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NOTIFICATIONS BY GOVERNMENT

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (M) DEPARTMENT

AP BUILDING RULES, 2017 - AMENDMENTS PROPOSED - DRAFT AMENDMENTS - NOTIFICATION- ISSUED

[Memo No.MAU01/28029/84/2018- MSEC-MAUD, 25th June, 2018]

NOTIFICATION

In exercise of the powers conferred by section 585 read with section 592 of the Andhra Pradesh Municipal Corporation Act, 1955 (adapted GHMC Act, 1955); section 18 of the Andhra Pradesh Municipal Corporations Act, 1994; section 326 of the Andhra Pradesh Municipalities Act, 1965, section 44 (1) of the Andhra Pradesh Town Planning Act, 1920, sub-section 2 of section 18 of the Andhra Pradesh Capital Region Development Authority Act, 2015 and Section 117 of the Andhra Pradesh Metropolitan Region and Urban Development Authorities Act, 2016, the following draft amendments are proposed to AP Building Rules, 2017 issued in G.O.Ms. No. 119, MA&UD (H) Dept., dated 28.03.2017 and amendments issued thereon from time to time.

Notice is hereby given that the draft will be taken into consideration after expiry of seven (7) days from the date of publication of the notification in the Andhra Pradesh Gazette and that any objections or suggestions which may be received from any person with respect to these before the expiry of said period will be considered by the Government of Andhra Pradesh. Objections or suggestions should be addressed to the Director of Town and Country Planning, A.P., Guntur / Municipal Administration and Urban Development Department, Andhra Pradesh Secretariat, Velagapudi.

DRAFT AMENDMENTS**In the said Rules:-****I. In rule 3,-****(1) in sub-rule (20), after clause (e), the following clause shall be added, namely,-**

(f) All industrial buildings shall be exempted from Mortgaging 10% of built-up area and this is applicable to industrial buildings only and shall not be considered, if applicant converts usage of building other than industrial use at later stages.

(2) in sub-rule (21), after clause (f), the following clause shall be added, namely,-

(g) Any applicant aggrieved by the orders passed by the sanctioning/competent authority may prefer an appeal within 30 days to the appellate committee constituted with following officials:

- a) The Principal Secretary, MA&UD Department, Govt. of AP, Velagapudi-Chairman
- b) The Officer on Special Duty, MA&UD Department, Govt. of AP, Velagapudi-Member
- c) The Director of Town and Country Planning, Govt. of AP , Guntur – Member Convener

The above appellate committee shall take views of the respective ULBs/UDAs while disposing the appeals.

(3) sub-rule (22)(b)(i) shall be deleted and Rule 3(22)(b)(ii) shall be read as 3(22)(b)(i)**II. in rule 6, in sub-rule (30) for clause (c) the words "750 sqm" shall be substituted by "1000 sqm"****III. in rule 53,-****(1) for sub-rule (2), the following shall be substituted, namely,-**

*In case of Sites in Category-A, if a Site is abutting to a road which is less than 9m in width, a building may be permitted with a maximum height of 10m in such sites by insisting widening of road to 9m or lesser width as per the circulation network approved by the Competent authority. The site affected in such cases shall be handed over to the Local Body/UDA/APCRDA through registered gift deed for which relaxations can be considered in situ as prescribed in these Rules. TDR generated in such sites will not be allowed to utilize for construction of additional built-up area in congested areas. Buildings upto 18m height may be permitted in the sites of Category-A if the site is having access through the existing 12m wide road.

(2) in sub-rule (3), the sub-rule 3 shall be read as (3) (a) and the following new clause shall be added as 3 (b) namely,-

(b) All Industries shall be permitted in the sites abutting to existing road width of 9m, subject to handing over of the applicant's site required for widening the existing road to 12m.

IV. in rule 54,-**(1) in sub-rule (3), the clause (b) shall be substituted, namely,-**

In case of Electricity Tower lines, the land all along below the tower line shall be developed as green belt to an extent of the width of tower base and on either side of green belt there shall be a minimum of 10m wide roads or as defined in the Master Plan. Wherever the road is not feasible on either side of Tower lines, green belt can be provided and this will be in addition to 10% open space to be provided as per the rules and such cases, TDRs as applicable to road widening cases shall be given.

(2) in sub-rule (11), in clause (b), in sub-clause (i), the following shall be substituted, namely,-

50m within the limits of the Local Authorities. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.

V. in rule 57,-**(1) in sub-rule (2), the sub-rule (2) shall be read as sub-rule 2(a) and after table 17, the following shall be added, as clause 2 (b) namely,-**

(b) In sites up to 200 Sqm, attached buildings are also permissible with front set back as specified in Table-17. In such cases no openings are allowed towards neighbour sites. The applicant is responsible for ensuring all necessary precautions to safeguard neighbour structure. This type of buildings shall be permitted only with the consent of adjacent plot owners.

These buildings shall be permitted subject to following conditions:

1. The abutting road width shall be maintained as per Master plan / Circulation pattern approved by competent authority.
2. Parking requirements shall comply as per rules.
3. Ventilation requirement shall be satisfied.
4. Structural Engineer shall certify that all necessary measures are taken in the designs to protect the safety of adjacent buildings.

(2) in sub-rule (7), clause (k) & (L) shall be deleted and clause (m) shall be read clause (k).**VI. in rule 61,-****(1) for sub-rule (7), the following shall be substituted, namely,-**

Minimum of 10% of net site area shall be earmarked as organized open space and be utilized as greenery and shall be provided over and above the mandatory setbacks at suitable location accessible to entire community to the satisfaction of the competent authority. Such open space shall be open to sky.

(2) for sub-rule(12), the following shall be substituted, namely,-

A thorough public access road of 12m width with 2-lane black-topped is to be developed within the applicant's site on any one side at the periphery / as per suitability and feasibility for the convenience of accessibility to improve the circulation pattern in the locality to satisfaction of the competent authority. This condition would not apply if the site is surrounded by proper road circulation network as per the planning standards to the satisfaction of competent authority.

(3) for sub-rule (14), the following shall be substituted, namely,-

All roads and open spaces mentioned in this Rule shall be handed over to local body at free of cost through a registered gift deed in the format prescribed by the Government before issue of occupancy certificate. The society / association of Residents are responsible for utilizing, managing and maintaining the roads and open spaces. In case of any violation or encroachment, the local authority shall summarily demolish the encroachments.

VII. in rule 66, for sub-rule (7), the following shall be substituted, namely,-

A minimum of 2m wide green planting strip in the periphery on all sides within the setbacks where the setback is 9m and above has to be developed and maintained.

VIII. in rule 156, for sub-rule (1), the following shall be substituted, namely,-

In case of new buildings proposed for construction with plot area more than 4000 sqm and all public buildings, the Solar Roof Top Systems shall be installed.

IX. in rule 167,-**(1) for sub-rule (1), the following shall be substituted, namely,-**

Where any part of the land or site or premises applied for building permission is affected in the Statutory Plan/Master Plan Road /Circulation network / a road required to be widened as per Road Development Plan / any other public purpose required by Competent Authority/Sanctioning Authority, such area so required shall be surrendered free of cost to the Sanctioning Authority by the owner of land through registered gift deed. No development permission shall be given in the remaining site unless this condition is complied with.

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

The owner shall be allowed to construct two extra floors with an equivalent built up area for the area surrendered subject to mandated public safety requirements.

(3) in sub-rule (2), for clause (iv), the following shall be substituted, namely,-

Adjustment of TDR Value towards building permit fee and charges, compounding fee towards regularization of 10% setback violations (other than the front set back), any penal amount, open space charges, city level infrastructure impact fee and shelter fees within the respective Limits of ULB/UDA only.

(4) in sub-rule (2), clause (v) shall be deleted and clause (vi) shall be read as clause v.**X. in rule 168,-****(1) in sub-rule (2), for clause (a), the following shall be substituted, namely,-**

For the Master Plan Road / Road Development Plan undertaken and developed / Circulation network/ peripheral road in group development schemes equivalent to 400% of such area surrendered.

(2)In sub-rule (2), for clause (b), the following shall be substituted, namely,-

For conservation and development of lakes / water bodies / nalas foreshores & Recreational buffer development with greenery/ Roads on either side of Electrical Tower lines and clearance distance left for oil/gas pipelines: equivalent to 200% of such area surrendered.

(3)In sub-rule (2), clause (d) shall be deleted.

(4)for sub-rule (3), the following shall be substituted, namely,-

The TDR may be arrived at on the basis of relative land value and equivalent amount in both export and Import areas, as per the Registration Department records at the time of utilization. The Competent Authority shall have the discretion in the matter of applicability of TDR. The TDR shall not be allowed in unauthorized buildings / structures / constructions and shall be considered only after the land is vested with the Local Authority / Development Authority. The TDR certificate issued can be permitted to utilize/ dispose for construction of additional built-up area in any ULB/UDA/CRDA (except capital city) as per guidelines and conditions prescribed by Competent Authority.

XI. in rule 169,-

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

As and when the owner of the building intends to construct the building in the remaining area of the site, he is entitled to construct the building as per the provisions of these Building Rules.

(2)for Sub-rule (5), the following shall be substituted, namely,-

TDR can be allowed to be utilized for construction of two additional floors over the normal permissible floors without insisting additional setbacks and higher road width subject to compliance of other norms.

(3) the sub-rule (6) shall be deleted and sub-rule (7) shall be read as sub-rule (6).

XII. for rule 171, the following shall be substituted, namely,-

In all Residential Group Housing and Group Development Scheme Projects, whose land extent is more than 5 acres (2.023 Hectares), the Developer/Builder shall provide 10% of the total built up area towards the EWS/LIG units (5% for EWS units and 5% for LIG units) or 25% of the total number of units of the housing projects towards EWS/LIG units (12.5% for EWS units and 12.5% of LIG units). The option is given to the builder/developer to provide either 10% of the total built up area or 25% of total number of units. Maximum plinth area of each EWS Unit is 25 sqm and Maximum plinth area of each LIG Unit is 50 sqm.

XIII. (1) for rule 178, the following shall be substituted, namely,-

In case of all Residential Group Housing/Group Development Schemes whose land extent is more than 4000 sqm and up to 5.00 Acres shelter fee shall be collected as follows:-

(2) in rule 178, for sub-rule (1), the following shall be substituted, namely,-

(1) The following shelter fee to be levied

**TABLE – 40
SHELTER FEE**

S. No.	Area	Rate per Sqm (Rs)
(A)	(B)	(C)
1.	GVMC; VMC; GMC	750
2.	Other Municipal Corporations	600
3.	Selection Grade & Special Grade Municipalities	500
4.	a) Other Municipalities b) Gram Panchayats falling in Development Authorities c) Gram Panchayats falling in areas notified under APTP Act, 1920	400

IVX. for rule 179, the following shall be substituted, namely,-

The projects below 4000 Sqm are exempted from reservation of built-up area /number of units for Economically Weaker section/Low income Groups as well as payment of shelter fees.

R. KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT