

# **SRINAGAR MUNICIPAL CORPORATION (BUILDING) BYE-LAWS, 2011**

**Notification No. 07 of 2011, dt. 08-09-2011,  
Housing and Urban Development Department**

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In exercise of the powers conferred under clause-D of Section 395 of Jammu and Kashmir Municipal Corporation Act, 2000 and pursuant to the approval conveyed by the Government vide No. UD-98/2009/SDA dated 01/09/2011, the Srinagar Municipal Corporation (Building) Bye-Laws 2011 are hereby notified. These shall come into force from the date of their publication in the Government Gazette.

## ***1.1 Preliminary***

### **(a) Short title, Extent and Commencement**

I. These Bye-laws may be called the "Building Bye-laws" for the purpose of J&K Municipal Corporation Act 2000.

II. These shall extend to Municipal Area of Srinagar Municipal Corporation.

III. These shall come into force on such date of their publication in the government Gazette.

## **1.2 General**

### **1.2.2 Definition**

In these Bye-laws unless there is anything repugnant in the subject or context-

- (a) "Advertising sign" means any sign, either free, standing or attached to a building or other structure which advertises a business or commercial establishment.
- (b) "Alley" means a (public thoroughfare), which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
- (c) "Ancillary Building" means a subordinate building or a portion of the main building the use of which is incidental to that of the dominant use of the building or the premises.
- (d) "Apartment" The building will be called apartment house when the building is arranged/intended/ designed to be occupied by families independent of each other and with independent cooking facility for the purpose of sale/lease / rent to person
- (e) "Approved" means approved by the Competent Authority.

- (f) "Architect" on Record means an Architect registered with Council of Architects.
- (g) "Authority", means for the purpose of these rules any Authority as defined under J&K Municipal Corporation Act 2000.
- (h) "Balcony" means horizontal projection with or without roof in upper floors to serve as a "passage" or "sitting out" place.
- (i) "Basement" means the lower storey of building below ground level, and Semi basement means a floor, partly below ground level
- (j) "Bazaar" means a place or area reserved or licensed by the Authority for the erection of shops or stalls or both.
- (k) "Building" means any construction of whatsoever materials (construction) and every part thereof, whether used as human habitation or not and includes plinth, walls, roof, chimney drainage work, fixed platforms, verandah, balcony, eaves, cornice or projection, or part of a building on anything affixed thereof.
- (l) "Building height" means the vertical distance measured in the case of flat roofs from the average ground level on which the building stands and is contiguous up to the parapet. In the case of pitched roofs, from ground level to ridge top. The architectural features serving no other function except that of decoration shall be excluded for the purpose of taking heights. For the purposes of roof height, it is clarified that the angle of slope should not be less than 15 degrees.  
For stepped construction the vertical distance shall be measured from the lower floor level instead of average ground level as applicable in case of plain.
- (m) "Building line" means a line which is in alignment of the street/lane/road and to which the main wall of a building abutting on such a street/lane / road may lawfully extend and beyond which no portion of the building may extend
- (n) "Built Area" means area covered immediately above the plinth level and the external area up upper floor
- (o) "Chajja" means the sloping or horizontal structural projection usually provided over openings on external walls to provide protection from sun and rain.

- (p) "Clinic" means diagnostic center where patients are examined and investigated for diagnosis and relevant advices are given for management but the patients are not admitted as indoor patients as in a hospital or nursing home.
- (q) "Clinical Laboratory" means a centre where patients are investigated by way of tests, procedures and machines for diagnosis of a disease.
- (r) "Commercial Building" means a building used as shop, store, market, money transaction sale and purchase of goods either wholesale or retail, storage, go-down or any other activities carried in furtherance of trade and commerce.
- (s) "Commercial Waste" or "Wastes" are the waste removed from an industrial plant or other premises by way of discharge any liquid, with or without matter in suspension or solution therein, that is or may be discharged from trade premises in the course of any trade or industrial process or operation or in the course of an activity or operation of alike nature.
- (t) "Construction Engineer" on Record means a civil engineer registered with Institution of Engineers a Chartered Engineer on possessing the qualifications prescribed by Institution of Engineers India.
- (u) "Coverage" means the percentage ratio of the plinth area of the main and accessory buildings to the total area of the plot
- (v) "Dhoonga" means a floating dwelling on water used for residential purposes.
- (w) "Drain-surface water" means a drain used or constructed to use solely for conveying to any drain rain water and surface runoff but shall not include any rainwater pipe.
- (x) "Dwelling" means a building or portion thereof which is designed for use wholly or principally for residential purposes.
- (y) "EWS House" means a house or dwelling unit intended for economically weaker sections with maximum built up area of 500 Sft.
- (z) "EWS Plot" means a residential plot intended for economically weaker sections having maximum plot area of 1000 Sft.
- (z.1) "Filling station" means an area of land including any structures thereon that is or are used or designed to be used for the supply of gasoline or oil or fuel for the propulsion of vehicles. For the purpose of these Bye-laws there shall be

deemed to be included within this term any area or structure used designed to be used for polishing, greasing, and washing, spraying or otherwise cleaning or servicing such motor vehicles.

- (z.2) "Floor Area Ratio" (FAR) means quotient by dividing the total covered area (Plinth area) on all floors excluding exempted areas as given in this regulations into 100 by the area of the plot.

Total covered area of all floors x 100		
FAR		
Plot area		

"Floor area" means covered area of a building at any floor level.

- (z.3) "Garage private" means an accessory building approved for the parking of vehicles owned or used by the occupants of the building to which it is necessary.
- (z.4) "Garage public" means a building or portion thereof other than a private garage used for repairing, serving, selling or storing motor driven vehicles.
- (z.5) "Government" means Housing and Urban Development Department J&K civil Secretariat.
- (z.6) "Grey Water" means involving water form sinks, tubs, showers and washing.
- (z.7) "Group Housing" means apartments or multi-storeyed housing with more than 4 (four) building blocks in a plot where land is owned jointly and the construction is undertaken by a single agency/or society
- (z.8) "Guest house/Lodging house" means a building which does not accommodate more than 24 persons at a time with or without dining /parking facilities. The building shall not comprise of more than 24 single guest rooms or 12 double guest rooms. Minimum plot area shall be 2 kanals.
- (z.9) "Habitable room" means a room constructed or intended for human habitation excluding bath room, water closet compartment, laundries, pantries, corridors, cellars.
- (z.10) "Heritage Building" means any building of one or more premises or any part thereof which requires preservation, restoration and conservation for historical, architectural,

environmental, cultural or religious purpose and includes such portion of the land adjoining such buildings as may be required.

- (z.11) "Heritage Zone" means the area around such heritage building as delineated by the Authority from time to time for restricting the height of building and use of building.
- (z.12) "Hostel" means a residential facility for not exceeding 50 students at a time having dining/parking facilities subject to minimum plot area of 3 kanals. Hostel should be affiliated or attached with recognized educational/welfare organizations/institutes. Height of the building shall be not more than 3 floors.
- (z.13) "House Boats" means wooden structure floating on water which includes dhoongas for the residential purpose or a facility of board and lodge for tourists with inbuilt mechanism for Solid Waste Disposal and Disposal of liquid Waste without polluting water body registered with the concerned Government Agency/Department.
- (z.14) "Hotel" means a building or a part of the building used as boarding place for more than 24 persons who are lodged with or without meals, at a time. The land requirement not less than 4 kanals.
- (z.15) "Industrial/Commercial Premises" means any premises which is being used for intended to be used (whether for profit or not) for carrying on any trade business, education, research or industry.
- (z.16) "Inspector" included whomever the Competent Authority has appointed in writing for the purposes of these bye-laws.
- (z.17) "Integrated Tourist Resort" is a place with a cluster of huts and common facilities for recreation, restaurant, swimming pool, health club etc.
- (z.18) "ISO 5667" means the latest edition complete with any amendment, of international standard ISO 5667: 1994 Water Quality Sampling.  
Part 1:1980 Guidance on the design of sampling programmes  
Part 2:1991 Guidance on sampling techniques  
Part 3:1994 Guidance on the preservation and handling of samples  
Part 10:1992 Guidance on sampling of Grey Waters.

- (z.19) "ISO TR 9824" means the latest edition complete with any amendments, of International Standards ISO TR 9824: Measurement of liquid flow in open channels;  
Part 1: 1990 Measurement of free surface flow in closed conduits methods.  
Part 2: 1990 Measurement of free surface flow in closed conduits Equipment.  
The "Words" and "Terms" which have not been defined by these by-laws shall have same meaning as defined in or covered by the J&K Municipal Corporation Act, 2000.
- (z.20) "Ledge or Taakh" means a shelf like projection, supported in any manner whatsoever, except by vertical supports within a room itself but not projecting wider than half meter.
- (z.21) "Mezzanine Floor" An intermediate floor between two floors of any storey forming an integral part of the floor below.
- (z.22) "Mixed use building" means a building having more than one use where the predominant use is maximum 2/3rd of the total use. The predominate use is to be in conformity with the zoning.
- (z.23) "Multi-storeyed or high rise buildings" means a building whose height is 15 meters or more measured from the average level of the central line of the street on which the site abuts or more than four floors excluding basement or stilt.
- (z.24) "Natural Hazard Prone Areas" means areas of moderate to high intensity of earthquake or cyclonic / snow storm or significant flood flow or inundation or landslides / mud flows or one or more of these hazards, and declared so by any "Competent authority".
- (z.25) "Office Building" means any building used or constructed or erected to be used for office purpose and no part of it is being used for living purpose except by the caretaker or his family. Office purpose means an "activity" wherefrom bookkeeping, recordkeeping, publication-administration or planning of any institution / organization is managed and whereby professional services are provided.
- (z.26) "Open space" means an area forming an integral part of the plot left open to the sky for the purpose of Building Byelaws.
- (z.27) "Parking space" means an area enclosed or unenclosed, sufficient in size to store an automobile or any other

- conveyance together with a drive-way connecting the parking space with a street, or alley and permitting ingress or egress of all such conveyances.
- (z.28) "Plinth" means the portion of a structure between the surface of the surrounding ground and surface of the floor immediately above the ground.
- (z.29) "Polyclinic" means an institution of a group of doctors for examinations, diagnosis and advice to the patients belonging to various specialties in medicine. The basic difference of a Clinic from a hospital or nursing home is that the patients are not kept in its premises for diagnostic or other therapeutic purposes.
- (z.30) "Public Building" means a Building owned or used by Govt. or Semi Govt. authority, Public registered Trust or such board/foundation which runs and manages charitable institution like hospitals, educational institutions and religious institutions. It shall also include places of Worship like Mosque, Temple, Gurudwara, Church etc.
- (z.31) "Reconstruction" means constructing the structure/building a fresh as per building norms/bye laws on the site of old building.
- (z.32) "Registered Technical Personnel" (RTP) will mean qualified person/persons Architect/ Engineer/ Planner/ Group of technical personnel/ Supervisor/ Plumber/ Electrician who has been enrolled/ licensed by the Competent Authority.
- (z.33) "Residential Building" means a building used for human habitation and includes all garages, stables or other building apartment /hostels thereto.
- (z.34) "Restoration/Renovation" means restoring damaged building/structure without any change in its original shape, size and height by using retrofitting methods.
- (z.35) "Retrofitting" means upgrading the strength of an unsafe building by using suitable engineering techniques.
- (z.36) "Repairs" mean any renovation applied to any structure, which does not in any way change the dimensions of structure but saves the structure from further deterioration.
- (z.37) "Sanctioned Plan" means the set of drawings and statements/DPR submitted under these byelaws for the purposes of sanction by a competent authority.

- (z.38) "Set back line" means a line parallel to the center line of a road or a street and laid down in each case by the Competent Authority beyond which nothing can be erected or re-erected save with the express sanction of the Authority.
- (z.39) "Structural Engineer" on Record means an engineer possessing qualifications prescribed by Institution of Engineers India.
- (z.40) "Temporary Structure" means all structure of temporary nature like tents, hutment as well as shamianas erected for temporary purposes for ceremonial occasions, with the permission of the competent authority.
- (z.41) "To abut" means any portion of building/structure on the road boundary.
- (z.42) "To make alterations" means to make any modification in any existing building by way of addition/or any other change in the roof, window, door compound, sanitary and drainage system in any respect whatsoever. Opening of a window (and providing inter communication doors) shall be considered to be material alterations. Similarly Modifications in respect however, gardening, white washing, panting, retiling and other decorative works shall not be material-alterations.
- (z.43) "Tourist Building" means a building used as board and lodge or either of two for "tourists" which includes hotels, hutments, guest houses, dormitories saraies, motels, tourist complexes either constructed at isolated places or in the areas integrated and developed as "villages" and uses incidental to tourist activities.
- (z.44) "Unsafe Building" means a building which,  
 - is structurally unsafe,  
 - is in-sanitary,  
 - is not provided with adequate means of egress,  
 - constitutes a fire hazard,  
 - In relation to its existing use constitutes a hazard to safety or health or public welfare by reasons of inadequate maintenance, dilapidation or abandonment.
- (z.45) "Warehouse" means a building, the whole or substantial part of which is used or intended to be used for the storage of goods but does not include a store room attached to and used for the proper functioning of a shop.

- (z.46) "Workshop" means a building where not more than ten persons are employed in any repair /servicing or manufacturing process.

## 2.0 Section-B

### PROCEDURAL BYELAWS

#### 2.1 Unauthorized Building

##### 2.1.1 Meaning of "Un-authorized Building"

Any building undertaken without grant of a Building Permit or undertaken after a Building Permit has lapsed or after a Building Permit has been revoked, shall be deemed to be an Unauthorized Building.

##### 2.1.2 Dealing with Unauthorized Building

- (a) If the Competent authority deems the construction of any building to be an Unauthorized Construction, it shall, by a written notice require the person undertaking construction of the building to stop the same forthwith.
- (b) If such building is not stopped, the authority may direct the person undertaking such construction to be removed from the plot, may seal the plot or building, and may cause such necessary measures to be taken to ensure that the person does not re-enter the plot or building without written permission of the authority. The cost(s) of undertaking these measures shall be paid by the said persons
- (c) If a building is deemed to be Unauthorized Building solely on account of a Building Permit not having being obtained prior to commencement of construction and if the said building is in conformity with all provisions of Building Bye-Laws, the Owner may apply for a Building Permit/regularization. Further construction may be undertaken after obtaining a valid Building Permit. Penalty of Rs. 10,000 for undertaking such Unauthorized Building shall be payable before a Building Permit is granted.
- (d) As provided for in the Act, an Unauthorized Building is liable for demolition. As provided in the Act, undertaking an Unauthorized Construction is a cognizable offence to which the Code of Criminal Procedure, 1973 shall apply, and the Owner undertaking such construction may face prosecution(s) under provisions of the J&K Municipal Corporation Act, 2000, J&K Development Act, 1970.

## 2.2 Building Permit Required

No person shall undertake any building operation/construction without obtaining a valid Building Permit prior to commencement of such activity. Issue of a Building Permit by the Competent Authority shall mean an acceptance by the Authority that the design and specifications of the proposed building, for which Building Permit has been issued, conforms to these Building Bye-Laws, and, that the person holding the Building Permit may undertake construction of the proposed building. It does not constitute acceptance of correctness, confirmation, approval or endorsement of:

- (a) Easement rights of the plot on which the building is proposed
- (b) Workmanship, soundness of material and structural safety of the proposed building

and shall not bind or render the Authority liable in any way in regard to (a) and (b) above.

Design and specifications of all aspects of a building shall be the responsibility of the owner of the building. Design and specifications of a building shall be mandatory and may be examined by the Competent Authority for ensuring compliance of the building to these Building Bye-Laws.

### 2.2.1 Procedure for obtaining Building Permit

Every person who intends to erect or re-erect or make material alteration in any place in a building or part thereof, within the local Area, shall apply in writing to the Competent Authority, on prescribed format. Such notice shall be accompanied with the plans on blue prints. One copy shall be retained in the office of the Authority for record after issue of permission and the other two be given to the applicant and the concerned Ward Officer.

#### i. Scrutiny of Application

The Competent authority shall undertake scrutiny of the Application for a Building Permit and communicate to the applicant, any deficiency if found during scrutiny, in writing within ten days from the receipt of application. The, applicant shall respond to the communication within seven days and after receipt of the reply, the concerned officer shall fix the date and time for plot inspection, which has to be carried out within a period of seven days from receipt of reply

#### ii. Grant or Refusal of a Building Permit

After receiving the replies, designs and specifications of proposed building, building permit shall be issued to the applicant when the Competent Authority is satisfied that the design and specifications of the proposed building comply with these building bye-laws. However, if after receiving the replies/compliance of proposed building don't comply with building bye-laws. Master Plan etc., the application may be rejected. Reasons for rejection shall be communicated to the applicant within fifteen days.

#### iii. Procedure for obtaining a Revised Building Permit

Changes or revisions in the sanctioned design and specification of a building may be made provided that a revised Building Permit is obtained before construction is undertaken on the portion of the building that deviates from the sanctioned Design and Specification.

#### iv. Application for Revised Building Permit

Application for revising a Building Permit shall be made by the owner of the plot on which the building is proposed in the format prescribed by the Agency. Drawings, specifications and documents to be submitted along with application for obtaining a revised Building Permit shall be determined by the Competent Authority.

#### v. Scrutiny of Application

The Competent Authority shall undertake scrutiny of the application for revising a Building Permit and communicate to the applicant the date and time for spot /plot inspection, if required within seven working days of the date of acceptance of the application.

Lack of compliance with Building Bye-laws and / or queries pertaining to the plot shall be communicated within seven working days after spot/plot inspection, and applicant shall respond to the communication within seven working days.

#### vi. Grant or Refusal of a Revised Building Permit

After receiving the reply/ compliance from the applicant, a revised Building Permit shall be issued to the applicant when the Competent Authority is satisfied that the design and specification of the proposed Building comply with Building Bye-laws. However, if after examining the replies/ compliance statement, competent authority is satisfied that revised design

and specifications of the proposed building don't comply with Building Bye-Laws, the application may be rejected. Reasons for rejection shall be communicated to the applicant within fifteen days of receipt of reply.

vii. Exemption to Government

No Government/Semi Government organizations either Central or State Government shall be exempted from complying with the provisions of the Byelaws, unless 'Government grants such an exemption.

viii. Plans accompanying applications

The following plans shall accompany the application for grant of building permission:

**(a) Site Plan**

The site plan drawn to a minimum scale of 1:200/ 1"=16'-0" and shall show:-

- (i) The boundaries of the site belonging to the owner with dimensions and of any contiguous land and other features including buildings up to 50'-0" surrounding.
- (ii) The position of the site in relation to neighboring streets with name of the street on which the building is situated;
- (iii) The position of the site and all other buildings (if any) which the applicant intends to erect upon his land in relation to-
  - \* The boundaries of the site and in case where the site has been partitioned, the boundaries of the portion owned by the applicant and also of the portions owned by other owners of that entire plot;
  - \* The means of access from an existing street to the building.
  - \* Space to be left around the building to secure free circulation of air, admission of light and access for scavenging purpose etc.
- (iv) Scale with north line.
- (v) Plot area, plinth area, floor space index/floor area ratio.
- (vi) Location, name and width of each adjacent road or lane.
- (vii) Such other particulars as may be prescribed by the Authority.
- (viii) The applicant shall also submit landscape plan indicating all landscaping elements viz-a-viz structure wherever applicable.
- (ix) Location / key plan of the site not to scale but giving distance from known landmark.
- (x) All utilities lines have to be marked in site plan.

**(b) Building Plan**

The detailed plans of the building and elevation and sections enclosed with the application shall be accurately drawn to scale of 1:100/1"=8'-0". Adequate arrangement for proper drainage shall also be made. The plan shall include-

- (i) Complete layout plan of the area or areas showing location and width of all streets dimensions, sizes and uses of all the plots.
- (ii) Plans of all floors, accessory buildings and basement plan. Such drawings shall fairly indicate the size of rooms, size of windows and ventilators, size of door opening and stair runs,
- (iii) Location of drains, sewers, public utility, electric lines, services, transformers.
- (iv) Exact location of essential services such as W.C. sink, bath etc.
- (v) Proposed and existing works should be clearly indicated in different colours (other than red) or in marking
- (vi) Sectional drawings showing clearly the sizes of footings, thickness of basement walls if any, all roof slabs and floor slabs, ceiling heights and parapet height with their materials. The section shall indicate the drainage and slope off the roof. At least one section shall be taken through the staircase
- (vii) Details of served privies (if any).
- (viii) Street elevation and one more side elevation.
- (ix) Dimensions of the projected portions beyond the permissible building line i.e. Chajja line.
- (x) The existing ground level of the plot and proposed' ground level in relation to abutting road level to be clearly mentioned in drawing,
- (xi) For multi-storeyed buildings an undertaking stating that debris or construction materials will not be stacked in public places leading to public nuisance. If the Authority finds that the applicant caused nuisance to public while executing construction necessary fine be compelled as per provisions in the byelaw
- (xii) Detailed parking plan.
- (xiii) Space used for storing construction materials during the time of construction.
- (xiv) The owner shall file an undertaking stating that he shall leave and surrender land for road widening if required under rules, and he will not violate any rules, building byelaws, and that



in case of violations the Authority shall be at liberty to summarily remove such deviations without prior notice and at owners cost. (The form of undertaking shall be as at Appendix).

**(c) Service Plan**

Details of private water Supply, sewerage disposal system, rain water harvesting system and details of building services, where required by Authority, shall be made available on a scale 'not less than 1:200/1" = 16'-0" rain water harvesting system need to be indicated.

**(d) Specification**

General specification of the proposed constructions including a detail calculation sheet of FAR/FSI in the proposals

**(e) Signing the plans**

All the plans and drawings shall be duly signed by the owner and the person preparing the plan, who shall be registered with the Council of Architects /Competent Authority.

**(f) Any other statement as may be required by the Authority.**

**(g) Ownership Document**

The applicant shall submit proof of ownership of the land, on which construction is proposed duly authenticated and verified by Revenue Authority. (Assistant Commissioner Revenue / Assistant Commissioner Nazool).

**(h) Fees for permission**

(a) The Competent Authority shall determine building Permit Fees and other charges for obtaining a Building Permit.

(b) The fees for religious buildings, (mosques, temples, churches and Gurdawaras) used purely for prayers shall be exempted from construction fee.

**(i) Withdrawal of application**

The applicant may withdraw the application and plans any time prior to its sanction and such action shall terminate all proceedings with respect to such application but the fees paid shall in no case be refunded.

(j) An undertaking shall be submitted along with the documents that the applicant shall be liable for action as per law for furnishing wrong information, fake /fraud documents or with-held any information having bearing for grant of building permission.

**2.2.2 Procedure for obtaining a Revised Building Permit**

Changes or revisions in the sanctioned design and specification of a building may be made provided that a Revised Building Permit is

obtained before construction is undertaken on the portion of the building that deviates from the Sanctioned Design and Specification.

**(a) Notice/Application**

Application for Revising a Building Permit shall be made by the Owner of the plot on which the building is proposed in the format prescribed by the agency. Drawings, specifications and documents to be submitted along with Application for obtaining a Revised Building Permit shall be determined by the Competent Authority.

**(b) Scrutiny of Application**

- (i) The Competent authority shall undertake scrutiny of the Application for Revising a Building Permit and communicate to the applicant the date and time for spot/plot inspection, if required within 07 working days of the date of acceptance of the application.
- (ii) Lack of compliance with Building Bye-Laws and/or queries pertaining to the plot shall be communicated within 7 working days of the date of acceptance of the application.
- (iii) Acceptance or rejection of compliant modifications in the application modifications made in the design and specifications of the proposed building and responses to queries shall be communicated within 10 working days of receipt of the modifications and responses.
- (iv) Acceptance or rejection of further compliant modifications in the application and responses to queries shall also be communicated within 10 working days of the receipt of modifications and responses.

**(c) Grant or Refusal of a Revised Municipal Building Permit**

A Revised Building Permit shall be issued to the applicant when the competent authority is satisfied that the design and specification of the proposed building comply with these Building Bye-Laws. Reasons for rejection of application shall be communicated to the applicant within the stipulated time 10 days.

**(d) Fees for Revision of Building Permission**

Building Permit Fees and other charges for revising a Building Permit shall be determined by the Competent Authority.

**2.2.3 Procedure for obtaining a Revalidated Building Permit**

**(a) Meaning of "Lapse of Building Permit"**

A Building Permit shall mean to have lapsed if a material fact, based on which the Building Permit has been granted, no longer holds true,



regardless of whether the Competent authority was informed of the same or not. A lapsed Building Permit shall continue to remain lapse till the procedural requirements specified for revalidation of Building Permit in Building Bye-Laws are met with. A Building Permit shall lapse:

1. If construction of the building is not executed and completed within the period of three years of Building Permit granted
2. If the ownership of the plot changes after a Building Permit has been granted as stipulated in Building Bye-Laws
3. If the RTP, based on whose certification the building Permit was granted, ceases to be the Person on Record (POR) for the building, either because the Person On Record was relieved of his responsibility by the Owner, or because the Person On Record relieves himself of responsibility by informing the authority as stipulated in Building Bye-Laws and a substitute is not appointed in a period of 15 days.
4. Unimplemented portion of building permission for residential purposes shall be deemed to have lapsed, if the construction/building as per approved plan is not completed within a period of three years from the date of issuance of building permit.

Following lapse of a Building Permit, construction may no longer be undertaken on the plot for which the Building Permit was granted, until the procedural requirements specified for revalidation of Building Permit are met with.

#### **(b) Meaning of "Revocation of Building Permit"**

Revocation of a Building Permit by the Competent Authority shall mean that the Building Permit shall no longer be valid, and that the permission granted by the competent authority to undertake construction stands withdrawn.

Following revocation of a Building Permit, construction may no longer be undertaken on the plot for which the Building Permit was granted. A Notice of Revocation of a Building Permit shall be issued in writing as per the format prepared by the competent authority.

#### **(c) Notice/Application**

Application for Revalidating a Lapsed Building Permit shall be made by the Owner of the plot on which building is proposed; using the Form as prescribed by Srinagar Municipal Corporation/Srinagar Development Authority and Lakes & Water Ways Development Authority. Documents

to be submitted along with Application for Revalidating a lapsed Building Permit shall be determined by the Authority.

#### **(d) Scrutiny of Application**

- (i) The competent authority shall undertake scrutiny of the Application for Revalidating a Lapsed Building Permit and communicate queries pertaining to the application within 10 working days of the date of acceptance of the application.
- (ii) Acceptance or rejection of responses to queries shall be communicated to the applicant within 10 working days of receipt of the modifications and responses.
- (iii) Acceptance or rejection of further responses to queries shall also be communicated to the applicant within 7 working days of the receipt of modifications and responses.

#### **(e) Grant or Refusal of a Revalidated Building Permit**

A Revalidated Building Permit shall be issued to the applicant when the authority is satisfied that the application complies with these Building Bye-Laws. In case of refusal, reason for rejection shall be communicated in writing to applicant within 10 days.

#### **(f) Fees for Grant of a Revalidated Building Permit**

Building Permit Revalidation Fees and other charges for revalidating a lapsed Building Permit shall be determined by the Authority.

#### **2.2.4 Procedure for obtaining a Building Use Permit:**

#### **(a) Notice of Completion of Construction and Application for Building Use Permit**

The Owner shall be responsible for notifying the competent authority of completion of construction, for certifying that the construction complies with the sanctioned design and specifications, and for applying for grant of a Building Use Permit. Notice of Completion of Construction, compliance certification and application for Building Use Permit shall be made in the format prescribed by the Authority and shall be accompanied by documents and drawings as prescribed by the Authority.

#### **(b) Building Use Permit for a Building or a part thereof**

The Competent Authority may grant a Building Use Permit for a building or a part thereof. Application for Building Use Permit for a part of a building shall be made using the format prescribed by the Authority and shall be accompanied by documents and drawings as prescribed in the format.

#### **(c) Final Inspection**

Following receipt of the Notice of Completion of Construction, the authority shall undertake final inspection of construction for ensuring

compliance to sanctioned design and specifications. The authority shall communicate the date and time of inspection to the Owner within 10 working days of receipt of Notice of Completion of Construction. In case the competent authority does not communicate decision to inspect construction within 7 working days of receipt of Notice of Completion of Construction, the Building Use Permit shall be deemed to have been granted by the authority and sanctioned use may be made of the building. If, on inspection, the authority is satisfied that the construction of the building complies with the sanctioned design and specifications, he shall grant a Building Use Permit and sanctioned use may be made of the building.

(d) If the construction is found not to comply with sanctioned design and specifications, the authority shall communicate queries regarding the construction and/or directions to ensure compliance to the Owner, within 7 working days of the date of inspection. Failure to comply with directions, as may be issued by the authority may result in revocation of the Building Permit.

(e) In case the authority does not communicate queries regarding the construction and/or directions to ensure compliance within 7 working days of the date of inspection, Building Use Permit shall be deemed to have been granted by the competent authority and sanctioned use may be made of the building.

#### (f) Grant or Refusal of Building Use Permit

If the concerned officer is satisfied that the construction of the building complies with the sanctioned design and specifications. The competent authority shall grant a Building Use Permit and sanctioned use may be made of the building. Reasons for grant/refusal of Building Use Permit shall be communicated to the applicant within 7 working days by the authority.

#### 2.2.5 Procedure for Obtaining Permit to Change Sanctioned Use of Building

##### (a) Application

Application for obtaining Permit to Change Sanctioned Use of Building shall be made by the Owner of the plot. The Authority shall determine drawings, specifications and documents to be submitted along with Application for Permit to Change Sanctioned Use of Building. The format for submission of drawings, specifications and documents shall be specified in a separate Schedule of format.

#### (b) Fees for Obtaining Permit to Change Sanctioned Use of Building

The Competent Authority shall determine fees and other charges for obtaining Permit to Change Sanctioned Use of Building.

#### (c) Scrutiny of Application

- (i) The concerned officer shall undertake scrutiny of the Application for Permit to Change Sanctioned Use of Building and communicate to the applicant the date and time for plot/spot inspection, if required within 15 working days of the date of acceptance of the application.
- (ii) Lack of compliance with Building Bye-Laws and/or queries pertaining to the application shall be communicated within 21 working days of the date of acceptance of the application.
- (iii) Acceptance or rejection of compliant modifications in the application and responses to queries shall be communicated within 10 working days of receipt of the modifications and responses.
- (iv) Acceptance or rejection of further compliant modifications in the application and responses to queries shall also be communicated within 10 working days of the receipt of modifications and responses.

#### (d) Grant or Refusal of Permit to Change Sanctioned Use of Building

A Permit to Change Sanctioned Use of Building shall be issued to the applicant when the authority is satisfied that the proposed change of use of the building complies with these Building Bye-Laws. Reasons for rejection of application shall be communicated to the applicant for his/her satisfaction.

#### 2.2.6 Unauthorized use of Building

(a) Use of any building or a part of a building, without a Building Use Permit or in a manner that does not conform with its sanctioned use or after a Building Use Permit has been revoked, shall be deemed to be unauthorized use of Building.

(b) The Competent Authority may declare the use of any building to be an unauthorized use if it is convinced the building is unsafe for habitation or if its use poses a danger to public health or safety.

Dealing with unauthorized use of Building and unsafe buildings

- (I) If the Competent Authority deems the use of any building or part of a building to be an unauthorized use of building.

- (II) It shall, by a written notice, require the person making unauthorized use of building to stop the same forth-with.
- (III) If unauthorized use is not stopped, the authority may direct the person making such use to be removed from the building and may cause such necessary measures to be taken to ensure that the person does not re-enter the building without written permission of the Competent Authority. The cost (s) of undertaking these measures shall be paid by the said person.
- (IV) If a use of a building or a part of a building is declared to be unauthorized use solely on account of a building use permit not having been obtained prior to use made of the building or part of a building and if the said use of building is in conformity with master plan and all provisions of building bye-laws, the owner may apply for regularization of a building use permit. Further use of "building or part of a building may be undertaken after obtaining a valid building use permit penalty of Rs. 10,000 for undertaking such unauthorized use of building or part of a building shall be payable before a building use permit is granted by the Competent Authority.

## 2.3 Procedure during Construction

### 2.3.1 Right to Inspect Construction

#### (a) Right to inspect construction at any Time

- (i) All buildings for which Building Permit is issued are subject to inspection by the concerned officer and the authority reserves the right to inspect such buildings at any time during the Period of Construction without giving prior notice of its intention to do so. Owner of the plot and/or any person undertaking construction shall permit authorized officers of the competent Authority to enter the plot and inspect the building for the purpose of enforcing these Building Bye-Laws. The structural design, constructional standard etc.; of all multi-storeyed buildings are required to be supervised during construction at three stages at (1) foundation (2) plinth stage /ground floor and (3) upper floor/Roofing stage in the manner described below:
- (ii) The individual /promoter is required to get their construction checked at above mentioned three stages of construction by the Authority. Necessary certificate in the format prescribed by the authority shall be submitted to the Competent Authority at each stage before proceeding with next stage of construction

Next stage of construction shall not be proceeded with unless certificate of completion of preceding stage is examined and cleared by authority. The clearance through "Go-ahead Certificate" at each stage shall be issued by authority within seven working days from the date of receipt of completion certificate at each stage. Failure to comply with this provision shall be deemed that the building permission has been revoked.

### 2.3.2 Information to be prominently displayed on Site

It shall be the responsibility on the Owner to erect a notice board on the plot" displaying key information pertaining to the building within 15 working days of issue of Building Permit. The notice board should be prominently visible, easily readable and should be located next to the primary access to the plot. The notice board/s should be maintained for the entire Period of Construction up to issue or grant of Building Use Permit. Failure to comply with this Building Byelaw may result in revocation of the Building Permit.

### 2.3.3 Documents and Drawings to be maintained on Site

It shall be the responsibility of the Owner for the building to keep all the documents and drawings approved on the site, at all times after issuing Notice of Commencement of Construction to the Authority up to the issue or grant of Building Use Permit. These documents should be made available to any authorized officer of the Authority inspecting the site for the purpose of enforcing these Building Bye-Laws. Failure to comply with this Building Byelaws may result in revocation of the Building Permit.

### 2.3.4 Reducing Inconvenience and Ensuring Safety during Construction

It shall be the responsibility of the Owner to certify that no building material, building equipment or building debris is stacked, stored, left or disposed off outside the plot for which Building Permit has been granted, on any public street or space. Failure to comply with this Building Byelaw may warrant penalties on the owner of the plot.

#### (i) Barricading the Plot during Period of Construction

It shall be the responsibility of the Owner to ensure that plot on which construction is being undertaken is adequately barricaded. Specifications for barricading the plot shall be adhered to strictly. Failure to comply with this Building Byelaws may warrant penalties on the owner

of the plot for not providing adequate barricading of the plot during Period of Construction.

**(ii) No Damage or Undue Inconvenience during Construction**

- (a) It shall be the responsibility of the Owner to undertake all necessary measures to ensure that no damage is caused to adjoining properties due to construction.
- (b) It shall also be the responsibility of the Owner to undertake all necessary measures to ensure that no undue inconvenience is caused to the public, due to factors such as noise, dust, smell or vibrations.
- (c) It shall also be the responsibility of the Owner to undertake all necessary measures to ensure that traffic is not disrupted due to construction.
- (d) It shall be the responsibility of the Owner to carry out all instructions given in writing by authorized officers of the authority as the case may be to ensure public safety and reduce inconvenience.
- (e) Failure to comply with this Building Byelaw may warrant penalty as prescribed by authority for violation of any of the sub-rule. However before levy of penalty, an opportunity of being heard shall be provided to owner of the plot.

**(iii) Competent Authority Not Liable for Ensuring Safety during Construction**

The Owner shall be responsible for ensuring that all necessary measures for safety for all are taken on site. Grant of Building Permit, Permit to Use Abutting Street for Construction, grant of Building Use Permit for part of a building, or issuing of any instructions to ensure public safety or reduce inconvenience, does not render the authority liable for any injury, damage or loss whatsoever that may be caused to any one in or around the area during the Period of Construction. In all such cases owner shall be wholly and solely responsible.

**(iv) Notice for Commencement of Construction**

The Owner of the building shall notify the authority of their intention to commence construction at least 7 days prior to commencing construction by filing a Notice of Commencement of Construction in the format prescribed by the authority.

**(v) Authority to be notified of Progress of Construction**

The Owner shall be responsible for notifying the Competent Authority of the progress of construction. Notices of Progress of Construction shall be made in the format prescribed by the authority

**(vi) Permit to Proceed with Construction Required**

No construction shall be undertaken after filing Notice of Progress of Construction. A Permit to Proceed with Construction from the authority is required to undertake further work. Permit to Proceed with Construction shall be issued in the format prescribed by the authority. Application for grant of Permit to Proceed with Construction shall be made in the format prescribed along with Notice of Progress of Construction.

**(vii) Grant or Refusal of Permit to Proceed with Construction**

- (i) The authority may undertake inspection of construction for compliance to sanctioned design and specifications. In the case that the authority decides to inspect site of construction, it shall communicate the date and time of inspection to the Owner of the building within 5 working days of receipt of Notice of Progress of Construction.
- (ii) In case Competent Authority does not communicate decision to inspect construction site within 5 working days of receipt of Notice of Permit to Proceed with Construction shall be deemed to have been granted by the authority unless other-wise communicated, and construction may be undertaken on the site for building.
- (iii) If the authority undertakes inspection and is satisfied that the construction of the building complies with the sanctioned design and specifications, it shall grant a Permit to Proceed with Construction and further construction may be undertaken on the building.
- (iv) If the construction is found not to comply with sanctioned design and specifications, it shall communicate queries regarding the construction and/or directions to ensure compliance to the Owner within 5 working days of the date of inspection. The Owner shall be responsible for ensuring compliance to such directions as may be issued. Failure to comply with directions, as may be issued by the authority may result in revocation of the Building Permit.
- (v) In case Competent Authority does not communicate queries regarding the construction and/or directions to ensure compliance within 5 working days of the date of inspection, Permit to Proceed with Construction shall be deemed to have been granted and the construction may be undertaken on the building.

- (vi) The Owner shall respond to queries and notify the authority of having undertaken compliant modifications. If the authority is satisfied that the construction of the building complies with the sanctioned design and specifications, it shall grant a Permit to Proceed with Construction and further construction may be undertaken on the building.

(viii) Penalties

Penalties for not complying with Building Bye-Laws shall be stipulated by the Srinagar Municipal Corporation. Failure to notify the Srinagar Municipal Corporation. Before commencing construction may result in levy of penalty, which shall be decided by the Srinagar Municipal Corporation.

**3.0 Section-C**

**RESPONSIBILITIES OF OWNER AND PERSONS ON RECORD**

**3.1 Responsibilities of Owner**

The Owner shall

- Be responsible for ensuring that the building compliances with these Building Bye-Laws.
- Shall make the application for a Building Permit.
- Appoint a Structural Engineer on Record to undertake third-party verification of the structural design and specifications of the proposed building and, to verify and certify that the design and specifications comply with these Building Bye Laws.
- Appoint an independent Structural Engineer on Record to undertake third party verification of structural design and specifications of a proposed building and to verify and certify that the design and specifications comply with this Building Bye-laws.
- Appoint a Construction Engineer on Record to certify that the construction of the building has been undertaken as per detailed design and specifications stipulated by the R.T.P. and the Structural Engineer on Record.
- Obtain a Building Permit prior to commencement of building
- Submit a Notice of Commencement of Construction, Notices of Progress of Construction and a Notice of Completion of Construction to the Authority
- Obtain a Building Use Permit prior to making use or to occupying the building or a part of the building

- Inform the Competent Authority in writing within 7 working days if for any reason he ceases to be the Owner of the plot for which the building Permit has been issued or granted, regardless of whether building has commenced or not.
- Inform the authority in writing within 7 working days if for any reason, any of the Persons on Record appointed by him have been relieved of their responsibilities.
- Ensure that no construction is undertaken during the period that the Building Permit has lapsed or has been revoked.
- Submit Maintenance Certificates as required by authority from time to time.
- No ownership of a plot or building shall be changed or transferred by whatsoever means before issuance of Building Use Permit except with prior permission of authority. If the ownership has been changed without prior permission of authority, the building permit issued by the competent authority shall be deemed to have been revoked. This shall also apply to building under construction. The authority shall charge the fee it deems fit for change of ownership. However the authority may on application by prospective owner, issue building use permit subject to payment of penalty of Rs. 5000/- if it is satisfied that the building is in conformity with the design and specifications as approved by the competent authority.

**3.1.1 Minimum Qualifications and Competence Requirements**

The authority shall list advocates, architects, structural engineers and Construction Engineers /Electric Engineers as Advocates on Record (AdOR), Architects on Record (AOR), Structural Engineers on Record (SEOR), Electric Engineers on Record (EEOR) and Construction Engineers on Record (CEOR), Electrical Engineers on Record (EEOR) respectively. Applications for listing should be made in the format prescribed by the Competent Authority from time to time etc.

The Competent Authority shall determine minimum qualifications and competence requirements for being considered for listing as Persons on Record from time to time.

**3.1.2 Listing Fee and Security Deposit**

Listing Fee and Security Deposit for listing, as Persons on Record with the Competent Authority shall be determined by the authority.

### 3.1.3 Penalties

Procedures for ascertaining whether a Person on Record has failed in discharging his responsibilities in the context of these Building Bye-Laws shall be determined by the Competent Authority etc. Penalties for failing to discharge responsibilities shall also be determined by the authority.

### 3.2 Responsibilities of Persons on Record

Responsibilities of Persons on Record shall be as follows:

#### 3.2.1 Structural Engineer on Record (SEOR)

The Structural Engineer on Record shall:

- Scrutinize and verify the structural design and specifications of the proposed building.
- Certify and ensure that earthquake resistance features annexed as schedule have been incorporated followed during the construction process.
- Certify that the structural design and specification of the proposed building comply with Building Bye-Laws.
- Immediately inform the Authority in writing, if in his opinion, construction of the building is not being undertaken in accordance with the structural design and specifications stipulated by him.
- Inform the authority in writing, within 7 working days, if for any reason he is relieved of his responsibilities as the Structural Engineer on Record for the building.

#### 3.2.2 Construction Engineer on Record (CEOR)

The Construction Engineer on Record shall

- Undertake all necessary measures, including but not limited to adequate inspection during construction to ensure that the construction of the building is undertaken as per detailed design and specifications stipulated by the R.T.P. and by the Structural Engineer on Record;
- Provide an undertaking to the Authority along with the Notice of Commencement of Construction, that the construction of the building shall be undertaken as per detailed designs and specifications stipulated by the R.T.P. and by the Structural Engineer on Record.
- Certify to the authority, at stages prescribed in Building Bye-Laws that the construction of the building has been

carried out as per detailed design and specifications provided by the R.T.P. and Structural Engineer on Record.

- Immediately inform the authority in writing, if construction of the building is not being undertaken in accordance with the design and specifications stipulated by the AOR and the SEOR.
- Inform the Authority in writing, within 7 working days, if for any reason he is relieved of his responsibilities as the Construction Engineer on Record for the building.

### 3.3 Building Permit to Lapse with Change in Persons on Record

- The Architect on Record, the Structural Engineer on Record and the Construction Engineer on Record, based on whose respective certifications the Building Permit has been issued or granted, are respectively responsible for ensuring that construction of the building is in compliance with these Building Bye-Laws.
- After the Building Permit is issued or granted, if any of the Persons on Record is relieved of his responsibility by the Owner, or, relieves himself of responsibility of the building, the Building Permit shall lapse regardless of whether the construction of the building has commenced or not. In such an event a Revalidated Building Permit may be applied for.

### 3.4 Revocation of Building Permit in case of Misrepresentation and delisting of persons on record

The Competent Authority may revoke a Building Permit if

- It determines that false statements were made or material facts were misrepresented for obtaining the Building Permit
- The Person on Record, based on whose certification the Building construction is carried out is de-listed by the Authority.

## 4.0 Section-D

### PERFORMANCE BYE LAWS

#### 4.1 Buildings and Infrastructure

(a) **Plinth:** - No person shall construct any building with its lowest flat or floor

- Less than 0.3 meter and more than 0.75 m. above the ground level of the plot.



- The ground level should not be raised more than 0.3 meter from the finished surface of the nearest street level to be fixed permanently by concerned authority in the plain areas.
- The plinth shall be of uniform height not more than 0.75 meters in the total vicinity.

**(b) Slope of pitched roofs**

Except with special permission of the authority, no slope of pitched type roof shall be more than 45 degrees and less than 26 degrees.

**(c) Height regulation**

- I. All habitable and circulation spaces in a building shall have minimum clearance of 8 feet.
- II. In case of centrally air conditioned building, height of habitable room shall not be less than 7'-6" measuring from the surface of the floor to the inside of false ceiling. The min. clear head room from bottom of beams shall 7'-6"

**(d) Corridors and passages**

The width of corridor shall be as follows:

i.	Residential House	: 1.0 meter
ii.	Hotel	: 1.5 meter clear
iii.	Shopping Complex up-to a length of 15 meters	: 1.8 meter
iv.	Shopping Complex above 15 mtr. Length	: 2.1 meter
v.	Assembly buildings including auditorium Cinema halls, multiplexes, Cineplex etc	: 2.1 meter
vi.	Educational institutions.	: 2.1 meter

- For a building constructed on stilt with provisions of ground level parking floor or semi-basement parking floor, the height of the building will be calculated by omitting the height of the parking floor up to a maximum of 2.7 meter for the purpose of building height subject to provision of exclusive parking in the ground level.
- Maximum height of parking floor shall be of 8'-6" measured up-to the underside of the floor /ceiling.

**(e) Building abutting on two streets**

If a building is situated on two or more streets of different widths, the building shall be deemed for the purpose of those Byelaws to face the streets which are wider than others.

**(f) Boundary Wall/ Compound Wall**

- (i) The maximum height of the compound wall shall be 2.1 m above the center line of the front street./finished ground level
- (ii) Corner plot should be sufficiently rounded off to a radius of not less than 4.5 meter to give a clear view of the other roads.
- (iii) Compound gate should open entirely inside the property and shall not open on any access/ pathways/ road/ street.

**(g) Basement**

Basement can be constructed up to minimum prescribed setback line and beyond prescribed building lines, ensuring that the coverage in the basement shall not exceed ground floor coverage.

I. Basement shall not be permitted in low lying areas and areas without adequate drainage facilities to ensure drainage from the basement unless these are structurally feasible and designed by a structural Engineers.

Basement may be put to the following uses:-

- (a) Storage of household or other goods of ordinary non combustible material;
- (b) Strong rooms, bank cellars etc.
  - Air conditioning equipment and other machines used for services and utilities of building subject to satisfaction of the authority.
  - Parking spaces
  - Shopping/commercial use which will then be counted in FAR.

**(h) The basement shall have the following requirements**

- I. Every basement shall be in every part at least 2.4 m in height from the floor to the underside of the roof slab or ceiling;
- II. Adequate ventilation shall be provided for the basement. Any deficiency may be met by providing adequate mechanical ventilation in the form of blowers, exhaust fans, air conditioning system etc.
- III. The minimum height of the ceiling of any basement shall be 1 m above the average surrounding ground level.



- IV. Adequate arrangements shall be made so that surface drainage does not enter the basement
- V. The walls and floor of the basement shall be watertight and be so designed that the effect of the surrounding soil and moisture, if any,
- VI. Are taken into account in design and adequate damp proofing treatment is given
- VII. The access to the basement shall be separate from the main entry and alternate staircase providing access and exit from higher floors, where the staircase is continuous. In case of building served by more than one staircase the same shall be of enclosed type serving as a fire separation from the basement floor and higher floors
- VIII. If such ramps are provided in basement parking floor the gradient of it should be maximum 1:5 and the height of 2.4 mt. is to be maintained at the entrance also

**(i) Ramps**

Ramps with a slope of not more than 1 to 10 may be substituted for and shall comply with all this applicable requirements of required stairways as to enclosure, capacity and limited dimensions. Ramps shall be surfaced with approved non-slippery material provided that in the case of public offices, hospitals, assembly halls etc, the slope of the ramp shall not be more than 1 in 12.

- I. The minimum width of the ramps in hospitals shall be 2.25m.
- II. Handrails shall be provided on both sides of the ramp.
- III. Ramps shall lead directly to outside open space at ground level or courtyards or safe place.

**(j) Location of septic tank subsurface absorption system**

A subsoil dispersion system shall not be closer than 18 m from any source of drinking water, such as well, to mitigate the possibility of bacterial pollution of water supply. It shall also be as far removed from the nearest habitable building as economically feasible but not closer than 2 m. to avoid damage to the structure.

**(k) Signs and Outdoor display Structures**

The display of advertising signs on building and land shall be in accordance with part X signs and outdoor display structures of National Building Code of India. However, the following provisions shall be complied with for permitting advertising signs in different land use zones.

**(i) Low Density Residential Zone**

The following non-flashing and non-neon signs with illumination not exceeding 10 ft. candles:

- One name plate with an area exceeding 0.1 sq. m for each dwelling unit.
- For other users permissible in the zone, one identification sign or bulletin board with an area not exceeding 1.6 sq. m.
- 'For sale' or 'For Rent' signs for real estate not exceeding 2 sq. m in area provided they are located on the premises offered for sale or rent.

**(ii) High Density Residential Zone**

Non-flashing business signs placed flat against the wall and not exceeding 2 sq.m. in area per establishment.

**(iii) Commercial zones**

Flashing or non-flashing business signs placed flat against the wall, not exceeding 5 sq. m. in area and covering not more than 15 percent of the area of such wall including doors and windows, and overhanging signs which project not more than 0.9 m from the wall, provided that such overhanging signs shall be in conformity with the following and provided that such signs do not face residential buildings:

- Not more than one overhanging sign may be permitted for each 4.6 of lot frontage; and
- The area of such overhanging signs shall not be more than 1 sq. m. except that for each 0.9m of plot frontage above the first 4.5m an increase in area of 0.2 sq. m shall be permitted.

**4.2 Space Standards**

Space standards are fundamental to obtain the basic objective of zoning regulations to achieve desirable pattern of development in a city. Strict enforcement is needed to achieve articulated urban development as envisaged in the Master Plan of a City.

**4.2.1 Spatial Norms and Standards**

S.No.	Description	Standard prescribed	Area/Unit (Acres)
A	Educational Facilities		
1	Pre-Primary School	1 for 12500	0.3

2	Primary School	-	0.5
3	Middle School	-	2.5
4	Higher Sec. School & High School	-	5.0
5	Senior Secondary	1 for 7500	2.5
6	Integrated School (Hr. Sec. Sc.)	1 for 90000	6.0
7	Integrated School with Hostel	1000-1500 Students	9.75
8	School For Handicapped	400 Students / 45000 Pop	1.25
9	College	1000-1500/1 Pop	Lac 10.0
10	ITI	500 Students / 10 Lac Pop	4.0
11	Polytechnic	400 Students / 10 Lac Pop	6.0
12	Engineering College	1500-1700 students	75.0
13	Medical College	1500-1700 students	37.5
14	Professional College	-	30.0
15	Special Institution	-	2.0 - 3.0
16	Academic College	-	10.0 - 15.0
17	Vocational Institute	1 for 50000	10.0 - 15.0
B	Health Care Facilities		
18	Health Unit/Dispensary	1 for 15000	0.2
19	Nursing Centre	Home / Maternity 30 Beds/ 1 per 45000	0.8
20	Polyclinic	1 per 1 Lac Pop	0.1
21	General Hospital (400 Beds)	1 for 1 to 2 Lac	10.0 to 12.0

22	Intermediate Hospital (A)	200 Beds/1 Lac Pop	9.3
23	Intermediate (Maternity)	Hospital 80 Beds /1 Lac Pop	2.5
C	Socio-Cultural Facilities		
24	Community Room	1 per 5000 pop	0.2
25	Community Hall and Library	1 for 15000	0.5
26	Recreational Club	1 for 1 Lac	2.5
27	Music, Dance & Drama Centre	1 for 1 Lac	0.2
28	Socio-cultural Centre	1 for 10 Lac	37.5
29	Club Houses	1 for 1 Lac	1.0
30	Museum	-	5.0 to 8.0
31	Community Centre	1 for 15000	0.5
32	Botanical / Zoological Park	1 for 1 Lac	37.5
33	Exhibition Area(s)	1 for 1 to 10 Lac	10
34	Cinema	1 for 1 Lac	0.7
35	Stadia/Sports Centre	1 for 1 Lac	20
36	Play Field	1 for 2500	1.2
37	Mini-Play Field	1 for 15000	3.7
38	Religious Place/Structure	1 for 2000 (for all Communities)	0.3
39	Religious Place/Structure	1 for 10000 (for all Communities)	1.3
40	Graveyard	1 for 20000	5.75
41	Cremation Ground	1 for 50000	1.25
D	Distribution Services		
42	Post & Telegraph Office	1 for 1.5 Lac	1/4 to 1.2

43	Post Office	1 for 40000	0.4
44	Telephone Exchange	-	0.5
45	Petrol Pump	1 per 225 ha of Gross Residential Density	0.4
46	Milk Booth	1 for 5000	0.04
47	LPG Godown	1 for 50000	0.13
48	Electricity Sub-Station 11 KV	1 for 15000	0.2
49	Electricity Sub-Station 66 KV	1 for 1 Lac	2.7
E	Police and Fire Services		
50	Police Station	1 for 90000	3.75
51	Police Post	1 for 40000	0.4
52	District Jail	1 for 10 Lac	25
53	Fire Station	1 for 90000	0.75
F	Slaughter House		
54	Slaughter House	1 for 1 Lac	0.8
55	Abattoir	1 for 1 Lac	1.2

**4.2.2 Density, Ground Coverage and Floor Area Ratio (FAR) in Residential Areas**

Density	Max. permissible Ground Coverage	Max. permissible FAR	Max. Height (Feet)
Low	25%	0.75	42
Medium	35%	1.4	50
High	50%	2.00	50

High density will be applicable to the core area and special designated areas for EWS/LIG whereas the medium density will be applicable to extended areas and low density to peripheral areas.

**4.2.3 Building bye-laws - Ground coverage, FSI and Setbacks**

S.No.	Building Type	Max. Ground Coverage	Max. FAR	Minimum Set-backs (in feet)		
				Front	Rear	Other two sides
1	Residential in a plot	-				
	700 to 1000 Sft	-	-	8'	6'	Both sides blind
	1001 - 1500 Sft	-	-	15'	8'	8'/Blind
	1501 - 2000 Sft	-	-	15'	10'	10'
	2001 - 5000 Sft	-	-	20'	10'	10'
	Above 5000 Sft	-	-	20'	15'	10'
2	Educational Institutions	35%	1.05	25'	25'	10'
3	Clubs, Libraries & Community Centres	30%	0.90	25'	25'	10'
4	Office Buildings	40%	1.60	20'	15'	10'
5	Factories & Industrial Units	40%	1.0	25'	20'	20'
6	Warehousing & Storage Sheds	50%	1.0	25'	15'	15'
7	Fire Station	20%	0.50	15'	15'	15'
8	Post & Telegraphic Office	50%	1.25	15'	10'	10'
9	Police Station	25%	0.75	30'	15'	15'

10	Cinema Halls	30%	0.75	50'	25'	25'
11	Slaughter House	50%	1.20	50'	25'	25'
12	Religious Buildings	50%	1.25	15'	10'	10'
13	Saria	40%	1.0	30'	10'	10'

- In case of residential structures one side could be permitted to remain blind with no set-backs if the minimum set-back of 10' (ten feet) is provided on the other three sides of the building in the form of semi-detached /row-housing.
- In case of residential structures, relaxation by 10% (maximum) of the ground coverage otherwise prescribed shall be granted for the benefit of an applicant for plots of less than 1000 Sft. area by authority.
- In case of old and congested parts, the ground coverage and FAR shall be permitted with relaxation in the set back norms to be decided by authority
- Side set-backs and rear side of any structure in any plot shall be permitted in such a manner so as it shall not deprive abutting structures from ventilation/sunlight throughout a day. Minimum Side set-backs of 10 feet each shall, therefore, are provided on east and south sides of the plot for a two storeyed structure. In case height of the structure is permitted more than two storeys, set-backs on east and north side shall not be less than one third or one third of height whichever is more of the height of the ridge top from ground level. In the case of any structure with blind faced on east and south sides, permission could be granted in adjacent plots with 5(five) feet set-backs for opening or eaves projections of the structure on these two sides. If the plot is facing north and east set-backs prescribed in table above shall be applied.

In addition to any other Byelaws applicable to such buildings, the following shall apply-

- If any portion of the cinema, theatre or assembly hall (except accommodation for caretakers and his family) is intended to be used as a domestic building such portion shall comply with all the requirements of a domestic building.
- Every room in such building as mentioned above shall be lighted and ventilated by doors, ventilators and windows

abutting on an interior or exterior open air space which shall not be less than 1/5 of the total floor area.

- Gangways and passages must not be more than 6.0 m apart. No seat must be more than 3.0 m from gangway or passage.
- A gangway or passages must be at least 1.2 m wide and they shall be provided at least one in the center and one on each side.
- The height of the bottom balcony or the gallery shall not be less than 3.0 m from the floor of the auditorium and depth under the balcony shall not be more than 3 times the clear height. The clear distance between the backs of two successive rows shall not be less than 0.9 m but for seats with rocking backs it may be 0.8 m.
- The maximum rake of the floor of the auditorium shall not be more than 1 in 20
- The maximum width of the balcony steps shall be 0.8 m. Provided that for the front, and rear step, this distance is 0.9 m.
- The maximum rise of the balcony steps shall be 0.4 m.
- The maximum height of the roof or ceiling at the highest step of the balcony shall be 3.0 m and at no place the distance between the nosing and lowest projection ray shall be less than 2.4 m.
- In the case of the cinema the farthest seat shall not be more than 45.0 m anyway from the screen.
- The angle of seating shall not be less than 60 degree and the front row shall not be nearer to the screen than the half of its width.
- The position and height of the screen be regulated in such a way that the maximum angle of the line of vision from the front seat to the top of the screen shall not exceed 35 degrees.
- No corridor leading to any stair case or exit passage shall be less than 1.5 m. in width.
- No corridor shall be used for any purpose other than the exit and entrance from the auditorium.
- Doors: Entrance and exit doors shall be provided at a rate of not less than one door of a dimension of 1.5 m in width and 2.4 m in height for every 200 individuals or part thereof.

- All out doors for the use of the public be made open outward and in such a manner that when open they shall not obstruct any gangway or passage or stairway or landing.
- Staircase: - The access to the auditorium if it is on the upper storey or the galleries shall be provided by not less than two independent stairs of fireproof construction.
- Such stairs at no place shall be less than 1.5 m clear in width
- No staircase shall have a flight of more than 15 steps or less than 3 steps and width of the landing between such flight shall be the same width of the staircase. The tread of the step shall not be less than 150 mm. and rise not more than 300mm.
- No space less than 2.4 m in height shall be allowed under the floor of the auditorium.
- The cinematograph machine room shall be substantially constructed of fire resisting material or lined with such material.
- No portion of any building, balcony, Chajja, steps or other projections shall be allowed beyond the set-back line prescribed in these regulations.
- Projections, windows, door openings, roof slopes, outlet or any other thing which may establish any easement right or infringe on the adjacent, private or public property shall not be permissible.
- In frontage/road side set back shall be measured from the extreme end of the right of way prescribed under the Master Plan or from the start of the property line. Relaxation to the rule may, however, be given by the competent authority in case of shop provided that building line specified here-in-before are not violated.
- Set-back limitations prescribed above are not, however, applicable for erecting or re-erecting Lavatory block or Garage or any such accessory building or a shop in a shopping centre of single storey height incidental to the main use of building provided that easement rights of adjacent plot holders are not encroached upon in any way and such an accessory building is kept away from other adjacent building (if existing) by a distance not less than one third height of that adjacent building.

- Ground Coverage and set-back limits for Offices, Industries, Public structure and Commercial establishments may be adjusted according to site condition in consultation with the Office of the Town Planning Organization in case there is difficulty in adopting the limitation stated in these regulations.
- The Construction of Farm House shall be allowed only on the possession of minimum 5 Kanals of land and maximum coverage/plinth area shall be 1200 square feet. The maximum height shall be 25 feet from ground level to ridge top.

### 4.3 Group Housing (Colonies)

#### 4.3.1 Flatted Development

##### i. Existing Areas.

Minimum plot size	08 kanals
Max. Ground Coverage	40%
Max. FAR	2.00

##### ii. New Areas/Urban Peripheries/Designated Areas.

Minimum plot size	08 kanals
Max. Ground Coverage	50%
Max. FAR	2.00

Minimum setbacks to be determined @ one-third of the height of each building or 25'-0" whichever is minimum.

##### Note:

- Basement, if constructed and used for parking, services and for essential storage and for providing facilities shall not be counted in FAR.
- The quantum of basement may vary between 33% to 75% of the plot area and if used for children play area shall not be included in FAR if used for parking/services.
- In-house back-up facilities to be provided for buildings beyond four storeys.
- Minimum 1 car space per dwelling unit shall be provided for MIG and HIG Housing.

- (e) Stilts, if used for parking/utility services shall not be counted in FAR.
- (f) Height of stilt parking provided in any block/building shall be excluded from the overall approved height of such block/building.
- (g) Additional FAR up-to 0.20 maximum shall be allowed for dwelling units meant for EWS/LIG in group housing category.

For apartment category in the group housing minimum plot requirement shall be 8.0 kanals with ground coverage and height restrictions as applicable in the high density area.

#### 4.3.2 Housing Colonies

1. A group or a group of persons or a co-operative society or firm intending to plot out an estate into more than 10 plots (10000 Sqm. or more) shall give notice in writing to the competent authority which will be accompanied by a layout plan of entire land showing the areas allotted for roads, open spaces, plots and public buildings, the specification of the roads, drains and other infrastructures.

#### 2. Minimum Width of road

##### (a) Housing colony up-to 50 Kanals

Entry from the main road shall not be less than 30' and no internal road shall be less than 20'-0".

##### (b) Housing colony beyond 50 Kanals

Entry from the main road shall not be less than 50' and no internal road shall be less than 25'-0".

3. No housing colony will have shop plots of more than one for every ten plots. After the developed land is sold by the developer the roads and drains etc. constructed by the developer shall be transferred to the respective Municipality/Development authority for their maintenance. Area under commercial use shall be 4% to 5%.

4. Land use of the layout plan approved by the competent authority shall not be changed unless with the prior consent of the said authority. Open spaces allocated for parks, play-fields, school sites and public building in a colony shall be deemed to have been sold along with the plots as a amenities of the colony by the developer to the plot holders of the colony. The development of such open spaces shall be the responsibility of the Municipality/ Development Authority which may levy betterment charges on the plot holders of the colony in accordance with the provisions of the Act.

No permission shall be accorded for construction of a building in any notified area which shall cause nuisance by way of odour, smoke, noise or disturbance to inhabitants of the locality or be injurious to health of the residents of the buildings or to the inhabitants in the surrounding areas.

5. Housing colonies shall be provided with basic amenities i.e. educational medical and other civic amenities as provided in space standards.

6. Provision for EWS/LIG shall be as per norms and standards in vogue.

#### 4.4 Commercial

##### 4.4.1 Maximum Ground Coverage 50%

Maximum FAR : 2.5

Maximum Height : 70 feet

For ecologically fragile areas including the Lake Development Authority Area the Maximum Ground Coverage will be 40%, FAR 1.2 and maximum height will be 45 feet. Plots abutting the roads below 40 feet width /proposed right of way (ROW) shall be maintained as 25 feet front set back.

#### 4.5 Hotels

##### 4.5.1 Maximum Ground Coverage 40%

Maximum FAR : 2.0

Maximum Height : 70 feet

For ecologically fragile areas including the Lake Development Authority Area the Maximum Ground Coverage will be 40%, FAR 1.2 and maximum height will be 42 feet.

#### 4.6 Miscellaneous

##### 4.6.1 Factories and building of the warehouse class

##### (a) Factories

Every room in such building shall be lighted and ventilated by sufficient number of windows, ventilators and skylight exclusive of doors having clear opening not less 1/15 of the floor area abutting on open air space of width not less than 1/3 rd the height of the part of the building-abutting -such - open -space.

Provided that this requirement may be relaxed if artificial lighting and ventilation are installed to the satisfaction of the Authority.

##### (b) Height of the floors

The height of the ground floor and each of the upper floors shall not be less than 4.2m and 3.9 m. respectively and the height of the cellar or

basement shall in no part be less than 2.4 m. provided that these provisions shall not apply to the extensions of the ground floor and upper floors of the existing building.

#### 4.6.2 Control of Signs (Hoardings) and Outdoor Display Structures and Paging Tower and Telephone Tower and Outdoor Display Structures

##### (a) Location

The telecommunication infrastructure shall be either be placed on the building roof tops or on the ground or open space within the premises subject to other regulations.

##### (b) Type of structure

- (i) Steel fabricated tower or antennae on M. S. pole.
- (ii) Pre-fabricated shelters of fiber glass or equipment.
- (iii) Masonry structure/shelter on the ground for equipment.
- (iv) D. G. Set with sound proof cover to reduce the noise level.

##### (c) Requirement

- (i) Every applicant has to obtain/procure the necessary permission from the "Standing Advisory Committee on Radio Frequency Allocation" (SACFA) issued by the Ministry of telecommunications.
- (ii) Every applicant will have to produce the structural Engineer on Record (SER) which shall be the liability of both owner and SER.
- (iii) Applicant has to produce/submit plans of structure to be erected.

##### (d) Projection

No pager and/or telephone tower shall project beyond the existing building line of the building on which it is erected in any direction. These building byelaws shall be subject to environmental impact assessment and subject to detailed protect report of the areas which are ecologically fragile or sensitive like water bodies, rivers etc.

#### 4.6.3 Environment, Landscaping and Heritage Aspects

- (a) The Authority may impose special provision for landscaping, in special type of building /plot for environmental up-gradation etc;
  - In every plot at least 30% of open land should be utilized for tree plantation and greenery/landscaping.
  - The Authority may impose special condition to the developer to develop the road and drain abutting that particular plot
  - If however, developer agrees to contribute towards the development charge for developing adjoining roads and drains

or decides to relinquish a part of these land for improvement of road, drain or creation of open space for the locality without asking for any compensation to the satisfaction of the Authority, the Authority may consider allowing additional proportionate F.A.R. in that particular plot development of the area.

(b) In Group Housing project and projects where a number of apartment blocks are proposed in a single plot, Authority impose special regulations for drains, recreational open space, garbage disposal etc. in addition to the regulations contained in these Byelaws.

##### (c) Rain water harvesting

It shall be mandatory for all new buildings and the rainwater from the terrace/roof top shall be directed by proper means to a property designed rainwater harvesting structure for domestic use or for recharging ground water table. Rainwater harvesting in a building site includes storage or recharging into ground of rainwater falling on the terrace/roof top or any paved or unpaved surface within the building site.

The terrace shall be connected to the open well/bore well/ storage tank/recharge pit/trench by means of H.D.P.E. / P.V.C. pipes through filter media. A valve system shall be provided to enable the first washings from roof or terrace catchments, as they would contain undesirable dirt. The mouths of all pipes and opening shall be covered with mosquito (insect) proof wire net. For the efficient discharge of rainwater, there shall be at least two rain water pipes of 100 mm diameter for a roof area of 100 sq. mtr. However, rainwater harvesting structures shall be sited as not to endanger the stability of building or earthwork. The structures shall be designed such that no dampness is caused in any part of the walls or foundation of the building or those of an adjacent building.

Any other methods proved to be effective in conservation and harvesting of rain water may be adopted in each and every construction taken up.

Any method utilized to make the buildings energy efficient by adopting solar heating/solar lighting /green houses shall be eligible for incentives in the form of fee concession, to be refunded after implementation certificate issued by RTP. The rate/amount of concession as in incentive shall be notified by the Competent Authority.

##### (d) Heritage Building, Heritage Precincts and Natural Features

The following areas of Srinagar (and other towns) to be earmarked by the Authority by notification from time to time if not already notified



in the Master Plan be excluded for permission of multi-storeyed building(s)

- (i) Heritage zones consisting of places of pilgrimage and worship and sites of historical and cultural importance
- (ii) Areas falling on or abutting natural drainage channels
- (iii) Areas falling on or abutting wetlands
- (iv) Area earmarked for infrastructure of civic amenities in the Master Plan
- (v) Sites on hills and foothills requiring excavation that is likely to cause soil erosion, land slide or instability of hill slope; and sites below overhanging embedded rocks without proper protection work. In this regard the foot hill areas of Kralsangri and all along Zabarwan range hills are most vulnerable.
- (vi) Government land in the hills and in the water bodies
- (vii) The notified forest land falling within the Srinagar Master Plan
- (viii) The Authority will judiciously examine all building proposals including multistoried buildings in the vicinity of the above areas before such proposals are cleared/allowed with such condition/modification as the Authority may decide from time to time

#### (e) Restriction

No development and redevelopment or engineering operations or additions, repairs, renovations, including painting of building, replacement of special features or plastering or demolition of any part thereof of the heritage buildings or listed precincts or natural features, shall be allowed except with the prior permission of the Heritage Conservation Authority, on the basis of recommendation of heritage committee or Archaeological department/s or any other department/s involved in preservation and conservation of heritage buildings. The Authority may grant permission for repairs, restorations of these heritage buildings, heritage precincts as follows:

### 4.7 Grey water Reuse

#### 4.7.1 Applicability

- (i) These provisions shall be applicable to group housing, commercial and industrial premises which fall in one of the following categories:

*Category 1:* Whose plot area is more than 2000 Sq m.

*Category 2:* Water quota is more than 40,000 lts./day.

*Category 3:* Premises which has more than 50 dwelling units of any kind.

(ii) Exemptions could be accorded under following circumstances, as decided by the Government.

(iii) (a) In case the existing premises cannot permit provision of additional overhead tank for the purpose of the use of treated water.

(b) If, in the existing structure, there is no space for installation of treatment facility and collection chamber.

#### 4.7.2 Enforcement

(i) In case of existing properties, Competent Authority or his authorized officer will issue a notice to the occupier for making arrangements of Reuse of Grey Water within specified time.

(ii) In case of proposed/intending/under redevelopment properties, the occupier/developer/builder shall submit an application directly or through his Authorized Consultant to the Competent Authority with details of proposed 'Discharge Management Plan' along with the application for demand of water permission to connect the Grey Water/Sewage to Municipal Sewage System.

#### 4.7.3. Notices for testing of discharge

The Competent Authority may order the testing of sample industrial wastes or wastes if he feels that the circumstances so demand and he may, by written notice, direct the plant or premises occupier to pay the expenses of performing such tests.

#### 4.7.4. Separation of grey water

The wastes from toilets in the premises will be separated from grey water that is of bath room and kitchen wastes by means of separate down-take discharge system. The grey water shall be recycled by providing recycling plant and shall be reused for non-potable purposes after storing the same in distinctly separate tank by means of purple colored down take pipes. The water quality shall conform to standards of non-potable water. The recycled water shall be tested once in six months and results shall be made available to Competent Authority or his Authorized Officer whenever demanded.

#### 4.7.5. Mandatory notice regarding changes

An occupier of a premises shall inform the Competent Authority of his Authorized Officer of any change in the nature or quality of the wastes discharged from his plant or premises, the manner of their discharge or extra requirement of external supply of water, immediately if the change

is likely to cause variation in discharge of water or violation of license under these provisions.

#### 4.7.6. Authority to change license / notice conditions

The Competent Authority may revoke, modify or stipulate conditions to the license or notice if satisfied on inception of the plant, premises or test reports.

#### 4.7.7. Delivery of notice / Permission

Notice/Permission required by these provisions shall be deemed to have been delivered lawfully if it is given into the hand of their intended receiver with acknowledgement, or delivered his place of residence or his place of occupation or place known to be so with acknowledgement, or to adult member of his family or to an adult employee with acknowledgement, or if sent by registered mail to the same person on the place of residence, of normal place of employment recently known to be so. If it is not possible to make the delivery as stated, the notice will be assumed to have been delivered lawfully if the notice is pasted in a conspicuous place in one of the above stated locations or published in local news paper/papers.

#### 4.7.8. Corrective Action

(i) Any person violating the provisions shall be fined Rs. 5000/- only on the day of detection and if the violation continues shall be fined Rs.100/-only for every subsequent day as a corrective action after a written notice from the Competent Authority is delivered.

(ii) Failure to operate (as determined by the Inspector or Authorized Officer of the local authority (SMC/SDA/LDA) as per the observations of test results and /or physical verification the recycling plant will attract a penalty of Rs 500/- per day or /and disconnection of water connection.

#### 4.7.9. Authorization of Officers

Competent Authority may authorize his Officers/Inspectors and may delegate the necessary powers for carrying various duties under these provisions.

The method for recycling of the grey waters shall be mandatory for the institutional, industrial, commercial and group housing proposals.

### 4.8 Additional Provisions in Building Regulations/Byelaws for Structural Safety

#### (a) Structural Design

For any building under the jurisdiction of these regulations structural design/retrofitting shall only be carried out by a Registered Structural Engineer on Record (SER) or Structural Design Agency on Record

(SDAR). Proof checking of various designs/reports shall be carried out by competent authority.

Generally, the structural design of foundations, elements of masonry, timber, plain concrete, reinforced concrete, pre-stressed concrete and structural Design section-1 Load Section — 2 Foundation section -3 Wood section - 4 Masonry section — 5 Concrete Section - 6 Steel of National Building Code of India (NBC), taking into consideration the Indian Standards.

#### (b) Seismic Strengthening/Retrofitting

Prior to seismic strengthening/retrofitting of any existing structure, evaluation of the existing structure as regards structural vulnerability in the specified wind/seismic hazard zone shall be carried out by a RSE/RSDA. If as per the evaluation of the RSE/RSDA the seismic resistance is assessed to be less than the specified minimum seismic resistance as given in the note below, action will be initialed to carry out the upgrading of the seismic resistance of the building as per applicable standard.

#### Note:

- (i) For masonry buildings reference is to be made to IS: 4326 and IS: 13935 and
- (ii) For concrete buildings and structures reference to be made to BIS code on evaluation and seismic strengthening for retrofitting of RCC buildings.

#### (c) New Buildings in the Seismic Zone V

All new buildings should be made earthquake resistant so that the number of unsafe buildings is not added to stock of existing unsafe buildings. In this regard, the National Disaster Management Division, Ministry of Home Affairs,

New Delhi has illustrated guidance in the brochure for incorporating the earthquake resistant features suitable for seismic Zone V as schedule annexed herewith the same are recommended to be adopted.

### 4.9. Parking

Car parking provision shall be made as per the standard provisions with an area of 180 Sq. feet sub-surface parking and 240 Sfts per car space of surface car parking for commercial establishment, hotels, institutional area, office area, utilities and facilities.

- (a) Commercial area: 1.25 ECS per 100 sq. mt. of total Floor area
- (b) Institutional area: 10 ECS for 100 persons
- (c) Hotels: one ECS for two let-able rooms

Basement shall be allowed to be constructed especially in Central Business District for the purposes of provision of services to the main use of the structure. In case basement is constructed for parking purposes, it shall not be counted for FSI/FAR. The purpose for which basement is proposed to be constructed shall be strictly enforced to avoid the change of use.

Area to be considered under parking in basement/stilts/open shall be as under:-

(i)	Basement	= 35 Sq. Mtrs. Per car space.
(ii)	Stilts	= 35 Sq. Mtrs. Per car space.
(iii)	Open to sky	= 25 Sq. Mtrs. Per car space.

#### 4.9.1 Minimum Number of Off-street Parking Space

S. No.	Type of use	One parking space will be provided for every	
		Car	Scooter
1.	Residential building (In case of Group housing and apartment buildings)	For every dwelling unit exceeding 60 Sq. mt. of floor space	Every unit below 60 Sq. mt. to 40 Sq. mt.
2.	Theatres, Cinemas, Auditorium	10 seats of accommodation	10 seats of accommodation
3.	Retail business	40 Sq. m. of sales area	20 Sq. m. of sales area
4.	Office building	40 Sq. m. of office floor space	20 Sq. m. of office floor space
5.	Hospital	2 cabins-1 car 10 beds-1 car 3 Nos. of Doctors-1 car	5 beds of accommodation
6.	Hotel	8 beds of accommodation one ECS for two lettable rooms	

7.	Restaurants	10 seats of accommodation	6 seats of accommodation
8.	Industrial buildings	20 employees in the industry	15 employees in the industry
9.	Wholesale and Warehouses	60 Sq. m floor area and fraction thereof for car and scooter	

#### 4.9.2 Minimum No. of Off-street Parking Space:

- For calculation of total car parking area the area of one car parking space will be as specified at-supra.
- For calculation of scooter parking space, one car parking space will be equivalent to 6 scooter parking.
- 2.5 car parking spaces will be equivalent to one parking space of heavy vehicle in industrial and wholesale, warehouse buildings.
- In all buildings of various uses except residential buildings (as provided in SI.I) as mentioned above, parking space of each car and scooter has to be provided.

#### Note:-

- (Area under parking/services in the basement floor shall not be counted towards the calculation of FAR).
- No extension of existing building will be allowed by the Authority if the parking provision required for the whole building as per new Byelaws is not made available in the new proposal.
- Height of stilt parking provided in any block/building shall be excluded from the overall approved height of such block/building.

{For lake areas these provisions shall be subjected to environmental assessment and subjected to concerned DPRs.}

### 5.0 SECTION-E

#### MISCELLANEOUS

#### 5.1 Deemed Sanction

In case the applicant has fulfilled all the requisite formalities and Authority has failed to refuse the sanction of the building or work or upon refusal he has failed to communicate the refusal of the Building Permit to the applicant within sixty (60) days, the Authority be deemed to have

accorded the sanction to the building or work and the applicant shall be at liberty to commence or proceed with such building or work in accordance with his/her intention expressed in the notice and the documents and plans accompanying the same provided it is in conformity with Master Plan/Zonal Plan/Building Bye-Laws and other instructions issued from time to time by the Government and the concerned Authority.

*5.1.1 Building Permit must be considered as Deemed Sanction subject to following conditions*

- (i) That the proposed construction is not affected by any scheme of acquisition of land for public purposes or proposed building line of a public street or extension, improvement, widening or alteration of any public street or in violation of land use.
- (ii) That the applicant erects the building or executes the, work in accordance any of the provisions of the BOCA act 1988 any other law or of any bye law made hereunder.
- (iii) That the applicant shall expressly intimate the Authority about the proposed date of commencement of erection of building or the execution of work and thereafter the authority may cause inspection of the excavated foundation made in association with the applicant by such person's as he may deem fit. In consideration of the inspection report the authority may communicate appropriate direction for compliance by the applicant.
- (iv) That the proposed construction does not
  - (a) Violate the planned development of a city or town as envisaged by a policy document like master plan etc.
  - (b) Violate zoning regulations or development controls as spelled out in a master plan etc.
  - (c) Fall within proposed alignment of Green Belt, road widening etc.
  - (d) Contravene the provisions of Ribbon Development Act.
  - (e) Affect the easement rights of the adjacent plot holder and the title of the land is not subject matter of dispute before any forum.
  - (f) Violate the prescribed building line and right of way.
  - (g) Violate rule 77,79 and 80 of the J&K Electricity Rules 1978 made under J&K Electricity Act, 1997 (1940 A.D.)
  - (h) Violate the land use as per Master Plan.

## 5.2 Grant of Variance through Relaxation

The Empowered Committee may grant relaxation under special circumstances as follows:

- (a) In specific cases of sites for housing schemes for EWS, LIG, Slum Clearance and Improvement Schemes as well as Reconstruction in case of densely populated area, and plot sub-divided due to family partitions and specifications as existed prior to the damage provided the use conforms to provisions of Master Plan/Zonal Plan.
- (b) Erection or re-erection of internal partitions provided the same are within the purview of the Bye-Laws.
- (c) The ground reality in any case cannot be ignored while permitting the structure after keeping in view the established building line and the predominant land use/defecto position.

## 5.3 Facilities for Physically Disabled Persons

These bye-laws shall apply to the physically disabled persons having the following disabilities:

### (a) Non-ambulatory disabilities

Impairments that, regardless of cause or manifestation, for all practical purposes, confine individual to wheelchairs.

### (b) Semi-ambulatory disabilities

Impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics, spastics and those with pulmonary and cardiacitls may be semi-ambulatory.

### (c) Hearing disabilities

Deafness or hearing handicaps that make an individual insecure in public areas because he/she is unable to communicate or hear warning signals.

### (d) Sight disabilities

Total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger.

For persons with physical disabilities as listed from a to b, the following facilities shall be provided:

#### (i) Access path / walk way

The width of access path/walk way from plot entry and surface parking to the building entry shall not be less than 1.80 m. It shall not have a gradient exceeding 5%.

#### (ii) Surface parking

At-least two car spaces shall be provided at surface level near entrance with maximum travel distance of 30.00 metre from the building entrance.

(iii) *Space for wheel chair users*

Adequate space shall be kept for the free movement of wheel chrs. The standard size of wheelchairs shall be taken as 1050 mm x 750 mm. The doors shall have a minimum width of 900 mm, to facilitate the free movement of wheelchairs.

(iv) *Approach to plinth level*

At-least one entrance shall have approach through a ramp. The ramp shall have minimum width of 1.80 metre with maximum gradient of 1:10.

(v) *Entrance landing*

Entrance landing shall be provided adjacent to ramp with the minimum dimension of 1.80 m x 2.00 m.

(vi) *Corridors*

The minimum width of corridors shall be 1.80 m.

(vii) *Staircases*

The minimum width of staircases shall be 1.50 metre. The minimum number of risers on a flight shall be limited to 12. Size of treads shall not be less than 30 cm and the height of risers shall not be more than 15 cm.

(viii) *Lifts*

Wherever lifts are required to be installed as per bye-laws, provision of at-least one lift shall be made for the wheel chair users with the following cage dimensions recommended for passenger lifts of 13 persons capacity by Bureau of India Standards. (a) Clear internal depth 1100 mm (1.10 mtr.) (b) Clear internal width 2000 mm (2.00 mtr.) (c) Entrance door with 900 mm (0.90 mtr.) (d) The lift lobby shall have minimum inside measurement of 1.80 m

(ix) *Toilets*

One special water closet in a set of toilets shall be provided for the use of handicapped persons with wash basin keeping in view the following provisions:

- (a) The minimum size of toilet shall be 1.50 m x 1.75.
- (b) The maximum height of the W.C seat shall be 0.50 m above the floor

(x) *Hand rails*

Hand rails shall be provided for ramps, staircases, lifts and toilets. The height of hand rails shall be normally 800 mm above the floor level. If the building is meant of the predominant use of children, the height of had rails may be suitably altered.

(xi) *Guiding / warning floor material*

The floor material to guide or to warn the visually impaired persons with a change of colour or material with conspicuously different texture shall give audible signals with sensory texture and easily distinguishable from the rest of the surrounding floor materials is called guiding or warning floor material. The material with different texture shall give audible signals with sensory warning when person moves on this surface with walking stick. The guiding/warning floor material is meant to give the directional effect or warn a person at critical places. The floor material shall be provided in the following areas:

- (a) The access path to the building and to the parking area
- (b) The landing lobby towards the information board; reception, lifts, staircases and toilets
- (c) At the beginning/end of walkway where there is vehicular traffic
- (d) At the entrance/exit of the building

(xii) *Proper signage*

- (a) Appropriate identification of specific facilities within a building for the handicapped persons should be done with proper signages. Visually impaired persons make use of other senses such as signals shall benefit those with hearing and touch to compensate for the lack of vision; whereas visual signals shall benefit those with hearing disabilities.
- (b) Signs should be designed and locate such that they are easily legible by using suitable letter size (not less than 20 mm size). For visually impaired persons, information board in Braille should be installed on the wall at a suitable height and it should be possible to approach them closely. To ensure safe walking there should not be any protruding sing, which creates obstruction in walking.
- (c) The symbols/illustrations should be in contrasting colour and properly illuminated so that with limited vision may be able to differentiate amongst primary colours.

(xiii) The Authority can give concession with respect to the const. fee 50% or more.

#### 5.4 General Planning Bye-Laws

All buildings in areas for which Local Area Plans have been prepared and sanctioned, shall conform to area specific regulatory parameters (pertaining to means of access to plots and buildings, minimum and maximum plot sizes, common open spaces and common facilities, land and building use, floor area ratio, dwelling unit density, building height, coverage, set-back and margins, and provisions for parking) specified in the Local Area Plan/Master Plan.

#### 5.5 Solid Waste Management

All buildings shall provide facilities for solid waste management. Standards and specifications of facilities shall conform to the requirements of the Municipal Solid Wastes (Management and Handling) Rules, 2000 issued by the Ministry of Environment and Forest, and as amended from time to time.

#### 5.6 Environmental Pollution

(a) All buildings shall conform to provisions of Air Pollution Control Act, 1981.

(b) All buildings shall conform to provisions of Water (Prevention and Control of Pollution) Act, 1974.

(c) All buildings shall maintain ambient air quality standards in respect of noise, as prescribed in the Noise Pollution (Regulation and Control) Rules, 2000.

#### 5.7 Erection of Mobile Towers

- There shall be no habitation within the 30 feet radius of any mobile tower erected
- No Mobile Towers shall be permitted/erected/allowed on the roof tops of the existing or newly constructed buildings
- These conditions shall not be applicable to the towers already existing on roof tops or elsewhere.

#### 5.8 Penal Action

##### 5.8.1. Penal action against defaulting Architects/Engineers/Groups/ Supervisors

(a) The Authority reserves the right to take action and to debar/blacklist the Town Planner, Architect, Engineer, supervisor or Plumber, if found to have deviated from norms and regulations, professionally indulged in misrepresentation of any material fact or in supervision of

the construction against the building bye-Laws and the sanctioned building plans.

(b) If the sanctioning Authority finds at any time any violation of the building Bye-Laws or misrepresentation of fact, or construction at variance with the sanction or building Bye-Laws, inclusive of the prescribed documents, the authority shall be entitled to revoke the sanction and take appropriate action against such professional who shall not be authorized to submit fresh plans till finalization of the case. Before debarring or blacklisting such a professional found to be indulging in professional misconduct or where she/he has misrepresented any material fact, the Authority shall give him a show cause notice with a personal hearing and pass a speaking order to debar her/him with full justification for the same. An appeal against order shall lie with the appellate authority i.e.; J&K special Tribunal.

##### 5.8.2 Penalties to be levied for violations of provisions the Bye laws

(i) The Authority under provisions of the J&K Development Act, 1970, the Municipal Corporation Act, 2000 and shall take penal action for violation of Master Plan/ Zoning Regulations or Byelaws which may include stoppage of construction activity, demolition/ alternation and in paying fine and by imposing penalties.

Should any dispute arise about the interpretation of any definitions or provisions of these rules, the decision of the Authority shall be final. However, aggrieved persons may appeal to the appellate authority against such decisions and the decisions of the appellate authority shall be final and binding to all concerned.

(ii) Should at any time the Authority decide that certain provisions of these rules require change or suspension in certain areas for a comprehensive development of the area, the same can be made by the Authority with prior approval of the Govt.

Provisions of National Building Code 2005 will apply in case of those provisions which are not specified in these Byelaws.

##### (iii) Fines and Compounding

(a) Any person who contravenes any of the provision of these bye-laws or interferes or obstructs any person in discharging his legitimate duties which shall include to conduct inspection of the work at various stages and authorized in writing in this behalf by competent shall be liable to pay a penalty of Rs.10,000/-

- (b) Any person who makes any building/structure functional on its completion without 'Completion Certificate' as provided in bye rule 2.2.4 (a), shall be liable to pay a penalty of Rs. Minimum 10,000/- and maximum Rs one lac. The persons who without express permission provides utility service shall also be liable to pay a penalty of Rs 10, 000/-
- (c) All provisions of Byelaws except items given below shall not be compounded/ regularized and shall have to be rectified by alteration/ demolition at the risk and cost of owner.

- Compoundable items

- (1) Coverage - Maximum of 5%
- (2) F. A. R. - Maximum of 5%
- (3) Setback - Up to 2'-6"
- (4) Open space - maximum 5% reduction
- (5) Total height of building - 1.5%

- Non compoundable items

- (1) Use of building
- (2) Addition of extra floor
- (3) Parking norms
- (4) Projection/encroachment of public land

- Compoundable items

(a) If building or part thereof has been constructed unauthorized i.e. without obtaining the required building permit from the authority as required by Building Byelaws the same shall be compounded at the following rates provided the construction otherwise conforms to the provisions of Building Byelaws and Master Plan and Zoning regulations. For this party shall have to submit the request for permission in the prescribed procedure. (b) Rates for deviation of the Building Byelaws other than non-compoundable items specified in (1) above shall be compounded at following rates for building constructed up-to 2002.

- Rs. 15/Sq. feet per floor of area to be compounded for residential, public and semi public and educational buildings.
- Rs. 25/sq. feet per floor of area to be compounded for commercial, apartment industrial building, Govt. Officer & Guest houses, hotels

**Note:** 1. 5% escalation charge/year will be added for buildings constructed after 2002

2. The buildings not covered specifically under above categories shall be compoundable as decided by the Authority considering the merit of each case Authority may however refuse regularization of construction

even with penalties as specified in the above provisions if in the opinion of the Authority this may infringe public safety and general environment of adjoining area.

In case of any dispute arising regarding interpretation of any of the provision of these bye-laws the matter shall be referred to Government for a decision.

Any action taken under any law /regulations on the subject before the enforcement of these bye-laws shall not be questioned.