

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६  
बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ विनियम ३३(९)  
मधील फेरबदलाबाबत कलम ३७(१अ)अ)  
खालील अधिसूचना.....

## महाराष्ट्र शासन

नगर विकास विभाग

क्रमांक :- टिपीबी ४३१६/४००/प्र.क्र. १०४/२०१६/ नवि-११

मंत्रालय, मुंबई : ४०० ३२,

दिनांक - २७ डिसेंबर, २०१६.

**शासन निर्णय :** सोबतची इंग्रजी व मराठी अधिसूचना शासनाच्या असाधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

( श्रीरंग दि. लांडगे )

सह सचिव, महाराष्ट्र शासन.

प्रत,

मा. मुख्यमंत्री महोदयांचे प्रधान सचिव.

मा. राज्यमंत्री, नगर विकास विभाग यांचे खाजगी सचिव.

प्रति,

(१) प्रधान सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई ३२.

(२) आयुक्त, बृहन्मुंबई महागनरपालिका.

(३) उपाध्यक्ष तथा मुख्य कार्यकारी अधिकारी, म्हाडा.

(४) सह सचिव, तथा संचालक, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.

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(६) उप संचालक, नगर रचना, बृहन्मुंबई.

(७) व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

( त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाचे असाधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करून त्याच्या १० प्रती नगर विकास विभाग (नवि-११), मंत्रालय, मुंबई : ४०० ०३२ व उपसंचालक, नगर रचना, बृहन्मुंबई यांना पाठविण्यात याव्यात.)

(८) कक्ष अधिकारी, माहिती व तंत्रज्ञान विभाग (त्यांना विनंती करण्यात येते की, सोबतची सूचना विभागाच्या वेबसाईटवर प्रसिध्द करण्याबाबत आवश्यक ती कार्यवाही करावी)

(९) निवड नस्ती (नवि-११)

**Maharashtra Regional & Town  
Planning Act, 1966.**

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**Sanctioned Modification to  
Regulation 33(9) of Development  
Control Regulations for Gr. Mumbai,  
1991 under Section 37(1AA)(c) of the  
Act.**

**GOVERNMENT OF MAHARASHTRA  
Urban Development Department,  
Mantralaya, Mumbai 400 032.  
Dated : 27<sup>th</sup> December, 2016.**

**NOTIFICATION**

**No. TPB 4316/400/CR- 104/2016/UD-11:**

Whereas the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations or the DCR ") have been sanctioned by the Government in the Urban Development Department, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide Notification No. DCR 1090/RDP/UD-11 dated 20<sup>th</sup> February, 1991 so as to come into force with effect from 25<sup>th</sup> March, 1991;

And whereas, the Regulation 33(9) of the said Regulations deals with reconstruction or redevelopment of Cessed buildings / Urban Renewal Schemes on extensive areas in the Island City of Mumbai;

And whereas, the Govt. in the Urban Development Department vide Notification No. TPB 4307/2346/CR-106/2008/UD-11 Dated 2nd March 2009 has substituted old Regulation 33(9) by a new Regulation 33(9), adding Appendix-IIIA under the said new Regulation 33(9) so as to allow redevelopment in the Island City of the Mumbai over clusters, each of which has a minimum area of 4000 sq.mtrs., bounded by existing distinguishing physical boundaries such as roads, nallas, railway lines etc. and which consists of a mix of structures of different characteristics as provided in the said Appendix-III A;

And whereas, the Govt. in the Urban Development Department vide Notification No. TPB 4313/CR-185/2013/UD-11 Dated 9<sup>th</sup> September 2014 has substituted the Regulation 33(9) inserted by above mentioned Notification dated 2<sup>nd</sup> March 2009 by a new Regulation 33(9) with new Appendix-III-A;

And whereas, the Govt. in Housing Department vide G.R.No. विविचा-2007/प्र.क्र.51(भाग-1)/गृनिप dated 30<sup>th</sup> March 2016 has taken a decision to incorporate special regulations for redevelopments of Bombay Development Division's Chawls at Worali, Naigaon, N.M.Joshi Marg, Shivadi;

And whereas, the MHADA being a Nodal Agency appointed under aforesaid G.R. dt.30.3.2016 has proposed the draft regulations based on concept of Urban Renewal Scheme and requested the Urban Development Department through Housing Department, to incorporate the special regulations in the said Regulations, on which necessary concurrence/remarks are obtained from the Housing Department.

And whereas, after considering the above facts, in the public interest it was necessary to urgently carry out suitable modification to the Regulation 33(9) of the said Regulations, so as to include new regulation no. 33(9)(B), the State Government, in exercise of the powers conferred under sub-Section (1AA) of Section 37 of the said Act, had issued Notice of even No. dated 23<sup>rd</sup> August 2016 for inviting suggestions/objections from the general public with regard to the modification in respect of inclusion of new regulation no. 33(9)(B) in the said Regulations (hereinafter referred to as "the proposed modification"), proposed in the Schedule appended to the said Notice thereto and appointed the Deputy Director of Town Planning, Greater Mumbai as the Officer (hereinafter referred to as "the said Officer") to submit a Report on the suggestions/objections received in respect of the proposed modification to the Govt. after giving hearing to the concerned persons and the Planning Authority;

And whereas, the said Notice dated 23<sup>rd</sup> August 2016, was published in the Maharashtra Government Gazette dated 26<sup>th</sup> August 2016 (hereinafter referred to as "the Official Gazette");

And whereas, the said Officer has submitted his Report vide letter dt. 19<sup>th</sup> October 2016, through the Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under Section 37(1AA) of the said Act;

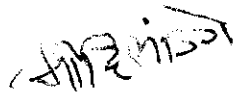
And whereas, after considering the Report of the said Officer and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned with some changes;

Now, therefore, in exercise of the powers conferred upon it under Section 37(1AA)(c) of the said Act, the Government hereby:-

- A) Sanctions the proposed modification as described more specifically in the Schedule appended hereto
- B) Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this modification.
- C) Directs the Municipal Corporation of Greater Mumbai that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule appended hereunder shall be added.

This Notification shall also be available on the Govt. of Maharashtra website : [www.maharashtra.gov.in](http://www.maharashtra.gov.in)

**By order and in the name of the Governor of Maharashtra,**

  
( S.D.Landge )  
**Joint Secretary to Government**

## SCHEDULE

( Accompaniment to Notification No. TPB 4316 /400/ CR-104/2016/UD-11 dated 27<sup>th</sup> December, 2016 )

New Regulation 33(9)(B) is inserted as follows :-

**33(9) (B) : Reconstruction or redevelopment of Cluster of BDD chawls at Naigaon, Worli, N.M.Joshi Marg and Shivdi under Urban Renewal Scheme(s).**

For reconstruction or redevelopment of Cluster(s) of buildings under Urban Renewal Scheme(s) in the Island City of Mumbai undertaken by the Planning Authority, the FSI shall be 4.00 or the FSI required for rehabilitation of existing tenants / occupiers certified by competent Authority appointed by Government for this purpose, plus Incentive FSI as per the provisions of **Appendix-III-B**, whichever is more.

### Appendix-III-B

**Regulation for Reconstruction or Redevelopment of Cluster(s) of BDD chawls at Naigaon, Worli, N.M.Joshi Marg and Shivdi by implementing Urban Renewal Scheme(s).**

**1.1** "Urban Renewal Scheme" (URS) of BDD Chawls means a scheme for redevelopment of the cluster of buildings and structures constructed by Bombay Development Division in the Island City of Mumbai, at four locations and boundaries of the area (as per maps enclosed ) hereinafter referred to as " Urban Renewal Cluster or URC " shall be a cluster identified for urban renewal :--

- 1) Under the Development Plan (DP) , where the DP contains such well defined Clusters; or
- 2) Under the Urban Renewal Plan (URP) for the concerned area, prepared and notified by the Officer appointed by the Planning Authority, who may revise the same as and when required; or
- 3) By Planning Authority, where such clusters of BDD Chawls are not shown on the DP and the URP is yet to be prepared.

Provided that no cluster or clusters shall be identified for redevelopment or implementation of Urban Renewal Scheme by the Officer appointed by the Planning Authority without carrying out an Impact Assessment Study regarding the impact on the city and sector level infrastructure and amenities as well as traffic and environment of the implementation of URS on such cluster or clusters.

Explanation—

1. The land under URS, irrespective of the tenure of the plots comprised therein, shall be treated as one plot for the purpose of FSI and computation of marginal distances.

2 In specific cases where URS is not bounded by roads, nallas and Railway lines, the boundary of the Cluster may be decided by the Officer appointed by the Planning Authority.

**1.2** The Urban Renewal Cluster may consist of a mix of structures of different characteristics such as -

(i) Cessed buildings in Island City, which attract the provisions of MHAD Act, 1976.

(ii) (a) Buildings at least 30 years of age and acquired by MHADA under MHAD Act, 1976.

(b) Authorized buildings at least 30 years of age constructed by Bombay Development Division (BDD).

Explanation.-- Age of a building shall be as on the 1<sup>st</sup> of January of the year in which redevelopment proposal for the URC complete in all respects, is submitted to the Officer appointed by the Planning Authority and shall be calculated from the date of occupation certificate or where such occupation certificate is not available, from the first date of assessment as per the property tax record in respect of such building, available with the PWD.

(iii) (a) Buildings belonging to the State Government and Central Government.

(b) Any land belonging to the State Government, any semi-Government Organization, MCGM and MHADA (either vacant or built upon) which falls within the area of the proposed Urban Renewal Scheme including that which has been given on lease or granted on the tenure of Occupant Class II.

Provided that in case of buildings or lands belonging to the Central Govt., the State Government, Semi-Government Organizations and MCGM or MHADA, prior consent of the concerned Department shall have to be obtained for including such buildings or lands in any proposal of Urban Renewal Scheme.

(iv) Other buildings which by reasons of dis-repair or because of structural / sanitary defects, are unfit for human habitation or by reasons of their bad configuration or the narrowness of streets are dangerous or injurious to the health or safety of the inhabitants of the area, as certified by the Officer or the Agency designated for this purpose by Planning Authority.

(v) All dwelling structures, as defined in Section 3 X of Maharashtra Slums Area (Improvement, Clearance and Redevelopment ) Act, 1971, existing prior 1-1-2000

Explanation: If some areas are previously developed/ or are in the process of development under different provisions of the DCR, such areas can be included in the urban renewal cluster only for planning purposes. However, such areas shall be excluded for calculation of FSI under this Regulation and the admissible FSI shall be calculated as per the relevant provisions of the DCR under which such areas are developed or are being developed.

## **2. Eligibility of Occupants for Rehabilitation under Urban Renewal Scheme (URS)**

### **(A) For Buildings --**

- i. No new tenancy created after **13/6/1996** shall be considered. Further, unauthorized construction made in buildings for creating new tenancy in the existing tenancies shall not be considered while computing existing FSI. A certified inspection extract of the Competent Authority/MCGM prior to 13/6/1996 and certification by Competent Authority appointed by Government for this purpose as decided by GR dated 30/03/2016 proving the existence of tenements prior to 13/6/1996 shall be considered adequate evidence to establish the number of tenements and tenants/occupants of such tenements. However, the Govt. in Housing Department, if necessary may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.
- ii. The list of eligible tenants and the area occupied by each of them in BDD Chawls shall be certified by the Competent Authority appointed by Government for this purpose.

### **B) For Dwelling Structures(other than tenements in B.D.D. Chawls buildings)**

- i) Dwelling Structures means all dwelling structures, as defined in Section 3 X of Maharashtra Slums Area (Improvement, Clearance and Redevelopment ) Act, 1971, existing prior 1-1-2000.
- ii) The eligibility of the participants will be certified by the Competent Authorities appointed by Government.
- iii) The eligibility of such occupiers including transferee under this project

shall be established in accordance with Chapter 1-B of Maharashtra Slum Area (Improvement, Clearance , Redevelopment ) Act, 1971 and orders issued there under.

### **3. Rehabilitation Entitlements:-**

- (i) Each certified residential tenant/occupant shall be rehabilitated and given on ownership basis, a tenement of Carpet area 46.45 Sq.mtr. This entitlement is consolidated entitlement of rehab area. No further compensatory or other FSI would be available.
- (ii) Eligible Religious structure /Eligible onsite amenities/Eligible any other non-residential structure shall be given existing carpet area or as decided by the Government.
- (iii) Each eligible slum dweller shall be entitled to a tenement of carpet area of 25 sq.mtr.( 269 sq.ft.)

### **4. Total Permissible FSI for URS :-**

- a) The total permissible FSI for an Urban Renewal Scheme shall be 4.00 on gross plot area, but excluding the reservations/designations, Road set back, area under existing Municipal Roads but including the built up area under reservation/designation, Road set back or sum total of the Rehabilitation FSI + Incentive FSI, whichever is more.

Provided that the aforesaid FSI shall be exclusive of the Fungible FSI admissible under the provision of DCR 35 (4).

- b) The FSI for Urban Renewal Schemes in CRZ area shall be governed by the MOEF Notifications issued from time to time.
- c) The incentive FSI admissible against the FSI required for rehabilitation, shall be based on the ratio (hereinafter referred to as Basic Ratio ) of Land Rate (LR ), in Rs/Sqm., of the lands included in the Urban Renewal Cluster, as per the Annual Statement of Rates ( ASR ) and Rate of Construction (RC )\* in Rs/Sqm., applicable to the area as per the ASR and shall be given as per the Table-B below :-

| <b>Basic Ratio<br/>( LR/RC)*</b> | <b>Incentive<br/>( As % of Admissible Rehabilitation Area )</b> |                                     |                                       |                                   |
|----------------------------------|---|-------------------------------------|---------------------------------------|-----------------------------------|
|                                  | <b>For 0.4ha<br/>to<br/>1.0 ha.</b>                             | <b>For 1.0<br/>ha to 5.0<br/>ha</b> | <b>For 5.0 ha<br/>to<br/>10.0 ha.</b> | <b>For 10ha<br/>and<br/>above</b> |
| Above 6.00                       | 55%   | 60%                                 | 65%                                   | 70%                               |



|                          |     |     |     |             |
|--------------------------|-----|-----|-----|-------------|
| Above 4.00 and upto 6.00 | 65% | 70% | 75% | <b>80%</b>  |
| Above 2.00 and upto 4.00 | 75% | 80% | 85% | <b>90%</b>  |
| Upto 2.00                | 85% | 90% | 95% | <b>100%</b> |

**Explanation :-**

(i) \*RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Statement of Rates.

Provided further that in case there are more than one land rates applicable to different parts of the plot under the Urban Renewal Scheme, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that for calculation of the Basic Ratio, the Land Rate ( LR ) and the Rate of Construction ( RC ) shall be taken for the year in which the Cluster Development Project is approved and LOI is issued by the Authority competent to approve it and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

- d) "tolerated structures" encroaching upon the roads in nearby vicinity shall be allowed to be included in the Urban Renewal Scheme and its built up area shall be included in rehabilitation area, provided such structures are permanently removed.

**Explanation :-** The term "tolerated structure" means the structure used for residential or non-residential purpose and existing prior to 17<sup>th</sup> April 1964 or 1<sup>st</sup> April 1962 respectively.

- e) It shall be permissible to implement the sanctioned Urban Renewal Scheme in phases. The development in each phase is strictly in conformity with the Master Plan/Layout Plan approved for the entire Urban Renewal Scheme.

Subject to the master plan for the whole cluster being followed, phase wise implementation of Urban Renewal Scheme may be allowed, with pro rata utilization of the total admissible FSI for rehab and incentive component simultaneously.

Provided, further that, while giving permission for phased implementation of the Urban Renewal Scheme, the time frame for implementation of each phase shall also be given. The minimum area for each phase shall be as decided by the Planning Authority .

## **5. Development of DP Reservations :-**

Construction or reconstruction of slums / buildings falling under Reservations contemplated in the Development Plan shall be permissible as under -

- a. Redevelopment / reconstruction in any zone shall be allowed to be undertaken without going through the process of change of zone. However, for the industrial user, the existing segregating distance shall be maintained from the existing industrial unit.
- b. Any land under non-buildable reservations, admeasuring only up to 500 sq.mt. may be cleared by shifting the existing tenants from that site.
- c. If the area under a non buildable reservation is more than 500 sq.mt., minimum 50% of the area under reservation shall be developed for the same purpose and handed over to Planning Authority, subject to a minimum of 500 sq.mt. and the remaining land shall be allowed for development. The said provision is subject to the Hon'ble High Court's Order in Writ Petition No. 1152/2002 (City Space V/s. Govt. of Maharashtra)
- d. All the reservations in the Development Plan shall be rearranged/relocated, if necessary, with the same area and the same width of access road or as required under DCR, whichever is more.
- e. For the reservation of parking lot on a land included in URC, built up area equivalent to zonal permissible FSI for the area under reservation in that plot shall be made available free of cost to the Officer appointed by the Planning Authority. Such built up area to be handed over shall be free of FSI.
- f. For other buildable reservations on land, built up area equal to 60% of the zonal permissible FSI under such reservations or existing built up area of the amenity whichever is more, on that plot shall be made available free of FSI and free of cost to the Planning Authority. The reservations of compatible nature can be preferably constructed in one or more separate blocks/plot depending on the area and nature of such reservations and Officer appointed by the Planning Authority may permit composite development of reservations in case of such reservations. The vacant plot of DP reservation shall be allowed for residential development, if the BUA of DP reservation is amalgamated and constructed on one or more block/plot. However, if the Empowered Committee requires built-up area under any designation /reservation in excess of the zonal permissible FSI, then such excess area shall be considered as rehabilitation F.S.I, and Free sale FSI as admissible under this Regulation shall be permissible.

g. Where a proposed Development Plan Road or Regular line of street passes through the Urban Renewal Scheme area, the entire FSI admissible under these Regulations for the area of the road may be given in the same Scheme.

6. 30% of the **Incentive** FSI can be used for non-residential purposes as otherwise permissible under the DCR.

7. A Surcharge on Development at the rate of 100% of Development charge otherwise applicable subject to a minimum of Rs 5000 per Sqm. for the builtup area over and above the zonal permissible FSI, for the rehabilitation and incentive sale component, shall be leviable in respect of any URS by the MCGM. in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM. This amount shall be kept in a separate account and shall be used for the improvement of off-site infrastructure around the urban renewal cluster.

This surcharge shall not be applicable to the built up area to be handed over to the MCGM or any Public Authority in lieu of reservation or to the amenity areas to be handed over to the MCGM as per the requirement indicated by the MCGM or the Empowered Power Committee.

8. The temporary transit camps may be permitted in the same Urban Renewal Cluster or elsewhere in MCGM limits on land belonging to the Planning Authority up to 4.00 FSI with the concessions permissible under SRA. Scheme under Regulation 33(10) of these Development Control Regulations. Such transit camps shall have to be demolished after full occupation certificate is granted to the Rehabilitation Component by the Officer appointed by the Planning Authority for the reconstructed building. Till the transit camps are fully demolished, the Officer appointed by the Planning Authority shall not release FSI for the Incentive component area under the URS in excess of 75% of the total admissible Incentive FSI.

9. In the case of specific designations/reservations in the Development Plan, the Officer appointed by the Planning Authority, may shift, interchange the designation/reservation in the same cluster, to which an access is available from peripheral or outer road or has to be provided and the same is not encumbered, provided that the area of such designation /reservation is not reduced.

**10. Non conforming Activities** - All activities which are existing shall be allowed to be re-accommodated regardless of the nonconforming nature of such activities excepting those which are hazardous and highly polluting and those where alternative accommodation has to be provided elsewhere by the Planning Authority.

### **11. Relaxation in Building and other requirements:-**

In case of tenements of 46.45 sq.mtr. carpet area for rehabilitation or tenements to be handed over to the Planning Authority, the following shall be applicable.

**11.1** Calculation of FSI for all purposes shall be on gross area of the URS i.e. without deducting any percentage for recreational open space. This shall not affect the requirement of physical recreational open space, to be kept on the site as per prevailing D.C. Regulations

**11.2** The provision in Regulation 38(22) relating to balcony shall apply to the URS with the following specifications :-

Balcony shall not reduce marginal open space to less than 3.00 m. However, at ground level, minimum 4.5 m clear margin shall be maintained.

**11.3** Notwithstanding anything contained in Regulation 35(4) of the DCR, areas of common passages not exceeding 2.0 mt. in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and Planning Authority component shall not be counted towards FSI.

**11.4** Front and marginal open spaces, for a building having height up to 24.0 m. in the rehabilitation component or a composite building, shall be 4.5 m.

Provided that open space of the width of 6 meters at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the maneuverability of a fire engine, unless the building abuts two roads of 6 meters or more on two sides, or another access of 6 meters to the building is available, apart from the road abutting the building.

**11.5** Notwithstanding the provisions in Regulation 29 (Table 10) where the location of the URC plot abuts a DP Road having width of 18.3 mt. and above. The front marginal open space shall not be insisted upon beyond 4.5 mt. provided, such road is not an Express Highway or a road wider than 52 mt.

**11.6** Where the location of the URC plot abuts a trained nallah, the marginal open space along the nallah shall be 4.5 mt. from the edge of the trained nallah, or as required by SWD Department of MCGM, whichever is greater.

**11.7** The distance between any two rehabilitation buildings shall not be less than 6.00 mt.

**11.8** If the height of any building constructed under URS is more than 24 mt., marginal open space of 6 mt. or as required by CFO whichever is greater shall be maintained

**11.9** Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered wherever necessary, as part of the amenity open space under the URS comprising both rehabilitation and incentive FSI components, without charging any premium, in relaxation of the stipulation in Regulation No. 23.

**11.10** Pathways and Means of Access.—The ratio between the length of the pathway and the width thereof shall be as follows :—

| Length         | Width       |
|----------------|-------------|
| Upto 20 Mtrs.  | 1.5 Meters. |
| 21 to 30 Mtrs. | 2.0 Meters. |
| 31 to 40 Mtrs. | 2.5 Meters. |
| 41 to 59 Mtrs. | 3.0 Meters. |

**11.11** Between the dimensions prescribed for the pathway and the marginal distances, the larger of the two shall prevail. The pathway shall act as access wherever necessary. The building shall be permitted to touch pathways

**11.12** The means of access shall be normally governed by the provisions of Regulation No. 22. However, in the URS, wherever the design of the buildings up to 24 m. height requires relaxation in the width of access, the same may be given. However, high rise building shall be permissible only on access having width of 9 m. and above.

**11.13** Even if the recreational open space is reduced to make the project URS viable, at least 10 % of URC plot area shall be provided as recreational open space . In addition to this, 10% of URC plot area shall be earmarked for amenity space which can be adjusted against the D.P. reservation if any, existing on such plot. The type or location of the amenity to be decided by Officer appointed by the Planning Authority and shall be handed over free of cost to Planning Authority . The Built up Area of such amenity shall be added to the Rehab component while calculating the share of incentive component.

**11.14** Premium shall not be charged for exclusion of staircase and lift well etc. as covered under the provisions of Regulation 35(2)(iv)

**11.15** In order to make the Urban Renewal Scheme viable, the Officer appointed by the Planning Authority shall be competent to sanction any relaxation in marginal open spaces except front marginal open spaces and parking requirements wherever necessary due to bonafide hardship, for reasons to be recorded in writing which shall not affect general health, fire and safety requirements. However the Govt. or Empowered Committee shall have the power to relax any of the provisions in these Regulations.

**11.16** All relaxations outlined hereinabove shall be admissible to entire project area under the URS. Premium shall not be charged for all or any of the relaxations given hereinabove or for any other relaxations mentioned in Regulation 35(2)(iv).

**11.17** The parking in the scheme shall be provided as per Regulation No.36.

**12.** The approving / sanctioning authority for the building plans under the URS shall be the Officer appointed by the Planning Authority as per the MRTP Act, 1966 even if the URS partly consists/ of declared slums / slums on Municipal / Govt. lands existing prior to 1st January 2000 or such/ other reference date notified by the Government.

**13.** Religious structures existing on the site of URS prior to redevelopment, if allowed to be redeveloped in accordance with the guidelines issued by the Government from time to time, shall not, following such redevelopment, have area exceeding their area prior to redevelopment.

**14.** Restriction on transfer of tenements shall be governed by the provisions of Maharashtra Rent Control Act, till Co-op. Housing Society is formed and thereafter the same shall be governed by the provision of Maharashtra Co-op. Societies Act. However, tenements constructed for slum rehabilitation shall not be transferable for a period of 10 years. Transfer fee and period for tenants and other beneficiary shall be as decided by Government.

**15.** **CORPUS FUND.**—A Corpus fund shall be created by the Planning Authority as directed by the Empowered Committee, which will be utilised for maintenance of the rehabilitation buildings for a period of 10 years.

**16.** If Empowered Committee as per Govt. GR dated 30/03/2016 approves areas for amenities such as Fire Stations / Hospitals / Police Stations/ Schools, etc. other than the reservations / designations under the Development Plan, such amenities shall be handed over to the Planning Authority free of cost and the built up area of such amenity shall be considered towards rehabilitation F.S.I, and Incentive FSI as admissible under this Regulation shall be permissible.

17. Upon the recommendation by Planning Authority , the Empowered Committee constituted vide GR dated 30/03/2016 shall be competent to approve the schematic plans of Urban Renewal Schemes under this Regulation. On approval by the Empowered Committee, the Officer appointed by the Planning Authority shall sanction the final plans of URS.

Provided that no Urban Renewal Scheme shall be sanctioned by the Empowered Committee as per GR dated 30/03/2016 without giving due regard to the Impact Assessment study referred to in clause 1.1 of this Appendix



( S.D.Landge )

Joint Secretary to Government





महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६

बृहन्मुंबई विकास नियंत्रण नियमावली, १९९१ च्या  
विनियम ३३(९) मधील फेरबदल मंजूरीची  
कलम ३७(१कक)(ग) खालील अधिसूचना

महाराष्ट्र शासन  
नगर विकास विभाग  
मंत्रालय, मुंबई - ४०००३२.  
दिनांक : २७ डिसेंबर, २०१६

क्रमांक :- टिपीबी ४३१६ / ४०० / प्र.क्र. १०४ / २०१६ / नवि-११

ज्याअर्थी, बृहन्मुंबई क्षेत्राची विकास नियंत्रण नियमावली (यापूढे ज्याचा उल्लेख "उक्त विनियम" असा करण्यात आला आहे.), शासन नगर विकास विभागाकडील अधिसूचना क्र. डिसीआर/१०९०/आरडीपी/नवि-११, दि.२० फेब्रुवारी १९९१ अन्वये महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६(यापूढे ज्याचा उल्लेख "उक्त अधिनियम" असा करण्यात आला आहे.) च्या कलम ३१(१) खालील तरतूदीनुसार मंजूर झालेली असून दि.२५.०३.१९९१ पासून अंमलात आलेली आहे;

आणि ज्याअर्थी, उक्त विनियमातील विनियम ३३(९) मध्ये मुंबई बेटावरील शहरातील उपकर प्राप्त इमारतींची पुनर्बांधणी किंवा पुनर्विकास / नागरी नूतनीकरण योजना विस्तृत क्षेत्रासाठी राबविणेची तरतूद आहे;

आणि ज्याअर्थी, शासनाच्या नगर विकास विभागाकडील अधिसूचना क्र. टिपीबी ४३०७ / २३४६ / प्र.क्र. १०६ / २००८ / नवि-११, दिनांक २ मार्च २००९ अन्वये जुना विनियम ३३(९) ऐवजी पर्यायी नवीन विनियम ३३(९) परिशिष्ट III अे सह अंतर्भूत केला होता, ज्यामध्ये मुंबई बेट शहरामधील प्रत्येक क्लस्टरचे क्षेत्रफळ किमान ४०००.०० चौ.मी. असणे गरजेचे आहे व त्याच्या हद्दी अस्तित्वातील भौगोलिक सीमारेषा म्हणजे रस्ते, नाले, रेल्वेमार्ग इत्यादीने विहित असणे आवश्यक आहे आणि परिशिष्ट III अे मध्ये नमूद असलेप्रमाणे विविध प्रकारच्या संमिश्र इमारतींचा समावेश रहाणार आहे;

आणि ज्याअर्थी, शासनाच्या नगर विकास विभागाकडील अधिसूचना क्र. टिपीबी ४३१३ / प्र.क्र. १८५ / २०१३ / नवि-११ दि. ९ सप्टेंबर २०१४ अन्वये उपरोक्त अधिसूचना दि.०२ मार्च, २००९ नुसार विनियम ३३(९) ऐवजी पर्यायी नवीन विनियम ३३(९) चा अंतर्भाव नवीन परिशिष्ट III अे सह करण्यात आला आहे;

आणि ज्याअर्थी, शासनाच्या गृहनिर्माण विभागाच्या शासन निर्णय क्र.वि.वि.चा-२००७/प्र.क्र.५१(भाग-१) /गृनिप दि.३० मार्च, २०१६ अन्वये मुंबई विकास विभागाने बांधलेल्या वरळी, नायगाव, ना.म. जोशी मार्ग व शिवडी येथील चाळींच्या पुनर्विकास करणेसाठी विशेष विनियम अंतर्भूत करणेबाबत निर्णय घेतलेला आहे;

आणि ज्याअर्थी, उक्त उल्लेखिलेल्या दिनांक ३०.३.२०१६ रोजीच्या शासन निर्णयान्वये नोडल यंत्रणा म्हणून नियुक्त केलेल्या म्हाडा ने नागरी नूतनीकरण योजनेच्या संकल्पनेवर प्रारूप विनियम तयार करुन ते उक्त विनियमामध्ये अंतर्भूत करणेसाठी शासन नगर विकास विभागास गृहनिर्माण विभागामार्फत विनंती केलेली आहे व त्यास गृहनिर्माण विभागाची आवश्यक सहमती/अभिप्राय प्राप्त करुन घेण्यात आलेले आहेत;

आणि त्याअर्थी, उपरोक्त परिस्थिती आणि वस्तुस्थिती विचारात घेता उक्त विनियमाच्या विनियम ३३(९) मध्ये नविन विनियम क्र. ३३(९) (बी) हा सार्वजनिक हितास्तव तातडीने अंतर्भूत करणेसाठी फेरबदल प्रस्ताव करणे आवश्यक झालेले असल्याने त्यानुसार राज्य शासनाने उक्त अधिनियमाच्या कलम ३७ च्या पोट कलम (१ अ) अन्वये प्राप्त अधिकार आणि त्या संदर्भातील सर्व शक्तींचा वापर करुन उक्त विनियमामध्ये नवीन विनियम क्र. ३३(९)(बी) अंतर्भूत करणेसाठी समक्रमांकाच्या दिनांक २३ ऑगस्ट २०१६ रोजीच्या सूचना व त्यासोबतच्या परिशिष्टाअन्वये प्रस्तावित फेरबदलावर (यापुढे याचा उल्लेख "प्रस्तावित फेरबदल" असा केलेला आहे) नागरिकांच्या सूचना/हरकती मागविल्या होत्या आणि प्राप्त सूचना/हरकतीसंदर्भात संबंधित व्यक्तींना तसेच नियोजन प्राधिकरणांस सुनावणी देवून शासनास अहवाल सादर करणेसाठी उपसंचालक, नगर रचना, बृहन्मुंबई (यापुढे त्यांचा उल्लेख " उक्त अधिकारी" असा केलेला आहे) यांची नियुक्ती केलेली होती ;

आणि ज्याअर्थी उक्त दिनांक २३ ऑगस्ट २०१६ रोजीची सूचना महाराष्ट्र शासन राजपत्रामध्ये (यापुढे याचा उल्लेख "शासकीय राजपत्र" असा केलेला आहे) दिनांक २६ ऑगस्ट २०१६ रोजी प्रसिध्द झालेली आहे;

आणि ज्याअर्थी उक्त अधिकारी यांनी त्यांचा अहवाल दिनांक १९ ऑक्टोबर २०१६ रोजीचे पत्रान्वये संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे यांना कलम ३७(१क) खालील विहित कायदेशीर प्रक्रिया पूर्ण करुन सादर केलेला आहे;

आणि ज्याअर्थी उक्त अधिकारी यांचा अहवाल विचारात घेता, संचालक, नगर रचना यांचेशी सल्लामसलत केल्यानंतर प्रस्तावित फेरबदल काही बदलांसह मंजूर करणे आवश्यक असल्याचे शासनाचे मत झालेले आहे;

आता त्याअर्थी उक्त अधिनियमाच्या कलम ३७(१क) खंड (ग) अन्वये प्राप्त अधिकार आणि त्या संदर्भातील सर्व शक्तींचा वापर शासन खालील प्रमाणे :

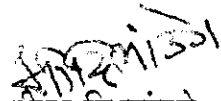
अ) उक्त फेरबदलाचे प्रस्तावास यासोबत जोडलेल्या परिशिष्टामध्ये नमूद केलेप्रमाणे काही बदलांसह मंजूरी देत आहे.

ब) सदरची अधिसूचना शासकीय राजपत्रामध्ये प्रसिध्द झालेचा दिनांक हा उक्त फेरबदल अंमलात आलेचा दिनांक असेल.

क) बहन्मुंबई महानगरपालिकेस उक्त विनियमाच्या मंजूरी सोबतच्या फेरबदलाचे परिशिष्टामध्ये शेवटच्या नोंदीनंतर यासोबतचे परिशिष्ट समाविष्ट करणेचे निर्देश देत आहे.

सदर अधिसूचना महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या वेबसाईटवर प्रसिध्द करण्यात आली आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

  
( श्रीरंग दि.लांडगे )

शासनाचे सह सचिव.



## परिशिष्ट

( सूचना क्र. टिपीबी ४३१६ / ४०० / प्र.क्र. १०४ / २०१६ / नवि-११ दिनांक २७.१२.२०१६ सोबतचे परिशिष्ट )

**New Regulation 33(9)(B) is inserted as follows :-**

**33(9) (B) : Reconstruction or redevelopment of Cluster of BDD chawls at Naigaon, Worli, N.M.Joshi Marg and Shivdi under Urban Renewal Scheme(s).**

For reconstruction or redevelopment of Cluster(s) of buildings under Urban Renewal Scheme(s) in the Island City of Mumbai undertaken by the Planning Authority, the FSI shall be 4.00 or the FSI required for rehabilitation of existing tenants / occupiers certified by competent Authority appointed by Government for this purpose, plus Incentive FSI as per the provisions of **Appendix-III-B**, whichever is more.

### **Appendix-III-B**

**Regulation for Reconstruction or Redevelopment of Cluster(s) of BDD chawls at Naigaon, Worli, N.M.Joshi Marg and Shivdi by implementing Urban Renewal Scheme(s).**

**1.1** "Urban Renewal Scheme" (URS) of BDD Chawls means a scheme for redevelopment of the cluster of buildings and structures constructed by Bombay Development Division in the Island City of Mumbai, at four locations and boundaries of the area (as per maps enclosed ) hereinafter referred to as "Urban Renewal Cluster or URC " shall be a cluster identified for urban renewal :--

- 1) Under the Development Plan (DP) , where the DP contains such well defined Clusters; or
- 2) Under the Urban Renewal Plan (URP) for the concerned area, prepared and notified by the Officer appointed by the Planning Authority, who may revise the same as and when required; or
- 3) By Planning Authority, where such clusters of BDD Chawls are not shown on the DP and the URP is yet to be prepared.

Provided that no cluster or clusters shall be identified for redevelopment or implementation of Urban Renewal Scheme by the Officer appointed by the Planning Authority without carrying out an Impact Assessment Study regarding the impact on the city and sector level infrastructure and amenities as well as traffic and environment of the implementation of URS on such cluster or clusters.

Explanation—

1. The land under URS, irrespective of the tenure of the plots comprised therein, shall be treated as one plot for the purpose of FSI and computation of marginal distances.

2 In specific cases where URS is not bounded by roads, nallas and Railway lines, the boundary of the Cluster may be decided by the Officer appointed by the Planning Authority.

**1.2** The Urban Renewal Cluster may consist of a mix of structures of different characteristics such as -

(i) Cessed buildings in Island City, which attract the provisions of MHAD Act, 1976.

(ii) (a) Buildings at least 30 years of age and acquired by MHADA under MHAD Act, 1976.

(b) Authorized buildings at least 30 years of age constructed by Bombay Development Division (BDD).

Explanation.-- Age of a building shall be as on the 1<sup>st</sup> of January of the year in which redevelopment proposal for the URC complete in all respects, is submitted to the Officer appointed by the Planning Authority and shall be calculated from the date of occupation certificate or where such occupation certificate is not available, from the first date of assessment as per the property tax record in respect of such building, available with the PWD.

(iii) (a) Buildings belonging to the State Government and Central Government.

(b) Any land belonging to the State Government, any semi-Government Organization, MCGM and MHADA (either vacant or built upon) which falls within the area of the proposed Urban Renewal Scheme including that which has been given on lease or granted on the tenure of Occupant Class II.

Provided that in case of buildings or lands belonging to the Central Govt., the State Government, Semi-Government Organizations and MCGM or MHADA, prior consent of the concerned Department shall have to be obtained for including such buildings or lands in any proposal of Urban Renewal Scheme.

(iv) Other buildings which by reasons of dis-repair or because of structural / sanitary defects, are unfit for human habitation or by reasons of their bad configuration or the narrowness of streets are dangerous or injurious to the health or safety of the inhabitants of the area, as certified by the Officer or the Agency designated for this purpose by Planning Authority.

(v) All dwelling structures, as defined in Section 3 X of Maharashtra Slums Area (Improvement, Clearance and Redevelopment ) Act, 1971, existing prior 1-1-2000

Explanation: If some areas are previously developed/ or are in the process of development under different provisions of the DCR, such areas can be included in the urban renewal cluster only for planning purposes. However, such areas shall be excluded for calculation of FSI under this Regulation and the admissible FSI shall be calculated as per the relevant provisions of the DCR under which such areas are developed or are being developed.

## **2. Eligibility of Occupants for Rehabilitation under Urban Renewal Scheme (URS)**

### **(A) For Buildings --**

- i. No new tenancy created after **13/6/1996** shall be considered. Further, unauthorized construction made in buildings for creating new tenancy in the existing tenancies shall not be considered while computing existing FSI. A certified inspection extract of the Competent Authority/MCGM prior to 13/6/1996 and certification by Competent Authority appointed by Government for this purpose as decided by GR dated 30/03/2016 proving the existence of tenements prior to 13/6/1996 shall be considered adequate evidence to establish the number of tenements and tenants/occupants of such tenements. However, the Govt. in Housing Department, if necessary may issue comprehensive guidelines for determination of eligibility of occupiers and tenants therein.
- ii. The list of eligible tenants and the area occupied by each of them in BDD Chawls shall be certified by the Competent Authority appointed by Government for this purpose.

### **B) For Dwelling Structures(other than tenements in B.D.D. Chawls buildings)**

- i) Dwelling Structures means all dwelling structures, as defined in Section 3 X of Maharashtra Slums Area (Improvement, Clearance and Redevelopment ) Act, 1971, existing prior 1-1-2000.
- ii) The eligibility of the participants will be certified by the Competent Authorities appointed by Government.
- iii) The eligibility of such occupiers including transferee under this project

shall be established in accordance with Chapter 1-B of Maharashtra Slum Area (Improvement, Clearance , Redevelopment ) Act, 1971 and orders issued there under.

### **3. Rehabilitation Entitlements:-**

- (i) Each certified residential tenant/occupant shall be rehabilitated and given on ownership basis, a tenement of Carpet area 46.45 Sq.mtr. This entitlement is consolidated entitlement of rehab area. No further compensatory or other FSI would be available.
- (ii) Eligible Religious structure /Eligible onsite amenities/Eligible any other non-residential structure shall be given existing carpet area or as decided by the Government.
- (iii) Each eligible slum dweller shall be entitled to a tenement of carpet area of 25 sq.mtr.( 269 sq.ft.)

### **4. Total Permissible FSI for URS :-**

- a) The total permissible FSI for an Urban Renewal Scheme shall be 4.00 on gross plot area, but excluding the reservations/designations, Road set back, area under existing Municipal Roads but including the built up area under reservation/designation, Road set back or sum total of the Rehabilitation FSI + Incentive FSI, whichever is more.

Provided that the aforesaid FSI shall be exclusive of the Fungible FSI admissible under the provision of DCR 35 (4).

- b) The FSI for Urban Renewal Schemes in CRZ area shall be governed by the MOEF Notifications issued from time to time.
- c) The incentive FSI admissible against the FSI required for rehabilitation, shall be based on the ratio (hereinafter referred to as Basic Ratio ) of Land Rate (LR ), in Rs/Sqm., of the lands included in the Urban Renewal Cluster, as per the Annual Statement of Rates ( ASR ) and Rate of Construction (RC )\* in Rs/Sqm., applicable to the area as per the ASR and shall be given as per the Table-B below :-

| <b>Basic Ratio<br/>( LR/RC)*</b> | <b>Incentive<br/>( As % of Admissible Rehabilitation Area )</b> |                                     |                                       |                                   |
|----------------------------------|---|-------------------------------------|---------------------------------------|-----------------------------------|
|                                  | <b>For 0.4ha<br/>to<br/>1.0 ha.</b>                             | <b>For 1.0<br/>ha to 5.0<br/>ha</b> | <b>For 5.0 ha<br/>to<br/>10.0 ha.</b> | <b>For 10ha<br/>and<br/>above</b> |
| Above 6.00                       | 55%   | 60%                                 | 65%                                   | 70%                               |



|                          |     |     |     |             |
|--------------------------|-----|-----|-----|-------------|
| Above 4.00 and upto 6.00 | 65% | 70% | 75% | <b>80%</b>  |
| Above 2.00 and upto 4.00 | 75% | 80% | 85% | <b>90%</b>  |
| Upto 2.00                | 85% | 90% | 95% | <b>100%</b> |

**Explanation :-**

(i) \*RC is the rate of construction in respect of R.C.C. Construction, as published by the Chief Controlling Revenue Authority & Inspector General of Registration, Maharashtra State in the Annual Statement of Rates.

Provided further that in case there are more than one land rates applicable to different parts of the plot under the Urban Renewal Scheme, a weighted average of all the applicable rates shall be taken for calculating the Average Land Rate and the Basic Ratio.

Provided further that for calculation of the Basic Ratio, the Land Rate ( LR ) and the Rate of Construction ( RC ) shall be taken for the year in which the Cluster Development Project is approved and LOI is issued by the Authority competent to approve it and the said ratio shall remain unchanged even if such Scheme undergoes any revision or modification subsequently during its course of completion.

- d) "tolerated structures" encroaching upon the roads in nearby vicinity shall be allowed to be included in the Urban Renewal Scheme and its built up area shall be included in rehabilitation area, provided such structures are permanently removed.

**Explanation :-** The term "tolerated structure" means the structure used for residential or non-residential purpose and existing prior to 17<sup>th</sup> April 1964 or 1<sup>st</sup> April 1962 respectively.

- e) It shall be permissible to implement the sanctioned Urban Renewal Scheme in phases. The development in each phase is strictly in conformity with the Master Plan/Layout Plan approved for the entire Urban Renewal Scheme.

Subject to the master plan for the whole cluster being followed, phase wise implementation of Urban Renewal Scheme may be allowed, with pro rata utilization of the total admissible FSI for rehab and incentive component simultaneously.

Provided, further that, while giving permission for phased implementation of the Urban Renewal Scheme, the time frame for implementation of each phase shall also be given. The minimum area for each phase shall be as decided by the Planning Authority .

**5. Development of DP Reservations :-**

Construction or reconstruction of slums / buildings falling under Reservations contemplated in the Development Plan shall be permissible as under -

- a. Redevelopment / reconstruction in any zone shall be allowed to be undertaken without going through the process of change of zone. However, for the industrial user, the existing segregating distance shall be maintained from the existing industrial unit.
- b. Any land under non-buildable reservations, admeasuring only up to 500 sq.mt. may be cleared by shifting the existing tenants from that site.
- c. If the area under a non buildable reservation is more than 500 sq.mt., minimum 50% of the area under reservation shall be developed for the same purpose and handed over to Planning Authority, subject to a minimum of 500 sq.mt. and the remaining land shall be allowed for development. The said provision is subject to the Hon'ble High Court's Order in Writ Petition No. 1152/2002 (City Space V/s. Govt. of Maharashtra)
- d. All the reservations in the Development Plan shall be rearranged/relocated, if necessary, with the same area and the same width of access road or as required under DCR, whichever is more.
- e. For the reservation of parking lot on a land included in URC, built up area equivalent to zonal permissible FSI for the area under reservation in that plot shall be made available free of cost to the Officer appointed by the Planning Authority. Such built up area to be handed over shall be free of FSI.
- f. For other buildable reservations on land, built up area equal to 60% of the zonal permissible FSI under such reservations or existing built up area of the amenity whichever is more, on that plot shall be made available free of FSI and free of cost to the Planning Authority. The reservations of compatible nature can be preferably constructed in one or more separate blocks/plot depending on the area and nature of such reservations and Officer appointed by the Planning Authority may permit composite development of reservations in case of such reservations. The vacant plot of DP reservation shall be allowed for residential development, if the BUA of DP reservation is amalgamated and constructed on one or more block/plot. However, if the Empowered Committee requires built-up area under any designation /reservation in excess of the zonal permissible FSI, then such excess area shall be considered as rehabilitation F.S.I, and Free sale FSI as admissible under this Regulation shall be permissible.

- g. Where a proposed Development Plan Road or Regular line of street passes through the Urban Renewal Scheme area, the entire FSI admissible under these Regulations for the area of the road may be given in the same Scheme.
6. 30% of the **Incentive** FSI can be used for non-residential purposes as otherwise permissible under the DCR.
7. A Surcharge on Development at the rate of 100% of Development charge otherwise applicable subject to a minimum of Rs 5000 per Sqm. for the builtup area over and above the zonal permissible FSI, for the rehabilitation and incentive sale component, shall be leviable in respect of any URS by the MCGM. in accordance with the time schedule for such payment as may be laid down by the Commissioner, MCGM. This amount shall be kept in a separate account and shall be used for the improvement of off-site infrastructure around the urban renewal cluster.
- This surcharge shall not be applicable to the built up area to be handed over to the MCGM or any Public Authority in lieu of reservation or to the amenity areas to be handed over to the MCGM as per the requirement indicated by the MCGM or the Empowered Power Committee.
8. The temporary transit camps may be permitted in the same Urban Renewal Cluster or elsewhere in MCGM limits on land belonging to the Planning Authority up to 4.00 FSI with the concessions permissible under SRA. Scheme under Regulation 33(10) of these Development Control Regulations. Such transit camps shall have to be demolished after full occupation certificate is granted to the Rehabilitation Component by the Officer appointed by the Planning Authority for the reconstructed building. Till the transit camps are fully demolished, the Officer appointed by the Planning Authority shall not release FSI for the Incentive component area under the URS in excess of 75% of the total admissible Incentive FSI.
9. In the case of specific designations/reservations in the Development Plan, the Officer appointed by the Planning Authority, may shift, interchange the designation/reservation in the same cluster, to which an access is available from peripheral or outer road or has to be provided and the same is not encumbered, provided that the area of such designation /reservation is not reduced.
10. **Non conforming Activities** - All activities which are existing shall be allowed to be re-accommodated regardless of the nonconforming nature of such activities excepting those which are hazardous and highly polluting and those where alternative accommodation has to be provided elsewhere by the Planning Authority.

## **11. Relaxation in Building and other requirements:-**

In case of tenements of 46.45 sq.mtr. carpet area for rehabilitation or tenements to be handed over to the Planning Authority, the following shall be applicable.

**11.1** Calculation of FSI for all purposes shall be on gross area of the URS i.e. without deducting any percentage for recreational open space. This shall not affect the requirement of physical recreational open space, to be kept on the site as per prevailing D.C. Regulations

**11.2** The provision in Regulation 38(22) relating to balcony shall apply to the URS with the following specifications :-

Balcony shall not reduce marginal open space to less than 3.00 m. However, at ground level, minimum 4.5 m clear margin shall be maintained.

**11.3** Notwithstanding anything contained in Regulation 35(4) of the DCR, areas of common passages not exceeding 2.0 mt. in width, provided for giving access to the tenements in rehabilitation component and the tenements to be handed over against reservation and Planning Authority component shall not be counted towards FSI.

**11.4** Front and marginal open spaces, for a building having height up to 24.0 m. in the rehabilitation component or a composite building, shall be 4.5 m.

Provided that open space of the width of 6 meters at least on one side at ground level within the plot, accessible from the road side shall have to be maintained for the maneuverability of a fire engine, unless the building abuts two roads of 6 meters or more on two sides, or another access of 6 meters to the building is available, apart from the road abutting the building.

**11.5** Notwithstanding the provisions in Regulation 29 (Table 10) where the location of the URC plot abuts a DP Road having width of 18.3 mt. and above. The front marginal open space shall not be insisted upon beyond 4.5 mt. provided, such road is not an Express Highway or a road wider than 52 mt.

**11.6** Where the location of the URC plot abuts a trained nallah, the marginal open space along the nallah shall be 4.5 mt. from the edge of the trained nallah, or as required by SWD Department of MCGM, whichever is greater.

**11.7** The distance between any two rehabilitation buildings shall not be less than 6.00 mt.

**11.8** If the height of any building constructed under URS is more than 24 mt., marginal open space of 6 mt. or as required by CFO whichever is greater shall be maintained

**11.9** Wherever more than the minimum front and marginal spaces have been provided, such additional area provided may be considered wherever necessary, as part of the amenity open space under the URS comprising both rehabilitation and incentive FSI components, without charging any premium, in relaxation of the stipulation in Regulation No. 23.

**11.10** Pathways and Means of Access.—The ratio between the length of the pathway and the width thereof shall be as follows :—

| Length         | Width       |
|----------------|-------------|
| Upto 20 Mtrs.  | 1.5 Meters. |
| 21 to 30 Mtrs. | 2.0 Meters. |
| 31 to 40 Mtrs. | 2.5 Meters. |
| 41 to 59 Mtrs. | 3.0 Meters. |

**11.11** Between the dimensions prescribed for the pathway and the marginal distances, the larger of the two shall prevail. The pathway shall act as access wherever necessary. The building shall be permitted to touch pathways

**11.12** The means of access shall be normally governed by the provisions of Regulation No. 22. However, in the URS, wherever the design of the buildings up to 24 m. height requires relaxation in the width of access, the same may be given. However, high rise building shall be permissible only on access having width of 9 m. and above.

**11.13** Even if the recreational open space is reduced to make the project URS viable, at least 10 % of URC plot area shall be provided as recreational open space . In addition to this, 10% of URC plot area shall be earmarked for amenity space which can be adjusted against the D.P. reservation if any, existing on such plot. The type or location of the amenity to be decided by Officer appointed by the Planning Authority and shall be handed over free of cost to Planning Authority . The Built up Area of such amenity shall be added to the Rehab component while calculating the share of incentive component.

**11.14** Premium shall not be charged for exclusion of staircase and lift well etc. as covered under the provisions of Regulation 35(2)(iv)

**11.15** In order to make the Urban Renewal Scheme viable, the Officer appointed by the Planning Authority shall be competent to sanction any relaxation in marginal open spaces except front marginal open spaces and parking requirements wherever necessary due to bonafide hardship, for reasons to be recorded in writing which shall not affect general health, fire and safety requirements. However the Govt. or Empowered Committee shall have the power to relax any of the provisions in these Regulations.

**11.16** All relaxations outlined hereinabove shall be admissible to entire project area under the URS. Premium shall not be charged for all or any of the relaxations given hereinabove or for any other relaxations mentioned in Regulation 35(2)(iv).

**11.17** The parking in the scheme shall be provided as per Regulation No.36.

**12.** The approving / sanctioning authority for the building plans under the URS shall be the Officer appointed by the Planning Authority as per the MRTP Act, 1966 even if the URS partly consists/ of declared slums / slums on Municipal / Govt. lands existing prior to 1st January 2000 or such/ other reference date notified by the Government.

**13.** Religious structures existing on the site of URS prior to redevelopment, if allowed to be redeveloped in accordance with the guidelines issued by the Government from time to time, shall not, following such redevelopment, have area exceeding their area prior to redevelopment.

**14.** Restriction on transfer of tenements shall be governed by the provisions of Maharashtra Rent Control Act, till Co-op. Housing Society is formed and thereafter the same shall be governed by the provision of Maharashtra Co-op. Societies Act. However, tenements constructed for slum rehabilitation shall not be transferable for a period of 10 years. Transfer fee and period for tenants and other beneficiary shall be as decided by Government.

**15.** **CORPUS FUND.**—A Corpus fund shall be created by the Planning Authority as directed by the Empowered Committee, which will be utilised for maintenance of the rehabilitation buildings for a period of 10 years.

**16.** If Empowered Committee as per Govt. GR dated 30/03/2016 approves areas for amenities such as Fire Stations / Hospitals / Police Stations/ Schools, etc. other than the reservations / designations under the Development Plan, such amenities shall be handed over to the Planning Authority free of cost and the built up area of such amenity shall be considered towards rehabilitation F.S.I, and Incentive FSI as admissible under this Regulation shall be permissible.

17. Upon the recommendation by Planning Authority , the Empowered Committee constituted vide GR dated 30/03/2016 shall be competent to approve the schematic plans of Urban Renewal Schemes under this Regulation. On approval by the Empowered Committee, the Officer appointed by the Planning Authority shall sanction the final plans of URS.

Provided that no Urban Renewal Scheme shall be sanctioned by the Empowered Committee as per GR dated 30/03/2016 without giving due regard to the Impact Assessment study referred to in clause 1.1 of this Appendix

*S.D. Landge*

( S.D.Landge )

**Joint Secretary to Government**

