



महाराष्ट्र शासन राजपत्र असाधारण भाग एक-कोकण विभागीय पुरवणी

वर्ष ६, अंक २४]

शनिवार, ऑगस्ट १६, २०१४/श्रावण २५, शके १९३६

[पृष्ठे ७, किंमत : रुपये ११.००

असाधारण क्रमांक ७९

प्राधिकृत प्रकाशन

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 16th August 2014

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPS.1214/975/CR-77/14/UD-12.— Whereas, the Development Control Regulations for Vasai-Virar Sub-region (hereinafter referred to as “ the said Regulations ”) 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. TPS. 120/1813/CR-48/2002/UD-12, dated 16th February 2004 (hereinafter referred to as “ the said Notification ”) and have come into force with effect from 1st March 2004 ;

And whereas, the Vasai-Virar City Municipal Corporation became Planning Authority for its area of jurisdiction, with effect from 7th July 2010 ;

And whereas, the Vasai-Virar City Municipal Corporation (hereinafter referred to as “ the said Corporation ”) has come to the conclusion that as per the requirements of the expected development in the area of the said Corporation, the said Regulations are required to be substituted by new, more comprehensive Development Control Regulations and the said Corporation, after following the legal procedure under sub-section (1) of section 37 of the said Act, has submitted a proposal to the Government *vide* letter, dated 23rd October 2013 for effecting suitable modification to the said Regulations (hereinafter referred to as “ the proposed Modifications ”) by replacing the said Regulations with new, more comprehensive Development Control Regulations, 2013 (hereinafter referred to as “ the Modified DCR ”) ;

And whereas, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune, the Government is of the opinion that it is necessary to sanction the Regulation Nos. 20(6) and 37 of the Modified DCR.

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 37 of the said Act, the State Government hereby sanctions a part of the proposed Modifications, namely Regulation No. 20(6)—Development/Redevelopment of Housing Schemes of Maharashtra Housing and Area Development Authority (MHADA) and Regulation No. 37—Ultimate Height of Building of the Modified DCR, with some changes as described in the Schedule appended hereto, keeping the remaining part of the proposed Modifications in abeyance.

The State Government further declares that, notwithstanding anything contained in the Sanctioned Development Control Regulations for the Vasai-Virar City Municipal Corporation, the Regulations sanctioned by this Notification shall prevail.

2. The date of publication of this Notification in the *Maharashtra Government Gazette* is fixed as the date of coming into force of this sanctioned modification.

3. The said sanctioned modification shall be made available for inspection by the general public during office hours on all working days at the following offices for a period of one month :—

- (i) The Commissioner, Vasai-Virar City Municipal Corporation, Virar.
- (ii) The Joint Director of Town Planning, Konkan Division, Konkan Bhavan, Navi Mumbai.
- (iii) The Town Planner, Palghar Branch, Palghar.

4. This notification shall also be published on the Government Website at www.maharashtra.gov.in

Schedule

(Accompaniment to the Government Notification No.TPS.1214/975/C.R.-77/14/UD-12, dated 16th August 2014)

Sanctioned Modification in the Development Control Regulations 2013, submitted by the Vasai-Virar City Municipal Corporation

Sr. No. (1)	Modification proposed by the Vasai-Virar City Municipal Corporation (2)	Modification Sanctioned by the Government (3)
1.	<p>20(6) Development/redevelopment of Low Cost Housing Schemes of the Maharashtra Housing and Area Development Authority:—</p> <p>(1) The FSI for a new constructed tenements scheme of Low Cost Housing Schemes on vacant land for Economically Weaker Section, Low Income Groups and Middle Income Group of the MHADA having at least 60% built-up area in the form of tenements under EWS, LIG and MIG categories shall be 2.50.</p> <p>Maharashtra Housing and Area Development Authority can undertake Low Cost Housing Schemes also as joint venture with private developers on vacant lands for EWS, LIG and MIG categories, subject to maximum FSI of 2.5 and as per the provisions in Appendix A-XVII.</p> <p>The Municipal Corporation can also undertake Low Cost Housing Schemes either directly or as joint venture with private developers on vacant lands for EWS, LIG and MIG categories, subject to maximum FSI of 2.5 and as per the provisions in Appendix A-XVII. Allotment of such tenements to be done by a very transparent process preferably by lottery system or by any other process as legally tenable.</p>	<p>20(6) Development / Redevelopment of Housing Schemes of Maharashtra Housing and Area Development Authority (MHADA) :—</p> <p>(1) The FSI on a vacant plot for execution of Housing Scheme of MHADA for the Economically Weaker Section (EWS), Low Income Group (LIG) and Middle Income Group (MIG), having at least 60% built-up area in the form of tenements under EWS, LIG and MIG categories, shall be 2.50 on gross plot area.</p>

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(2)	For redevelopment of existing housing schemes of MHADA, undertaken by the MHADA departmentally or jointly with societies/occupiers of buildings or by housing societies/occupiers of building or by lessees of MHADA or by the developer, the FSI shall be as under :—	(2) For redevelopment of existing Buildings in the Housing Schemes of MHADA, undertaken by the MHADA departmentally or jointly with Co-operative Housing Societies/Occupiers of such buildings or by Co-operative Housing Societies/Occupiers of such buildings or by lessees of MHADA or by the Developer (hereinafter referred to as Redevelopment Project), the FSI shall be as under :—
(a)	Total permissible FSI shall be 2.5 on gross plot area.	(a) Total permissible FSI shall be 2.5 on gross plot area.
(b)	The incentive FSI admissible against the FSI required for rehabilitation shall be as under :—	(b) The incentive FSI admissible against the FSI required for rehabilitation shall be as under:-
(i)	In non-gaothan areas, for the area upto 4,000 sq.mt the incentive FSI admissible will be 60%.	(i) In non-gaothan area, for the area upto 4,000 sq.mt., the incentive FSI admissible will be 60%.
(ii)	In non-gaothan area, for the area above 4,000 sq.mt the incentive FSI admissible will be 75%.	(ii) In non-gaothan area, for the area above 4,000 sq.mt., the incentive FSI admissible will be 75%.
(c)	In the redevelopment scheme either,—	(c) In a Redevelopment Project, the differential
(i)	Difference between 2.5 FSI and the FSI required for rehabilitation + incentive shall be shared between MHADA and Society/Developer in the ratio of 1:1	FSI i.e. the difference between 2.5 FSI and the FSI required for rehabilitation + incentive shall be shared between MHADA and Co-operative Housing Society/Developer in the ratio of 1:1. However, where a Redevelopment Project is undertaken by the MHADA directly, such differential FSI shall be utilized by MHADA for Affordable Housing.
OR		
(iii)	For additional built-up area over and above the permissible FSI as per Regulation No. 13, MHADA shall charge premium at the rate decided by Government in Housing Department from time to time.	
(d)	In the scheme, for the land developed for societies of HIG and developed plot allotted individually to HIG group, the permissible FSI shall be as per Regulation No.13.	(d) For a Redevelopment Project on a land developed for Co-operative Housing Society of HIG or the developed plots allotted to individuals belonging to HIG, only the zonal permissible FSI shall be admissible.
	Provided that if the redevelopment of existing housing scheme of MHADA fulfils the provision of 20(13) of the said Regulation, modified from time to time, then it may be undertaken under Regulation No. 20(13).	
(3)	For the purpose of calculating the FSI, the entire area of the layout including development plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered; sub-division of plots will be permissible on the basis of compulsory open spaces as in these Regulations. For low cost housing schemes of MHADA for EWS, LIG categories. The Regulations in Appendix A-XVII [excluding 1 (b)] shall apply.	(3) For the purpose of calculating the FSI under this Regulation, the entire area of the MHADA Layout, including Development Plan roads and internal roads but excluding the land under the reservations of public amenities shall be considered. Sub-division of plots shall be permissible on the basis of the compulsory open spaces as per the relevant provisions of the prevailing Development Control Regulations (DCR).

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		Provided that there shall be no restriction on the utilization of the FSI permissible under this Regulation except for the restrictions under any law, rule or regulation.
(4)	For the purpose of this Regulation the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.	(4) For the purpose of this Regulation, the carpet areas for the EWS, LIG or MIG tenements shall be as determined by the Government in the Housing Department from time to time.
(5)	For the off site infrastructure, Municipal Corporation shall be paid 12.5% of the charges leviable by MHADA for the grant of additional FSI (FSI over and above the normally permissible FSI) for the Redevelopment Schemes. Unless 12.5% of the charges are paid to the Municipal Corporation no redevelopment permission shall be allowed by Municipal Corporation.	(5) For providing the requisite infrastructure for the increased population, an infrastructure charge at the rate of 7% of the Land Rate as per the ASR of the year of approval of the redevelopment project shall be chargeable for the extra FSI granted over and above the zonal permissible FSI for the Redevelopment Projects. 5/7 th part of the Infrastructure Charge levied and collected by MHADA shall be transferred to the Vasai-Virar City Municipal Corporation for developing necessary off site infrastructure.
(6)	In any Redevelopment scheme where the Co-operative Housing Society/Developer appointed by the Co-operative Housing Society has obtained No Objection Certificate from the MHADA for redevelopment scheme thereby sanctioning additional balance FSI with a consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation) then it shall be obligatory for all the occupiers/ members to participate in the Redevelopment Scheme and vacate the existing tenement for the purpose of redevelopment. In case of failure to vacate the existing tenements, the provisions of section 95A of the MHADA Act <i>mutatis mutandis</i> shall apply for the purpose of getting the tenements/occupiers vacated from the Non Co-operative members.	(6) (a) In any Redevelopment Project where the Co-operative Housing Society has obtained No Objection Certificate from the MHADA / Konkan Housing and Area Development Board, thereby sanctioning additional balance FSI with the consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation), it shall be obligatory for all the occupiers / members to participate in the Redevelopment Project and vacate the existing tenements for the purpose of redevelopment. In case of failure to vacate the existing tenements, the provisions of section 95A of the MHADA Act <i>mutatis mutandis</i> shall apply for the purpose of getting the tenements vacated from the Non Co-operative members. (b) For redevelopment of buildings in any existing Housing Scheme of MHADA under Clause 2 hereinabove, by MHADA, the consent of the Co-operative Housing Society in the form of a valid Resolution as per the Co-operative Societies Act, 1960 will be sufficient. In respect of members not co-operating as per approval of the redevelopment project, action under section 95(A) of the Maharashtra Housing and Area Development Act, 1976 may be taken by MHADA.
(7)	A corpus fund, as may be decided by MHADA, shall be created by the Developer which will remain with the societies for its maintenance. This FSI will be subject to the Regulations in Appendix-A- XVII hereto.	(7) A Corpus Fund, as may be decided by MHADA, shall be created by the Developer which shall remain with the Co-operative Housing Societies for the maintenance of the new buildings under the Rehabilitation Component of the Redevelopment Project

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2. 37. ULTIMATE HEIGHT OF BUILDING	<p>1. Height vis-a-vis the road width :—The ultimate height of a building shall not exceed twice the sum of the width of the street on which it abuts and the provided front open space. The restrictions of height of the building spelt out in this Regulation however, cease to apply in case where the plot fronts on road having width equal to or more than 20.00 m. and where front marginal open space of 12m. minimum is observed. The restrictions of height of the building spelt out in this Regulation shall also cease to apply in case where the plot fronts on road having width equal to or more than 12.00 m. and where front marginal open space is observed in a manner such that the sum of the width of the street on which it abuts and the provided front open space is not less than 30.00 m. Further restriction on the height of the building need not be followed when open space between the two buildings is available ($h/2$) and the buildings are proposed on the either side of the road. For this purpose, the width of the prescribed width of the street.</p> <p>The maximum height of the building shall be 24 m. on a 9 m. road width and height of more than 24 m. shall be allowed on a road width of 12 m. However, the maximum height shall be 70 m. subject to meeting all other requirements mentioned in these Development Control and Promotion Regulations. For building height of more than 70 m., the approval shall be obtained from the Director of Fire Services, Mumbai and of the High Rise Committee to be constituted by the State Government.</p> <p>Access to Multi-storied shall be from internal/ public roads subject to Regulation No. [25.(2)]</p>	<p>(8) In any area outside congested area where MHADA has granted NOC for the purpose of undertaking Redevelopment/ Utilization of FSI with additional permissible built-up area over and above the permissible FSI as per sanctioned DCR prevailing at the time of allotment by MHADA, MHADA shall charge premium at the rate decided by the Government in Housing Department from time to time.</p> <p>(9) Any aspects of development in the Housing Schemes of MHADA for the EWS, LIG or MIG which are not specifically mentioned in this Regulation shall be governed by the relevant provisions of the prevailing Development Control Regulations.</p> <p>37 ULTIMATE HEIGHT OF BUILDING</p> <p>(1) Height Vis-a-vis the road width :—The height of a building shall not exceed one and half times the total of the prescribed width of the street on which the plot fronts and the required front marginal open space. Provided that height of a building under this Regulation may be increased up to 70 mtrs in case the plot fronts on a road having width of more than 18 mtrs. and the front marginal open space of 12 mtrs. or more is observed.</p> <p>Provided further that the following conditions shall be observed in respect of any high rise building, the height of which exceeds 24 mtrs.</p> <p>Conditions :—</p> <ol style="list-style-type: none"> 1. Vasai-Virar City Municipal Corporation shall have to equip the Fire Services Department with all necessary equipment like aerial ladder, hydraulic platform, turn table ladder, rescue tenders, fire tenders, etc., as directed by the Director (Maharashtra State Fire Services). 2. Developer shall pay the fees as mentioned in the Maharashtra Fire prevention and Life Safety Act 2006. 3. No condonation shall be granted in parking and fire fighting requirements. 4. Provision of separate " Fire Lift " shall be mandatory for all high rise buildings. Provision of alternate electric supply or back up plan for fire lift, in case of load shedding, shall be mandatory. 5. Provision of additional fire fighting system, as directed by The Chief Fire Officer of Vasai-Virar City Municipal Corporation shall be mandatory.

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	<p><i>Explanation—</i></p> <p>(i) 'Prescribed width' here means the width prescribed in the development plan or the width resulting from the prescription of regular line of the street under the BPMC Act, 1949 whichever is larger. If the width of existing street is wider than prescribed road width in Development Plan or any other road as declared under BPMC Act or any other Act, the width of the existing road shall be considered for such purpose.</p> <p>(ii) The maximum height allowed vis-a-vis road width as permissible in this Regulation shall be allowed upto only a depth of 24 m. of the building. Additional access shall be provided for building depth that is more than 24 m. If a building abuts two or more streets of different widths, it shall be deemed for the purpose of this Regulation to abut the wider street, the height of the building shall be regulated by the width of the street and may be continued to this height to a depth of 24 m. along the narrower street, subject to conformity with Regulation No. 34.</p> <p>(2) Building intended for hazardous godown, storage of inflammable materials storage of explosive like Godowns of LPG Gas Cylinders shall be single storeyed structures only.</p> <p>(3) The height and character of an industrial chimney in the areas for which clearance of the Civil Aviation Authorities is required under these Regulations shall be prescribed by the Civil Aviation Authorities.</p>	<p>6. Vasai-Virar City Municipal Corporation shall set-up a panel of Structural Consultants for proof checking of structural drawings of any high rise building having height above 24.0m. The concerned developer shall be liable to pay the required expenses of proof checking of the building proposal by such empanelled structural consultants.</p> <p>7. The occupation certificate shall not be issued without obtaining a certificate from a Structural Consultant empanelled for proof-checking of structural drawings, clearly stating that the building is completed as per the approved structural drawings.</p> <p><i>Explanation—</i></p> <p>(i) 'Prescribed width' here means the width prescribed in the development plan or width resulting from the prescription of regular line of the street under the Maharashtra Municipal Corporation Act, whichever is larger. If the width of the existing street is wider than the prescribed road width in the Development Plan or any other road as declared under the Maharashtra Municipal Corporation Act or any other Act, the width of the existing road shall be considered for such purpose.</p> <p>(ii) The maximum height allowed vis-a-vis road width as permissible in this Regulation shall be allowed upto only a depth of 24 m. of the building. Additional access shall be provided for building depth that is more than 24 m. If a building abuts two or more streets of different widths, it shall be deemed, for the purpose of this Regulation, to abut the wider street and the height of the building shall be regulated by the width of the wider street and may be continued to this height upto a depth of 24 m. along the narrower street, subject to conformity with the provisions regarding set backs and marginal open spaces within built-up plots, contained in the prevailing Development Control Regulations (DCR).</p> <p>(2) Buildings intended for use as Godown for storage of Hazardous or inflammable materials or storage of explosives, like Godowns of LPG Gas Cylinders, shall be single storeyed structures only.</p> <p>(3) The height and character of a industrial chimney in the areas where clearance of the Civil Aviation Authorities is required under these Regulations shall be prescribed by the Civil Aviation Authorities.</p>

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(4)	Other restrictions in height. —For the purpose of operational requirements of buildings structures or installations or for the purpose of telecommunications or other forms of communication of the Departments of the Government of India or the State Government or public sector undertakings; the Municipal Commissioner/Other Competent Municipal Officer may for reasons to be recorded in writing, restrict the height of any building in the vicinity of such buildings, structures or installation, and may also permit the prescribed heights to be exceeded for such buildings, structures or installations themselves or for any other statutory communication requirement. The Municipal Commissioner/Other Competent Municipal Officer may allow installation of mobile towers as per Appendix A-XXXIV.	Other restrictions on height. — For the purpose of operational requirements of buildings or structures or installations, or for the purpose of telecommunications or other forms of communication of the Departments of the Government of India or the State Government or public sector undertakings; the Municipal Commissioner, may for reasons to be recorded in writing, restrict the height of any building in the vicinity of such buildings, structures or installations, and may also permit the prescribed heights to be exceeded for such buildings, structures or installations themselves or for any other statutory communication requirements. The Municipal Commissioner may allow installation of mobile towers as per the provisions contained in Government Notification No. TPS-1810/1975/C.R.: NEW65/12/DP/UD-13, dated 4th March, 2014.
(5)	Structures not relevant to height. —The following appurtenant structure shall not be included in reckoning the height of a building except while considering the requirement of Civil Aviation and other statutory communication requirements—Roof tanks and their supports, ventilation air conditioning shafts, lift-rooms and similar service equipment, stair covers, chimneys and parapet walls, architectural features as allowed by Municipal Commissioner/ Other Competent Municipal Officer, television antenna, booster antenna, mobile telephone antenna and wireless transmitting and receiving towers, any telemetric equipment storage facility of an Information Technology Establishment.	Structures not relevant to height. — The following appurtenant structures shall not be included while calculating the height of a building, except while considering the requirement of Civil Aviation and other statutory communication requirements— “Roof tanks and their supports, ventilation/ air conditioning shafts, lift-rooms and similar service equipment, stair covers, chimneys and parapet walls, architectural features as allowed by Municipal Commissioner, television antenna, booster antenna, mobile telephone antenna and wireless transmitting and receiving towers, any telemetric equipment storage facility of an Information Technology Establishment.”
(6)	In the Green and Plantation Zone, the maximum permissible height for various uses shall be 16m. In genuine cases, Municipal Commissioner may allow more heights for genuine self-use/ bungalow construction.	In the Green Zone and Plantation Zone, the maximum permissible height for various uses shall be 16m.

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

SANJAY V. PAWAR,
Section Officer.