

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032 dated the 29th August 2009

NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

No. TPS-1208/1346/CR-267/08/UD-12.—Whereas the Development Control Regulations (hereinafter referred to as "the said DCRs") for the area within the jurisdiction of Mira-Bhayandar Municipal Corporation (hereinafter referred to as "the said Corporation") has been sanctioned by Government vide Urban Development Department's Notification No. TPS.1296/847/CR-162/96/UD-12, dated 14th May 1997, excluding certain parts in which modification were of substantial nature in terms of section 22 of the said Act ;

And whereas, the Development Control Rules which were of substantial nature has been sanctioned by Government vide Urban Development Department's Notification No. TPS.1298/941/CR-89/98/UD-12, dated 25th August 2000 ;

And whereas, the said Corporation, after following all necessary procedure, stipulated under section 37 of the said Act, has submitted some modification proposals to modify the said DCR's (hereinafter referred to as "the said Modifications") ;

And whereas, the Government of Maharashtra, after making necessary enquiries and after consulting Director of Town Planning, Maharashtra State, Pune is of the opinion that some modifications out of the said modifications should be sanctioned with some changes ;

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 37 of the said Act, Government hereby,—

(A) Sanctions the said modification as mentioned in the schedule attached herewith.

(B) Fixes the date of publication of this Notification in the *Government Gazette* as the date of coming into force of the said modifications.

(C) Directs the said corporation to add new entry as per schedule enclosed herewith in the schedule of modifications.

Schedule

(A) Following sanctioned rules are replaced by modified rules

Sr. No.	Sanctioned Rule No.	Modification sanctioned under section 37(2) of MR&TP Act, 1966
(1)	(2)	(3)
1	3 (1)	"Access" means a passage from Existing public road to the plot or land.
2	5	"Advertising Sign" means any surface or structure with characters, letters or illustrations applied thereto and displayed in any manner whatsoever out of doors for the purpose of advertising or giving information regarding or to attract the public to any place, person, public performance, article or merchandise and which surface or structure is attached to, forms part of it or is connected with any building or is fixed to a tree or to the ground or to any pole, screen, fence or hoarding or displayed in space in or over any water body included in the limits of Mira- Bhayandar Municipal Corporation in view to gain profit or goodwill.
3	12 (i)	"Multi-storied building or High Rise Building" means a building of a height of 15 meters or more above the average surrounding ground level.
4	..	As rule No. 12 is misprint twice, Sr. Nos. of sanctioned DCR after rule No. 12 are changed by succeeding numbers accordingly.
5	19	(20) "Combustible material" means a material if it burns add heat to fire when tested for combustibility in accordance with the Indian Standard— IS 3808 : 1979/ Method of Test for non-combustibility of Building Material (First Revision— reaffirm in February 1992)

(1)	(2)	(3)
6	Note below rule No. 20 (xxi)	With the approval of Corporation, the Commissioner may from time to time add, or alter or amend the above list.
7	5(3) Information accompanying notice.	<p>(i) Key plan, site plan, etc. Plan showing contour map levels to accompany notice - The notice shall be accompanied by the key plan (location plan), a site plan, along with demarcation of contour survey map, sub-division</p> <p>(ii)</p> <p>(a) Attested copy or original sale/lease deed/Registered Power of Attorney enabling ownership documents wherever applicable.</p> <p>(b) Property Register Card of a date not earlier than twelve months/7/12, 6 extracts of a date not earlier than one month of the date of submission of the development proposal.</p>
8	5(3)(vi)	(e) Show relative levels of streets and plinth height of proposed building as per contour map.
9	5(3)	(x) <i>Development permission fee/scrutiny fee receipts.</i> —The notice shall be accompanied by an attested copy of the development permission application fee and the scrutiny fee. The application and the scrutiny fee shall be charged at the rates specified in the Appendix I subject to revision by the Municipal Commissioner from time to time.
10	5(3)	(xi) <i>Security Deposit.</i> —To ensure compliance with these Regulations and the directions given in the sanctioned plan and other conditions, a security deposit, shall be charged at rate specified in the Appendix I subject to revision by Municipal Commissioner from time to time. It shall be returned to the owner after the specified period is expired and after the Municipal Commissioner is satisfied with the compliance of various conditions stipulated in the commencement certificates/final occupancy certificate.
11	5(5)	(ii) <i>Fire brigade scrutiny.</i> —The Development permission shall be granted by the Commissioner, Mira-Bhayandar Municipal Corporation to aspiring Builders/Developers only after they have obtained 'No Objection Certificate'/Clearance Certificate from Fire Brigade Department confirming that the provisions containing in Appendix (NBS appendix photocopy is enclosed) have been complied with and fulfilled and the capitation fee has been paid by the Builder/Developer).
12	5(6)	(6) <i>Completion Certificate.</i> —The owner through his licensed plumber shall furnish a drainage completion certificate to the Municipal Commissioner in the form in Appendix XV. The owner through his licensed surveyor/engineer/structural engineer/supervisor or his architect, who has supervised the construction, shall furnish a building completion certificate along with certificate of the structural engineer regarding the compliance of the structural requirements prescribed for Seismic Zone III to the Municipal Commissioner in the form in Appendix XVI. The certificate shall be accompanied by three sets of plans of the completed development. The Municipal Commissioner shall inspect the work and, after satisfying himself that, there is no deviation from the approved plans, issue a certificate of acceptance of the completion of the work in the form in Appendix XVI.
13	3(4)	(b) Take suitable action against the licensed technical person or the architect concerned, which may include cancellation of the license and debarring him from further practice for a period extending upto five years.

(1)	(2)	(3)
14	9-Land uses/ Shopping Centre (SC)— Reservations The Municipal Corp. for shopping centre and the Or Manner of The owner may develop construction plus 15% of the cost of construction Development— or for equivalent FSI if surrendered free of cost. Table 3(ii)(b).	
15	9-Land uses/ V(3) (f) Tribal Hostel Reservations and the V(5) (e) Burial Ground Manner of (f) Cemetery/ Development— Cemation Ground Table 3. V(5) (i) Police Station (ii) Police Station	Municipal Corporation or concerned Government Department of Public Trust. Municipal Corporation or Public Authority or Owner or Public Trust Government Department concerned or Owner. Government Department concerned may acquire develop and maintain the user

or

The owner may be permitted to develop the facility subject to his handing over to the Government Department concerned free of charge the required built up space for the facility constructed according to the norms prescribed by the said Government Department.

Thereafter the owner will be entitled to the full permissible FSI of the plot without taking in to account the area utilized for constructing the facility.

16 24 SHOPPING CENTRES /DEPARTMENTAL STORES.—

In layouts or subdivisions of areas 5 per cent of the plot. Where no separate plots are provided, the shopping provided in the building shall not admeasure less than 5% in aggregate. The conditions governing the layout of such a centre/store shall be as under :—

17 24 (ii) These centre/stores shall not about any roads less than 12m. wide.

18 28 (8) (ii) Building sites abutting railway track boundary -

No Objection Certification from the concern Railway Authorities shall be obtained and submitted before granting permission for the building plan between the railway boundary and the distance of 30 m. from it. The development of such plot shall be carried out as per terms and conditions stipulated by the Railway Authority.

19 32 (2) Building of Educational and Medical Institutional Buildings—

The Municipal Commissioner with the prior approval of Government may permit the 100% additional floor space index over and above the permissibel floor space index in respect of educational, medical and institutional building of Government or of public authorities or of registered public charitable trusts, built on independent plots and under one establishment and used exclusively for that purpose, subject to payment of such premium as may be fixed by Government and paid (out of which 50% shall be payment to the corporation) and subject to such other terms and condition as may be specified by corporation or Government from time to time.

No condonation in the required open space, parking and other requirements as in these regulations shall be allowed in the case of grant of such additional floor space index.

(1)	(2)	(3)
20 32		<p>(7) Reconstruction of structurally unsafe building / dilapidated buildings.</p> <p>(i) In the case of proposals involving reconstruction of any building declared as structurally unsafe for human habitation under any Act or registered as dilapidated wholly or in part, the reconstruction of such old buildings may be permitted by the Municipal Commissioner so as to make possible the re-housing of the old tenements subject to following conditions :—</p> <p>(a) Such structure should have been constructed and in use prior to 1st June 1985.</p> <p>(b) subject to the confirmation of following documents about existing occupancy.</p> <p>(a) Electricity bill for the tenements.</p> <p>(b) Telephone bills of house holders.</p> <p>(c) Rationing Cards of house holders.</p> <p>(d) Property Tax extracts of house holders.</p> <p>(c)</p> <p>(ii) In the case of proposals involving reconstruction of any building or part of a building which has ceased to exist or damaged or destroyed or collapsed due to accidental fire, earthquake, or similar natural calamities beyond the human control, the reconstruction of such old buildings may be permitted by the Municipal Commissioner so as to make possible the re-housing of the old tenements. Provisions of Appendix-II shall apply to this regulation.</p>
21 34 (2)		<p>The FSI permissible for such building is as follows :—</p> <p>(a) Redevelopment outside the congested area shall allowed with FSI permissible + 50% FSI area occupied by the tenants or 2.0 whichever is less.</p> <p>(b) Redevelopment within the congested area shall be allowed with FSI permissible + 50% of area occupied by the tenants or 3.0 whichever is less.</p> <p>(b) and (c)—Areas covered by features permitted in open spaces as listed in Regulation 29. Area covered by staircase rooms, lift rooms above the topmost storey, lift wells staircases and passages of permissible dimensions of buildings.</p> <p>However, the area of staircase and passage shall not be more than 15% of total built-up area for Residential building and 25% of total built-up area for Public/ Commercial building.</p>
22 37		<p>(13) Meter Room.—An independent and ventilated meter room up to carpet area of 10 sq.mt. directly accessible from the outside shall be provided on ground floor/or on upper floors, according to the requirement of Electricity supply undertaking. The door to the room shall have fire resistance of not less than two hours.</p>
23 37		<p>(14) Refuse Chute.—In all multistoried or High rise residential building refuse chute shall be provided with openings on each floor.</p> <p>The following provisions shall apply in case of refuse chutes, if provided :—</p> <p>(a) The refuse shall be collection an enclosed chamber located at the bottom of the chute.</p> <p>(b) The chamber shall be provided with sufficiently large refuse receptacle. The bottom opening of the refuse chutes shall be provided with Lid, which can be closed when the receptacle is being removed from the chamber. The bottom chamber shall be provided with necessary draining arrangements so that the water does not accumulate inside the chamber.</p> <p>(c) The internal surface of the refuse chutes and the bottom chamber shall be non-absorbent and cleanable.</p> <p>(d) No intake opening on a refuse chute shall be greater in area that 50% of the cross sectional area of the chute and all such opening shall be fixed with approved fire resistant metal closures designed to close automatically on release.</p> <p>(e) Every interior chute shall extend not less than 1 m. above the roof and shall be covered with a sky light or shutter not less than one half of the area of the chute.</p> <p>(f) Every refuse chute shall be equipped at the top with spray equipment for washing down purpose and with an automatic sprinkler for the protection.</p>

(1)	(2)	(3)
24 37	(20) Porch.—A porch, if any shall be at least 1.5 m for mercantile, hotel and public buildings by recording reasons thereof.	

When porch is provided inside the building as entrance to staircase/lift its height shall not be more than 4.2 m. in case of residential building/residential with shop (line).

25 40	Special facilities for physically handicapped persons as specified in Appendix XXII shall be provided in all buildings, either existing or proposed, to be used for public and/ or semipublic offices, business / professional establishments, educational and medical purpose, recreational / amusement / community or cultural activities, stadiums or like uses or public purpose where people gather for common activities.	
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26 58 TOURISM DEVELOPMENT ZONES (TDZ)

(1) General conditions :—

(a) Tourism Development Zone can be developed by individual or company or partnership firm or Government/Semi Government Organization/Corporations.

(b) These guidelines shall be applicable for Tourism Development Zone in No Development Zone, and other Zones, too as set out herein below.

(2) *Tourism Development Zone Committee*.—Proposals for lands to be specified as Tourism Development Zone shall be recommended for consideration of Government in Urban Development Department by a committee consisting of—

(i) Secretary, Tourism Development Department, Mantralaya	.. Chairman
(ii) Divisional Commissioner	.. Member
(iii) Municipal Commissioner	.. Member
(iv) Dy. Director of Town Planning	.. Member
(v) Representative of Hotel Industries, Mumbai	.. Member
(vi) Environmentalist	.. Member
(vii) Architect, having 20 years experience in Architectural practice.	.. Member

This Committee may be called "Tourism Development Zone Committee" (TDZC). The persons at Sr. No. 5, 6 and 7 of the committee may be nominated by Secretary, Tourism Department and the tenure of these members shall change after every 3 years, provided however that the same person shall be eligible for reappointment as member.

(3) *Size of Plot and FSI*.—A minimum requirements regarding the size of the plot for Tourism Development Zone and other features shall be as follows :—

TDZ Area	Developable Zone	No Development Zone		Max FSI Permissible
		Total NDZ Holding Area in ha.	Max TDZ area permissible (fixed) Area in ha.	
FSI Permissible	As in the D.C.Rs.	2.00	1.00	5000 sq.mt.
		2.00 - 3.00	1.10	5500 sq.mt.
		3.00 - 4.00	1.20	6000 sq.mt.
		4.00 - 5.00	1.40	7000 sq.mt.
		5.00 - 6.00	1.60	8000 sq.mt.
		6.00 - 7.00	1.70	8500 sq.mt.
		7.00 - 8.00	1.80	9000 sq.mt.
		8.00 - 9.00	1.90	9500 sq.mt.
		9.00 - 10.00	2.00	10000 sq.mt.
		Above 10.00	1/5th of the holding	Half of the area of TDZ (0.5 FSI of TDZ area).

(1)	(2)	(3)
	<p><i>Note—</i> (1) After deducting the area of Tourism Development Zone, FSI will be available for the rest of the land in No Development Zone under control regulations.</p> <p>For plots each more than 2 Ha. in area in No Development Zone no sub-division of plots shall be permitted.</p> <p><i>Smaller Plots.</i>—For existing landholders having smaller plots in No Development Zone, the provisions of promotion of Tourism through bed-and-breakfast type of the arrangements for tourists shall be permissible at recommended by Tourism Development Zone Committee, and approved by Government in Urban Development Department. There shall be the same FSI as in No Development Zone for plots, according to Development Control Regulation.</p>	
	<p>(5) <i>Prohibition for inclusion in TDZ.</i>—Lands falling in categories specified below shall not be included in Tourism Development Zone and hence shall not be considered for the purpose—</p> <p>(a) Lands affected beyond permissible levels by pollution in land, water or air, as may be decided and certified by the Maharashtra pollution Control Board.</p> <p>(b) Lands covered by mangroves.</p> <p>(c) Areas from No Development Zone directly abutting the Residential Zone without being separated by road having width not less than 18.25 mt.</p>	
	<p>(6) <i>Infrastructural Facilities.</i>—All the infrastructural facilities required on site as specified by Municipal Corporation and also as suggested by Tourism Development Zone Committee shall be provided by the developer at his own cost on the site. Proper arrangement for treatment and disposal of sewage and sullage and solid wastes shall be made to the satisfaction of the Municipal Corporation and Maharashtra Pollution Control Board. No untreated effluent shall be allowed to pass into the sea or any waterbody.</p>	
	<p>(7) <i>Revised sites for TDZ.</i>—Where the lands area located in unique/unusual area, particularly suitable for development of tourism in view of an existing water body, scenic beauty, tree plantation or geological formation etc. But are designed/ reserved in the Development Plan for the purpose of marks of gardens or recreation ground or private garden or private recreational ground, it can be specified as tourism development zone. The minimum area of such site however shall not be less than 1.00 ha. The floor space index available for development in such a site shall be 0.20. This FSI is to be consumed on only 15 percent of the lands declared as the Tourism Development Zone out of the site designated for open user such as Recreation Ground, Park etc.</p>	
	<p>(8) <i>Environment and Education.</i>—Places where rare spaces of migratory birds are known to visit and where there is a heritage of flora and fauna shall be given preference for development as Tourism Development Zone. Effort should be made for creating environmental awareness among the local population and specially among school going children in nearby area.</p>	
	<p>(9) The provisions of Coastal Zone Regulations as published by the MoEF, Government of India's Notification No. SO-114(E), dated 19th February 1991 as amended from time to time shall be applicable till the final approval of the CZMP and thereafter in accordance with the provision of such an approved CZMP.</p>	
27	Form-1 Annexure-A	A-9.—Floor Space Index credit available by Development Rights (Restricted to 80% of the balance area <i>vide</i> item 3 above.)
28	Appendix IV (Regulation 33)	(11) DRC shall not be valid for use on receivable plots in coastal areas and areas in NDZ, TDZ.

Note— All other regulations, other than those mentioned in the scheduled attached herewith, shall be applicable as per sanctioned Development Control Regulations for the area within the jurisdiction of Mira-Bhayandar Municipal Corporation.

(B) Following new rules are added

Sr. No. (1)	New Rule No. (2)	New Rule sanctioned by Government (3)
1	901	Approved means approved by the Mira-Bhayandar Municipal Corporation.
2	21A	"Corporation" means Mira-Bhayandar Municipal Corporation constituted under the provisions of B.P.M.C. Act, 1949.
3	50A	Ground Coverage Ratio (GCR) means the ratio of covered area to the total plot area.
4	50B	Congested area shown as such distinctly on the sanctioned Development Plan means the land included within the site of village, town or city as determined by section 122 of Maharashtra Land Revenue Code, 1966.
5	2.51	(iv) Used P. C. Parts, processors Printers, Monitors Body parts, Chips.
6	3-APPLICABILITY	<p>APPLICABILITY OF THE BUILDING REGULATIONS AND DEVELOPMENT CONTROL, RULES</p> <p>In addition to the provisions contained in Section 44 of the Maharashtra Regional and Town Planning Act, 1966 and Sections 253 to 269 of the Bombay Provincial Municipal Corporation Act, the Building Regulations and Development Control Rules shall apply to the building activity given under Rule 3.1.</p> <p>3.1 These rules shall apply to all "Development" where :</p> <p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p> <p>(v) Reconstruction.—Reconstruction in whole or part of a building which has ceased to exist due to accident fire, natural collapse or demolition having been declared unsafe or which is likely to be demolished by or under an order of the Corporation or the Maharashtra Housing and Area Development Board and for which the necessary certificate has been given by either the said corporation or the Board, shall be allowed subjected to the Regulation in Appendix-II.</p>

7 5-PROCEDURE FOR OBTAINING DEVELOPMENT PERMISSION AND COMMENT CERTIFICATE

Table 2
Colouring of Plans

Sr. No. (1)	Item (2)	Site Plan (3)	Building Plan (4)
1 to 13			
14	Internal Drains		Black dotted
15	C. D. for main access on major/minor water course.		Thick Red
16	Community Bin		Appropriate Colour Code
17	Refugee Chute		Appropriate Colour Code
18	Parking Space		Appropriate Colour Code
19	Security Cabin		Appropriate Colour Code
20	Electricity Cabin/Sub-Station.		Appropriate Colour Code
21	Main-entrance		Appropriate Colour Code
22	Stilt		Appropriate Colour Code
23	Fitness Center		Appropriate Colour Code
24	Common Conventional Antenna.		Appropriate Colour Code
25	Position of Rain Water harvesting and Sump.		Appropriate Colour Code

(1)	(2)	(3)
8	5(3) INFOR- MATION ACCOM- PANYING NOTICE.	(e) Original Copy of Gut-Book Plan issued by DILR or plan of survey conducted by DILR or Consent letters from adjoining Land owners for undisputed boundaries in case of Gut-Book Plan is not available in DILR Office. (f) Lease Agreement executed in favour of Corporation of C. D. Work carried out on major/minor water course by Developer as per plan with technical specifications issued by corporation for first five years or further any period decided by Commissioner.
9	5(5)	(v) N. A. Permission.—Every person who intend to carry out development on the land of which the owner or occupier is liable to pay land revenue or redevelopment on the land already developed without N.A. permission shall obtain N.A. permission from the Collector or the Revenue Authorities by following the procedure laid down under section 44 of Maharashtra Land Revenue Code, 1966.
10	5(6)	(1A) Installation a display board at site.—As soon as the Development permission for new construction/redevelopment is obtained the owner/developer shall install a "Display Board" on the conspicuous place on site indicating following details :— (a) Name and Address of the owner, developer, architect and contractor. (b) Survey No. / City Survey No. / Ward No. of land under reference alongwith description of its boundaries. (c) Order No. and date of grant of development permission issued by the Mira-Bhayandar Municipal Corporation or by any other authority. (d) F.S.I. permitted. (e) No. of residential / commercial flats with their areas. (f) Address where copies of detailed approved plans shall be available for inspection.
11	8(4)	(e) Take suitable action under section 56 of B.P.M.C. Act, 1949 against the Municipal Officer responsible for detecting and taking action on such unauthorized construction in the Area / Ward / Zone for which he was specially deputed as Zonal Officer according to the guidelines / directions issued by the State Government.
12	9-LAND USES AND MANNER OF DEVELOP- MENT	The uses of all lands according to Table-3 hereunder subject to the following conditions.— (i) The reservations/public sites designated in the name of the Municipal Corporation or in any Appropriate Authority in the development plan could be developed by Municipal Corporation or any Appropriate Authority only after obtaining prior permission either of the Municipal Commissioner or of the concerned Appropriate Authority as the case may be. (ii) The reservation/public site designated in the name of the Municipal Corporation, or in any appropriate authority in the development plan shall be developed by owner or any other person/institution only as per the specifications and requirement of the Municipal Commissioner, or of the appropriate authority in respect to such reservation. (iii) The owner or any other person /institution shall be permitted to develop any amenity as per these regulations only where the land under him for such reservation is more than 50% contiguous area of the total area of that reservation subject to minimum of 1000 sq.m. The F.S.I. for the buildable reservation site shall be equivalent to F.S.I. permissible in the adjoining land. The owner/developer shall have F.S.I. equivalent as mentioned in table No. regarding equivalent area which he agrees to hand over to Municipal Corporation free of charge. Total F.S.I./Built-up area on the plot including built-up area handed over to Municipal Corporation in lieu of reservation

(1)

(2)

(3)

shall not exceed 1.4 or 1.8 including TDR as permissible in the planning sector, where such reservation is located.

The owner/developer shall provide access to the remaining reservation area which does not have access. The Owner/Developer shall be ready to purchase the balance reservation area which cannot be developed independently at the cost of requisition from Municipal Corporation.

(ii) The powers vested in these Regulations shall be exercised by the Municipal Commissioner and shall have right to impose terms and conditions as deemed fit.

(a) Where the sites are developed by the Municipal Corporation, other suitable amenities/services to the extent of 20% of the site area or for the appropriate remunerative uses to the extent of 15% of the total site area (or FSI) to cross-subsidies principal user of the site may be permitted subject to--

(a) The principal user of such site shall be predominant.

(b) Provision of independent access/entry

(c) Conforming use as per the adjoining zone.

(d) Any structure having not more than G+2 floors.

(vi) Every site admeasuring 0.20 ha. shall provide lay-by of at least 7.50 m. wide and appropriate length along the main prior permission either of the Municipal Commissioner or of the concerned appropriate authority as the case may be.

(ii) The reservation/public site designated in the name of the Municipal Corporation or in any appropriate authority in the development plan shall be development plan shall be developed by owner or any other person/institution only as per the specifications and requirement of the Municipal Commissioner, or of the appropriate authority in respect to such reservation.

(iii) The owner or any other person/institution shall be permitted to develop any amenity as per these regulations only where the land under him for such reservation is more than 50% contiguous are of the total area of that reservation subject to minimum of 1000 sq.m.

The F.S.I. for the buildable reservation site shall be equivalent to F.S.I. permissible in the adjoining land. The owner/developer shall have F.S.I. equivalent as mentioned in Regulation No. 31 to 34 regarding equivalent area which he agrees to hand over to Municipal Corporation free of charge. Total F.S.I./Built-up area on the plot including built-up area handed over to Municipal Corporation in lieu of reservation shall not exceed 1.4 or 1.8 including TDR as permissible in the planning sector, where such reservation is located.

The owner/developer shall provide access to the remaining reservation area which does not have access. The Owner/Developer shall be ready to purchase the balance reservation area which cannot be developed independently at the cost of acquisition from Municipal Corporation.

(ii) The powers vested in these Regulations shall be exercised by the Municipal Commissioner and shall have right to impose terms and conditions as deemed fit.

(a) Where the sites are developed by the Municipal Corporation, other suitable amenities/services to the extent of 20% of the site area or for the appropriate remunerative uses to the extent of 15% of the total site area (or FSI) to cross-subsidies principal user of the site may be permitted subject to--

(a) The principal user of such site shall be predominant.

(b) Provision of independent access/entry

(c) Conforming use as per the adjoining zone.

(d) Any structure having not more than G+2 floors.

(1)	(2)	(3)
		(vi) Every site admeasuring 0.20 ha. shall provide lay-by of at least 7.50 m. wide and appropriate length along the main / important road for vehicular parking and for informal shopping of hawkers/small stalls.
		(vii) Where development of sites designated for gardens, parks, play-grounds, recreational grounds and for similar users is permitted, ancillary structures under gymnasiums, gymkhanas, clubs, stadium, swimming pools, etc. shall not be exceed in ground coverage of 10% of the area of site with FSI of 0.15. Further, location of such structures shall be such that they shall keep remaining large area suitable for the principal user.
		(viii) Where an owner in terms of columns (3) in table 3 above is permitted to develop certain categories of reservations, allocations or designations by the Municipal Commissioner, the Municipal Corporation or concerned Appropriate Authority shall not acquire the land there under.
		(ix) An owner in terms of columns (3) of Table 3 also Who is permitted to developer certain categories of allocations, designations of reservations, shall provide the required parking spaces for the same, in addition to those required for the development he is permitted to undertake.

13 9-LAND USES AND MANNER OF DEVELOP MENT— Table-3.	III	(g) I. T. Park	Municipal Corp./Public Authority or Owners.
	V	(h) Municipal Hospital and ancillary activities.	Municipal Corp./Public Authority/Trust or Owners.
	(1) V	(iv) Ghodbunder	MTDC/Municipal Corp./Government
	(6)	Fort	department or any Authority appointed by Government.

14 20

Table 4

Minimum Plot Areas for various uses

Sr. No. (1)	Land use (2)	Plot Area (Sq.m.) (3)	Type of Development (4)
9	Hospitals	1,500	Detached structure/separate floor.
10	Pr. Schools High Schools	2,000	Detached structure/separate floor and play ground.
11	College and other higher Activities.	2,500	Detached structure.

15 23

Table 7

Widths of pathways

Types of Development (1)	Length of pathway in meters (2)	Width in meters (3)
(i) High density housing	up to 50	3.0
	up to 40	2.5
	up to 30	2.0
	up to 20	1.5
(ii) Other Building of any type	up to 20	1.5

(1)	(2)	(3)
16 26	ADDITIONAL AMENITIES AND FACILITIES IN LAY-OUTS EXCEEDING 2.0 HA. (CFC)	
	<p>In any layout exceeding two hectares in area in Residential and Commercial zones Reservations in the Development Plan thereafter.</p>	
	<p>(a) The activities permissible in the common facility centre are as follows :---</p>	
	<p>(a) Any utility such as water storage reservoirs.</p>	
	<p>(b) Educational use.</p>	
	<p>(c) Health related use.</p>	
	<p>(d) Markets and convenience shops.</p>	
	<p>(e) Social facility including post office, police station, telephone exchange etc.</p>	
	<p>(f) Public parking.</p>	
	<p>(g) Any other utility/amenity/public conveniences, as may be decided by the Municipal Commissioner.</p>	
	<p>(b) Such CFC plots shall be situated as far as possible at one location and shall have access from the DP road/internal road and shall not be sub-divided. In case the CFC plot is distributed at more than one location then the minimum area of CFC plots shall be 500 sq.m.</p>	
	<p>(c) With the approval of the Municipal Commissioner the owner may develop and maintain the CFC plot for any of the uses mentioned above. The same shall be kept open to the public.</p>	
	<p>(d) The Municipal Commissioner may allot the surrendered CFC plot to an appropriate authority like Registered Society (other than housing society), Charitable Trust, Public Authority, etc. on such terms and conditions as may be decided by him for development and/or maintenance of any activity therein.</p>	
	<p>In case of industrial layout/sub-division, the CFC plot up to 1,000 sq.m. area provided as per above provisions shall serve as general parking space unless otherwise specified by the Municipal Commissioner. When it exceeds 1000 sq.m. the excess area may be used for construction of buildings for banks, canteens and welfare centers, offices of industry associations/federations, creches and other common purposes considered necessary for industrial development with prior approval of the Municipal Commissioner.</p>	
17 32	<p>(9) Regulations for Buildings of Department of Police, Police Housing Corporation, Jail and Home Guard of Government of Maharashtra for use as their staff quarters situated outside congested area.—</p>	
	<p>(i) In cases of buildings of department of police, police housing corporation, Jail and Home Guard of Government of Maharashtra for use as their staff quarters, the Commissioner may permit the FSI to be exceed up to 2.5.</p>	
	<p><i>Note.</i>—It shall be permissible to submit a composite scheme for the development or redevelopment of land of department of police, police housing corporation, Jail and Home Guard for the utilization commercial user up to the extent of 15% of maximum permissible FSI i.e. 2.5, so that commercial potential of one plot can be shifted to other plot, provided the aggregate FSI on any plot shall not exceeds 2.5.</p>	
	<p>(ii) For reconstruction/redevelopment of buildings of department of police, police housing corporation, Jail and Home Guard of Government of Maharashtra, constructed prior to 1940, the FSI shall be 2.5 or consumed FSI of existing old building plus 50% incentive FSI whichever is more.</p>	
	<p>(iii) In the case of development or redevelopment of land of police, police housing corporation, Jail and Home Guard commercial user permissible under D. C. Regulation may be permitted up to 15% of the total permissible built up area, for use as their staff quarters.</p>	

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|------------|--|-----|
| 18 37 (13) | (A) Inner and outer chowk.—The following regulations shall apply to building of all land uses :— | (1) |
| | (a) Inner chowks shall be allowed only in buildings, constructed in suits. The chowk shall be kept accessible at ground level. However, inner chowks shall be permitted in row houses, built on the ground but which are used only for residential land use. | |
| | (b) No dimension of an inner chowk on which doors and windows about shall be less than 3 m. | |
| | (c) Inner chowk on which doors and windows about shall have area at all levels of chowk, of not less than the square of 1/5th the height of the highest wall abutting the chowk. No room excluding a staircase bathroom and WC shall be exclusively dependent for its light and ventilation on an inner chowk. If any room abutting an inner or outer chowk is exclusively dependent upon such chowk for its light and ventilation the dimensions of the Chowk shall be in accordance with regulation 24. Provided that when only Bathroom and Water Closets about a chowk, chowk shall have minimum dimensions of 2.5 m. and any area for any height. | |
| | (d) No length (as distinguished from its depth) of an outer chowk shall be less than 2.00 m. | |
| 19 37 | (19-A) Stilt.—A stilt be permitted only on ground floor. The height between ground floor level and ceiling of the stilt portion or where the stilt has beams inside, then up to lowermost side of the beams shall not exceed 2.40. If stilt is permitted free of FSI to be used for parking of vehicles or for open play area. Such stilt shall be at least 0.15 m. above the general ground level. Any violation in the height or in the use of such stilt will attract the area under stilt to be counted in FSI. | |
| | A stilt provided for primary school/high school buildings may be permitted with more height up to 3.20 m. for using it for open gathering of the students and free of FSI. | |
| 20 37 | (31) Fitness Centre.—In every residential building, constructed or proposed to be constructed for the use of a co-operative housing society or an apartments of owners association, a fitness center room shall be permitted. The area of such room shall be limited to two percent (2%) of the total built-up area of the building or 20 sq.m. whichever is more. Such room shall not be used for any other purpose except for fitness activities and its ownership shall vest in the concerned society/association. | |
| 21 39 | (d) at least one building with stilt for open gathering of students in rainy seasons. | |
| 22 44 | (4) Structural safety from earthquake hazards.—The structural design shall satisfy the requirements laid down Seismic Zone III in the National Building Code of India. The building completion certificate shall have to be submitted along with certificate of the authorized structural engineer that he has designed the structure to comply with the requirements of Seismic Zone III and it is constructed accordingly under his supervision. The Occupancy Certificate shall be granted by the Municipal Commissioner only after such compliance. | |
| 23 55-A | Change of Industrial Land to Residential/Commercial purpose : | |
| | With the previous approval of the Commissioner, any open land or lands of industrial lands in the Industrial Zone including lands in Industrial Zone in T.P. Scheme area may be permitted to be utilized for any of the permissible users in the Residential zone (R-1 zone) or the Residential zone with shop line (R-2 zone) or for those in the Commercial zone (C1 and C2 zone) subject to the following :— | |
| | (i) The conversion of Industrial Zone to Residential/Commercial Zone in respect of closed industries shall not be permitted unless NOC from Labour Commissioner, Maharashtra State, Mumbai stating that all legal dues have been paid to the workers or satisfactory arrangement between management and workers have been made, is obtained. | |
| | However, in respect of any open land in the Industrial Zone, where industry never existed, NOC from Labour Commissioner is not required. | |

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(ii) The layout or sub-division at such land admeasuring upto 2 Ha. shall be approved by the Commissioner, who will ensure that 5% land for public utilities and amenities like electric sub-station, bus station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein.

(iii) In such layouts or sub-divisions having area more than 2 Ha. but less than 5 Ha., 20% land for public utilities and amenities like electric sub-station, bus station, sub-post office, police out post, garden, play ground, school, dispensary and such other amenities shall be provided. Provided that at least 50% of this land shall be reserved for unbuildable reservation such as Garden, Recreational ground etc.

(iv) In such layout of sub-division each more than 5 Ha. in area, 25% of land for public utilities and amenities like electric sub-station, Bus station, sub-post office, Police out post, garden, play ground, school, dispensary and such other amenities shall be provided. These areas will be in addition to the recreational space as required to be provided under these regulations. Provided that at least 50% of this land shall be reserved for unbuildable reservation such as Garden, Recreational ground etc.

Note.—

(1) Conversion from industrial zone to residential/commercial zone shall be applicable to the part area of the land holding subject to the condition that total area of the entire land holding shall be considered for deciding the percentage of land to be reserved of the said part area of land for public amenity spaces, as per the said regulation. However, necessary segregating distance shall be provided from industrial use.

(2) The area under reservation shall be treated in the area of required amenity space and TDR Insitu FSI for this area will be allowed.

(3) Out of the total floor area proposed to be utilized for residential development, 20% of the same shall be built up for residential tenements having built up area upto 50 sq.m.

24 55 (B)

BIOTECHNOLOGY UNITS IN INDUSTRIAL ZONES.—

In the industrial estates or parks developed by the Maharashtra Industrial Development Corporation or by Public Undertaking or sponsored by or jointly developed by Public Undertaking, Biotechnology Units which are certified by the Development Commissioner (Industries) or by any other Officer authorized by him shall be permitted subject to following.—

(i) FSI shall be maximum upto two times the normally permissible FSI provided that premium determined by the Municipal Corporation for utilizing the additional FSI.

(ii) The plot shall front on road having width more than 12m.

(iii) The plot shall be independently and exclusively used for Biotechnology Units.

(iv) The Biotechnology Units shall be set by public bodies like MHADA, SEEPZ, MIDC, SICOM, CIDCO or their venture companies having more than 51% stake of these bodies or lessees of these public bodies.

(v) Unit shall have to be set up as per the special conditions if any specified by the Municipal Commissioner.

(vi) In case of additional FSI is allowed in respect of Biotechnology unit as aforesaid, the premium shall be paid as decided by Government and paid (out of which 50% shall be payable to the corporation) subject to such other terms and conditions as may be specified by corporation or Government from time to time.

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NO DEVELOPMENT ZONE (NDZ).—

The following uses are permissible in a No Development Zone (NDZ) provided, however, no services of any kind will be provided by the Municipal Corporation. The FSI for utilizing the area of this zone for bonafide purposes shall be 0.10 for all the activities excepting those where specific FSI is prescribed hereunder.

(xiv) Highway amenities along the Mumbai-Ahmedabad National Highway No. 8 and along Ghodbundar State Highway such as fuel pumps (subject to NOC of the Chief Explosive Officer and the Petroleum Department), motels, hotels, repair and service garages weighing bridges, bus sheds, parking lots, truck terminals and like services shall be permitted subject to NOC of the PWD.

(xv) Asylum for neglected persons, Remand Homes, Vriddhashrams, Anathashrams and similar social institutions.

(xvi) Slaughter house.

Notwithstanding anything contained in these regulations, in the lands shown as NDZ and washed brown on the Development Plan which are indicated as hilly lands, No Development any sort, will be permissible, except tree plantation above a height of 50m sea level. The Municipal Commissioner, however, may make relaxation in height as per local conditions, for allowing development undertake by Government agencies for promotion of Tourism.

26 57

(xvii) Users such as Research and Development Insitutions and Biotech units shall be permitted in No Development Zone subject to the following conditions,—

(1) The minimum size of plot shall be 10.00 Hectare.

(2) The permissible plinth area shall be 10 per cent. of area of plot/land.

(3) Maximum one per cent. of total permissible plinth area can be allowed to use for purpose of office and residence of the employees.

(4) The permissible nos. of employee will be at the rate of one for 300 sq.ft. of plinth area.

(5) The Research and Development for inflammable and hazardous industry shall not be permitted.

(6) The maximum two storied (ground and one floor) buildings shall be permitted height of floor shall be depending upon the type of Research and Development as decided by Municipal Corporation.

(7) Trees shall be planted at the rate of 500 trees per Hectare.

(8) The permission so granted shall be revoked in the event if the conditions (1) to (7) mentioned above are not strictly observed.

(9) Development in plots affected by CRZ area shall be permissible subject to the notification issued by MOEF regarding.

27 58(A)

FOREST LANDS—

The lands, which are notified under the Indian Forest Act, 1950 and other designated forest lands of any in the sub-region shall not be permitted to be used for any other purpose even though they fall under various use-zones of the Development Plan except the following users, subject to approval from appropriate authority under forest act ;

(i) Forest and allied activities permitted under the Forest Act.

(ii) Roads; Railways; Highway undertaken by the Government.

(iii) Laying out of electric; telephone; gas; drainage; sewerage and water lines (without building operations) undertaken by the public authorities and with.

(iv) Other utilities and services specifically permitted by the Government.

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28 58 (B)

PROVISIONS FOR INFORMATION TECHNOLOGY ESTABLISHMENT.—

The Information Technology Establishments shall be permitted in any development Zones and in the no development zone as per the provisions given in the Appendix XXI subject to following—

- (a) They shall not be permitted in a plot fronting on the Mumbai-Ahmadabad National Highway or any Super Express-way.
- (b) They shall directly front on a road of at least 12m wide.
- (c) They shall be permitted in independent plots only.
- (d) These Establishments shall be subject to CRZ restrictions.
- (e) They shall be erected subject to these Regulations.

29 58 (D)

AREA UNDER QUARRIES—

Mining and quarrying shall be permitted at specific locations approved by the Municipal Commissioners and of the Collector, Thane's special permission upto a level as may be specified by these authorities from time to time. Any quarrying or mining operation shall only be permitted on the production of a N.O.C. from the Maharashtra Pollution Control Board. These activities shall be subject to the regulations given in the Appendix XXIV. The crushing operations shall be permissible at quarry or mining site only.

30 58 (E)

PERMISSION FOR CONSTRUCTIONS OF TEMPORARY USER.—

(1) The Municipal Commissioner may grant permission for construction of temporary nature and use for a period not exceeding six months at a time ; but in aggregate not exceeding a period of three years. Such temporary permission may be granted for the constructions of the following uses:—

- (i) Structures without RCC frames and/or walls for protection from the rain ;
- (ii) Pandals for fairs ; ceremonies ; religious function ; etc.
- (iii) Structures for godowns/storage of materials within the site during construction ;
- (iv) Temporary site offices and watchman chowkies within the site only during the phase of construction of the main building ;
- (v) Structure for exhibitions/circuses ; etc.
- (vi) Structures for storage of machinery ; before installation ; for factories in industrial lands within the site ;
- (vii) Structures for ancillary works for quarrying operations in conforming zones ;
- (viii) Stalls for sale of goods for specific period ;
- (ix) Milk booths and telephone booths ;
- (x) Transit accommodation for persons to be rehabilitated in new construction ;

Provided that temporary constructions for structures etc. mentioned at (iii) (iv) (v) and (vi) may be permitted to be continued temporarily by Municipal Commissioner but in any case not beyond completion of construction of the main structure or building. The structures in (vi) may be continued beyond three years on annual renewable basis.

(2) The Municipal Commissioner may permit the use of existing temporary A.C.C. Roof over the R.C.C. Slab of any building on a temporary basis provided by the Commissioner provided:—

- (i) Such final R.C.C. slab has developed cracks and has formed Rain Water leakages.
- (ii) The A.C.C. Roof which will be permitted shall have a height of 5 ft. at the center and shall have 1 1/2 ft. clearance over and above parapet wall.
- (3) Applications of permissions for temporary uses and for relevant construction need not be submitted through a Technician Person.

(1) (2) (3)

31 58 (G) LAYING OPTICAL FIBRE CABLE

Laying of Optical fiber underground by the companies authorized by the state Government Shall be permitted on the lands falling under the jurisdiction of the Government of Maharashtra, Municipal Corporation or of any other authority or Owner (if permitted by them) for a period of thirty years on licence basis subject to conditions prescribed by the State Government and subject to further special condition of the Municipal Commissioner.

32 58 (I) SET BACKS FROM THE CLASSIFIED ROADS OF THE PWD

Any development of land and/or building which are fronting the classified road viz Expressways, National Highways, State and Major State Highway, Major District Roads, Other District Roads, Village Roads Shall be regulated according to the Public Works Department's order prescribed under resolution No. RBD.1081/871/Roads-7, dated 9th March 2001 read with addendum No. RBD.1081/72/Roads-7, dated 21st September 2001 and Corrigendum No RBD.1001/72/Roads-7, dated 7th January 2002 Subject to subsequent modification/clarifications etc. of the Government. The Building and Control lines as well as provisions of Service Roads along Such classified roads (except Other District Roads and Villages Roads) Shall be given below :—

Sr. No.	Class	Building Line (From the centre line of road)	Control Line (From the centre line of road)
(1)	(2)	(3)	(4)
1	Express Ways	60 m from the center line of road or 15 m from the road boundary whichever is more.	60 m from the center line of road or 15 m from the road boundary whichever is more.
2	National Ways	3 to 6 m from the road boundary whichever is more.	40 m from the center line of road.
3	State/Major State Highways	20 m from the center line of road or 4.5 m from the road boundary whichever is more.	40 m from the center line of road.
4	Major District Roads	15 m from the center line of road or 4.5 m from the road boundary whichever is more.	37 m from the center line of road.
5	Other District Roads	12 m from the center line of road or 4.5 m from the road boundary whichever is more.	18 m from the center line of road.
6	Village Roads	10 m from the center line of road or 4.0 m from the road boundary whichever is more.	14 m from the center line of road.

Note,—

(i) Control Line is the set back line up to which building intended for industries, factories, cinema or drama theatres, community or town halls, godowns and large storages, motels, resorts, amusement parks, workshop and service stations or other structures intended for any traffic-attracting user shall have to be set back.

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(ii) Building Line is the set back line up to which building intended for purposes other than those mentioned in (i) above shall have to be set back.

(iii) In hilly areas the building and control lines shall be considered as same at a distance of 5.0 m. from the road boundary for all the classified roads except the Express ways.

(iv) These provisions of building and control lines shall not be made applicable to the development fronting the service roads already provided along such classified roads in the industrial estates developed by the Maharashtra Industrial Development Corporation.

(v) The layouts of open lands along these classified roads shall be permitted only on service roads of at least 12 m. width to be provided in such layouts in newly developing areas.

(vi) The development charge, if any, if recovered by the Municipal Commissioner towards construction of service roads along these classified roads shall have to be paid by the developer to the Municipal Corporation before the grant of commencement certificate.

(vii) These provisions of building and control lines shall also be made applicable to the development fronting any diversion alignment of such classified road proposed or under construction pending the notification by the Government.

(viii) For any interpretation, the orders given in the Urban Development Department's resolution No. MISC. 2002/298/CR-258/03/UD-12, dated 10th June 2004 shall be referred.

33 58 (J)

DEVELOPMENT OF LANDS OF MAHARASHTRA STATE ROAD TRANSPORT CORPORATION

Notwithstanding anything to the contrary contained in these Regulations, lands in the possession of the Maharashtra State Road Transport Corporation shall be allowed to be developed for commercial use to the extent of 50% of the permissible FSI subject, however, to the general restrictions otherwise applicable to such development, and also in accordance with the Government of Maharashtra Home Department, resolution No. STC. 3400/CR-148/TRA-1, dated 1st February 2001, as may be modified from time to time.

34 58 (K)

RAIN WATER HARVESTING

RAIN WATER HARVESTING,—

(a) All the layout open spaces/amenity of housing societies and new constructions/reconstruction/additions on plots having area not less than 300 sq.mt. in non gaothan areas of all towns shall have one or more Rain Water Harvesting structures having a minimum total capacity as detailed in Schedule:

Provided that the Authority may approve the Rain Water Harvesting structures of specifications different from those in Schedule, subject to the minimum capacity of Rain Water Harvesting being ensured in each case.

(b) The owner/society of every building mentioned in the (a) above shall ensure that the Rain Water Harvesting structures is maintained in good repair for storage of water for non potable purposes or recharge of groundwater at all times.

(c) The Authority may impose a levy of non exceeding Rs. 1,000 per annum for every 100 sq.mt. of built-up area for the failure of the owner of any building mentioned in the (a) above to provide or to mention Rain Water Harvesting structures as required under these bye-laws.

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Schedule

RAIN WATER HARVESTING

Rain Water Harvesting in a building site includes storage or recharging in to ground of rain water falling on the terrace or any paved or unpaved surface within the building site.

1. The following systems may be adopted for harvesting the rain water drawn from terrace and the paved surface.

(i) Open well of a minimum of 1m dia and 6m in depth into which rain water may be channeled and allowed after filtration for removing silt and floating material. The well shall be provided with ventilating covers. The water from the open well may be used for non-potable domestic purposes such as washing, flushing and for watering the garden etc.

(ii) Rain Water Harvesting for recharge of groundwater may be done through a bore-well around which a pit of 1m width may be excavated upto a depth of atleast 3m and refilled with stone aggregate and sand. The filtered rain water may be channeled to the refilled pit for recharging the borewell.

(iii) An imperassive surface/underground storage tank of required capacity may be constructed in the setback or other open space and the rain water may be channeled to the storage tank. The storage tank shall always be provided with ventilating covers and shall have draw-off taps suitably placed so that rain water may be drawn off for domestic, washing, gardening and such other purposes. The storage tank shall provided with an overflow.

(iv) The surplus rain water after storage may be recharged in to ground through percolation pits or trenches or combination of pits and trenches. Depending on the geomorphological and topographical condition, the pits may be of the size of 1.20m width × 1.20m length × 2m to 2.50m depth. The trenches can be or 0.60 m width × 2 to 6 m length × 1.50 to 2m depth. Terrace water shall be channeled to pits or trenches. Such pits or trenches shall be back filled with filter media comprising the following materials :—

(a) 40mm stone aggregate as bottom layer upto.

(b) 20mm stone aggregate as lower middle layer upto 20% of the depth.

(c) Coarse sand as upper middle layer upto 20%.

(d) A thin layer of fine sand as top layer.

(e) Top 10% of the pits/trenches will be empty and a splash is to be provided in this portion in such a way that roof top water falls on the splash pad.

(f) Brick masonry wall is to be constructed on the exposed surface of pits/trenches and the cement mortar plastered.

The depth of wall below ground shall be such that the wall prevents loose soil entering into pits/trenches. The projection of the wall above ground shall atleast be 15cms.

(g) Perforated concrete slabs shall be provided or

(v) If the open space surrounding the building is not paved, the top layer up to a sufficient depth shall be removed and refilled with coarse sand to allow percolation of rain water into ground.

2. The terrace shall be constructed to the open well/borewell/storage tank/recharge pit/trench by means of HDPE/PVC pipes through filter media. A valve system shall be provided to enable the first washing from roof or terrace catchment, as they would contained undesirable dirt. The mouths of all pipes and opening shall be covered with mosquito (insect) proof wire net. For the efficient discharge of rain water, there shall be at least two rain water pipes of 100 mm dia. for a roof area of 100 sqm.

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3. Rain Water Harvesting structures shall be sited as not to endanger the stability of building or earthwork. The structure shall be designed such that no dampness is caused in any part of the walls or foundation of the building or those of an adjacent building.

4. The water so collected/recharged shall far as possible be used for non drinking and non-cooking purpose :

Provided that when the rain water in exceptional circumstances will be utilized for drinking and/or cooking purpose, it shall be ensured that proper filter arrangement and the separate outlet for by passing the first rain water has been provided.

Provided further that it will be ensured that for such use, proper disinfectants and the water purification arrangements have been made.

APPENDIX-I

FEES, DEPOSITS AND CHARGES

(Regulation No. 5.3 x and xi)

SCRUTINY FEES FOR VARIOUS TYPES OF APPLICATIONS

Sr. No.	Purpose of Application	Rate of scrutiny fees per sq.m. as per use proposed	Area considered for charging fees	Limits of Building fees	
				Minimum	Maximum
(1)	(2)	(3)	(4)	(5)	
1	Layouts for sub-division of parcel of land.	(ii) Residential Rs. 2	Total considered for charging fees	Rs. 500	Rs. 50,000
		(b) Commercial Rs. 5		Rs.1,000	Rs.1,00,000
		(c) Industrial Rs. 2		Rs. 500	Rs. 50,000
		(d) Other uses Rs. 2		Rs. 500	Rs. 50,000
2	Amalgamation plots	For any user Rs. 2	Total area under amalgamation.	Rs. 500	Rs. 10,000
3	Construction or reconstruction (including additions to existing building)	(a) Residential Rs. 15	Total built up area.	Rs.1,000	Rs. 2,00,000
		(d) Other uses Rs. 15		Rs.1,000	Rs. 2,00,000
4	Construction or reconstruction of building in NDZ (including additions to existing building.)	(a) Residential Rs. 5	Total proposed built up area	Rs. 500	Rs. 50,000
		(b) Commercial Rs. 15		Rs.1,000	Rs. 1,00,000
		(c) Amusement parks, resorts and like commercial use Rs. 10		Rs.1,000	Rs. 2,00,000
		(d) Industrial Rs.10		Rs. 1,000	Rs. 1,00,000
		(e) Other uses Rs. 10		Rs. 1,000	Rs. 1,00,000

(1)	(2)	(3)			
(1)	(2)	(3)	(4)	(5)	
5	Amdendments of previously sanctioned layouts/building proposals/ alternations to existing buildings.	(a) Residential Rs. 2 (b) Commercial Rs. 5 (c) Industrial Rs. 2 (d) Other uses Rs. 2	Total built up area proposed under amendment	Rs. 500 Rs.1,000 Rs. 500 Rs. 500	Rs. 50,000 Rs.1,00,000 Rs. 50,000 Rs. 50,000
6	Mining and quarrying	Rs. 10	Gross area proposed for quarry operations.	Rs. 500	No limit
7	Temporary Construction Rsgn. No. 58-E Sr. No. (i) to (x)	Lumpsum of Rs. 1,000
8	A.C.C. Roof on Terrace of old building to prevent leakage. 58/E(2)	(a) Residential Rs. 0.5. (b) Commercial Rs. 1 (i) Industrial Rs. 2 (d) Other uses Rs. 1	Total Area of Terrace with purified wall	Rs. 500	Rs. 1,000

Note.—

(10) Fees for compound walls, storage tanks, garages, open structures, other temporary structur, repairs of existing structures, demolition works shall be Rs. 1,000 per proposal.

(11) Built up area in the proposal shall be considered as that area under construction permitted by the Municipal Commissioner.

(12) 50% concession shall be given in the scrutiny fees in respect of proposal for medical, education, social and religions activities run or to be run by charitable registered institution.

(13) The activities like resort, amusement parks, marriage halls, video clubs, I.T. establishments, professional offices, lodging and boarding houses, cinemas, drama theatres and like shall be considered as commercial activities for charging scrutiny fees.

(14) For dwelling unit exclusively meant for Adivasis, cattle sheds and farm houses in No Development Zone (both not exceeding in area of 50 sq.m.) Scrutiny fee shall be charged as an Rs. 500 in lump sum.

(15) 75% concessions in scrutiny fee shall be given in the case of proposal of shifting non-conforming industries to the conforming zones.

(16) 50% concessions in scrutiny fees shall be given for accommodating industries for—

- (i) readymade garments
- (ii) electronic assembly units
- (iii) software development
- (iv) cottage industry

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SECURITY DEPOSITS FOR DUE PERFORMANCE OF CONDITIONS

Sr. No.	Part of building for security	Rate per sq.m. of relevant built-up area	Period of deposit	Conditions forfeiture of deposit
(1)	(2)	(3)	(4)	(5)
1	Basement or stilt portion in all use zones.	Rs. 20	3 years from the date of occupancy certificate.	Basement and stilts used for non permitted uses Violations in the height of stilts. If stilts enclosed from three sides or more.
2	Buildings or structures not under basement or stilt except in NDZ.	Rs. 10	1 years from the date of occupancy certificate.	It is forfeited either in part or whole at the discretion of Municipal Commissioner depending on the nature of violations.
3	Buildings meant for hospitals, schools, colleges, nurseries and the buildings of charitable registered institutions I all use zone.	Rs. 5	1 years from the date of occupancy certificate.	It is forfeited either in part or whole at the discretion of Municipal Commissioner depending on the nature of violations.
4	Buildings for residential use in NDZ.	Rs. 5	1 years from the date of occupancy certificate.	It is forfeited either in part or whole at the discretion of Municipal Commissioner depending on the nature of violations.

Note.—

Forfeited of security deposit shall be without prejudice to any other remedy or right of the Municipal Commissioner.

(i) The security deposit shall not bear to any interest at any time.

(ii) Forfeited of security deposit shall be only in the case of breach of any conditions, provision and regulations stipulated in the CC and it shall be at the absolute discretion of the Municipal Commissioner.

(iii) Security deposit shall not be levied for constructions exclusively meant for Adivasis.

(1)	(2)	(3)	(4)	(5)	(6)
37	REVALIDATION FEES				
Sr. No.	Period from the date of expiry of CC/NANOC	(3)	(4)	(5)	(6)
1	Before the date of expiry of CC/NANOC.	Rs. 1,000	Rs. 1,500	Rs. 1,000	Rs. 750
2	Within one month from the expiry date of CC/NANOC.	Rs. 1,500	Rs. 2,500	Rs. 1,500	Rs. 1,000
3	After one month but within three months from expiry date of CC/NANOC.	Rs. 2,000	Rs. 3,000	Rs. 2,000	Rs. 1,500
4	After one month but four years from the date of CC/NANOC.	Rs. 4,000 + late fee of Rs. 500 per month	Rs. 5,000 + late fee of Rs. 500 per month	Rs. 4,000 + late fee of Rs. 500 per month	Rs. 3,000 + late fee of Rs. 500 per month

Note.—

(i) Revalidation of the Commencement Certificate, No Objection Certificate for Non Agriculture permission (NANOC) shall not made for any reason after total period of four years from the date of grant of CC/NANOC.

(ii) Application for revalidation is considered valid only after above fees are received by the Municipal Commissioner.

(iii) NANOC means Development permission as per rule No. 5(5)(i).

38 FEES FOR CERTIFIED COPIES OF APPROVED PLANS AND DOCUMENTS

Sr. No.	Certified copy of	Fees per copy
(1)	(2)	(3)
1	Approved building and layout plans	Rs. 500 per sheet
2	CC, PCC, OC OR NOC	Rs. 100
3	Part of DP (coloured)	Rs. 500 for size of 15 cm. × 20 cm.

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APPENDIX XXI

(Regulation No. 58-B)

REGULATIONS FOR INFORMATION TECHNOLOGY ESTABLISHMENTS (ITE)

1. Definition :—

In the context of the policy, the Information Technology Industry, industry, IT services and IT Enabled Services as defined below :—

IT Taskforce of Government of India has defined IT software as follows,—

(a) IT Software : IT Software is defined as any representation of instruction, data, sound or image, including source code and object code, recorded in a machine readable form and capable of being manipulated or providing interactivity to a user, with the means of a computer.

(b) IT Hardware : IT Hardware covers approximately 150 IT products notified by Directorate of Industries.

(c) IT service and IT Enabled Services : These includes various IT services and are defined by the IT Taskforce of the Government of India as follows :—

"IT Service including IT Enabled Service is defined as any unit that provides services, that result from the use of any IT Software over a computer system for realizing any value addition"

The Directorate of Industries has prepared and published an illustrative list of such IT Enabled Services which is to be updated from time to time.

2. Height of the Room for ITE :—

Notwithstanding any thing contained in these regulations, any telematic equipment storage erection facility can have a height as required for effective functioning of that system.

3. Covered Antenna to be Free of FSI :—

Any covered Antenna/Dish Antenna/communication Tower will be allowed to be erected free of FSI, if it is used for Telecom (Basic Cellular or Satellite Telephone) or ITE purpose which shall include equipment relating to Earth Station, V-Sat, Routes, Transponders and similar ITE related structures or equipment.

4. ITEs to be allowed in Residential Zone :—

Notwithstanding any thing contained in these regulations, ITITES on the plots/premises fronting on roads having width more than 12.00 Mts. shall be allowed.

5. ITEs to be allowed in Industrial Zone (I-1) :—

ITITES shall be permitted in I-1 Zone and Services Industrial Estates on all plots fronting on roads having width 12 m. and above.

6. ITEs to be allowed in General Industrial Zone (I-2) and Special Industrial Zone (I-3) :—

ITITES shall be permitted on all plots fronting on roads having width 12 m. and above.

7. ITEs to be allowed in No Development Zone (N-D Zone) earmarked in the Development Plan :—

Development Plan of ITITES with ancillary residential development shall be allowed in No Development Zone subject to the following conditions :—

(a) The total FSI shall not exceed 0.20

(b) Residential Development shall not exceed one third of the total built-up area.

(1)	(2)	(3)
		<p>(c) Construction of ITE/Ancillary residential use may be permitted (in suitable location so as to keep as much as remaining space open) upto 20 percent on 10 percent of the area of plot. On remaining 90 percent plot, trees shall be planted at the rate of 500 tree per hectare.</p> <p>(d) Sub-division of land shall be permitted with the area of plot to be sub-divided being not less than 4000 sqm.</p>
		<p>8. Additional FSI to IT/ITES :—</p> <p>Subject to approval by Director of Industries, the Commissioner/Chief Officer or as the case may permit the Floor Spaces Indices specified in these regulations to be exceeded to the extent of 100 percent over and above the permissible FSI as under (including for IT/ITES units located in No Development Zone/Green Zone/Agricultural Zone proposed in the Development Plan or Regional Plan.</p> <p>(i) 100 percent additional FSI shall be made available to all IT/ITES units in public IT parks.</p> <p>(ii) 100 percent additional FSI shall be made available to all registered IT/ITES units in located in private IT parks approved by the Directorate of Industries.</p> <p>(iii) Permission for erecting towers and antenna upto the height permitted by the Civil Aviation Department shall be granted by the concerned municipal bodies at the time and as a part of approval of building plan itself.</p>
		<p>9. General Terms/Conditions applicable for Development of IT/ITES units :—</p> <p>(i) Additional FSI to IT/ITES would be available only upon full utilization of basic admissible FSI.</p> <p>(ii) Additional FSI to IT/ITES would be available to IT/ITES parks duly approved by the Director of Industries.</p> <p>(iii) The additional FSI shall be granted upon payment of premium which shall be paid in the manner as may be determind by the Government. Such premium shall be recovered at the rate of 25 percent of the present day market value of the land under reference as indicated in the Redy Reckoner.</p> <p>(iv) 25 percent the total premium shall be paid to the Government and remaining 75 percent amount shall be paid to the said respective Municipal corporation, Municipal Councils, Special Planning Authority or New Town Development Authority. Where no such Planning Authority exists, the share of premium shall be paid to the MIDC.</p> <p>(v) The premium so collected by the Planning Authorities / MIDC shall be primarily used for development/upgradation of all sites infrastructures required for IT/ITES park and the utilization of this premium shall be monitored by the empowered committee.</p> <p>(vi) In the event, the developer comes forward for provisions of such of site infrastructure at his own cost, then the respective Planning Authority or the MIDC as the case may be shall determine the estimated cost of the works and shall also prescribed the standards for the work. After completion of the works, the said Planning Authority/MIDC shall verify as to whether the same is as per prescribed standards and thereafter, by deducting the cost of works, the balance amount of premium shall be recovered by the said Planning Authority/MIDC.</p> <p>(vii) Users/Services ancillary to the IT/ITES : While developing site for IT/ITES with additional FSI, users ancillary to the principal user as may be approved by the Directorate of Industries shall also be allowed.</p> <p>(viii) No condonation in the required open spaces, parking and other requirements prescribed in these regulations shall be allowed in case of such additional FSI.</p>

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APPENDIX XXII

SPECIAL FACILITIES FOR PHYSICALLY HANDICAPPED PERSONS

1. DEFINITION :—

- 1.1 Non-ambulatory Disabilities.—Impairments that regardless of cause or manifestation for all practical purposes. Confine individuals to wheelchairs.
- 1.2 Semi-ambulatory Disabilities.—Impairment that cause individuals to walk with difficulty or insecurity individuals using braces or crutches amputees aribrities spastics and those with pulmonary and cardiac ills may be semi-ambulatory.
- 1.3 Hearing Disabilities.—Deafness or hearing handicapped that might make an individual insecure in public area because he is unable to communicate or hear warning signals.
- 1.4 Sight Disabilities.—Total blindness or impairments affecting sight to the extent that the individual, functioning in public area is insecure or exposed to danger.
- 1.5 Wheel Chair.—Chair use by disable people for mobility. The standard size at wheel chair shall be taken as 1050 mm. × 750 mm.

2. SCOPE :—

These bye laws are applicable to all existing and proposed building and facilities used by the public.

3. SITE DEVELOPMENT :—

Level of the roads access paths and parking are shall be described in the plain alongwith specification of the materials.

Access path walk way.—Access path from plat entry and surface parking to building entrance shall be minimum of 1800 mm. wide having even surface without any slop. Slope if any shall not have gradient greater than 50% finishes shall have no slip surface with a texture traversable by a wheel chair Curbs wherever provided shall blended to a common level.

Parking.—For a parking of vehicle of handicapped people the following provision shall be made :—

(a) Surface parking for two car spaces shall be provided near entrance for the physically handicapped person with maximum travel distance of 30 mt. from building entrance.

(b) The width of parking bay shall be minimum 3.60 mt.

(c) The information stating that the space is reserved for wheel chair user shall be conspicuously displayed.

4. Building Requirement.—The specified for the building for physically handicapped persons shall be as follows :—

- (1) Approach to plinth level.
- (2) Corridor connecting the entrance/exit for the handicapped.
- (3) Stairways.
- (4) Lift.
- (5) Toilet.
- (6) Drinking Water.

4.1 Approach to Plinth Level.—Every building should have atleast one entrance accessible to the handicapped and shall be indicated by proper signage. The entrance shall be approached through a ramp together with the stepped entry.

4.2 Ramped Approach.—Ramp shall be finished with no slip material to enter the building Minimum width of ramp shall be 1800 mm. with maximum gradient 1:12 length of ramp shall not exceed 9.0 mt. having 300 mm. High hand rail on both sides extending 300 mm. Beyond top and bottom of the ramp. Minimum gap from the adjacent wall to the hand rail shall be 50 mm.

4.3 Stepped Approach.—For stepped approached size of treat shall not be less than 300 mm. And maximum riser shall be 150 mm. Provisions of 800 mm. High hand rail in both sides of the stepped approach similar to the ramped approach.

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4.4 Exit/Entrance Door.—Minimum clear opening of the entrance door shall be 900 mm. And it shall not be provided with a step that obstructed the passing of wheel chair user. Threshold shall not be raised more than 12 mm.

4.5 Entrance Landing.—Entrance landing shall be provided adjacent to ramp with the minimum dimension 1800 × 2000 mm. finishes shall have a non-slip surface with a texture traversable by a wheel chair. Curbs wherever provided should blend to a common level.

4.6 Corridor connecting the Entrance/Exit for the Handicapped.—The corridor connecting the outdoors to a place where information concerning the overall use of the specific building can be provided usually to visually impaired either by a person by sign, shall be provided as follows :—

(a) The minimum width shall be 1500 mm.

(b) In case there is difference of level ways shall be provided with a slop of 1:12.

(c) Hand rails shall be provided for ramps/stop ways.

4.7 Stair Ways.—One of the stair-way near the entrance /exit for the handicapped shall have the following provision :—

(a) The minimum width shall be 1350 mm.

(b) Height of the riser shall not be more than 150mm. And width of the tread 300 mm. The steps shall not have abrupt (Square) nosing.

(c) Maximum number of risers on a flight shall be limited to 12.

(d) Hand rails shall be provided on both sides and shall extend 300 mm. on both sides and shall extend 300 mm. on the top and bottom of each flight of steps.

4.8 Lifts.—Wherever lift required as per bye-laws provisions of atleast one lift shall be made for the wheel chair user with the following cage dimensions :

Clear Internal Depth : 1100 mm.

Clear Internal Width : 2000 mm.

Entrance Door Width : 900 mm.

(a) A hand rail not less than 600 mm. long at 100 mm. above floor level shall be fixed adjacent to the control panel. Also switch control shall be at an operating height equal to that of hand rails.

(b) The lift lobby shall be of an inside measurement of 1800 × 1800 mm. or more.

(c) The time of an automatically closing door should be minimum 5 second and the closing speed should not exceed 0.25 M/sec.

(d) The Interior of the case shall be provided with a device that audibly indicates the floor the cage has reached and indicated that the door of the cage for entrance/exits is either open or closed.

4.9 Toilets.—One special W.C. in a set of toilet shall be provided for the use of handicapped with essential provisions of wash basin near the entrance for the handicapped :—

(a) The minimum size shall be 1500 × 1750 mm.

(b) Minimum clear opening of the door shall be 900 mm. and the door shall swing out.

(c) Suitable agreement of vertical/horizontal with 50 mm. clearance from wall shall be made in the toilet.

(d) The W.C. seat shall be 500 mm. from the floor.

5. Drinking Water.—Suitable provision of drinking water shall be made for the handicapped near the special toilet provided for them.

5.1 Designing for children.—In the building meant for the predominant use of the children it will be necessary to suitably alter the height of the hand rail and others fittings and fixtures etc.

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APPENEDIX XXIV

REGULATION FOR CARRYING OUT MINING AND QUARRYING OPERATION

- (1) No quarrying operation shall be carried out without obtaining Development Permission of the Competent Authority under the provisions of the Maharashtra Regional and Town Planning Act, 1966.
- (2) The quarrying and mining operations shall be permitted outside CRZ but only at specific location decided by the Competent Authority. The development permission shall be granted subjected to production of order to carry out this activities from the Revenue Authority concerned under the minor Minerals Act and NOC of the MBMC.
- (3) The application for Development Permission for quarrying/mining shall also include :—
 - (a) Original 7/12 extract along with a location plan at 1:500 scale of the quarry site and an area up to 500 meters around the quarry site showing important natural and man made features and contours;
 - (b) A site plan at 1:500 scale showing site boundaries contours all existing natural and man-made feature such as hills, water courses. Trees and other important landscape features, access road, building and other structures.
 - (c) Proposed excavation plan and cross section at 1:500 or larger scale prepared by recognized qualified Geologist showing proposed phasing: terracing: stepping: benching slops: location of process equipment diversion of water courses: impounding lake: storage areas for top soil, waste material, quarried materials: workers housing; landscaping including screen planting, mounding and measures against visual intrusion etc.
 - (d) A restoration plan including landscaping proposals phasing and proposal for reuse of the area after quarrying;
 - (e) A report supplementing the excavation and restoration plans, cost and implementation programm;
 - (f) Scrutiny fee as per Table-20 of Appendix III
 - (g) Development charges for the land under quarrying.
- (4) No quarrying shall commence until the excavation plan is also approved by the Director of Geology and mining Government of Maharashtra Nagpur.
- (5) The Restoration plan approved by the Competent Authority shall be carried out in consultation with officer concerned of the forest Department, and the Revenue Authority.
- (6) Natural gradient of slop should be maintained during quarrying operations, slop of the footwall side (slop in the direction in which mining does not exist) should be properly stabilized by planting adequate trees of suitable species so as to have soil binding.
- (7) In case of murum quarrying, entire weather soil or murum shall not be excavated exposing hard rock; instead, 3 capping of at least half a meter be left so that it can support vegetation and plantation that will be done later on. Similarly these operations shall not cause depression below the average ground level.

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- (8) Water course if any from a higher slop, should be properly diverted out of quarry area so that minimum water flows in to the quarry and is safely channeled out of any nearby human settlement.
- (9) During quarrying operations water should be sprayed at least once in a day over the roads at quarry sites and nearby area.
- (10) Kachha road leading to quarry site shall be invariably sprayed with water during the period of movement of trucks. In addition, in order to minimize dust pollution, measures such as adoption of hoods at transfer point, vulcanizing of conveyor belt joint, under belt cleaning devices, apart from installation of dust suppression and/or dust extrication system for conveyance shall be adopted. The Kachha road leading to the quarry shall have roadside plantation in order to arrest the dust pollution.
- (11) No quarrying and crushing shall be permitted if a highway or public road having width of 30 m. or more railway line or any human settlement is located within 200 meters from the quarrying site. However for quarrying with blasting operations, this distance shall be at least 500 m.
- (12) Residence for labours and related temporary structure should be constructed at least 500 meters away from the place of blasting and quarrying. Heavy blasting by use of heavy machinery shall be prohibited.
- (13) The Development permission for quarrying shall be granted for period one year and may be revalidated every year for maximum period of 3 years. After this fresh permission for further quarrying will be necessarily. In granting such fresh permission, competent Authority shall have regard to the applicant's performance in observing the approved excavation and restoration plan, and in carrying out the quarrying operation in accordance with these guidelines.
- (14) The applicant shall deposit and keep deposit for stipulated period security deposit for the due performance of the condition attached to the permission granted under Commencement certificate.

The security deposit shall be forfeited either in whole or in part at the absolute discretion of the competent Authority for any breach of the stipulated condition. In other case the deposit shall be refunded on expiry of the stipulated period. This security deposit shall be paid in before the issue of Commencement certificate at the rate of Rs. 10 per Sq.m. of plot area.

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

ASHOK B. PATIL,
Section Officer.