, 387, 398 and 406 of Kerala Municipality Act, 1994 (20 of 1994) read with section 565 thereof, the Government of Kerala hereby make the following rules further to amend the Kerala Municipality Building Rules, 1999 issued under notification G.O. (Ms.) No. 188/1999/LSGD dated 1st October, 1999 and published as S.R.O. No. 777/99 in the Kerala Gazette Extraordinary No. 1786 dated 1st October, 1999, namely:—

RULES

1. *Short title and commencement.*—(1) These Rules may be called the Kerala Municipality Building (Amendment) Rules, 2013.

(2) They shall come into force at once.

33/604/2013/DTP.

2. *Amendment of the Rules.*—In the Kerala Municipality Building Rules, 1999,— (1) In rule 2, sub rule (1),—

(i) in clause (t) after the words “area on any floor”, the words “above ground level” shall be inserted

(ii) in clause (aq) for the words “ground contiguous to the building”, the words “the centre line of the adjoining street in the case where the plot abuts the street and average level of the adjoining ground in all other cases” shall be substituted.

(iii) after clause (au), the following clause shall be added, namely:—

“(aua) ‘mechanised parking’ include, parking and retrieval of vehicles by mechanical means.”

(iv) in clause (bm), before the word, “scheme” the words “town planning” shall be inserted.

(v) after clause (bm), the following clauses, shall be added, namely:—

“(bma) ‘width of the road’ means the right of way and include medians, service roads and flyovers.”

(bmb) ‘road level’ means the officially established elevation of the centre line of the road upon which a plot abuts and if there is no officially established elevation, the existing elevation of the centre line of the road.”

(2) after rule 3B, the following rule shall be added, namely:—

“3C. *Power of the Government to exempt buildings.*—The Government may, in conformity with the provisions of the Act and in consultation with the Chief Town Planner, exempt any building when construction is made—

(a) by Government/Local Self Government Institutions or Government Institutions for a public purpose;

(b) by those who surrender land to Government or Local Self Government Institutions or Government Agencies for a public purpose subject to the condition that the exemption shall be applicable to the land in equal proportion to the surrendered land.

(3) In rule 5,—after sub-rule (1), the following shall be added, namely:—

“(1a) Applications may also be submitted through e-filing system, as may be prescribed, if such system is in force in the Local Self Government institution concerned and, the Secretary may receive applications in case they are found in order after a preliminary check.”

(4) In rule 7,—(i) after sub rule (1) the following shall be added, namely,—

“(1A) Application may also be submitted through e-filing system, as may be prescribed, if such system is in force in the Local Self Government institution concerned;

(ii) in sub-rule (6B), the words “or alteration or addition or extension of existing building” shall be omitted.

(5) In rule 11A,—in sub-rule (6) the words “No construction shall be carried out above the ground level until the Secretary issues such concurrence as in Appendix C 1” shall be omitted.

(6) In rule 15A,—(i) in sub-rule (3), after the words “building permit fee” and before the words “as the case may be” the words “excluding the fee for additional Floor Area Ratio” shall be inserted.

(ii) for sub-rule (4) the following shall be substituted, namely:—

“(4) The Secretary may, if he deems fit, grant renewal for a period of three years on application submitted after the expiry of the permit, subject to the condition that the total period of validity of permit from the date of issue of original permit shall not exceed 9 years:

Provided that in case the permits need to be extended/renewed beyond the period of nine years, the applicant shall submit an application in writing to the Committee constituted under Chapter X-A of these Rules and the committee may, after having satisfied with the genuineness of the application, recommend for extension or renewal of the permit, as the case may be, with or without condition(s) as it deems fit.

(7) In rule 22, for the proviso to sub-rule (3), the following proviso shall be substituted, namely:—

“Provided that, in case there is deficiency as per the provisions of these Rules, in minimum width of mandatory open space/yard after completion of the construction, other than the distance stipulated as per section 383A of the Kerala Municipality Act, 1994 and rule 117 of these Rules, the Secretary may allow a tolerance upto 5% of the minimum mandatory open space/yard to be provided as per these Rules or twenty five centimeters, whichever is less, for the building constructed:

Provided further that if no such occupancy certificate is issued within the said fifteen days, the owner may proceed as if such occupancy certificate has been duly issued to him.”

(8) In rule 23, after sub-rule (4), the following shall be added, namely:—

“(4a) In the Buildings and Construction projects having built-up area not less than 20,000 sq. metres and other activities as specified in the schedule to the Notification No. S.O.1533(E) dated the 14th September, 2006 and amendments thereto, issued by the Ministry of Environment and Forests, Government of India require prior environmental clearance from the State Level Environment Impact Assessment Authority (SEIAA) Kerala/Ministry of Environment and Forests, the Local Self Government Institution shall not issue permit without ensuring a valid prior environmental clearance.”

(9) In rule 24, in the proviso to sub-rule (8) after the words “ground level” the words “or for the corresponding floors at their level” shall be added.

(10) In rule 30, sub-rule (3),—

(i) in item (l), after the word “workshops”, the words “and PVC pipe manufacturing units through injection/extrusion moulding” shall be inserted.

(ii) in item (m), sub-item (iv), after the words “manufacture of plastic goods”, the words “other than PVC pipe manufacturing units through injection/extrusion moulding” shall be inserted.

(11) In rule 31,

(i) Table 2 shall be substituted as follows, namely:—

“TABLE 2

COVERAGE AND FLOOR AREA RATIO (F.A.R.)

| Sl. No. | Occupancy | Maximum permissible coverage (Percentage of plot area) | Maximum permissible FAR | |
|---------|------------------------|--|-------------------------|---|
| | | | without additional fee | with additional fee at the rate of ₹ 3000 per sq. meters of additional floor area |
| (1) | (2) | (3) | (4) | (5) |
| 1 | Residential A1 | 65 | 3 | 4.0 |
| 2 | Special Residential A2 | 65 | 2.5 | 4 |
| 3 | Educational B | 35 | 2.5 | 3 |

| (1) | (2) | (3) | (4) | (5) |
|-----|-------------------------|-----|------|-----|
| 4 | Medical/Hospital C | 40 | 2.0 | 3 |
| 5 | Assembly D | 40 | 1.5 | 2.5 |
| 6 | Office/Business E | 40 | 2 | 3 |
| 7 | Mercantile/Commercial F | 65 | 2.5 | 4 |
| 8 | Industrial G1 | 40 | 1.5 | - |
| 9 | Small Industrial G2 | 60 | 2.5 | 3 |
| 10 | Storage H | 70 | 2.5 | 3 |
| 11 | Hazardous I (1) | 30 | 1.0 | - |
| 12 | Hazardous I (2) | 25 | 0.70 | - |

(ii) in Note (i) to Table 2, after the words “building at any floor” the words, “above ground level” shall be inserted.

(iii) after Note (i), the following shall be added, namely:—

“(ia) For apartment houses/flats under Group A1-Residential occupancy by Government or Quasi Government agencies aimed at housing economically weaker sections and/or Lower Income Groups and/or Middle Income Groups, a maximum F.A.R. of 5 shall be permitted without additional fee, if floor area of each and every dwelling unit in it is less than 100 sq. metres. Classification of the income groups and matters related to the same shall be decided by the Government in consultation with the Committee constituted under the provisions of Chapter X-A of these Rules;

(iv) in Note (iii) for the figure ‘3.25’, the figure ‘4’ shall be substituted;

(v) in Note (iv), in table-2, the word and figure “and 6” shall be omitted.

(12) In rule 32,

(i) in item (a) of sub-rule (1), for the figure ‘1.5’ wherever occurs, the figure ‘2’ shall be substituted;

(ii) for sub-rule (2), the proviso, Table 3 and the Notes thereunder, the following shall be substituted, namely:—

“(2) For buildings, structures and installations in the vicinity of airports, the stipulations with regard to height shall be further limited subject to any notification as may be issued by the Government of India under the Aircrafts Act, 1934.”

(13) In rule 33,

(i) in sub-rule (1) for Tables 4.1 and 4.2, the following shall be substituted, namely:—

TABLE 4.1

ACCESS FOR GROUP A1 OCCUPANCY

| <i>Sl. No.</i> | <i>Occupancy</i> | <i>Total floor area of buildings in sq. meters</i> | <i>Minimum width of access required in meters</i> |
|----------------|--|--|---|
| (1) | (2) | (3) | (4) |
| 1(a) | Group A1 Occupancy with total floor area upto 600 sq. meters | Upto 300; Single unit | No minimum |
| | | Upto 300; Multiple unit above 300 upto 600 | 1.2 2 |
| 1(b) | Group A1 Occupancy with total floor area above 600 sq. meters | Above 600 upto 1000 | 3 |
| | | Above 1000 upto 4000 | 3.6 |
| | | Above 4000 upto 8000 | 5 |
| | | Above 8000 upto 18000 | 6 |
| | | Above 18000 upto 24000 | 7 |
| | | Above 24000 | 10 |

TABLE 4.2

ACCESS FOR OTHER OCCUPANCY GROUPS

| <i>Sl. No.</i> | <i>Occupancy</i> | <i>Total floor area of buildings in sq. meters</i> | <i>Minimum width of access required in meters</i> |
|----------------|---------------------|--|---|
| (1) | (2) | (3) | (4) |
| 1 | Any other occupancy | Upto 300 | 1.2 |
| | | Above 300-1500 | 3.6 |
| | | Above 1500-6000 | 5 |
| | | Above 6000-12000 | 6 |
| | | Above 12000 -18000 | 7 |
| | | Above 18000 | 10 |

(ii) in sub-rule (1), after the first proviso, the following proviso shall be added, namely:—

“Provided further that in the case of all existing schools upto the level of Higher Secondary, including Vocational Higher Secondary, if the total floor area of the construction(s) including existing and the proposed, does not exceed 5000 sq. metres, 3.6 m access shall be sufficient.”

(iii) After sub-rule (6), the following sub-rule shall be added, namely:—

“(7) Waterway other than sea routes will be considered as an access to islands as per these Rules, if the following conditions are satisfied:—

(a) Waterway which is considered as access to the island shall be navigable.

(b) Road access as per these Rules shall be provided upto the public boat landing/jetty area.

(c) Approval shall be obtained from the Fire and Rescue Department.

(14) In rule 34.—

(i) in sub-rule (2) for Table 5.1, the following table shall be substituted, namely:—

“TABLE 5.1

OFF-STREET PARKING SPACE FOR GROUP-A1 APARTMENT HOUSES/FLATS

| <i>Carpet Area Per Dwelling Unit</i> | <i>Off-street Parking Spaces at the rate of</i> |
|---|---|
| Upto 60 sq. meters | 1 for every 3 dwelling units |
| Above 60 sq. metres upto 150 sq.metres | 1 for every dwelling unit |
| Above 150 sq.metres upto 250 sq. metres | 1.5 for every dwelling unit |
| Above 250 sq. metres | 2 for every dwelling unit” |

(ii) After sub-rule (8), the following shall be added, namely:—

“(9) Of the mandatory off-street car parking requirement as per these Rules, fifty per cent at the maximum may be provided for mechanised parking, on condition that the owner/occupant shall ensure proper safety, structural stability and functioning of such mechanised parking system at all times.”

(15) In rule 36, after the existing proviso the following proviso shall be added, namely:—

“Provided further that, in the case of floors exclusively used for the parking of cars and two wheelers, it shall not be less than 2.2 metres.”

(16) In rule 40A, sub rule (4), for clause (a) the following shall be substituted, namely:—

“(a) they shall be provided at the ground floor for A1, A2, B, C, D, E & F occupancies and at every floor in multiples of three for A2, B, C, D, E, & F occupancies”.

(17) For rule 43, the following shall be substituted, namely:—

“43. *Travel distance to emergency exit.*—(1) Every building meant for human occupancy shall be provided with emergency exits sufficient to facilitate safe escape of occupants in case of fire or other emergencies.

(2) Emergency exits shall be located in such a way that the travel distance on each floor shall not exceed 30 metres for every occupant.

(3) Emergency exits may be either horizontal or vertical.

(4) Emergency exits may be a doorway, corridor or passage to an internal staircase or external staircase, ramps to the street or to the roof of a building, which may be horizontal exit leading to an adjoining building at the same level:

Provided that lifts and escalators shall not be considered as emergency exits.”

(18) In rule 50, for the words and figure, “A minimum 50%” the words and figure, “A minimum 35%” shall be substituted.

(19) In rule 53,

(i) in sub-rule (1),

(a) for the figure “50” the figure “75” shall be substituted;

(b) for the figure “100” the figure “150” shall be substituted.

(ii) in sub-rule (1a),

(a) for the figure “3000” the figure “4000” shall be substituted;

(b) for the figure “6000” the figure “10000” shall be substituted.

(iii) in sub-rule (1 b), for the figure “150” the figure “300” shall be substituted.

(20) In rule 54,

(i) in sub-rule (1a),

(a) for the figure “3000” the figure “4000” shall be substituted.

(b) for the figure “6000” the figure “10000” shall be substituted.

(ii) in sub-rule (3), in the second proviso, after the figure and words “3 metres increase in height” the words “subject to a maximum of 16 metres” shall be added.

(21) In rule 55,

(i) in the third proviso to sub-rule (2), after the figure and words “3 metres increase in height”, the words and figure “subject to a maximum of 16 metres” shall be added.

(ii) after sub-rule 10, the following proviso shall be added, namely:—

Provided that in the case of addition, alteration, reconstruction or change in occupancy of the existing cinema theatres whether having existing valid licence or had a valid licence as per the Kerala Cinemas (Regulation) Act, 1958, building permit shall be issued only if a cinema theatre having 1/3rd seating capacity of existing theatre, or 200 seating capacity whichever is higher is also proposed/retained.

(22) In rule 56, sub-rule (1),—

(a) for the figure “3000” the figure “4000” shall be substituted.

(b) for the figure “6000” the figure “10000” shall be substituted.

(23) In rule 57, in the third proviso to sub-rule (4), after the figure and words “3 metres increase in height” the figure and words “subject to a maximum of 16 metres” shall be added.

(24) In rule 58, in the second proviso to sub-rule (3a), after the figure and words “3 metres increase in height” the figure and words “subject to a maximum of 16 metres” shall be added.

(25) In rule 61, after the word “three” the words “and stair room” shall be added.

(26) In rule 73, after the words “addition or alteration of any building” the words “in individual plots” shall be added.

(27) After Chapter X, the following Chapter shall be inserted, namely:—

“CHAPTER X-A

SPECIAL PROVISIONS FOR LARGE-SCALE DEVELOPMENT
PROJECTS APPROVED BY GOVERNMENT

78A. Applicability of the Provisions.—Provisions in this Chapter shall apply only to large scale development projects approved by Government, by order, and for availing benefit of higher Floor Area Ratio, the project shall have an area not less than 2 Hectares, an investment exceeding Rs. 100 crores including land value and which shall provide for employment, for not less than 500 persons after commissioning of the project.

78B. Constitution and functioning of the Committee.—(1) The Government may accord sanction for the project mentioned above, based on the recommendation of a committee, to be constituted by the Government for this purpose, consisting of the following members:

- (a) The Principal Secretary, Local Self Government - Chairman
- (b) The Director, Department of Urban Affairs - Member
- (c) The Chief Town Planner, Department of Town and Country Planning - Convener
- (d) The District Officer of the Department of Town and Country Planning having jurisdiction over the District concerned - Member
- (e) Secretary(s) of the Local Self Government Institution(s) concerned. - Member(s)

(2) The developer shall submit the project report, detailing the demand, feasibility and Environmental Impact Assessment aspects of the project, together with the approval, if necessary, obtained from the Ministry of Environment and Forests, Government of India to the Convener of the committee and the Convener shall make all arrangements for convening meeting of the committee at the earliest and the committee shall consider and dispose of the project report within a period of one month from the date of receipt of the same.

(3) The Convener shall fix the venue, date and time of the meeting in consultation with the Chairperson and shall be responsible for safe custody of records and communications thereof.

(4) The meeting shall be presided over by the Chairperson or in his absence by a member to be authorised by him.

(5) The quorum of the meeting shall be majority of the total number of members of the committee for the project.

(6) The developer shall also produce before the committee, all required clearances from the State and Central Government agencies concerned.

78C. Provisions for supporting infrastructure.—(1) Adequate provision shall be made for supporting infrastructure such as water supply, sewage, solid waste management, power supply etc.

(2) Separate sewage treatment plant and systems for solid waste management shall be provided and maintained by the developer at his cost.

78D. *Memorandum of Understanding.*—There shall be Memorandum of Understanding between the developer and the Secretary of the Local Self Government Institution concerned with adequate provisions for bringing the project into effect.

78E. *The FAR permissible for the project.*—The F.A.R. permissible for such projects shall be 1.50 times the maximum values stipulated in column (5) of Table 2 under rule 31 and in conformity with the Notes thereunder, subject to a maximum of 5 and the fee for the additional F.A.R. shall be as stipulated in column (5) above.

78F. *Minimum width of access.*—The minimum width of access shall be fifteen metres.

78G. *Ceiling for Residential use.*—Area for residential uses, if any, included in the project shall not exceed 40% of the land area of the project and shall be incidental to the main use(s).

78H. *Period for Completion.*—The project shall be completed within a period of 3 years, if not specified otherwise.”

(28) In rule 79, after sub-rule (2), the following shall be added, namely:—
“(3) The Government may, either suo motu or at the request of the Municipality concerned, formulate road widening scheme by free surrender of land with such conditions as it deems fit for the success of the scheme and it shall have overriding effect over other provisions of these Rules.”

(29) In rule 81, in the proviso to sub-rule (2), the words and figure “or column 6” shall be omitted.

(30) In rule 82, in the third proviso to sub-rule (1), for the words and figures “buildings having more than four floors or 15 m height” the words “high rise building” shall be substituted.

(31) In rule 109B, in sub-rule (3),

(i) for the words “floor area”, wherever occur, the words “coverage area” shall be substituted.

(ii) for the proviso, the following Note shall be substituted, namely:—
“*Note.*—‘Coverage area’ means the area mentioned in item (t) of sub-rule (1) of rule 2.”

(32) In rule 109C, under sub-rule (1) the following proviso shall be added, namely:—“Provided that, there shall be provision for solar water heater system in the case of single family residential building having built-up area for more than 400 sq.metres.”

(33) For rule 110, the following shall be substituted, namely:—

“110 *High rise building*.—For the purpose of this chapter, ‘high-rise building’ means a building having a height of 16 metres or more.”

(34) In rule 116, for the figure and word “7 metres” the figure and word “5 metres” shall be substituted.

(35) In Rule 117,

(i) For sub-rule (1), the following shall be substituted, namely:—

“(i) A clear motorable open space of minimum 5 metres width shall be provided for the building at the front side as well as at any one of its sides contiguous to the road abutting it, so as to facilitate fire fighting, which shall be kept free of vehicle parking or any other erections or projections thereon other than projections of roof or weather shade or cornices of not more than 75 centimetres width.”

(ii) in sub-rule 4, the figure and word “7 metres”, the figure and word “5 metres” shall be substituted.

(36) In rule 150.—

(i) in sub-rule (5), for the words “three years”, the words “four years” shall be substituted.

(ii) for sub-rule (6), the following shall be substituted, namely:—

“(6) The fee for registration and renewal shall be the same and shall be at the rates shown below:—

| | |
|-------------------|---------|
| Architect A | ₹ 6000 |
| Building Designer | ₹ 5000 |
| Engineer A | ₹ 6000 |
| Engineer B | ₹ 5000 |
| Town Planner A | ₹ 6000 |
| Town Planner B | ₹ 5000 |
| Supervisor A | ₹ 3000 |
| Supervisor B | ₹ 2000” |

(37) In rule 153, in sub-rule (8), after the words “disqualify him for future registration” the following words shall be added, namely:—

and the matter may be published in the website of the Government/ Department”.

By order of the Governor,

DR. RAJAN KHOBRADE,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In 2009 and 2010, the Government made certain amendments to the Kerala Municipality Building Rules, 1999. Suggestions of some of the stake holders who approached the Government were examined. The Government desire to facilitate large scale development projects through certain promotional measures in development regulations in Building rules. It has also come to the notice of the Government that with the recent amendments made in the Kerala Municipality Building Rules, in the case of some constructions, the permit of which could not get renewed within the time limit prescribed in rule 15A, the parties concerned face practical difficulties in completing the constructions and getting occupancy certificate. The Government also inter alia, desires to modify the provisions of F.A.R, coverage, access, height of building etc. in the Building Rules and introduce a new provision to consider waterway as access to islands.

This notification is intended to achieve the above object.