

GOVERNMENT OF KERALA
Local Self Government (RD) Department

NOTIFICATION

G. O (Ms) No.249/2009/LSGD. Dated, Thiruvananthapuram, 16th December, 2009.

S.R.O. No.1070/2009.- In exercise of the powers conferred under sections 381, 382, 383A, 387, 398 and 406 of the 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.188/99/LSGD dated the 1st October, 1999 and published as S.R.O No.777/99 in the Kerala Gazette Extraordinary No.1786 dated the 1st October, 1999, namely:-

RULES

1.Short title and commencement- (1) These rules may be called the Kerala Municipality Building (Amendment) Rules, 2009.

(2) They shall come into force at once.

2.Amendment of the Rules- In the Kerala Municipality Building Rules, 1999, -

(1) In rule 2, sub-rule (1),-

(i) after clause (u) the following clause shall be inserted, namely:-

"(ua) 'Developer' means nay individual or group of individuals or any firm (by whatever name called) who undertakes any building activity including construction, reconstruction, repairs, additions or alterations of buildings or development or redevelopment of land on behalf of the owner who has obtained permit under the provisions of these rule, through an agreement executed between them;"

(ii) after clause (ao), the following clauses shall be inserted, namely:-

" (aoa) 'Government Approved Private Information Technology Building' means any Information Technology Building constructed in the private sector and approved by the Information Technology Department of Government of Kerala, which is not falling under the category of Government Approved Private Information Technology Park and Government Owned Information Technology Park;

(aob) 'Government Approved Private Information Technology Park' means any Information Technology Park promoted by a private entity, which is approved by the Information Technology Department of Government of Kerala;

(aoc) 'Government Owned Information Technology Park' means any Information Technology Park promoted by an entity of the State Government or Central Government, which is approved by the Information Technology Department of Government of Kerala;'

(iii) in clause (aq) for the words "from the average level of the ground contiguous to the building or the central line of the adjoining street" the words from the lowest point of the building touching the ground surface and if any of the floor comes below the ground surface, from the lowest floor level" shall be substituted;

(iv) after clause (as), the following clauses shall be inserted, namely:-

"(asa) 'Information Technology Building' means a building occupied by industries an other business establishments, whose functional activities are in the field of Information Technology, Information Technology Enabled Services (IT/ITES) and Communications Technology of the total built-up area in such buildings, at least 70% of the area should be earmarked for this purpose and the remaining may be utilized for supporting activities like restaurants, food courts, meeting rooms, guest houses recreational facilities;

(asb) 'Information Technology Park' means an integrated township, which may contain Information Technology Buildings, as well as other buildings. The Information Technology Buildings in the Information Technology Park shall be constructed for the purpose of carrying out the activities set out in clause (asa) for Information Technology Buildings and the remaining buildings in the Information Technology Park are meant to play a complementary role, supporting the activities in the Information Technology Buildings. In the Information Technology Park, 70% of the land area is to be set aside for the construction of Information Technology Buildings and the remaining land area may be utilized for all the supporting activities. The buildings for the supporting activities may include residential buildings, recreational facilities, educational facilities, convention centers, hospitals, hotels and other social infrastructure meant to support the activities in the Information Technology Buildings and Information Technology Parks;

(2) After rule 3, the following rules shall be inserted namely:-

"3A. *Provisions in the Town Planning Scheme shall prevail.*- notwithstanding anything contained in these rules provisions or regulations in any Town Planning Scheme under Town Planning Acts in force shall prevail over the respective provisions of these rules wherever such schemes exist.

3B *Application of National Building Code of India.*- Any item not dealt with specifically in these rules shall be strictly in conformity with the provisions contained in the National Building Code of India published by the Bureau of Indian Standards as amended from time to time".

(3) In rule 4, after sub rule (2) the following sub rule shall be added, namely:-

"(3) No person shall change the occupancy of an existing building from one group to another, without first obtaining the permit from the Secretary".

(4) In rule 5,-

(i) after sub rule (1), the following sub rule shall be inserted,
namely:-

"(1a) In the case of earth work excavations, if the depth of excavation is greater than the horizontal distance from the nearest boundary to the place of excavation, the written consent of the owner(s) of the adjoining land shall be obtained by the owner and produced along with such applications. The person causing excavation shall, before starting the work, give adequate notices in writing to the owner of the adjoining properties, safety of which is likely to be affected due to excavation. After having given such notices, wherein details regarding the type of protective works that are anticipated to be incorporated in the excavation are shown, written permission shall again be obtained for such excavation, from the owners of the adjoining property and shall be produced before the Secretary prior to commencement of the work. Where necessary, the person causing excavation shall make adequate provision to protect the safety of adjacent property.";

(ii) in sub rule (8),-

(a) for the words "lay out" the word "any" shall be substituted,

(b) the following proviso shall be added namely:-

" Provided that the Secretary shall forward only those applications to the District Town Planner or Chief Town Planner as the case may be, which comply with the provisions of these rules and the Town Planning Scheme".

(5) In rule 7.-

(i) after sub rule (1) the following sub rule shall be inserted, namely:-

"(1a) In the case of earth work excavations, if the depth of excavation is greater than the horizontal distance from the nearest boundary to the place of excavation, the written consent of the owner(s) of the adjoining property shall be obtained by the owner and produced along with such applications. The person causing excavation shall, before starting the work, give adequate notices in writing to the owner of the adjoining properties, safety of which is likely to be affected due to excavation. After having given such notices, wherein details regarding the type of protective works that are anticipated to be incorporated in the excavation are shown, written permission shall again be obtained for such excavation from the owners of the adjoining property and shall be produced before the Secretary prior to commencement of the work. Where necessary, the person causing excavation shall make adequate provision to protect the safety of adjacent property."

(ii) for sub rule (8), the following sub rule shall be substituted, namely:-

"(8) The Secretary shall, if any approval from the District Town Planner or Chief Town Planner either as per these rules or as per the provisions of the Town Planning Scheme of that area is required for any construction, reconstruction, addition, alteration or extension, forward the application with his specific remarks to the District Town Planner or Chief Town Planner, as the case may be, before issuing building permit:

Provided that Secretary shall forward only those applications to the District Town Planner or Chief Town Planner, as the case may be, which comply with the provisions of these rules and the Town Planning Schemes".

(6) In rule 8 in item (a) sub item (ii) shall be omitted.

(7) In rule 18.-

(i) in sub rule (5),-

(a) after the words "after examining the records and ", and before the words "hearing", the words "if required" shall be inserted;

(b) after the words" direct the Secretary to" and before the words "demolish", the words "revoke the permit and or stop the work and or" require to modify the construction and or" shall be inserted;

(c) at the end after the word "direction" the following words shall be added, namely:-

"The Government may also directly revoke the permit and or stop the work in such cases";

(ii) in sub rule (6),-

(a) after the words "under sub rule (5)" and before the words " within the period", the words "to demolish a construction or reconstruction or alteration or addition or fill up the well" shall be inserted;

(b) the words "to demolish the building or structure or to fill up the well" occurring after the words "make necessary arrangements" shall be substituted by the words "for the same".

(8) In rule (20),-

(i) in sub rule (2),-

(a) in item (a) for the word "him" the words the Secretary or by the Government" shall be substituted;

(ii) after sub rule (7), the following sub rules shall be inserted, namely:-

"(7a) The owner and or developer shall also comply with the provisions contained in sub rule (1a) of rule 5 and sub rule (1a) of rule 7 wherever applicable. In addition, in driven piles vibration is set up which may cause damage to adjoining structures or service lines depending on the nature of soil condition and the construction standard of such structures and service lines. Possible extent of all such damages shall be ascertained in advance, and operation and mode of driving shall be planned with appropriate measures to ensure safety. Where, in the vicinity of a site where bored or driven piling works are to be carried out there are old structures which are likely to be damaged, tell-tales shall be fixed on such structures to watch their behavior and timely precautions taken against any undesirable effect.

(7b) Compensation shall be given by the owner and or developer to the victims in case adequate protective measures are not provided.

(7c) If the owner engages any developer or developers at any time for the construction, reconstruction, repairs, additions or alterations of buildings or development or redevelopment of land, the same shall be intimated within a week from the date of agreement (executed between the owner and the developer) with a copy of the agreement to the Secretary both by the owner and the developer:

Provided that if such agreement is executed prior to the submission of application for permit, the same shall be intimated along with the copy of the agreement at the time of submission of the application.

(7d) Every owner and developer shall include the following details as part of all advertisements through audio, visual and print media or web site or hoardings pertaining to the building and or land development:

- (i) name and address of the owner and developer;
- (ii) number and date of lay out approval and or approval of usage of plot and lay out of building wherever applicable;
- (iii) number and date of the development and of building permits;
- (iv) name of the Local Self Government Institution issuing the permits;
- (v) date till which the building permit is valid;
- (vi) number of floors permitted;
- (vii) conditions if any stipulated in the permits;
- (viii) following details shall be furnished as against the respective provisions of the rules;
 - (a) coverage and FAR of the construction;
 - (b) area of recreational space inside and outside the building with area in the case of apartment houses/flats under Group A1 occupancy;
 - (c) number of parking and loading and unloading spaces and area earmarked for such spaces;
 - (d) minimum width of access to the site and building;
 - (ix) any other occupancy other than Group A1-Residential in the case of apartment houses/flats, with details of floor area of such occupancy;

Provided that if any such advertisements are made in contravention to the above, the Secretary or the Government may interfere in the matter".

(9) In rule 24,-

- (i) in sub rule (4) in the third proviso for the words "at a height of 2.20" the words "above a height of 2.10" shall be substituted;
- (ii) in sub rule (5), in the first proviso, for the words "at a height of " the words "above a height of" shall be substituted;

- (iii) in sub rule (8),
 - (a) the word "proportionate" shall be omitted;
 - (c) after the words "3 metres height" and before the word "exceeding" the words "or fraction thereof" shall be inserted;
- (iv) in the proviso,-
 - (a) for the word "may" the "shall" shall be substituted;
 - (b) the words "or for corresponding floor at their level" shall be omitted;
 - (v) for sub rule (12) the following sub rule shall be substituted, namely:-

"(12) The front, rear and side open spaces as stipulated in these rules shall also be applicable for constructions below the ground level (basement floor etc)."

(10) In rule 25,-

- (i) in sub rule (1)
 - (a) for the figure "4.5" the figure "5.5" shall be substituted;
 - (b) after the second proviso the following proviso shall be added,

namely:-

Provided also that in the case of the above two provisos, the length of cul-de sac or the length of lane shall be that exceeding the length of the plot in which construction is proposed".

(11) in rule 27,-

- (i) item (iii), after the words "every street" the words "in the layout and the street giving access to the land proposed for subdivision from the main street" shall be inserted;
- (ii) in item (iv), after the words "or sub division" the brackets and the words "(exceeding ten plots)" shall be inserted;
- (iii) in item (ix), the following words shall be added at the end, namely:-
 - " However, approval of the District Town Planner is not required for plot sub divisions if the total extent of land is upto 20 ares and the number of plots does not exceed 10;
- (iv) after item (xi), the following item shall be added, namely:-

"(xii) for the entire period of land development, the owner shall display the details of the permit near the entrance to the site in a board of size not less than 100 centimetres X 75 centimetres. The details to be displayed include name and address of the owner and developer with phone number, details of plots such as number, area and use, the area and location of recreational open spaces, road widths, number and date of approval of the District Town Planner/Chief Town Planner, number and date of the permit and the name of Local Self Government Institution".

(12) In rule 30,-

(A) In sub rule (2) for note (iii) the following note shall be substituted, namely:-

"(iii) The classification of buildings into occupancy groups are only for the purpose of these rules. It has no relation with the zoning regulations stipulated in Town Planning Schemes".

(B) in sub rule (3),-

(i) in item (a) the words "Further, lodging or rooming houses, tourist homes, dormitories, hostels and hotels not exceeding 150 sq.metres floor area are included in this group." Shall be omitted;

(ii) in item (6),-

(a) after the words "tourist homes", the brackets and the words "tourist resorts (or by whatever name called)" shall be inserted.

(b) the words "exceeding 150 sq.metres floor area "occurring after the word "hotels" shall be omitted;

(iii) in item (c),for the figures and words "300 sq.metres" the figures and words "150 sq.metres" shall be substituted;

(iv) in item (f), after the words "are included in this group." The following words shall be added, namely:-

" All Information Technology Buildings are also included in this group. Further, in the case of Government Owned Information Technology Parks, Government Approved Private Information Technology Parks and Government Approved Private Information Technology Buildings all buildings or part of buildings intended for providing ancillary or support services, amenities an utilities such as offices, residences, social amenities, recreational facilities, commercial establishments etc. are also included in this occupancy group";

(v) in item (g) in note (1),-

(a) for the word and letter "Group C" the words and letter "Groups C and D" shall be substituted;

(b) the letter "D," occurring after the words "with not more than 300 sq.metres built up area accommodating the use under Groups" shall be omitted;

(vi) in item (m), in sub item (v),-

(a) after the words "sewage treatment plants", the words "stone crusher units", shall be inserted;

(b) for the word "petrol" the words "automobile fuel" shall be substituted.

(13) In rule 31,-

(i) in sub rule (2),

(a) for table 2, the following table shall be substituted, namely:-

"TABLE 2

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

Sl.No:	Occupancy	Maximum permissible coverage (percentage of plot area)	Maximum permissible F.A.R.		
			Without additional fee	With additional fee at the rate of Rs. 500 per sq. metres of additional floor area	With additional fee at the rate of Rs. 1000 per sq. metres of additional floor area
(1)	(2)	(3)	(4)	(5)	(6)
1	Residential A1				
(a)	Upto 300 sq.metres	65	2.75	-	-
(b)	More than 300 sq.metres with number of dwelling units in the range:				
(i)	1 - 5	65	1.50	2	2.75
(ii)	6- 50	60			
(iii)	51-100	55			
(iv)	101-200	50			
(v)	above 200	45			
2	Special Residential A2	60	1.50	2	2.50
3	Educational B	30	1.20	--	1.50
4	Medical/Hospital C	30	1.00	1.2	1.50
5	Assembly D	40	0.70	1.0	--
6	Office/Business E	40	1.50	2.0	2.50
7	Mercantile/Commercial F	60	2.00	--	2.50
8	Industrial G1.	40	1.20	--	1.50
9	Small Industrial G2	60	2.00	--	2.50
10	Storage H.	70	2.00	--	2.50
11	Hazardous I(1)	30	0.70	--	1.0
12	Hazardous I(2)	25	0.70	--	--

(b) for note (ii) under table 2, the following note shall be substituted, namely:-

(ii) in the case of a building/building complex which accommodates more than one occupancy from among the groups A1- Residential, A2-Special Residential, D-Assembly, E-Office or Business and F-Mercantile commercial the Floor Area Ratio and coverage shall be the weighted average of the floor area under the respective occupancies, if the plot has an area not less than 0.5 hectares and is under a single ownership".

(C) after note (ii) under table 2 the following notes shall be inserted, namely:-

(iii) In the case of Government Owned Information Technology Parks, Government Approved Private Information Technology Buildings under Group E occupancy, the maximum permissible FAR shall be 3.25 and the maximum permissible coverage shall be 40%. The additional fee prescribed in Table 2 shall not be applicable in such cases.

(iv) The additional fee for maximum permissible FAR as specified in column (5) and (6) of Table 2 may be reviewed and refixed by the Government at an interval of not less than 3 years".;

(ii) sub rule (3) shall be omitted.

(14) In rule 32, in sub rule (1), in item (a) for the words

"twice the width of the street abutting the plot plus twice the width of the yard"
the words "1.5 times the width of the street abutting the plot plus 1.5 times the width of the yard" shall be substituted.

(15) In rule 33,-

(i) in sub rule (1),

(a) for the words " Table 4" occurring after the words "as shown in" the words "Table 4.1, Table 4.2 and Table 4.3 unless otherwise specifically mentioned elsewhere in these rules" shall be substituted;

(b) for Table 4, the following Tables shall be substituted, namely:-

Note: In the case of Group A1, A2,D and F occupancies, the most restrictive criteria among the column (3) and (4) shall be considered for fixing the minimum width of access in column (5).

**Table 4.1
ACCESS FOR GROUP A1 OCCUPANCY**

Sl.no:	Occupancy	Total floor area of buildings in sq.metres	Number of units in the case of Group A1 occupancy	Minimum width of access required in metres
(1)	(2)	(3)	(4)	(5)
1(a)	Group A1 Occupancy with total floor area upto 600 sq.metres	Upto 150; limited to 2 storeys	Not Applicable	No minimum
		Upto 150; more than 2 storeys		1.2
		Above 150 upto 300		2
		Above 300 upto 600		3
1(b)	Group A1 Occupancy with total floor area above 600 sq.metres	Above 600 upto 1000	Upto 5	3.6
		Above 1000 upto 4000	6-25	5
		Above 4000 upto 8000	26-50	7
		Above 8000 upto 12000	51-75	9
		Above 12000 upto 16000	76-100	12
		Above 16000	More than 100	15

**Table 4.2
ACCESS FOR GROUPS A2, D AND F OCCUPANCIES**

Sl.no:	Occupancy	Total floor area of buildings in sq.metres	Number of storeys	Minimum width of access required in metres
2	Group A2, D and F Occupancies	Upto 100	Single Storey	1.2
		Above 100 upto 300	Two Storeys	3.6
		Above 300 upto 1500	Three Storeys	5
		Above 1500 upto 3000	Four Storeys	7
		Above 3000	Abovefour Storeys	12

Note:- In the case of Group A1, A2, D and F occupancies, the most restrictive criteria among the column (3) and (4) shall be considered for fixing the minimum width of access in column (5)

**Table 4.3
ACCESS FOR OTHER OCCUPANCIES**

Sl.no:	Number of storeys of the building	Access width in metres for buildings under other occupancies not mentioned in Table 4.1	
		Upto 300 sq.metres of carpet area in every floor	Above 300 sq.metres of carpet area in any floor
(1)	(2)	(3)	(4)
1	Single Storey	1.2	3.6
2	Two Storeys	3.6	5
3	Three Storeys	5	5
4	Four Storeys	5	7
5	Above four Storeys	7	7

(ii) in the first proviso, after the word "provided" and before the words "that wherever off street parking" the word "further" shall be inserted;

(iii) before the first proviso, the following proviso shall be inserted, namely:-

"Provided that, in the case of land developments and buildings under Group B, C,D and E occupancies for public purpose by the Government, Quasi Government or local Self Government Institutions, the Government may in consultation with the Chief Town Planner give concurrence for reduced access width under the condition that access of adequate width as stipulated in Table 4.1 or 4.2 or 4.3 as the case be, shall be provided at a later stage";

(iv) after the last proviso the following provisos shall be added, namely:-

"Provided further that, in the case of buildings having multiple occupancy, the whole building shall be treated as being occupied by the most restrictive occupancy for arriving a the access width.

Provided also that in the case of high rise buildings, the minimum width of access shall be the width as stipulated in Chapter XVII of these rules".

(16) For rule 34 and the table 5 there under, the following rule and tables shall be substituted, namely:-

"34. Parking loading and unloading spaces.- (1)Area of each off-street parking space provided for parking motor cars shall be not less than 15 sq.metres (5.5 metres x 2.7 metres). The area requirements for each off-street parking space for parking two-wheelers (other than cycles) and cycles shall be 3 sq.metres and 1.5. sq.metres respectively.

(2) For buildings of different occupancies, off-street parking spaces for motor cars shall be provided within the plot as specified in Tables 5.1 and 5.2 as the case be.

TABLE 5.1

Off-street Parking Space for Group A1-apartment houses/flats

Carpet area per dwelling unit	Off-street parking spaces at the rate of
Upto 60 sq.metres	1 for every 4 dwelling units
Above 60 sq.metres Upto 100 sq.metres	1 for every dwelling unit
Above 100 sq.metres Upto 150 sq.metres	1.5. for every dwelling unit
Above 150 sq.metres Upto 250 sq.metres	2 for every dwelling unit

Above 250 sq.metres	2.5 for every dwelling unit
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Note:- Fractions if any in the total number of parkings worked out shall be rounded off to the next whole number.

TABLE 5.2

Off-street Parking Space for occupancies other than Group A1-apartment houses/flats

Sl.No	Occupancy	One parking space for every or fraction of
1	Group A2-Special residential-Lodging and rooming houses, Tourist homes and hostels, Dormitories etc. without any attached eating facility such as restaurant, Canteen, Cafeteria mess or dining	<p>(i) Rooms with attached bath and WC</p> <p>(a) 4 rooms (with each room upto 12 sq.metres of carpet area)</p> <p>(b) 2.5 rooms (with each room upto 12 sq.metres and upto 20- sq.metres carpet area)</p> <p>(c) 1.5 rooms (with each room above 20 sq.metres of carpet area)</p> <p>(ii) Rooms without attached bath an WC</p> <p>(a) 9 rooms (with each room upt 5 sq.metres of carpet area)</p> <p>(b) 6 rooms (with each room above 5 sq.metres and upto 12 sq.metres carpet area)</p> <p>(c) 3 rooms (with each room above 12 sq.metres of carpet area)</p> <p><u>Note:-</u> Parking spaces at the rate of one for every 20 sq.metres carpet area of dining spaces or 10 seats of dining accommodation shall be provided in addition to the above, in the case of special residential buildings attached with eating facility.</p>
2	Group B-Educational (i) High Schools, Higher Secondary Schools, Junior Technical Schools, Industrial Training Institutes etc. Higher Education Institutions	<p>(i) 250 sq.metres of carpet area</p> <p>(ii) 100 sq.metres of carpet area</p>

3	Group C-Medical/Hospital	75 Sq.metres of carpet area
4	Group D-Assembly	7 seats of accommodation Note: (i) In the case of wedding halls and community halls, for calculating the carpet area or seating accommodation, for the purpose of parking area, the carpet area of either the auditorium or the dining hall, whichever is higher, alone need be taken. (ii) for the purpose of this rule 1.50 sq.metres carpet area shall be considered as one seating accommodation
5	Group E-Business/Office Building	75 sq.metres of carpet area for buildings having total carpet area upto 1000 sq.metres and 50 Sq.metres of carpet area for the total carpet area in excess of 1000 sq.metres
6	Group F-Mercantile/Commercial building exceeding 75 sq.metres of carpet area	75 sq.metres of carpet area for buildings having total carpet area upto 1000 sq.metres and 50 Sq.metres of carpet area for the total carpet area in excess of 1000 sq.metres
7	Group G1-Industrial Building	200 sq.metres of carpet area
8	Group G2-Small Industrial	200 sq.metres of carpet area
9	Group H Storage	200 sq.metres of carpet area

Provided that in the case of building/building complex accommodating more than one occupancy, parking as above shall be made available in the same plot itself, earmarking the occupancywise parking areas as detailed in Table 5.1 and 5.2 for the respective occupancies:

Provided further that, in the case of Government Owned Information Technology Parks, Government Approved Private Information Technology Parks and Government Approved Private Information Technology Buildings under Group E occupancy, the off-street car parking requirement shall be at the rate of one parking space for every 40 sq.metres of carpet area or fraction thereof.

(3) Every off-street parking space shall be provided with adequate vehicular access to a street; area of drives, aisles and such other provisions required and adequate area for maneuvering of vehicles in addition.

(4) Wherever any off-street parking space is required under these rules, 25% of what area shall be provided additionally for parking two-wheelers.

(5) In the case of apartment houses/flats, 30% of mandatory off-street parking space as in Table 5.1 shall be provided additionally, earmarked and maintained exclusively to accommodate visitors' parking.

(6) In addition to the parking space as in Table 5.2, in the case of Group F- Mercantile or Commercial, Group G1-Industrial and Group G2- small Industrial and Group H-Storage occupancies, loading and unloading spaces each 30 sq.metres shall be provided within the plot, at the rate of one such space for each 1000 sq.metres of floor area of fraction thereof, exceeding the first 700 sq.metres of floor area.

(7) Not exceeding fifty percent of the mandatory open yard (space) shall be taken into account for calculating the required parking space if such open yard (space) has adequate vehicular access and area for manoeuvring.

(8) The minimum mandatory open spaces around any building (s) as per these rules shall not be sold or let out for parking of vehicles".

(17) In rule 48, for sub rule (1) the following sub rule shall be substituted, namely:-

"(1) Any building exceeding three storeys in the case of Group C- Medical/Hospital occupancy and four storeys in the case of other occupancies shall have at least one lift. Additional lift shall be provided at the rate of one lift for every 2500 sq.metres of the total floor area in excess of the first 4000 sq.metres".

(18) In rule 50,-

(i) for sub rule (2) other than notes (1) and (2) the following sub rule shall be substituted namely:-

"(2) The recreational space as per sub rule (1) shall have not less than 6% of the total floor area of all the units taken together. A minimum 50% of such recreational space shall be provided outside the building on the ground itself. Remaining recreational space may be provided either inside a building or outside or both. The recreational space, if provided outside a building on the ground, it shall be exclusive of parking areas, driveways and other utility areas. If recreational space is partly provided on the open terrace, the area of such open terrace shall not be less than 500 square metres and the recreational space so provided shall not be more than 25% of the open terrace area. Such space shall be enclosed all around either by walls or parapet walls made of stable materials to a height of not less than 150 centimetres with grill mesh of size not more than 10 centimetres X 10 centimetres over it upto further height of 150 centimetres. Such recreational space in open terrace shall be provided with safety measures including exists as per these rules".

(ii) after Note (2) to sub rule (2) the following note shall be added, namely:-

"(3) The recreational space provided on the ground shall be exclusive of the mandatory open space required around a building".

(19) In rule 52, the proviso shall be omitted.

(20) In rule 53, -

(i) for the marginal the heading, the following marginal heading namely:- shall be substituted, "group A1 and group A2 occupancies".

(ii) sub rule (1), shall be renumbered as (1b);

(iii) before the sub rule (1b), so renumbered, the following sub rules shall be inserted, namely:-

"(1) In the case of apartment houses/ flats under group A1 occupancy, approval of the District Town Planner shall be obtained for the usage of plot and lay-out of buildings with total number of dwelling units exceeding 40, but upto 80 and approval of the Chief Town Planner shall be obtained for the usage of plot and lay-out of buildings with total number of dwelling units exceeding 80:

Provided that, if the area is covered under any Town Planning Scheme, the usage of plot shall conform to the provisions contained in that scheme.

(1a) In the case of group A2 Special Residential occupancy, approval of the District Town Planner shall be obtained for usage of plot and lay-out of buildings with total floor area exceeding 3000 sq. metres, but upto 6000 sq. metres and approval of the Chief Town Planner shall be obtained for the usage of plot and lay-out of buildings with total floor area exceeding 6000 sq. metres:

Provided that, if the area is covered under any Town Planning Scheme, the usage of plot shall conform to the provisions contained in that scheme."

(21) In rule 54,

(i) for the marginal heading, the following marginal heading shall be substituted namely:

"Group B, Group C and Group E occupancies";

(ii) for sub rule (1) the following sub rule shall be substituted, namely:

"(1) Approval of the District Town Planner shall be obtained for usage of plot and lay-out of buildings with total floor area exceeding 3000 sq. metres, but upto 6000 sq. metres, and approval of the Chief Town Planner shall be obtained for the usage of plot and lay-out of buildings with total floor area exceeding 6000 sq. metres.

Provided that, if the area is covered under any Town Planning Scheme, the usage of plot shall conform to the provisions contained in that scheme."

(iii) sub rule (2) shall be omitted;

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

"(4) Every hospital shall possess authorisation from the Kerala State Pollution Control Board under the provisions of Bio-medical Waste (Management and Handling) Rules, 1998 as amended from time to time, for the disposal of bio-medical waste".

(22) In rule 55, -
(i) for the marginal heading, the following marginal heading shall be substituted, “*group D occupancy*”;

(ii) for sub rule (1) the following sub rule shall be substituted, namely:-

“(1) Approval of the District Town Planner shall be obtained for usage of plot and lay-out of buildings with total floor area exceeding 3000 sq. metres, but upto 6000 sq. metres, and approval of the Chief Town Planner shall be obtained for the usage of plot and lay-out of buildings with total floor area exceeding 6000 sq. metres:

Provided that, if the area is covered under any Town Planning Scheme, the usage of plot shall conform to the provisions contained in that scheme.”;

(iii) in sub rule (2), in the first proviso, after the words “in the case of buildings”, the words “with total floor area upto 300 sq. metres” shall be inserted.

(23) In rule 56,-

(i) for the marginal heading, the following marginal heading shall be substituted, namely:-

“*group F occupancy*”;

(ii) sub rule (1) shall be renumbered as (1a) and for the sub rule (1a) so renumbered the following sub rule shall be substituted, namely:-

“(1a) Except for high rise buildings, side yards may not be provided for buildings under Group F Mercantile or Commercial occupancy in an area exclusively zoned for commercial use in any Town Planning Scheme under Town Planning Acts in force:

Provided that if any window or ventilator or such other opening is envisaged on any side of the building, that side shall have a minimum clear open yard of 1.5 metres.”

(iii) before sub rule (1a) so renumbered the following sub rule shall be inserted namely:-

“(1) Approval of the District Town Planner shall be obtained for usage of plot and lay-out of buildings with total floor area exceeding 3000 sq. metres, but upto 6000 sq. metres and approval of the Chief Town Planner shall be obtained for the lay out of buildings and usage of plot with total floor area exceeding 6000 sq. metres:

Provided that, if the area is covered under any Town Planning Scheme, the usage of plot shall conform to the provisions contained in that scheme.”

(24) In rule 57,-

(i) for the marginal heading, the following marginal heading shall be substituted, namely:-

“*group G1 and group G2 occupancies*”

(ii) for sub rule (5) the following sub rule shall be substituted, namely:-

“(5) The minimum clear width of access to a building and plot as well as the width of the street giving access to the plot from the main street shall be 7 metres and shall be motorable:

Provided that, in the case of building(s) with total floor area upto 200 sq. metres, the above width shall not be less than 3.6 metres and shall be motorable:

Provided further that, in the case of newly developed industrial parks, industrial estates and industrial plot sub-division layouts, the minimum width of access to the plot and the building shall be 7 metres and shall be motorable, irrespective of the floor area of the building(s).”

(25) In rule 58, -

(i) for the marginal heading, the following marginal heading shall be substituted, namely:-

“Group H occupancy” ;

(ii) for sub rule (2) the following sub rule shall be substituted, namely:-

“(2) Approval of the District Town Planner shall be obtained for usage of plot and lay-out of buildings with total floor area exceeding 3000 sq. metres, but upto 6000 sq. metres and approval of the Chief Town Planner shall be obtained for the usage of plot and lay-out of buildings with total floor area exceeding 6000 sq. metres:

Provided that, if the area is covered under any Town Planning Scheme, the usage of plot shall conform to the provisions contained in that scheme.”;

(iii) sub rule (3) shall be omitted and;

(iv) after sub rule (3a) the following sub rule shall be inserted namely:-

“(3b) The minimum clear width of access to a building and plot as well as the width of the street giving access to the plot from the main street shall be 7 metres and shall be motorable.”

(26) In rule 59,

(i) for the marginal heading, the following marginal heading shall be substituted, namely:-

“Group I (1) and Group I(2) occupancies” and

(ii) after sub rule (3), the following sub rule shall be inserted, namely:

“(4) The minimum clear width of access to a building and plot as well as the width of the street giving access to the plot from the main street shall be 7 metres and shall be motorable.

Provided that, in the case of building(s) under Group I(1) with total floor area upto 200 sq. metres and crematoria and burial grounds under Group I(2) occupancy, the above width shall not be less than 3.6 metres and shall be motorable.”

(27) In rule 62, in sub rule (2), in the first proviso, for the words " at a height of" the words" above a height of " shall be substituted.

(28)In rule 72,

(i) after the words “in the case of existing row buildings” and before the word "reconstruction" the words “under Group A1- Residential occupancy” shall be inserted;

(ii) the word “use” shall be omitted

(iii) after the words “set backs provided.”, the following words shall be added at the end, namely.-

"In such case, the number of floors shall be limited to two.”

(29)in rule 73, -

(ii) The words “under any Government approved Scheme for economically weaker sections” occurring after the words “Housing Co-operative Societies” shall be omitted;

(iii) after the words "or addition or alteration of any building and before the words "financed or built" the words “under any Government approved Scheme for economically weaker sections and” shall be inserted.

(30) In rule 76, after the word “coverage,” the words “off-street parking space,” shall be inserted.

(31) In rule 81, in sub rule (2), in item (a),-

(a) in the first proviso, after the words “column (5)”, the words “or column (6)” shall be inserted.

(b) In the second proviso,-

(b) (i) after, the words “column (5)”, the words “or column (6) shall be inserted

(ii) for the words "sub rule (3) of rule 31 "the words " in Table 2" shall be substituted.

(32)After Chapter XVI A, the following chapter shall be inserted, namely.

**“Chapter XVI-B
SOLAR ASSISTED WATER HEATING SYSTEM**

109 B Solar Assisted Water Heating System in Buildings.-(1) Solar assisted water heating system shall be provided for buildings exceeding 500 sq.m of built up area under the following occupancy groups/categories, namely:-

- (i) Group A1- Apartment Houses or Residential Flats
- (ii) Group A2- Special Residential Buildings

- (iii) Group C - Medical or Hospital Buildings
- (iv) Group D - Community Halls, Auditoriums, Wedding Halls.

(2) Such buildings shall have open space on the rooftop, which receives direct sunlight where the solar water heating system can be installed. There shall be provisions for continuous water supply to the solar water heating system and for distribution of hot water from the solar water heating system to various distribution points where hot water is required through insulated pipe lines.

(3) The water storage capacity requirement of the solar water heating system shall be decided on each case by the registered Architect/Engineer/Town Planner/Building Designer/Supervisor, as the case may be.

(4) The Secretary shall, before issuing occupancy certificate, ensure that all new buildings mentioned in sub rule (i) have completed installation of solar water heating system.”

(33)In rule 110,-

- (i) the words “from ground level” shall be omitted;
- (ii) after the word "height" the following words shall be added at the end, namely:-

“For the purpose of this rule, the word ‘height’ shall be the ‘height of building’ as defined in clause (aq) of sub rule (1) of rule 2.”

(34)After rule 115, the following rule shall be inserted namely:-

116 Access:- The width of access to a high rise building and plot as well as the width of the street giving access to the plot from the main street shall be 7 metres or as prescribed elsewhere in these rules, whichever is higher”..

(35)for rule 117, the following rule shall be substituted, namely:-

“117 Open spaces.- (1) A clear, continuous, motorable open space of minimum 5 metres width shall be provided all around the building. Such space 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.

(2) The minimum width of open space between plot boundary and a high rise building shall be 5 metres.

(3) In case a group of buildings are to be constructed within any plot belonging to the same owner or by different owners of adjoining lands jointly, the area of the land remaining after accounting for the mandatory front, rear and side yards from the boundary of the plot shall be considered as buildable area of the plot where the buildings may be constructed subject to the conditions regarding floor area ratio, coverage, access, light and ventilation etc. for the whole plot, distance between the various blocks within this area shall be a minimum of 5 metres.

(4) Adequate passageway and clearances required for fire fighting vehicles to enter the premises shall be provided at the main entrance; the width of such entrance shall be not less than 7 metres or as stipulated elsewhere in these rules, whichever is higher. If an arch or covered gate is constructed, it shall have a clear head room of not less than 5 metres".

(36)After rule 120, the following rules shall be inserted namely:-

“120A *Site supervision.*-(1) The owner shall appoint a person, registered or deemed to have been registered under the provisions of Chapter XXI, competent to supervise such works as per appendix L of these rules, as full time supervising professional at the site, from the commencement to completion of the work. Such person shall have a minimum of 3 years experience in supervising works of similar nature

Provided that, no activities shall be undertaken at the site in the absence of such site supervising professional.

(2) The owner shall intimate the Secretary, the details of the appointed supervising professional including his/her date of appointment, photo identity proof and proof of experience along with a copy of the acceptance of appointment duly signed by the supervising professional. The owner shall also intimate the Secretary in writing about replacement, if any, of such supervising professional together with all details specified above without any delay.

Provided that if the work is executed through any person/persons or agency/agencies like developer, the responsibility of appointment of site supervising professional as stipulated in this rule shall be vested with such person/persons or agency/agencies.

(3) The supervising professional shall:

- (i) ensure that the construction is carried out as per the approved plans, specifications and structural design,
- (ii) take adequate safety precautions at all stages of construction or reconstruction or addition or alteration or repair or demolition or removal of the various parts of the building for safeguarding the life of workers and public against hazards consequent on any aspect of the work,
- (iii) ensure that all protective works carried out to safeguard the adjoining properties during construction are sufficient and in good order to ensure safety,
- (iv) ensure at every stage of construction, that the quality of construction and/or materials used for construction is as per the specifications for that work.

- (v) ensure that the debris, construction wastes or materials are safely and clearly disposed.

120B Display of the details of the permit etc.-(1) For the entire period of construction, the owner shall display the details of the building permit near the entrance to the site in a board of size not less than 100 centimetres X 75 centimetres. The details to be displayed include the date and number of building permit, name and address of the owner and developer with phone number, the occupancy group of the building, the number of floors, Coverage, FAR, area earmarked for parking in sq.metres, the use in each floor.

(2) Prior to commencement of the construction, all sides of the plot shall be covered with protective fencing and screen to ensure safety and convenience of the adjoining properties. Such protective fencing and screen shall be retained throughout the construction period.”

(4) Adequate safety measures as in PART VII CONSTRUCTIONAL PRACTICES AND SAFETY in National Building Code of India, 2005 shall be ensured by the owner and the developer for protection against damage to health, life, buildings and property of the inhabitants around, during and after building construction and land development. The owner and the developer shall be solely responsible for any such damages.

- (37) In rule 157, after sub rule (4) the following sub rule shall be added, namely:-

“(5) Government may also authorise any officer(s) to perform the functions entrusted to the Squad. Such officer(s) may also inspect site, verify records and or conduct such enquiries as required and furnish report to the Government. Such officer(s) may, at the time of inspection, inform the secretary, in writing, the illegal constructions noted.”

- (38) In Appendix B, the following words shall be inserted as condition (3), namely:-

“Adequate safety measures shall be ensured for protection against damage to health, life, buildings and property of the inhabitants around, during and after development. The owner and the developer shall be solely responsible for any such damages.”

- (39) In Appendix C, the following words shall be inserted as condition (i), namely:-

"Adequate safety measures shall be ensured for protection against damage to health, life, buildings and property of the workers and inhabitants around, during and after building construction. The owner and the developer shall be solely responsible for any such damages.”

- (40) In SCHEDULE I in Note (1) after the words “building permit”, the words “except in cases specified otherwise in these rules” shall be added.

- (41) In SCHEDULE II,-

(i) under the heading "PERMIT FEE", for the existing table the following table shall be substituted, namely:-

(1)	(2)	(3)	(4)		(5)	(6)	(7)	(8)	(9)	(10)	(11)
			(i)	(ii)							
	Local Self Government Institution	Land Development (Rupees per are)	Pucca Building (Rupees per sq.metres of floor area)		Thatched or tiled buildings -Other than pucca (Rupees per sq.metres)	Huts or sheds (Rupees per unit including their accessory units if any)	Residential units for Economically Weaker Sections financial by Government or Local Self Government Institutions	Wells (Rupees per unit)	Compound wall (Rupees per metre length)	Shutter or door conversion or erection under rule 100 or 101 (Rupees per unit)	roof conversion under rule 100 or 101 (Rupees per sq.metre)
			in group A1 Occupancy	in occupancies other than Group A1							
1	Town Panchayat & Village Panchayat	500	5	10	1	25	50	15	3	250	4
2	Municipal Council	750	10	15	2	50	50	20	4	500	6
3	Municipal Corporation	1000	15	25	3	75	50	25	5	1000	8

(ii) after Note-No. (2) the following note shall be added namely:-

“(3) In the case of tourist resorts, the permit fee as stipulated in column (4)(ii) shall be applicable irrespective of the structural conditions. The fee prescribed in coloumn (5) or (6) shall not be applicable in such cases.”

By order of the Governor,

.....
Principal Secretary to Government.

Explanatory Note

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

Of late, the construction and land development activities in the state are on the increase. The state has also been experiencing high growth in automobile ownership and change in life styles, which is not yet reflected to the desired extent in the building rules. It is felt that the Kerala Municipality Building Rules 1999 also need certain modifications, with due consideration on the settlement structure of our state. Necessary provisions for safety in constructions, areas requiring special attention, responsibility of the developers, transparency on projects, Information Technology parks/buildings and highrise buildings also have to be included in the rules. It is also felt that conformity to Town Planning Schemes shall be clearly spelt out in these rules for clarification on that matter. In addition, certain modifications / corrections are required in general in the building rules. In this contexts the Government consider it necessary to make certain further amendments to Kerala Municipality Building Rules, 1999.

This notification is intended to achieve the above purpose.