



# Development Control Regulations- Thane, 1994

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## Development Control Regulations- Thane, 1994

[D. C. Rules, Thane-1994]

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032, dated 28th April, 1995

### MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

No. TPS.1294/1259/CR222/94/UD-12 – Whereas under Government Notification, Urban Development Department, No. TMC-1082/230/NC-Cell (i), dated 15th June 1982, the Thane Municipal Corporation (hereinafter referred to as “the said Municipal Corporation”) has been established with effect from 1st October, 1982.

AND WHEREAS, on the 21st day of December 1991 said Corporation has published the Draft Development Plan of Thane (hereinafter referred to as “the said Development Plan”) in the Maharashtra Government Gazette Extraordinary No. IV, Part II, dated 21st December 1991, in accordance with the provisions of sub-section (1) of section 26 of the Maharashtra Regional and Town Planning Act, 1966 (XXXVII of 1966) (hereinafter referred to as “the said Act”) and the said Corporation finds it expedient to submit draft Development Control Regulations, 1994 as a part of the said

Development Plan to Government under section 30 of the said Act, pending submission of Draft Development Plan to Government.

AND WHEREAS, the said Municipal Corporation after following the legal formalities stipulated under the said Act has submitted under sub-section (1) of Section 30 of the said Act the revised Draft Development Control Regulations, 1994 to the State Government on 29th September 1994 for sanction (hereinafter referred to as the said Development Control Regulations);

AND WHEREAS, subsequently, in accordance with the provisions of section 30 of the said Act, the said Corporation as the Planning Authority submitted the said plan to the Government of Maharashtra for sanction vide its Marathi letter No. TMC/TDD/DDP/MISC/207, dated 16th December 1994 which was received by Government of Maharashtra on the 17th December 1994;

AND WHEREAS, after consulting the Director of Town Planning, Maharashtra State, Pune, Government of Maharashtra is of the opinion that it is expedient to return the said Draft Development Plan excluding the said Development Control Regulations which are under consideration of Government for sanction to the said Municipal Corporation for following all the necessary legal formalities in accordance with the provisions of the said Act;

AND WHEREAS, under Government Notification, Urban Development Department No. TPS.1294/1832/CR 29/94-UD-12, dated 7th March 1995 the said Development Plan has been returned to the said Corporation with the directions mentioned therein;

AND WHEREAS, after making necessary enquiry and after consulting the Director of Town Planning, Maharashtra State, Pune and after carefully examining the provisions of the said Development Control Regulations has decided to sanction said Draft Development Control Regulations excluding sanction to Regulations in respect of –

(i) Development / Redevelopment of congested area.

(ii) Grant of Transferable Development Rights (TDRs) to Owners /Developers and conditions for grant of such rights and relevant provisions concerned with TDRs shall be kept pending till the sanction of the said Development Plan; and

(iii) Development around hazardous industries (Chemical Zone Areas), shall be kept pending till sanction of the said Development Plan and appropriate Court's final decision in the matter.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 31 of the said Act and all other powers enabling it in that behalf the Government of Maharashtra hereby :-

(a) sanctions the said Draft Development Control Regulations, 1994 for Thane (with certain modifications and changes considered necessary), and

(b) fixes the 1st day of June, 1995 to be the date on which the final Development Control Regulations for Thane, 1994 as specified in Schedule of this notification shall come into force.

AND WHEREAS till the time Regulations in respect of Development / Redevelopment of Congested areas are sanctioned along with the said Development Plan, regulations sanctioned by Government vide Notification, Urban Development Department No. TPS 1292/1702/CR 194/92/UD-12, dated 16th June 1993 shall be applicable for the gaothan areas.

**Note:-** Copies of the Development Control Regulations, 1994 for Thane as modified in the schedule to this notification as sanctioned by the State Government shall be kept for inspection by the public at all reasonable hours for a period of 4 months at the office of –

(1) The City Engineer, Thane Municipal Corporation

(2) Deputy Director of Town Planning, Development Plan (Special Unit), Thane

(3) Assistant Director of Town Planning, Thane Municipal Corporation, Thane.

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**Editorial Note:-** Check the 'Notification Section' at the end of these Regulations for the latest Notifications under D.C. Rules, Thane, 1994.

## DEVELOPMENT CONTROL REGULATIONS – 1994

### OF THE CITY OF THANE

[D. C. Rules, Thane-1994]

(Sanctioned by The Government UDD's Notification No. TPS 1294/1259/CR-222/94/UD-12 Dt. 28.4.1995 came Into force w.e.f. 01.06.1995)

## PART - I

### PRELIMINARY

#### **Regulation 1. Short title, commencement and application:-**

(1) These regulations may be called as the “Development Control Regulations for Municipal Corporation of The City of Thane, 1994” (hereinafter called as “these regulations”)

(2) They shall come into force on and from 1st day of June 1995, being the date on which they are sanctioned by the State Government under subsection (2) of section 31 of the Maharashtra Regional and Town Planning Act, 1966.

(3) They shall apply to all developments and development works in the areas under the entire jurisdiction of the Municipal Corporation of The City of Thane hereinafter called “the Corporation” excluding however the area within the jurisdiction of M.I.D.C.

(4) If there is a conflict between the requirements of these regulations and those of any other rules or bye-laws, these regulations shall prevail.

Provided however that in respect of areas included in the finally sanctioned Town Planning Scheme, scheme regulations shall prevail, if there is any conflict between the requirements of these regulations and the scheme regulations.

#### **(5) Applicability -**

1. **Development & Construction** - Except as hereinafter otherwise provided, these regulations shall apply to all development, redevelopment, erection and/or re-erection of building, change of user as well as to the design, construction or reconstruction of and addition\s and alterations to the building.
2. **Part Construction** - Where the whole or part of a building is demolished or altered or reconstructed / removed except where otherwise specifically stipulated, these regulations apply only to the extent of work involved.
3. **Change of occupancy** - Where the occupancy of a building is changed, except where otherwise specifically stipulated these regulations apply to all part of building affected by change.

4. **Reconstruction** – The reconstruction in whole or part of a building which has ceased to exist due to an accidental fire, natural collapse demolition, having been declared unsafe or which is likely to be demolished by or under an order of the Corporation shall be allowed subject to the regulations in Appendix – R.

5. **Exclusions** – Nothing in these regulations shall require the removal, alteration or abandonment or prevent the continuance of the lawfully established use or occupancy of an existing building or its use, unless in the opinion of the Commissioner, such a building is unsafe or constitutes a hazard to the safety of adjacent property.

**Regulation 2. Meanings as in the Acts, Rules etc.-** Terms and expressions not defined in these Regulations shall have the same meanings as in the Maharashtra Regional and Town Planning Act, 1966 (Mah. Act No. XXXVII of 1966) or the Bombay Provincial Municipal Corporation Act, 1949 and the rules or bye-laws framed thereunder, as the case may be, unless the context otherwise requires.

#### **Definitions:-**

(1) **“access”** means aligned means of passage from the public road to the plot or land.

(2) **“accessory building”** means building separated from the main building on a plot and put to one or more accessory uses.

(3) **“accessory use”** means any use of the premises subordinate to the principal use and customarily incidental to the principal use.

(4) **“act”** means the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LXI of 1949) and the Maharashtra Regional and Town Planning Act, 1966 (Mah. Act No. XXXVII of 1966)

(5) **“advertising sign”** means any surface of structure with characters, letters or illustrations applied thereto and displayed in any manner whatsoever out of doors for purposes of advertising or giving information regarding or to attract the public to, any place, person, public performance, article or merchandise whatsoever, and which surface or structure is attached to, forms part of, 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;

(6) **“air-conditioning”** means the process of treating air so as to control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirement of enclosed space.

(7) “**addition and/or alteration**” means change from one occupancy to another, or a structural change, such as an addition to the area or height or the removal of part of a building or a change to the structure such as the construction or cutting into or removal of any wall, part of a wall, partition, column, beam, joist, floor including a mezzanine floor or other support or a change to or closing of any required means of ingress or egress or a change to fixtures or equipment as provided in these Regulations.

(8) “**assembly building**” includes any building where group of people congregate or gather for amusement, recreation, social, religious, patriotic, civil, travel and similar purposes such as theatres, motion picture houses, drive-in-theatres, assembly halls, multiplex, museums, mangal karyalayas, skating rinks, gymnasias, places of worship, dance hall, club rooms, gymkhana, passenger stations and terminal of air, surface and other public transportation services, recreational piers and stadia.

(9) “**automatic sprinkler system**” means an arrangement of piping and sprinklers, designed to operate automatically by the heat of fire and to discharge water upon the fire and which may also simultaneously give automatic audible alarm;

(10) “**balcony**” means a horizontal projection including a parapet, handrail, balustrade to serve as a passage or a sitting out place.

(11) “**basement**” or “**cellar**” means the lower storey of a building below or partly below ground level.

(12) “**building**” means any structure for whatsoever purpose and of whatsoever materials constructed and every part thereof, whether used for human habitation or not, and includes foundation, plinth, walls, floors, roofs, chimneys, plumbing and building services, fixed platforms, verandahs, balcony, cornice or projection, part of a building or anything affixed thereto, any wall enclosing or intended to enclose any land or space and signs and outdoor display structures, tanks constructed for storage of chemicals or chemicals in liquid form but does not include tents, shamianahs and tarpaulin shelters erected for temporary and ceremonial occasions with the permission of the Commissioner.

(13) “**building line**” means the line upto which the plinth of a building adjoining a street or an extension of a street or a future street may lawfully extend and shall include the lines prescribed, if any, in any scheme or development plan.

(14) “**built-up area**” means the area covered by a building on all floors including cantilevered portion, if any, but excepting the areas excluded specifically under these regulations.

(15) “**business building**” includes any building or part thereof which is used for transaction of business or for the keeping of accounts and records and also office, bank or professional establishment, court house or library if the principal use of any of them is transaction of public business or keeping of books and records.

(16) “**cabin**” means a non-residential enclosure constructed of non-load bearing partition.

(17) “**carpet area**” means the net floor area including balconies within an apartment but excluding the area of walls.

(18) “**chajja**” means a sloping or horizontal structural overhang usually provided over openings on external walls to provide protection from sun and rain;

(19) “**chimney**” means the construction by means of which a flue is formed for the purpose of carrying the products of combustion to the open air and includes chimney stacks and the flue pipe;

(20) “**combustible material**” means a material, if it burns or adds heat to a fire when tested for combustibility in accordance with IS: 3808-1966 Method of Test for combustibility of building materials.

(21) “**contiguous holding**” means a contiguous piece of land in one ownership irrespective of separate property register cards or 7/12 extract;

(22) “**Convenience shopping**” means shops, each with an area not exceeding 20sq. m. and comprising those dealing with day to day requirements, as distinguished from whole-sale trade or shopping such as following:-

(i) Food grain or ration shops each with a carpet area not exceeding 50sqm;

(ii) Pen shops;

(iii) Tobacconists;

(iv) Shops for collecting and distribution of cloths and other materials for cleaning and dyeing establishments;

(v) Tailor or darner shops;

- (vi) Groceries, confectionaries, wine and general provision shops each with a carpet area not exceeding 50sq.m;
- (vii) Hair dressing saloons and beauty parlours;
- (viii) Bicycle hire and repair shops;
- (ix) Vegetable and fruit shops;
- (x) Milk and Milk product shops;
- (xi) Medical and Dental Practitioner's dispensaries or clinics, pathological or Diagnostic clinics and Pharmacies each with a carpet area not exceeding 50sq.m
- (xii) Shops dealing in ladies ornaments such as bangles etc;
- (xiii) Florists;
- (xiv) Bakeries and shops selling products;
- (xv) Newspaper and magazine stalls;
- (xvi) Wood, coal and fuel shops each with a carpet area not exceeding 30sqm.
- (xvii) Books and stationery shops or stores;
- (xviii) Cloth and garment shops;
- (xix) Plumbers, electrician, radio, television and video shops and libraries and repair shops connected therewith;
- (xx) Restaurants and eating houses each with a carpet area not exceeding 50sqm.
- (xxi) Shoes and sports' shops each not exceeding 75sqm;

With the approval of the Corporation, the Commissioner may from time to time add to, alter or amend the above lists.

(23) “**Courtyard**” means a space permanently open to the sky within the site around a structure and paved/concreted.

(24) “**Chowk**” means a fully or partially enclosed space permanently open to the sky within a building at any level.

(25) “**Corridor**” means a common passage of circulation space including a common entrance hall.

(26) “**Cupboard**” means a cantilevered projection at floor level permitted in a required open space, except on ground floor level, and cupboard on ground floor at plinth level, but not in required open space.

(27) “**Depth of site**” means the mean horizontal distance between the front and the rear side boundaries.

(28) “**Detached building**” means a building whose walls and roofs are independent of any other building with open spaces on all sides.

(29) “**Double frontage site**” means a site having a frontage on two streets other than a corner plot.

(30) “**Drain**” means a line of pipe including all fittings and equipments such as manholes, inspection chambers, traps, gullies and floor traps used for the drainage of a building or a number of buildings or yards appurtenant to the buildings, within the same curtilage and shall include open channels used for conveying surface water or a system for the removal of any liquid.

(31) “**Drainage**” means the removal of any liquid by a system constructed for that purpose.

(32) “**Dharmashala**” means a building used as a place of religious assembly, a rest house, a place in which charity is exercised with religious or social motives, or a place wherein a certain section of people have a right of, or are granted residence without payment or on nominal payment.

(33) “**Educational building**” means a building exclusively used for a school or college, recognised by the appropriate Board or University, or any other competent authority involving assembly for instruction, education or recreation incidental to education use, and including a building for such other users incidental thereto such as a library or a research institution. It shall also include quarters for essential staff required to reside in the premises, and a building used as a hostel captive to an educational institution whether situated in its campus or not.

(34) “**Enclosed staircase**” means a staircase separated by fire resistant walls and door or doors from the rest of the building.

(35) “**Escape route**” means any well ventilated corridor, staircase or other circulating space, or any combination of the same, by means of which a safe place in the open air at ground level can be reached.

(36) “**Existing building**” or “**existing use**” means a building or, as the case may be, use which is lawfully in existence immediately before the commencement of these regulations.

(37) “**Exit**” means a passage, channel or means of egress from any building, storey or floor area to a street or other open space of safety; horizontal, outside and vertical exits having meanings at (i), (ii) and (iii) respectively as under –

(i) “**Horizontal exit**” means an exit which is a protected opening through or around a fire wall or a bridge connecting two or more buildings.

(ii) “**Outside exit**” means an exit from a building to a public way, to an open area leading to a public way or to an enclosed fire resistant passage leading to a public way.

(iii) “**Vertical exit**” means an exit used for ascending or descending between two or more levels, including stairways, smoke-proof towers, ramps, escalators and fire escapes.

(38) “**External wall**” means an outer wall of a building not being a party wall even though adjoining to a wall of another building or a wall abutting on an interior open space of any building.

(39) “**Fire and/or emergency alarm system**” means an arrangement of call points or detectors, sounders and other equipments for the transmission and indication of alarm signals, for testing of circuits and whenever required for the operation of auxiliary services workable automatically or manually to alert the occupants in the event of fire or other emergency.

(40) “**Fire lift**” means one of the lifts specially designed for use by fire service personnel in the event of fire or other emergency.

(41)(i) “**Fire pump**” means a machine driven by external power for transmitting energy to fluids, by coupling the pump to a suitable engine or motor which may have varying outputs/capacity but shall be capable of having a pressure of 3.2 kg/cm<sup>2</sup> at the topmost level of a multi storeyed or high rise building.

(ii) “**Booster fire pump**” means a mechanical/electrical device which boosts

up the water pressure at the top level of a multi storeyed high rise building and which is capable of a pressure of 3.2 kg/cm<sup>2</sup> at the nearest point.

(42) “**Fire proof door**” means a door or shutter fitted to a wall opening, and constructed and erected with the requirement to check the transmission of heat and fire for a specified period.

(43) “**Fire resistance**” means the time during which a material fulfils its function of contribution to the fire safety of a building when subjected to prescribed conditions of heat and load or restraint according to the fire resistance test of structures done in accordance with IS:3809-1966 Fire Resistance Test of Structures;

(44) “**Fire resisting material**” means a material which has certain degree of fire resistance.

(45) “**Fire separation**” means the distance in metres measured from any other building on the site, or from other site, or the opposite side of a street or other public space to the building.

(46) “**Fire services inlets**” means a connection provided at the base of a building for pumping up water through inbuilt fire fighting arrangements by fire service pumps in accordance with the recommendations of the Fire Service Authority.

(47) “**Fire tower**” means an enclosed staircase which can only be approached from the various floors through landing or lobbies separated from both the floor areas and the staircase by fire-resisting doors, and open to the outer air.

(48) “**Floor**” means the lower surface in a storey on which one normally walks in a building, and does not include a mezzanine floor. The floor at ground level with a direct access to a street or open space shall be called the ground floor, the floor above it shall be termed as floor 1, with the next higher floor being termed as floor 2, and so on upwards.

(49) “**Floor space index (FSI)**” means the quotient of the ratio of the combined gross floor area of all floors, excepting area specifically exempted under these regulations, to the total area of the plot,

viz. Floor Space Index (FSI) = Total covered area on all floors/Plot area

(50) “**Footing**” means a foundation unit constructed in brick work, masonry or concrete under the base of a wall or column for the purpose of distributing the load over a large area.

(51) “**Foundation**” means that part of the structure which is in direct contact with, and transmitting load to the ground.

(52) “**Front**” means the space between the boundary line of a plot abutting the means of access/road/street and the building line. Plots facing two or more means of access/roads/streets shall be deemed to front on all such means of accesses/roads/streets.

(53)(i) “**First belt**” means the distance around the storage of hazardous chemicals in the six chemical industries viz. Bayer India, Sandoz, Roche, Colour Chem, Indofil, Boringer Knoll, as shown on the Development Plan,

(ii) “**Second belt**” means the distance beyond the above first belt upto 600 mt. from the storage of hazardous chemical in Bayer India Ltd. and 500 from the storages in the remaining six hazardous industries including Glaxo as shown on the Development Plan.

(54) “**Foyer**” means a lobby for waiting.

(55) “**Gallery**” means an intermediate floor or platform projecting from a wall of an auditorium or a hall providing extra floor area or additional seating accommodation and includes the structures provided for seating at stadia.

(56) “**Garage private**” means building or a portion thereof designed and used for the parking of vehicles.

(57) “**Garage-public**” means a building or portion thereof, designed other than as a private garage, operated for gain, designed and/or used for repairing, servicing, hiring, selling or storing or parking motor-driven or other vehicles.

(58) “**Habitable room**” means a room occupied or designed for occupancy by one or more persons for study, living, sleeping, eating or kitchen room used as a living room, but not including bathrooms, water closet compartment, laundries, serving and storage pantries, corridors, cellars, attics, and inhabitable spaces that are not used frequently.

(59) “**Hazardous building**” includes any building or part thereof which is used for the storage, handling, manufacture or processing of radioactive substances or of highly combustible or explosive materials on

products which are liable to burn with extreme rapidity or which may produce poisonous fumes or explosions or for storage, handling manufacturing or processing which involve highly corrosive, toxic or noxious alkalis, acids other liquids or chemicals producing flame, fumes, explosives or mixtures of dust or which results in the division of matter into the particles subject to spontaneous ignition.

(60) “**Height of a building**” means the vertical distance measured in the case of flat roofs, from the average level of the developed ground around and contiguous to the building to the highest finished roof level point of the building and, in the case of pitched roofs, upto the point where the external surface of the outer wall intersects the finished surface of the sloping roof, and, in the case of gables facing the road, the mid-point between the eaves level and the ridge.

(61) “**Height of a room**” means the vertical distance measured from the finished floor surface to the finished ceiling/slab surface. The height of a room with a pitched roof means the average height between the finished floor surface and the bottom of the eaves and the bottom of the ridge.

**Explanation** – Architectural features serving no other function except that of decoration shall be excluded for the purpose of taking heights under this clause.

(62) “**Home occupation**” means occupation other than that of operating an eating or drinking place offering services to the general public, carried by a member of the family residing on the premises and in accordance with which there is no display that will indicate from the exterior that the building is being utilised in whole or in part for any purpose other than that as residential (dwelling) use and in connection with which no article or service is sold or held up for sale except that produced, which is non- hazardous and not affecting the safety of the inhabitants and neighbourhood by a member of the family residing in the premises and no mechanical equipment is used except as is customary for purely domestic or household purposes or employing licensable good. If motive power is used, the total electricity load should not exceed 0.75 K.V.

“**Home Occupation**” may also include such similar occupation as may be specified by the Commissioner with the approval of Corporation and subject to such terms and conditions as may be prescribed.

(63) “**Horizontal exit**” means a protected opening through or around a fire wall or a bridge connecting two buildings –

(64) “**Hazardous material**” means –

(i) radioactive substances;

(ii) material which is highly combustible or explosive and/or which may produce poisonous fumes or explosive emanations, or storage, handling, processing or manufacturing of which may involve highly corrosive, toxic or noxious alkalis or acids or other liquids.

(iii) other liquids or chemicals producing flame, fumes, explosive, poisonous, irritant or corrosive gases or which may produce explosive mixtures of dust or fine particles capable of spontaneous ignition;

(65) “**Industrial building**” includes any building or structure or part thereof, in which products or materials of all kinds are fabricated, assembled or processed like assembly plants, laboratories, power plants, mills, dairies or factories;

(65-A) “**Information Technology Establishment**”- Information Technology Establishment means an establishment which is in the business of the development of IT Software, IT Hardware, IT Services, IT Enabled Services as defined below :-

(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 shall cover such industrial units as may be decided by the Director of Industries.

(c) IT Services and IT Enabled Services:- These include various IT Services and

are defined by the IT Task Force 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 (Appendix-II) which is to be updated from time to time”.

(66) “**Inner chowk**” means a chowk enclosed on all sides.

(67) “**Institutional building**” means a building constructed by Government, Semi-Government organisations or registered Trusts and used for medical or other treatment, a hostel for working women

or for an auditorium or complex for cultural and allied activities or for an hospice, care of persons suffering from physical or mental illness, handicap, disease or infirmity, care of orphans, abandoned women, children and infants, convalescents, destitutes or aged persons and for penal or correctional detention with restricted liberty of the inmates ordinarily providing sleeping accommodation, and includes dharmashalas, hospitals, sanatoria, custodial and penal institutions such as jails, prisons, mental hospitals, houses of correction, detention and

reformatories.

(68) “**Interior or tandem site**” means a site access to which is by a passage from a street, whether such passage forms part of the site or not.

(69) “**Ledge**” or “**Tand**” means a shelf-like projection, supported in any manner whatsoever, except by means of vertical supports within a room itself but not having wider than half metre.

(70)(i) “**Licensed surveyor/engineer/structural engineer/supervisor**” means a qualified surveyor, engineer, structural engineer or supervisor, licensed by the Commissioner.

(ii) “**architect**” means an architect who is an associate or corporate member of the Indian Institute of Architects or who holds a degree or diploma which makes him eligible for such membership/or such qualifications listed in Schedule XIV of the Architects Act, 1972, and being duly registered with the Council of Architecture under that Act.

(71) “**Lift**” means an appliance designed to transport person or materials between two or more levels in a vertical or substantially vertical directions by means of a guided car platform.

(72) “**Loft**” means an intermediary floor between two floors or a residual space in a pitched roof, above normal floor level which is constructed and adopted for storage purposes;

(73) “**Major water course**” means a water course which carried storm water discharging from a contributing area of not less than 160 hectares, the decision of the Commissioner on the extent of the contributing area being final. A minor water course is one which is not a major one;

(74) “**Masonry**” means an assemblage of masonry units properly bounded together with mortar.

(75) “**Masonry unit**” means an unit whose net cross-sectional areas in every plane parallel to the bearing surface is 75 percent or more of its gross cross-sectional area measured in the same plane. It

may be either clay, brick, stone, concrete block or sand-lime brick.

(76) “**Mercantile building**” includes any building or part thereof which is used as shop, store or market for display and sale of merchandise, either wholesale or retail, or which is used as office or for providing storage and service facilities incidental to the sale of merchandise and located in one and the same building.

(77) “**Mezzanine floor**” means an intermediate floor, not being a loft, between the floor and ceiling of any storey.

(78) “**Multi-storeyed building**” or “**High-rise building**” means a building of a height of 16 meters or more above the surrounding average ground level.

(79) “**Non-combustible**” means not liable to burn or add heat to a fire when tested for combustibility in accordance with the IS-3808-1966 Method of Test for Combustibility of Building Materials.

(80) “**Occupancy**” or “**Use**” means the principal occupancy or use for which a building or a part of it is used or intended to be used, including contingent subsidiary occupancies, mixed occupancy buildings being those in which more than one occupancy are present in different portions of the buildings.

(81) “**Office building**” or “**Premises**” means the premises which is to be or which is solely or principally used as office for administration, clerical work or handling money or for operating telephone, telegraph or computer.

**Explanation:-** For the purpose of this clause, “**Clerical work**” includes writing, book-keeping, sorting papers, typing, filing, duplicating, punching cards or tapes, machine calculating, drawing of matter and the editorial preparation of matter for publication.

(82) “**Open space**” means an area forming an integral part of the site, left open to the sky.

(83) “**Outer chowk**” means a chowk where one of the sides is not enclosed.

(84) “**Outside exit**” means an exit from the building to a public way, to an open area leading to public way or to an enclosed fire resisting passage leading to a public way.

(85) “**Parapet**” means a low wall or railing built along the edge of a roof or a floor.

(86) “**Parking space**” means an enclosed or unenclosed covered or open area sufficient in size to park vehicles. Parking spaces shall be served by a driveway connecting them with a street or alley and permitting ingress or egress of vehicles.

(87) “**Partition**” means an interior non-load bearing divider full storey or part storey in height.

(88) “**Party-wall**” includes-

(i) a wall forming part of a building, and being used or constructed to be used in any part of the height or length of such wall for separation of adjoining buildings belonging to different owners or occupied or constructed or adopted to be occupied by different persons; or

(ii) a wall forming part of a building and standing in any part of the length of such wall, to a greater extent than the projection of the footing on one side on grounds of different owners.

(89) “**Permanent open air space**” means a space –

(i) Which is a street or which is not encroached upon by any structure, and

(ii) Its freedom from encroachment in future by a structure of any kind is assured either by law or by contract or by the fact that the ground below it is a street or is permanently and irrevocably appropriated as an open space;

Provided that, in determining the open air space required in connection with construction work on a building any space occupied by an existing structure may, if it is ultimately to become a permanently open air space, be treated as if it were already a permanently open space;

(90) “**Permission**” means a permission or authorisation in writing by the Commissioner to carry out any building activity or development work to which these regulations apply.

(91) “**Plinth area**” means the built up covered area measured at the floor level of the basement or of any storey.

(92) “**Plinth**” means the portion of a structure between the surface of the surrounding ground and surface of the floor immediately above the ground.

(93) “**Porch**” means a covered surface supported on pillars or otherwise for the purpose of pedestrian or vehicular approach to a building.

(94) “**Residential building**” includes any building in which sleeping accommodation is provided for normal residential purposes with or without cooking or dining or both facilities or one or two or multi-family dwellings, lodging or rooming houses, hostels, dormitories, apartment houses and flats, residential hostels and private garages.

(95) “**Revas projection**” means a part of a room or rooms projecting in the open space beyond the building line;

(96) “**Road**” or “**Street**” means any highway, street, lane, pathway, alley, stairway, passageway, carriageway, footway, square, place of bridge, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and has access uninterruptedly for a specified period, whether existing or proposed in any scheme and includes all bunds, channels, ditches, storm water drains, culverts, sidewalks, traffic islands, roadside trees and hedges, retaining walls, fences, barriers and railings within the street lines;

(97) “**Road or street level of grade**” means the officially established elevation or grade of the central line of the street upon which a plot fronts and if there is no officially established grade, the existing grade of the street at its mid-point.

(98) “**Road or street line**” means the line defining the side limits of a road or street;

(99) “**Road width**” or “**Width or road/street**” means the whole extent of space within the boundaries of a road when applied to a new road/street, as laid down in the city survey or development plan or prescribed road lines by any act or law and measured at right angles to the course or intended course of direction of such road.

(100) “**Row housing**” means a row house with only front, rear and interior open spaces;

(101) “**Retention activity**” means an activity or use which is allowed to continue, notwithstanding its non-conforming nature in relation to the permitted use in the adjoining or surrounding area;

(102) “**Semi-detached building**” means a building detached on three sides with open spaces on each of such three sides as specified in these regulations.

- (103) **“Service lane”** means a road or lane provided at the rear or side of a plot for service purposes;
- (104) **“Site”** means a parcel or piece of land enclosed by definite boundaries.
- (105) **“Site corner”** means a site at the junctions of and fronting on two or more intersecting streets.
- (106) **“Site depth”** means the mean horizontal distance between the front and rear site boundaries.
- (107) **“Site with double frontage”** means a site having frontage on two streets other than a corner plot.
- (108) **“Smoke-stop door”** means a door for preventing or checking the spread of smoke from one area to another.
- (109) **“Stilt”** means a portion of a building at ground level open from at least two sides, used for parking of vehicles or as play field.
- (110) **“Stair cover”** means a structure with a covering roof over a staircase and its landing built to enclose only the stairs for the purpose of providing protection from weather and not used for human habitation.
- (111) **“Storage”** means a place where goods are stored.
- (112) **“Storage building”** includes any building or part thereof used primarily for the storage or sheltering of goods, wares or merchandise like warehouses, cold storage, freight depots, transit sheds, store houses, public garages, hangers, truck terminals, grain elevators, bars and stables;
- (113) **“Store room”** means a room used as storage space;
- (114) **“Storey”** means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and ceiling next above it;
- (115) **“Special building”** means –
- (i) a building solely used for the purpose of a drama or cinema theatre, a drive-in-theatre, an assembly hall or auditorium, an exhibition hall, theatre, museum, a stadium, a mangal karyalaya” or whether the built up area of such a user exceeds 600 sq. m. in the case of mixed occupancies.

(ii) an industrial building

(iii) a hazardous building

(iv) a building of a wholesale establishment

(v) a residential hotel building or centrally air-conditioned building which exceeds- (a) 16 m. in height or

(b) a total built-up area of 600sq.m.

(116) **“Tenement”** means an independent dwelling unit with a kitchen or a cooking alcove.

(117) **“To abut”** means to abut on a road such that any portion of the building is fronting on the road

(118) **“To erect”** means –

(i) to erect a new building on any site, whether previously built upon or not, or

(ii) to re-erect any building of which portions above the plinth level have been pulled down, burnt or destroyed, or

(iii) to erect from one occupancy to another and sub-division of occupancy into more than one;

(119) **“Tower like structure”** means a structure in which the height of the tower like portion is at least twice that of the broader base;

(120) **“Travel distance”** means the distance from the remotest point on a floor of a building to a place of safety be it a vertical exit, horizontal exit or an outside exit measured along the line of travel.

(121) **“Theatre”** means a place of public entertainment for the purpose of exhibition of motion pictures and/or dramas and other social or cultural programmes;

(122) **“Unsafe building”** means that building, which is structurally unsafe, insanitary or not provided with adequate means of egress or which constitutes a fire hazard or is otherwise dangerous to human life or which in relation to existing use constitutes a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation or abandonment.

(123) “**Volume to plot ratio (V.P.R.)**” means the ratio of volume of building measured in cubic metres to the area of plot measured in square metres and expressed in metres;

(124) “**Water closet (W.C.)**” means a privy with an arrangement for flushing the pan with water but does not include a bathroom.

(125) “**Wholesale establishment**” includes an establishment wholly or partly engaged in wholesale trade, manufactures, wholesale outlets including related storage facilities, warehouses and establishments engaged in truck transport and truck transport booking agencies;

(126) “**Window**” means an opening other than a door, to outside of the building which provides all or part of the required natural light, ventilation or both to an interior space;

(127) “**Research & Development**” – It is that type of construction which will be used only for the purpose of carrying out research to achieve the better standards for manufacturing process.

(127) “**Information Technology establishment**” means an establishment which is in the business of developing either software or hardware.

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## **PART - II**

### **PERMISSION FOR DEVELOPMENT, PROCEDURE**

#### **FOR OBTAINING SUCH PERMISSION AND**

#### **REQUIREMENTS TO BE FULFILLED FOR SUCH PERMISSION**

#### **Regulation 3. No Development to be carried out without development permission and commencement certificate,-**

No person shall carry out any development, erect, re-erect or make alteration or demolish any building or cause the same to be done without first obtaining a separate development permission and commencement certificate from the Commissioner.

Provided that-

(A) No such permission or certificate shall be required for carrying out the following operational construction of the Government, whether temporary or permanent, which is necessary for the operation, maintenance, development or execution of any of the following services, namely–

(i) Railway;

(ii) National Highway;

(iii) National Waterway;

(iv) Major Ports;

(v) Airways & Aerodromes;

(vi) Posts and Telegraphs, telephones, wireless broadcasting and other

like forms of communication;

(vii) Regional grid for electricity;

(viii) Defence Authorities and

(ix) Any other services which the State Government may, if it is of opinion that the operation, maintenance, development for execution of such service is essential to the life of the community, by notification in the official Gazette, declare to be a service for the purpose of this regulation.

(B) All such constructions shall, however, conform to the prescribed requirements for the provision of essential services, water supply connections, drains etc. to the satisfaction of the Commissioner.

(C) The following constructions for operational purposes of the organisations, authorities or departments listed above are exempted from the preview of these Regulations except those relating to floor space index and fire precautions –

(i) Repairs and renovation of existing installations or building used for operational purposes only which do not involve addition to or increase of built-up area.

(ii) In the case of the Railways –

(a) repairs and renovation of existing railway tracks, including

culverts, over-bridge under-passes or bridges, tunnels and side

drains.

(b) platforms, goods sheds and offices, parcel offices, sub-stations,

foot-bridges, turn-tables, lifting towers, gantries, signals and

signal boxes or con cabins in hump yards.

(c) running (loco) sheds, carriage and wagon depots, carriage

washing place overhead or ground level water tanks, pipelines

and pumping station, running rooms, train examiners' offices,

yard depots, permanent way inspectors and signal inspectors

stores in railway yards and all overhead electing equipment for

traction.

(iii) Store sheds, when ancillary to operational requirement only

(D) For the construction of new railway lines or tracks the approval of the State Government shall be necessary. For construction of new buildings, goods stores, sheds or platforms, offices and workshops or for purposes of major remodelling the approval of the Commissioner shall be necessary;

(E) The following constructions by the organisations, authorities or departments listed in sub regulation (3) herein shall not be deemed to be operational for the purpose of exemption under the said Regulations, namely:-

(i) Residential buildings, commercial buildings, office buildings, industrial buildings (other than gate lodges, essential operational staff quarters and the like) roads and drains, hospitals, clubs, institutes and

schools in residential, commercial or industrial area of the colonies of such organisations, authorities or departments.

(ii) Construction, installation or any extension of any building in the case of any service other than those mentioned in this Regulations.

**Regulation 4. (i) Validity of development permission,-**

If a development permission has been issued before the date of commencement of these Regulations, but the development is not started within a year from the date of such permission, the said development permission shall be deemed to have lapsed.

**(ii) Applicability to partially completed works,-**

For partially completed works, started with due permission before these Regulation have come into force, the Commissioner may not for reasons to be recorded in writing, necessarily insist on compliance with the provisions of these Regulations for extending the period of the development permission, which shall not exceed the specified in section 48 of the Maharashtra Regional Town Planning Act, 1966.

**Regulation 5. Notice of intention to carry out development, -**

Every person who intends to carry out development or erect, re-erect or make alterations in any place in a building or demolish any building shall make an application in writing to Commissioner in the form in Appendix – A.

**Regulation 6. Documents to be sent with application,-**

Every application made under regulation-5 shall be accompanied by the following documents, namely –

(i) Copies of plans and statements and, where in respect of any building scheme clearance is required from agencies like Thane Fire Brigade and others, such number of copies of such plans and statements as may be required by the Commissioner.

(ii) The key (location) plan.

- (iii) The site plan.
- (iv) Sub-Division layout plan / plan for amalgamation where the property comprises of two or more different lands belonging to the owner or different owners.
- (v) Building plan.
- (vi) Service plan.
- (vii) Specifications and certificate of supervision.
- (viii) Documents for proving ownership title.
- (ix) An attested copy of clearance certificate from the Assessment Department of the Corporation for payment of tax arrears, where applicable.
- (x) Appointment of Architects in the prescribed proforma.
- (xi) Appointment of Structural/Consulting Engineer in the prescribed proforma.
- (xii) Payment of development permission fee (True copy challan).

The plans to be sent with the application may be ordinary prints on Ferro paper or of any other type. One set of such plans shall be retained in the office of the Corporation for record after the issue of the permit or a refusal.

#### **Regulation 7. Sizes of drawing sheets,-**

The size of drawing sheets shall be any of these specified in Table 1 as given below-

#### **TABLE NO. 1**

#### **DRAWING SHEET SIZES**

Sr. No.	Designation	Trimmed Size mm
01.	A0	841 x 1189
02.	A1	594 x 841
03.	A2	420 x 594
04.	A3	297 x 420
05.	A4	210 x 297
06.	A5	148 x 210

### Regulation 8. Colouring of plans,-

The plan shall be coloured as specified in Table No. 2 as given below and prints of plan shall be on one side of paper only.

### TABLE NO. 2

### COLOURING OF PLANS

Sr. No.	Item	Site Plan Building Plan
01.	Plot lines	-- Thick black --
02.	Existing street	Green
03.	Future street	Green dotted
04.	Permissible building	Thick dotted black
05.	Open space	-- No colour --
06.	Work proposed to be demolished	-- Yellow hatched --
07.	Proposed Work	-- Red filled in --
08.	Drainage & Sewerage Work	-- Red dotted --
09.	Water supply work	-- Blue dotted thin --
10.	Deviations	-- Red hatched --
11.	Recreation ground	– Green Wash–
12.	Roads and setbacks	-- Burnt sienna --
13.	Reservation	-- Appropriate colour code –

**Note:-** Existing work to be hatched black for land development/sub-division/layout suitable colouring notations shall be used duly indexed.

### **Regulation 9. Dimensions,-**

All dimensions shall be indicated in metric units.

### **Regulation 10. Ownership title –**

The documents for proving ownership title to be sent with the application under regulation 6 shall be the following –

- (i) attested copy or original sale/lease deed/power of attorney/enabling ownership document wherever applicable.
- (ii) property register card, 7/12 extract, mutation entry & gut book sketch of a date not earlier the twelve months of the date of submission of the development proposal.
- (iii) statement of area of the holding by triangulation method from the qualified licensed technical personnel or architect with an affidavit from the owner in regard to the area in the form prescribed by the Commissioner.
- (iv) certified measurement plan/gut book sketch/city survey sheet of the land or lands under project obtained from the Revenue Authorities.
- (v) any other document prescribed by the Commissioner. In the case of land leased by the Government or local authorities, clearance of Government or such authorities regarding observance of the lease conditions shall be obtained and attached to the application for development permission in respect of such land.
- (vi) exemption order/clearance order/sale permission/redevelopment permission obtained from competent authority, Thane/Urban Agglomeration, Thane under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 or an affidavit and indemnity bond in case of lands admeasuring less than ceiling limit.
- (vii) latest surveyed plan of the land showing all details of structures, shrubs, trees etc. as per actual survey carried out by the Architect/Engineer or Revenue Authority, mentioning dimensions of all sides of land under project.
- (viii) clearance certificate obtained from tax and assessment department of the Corporation. N.O.C.s from the various Authorities such as Railways, Civil Aviation Department, Directorate of Industries, Maharashtra Water Pollution Board, M.S.E.B., Additional Collector, U.L.C. and any such authority as may be specified by the Commissioner.

#### **Regulation 11. Key Plan (or location Plan),-**

The key plan to be sent with the application under regulations 6 shall be drawn to a scale of not less than 1:10000 and shall show the boundary locations of the site with respect to neighbourhood land mark.

**Regulation 12. Site Plan,-**

The site plan to be sent with the application under regulation 6 shall be drawn to a scale of 1:500 or 1:600 and shall show:-

(a) the boundaries of the site and of any contiguous land belonging to the owner thereof.

**Note:-** To indicate details on building plan (i) Proforma II of Appendix A.

(b) the position of the site in relation to neighbouring street.

(c) the name of the street on which the building is proposed to be situated, if any.

(d) all existing buildings standing on, over or under the site.

(e) the position of the building, and of all other buildings (if any) which the applicant intends to erect upon his contiguous land referred to in clause (a) in relation to:-

(i) the boundaries of the site and where the site has been partitioned, the

boundaries of the portion owned by the applicant and also of the portions

owned by others.

(ii) all adjacent streets, buildings (with number of storeys and height) and

premises within a distance of 12 m. of site and of the contiguous land (if

any) referred to in clause (a), and

(iii) if there is no street within a distance of 12 m. of the site, the nearest

existing street.

(f) the means of access from the street to the building (if any) which the applicant intends to erect upon his contiguous land referred to in clause (a).

(g) space to be left around the building to secure a free circulation of air, admission of light and access for scavenging purposes.

(h) the width of the street (if any) in front and of the street (if any) at the side or near the building.

(i) the direction of north line relative to the plan of the buildings.

(j) any existing physical feature, such as well, drain, trees etc.

(k) the ground area of the whole property and the breakup of covered area on each floor with the calculations for percentage covered in each floor in terms of the total area of the plot as required under these regulations governing the coverage of area.

(l) overhead, electric supply line, water supply and drainage line.

(m) such other particulars as may be prescribed by the Commissioner.

### **Regulation 13. (A) Amalgamation-**

In case of the properties comprising of two or more different holdings belonging to the same or different holdings belonging to the same or different owners, the plans for amalgamation of the holdings shall be got approved from the Corporation.

### **(B) Sub-division / Layout Plan-**

In the case of development work, sub-division / layout plan to be sent with the application under regulation 6 shall be drawn on a scale of not less than 1:5000 containing the following-

(a) Scale and North line;

(b) The location of all proposed and existing roads with their existing /

proposed / prescribed widths within the land;

(c) Dimensions of plot along with building lines showing the setbacks with

dimensions in each plot;

(d) The location of drains, sewers, public facilities and services and

Electrical lines etc;

(e) Table indicating size, area and use of all the plots in the sub-division/

layout plan;

(f) A statement indicating the total area of the site, area utilized under

roads, open spaces for parks, playgrounds, recreation spaces and

development plan reservations, schools, shopping and other public places

alongwith their percentage with reference to the total area of the site

proposed to be sub-divided;

(g) In case of plots which are subdivided in addition to the above, the

means of access to the sub-division from existing streets.

#### **Regulation 14. Building Plan,-**

The plans of the buildings and elevations and section to be sent with the application under regulation 6 shall be drawn to a scale of 1:100. The building plan shall-

(a) include floor plans of all floors together with the covered area (\*) clearly indicating the sizes of rooms and the position and width of staircase, ramps and other exit ways, lift wells, lift machine room and lift pit details, meter room and electric sub-station and also include ground floor plan as well as basement plan and shall indicate the details of parking space and loading and unloading spaces provided around and within the building as also the access ways and the appurtenant open spaces with projections in dotted lines, distance from any building existing on the plot in figured dimensions alongwith accessory building.

**Note:-** (\*) To indicate in Proforma I in Appendix A.

- (b) show the use or occupancy of all parts of the buildings.
- (c) show exact location of essential services, such as WC, bath and the alike.
- (d) include sectional drawings showing clearly the size of the footings, thickness of basement wall, wall construction size and spacing of framing members, floors, slabs, roof slabs with the materials. The section shall indicate the height of building and rooms and also the height of the parapet, and the drainage and the slope of the roof. At least one section should be taken through the staircase provided further that the structural plan giving details of all structural elements and materials used alongwith structural calculations shall be submitted separately but in any circumstances before the issue of the building permit or commencement certificate.
- (e) show all street elevations.
- (f) indicate details of basket privy (served privy) if any.
- (g) give dimensions of the projected portion beyond the permissible building line.
- (h) include terrace plan indicating the drainage and the slope of the roof.
- (i) give indication of the north line relative to the plan.
- (j) give dimensions and details of doors, windows and ventilators.
- (k) give such other particulars as may be prescribed by the Commissioner.

**Regulation 15. Building plans for multi-storeyed or special buildings,-**

For multi-storeyed buildings which are more than 25 m. in height above plinth and for special buildings like assembly, institutional, industrial, storage and hazardous and mixed occupancies with any of the aforesaid occupancies housing area more than 150 sq. m. the following additional information as specifically mentioned in Appendix 'O' shall be furnished in the building plans in addition to the items (a) to (k) of regulation 14 namely-

- (a) access to fire appliances / vehicles with details of vehicular turning circle and clear, motorable access way around the building.

- (b) size (width) of main and alternate staircases alongwith balcony approach, corridor ventilated lobby approach.
- (c) location and details of lift enclosures.
- (d) location and size of fire lift.
- (e) smoke stop lobby / door, where provided.
- (f) refuse chutes, refuse chamber and service duct.
- (g) vehicular parking spaces and loading and unloading spaces.
- (h) refuge area, if any
- (i) details of building services, i.e. air-conditioning system with position of the dampers, mechanical ventilation system, electrical services, boilers, gas pipes and such other devices.
- (j) details of exits including provision of ramps for hospitals and special risks.
- (k) location of generator, transformer and switch gear room.
- (l) smoke exhauster system, if any.
- (m) details of fire alarm system network.
- (n) location of centralized control connecting all fire alarm systems built in fire protection arrangements and public address system.
- (o) location and dimensions of static water storage tank and pump room along with fire service inlets for mobile pump and water storage tank.
- (p) location and details of fixed fire protections installations such as sprinklers, wet risers hose reels, trenches and CO2 installation and,
- (q) location and details of first aid firefighting equipment / installations.

**Regulation 16. Service plans etc. to be made available,-**

Service plans, elevations and sections of private water supply, sewage disposal system and details of building services, where required by the Commissioner shall be made available on a scale of not less than 1:100.

**Regulation 17. Specifications,-**

The specifications of the proposed construction to be sent with the application under regulation 6 shall be in the form as mentioned in Annexure I of Appendix A and shall be duly signed by a Licensed Architect / Engineer / Structural Engineer / Supervisor as the case may be.

**Regulation 18. Certificate of Supervision,-**

The certificate of supervision to be sent with the application under regulation 6 shall be in the form in Appendix B and shall be duly signed by the licensed architect / engineer / structural engineer / supervisor, as the case may be. In the event of the said licensed technical personnel ceasing to be employed for the development work, the further development work shall stand suspended till a new licensed technical personnel is appointed and his certificate of supervision alongwith a certificate for the previous work erected is accepted by Commissioner.

**Regulation 19. Development Permission Fee / Receipt,-**

The application under regulation 6 shall be accompanied by an attested copy of receipt of payment of development permission application fee.

**Regulation 20. Security Deposit,-**

To ensure compliance with these Regulations and the directions given in the sanctioned plan and other conditions, a security deposit which may be in the form of an irrevocable bank guarantee, shall be charged at rates specified by the Commissioner. It shall be returned to the owner one year after the issue of the full occupancy certificate after the Commissioner is satisfied with the compliance with various conditions stipulated in the said full occupancy certificate.

**Regulation 21. Signing Plans –**

All the plans shall be duly signed by the owner and the architect / engineer / structural engineer or supervisor as the case may be, and where they are signed by the licensed architect, engineer, structural engineer or supervisor, shall indicate his name, address and licence number allotted by the Commissioner.

**Note:-** To indicate on plans as in Proforma II in Appendix A.

### **Regulation 22. Qualifications & Competence etc. of engineers, supervisors etc. for building Licence,-**

The Commissioner shall give licence for the purpose of these regulations only to those engineers, structural engineers and supervisors who possess the qualifications respectively laid down for them in Appendix C. The procedure for licensing engineers, structural engineers and supervisors, their duties, the type of works they are competent to carry out and the fees for giving such licences shall be as provided in Appendix C.

### **Regulation 23. Discretionary Powers of Commissioner,-**

(1) In conformity with the intent and spirit of these regulations, the Commissioner may–

(i) decide on matters, where it is alleged that there is an error in any order, requirement, decision, determination or interpretation made by him in the application of these regulations.

(ii) determine and establish the location of zonal boundaries in exceptional cases, or in case of doubt or controversy.

(iii) interpret the provisions of these regulations where the streets layout actually on the ground varies from the street layout as shown on the Development Plan.

(iv) modify the limit of a zone with the previous approval of the Government where the boundary line of the zone divides a plot; However in cases where such modification is being done for the purpose of Appendix – M 6.1 (VI) no such government approval will be necessary and,

(v) authorise the erection of a building or use of premises for a public service undertaking for public utility purposes only, where he finds such an authorisation to be reasonably necessary for the public convenience and welfare even if it is not permitted in land use classification.

(2) In specific cases where a clearly demonstrable hardship is caused, the Commissioner may for the reasons to be recorded in writing by special written permission, permit any of the dimensions prescribed by these regulations to be modified except those relating to FSI unless otherwise permitted under these regulation, provided the relaxation sought does not violate the health safety, fire safety, structural safety and public safety of the inhabitants, the buildings and the neighbourhood.

### (3) Temporary Construction–

The Commissioner may grant permission for temporary construction for a period not exceeding six months at a time, in the aggregate not exceeding for a period of three years. Such a permission may be given by him for the construction of the following –

(i) Structures for protection from the rain or covering of the terrace during the monsoon only.

(ii) Pandals for fairs, ceremonies, religious functions etc.

(iii) Structures for godowns/storage of construction materials within the site.

(iv) Temporary site offices and watchmen chowkies within the site only during the phase of construction of the main building.

(v) Structure for exhibitions / circus 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) MAFCO stalls, milk booths and telephone booths.

(ix) Transit accommodation for persons to be rehabilitated in a new construction.

(x) Structures for educational and medical facilities within the site of the proposed building during the phase of planning and constructing the said permanent buildings.

Provided that temporary constructions for structures etc. mentioned at (iii), (iv), (vi), (ix) and (x) may be permitted to be continued temporarily by the Commissioner but in any case not beyond completion of

construction of the main structure or building, and that structure in (viii) may be continued on annual renewable basis by the Commissioner beyond a period of three years.

(4) While granting permission under sub-regulations (2) & (3) conditions may be imposed on size, cost or duration of the structure, abrogation of claim of compensation, payment of deposit and its forfeiture for non-compliance and payment of premium.

(5) Except where the same is prescribed in the B.P.M.C. Act 1949 or M.R. & T.P. Act, 1966 and the rules or bye-laws framed thereunder the Commissioner may from time to time add to, alter or amend appendices A to L.

(6) The premium at the rate decided by the Commissioner shall be charged in following cases-

(i) Where any sort of relaxation is granted under the regulation 23(2) and

(ii) Where additional benefit is accruable under these regulations over and above the provisions of the earlier sanctioned development plan and the development control regulations thereunder as amended from time to time.

#### **Regulation 24. Communication of Sanction of Plans or Refusal,-**

The Commissioner may either sanction or refuse to sanction the plans and specifications or may sanction them with such modifications or directions as he may deem necessary. The sanction shall be communicated to the applicant in the form in Appendix D and the refusal shall be communicated to him in the form in Appendix E.

#### **Regulation 25. When plans deemed to have been sanctioned,-**

If within 60 days of the receipt of the application under these regulations, the Commissioner fails to intimate in writing to the applicant his refusal or sanction, the application with its plans and statements shall be deemed to have been sanctioned.

Provided that, nothing in this regulations shall be construed to authorise any person to do anything on the site, any work in contravention of or against the terms of lease of or titles in the lands, the development plan or these regulations, or against any law in force.

#### **Regulation 26. Applicant to modify plans in certain cases,-**

If the plan has been scrutinised and objections thereof have been pointed out, the applicant shall modify the plan, comply with the objections raised and resubmit it. No new objection shall generally be raised when they are resubmitted after compliance of earlier objections. The Commissioner shall scrutinize the re-submitted plan and if there be further objections, the plan shall be rejected.

**Regulation 27. Plans of building having more than 25 m. in height to be scrutinised also by Chief Fire Officer,-**

Plans regarding building having 25 m. height shall be scrutinised also by the Chief Officer, Thane Fire Brigade and no such plans shall be sanctioned by the Commissioner unless a clearance is given by the Chief Fire Officer.

**Regulation 28. Extension of period of permission to be subject to development plan provisions, building regulations etc.-**

Any extension of the period of permission sought for under section 48 of the Maharashtra Regional & Town Planning Act, 1966 shall be subject to development plan provisions and these regulations as in force on the date on which such extension is applied for.

**Regulation 29. Commencement of work,-**

A commencement certificate / development permission shall remain valid for four years in the aggregate, but shall have to be renewed before the expiry of one year from the date of its issue. The application for renewal shall be made before expiry of one year, if the work has not already commenced. Such renewal can be done for three consecutive terms of one year each, after which proposals shall have to be submitted to obtain development permission afresh.

For the purpose of this regulation, 'Commencement' shall mean as under –

(a) For a building work including additions and alterations:-	Upto plinth level
(b) For bridges and overhead tanks:-	Foundation and construction work upto the base floor
(c) For underground works of:-	Foundation and construction work upto floor under ground floor
(d) For lay-out, sub-division and amalgamation proposals:-	Final demarcation and provision of infrastructure and services upto the following stages –
	(i) Roads- Water bound macadam complete
	(ii) Sewerage, drainage and water supply excavation and base concreting complete.

### **Regulation 30. Revocation of development permission,-**

(1) Without prejudice to the power of revocation conferred by section 51 of the Maharashtra Regional & Town Planning Act 1966, the Commissioner may revoke any development permission issued under these regulation where it is noticed by him that there had been any false statement or any misrepresentation of material fact in the application on the basis of which the development permission was issued and thereupon the whole work carried out in pursuance of such permission shall be treated as unauthorised.

(2) In the case of revocation of the permission under sub-regulation (1) no compensation shall be paid.

### **Regulation 31. Owner/ Architect / Developer not absolved from responsibility because of granting development permission etc,-**

Neither the granting of the development permission nor the approval of the drawings specifications, nor the inspections, made by the Commissioner during erection of the building shall, in any way, relieve the Owner/Architect/ Developer of such building from full responsibility for carrying out the work in accordance with the requirements of these regulations.

### **Regulation 32. Notice for Start of Work,-**

The Owner shall give notice to the Commissioner of his intention to start work on the buildings in the form given in Appendix F. The Owner may start the work after 7 days have lapsed from the date of the

service such notice to the Commissioner or earlier, if so permitted.

### **Regulation 33. Documents to be made available at site,-**

(1) Where tests of any materials are made to ensure conformity with the requirements of these regulations, records of the test data shall be kept available for inspection during construction of the building and for such period thereafter as may be required by Commissioner.

(2) The person to whom a development permission is issued shall, during construction, keep-

(a) posted in a conspicuous place on the site in respect of which the permission is issued a copy of the development permission and

(b) a copy of the approved drawings and specifications referred to in regulation 6 on the site in respect of which the development permission was issued.

### **Regulation 34. Checking of plinth or columns upto plinth level,-**

(1) The Owner shall give notice in the form in the Appendix G to the Commissioner after the completion of work upto plinth level with a view to enabling the Commissioner to ensure that the work is carried out in accordance with the sanctioned plans. The Commissioner within seven days from the receipt of such notice shall carry out inspection and give approval to the work upto plinth level and permission for carrying out further construction work as per sanctioned plans in the form in Appendix H.

Provided that, before giving such approval and permission the Commissioner shall require the applicant to fix a metal, wooden or plastic board of the size of 1.5 m. x 1.0 m. at the conspicuous place at the site indicating there on the following particulars and such approval and permission shall be given unless the board so fixed is inspected by Commissioner.

Particulars to be shown on the board–

(a) Name of the Owner of the land and his address.

(b) Name of the Architect / Surveyor and their address.

(c) Licence No. of the licensed Architect / Surveyor.

(d) Name of the builder and his address, where the builder is a firm, the name of the firm and its address.

(e) C.S. No./C.T.S. No./S. No. and Name of the Village.

(f) Number and date of development permission and commencement certificate granted by the Commissioner.

(g)(i) Area under building project.

(ii) F.S.I. consumed.

(h) U.L.C. Clearance Certificate.

(2) If within the statutory period, the permission is not refused, the permission shall be deemed to have been given provided the applicant fixes a board as provided in sub-regulation (1) except that instead of giving number and date of development permission or commencement certificate, indication shall be given on the board that the permission is deemed to have been given under this regulation, but the construction shall be strictly as per development control rules.

### **Regulation 35. Deviations during constructions,-**

If during the construction of a building, any departure from the sanctioned plan is intended to be made by way of internal alterations or external additions which violate any provisions regarding general building requirements, structural stability or fire safety requirements of these regulations, sanction of the Commissioner shall be obtained. Any work carried out in contravention of the sanctioned plan, without prior approval of the Commissioner shall be deemed to be unauthorised. The Municipal Commissioner shall take appropriate action u/s 52 to 54 of the M.R. & T.P. Act 1966 in such cases.

### **Regulation 36. Completion Certificate / Acceptance of the Completion Certificate,-**

The Owner through the licensed Architect, Engineer, Structural Engineer, or Supervisor, as the case may be, who has supervised the construction shall give notice to the Commissioner regarding completion of work described in the development permission. The completion certificate shall be submitted in the form in Appendix J1 and shall be accompanied by six sets of completion plan, one of which shall be cloth mounted.

The six sets mentioned above are for following purposes –

1. Cloth mounted for office record.
2. D.M.C. of the concerned zone.
3. Ex. Engineer (Water Works), T.M.C.
4. Assessment Department, T.M.C.
5. Collector of the District.
6. Owner.

The 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 work in the form in Appendix J2.

#### **Regulation 37. Occupancy Certificate,-**

The Commissioner, on acceptance of the completion certificate, shall sanction an occupation certificate, in the form in Appendix K within 21 days from the date of receipt of the completion certificate, after which period it shall be deemed to have been approved by the Commissioner for occupation, provided the building has been constructed as per the sanctioned plans. Where the occupation certificate is refused, the reasons for such refusal shall be communicated to the Owner.

#### **Regulation 38. Part Occupancy Certificate,-**

Upon the request of the holder of the development permission, the Commissioner may issue a part occupation certificate for a building or part thereof, before completion of the entire work as per development permission, provided sufficient precautionary measures are taken by the holder of the development permission to ensure public safety and health safety. The part occupation certificate shall be given by the Commissioner subject to the Owner indemnifying the Corporation by giving an indemnity in the form in Appendix L.

#### **Regulation 39. Occupancy certificate to be given only after clearance from Chief Fire Officer in respect of buildings having more than 25 m. height irrespective of user and for special buildings irrespective of height,-**

The work of construction of a building having more than 25 m. height shall be subject to inspection also of the Chief Fire Officer, Thane Fire Brigade, and unless a clearance regarding completion of the work from the fire protection point of view is given by him, no occupation certificate shall be issued by the Commissioner in respect of such building.

**Regulation 40. Inspection,-**

**(1) Inspection at various stages:-** The Commissioner may at any time during erection of a building or the execution of any work or development make an inspection thereof without giving previous notice of his intention so to do.

**(2) Inspection by Fire Department:-** For all multi-storeyed, high-rise and special buildings more than 25 m. in height the work shall also be subject to inspection by the Chief Fire Officer, and the Commissioner shall issue the occupancy certificate only after clearance by the said Chief Fire Officer.

**Regulation 41. Unsafe Buildings,-**

All unsafe buildings shall be considered to constitute a danger to public safety, hygiene and sanitation and shall be restored by repairs or demolished or dealt with as otherwise directed by the Commissioner. The provisions of section 264 of the B.P.M.C. Act shall apply for procedure of action to be taken by the Commissioner in respect of such buildings.

**Regulation 42. Unauthorised Development / Liability for Offences and Penalties –**

Any person who contravenes any of the provisions of these regulations or any requirements or obligations imposed on him by virtue of these regulations including the maintenance of fire protection services and appliances and lifts in working order or who interferes with or obstructs any person in the discharge of his duties shall be liable to be prosecuted for an offence under section 52 of the Maharashtra Regional and the Town Planning Act 1966. The Commissioner may also –

(a) take suitable actions including demolition of unauthorised works under section 53 of the Maharashtra Regional and Town Planning Act 1966, or section 267 of the B.P.M.C. Act, and

(b) take suitable action against the licensed technical personnel which may include cancellation of the licence and debarring him from further practice for a period extending upto five years.

**Regulation 43. Requirement of Site,-**

No piece of land shall be used as a site for the construction of a building–

(a) if the Commissioner considers that the site is insanitary or that it is dangerous to construct a building on it;

(b) if the site is within a distance of 9 m. from the edge of water mark of a minor watercourse and 15 m. from the edge of water mark of a major watercourse and 3 mt. or 5 mt. respectively for minor and major watercourse if the owner of the property channelises and/or diverts the watercourse to an alignment and the cross-section as determined by & to the satisfaction of the Municipal Commissioner without changing the position of existing inlet and outlet of the water course.

(c) If the site is not drained properly or is incapable of being well drained;

(d) If the owner of the building has not taken to the satisfaction of the Commissioner all the measures required to safeguard the construction from constantly getting damp;

(e) If the building is proposed on any area filled up with carcass, excreta, filthy and offensive matter, till the production of certificates of the Health Officer and the City Engineer of the Corporation to the effect that it is fit to be built upon from the health and sanitary point of view;

(f) If the use of the site for the purpose will, in the opinion of the Commissioner, be a source of annoyance to the health and comfort of inhabitants of the neighbourhood;

(g) If the plot has not been approved as a building site either by the Commissioner or Bombay Metropolitan Regional Development Authority;

(h) If the level of the site is less than prescribed level depending on topography and drainage aspects.

#### **Regulation 44. Additional restrictions on construction / reconstruction,-**

##### **(a) Distance from electric lines-**

No portion of bldg. shall be allowed to be erected or re-erected or any additions or alternations made to a building on a site within the distance mentioned below, in accordance with the current Indian Electricity Rules or within the distance which may be laid down by the said rules as amended from time to time between the building and any overhead electric supply line:-

	Vertically (m)	Horizontally (m)
(a) Low and medium voltage lines and service lines	2.5	1.2
(b) High voltage line upto and including 33,000 V	3.7	2.0
(c) Extra high voltage beyond  33,000 V	3.7  (plus 0.3 m for every additional 33,000 V or part thereof)	2.0  (plus 0.3 m for every additional 33,000 V or part thereof)

**Explanation:-** For the purpose of this regulation the minimum clearance of distance shall be measured from maximum sag for vertical clearance and from maximum deflection due to wind pressure for horizontal clearance.

**(b) Distance from Railway-**

Subject to the requirements of set-backs from roads side and rear marginal open spaces under the relevant Regulations, no new construction of a building or reconstruction of an existing building shall be allowed within a distance of half the height of the said building from the railway track boundary and in any case at least 3 m. away from such a boundary.

**Regulation 45. Access to other building not to be affected,-**

No building shall be erected so as to deprive any other building of the means of access.

**Regulation 46. Area of access not to be diminished,-**

No person who erects a building shall at any time erect or re-erect or cause or permit to be erected or re-erected any building which may in any way encroach upon or diminish the area set apart as means of access.

**Regulation 47. Width of means of access,-**

(1) Residential and Commercial Zone,- The plots shall abut on a public means of access like street or road. Plots which do not abut on a street or road shall abut or front on a means of access, the width and other requirements of which shall be as given in Table No. 3-A as given below –

**TABLE NO. 3(A)****WIDTH OF ACCESS FOR RESIDENTIAL & COMMERCIAL ZONES**

Access Length in meters (m)	Area Served (sq.m.)			
	Less than 1500	1500- 4000	4000- 10000	Over 10000
	Width in meters (m)			
(1)	(2)	(3)	(4)	(5)
Less than 75	6.0	7.5	9.0	12.0
Above 75 to 150	7.5	7.5	9.0	12.0
Above 150 to 300	9.0	9.0	9.0	12.0
Over 300	12.0	12.0	12.0	12.0

Provided that in residential layouts, straight cul-de-sacs upto 150 m. long roads are permissible. An additional length upto 125 m. will be permissible, if an additional turning space is provided at 150 m. The dead end shall be at a level higher than the main road from where the cul-de-sac road takes off. The turning space, in each case, should not be less than 81 sq.m. in area, no dimension being less than 9 m.

(2)(a) The Commissioner shall permit access from streets having width of not less than 6 m. through land over which the public have a customary right of access or have used it or passed over it uninterruptedly for a period of 20 years.

(b) In congested area width of the right of way may be permitted to be reduced to 4.5 m. upto a length of 150 m.

Provided that permission may be granted on plots facing on proposed D.P. Road provided owner undertakes responsibility to construct partial D.P. road and/or alternative mean of access.

(3) Industrial zone and other special type of building –

### TABLE NO. 3(B)

#### WIDTH OF ACCESS FOR INDUSTRIAL ZONE & SPECIAL TYPE OF

#### BUILDING

Access Length in Meters (m)	Width of Means of access in Meters (m)
Upto 100	9.00
Above 100 upto 300	12.00
Above 300	15.00

(4) Access for residential, commercial and industrial zones as in Tables 3A and 3B above,-

(a) shall be clear of marginal open spaces but not less than 3 m. from the building line.

(b) may be reduced by 1 m. in their prescribed widths if the plots are on only one side of the access.

(c) shall be measured in length from the point of its origin to the next wider public street it meets.

(5) In the interest of the general development of any area, the Commissioner may require the means of access to be of larger width than that required under these Regulations.

(6) Notwithstanding the above, in partially built-up plots where the area still to be built upon does not exceed 5,000 sq.m. access of 3.6 m. width may be considered adequate. If such an access is through a built over arch, this arch shall have a height of not less than 4.5 m, If such access is at least 3 m. in width, it shall be considered as adequate means of access for areas to be built upon not exceeding 5,000 sq.m.

provided such area is used for low income group housing and the F.S.I. would be 75% of the F.S.I. permissible in the zone.

(7) In the case of a plot, surrounded on all sides by other plots i.e. a landlocked plot which has no access to any street or road, the Commissioner may require access through an adjoining plot or plots which shall, as far as possible be nearest to the street or road, to the land locked plot, at the cost of owner of the land-locked plot and such other conditions as the Commissioner may specify.

(8) Notwithstanding the provisions regarding access in these regulations, an access provided in Town Planning Schemes shall be deemed to be adequate.

(9) In no case shall be means of access be lesser in width than the internal access ways in layouts and sub-division.

(10) The approach to every building from roads, street or internal means of access shall be through paved pathway of width not less than 1.5 m. provided its length is not more than 20 m. from the main or internal means of access.

(11) In the case of special housing schemes for low income groups and economically weaker sections of society developed upto two storeyed Row Housing Scheme, the pathway width shall be 3 m. which shall not serve more than 50 m. and 8 plots on each side of pathway.

(12) The length of the means of access shall be determined by the distance from the farthest plot (building) to the public street. The length of the subsidiary access way shall be measured from the point of its origin to the next wider road on which it meets.

(13) Where a private passage is unrestrictedly used by the public for more than 20 years as a means of access to a number of plots and the width of such means of access is not less than 9 m. the Commissioner may (with the sanction of the Standing Committee) improve the passage at municipal cost and thereafter take steps under the Act to declare it to be public street, subject to the provisions of section 223 and 224 of the B.P.M.C. Act.

(14) In congested areas, in the case of plots facing street or means of access less than 4.5 m. in width, the plot boundary shall be shifted to be away by 2.25 m. from the central line of the street or means of access way to give rise to a street or means of access way width of 4.5 m.

(15) Means of access shall be free of encroachment by any structure or fixtures so as not to reduce its width below the minimum required under sub-regulation (1) and shall be maintained in a condition to the satisfaction of the Commissioner.

(16) Private Street – If any private street or other means of access is not constructed or maintained as specified in sub-regulation (15) above or if structures or fixtures arise thereon in contravention of that sub-rule, the Commissioner may, by written notice, direct the owner or owners of the several premises fronting or adjoining the said street or other means of access or abutting thereon or to which access is obtained through such street or other means of access or which shall be benefited by works executed, to carry out any or all of the aforesaid requirements in such manner and within such time as he shall direct. If the owner or owners fail to comply with his direction, the Commissioner may arrange for its execution and recover the expenses incurred from the owner or owners.

(17) If any structure or fixture is set upon a means of access so as to reduce its width below the minimum required, the Commissioner may remove the same and recover the expenses so incurred from the owner.

#### **Regulation 48. Highways & Wider Roads,-**

No site excepting one proposed to be used for highway amenities like petrol pumps or motels shall have direct access from a highway or specified road 52 m. or more in width and the portion of these roads on which such amenity sites may have direct access will be identified in the development plan. For this purpose, the Commissioner shall specify such roads from time to time with the approval of the Corporation. He shall also maintain a register of such specified roads which shall be open to public inspection.

Provided that this shall not apply to any lawful development along the highways and other specified roads which have existed before these Regulations have come into force and alternative measures are provided for their continuance.

#### **Regulation 49. Additional provisions regarding means of access to apply to certain buildings,-**

The following additional provisions regarding means of access shall apply to buildings referred to in regulation 15:-

(a) The width of the main street on which the building abuts shall not be less than 12 meters and one end of this street shall join another street of width not less than 12 m. in width.

(b) The approach to the building and open spaces on all of its sides with 6 m. width minimum and the layout for the same shall be done in consultation with the Chief Fire Officer, Thane Fire Brigade and the same shall be on hard surface capable of taking the weight of fire engine, weighing upto 18 tonnes. The said open space shall be kept free of obstructions and shall be motorable.

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## **PART – III**

### **DEVELOPMENT OF LAND INTO LAND SUB-DIVISION AND LAYOUT**

#### **Regulation 50. Layout of Land and Land Sub-Division –**

(1) Circumstances warranting preparation of a layout or sub-division – A layout or sub-division shall be submitted for the following –

(a) when more than one building (except for buildings accessory to the main

building) is proposed on any land;

(b) when development or re-development of any tract of land includes its division

or sub-division into plots;

(c) when the land under development admeasures 1000 sq.m. or more in a

residential or commercial or in an industrial zone.

(2) Contents:- Every sub-division / layout shall contain sub-plots being formed after sub-division, access thereto, recreational open space, if any, required under Regulation 47 & 54 as also all the reservations, designations, allocations, road or road-widening proposals of the development plan and the regular lines of streets prescribed under the Bombay Provincial Municipal Act, 1949. Where there is a conflict between the widths or widening lines proposed in the development plan and those under the regular line of a street, the wider of the two shall prevail.

Provided that the Commissioner may, without any reduction in area, allow adjustment in the boundaries of reserved / allocated sites within the same holding and conforming to the zoning

provisions to suit the development. In doing so, he will ensure that the shapes of altered allocated/reserved sites are such that they can be developed in conformity with these regulations.

(3) Minimum plot areas:- The minimum plot areas permissible for different categories of use types of development permissible and the minimum dimensions shall be as in Table 4 herein under:-

#### **TABLE NO. 4**

#### **Minimum Plot Areas for Various Uses**

Sr. No.	Land Use	Plot Area (sq.m.)	Type of Development
1.	Residential & Commercial (except those in 2,3 and 4 below)	(i) 25 and above but less than 40	Row
		(ii) 40 and above but less than 125	Row/Semi-detached
		(iii) 125 and above with no dimension less than 9 m.	Row/Semi-detached Detached
2.	Plot in Public Housing/High Density Housing/Sites & Services/Slum upgradation/ Reconstruction Scheme	21 with minimum width of 3 m.	Row
3.	Petrol filling station –		
	(a) without service bay	545 (with one dimension not less than 16.75 m.)	Detached
	(b) with service bay	1100 (with one dimension not less than 30.5 m)	Detached
4.	Cinema Theatre assembly hall	3 sq.m. per seat including parking requirements	
5.	Mangal Karyalaya	1000	
6.	4 & 5 Star Hotel in independent plot	2500	Detached
7.	3 Star Hotel when in independent plot	1000	Detached
8.	Industrial (I)	300 (with width not less than 15 m.)	Detached

### Regulation 51. Roads or streets in land sub-division or layout,-

(i) The width of roads or streets or public and internal access way including pathway shall conform to provision regulations 46 & 47.

(ii) For 0.4 Hect. or more, road layout shall be designed in such a manner that the main road shall be accessible to adjacent lands.

### **Regulation 52. Intersections of roads,-**

(1) At the junctions of roads meeting at right angles, the rounding off of inter-section shall be done, unless otherwise directed by the Commissioner, with the tangent length from the point of intersection to the curve being 1/2 the road width across the direction of tangent as hereinafter provided.

(2) For junctions of roads meeting at other than right angles, the roundings off or cut off or similar treatment shall be done, to the approval of the Commissioner, depending upon the widths of roads, the traffic generated and the sighting angle.

### **Regulation 53. Building line,-**

Building line shall be set back subject to stipulations in Table No. 12.

### **Regulation 54. Recreational/ Amenity Open Spaces,-**

(1) Open spaces in residential and commercial layouts:-

(a) Extent: – In any layout or sub-division of vacant land in a residential and commercial zone, open spaces shall be provided as under-

(i) Area above 1,000 sq.m. to 2,500 sq.m. ....15%

(ii) Area above 2,500 sq.m. to 10,000 sq.m. ... 20%

(iii) Area above 10,000 sq.m. ....25%

These open spaces shall be exclusive of areas of accesses / internal roads / designations or reservations, development plan roads and area for road widening and shall as far as possible be provided in one place. Where, however, the area of the layout or sub-division is more than 5000 sq.m. open spaces may be provided in more than one place, but at least one of such places shall be not less than 750.00 sq.m. in

size. Such recreational spaces will not be necessary in the case of land used for educational institutions with attached independent playgrounds. Admissibility of F.S.I. shall be as indicated in Sub-Reg. 3 below.

(b) Minimum area:- No such recreational space shall be measure less than 125 sq.m.

(c) Minimum dimensions:- The minimum dimension of such recreational space shall not be less than 7.5 m. and if the average width of such recreational space is less than 16.6 m. length thereof shall not exceed 2.5 times the average width.

(d) Access:- Every plot meant for a recreational open space shall have an independent means of access, unless it is approachable directly from every building in the layout.

(e) Ownership:- The ownership of such recreational space shall vest, by provision in a deed of conveyance, in all the property owners on account of whose holdings the recreational space is assigned.

(f) Tree growth:- Excepting for the area covered by the structures permissible under (g) below, the recreational space shall be kept permanently open to the sky and accessible to all owners and occupants as a garden or a playground etc. and trees shall be grown as under:-

(i) at the rate of 5 trees per 100 sq.m. or part thereof to be grown in a plot.

(ii) at the rate of 1 tree per 80 sq.m. or part thereof to be grown in a plot for

which a sub-division or layout is not necessary.

(g)(i) Structures / uses permitted in recreational open spaces (i) in a

Recreational open space exceeding 400 sq.m. in area (in one piece)

elevated/underground water reservoirs, electric sub-stations, pump

houses may be built not utilising more than 10% of the open space in

which they are located.

(ii) In a recreational open space or playground of 1000 sq.m. or more in

area (in one piece and in one place), structures for pavilions, gymnasia, club houses and other structures for the purpose of sports and recreation activities may be permitted, with built up area not exceeding 15% of the total recreational open spaces in one place. The area of the plinth of such structure shall be restricted to 10% of the areas of the total recreational open space. The height of any such structure which may be single storey shall not exceed 8 mt. A swimming pool may also be permitted in such a recreational open space and shall be free of F.S.I. Structures for such sports and recreation activities shall conform to the following requirements:-

(a) The ownership of such a structures and other appurtenant users

Shall vest, by provision in a deed of conveyance, in all the owners on account of whose cumulative holdings, the recreational open space is required to be kept as recreational open space or ground in the layout or sub-division of the land.

(b) The proposal for construction of such structure should come as a proposal from the owner/owners/society or federation of societies without any profit motive and shall be meant for the beneficial use of the owner/owners/members of such society/societies federation

of societies.

(c) Such structures shall not be used for any other purpose, except

For recreational activities, for which a security deposit as decided

By the Commissioner will have to be paid to the Corporation.

(d) The remaining area of the recreational open space or

Playground shall be kept open to sky and properly accessible to all

members as a place of recreation, garden or a playground.

(e) The owner/owners or society or societies or federation of the

societies shall submit to the Commissioner a registered undertaking

agreeing to the conditions in (a) to (d) in (g)(ii) above.

(2) Open spaces in industrial plots / layout of industrial plots:-

(a) In any industrial plot admeasuring 3000 sq.m. or more in area 10% of the total area shall be provided as an amenity open space subject to a maximum of 2500 sq.m. and,-

(i) such open space shall have proper means of access and shall be so

Located that it can be conveniently utilised by the persons working in the

industry.

(ii) the parking and loading and unloading spaces as required under these

regulations shall be clearly shown on the plans.

(iii) such open spaces shall be kept permanently open to sky and

accessible to all the owners and occupants and trees shall be grown

thereon at the rate of 5 trees for every 100 sq.m. of the said open space to

be grown within the entire plot or at the rate of 1 tree for every 80 sq.m. to

be grown in a plot for which a sub-division layout is not necessary.

(b) In case of sub-division of land admeasuring 8000 sq.m. or more in area in an industrial zone, 5% of the total area in addition to 10% in (a) above shall be reserved as amenity open space, which shall also serve as general parking space. When the additional amenity open space exceeds 1500 sq.m. the excess area may be used for construction of buildings for banks, canteens, welfare centres, offices, crèches and other common purposes considered necessary for industrial uses as approved by the Commissioner.

(3) Floor space index / built-up calculations:- the total area of a plot shall be reckoned in floor space index / built up area calculations applicable only to new development to be undertaken hereafter as under:-

Plot size in sq.m.  (1)	Area in sq.m. for F.S.I. Computation  (2)
<b>Residential &amp; Commercial Zones</b>	
1. Upto 1000 sq.m.	Total area
2. Above 1000 to 2500 sq.m.	Total area subject to maximum of 2125 sq.m.
3. Above 2500 to 10000 sq.m.	Total area excluding 15% out of the area for recreational / amenity open space vide item (ii) in clause (a) of sub-regulation (1) of Regulation 54.
4. Above 10000 sq.m.	Total area excluding 15% of the area for recreational open space under item (iii) of clause(a) of sub-regulation (1) of Regulation 54.
<b>Industrial Zones</b>	
<b>Industrial Plots</b>	
1. Upto 1000 sq.m.	Total area
2. More than 1000 sq.m.	Total area excluding 10% out of the area for recreational/amenity open space vide clause (a) of sub-regulation (2) of Regulation 54.
<b>Industrial Layout</b>	
1. Plots of 8000 sq.m. or more	Total area excluding area of construction permissible in open space over 1500 sq.m. according to clause (b) of sub-regulation (2) of Regulation 54 and excluding 10% out of the area for recreational/amenity open space vide clause (a) of sub-regulation (2) of Regulation 54.

**Note:-** The occupation certificate for buildings constructed for residential/commercial use shall be granted by the Commissioner only after recreational area is developed and structures for recreational activities are actually provided on site.

**Regulation 55. Size of plots in Residential & Commercial Zone,-**

The plot sizes and manner of development in residential and commercial layouts shall be replaced as follows –

Plots Area	Development Schemes
1. 25 to 40 sq.m.	Row Housing
2. Above 40 to 125 sq.m.	Row / Semi detached
3. Above 125 sq.m.	Row / Semi detached / detached

**Note:-** (1) Plots which are 4.00 to 6.00 m. in width shall be developed as row housing scheme. Row housing scheme developed as a block shall not have more than 8 plots in a row and the separation between blocks in row shall be not less than 6 m.

(2) Plots which are 6 m. to 12 m. in width shall be developed as semi-detached building scheme.

(3) Plots which are above 12 m. in width shall be developed as detached building schemes and no dimension shall be less than 12 m.

**Regulation 56. Size of plots for special housing scheme,-**

For special housing schemes, undertaken by public agencies for low income group economically weaker section of society and slum clearance schemes, the minimum plot size shall be 25 sq.m. with a minimum width of 3.5 m.

**Regulation 57. Size of plot in industrial zone,-**

The width of plot shall not be less than 15 m. and size of plot shall not be less than 300 sq.m.

**Regulation 58. Size of plots for cinema theatres and assembly halls,-**

Minimum size of plot for Cinema theatres or assembly buildings shall be on the basis of seating capacity of the building at the rate of 3 sq.m. per seat.

**Regulation 59. Size of plots for public entertainment hall or mangal karyalaya,-**

The minimum size of plot shall be 1000 sq.m.

**Regulation 60. Size of plots for petrol filling station,-**

The minimum size of plot shall be:-

(i) 30.50 m. x 16.75 m. in the case of petrol filling station with kiosk without service bay and

(ii) 33.50 m. x 30.50 m. in the case of a petrol filling station with service bay.

**Regulation 61. Provision for Shopping Centre,-**

(i) In the case of layouts or sub-divisions of areas in excess of 2 Ha. in residential and commercial zones, plots shall be provided for shopping centres. Such area may have an area upto 5% of the area of the plot. In industrial zones, the provision of sub-regulation (2) of regulation 54 shall apply.

(ii) The shopping centre area of 5% may be distributed within the layout for making it available within accessible distance from the different part of the layout.

(iii) These shops shall not abut on roads more than 18 m. in width.

(iv) Within a layout, the shopping centre shall be provided on ground floor and upper floor may be utilised for residential purpose and conveniences like banks, places for doctors and medical practitioners.

(v) Only convenient shops as defined under Reg. No. 2 shall be permitted.

**Regulation 62. Provisions for Electric Sub-Station,-**

In every case of development / redevelopment of any land, building or premises provision for electric sub-stations may be permitted as under if the requirement for the same is considered necessary by the concerned power supply authority.

Sr. No.	Plot area Maximum (sq.m.)	Requirements Depending on land
(1)	(2)	(3)
1.	Plot upto 500 sq.m. each	One single transformer sub-station of the size of 5 m. x 5 m. and height of not more than 5 m.
2.	Plots of 501 sq.m. to 1500 sq.m.	One single transformer sub-station of the size of 8 m. x 5 m. and height of not more than 5 m.
3.	Plots of 1501 sq.m. to 3000 sq.m.	One or More transformer sub-station of the size of 12 m. x 5.5 m. and height of not more than 5 m.
4.	Plots of 3001 sq.m. upto 2 ha.	Two numbers, single or two transformer sub-stations or combination thereof of the size stipulated in serial No. 3 above.
5.	Layout or sub-division of a plot measuring 2 ha. or more.	A suitable site for an electric sub-station (11 KV/33 KV/110 KV) as decided by the Commissioner.

Provided that the sub-station is constructed in such a manner that it is away from the main building at a distance of at least 3 m. and in any case does not affect the required side margin open spaces or prescribed width or internal access or large recreational space.

### **Regulation 63. Additional Amenities & Facilities in layout exceeding 2 Ha,-**

In any layout exceeding two hectares in area in residential and commercial zones, where the development plan has not provided for amenities and services or facilities, or if provided they are inadequate, 5 percent of the total area shall be designated/reserved as amenity space for provision of primary schools, sub-post offices, police posts etc., as directed and approved by the Commissioner, and such amenities or facilities shall be deemed to be designation or reservations in the development plan thereafter. In deciding the requirements for additional amenities the Commissioner will be guided by Table No. 4A given below-

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## **PART – IV**

### **LAND USE CLASSIFICATION & USES PERMITTED**

**Regulation 64. Land Use Classification,-**

The various land use classification shall be in the following zones –

(i) Residential ... Purely residential (R1)

Residential with shop lines at ground floor (R2)

(ii) Commercial ... Commercial Zone (C1 & C2)

(iii) Industrial ... Industrial Zone

(iv) Green ... Green Zone G1

Green Zone G2

Green Zone G3

(v) Special

Reservations ... (a) Special Housing

(b) Low Density Residential Zone

**Regulation 65. Land use classification and uses permitted in different zones,-**

The uses to be permitted in the various zones shall be as given in Appendix M.

**Regulation 66. Boundaries of Zone,-**

The zones are as shown on the development plan.

**Regulation 67. Change in use of building not permitted,-**

No building or premises shall be changed or converted to a use not in conformity with the provision of regulation 65.

**Regulation 68. Use to be as specifically designated in Development Plan,-**

(i) Where the use of a site is specifically designated in the Development Plan it shall be used only for the purpose so designated.

(ii) Combination of public purpose uses in reserved sites:- Where the corporation or the appropriate authority proposes to use land / building / premises reserved for one specific public purpose / purposes, for different public purpose / purposes it may do so, with the previous approval of the Government, provided that the combination of such second user conforms to these Regulating and the permissible use in the zone in which the site falls:

Provided that this shall not apply-

(a) to any site being developed for an educational or medical purpose or club / gymkhana wherein a branch of a bank may be allowed;

(b) to any site being developed for medical purposes wherein shops of pharmacists or chemists may be permitted and

(c) to any site encumbered by another non-educational user and being redeveloped for educational purposes, in which case the existing non-educational uses may be allowed to continue without any increase in the net floor area covered by them and

(d) to any site being developed for recreational use, such as garden, playground, recreation ground, park etc. each measuring not less than 400 sq.mtrs. at one place, wherein electric sub-station, which may utilise not more than 10 percent of the site in which they are located, is proposed.

(iii) Where the use of plots is especially designated for open markets, the Commissioner may, in particular case, permit development work on upper floors which shall be in conformity with the zone in which the plot falls.

(iv) Construction of multi-storeyed garages may be permitted on parking lots.

(v) Land uses & manner of development shall be as per Appendix P.

**Regulation 69. Adjustment of location of reservation,-**

Shifting and/or interchanging the purpose of designations/reservations. In the case of specific designations/reservations in the Development Plan, the Commissioner with the consent of interested persons may shift, interchange the designation/reservation in the same or/on adjoining lands/buildings to which an access is available or has to be provided and the same is not encumbered provided that the area of such designation/reservation is not reduced.

#### **Regulation 70. Uses to be in conformity with Zone,-**

Where the use of the buildings or premises is not specifically designated in the development plan it shall be in conformity with the zones in which they fall:

Provided that, any lawful use of premises, existing prior to the date of commencement of these regulations shall continue:

Provided further that, a non-conforming use shall not be extended or enlarged except as provided in regulations 72 and 73 and that when a building containing non-conforming use is pulled down or has fallen down, the use of the new building shall be in conformity with these regulations:

Provided further a non-conforming industrial use for which permission is not obtained under the development control regulations, existing prior to 21.12.1991 – (i.e. the date of publication of the revised draft development plan) but the same is fitting in the requirements of the D.C. Regulations of the revised development plan and is non polluting shall be allowed to continue subject to the payment of premium as will be decided by the Commissioner.

#### **Regulation 71. Width of Roads in the Development Plan,-**

Notwithstanding anything contained in the development plan or in these regulations the Commissioner may, from time to time, prescribe regular lines of streets of widths more than those shown in the development plan.

#### **Regulation 72. Non-conforming user for Industries,-**

Where a non-conforming industry has been granted a written permission without a condition for its shifting to a conforming zone at the end of specified period, additions thereto for the manufacture of new articles or for starting new process may be permitted by the Commissioner, when –

- (i) Such schemes form an integral part of, and are directly connected with, the process carried on in the existing unit;
- (ii) Such scheme of additions do not envisage appreciable increase in the employment and undue increase in traffic loads;
- (iii) Such addition is for preventing undue loss or for improving the working efficiency or the condition of existing unit or for balancing the existing production units of the industry;
- (iv) Open spaces of 6 m. are maintained from the boundaries of the plot as well as between two buildings.
- (v) Satisfactory means of access as required under these regulations for industrial zones is provided and maintained, and
- (vi) Parking and loading and unloading spaces are provided according to these regulations.

Provided that before permitting any such additions, the Commissioner shall first satisfy himself that the degree of nuisance from the existing unit will in no way be increased by such additions.

### **Regulation 73. Non Conforming users other than for industries,-**

Where non-conforming user existing prior to the date of commencement of these regulations is allowed to be continued in the development plan any additions to such non-conforming use (other than those provided in regulations 72) not exceeding the permissible floor area ratio or total permissible built-up area for the zone or normal floor space index for the non-conforming user, whichever is less, may be permitted subject to the following terms and conditions, namely –

- (i) The whole building is owned and occupied by one establishment only.
- (ii) The proposed additions are for preventing undue loss or for improving working efficiency or conditions of existing user.
- (iii) The additions and alterations are meant for the existing user and not proposed to be let out.

(iv) Open spaces and parking spaces required under these regulations shall be provided and

(v) The change in ownership of the establishment shall be permissible, provided there is no change of user.

#### **TABLE NO. 4A – COMMUNITY FACILITIES & OTHER SUB-DIVISION REQUIREMENTS**

**(REGULATION 63)**

Sr. No.	Facilities Required		Scale of Provision (Not Required)	Minimum area required & Remarks
	Main Type	Sub-Type		
1.	2.	3.	4.	5.
1.	Educational facilities	Nursery School (+3 to 5 age group)	1 for 4,000 population	0.1 Ha.
		Primary School (+5 to 11 age group)	1 for 4,000 population	0.6 Ha. for density upto 250 p/Ha.  0.5 Ha. for 251 to 500 p/Ha.  0.4 Ha. for 501 p/Ha. and above
		High School (+11 to 16 age group)	1 for 16,000 population	2.0 Ha. for density upto 250 p/Ha.  1.8 Ha. for 251 to 500 p/Ha.  1.6 Ha. for 501 p/Ha. and above
		Degree College	1 for 80,000 to 1,00,000 population	4 to 6 Ha.
2.	Health facilities	Health Centre	1 for every 16,000 population	1.0 Ha. with residential staff quarters
		General Hospital	1 for every 80,000 to 1,00,000	4.0 Ha. for 200 beds with ancillaries and staff quarters.

3.	Commercial facilities including shopping facilities	Convenience shopping Centre	upto 10 shops for 4,000	0.05 to 1.0 Ha.
		Local Shopping Centre	upto 20 shops for 16,000	0.4 Ha.
		Zonal Shopping Centre	upto 80 to 100 shops for 80,000	2.5 Ha.
4.	Communication facilities & essential services	Sub-post Office	1 for every 10,000	40 sq.m.
		Post & Telegraph cum- Delivery and Booking including Telephone Exchange of 10,000 lines.	1 for every 1,00,000	1.0 Ha.
		Electric Sub-Station	1 in every shopping centre	12 m. x 12 m.
		Police Station with staff quarters	1 for every 50,000	0.8 Ha.
		Police Post with staff quarters	1 for every 20,000	0.4 Ha.
	Fire Station with staff quarters	1 for every 5 km. radial distance	0.8 Ha.	
5.	Social & Cultural	Religious building	1 for every 15,000	0.8 Ha. location not at

	facilities			intersection of roads. 60 m. away from junctions.
		Community Hall & Library	1 for every 15,000	0.30 Ha.
		Cinemas	1 for every 25,000	0.30 Ha. with parking location in zonal shopping centre, business and commercial area. Not in residential zone.
6.	Facilities for Industrial Zone	Labour Welfare Centre	1 for every 40 Ha.	0.2 Ha.
		Convenience shops		5 shops of 10 sq.m. each
		Bus Station		0.2 Ha.
		Health Centre		0.6 Ha.
		Post Office		0.04 Ha.
		Telephone Exchange	1 for every 200 Ha.	0.04 Ha.
		Banks		200 sq.m.
		Petrol pump cum-service station		0.11 Ha.
		Police Station with staff quarters		0.4 Ha.
		Fire station with staff quarters		0.8 Ha.

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**PART – V**

## OPEN SPACES, AREA & HEIGHT LIMITATIONS

### Regulation 74. Setbacks & Open Spaces within Building Plots,-

When different open spaces / widths are prescribed under these regulations, the largest of them shall prevail, except when specifically provided otherwise. The general conditions governing open spaces shall be as under:-

(i) Building abutting more than one street:- When a building abuts two or more streets, the setbacks from each of them shall be such as if the building were fronting each such street.

(ii) Open space separate for each building or wing:- The open spaces required under these Regulations shall be separate or distinct for each building, and where a building has two or more wings, each wing shall have separate or distinct open space as required under these Regulations.

Provided that if one of the wings does not depend for light and ventilation on the open space between the two wings, the said open space shall be the one required for the higher wing.

(iii) Open spaces to be provided for the full consumption of FSI:- The open spaces to be left at the sides and rear shall relate to the height necessary to consume the full FSI permissible for the occupancy in the zone.

(iv) Manner of computing front open space / setback where the street is to be widened:- If the building plot abuts any road which is proposed to be widened under the development plan or because of the prescription of regular lines of streets under the Bombay Provincial Municipal Corporation Act, 1949 the front open space / road-side set back shall be measured from the resulting road widening line or the centre line of the widened road as the case may be. Where there is any conflict between the width provided in the development plan and the width resulting from the prescription of a regular line of a street under the B.P.M.C. Act 1949, the larger of the two shall prevail.

### Regulation 75. Open Space Requirements,-

The open space requirements shall be as per Appendix N. However for residential and commercial zone following provisions shall be observed in addition.

(a) Building having length / depth upto 40 m:- The open spaces on all sides except the front side of a building shall be of a width not less than one third of the height of that building 3.00 m. above the

ground level, rounded to the nearest decimeter subject to a maximum of 20 m. the minimum being 3.00 m. for a residential building without any projection thereon and 4.5 m. for a commercial building.

(b) Building with length / depth exceeding 40 m.:- If the length or depth of a building exceeds 40 m. an additional width of 10% of the dimension in excess of 40 m. shall be required on the side or rear open space as the case may be i.e. perpendicular to longer dimensions.

Provided that no such increase in additional open space shall be necessary if (a) it is a front open margin space, or (b) when only store rooms and stairways derive light and ventilation from the open space.

Provided further that –

(i) the open space for separation between any building and single

storeyed accessory building need not exceed 1.5 m.

(ii) the minimum distance between any two ground floor structures in

public housing / high density housing shall be 4.5 m. if habitable rooms

derive light and ventilation from the intervening space, if not the distance

may be reduced to 1.5 m.

(iii) except where the plot size is less than 2500 sq.mtrs. the marginal

open space in a plot abutting amenity / recreational open space in the

same layout shall not be less than 3 m.

(iv) where the amenity open space being accessible from all the layout

plots does not have an exclusive means of access, the rear marginal open

space shall not be less than 3 m.

(c) Building existing on 1<sup>st</sup> February 1964 and those constructed thereafter (i) in respect of buildings existing on 1<sup>st</sup> February 1964, upper floors may be permitted with set-back at upper level in the case of new development to make up for deficiencies in the open space as required under these regulations. (ii) with the permission of the Commissioner, set-backs as in clause (i) above may be allowed for the buildings constructed after 1<sup>st</sup> February 1964 to avail of additional FSI that may become available due to road set-back, transfer of Development Rights as in Appendix W, FSI in lieu of staircase, staircase room / lift wells or any change in the regulations whereby additional FSI may become available.

(d) Setback at upper level:- The Commissioner may permit smaller set-backs at upper levels and also permit additional floor area upto a limit of 10 sq.m. over the permissible FSI to avoid structural difficulties or hardship but so as not to affect adversely the light and ventilation of an adjoining building or part thereof.

(e) Tower like structures:- Notwithstanding any provision to the contrary, a tower-like structure may be permitted only with 6 m. open space at the ground level and one setback at the upper levels provided that the total height does not exceed 25 m. If it exceeds 25 m. but does not exceed 28 m. the minimum open space at ground level shall be 9 m. Beyond 28 m. the minimum open space at ground levels shall be 12 m. with two set-backs at upper levels. The terrace created by the set-back shall be accessible through the common passage and/or common staircase only.

(f) Where a room does not derive light and ventilation from an exterior open space, the width of the exterior open space as given in this regulation may be reduced to 3 m. upto a height of 24 m. and 6 m. to a height above 24.0 m.

(g) The open spaces for the above purposes would be deemed to be sufficient if their widths are not less than one-fourth of each dimension of the site of the building and the percentage of the building area does not exceed 25% of the area of the site, when the least dimension of the site is not less than that specified in the following table for different floor space indices.

Floor Space Index	Least Dimension of site in Metres
1.00	18
2.00	24

(h) Building shall be set back at least 3 m. from internal means of access in layout of buildings.

#### **Regulation 76. Revas Projection,-**

(i) A revas projection 1.20 m in width may be permitted in the front open space when it faces a street 12.20 m. or more in width. To facilitate the construction of a staircase, such revas projection may be permitted in the side or rear open space provided that such a open space is at least 4.5 mtrs. and the revas projection is limited to a width of 0.75 m. and the length of the staircase landing; no revas projection shall be at a height less than 2.1 m. above the ground level.

(ii) A revas projection shall not be permissible in the side or rear open spaces.

(iii) The areas of all revas projections shall be taken into account for the computation of F.S.I.

#### **Regulation 77. Interior Open Spaces (Chowks),-**

Inner Chowk:- Unless it abuts on a front, rear or side open space, the whole of one side of every room other than a habitable room shall abut on an interior open space, courtyard or chowk, whose minimum width shall be 3 m. Such interior space, courtyard or chowk shall be accessible at least on one side at ground floor level through a common passage or space. Further the inner chowk shall have an area at all its levels of not less than the square of one fifth of the height of the highest wall abutting the chowk:

Provided that when any room (excluding the stairway bay, the bathroom and water closet) depends for its light and ventilation on an inner chowk, the dimension shall be such as is required for each wing of the building.

#### **Regulation 78. Outer Chowk,-**

The minimum width of the outer chowk (as distinguished from its depth) shall be 2.4 m. but if the depth exceeds the width, the open space between the wings shall be regulated by clause (b) of regulation No. 75 of this regulation, when any habitable room depends for light and ventilation on such outer chowk. A recess less than 2.4 m. wide shall be treated as notch and not as a chowk.

#### **Regulation 79. Area & Height Limitations,-**

The area & height limitations through covered area, height of building and number of storeys, tenements density and floor area ratio for various occupancies, facing different road widths shall be as

given in Appendix N.

### **Regulation 80. Features permitted in the Open Space,-**

The following exemptions to open spaces shall be permitted:-

(i) Projection into open spaces:- Every open space provided either interior or exterior shall be kept free from any erection thereon and shall be open to the sky and no cornice, chajja, roof or weather shed more than 0.75 m. wide shall overhang or project over the said open space so as to reduce the width to less than the minimum required.

(ii) A Canopy not exceeding 5.5 m. in length in the form of cantilever and unenclosed over the main entrance provided a minimum clear height of 2.2 m. below the canopy. The canopy shall not have access from upper floor (above floors) for using as a sitting out place. There shall be a minimum clearance of 1.5 m. between the plot boundaries and canopy.

(iii) Balcony:- In any residential zone (R-1) and residential zone with shop line (R-2), or in a purely residential building in any other zone, balconies may be permitted free of FSI at each floor, excluding the grounds and the terrace floors, of an area not more than 10 percent of the area of the floor from which such balcony projects subject to the following conditions:-

(a) No balcony shall reduce the minimum marginal open space to less

than 3 m. at the rear and sides and 1.5 m. in the front. The width of the

balcony will be measured perpendicular to the building line and reckoned

from that line to the balcony's outermost edge.

(b) Balconies may be allowed to be enclosed subject to payment of

premium. When balconies are enclosed, one-third of the area of their

faces shall have louvers glass shutters or grills on the top and the

rest of the area except the parapet shall have glazed shutters.

**Regulation 81. Accessory Building,-**

The following accessory buildings may be permitted in the marginal open Spaces:-

(i) In existing building, sanitary block of one storey in height, in the rear and side open space at a distance of 7.5 m. from the road line or the front boundary and 1.5 m. from other boundaries may be permitted, where facilities are not adequate.

Provided that, the Commissioner may reduce the 1.5 m. margin in rare cases to avoid hardship.

(ii) Parking lock-up garages not exceeding 2.4 m. in height shall be permitted in the side or rear open spaces at a distance of 7.5 m. from any road line or the front boundary of the plot. Parking lock-up garages when located within the main building shall be 7.5 m. away from the road line and shall be of such construction as will give fire resistance of 2 hours. The area of sanitary block and parking lock-up garages shall be taken into account for the calculations of F.S.I. and covered area calculations, subject to the provisions of regulation 82.

(iii) An unenclosed porch open to three sides, not more than 5.5 m. in length parallel to the main building in front of common entrance only and except rear open space. No part of such porch shall be less than 1.5 m. from the boundary.

(iv) Watchman's booth not over 3.0 sq.m. in area or less than 1.2 m. width or diameter.

**Regulation 82. Additional area to be excluded from FSI Computation,-**

The following shall not be counted towards FSI:-

(i) Structures permitted in recreational open spaces.

(ii) All the features permitted in open spaces.

(iii) Area covered by staircase rooms, lift rooms above the topmost storey, lift-wells, stair well and stair-cases, architectural features, chimneys and elevated tanks of permissible dimensions in buildings, permissible only in residential & commercial zone.

(iv) Area of fire escape stairways and fire escape passages.

(v) Area of the basement.

(vi) Area of unenclosed but covered parking spaces.

(vii) Area of one office room of maximum 15 sq.mts. size of a co-operative housing society of apartment owners association and in the layout of buildings, the society office shall be provided for two buildings.

(viii) “Area of the sanitary block consisting of bath-room and water closet of prescribed dimensions, for buildings having one sanitary block for every 7 floors accessible from mid-landings or located on common access for the use of domestic servants engaged on the premises”.

(ix) Refuge area.

(x) Area covered by:-

(a) Lofts;

(b) Meter Rooms;

(c) Air-conditioning plant rooms;

(d) Porches;

(e) Canopies;

(f) Service floor of height not exceeding 1.5 m. with the special

permission of the Commissioner;

(g) Video room of size 5 sq.m;

(h) Waterman’s cabin of size 5.00 sq.m.

(xi) Area of balconies as per regulation 80(iii).

(xii) Area of structures for an effluent treatment plant as required to be provided by industries as per the requirements of the Maharashtra pollution control board or other relevant authorities.

Provided, however, in case of an existing industry, if no vacant land is available, the Commissioner may permit structures for such effluent treatment plant on 10% amenity open space.

(xiii) Areas covered by service ducts, pump rooms, electric sub-stations, passages and additional amenity of lift and/or staircase beyond those required under the rules with the permission of the Commissioner.

(xiv) Area covered by additional lift, including passage to be provided in a building with the permission of Commissioner.

(xv) Area of one milk booth under the public distribution system with the permission of the Commissioner.

(xvi) Area of one public telephone booth and one telephone exchange (PBX type) per bldg with the permission of the Commissioner.

(xvii) Area of one room not exceeding 20 sq.mtrs. for installation of telephone concentrators as per requirements of Mahanagar Telephone Nigam Ltd., and also Cellular operator / Radio Paging operator who have been licensed by D.O.T. of G.O.I. for implementation cellular mobile telecommunication system.

(xviii) Area of separate letter box on the ground floor of residential and commercial buildings with 5 or more storeys to the satisfaction of Commissioner.

(xix) Area covered by new lift & passage thereto in an existing building with a height upto 16 m.

(xx) Area of covered passage of clear width not more than 1.52 m. leading a lift exit at terrace level to the existing stair case so as to enable decent to lower floor in building to reach tenements not having direct access to a "New Lift" in a building without an existing lift.

(xxi) Entrance foyer- (a) The area between external face of the building upto staircase / lift, (b) the width of foyer shall not be more than lift & stair width.

(xxii) Cupboards to the extent of 0.6 x 2.4 m. shall be permitted in required open space & on one side of room. However, cupboards may be permitted on ground floor within the building line.

(xxiii) Any covered antenna / dish antenna / communication / tower used for Telecom (Basic cellular or satellite telephone or ITE purposes, V-sat, Routes, Transponders or similar IT related structures or equipment as specified by D.O.T. of G.O.I.”

### **Regulation 83. Height of Building,-**

(i) Height vis-a-vis the road width: – The height of the building shall not exceed two times the total width of street on which it abuts and the required front open space. For this purpose, the width of the street may be the prescribed width of the street, provided the height of the building does not exceed two and half times the sum of the width of the existing street and the width of the proposed required open space between the existing street and the bldg.

Provided however, above restrictions on height of the bldg., will not be applicable for bldg erected on a plot which fronts on road having width of 18 m and above if front marginal open spaces of not less than 12 m is provided. However provisions shall not be applicable for development / redevelopment in congested area and reconstruction & redevelopment of old bldgs. undertaken under the provisions of Appendix “R”.

**Explanations.-** (a) “Prescribed width” here means the width prescribed in the development plan or the width resulting from the prescription of a regular line of the street under the Bombay Provincial Municipal Corporation Act, 1949, whichever is larger.

(ii) If a building abuts on two or more streets of different widths, the building shall be deemed to face upon the street that has the greater width and the height of the buildings shall be regulated by the width of that street and may be permitted to this height of a depth of 24 m. along the narrower street subject to conformity of regulation 74(i).

(iii) For buildings in the vicinity of aerodromes, the maximum height of buildings shall be subject to values framed by the Civil Aviation Authorities.

(iv) Industrial Chimneys coming near airport zone shall be such height and character as prescribed by Civil aviation Authorities and all Industrial Chimneys shall be of such character as prescribed by the Chief Inspector of Steam Boiler and smoke Nuisance.

### **Regulation 84. Height Exemption,-**

The following appurtenant structures shall not be included in the height of buildings:-

Roof tanks and their support, ventilating, air-conditioning plant, lift room and similar service equipment, roof structures other than *barsatis*, stair cover (*Memti*), Chimneys and parapet wall and architectural feature not exceeding 1.00 m. in height.

### Regulation 85. Parking Space,-

Where a property is developed or redeveloped, parking spaces at the scale laid down in these Regulations shall be provided. The additions are made to an existing building, the new parking requirements will be reckoned with reference to the additional space only and not to the whole of building but this concession shall not apply where the use is changed.

#### (i) General Space Requirements:-

(a) Types:- The parking spaces mentioned below include parking spaces

in basements or on a floor supported by stilts, or on upper floors, covered

or uncovered spaces in the plot and lock-up garages.

(b) Size of Parking Space:- The minimum sizes of parking spaces to be

provided shall be as shown below –

### TABLE NO. 5

#### SIZE OF PARKING SPACES

Type of Vehicle	Minimum size/Area of Parking Space
(a) Motor Vehicle	2.5 m. x 5.5 m.
(b) Scooter, Motor-Cycle	3.0 sq.m.
(c) Bicycle	4 sq.m.
(d) Transport Vehicle	3.75 m. x 7.5 m.

**NOTE:-** In the case of parking spaces for motor vehicles, upto 50 percent of the prescribed space may be of the size of 2.3 m. x 4.5 m.

(c) Marking of Parking Spaces:- Parking Spaces shall be paved and

clearly marked for different types of vehicles.

(d) Manoeuvring and other ancillary space:- Off-street parking space must

have adequate vehicular access to a street, and the area shall be

exclusive of drives, aisles and such other provisions required for adequate

manoeuvring of vehicles.

(e) Ramps for Basement Parking:- Ramps for parking in basements

should conform to the requirements of Regulation 150.

(ii) Quantitative Requirements:- Four wheeled auto-vehicles- Parking spaces for four wheeled auto vehicles shall be provided as in table 6 below, any fractional space of more than half resulting from the ratios in column (3) thereof being rounded off upward to the nearest integer.

## TABLE NO. 6

### OFF-STREET PARKING SPACES

Sr. No.	Occupancy	Parking Space Required
1	2	3
01.	Residential	<p>(A) Congested Area</p> <p>(1) One Parking space for every:-</p> <p>(a) 4 Tenements with a carpet area exceeding 35 sq.mts. but not exceeding 50 sq.mts.</p> <p>(b) 2 tenements with carpet area exceeding 50 sq.mts. but not exceeding 70 sq.mts.</p> <p>(c) 1 tenement with carpet area exceeding 70 sq.mts. In addition to above parking spaces, parking spaces for visitors shall be provided to the extent of 10% of the number stipulated above. Notwithstanding anything contained above in cases of N 1 2 the stilt on Gr. floor shall be compulsorily provided for the use of parking. But in the case of existing shopping / commercial user on the plot, front open space of 3 M shall be provided for parking.</p> <p>(d) After provision of required parking is fulfilled the remaining area on the ground floor utilised for commercial use.</p> <p>(B) In the rest of the area within Corporation limits one parking space for every:-</p> <p>(a) 4 tenements having carpet area above 35 sq.m. each;</p> <p>(b) 2 tenements with carpet area exceeding 45 sq.m. but not exceeding 70 sq.m. each;</p>

(c) 1 tenement with carpet area exceeding 70 sq.m. In addition to the parking spaces specified in (a),(b) & (c) above, parking spaces for visitors parking shall be provided to the extent of 10 percent of the number stipulated above, subject to minimum of one.

(ii) For five, four & three star hotels:-

One parking space for every 60 sq.m. of total floor area.

(iii) For lodging establishments:-

One parking space for every 120 sq.m. of total floor area of a lodging establishment.

(a) For Grade I hotels and eating houses, one parking space for every 25 sq.m. of area of restaurant including hall, dining room, pantry and bar;

(b) For Grade II & III hotels and eating houses, one parking space for every 80 sq.m. of restaurant including hall, dining room, pantry and bar.

02.	Educational	One parking space for 70 sq.m. carpet area of the administrative office area and public service area.
03.	Assembly & assembly or auditoria (including those in	(a) One parking space for 25 seats/persons

	educational uses and hostels)	(b) Without fixed seats, one parking space for every 30 sq.m. of floor area.
		(c) For canteen, bar and restaurant, additional parking required under these Regulations for other permissible users as per provisions made herein for such purposes shall be provided.
04.	Government or semi-public or private office business buildings	One parking space for every 75 sq.m. of office space upto 1500 sq.m. and for every 150 sq.m. of additional space for areas exceeding 1500 sq.m. in other areas.
05.	Mercantile (Markets Department stores, shops and other commercial users)	One parking space for every 80 sq.m. in of floor area upto 800 sq.m. and also parking space for every 160 sq.m. of space for areas exceeding 800 sq.m. provided that no parking space need be provided for floor area upto 100 sq.m.
06.	Industrial	One parking space for every 300 sq.m. or fraction thereof subject to a minimum of two spaces.
07.	Storage	One parking space for every 300 sq.m. or fraction thereof to a minimum of two spaces.
08.	Hospital and Medical Institutions	One parking space for every 300 sq.m. of total floor area, except that it would be one parking space for every 600 sq.m. of the total floor area in the case of Govt. and municipal hospitals and medical institutions. In addition, one parking space for ambulance parking measuring 10 m. x 4 m. for hospitals or medical institutions with bed strength of 100 or more.
09.	Cinema & Theatres	Parking spaces equivalent to four percent of the total number of seats with additional parking as otherwise also required for other permissible users in conjunction with that of cinema/theatre.
10.	Shopping (included under Mercantile Occupancy)	One parking space for 300 sq.m. of total floor area in the case of shopping user with each shops upto 20 sq.m. in area (i.e. convenience shopping) and one parking

		space for 100 sq.m. of total floor area for shops each over 20/30 sq.m. area.
11.	Stadia & Clubs (including under Assembly Occupancy)	Open parking space for every 200 seats plus additional parking as in these regulations for occupancies like those of restaurants etc. with such stadia or clubs.

(iii) Other Vehicles:- For all non-residential, assembly and non-assembly occupancies, 10 percent additional parking spaces, subject to a minimum of two spaces shall be provided in addition to what is prescribed in these regulations.

(iv) Transport Vehicles:- In addition to the parking spaces provided for mercantile (commercial) buildings like offices, markets, department stores and for industrial and storage buildings, parking spaces for transport vehicles shall be provided at the rate of one space for each 2000 sq.m. of floor areas or fraction thereof exceeding the first 400 sq.m. of floor area. The space shall not be less than 3.75 m. x 7.5 m. in size and more than 6 spaces need not be insisted upon.

(v) Parking Spaces:- Where to be accommodated – The parking spaces may be provided-

(a) underneath the building, in basements within its stilted portion, or on upper floors.

(b) In the side and rear open spaces, but not in the amenity open spaces, if –

(i) they are unenclosed but uncovered except as provided in (d)

Below;

(ii) they do not consume more than 50 percent of the open space;

(iii) a minimum distance of 3.0 m. around the building is kept free

of parking for proper maneuverability of vehicles;

(iv) they are at least 7.5 m. from the road boundary in case of

detached covered garages;

(v) the parking layouts meet the requirements of the Chief Fire

Officer in the case of multi-storeyed, high-rise and special buildings.

(c) in a residential zone, beyond the compulsory side and rear open

spaces stipulated in Regulation 75, if other conditions under sub-rule (b)

above are satisfied. Here the parking spaces may be an unenclosed

covered space.

(d) in a residential zone and a residential zone with shop line, with covered

parking spaces garages of a size of 2.5 m. x 5.5 m. with a height of 2.75

1. above ground level, at the rate of one covered garage for every 400

sq.m. of plot area, in side or rear open space, at a distance of 7.5 m. from

any street line or the front boundary of the plot.

Provided that the same is 1.5 m. from the building and the condition

in (b)(v) above is complied with.

(e) "Basement below RG and Parking below podium RG for parking of

vehicles as provided under DCR No. 54 provided that 1.5 mt. strip of land

alongwith boundaries provided for planting trees".

(vi) Cinemas, Theatres and Assembly Halls:- Subject to the provisions of sub- regulation (v) above, in sites of cinemas, theatres, auditoria and assembly halls, one row of uncovered parking may be allowed in the front margin space of 12 m. or more, if the clear vehicular access way is not reduced to less than 6 m.

(vii) Common parking spaces:- If the total parking spaces required by these regulations is provided by a group of property owners for their mutual benefits, such use of this space may be constructed as meeting the off-street parking requirements under these Regulations subject to the approval of the Commissioner. If such common parking space is proposed for a group of buildings, the owners of such buildings shall submit a layout therefore and also a registered undertaking stating that the area earmarked for the parking spaces will not be built upon.,

**Regulation 86. Provision for loading and unloading in certain cases,-**

In the case of buildings of mercantile (commercial) nature like office markets, departmental stores and industrial and storage building spaces for loading and unloading shall be provided at the rate of one space for each 1000 sq.m. of floor area or fraction thereof exceeding the first 200 sq.m. floor area, in addition to the parking spaces provided as laid down in these Regulations. The spaces for loading and unloading shall not be less than 3.6 x 7.5 m.

**Regulation 87. Parking lock-up garages to be included in calculation for floor space,-**

Parking lock-up garages shall be included in the calculation for floor space for FSI calculations unless they are provided in the basement of a building or under a building constructed on stilts with no external wall.

**Regulation 88. Parking space for assembly building such as Cinemas etc.,-**

The parking spaces in cinemas, theatres and places of public assembly shall be provided as given below:-

Type of Vehicle	Number of vehicles for which parking space shall be provided
Seating Capacity	
Cars	2.5%
Scooters	10%
Cycles	25%

**Regulation 89. Parking spaces to be left out in addition to open space for lighting and Ventilation,-**

The spaces to be left out for parking as provided in regulations 85 to 88 both inclusive shall be in addition to the open space left out for lighting and ventilation purposes as provided in Regulations 74 to 84 both inclusive and subject to Regulations 90.

Provided that, one row of car parking may be provided in the front open space of 12 m. without reducing the clear vehicular access way to less than 6 m.

**Regulation 90. Certain open spaces allowed to be used for parking or loading and Unloading,-**

Further 50% of the open space required under Regulations 74 to 84 (both inclusive) around buildings except those in front and the recreational or amenity open space required under Regulations 54 may be allowed to be utilised for parking or loading or unloading spaces, provided a minimum distance of 3.6 m. around the building is kept free from any parking, loading, unloading spaces.

**Regulation 91. Parking spaces to be paved,-**

Parking spaces shall be paved and clearly marked for different types of vehicles.

**Regulation 92. Provision for Ramps,-**

In the case of parking space provided in basement at least 2 ramps of adequate width and slope shall be provided preferably at opposite ends.

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**PART – VI**

## REQUIREMENTS OF PARTS OF BUILDINGS

**Regulation 93. (i) Plinth:-** The height of plinth shall not be less than 45 cm. above the surrounding ground level. In areas subject to flooding, the height of the plinth shall be at least 60 cm. above the high flood level or greater than 60 cm. as may be decided by the Commissioner in deserving cases.

**Interior Courtyards:-** Covered parking spaces and garages – These shall be raised at least 15 cm. above the surrounding ground level and shall be satisfactory drained.

Shops plinth height may be 30 cm.

(ii) In the case of special housing schemes put up by public agencies for low income group and economically weaker section of the society, the minimum height of plinth shall be not less than 30 cm.

### Regulation 94. Size of Habitable Rooms,-

The Minimum size & width shall be as given in the Table hereunder:-

#### TABLE NO. 7

#### SIZE OF HABITABLE ROOMS

Sr. No.	Occupancy	Minimum Size in sq.m.	Minimum Width in m.
1	2	3	4
1.	Any habitable room except kitchen	9.5	2.4
2.	Room in a single room tenement in High Density Housing	12.5	2.4
3.	Rooms in a two-room tenements		
	(a) one of the rooms	9.6	2.4
	(b) other rooms	7.5	2.4
4.	Rooms in a two-room tenements:- of a site & services project.		
	(a) one of the rooms	9.3	2.4
	(b) other rooms	5.6	2.3
5.	Single bedded room in a hostel of a recognised educational institutions	7.5	2.4
6.	Shop in R1 Zone	6.0	2.0
7.	Shop in any zone other than R1	10.0	3.0
8.	Class room in an educational buildings	38.0 or area at 0.8 sq.m. per student, whichever is more	5.5
9.	Institutional building		
	(a) Special Room	9.5	3.0
	(b) General Ward	40.0	5.5
10.	Cinema hall, auditorium, assembly hall etc.	In conformity with the Maharashtra Cinema Rules	

Provided that in sites and services projects, a room of 5.00 sq.m. with a toilet arrangement may be allowed in the first phase and in the second phase, another room of 9.3 sq.m. may be added.

Provided further that an additional bed room for occupancy of a single person with a size of 5.5 sq.m. with a minimum width of 1.8 m. may be permitted.

#### **Regulation 95. Height of Habitable Rooms,-**

#### **TABLE NO. 8**

Sr. No.	Occupancy	Minimum Heights in meters	Maximum Heights in meters
1	2	3	4
1.	Flat roof:-		
	(a) Any habitable room	2.75	4.2
	(b) Habitable room in High Density Housing	2.6	4.2
	(c) Air-conditioned habitable room	2.4	4.2
	(d) Assembly hall, residential hotels of 3 star category and above:- rooms in institutional, industrial, hazardous or storage occupancies, department stores, entrance halls and lobbies to department stores and assembly halls.	3.6	4.2 Subject to the written permission of the Commissioner greater height may permitted
2.	Pitched roof:-		
	(a) Any habitable room	2.75  (average with 2.1 m. at the lowest point)	4.2 (average with 3.2 m. at the lowest point)
	(b) Habitable room in high Density housing	2.6 (average with 2.0 m. at the lowest point)	4.2 (average with 3.2 m. at the lowest point)

Provided that:-

(i) the minimum head-way under any beam shall be 2.4 m.

(ii) in all occupancies, except those included in serial no. 1(d) in the Table above, any height in excess of 4.2 m. shall be deemed to have consumed an additional FSI of 50 percent of the relevant floor area.

(iii) other requirements:- One full side of habitable room must abut or have entry in open space save as provided in Reg. 77.

(iv) Notwithstanding the above restriction as stated in Table-8, any telemetric equipment storage erection facility can have a height as required for effective functioning of that system”.

#### **Regulation 96. Size of Kitchen,-**

(i) The area of the kitchen shall be not less than 5.5 sq.m. with a minimum width of 1.8 m., but in a two room tenement the minimum area of the room to be used as a kitchen shall be 7.5 sq.m. with minimum width of 2.1 m.

(ii) In the case of special housing scheme, put up by public agencies for low income group and economically weaker section of the society, no provision for kitchen shall be necessary. In the case of double room tenements, the size of a kitchen shall be not less than 4.0 sq.m. with a minimum width of 1.5 m.

#### **Regulation 97. Height of Kitchen,-**

The room height of a kitchen measured from the surface of the floor, the lowest point in the ceiling (bottom of slab) shall not be less than 2.75 m. subject to provisions of regulation 95.

#### **Regulation 98. Other requirements of Kitchen,-**

Every room to be used as a kitchen shall have:-

(i) Unless separately provided in a pantry, means for the washing of kitchen utensils which shall lead directly or through a sink to grated and trapped connection to the waste pipe;

(ii) an impermeable floor;

(iii) a chimney not less than 500 sq.m. in area after pargetting if fire wood, coal or like material is used which will generate smoke.

(iv) window of not less than 1 sq.m. in area, opening directly on to an interior or exterior open space, but not into a shaft, and

(v) in the case of multi-storeyed residential buildings more than 15 m. in height, refuse chutes.

### Regulation 99. Requirements regarding pantries,-

A pantry shall have:-

(i) a floor area of not less than 3 sq.m. with the smaller side not less than 1.4m.

(ii) a sink for the cleaning of kitchen's utensils which shall drain through a grated and trapped connection to the waste water pipe where water borne sewerage system is not available and the grated connection shall be made to the *pucca* surface drain leading to soak pit, or other approved system of disposal and

(iii) an impermeable floor and an impermeable dado 0.9 m. high.

### Regulation 100. Size of Bath-rooms and Water closets,-

(i) The size of bathroom shall be not less than 1.8 sq.m. with a minimum width 1.2 m. The minimum size of water closet shall be 1.1 Sq.m. with a minimum width of 0.9 m. The minimum area of a combined bathroom and water-closet shall be 2.6 sq.m. with a minimum width of 1.2 m.

(ii) In the case of special housing scheme the sizes of bathroom and water closets shall be as follows:-

(a) Independent water-closet	1.1 x 0.9 m.
(b) Independent bathroom	1.3 x 1.1 m.
(c) Combined bathroom and water-closet	2.0 sq.m. with minimum width of 1.2 m.

### Regulation 101. Height of bath-room and Water-closets,-

The height of a bathroom or water closet measured from the surface of the floor to the lowest point in the ceiling (bottom of slab) shall be not less than 2.2 m.

### Regulation 102. Other requirements of bathroom and water closets,-

Every bathroom or water-closet shall:-

- (i) be so situated that at least one of its walls shall open to external air;
- (ii) not be directly over or under any room other than another water-closet, washing place, bath or terrace, unless it has a water-tight floor;
- (iii) have platform or seat made of water-tight non-absorbent material;
- (iv) be enclosed by walls or partitions and the surface of every such wall or partition shall be finished with a smooth impervious material to a height of not less than 1 m. above the floor of such a room;
- (v) every water closet and/or a set of urinals shall have a flushing cistern of adequate capacity attached to it. In High Density Housing, however, no such flushing cistern need be provided;
- (vi) be provided with an impervious floor covering sloping towards the drain with a suitable grade and not towards verandah or any other room;
- (vii) in high density housing, pour flush water seal latrines (NEERI type) may be permitted when the municipal sewerage system is not available and the water table in the area is not high;
- (viii) All the sewerage outlets shall be connected to the municipal sewerage system. Where no such system exists, a septic tank shall be provided within the plot conforming to the requirements of Regulations No. 132.

**Regulation 103. Restrictions on use of room containing water-closet,-**

No room containing a water-closet shall be used for any purpose except as a lavatory and no such room shall open directly into any kitchen or cooking space by a door, window or other opening. Every room containing water-closet shall have a door completely closing the entrance to it.

**Regulation 104. (i) Loft:-**

**(1) Location and extent:-** Lofts may be provided over kitchen, habitable rooms, bathrooms, water closets and corridor within a tenement in residential buildings, over shops, and in industrial buildings, subject to the following restriction.

Sr. No.	Rooms over which permitted	Coverage (percentage to area of room below)
<b>1</b>	<b>2</b>	<b>3</b>
1	Kitchen / Habitable room	25
2	Bathroom, water closet, corridor	100
3	Shops with width upto 3 m.	33 <sup>1</sup> / <sub>3</sub>
4	Shops with width exceeding 3 m.	50
5	Industrial	33 <sup>1</sup> / <sub>3</sub>

(ii) The clear head room under the loft shall not be less than 2.0 m.

(iii) Loft in commercial areas and industrial building shall be located 2 m. away from the entrance.

#### **Regulation 105. Size of ledge or tand,-**

A ledge or tand in a habitable room shall not cover more than 25 percent of the area of the floor on which it is constructed and shall not interfere with the ventilation of the room under any circumstances.

#### **Regulation 106. Height of ledge or tand,-**

The ledge or tand shall be provided at a minimum height of 2.2 m.

#### **Regulation 107. Projections of cup-boards etc.,-**

The projections (cantilever) of cupboards and shelves may be permitted and shall be exempted from covered area calculations. Such projections may project upto 60 cm. in the set-backs for residential buildings provided the width of such cup boards or shelves does not exceed 2.4 m. and there is not more than one such cupboards or shelves in each room. However, cupboards on ground floor may be permitted within the building line.

Provided that, continuous cupboard or shelves with 60 cm. projection may be permitted provided the same is constructed underneath the sill portion of the window (not exceeding 90 cm. from the floor) and over the lintel of windows (at heights above 2.00 m. above floor level)

**Regulation 108. Size of Mezzanine floor,-**

The aggregate area of a mezzanine floor in any room shall not exceed 50% of the built up area of that room. The size of mezzanine floor shall not be less than 9.5 sq.m, if it is used as a living room. The area of mezzanine floor shall be counted towards F.S.I.

**Regulation 109. Height of Mezzanine Floor,-**

The minimum height of a mezzanine floor shall be 2.2 m. The head room under mezzanine floor shall not be less than 2.2 m.

**Regulation 110. Other Requirement of Mezzanine Floor,-**

A mezzanine floor may be permitted over a room or a compartment provided:-

(i) it conforms to the standards of living rooms as regards lighting and ventilation in case the size of mezzanine floor is 9.5 m. or more;

(ii) it is so constructed as not to interfere, under any circumstances, with the ventilation of the space over& under it;

(iii) such mezzanine floor or any part thereof will not be used as a kitchen;

(iv) the mezzanine floor is not closed so as to make it possible to be converted into unventilated compartment;

(v) it is at least 1.8 m. away from front wall of such rooms;

(vi) no objection certificate from the Director of Industries is obtained for additional floor area, in case such mezzanine floor is constructed in industrial zone;

(vii) access to the mezzanine floor is from with the respective room only.

**Regulation 111. Size of Store Room,-**

The area of a store room, if provided in a residential building, shall not be more than 3 sq.m.

**Regulation 112. Height of Store Room,-**

The height of a store room shall not be less than 2.2 m.

**Regulation 113. Size of Private Garage,-**

The size of a private garage in residential buildings shall not be less than 2.5 m. x 5.5 m. or 2.3 m. x 4.5 m. as provided in clause (i) and the note under it below Table No. 5 in sub-regulation (1) of regulation 85.

The garage, if located in the side open space, shall not be constructed within 3.0 m. from the main building, but at least 7.5 m. away from the any access road.

**Regulation 114. Size of Public Garage,-**

The size of a public garage shall be calculated based on the number of vehicles to be parked as specified in regulation 85.

**Regulation 115. Height of Garage,-**

The minimum head room in a garage shall be 2.4 m.

**Regulation 116. Plinth of Garage,-**

The plinth of garage located at ground level shall not be less than 15 cm. above the surrounding ground level.

**Regulation 117. Set-back of Garage,-**

The garage shall be set-back behind the building line for a street or road on which the plot abuts and shall not be located affecting the access ways to the building. If the garage is not set-back as aforesaid, the Commissioner may require the owner or occupier of the garage to discontinue use of premises or to take such other measures as the Commissioner may consider necessary in order to prevent danger or obstruction to traffic along the street.

**Regulation 118. Corner site,-**

When the site fronts on two streets, the frontage shall be as on the street having the larger width. In cases where two streets are of the same width, then the larger depth of the site will decide the frontage and open spaces. In such case, the location of a garage in a corner plot is provided within the open spaces, shall be located diagonally opposite the point of inter-sections.

### **Regulation 119. Roofs,-**

The roof of a building shall be so constructed or framed as to permit effectual drainage of the rain water therefrom by means of sufficient rain water pipes of adequate size wherever required, so arranged, jointed and fixed as to ensure that the rain-water is carried away from the building without causing dampness in any part of the walls or foundation of the building or those of an adjacent buildings.

### **Regulation 120. Rain Water Pipes,-**

(i) The Commissioner may require rain water pipes to be connected to a drain or sewer through a covered channel formed beneath the public footpath to connect the rain water pipe to the road gutter or in any other approved manner.

(ii) Rain water pipes shall be affixed to the outside of the walls of the buildings or in recesses or chases cut or formed in such walls or in such other manner as may be approved by the Commissioner.

### **Regulation 121. Basement,-**

(i) The basement shall be put only to the following uses and shall be constructed within the prescribed set-back and prescribed building lines and subject to maximum coverage on floor 1 (entrance floor)—

(a) storage of household or other goods or ordinarily non-combustible

material;

(b) strong rooms, bank lockers, safe deposit vaults etc;

(c) air-conditioning equipments and other machines used for services and

utilities of the building;

(d) parking spaces;

(e) users strictly ancillary to the principal user.

(ii) The basement shall not be used for residential purpose.

(iii) The basement shall have the following requirements:-

(a) every basement shall be in every part at least 2.4 m. in height from the floor to the underside of the roof slab or ceiling;

(b) adequate ventilation shall be provided for the basement. The standard of ventilation shall be the same as required by the particular occupancy according to these regulations. Any deficiency may be met by providing adequate mechanical ventilation in the form of blowers, exhaust fans or air-conditioning systems;

(c) the minimum height of the ceiling of any basement shall be 0.9 m. and the maximum shall be 1.2 m. above the average surrounding ground level;

(d) adequate arrangements shall be made so as to ensure that surface drainage does not enter the basement;

(e) the walls and floors of the basement shall be water-tight and be so designed that the effect of the surrounding solid and moisture, if any, is taken into account in design and adequate damp proofing treatment is given, and

(f) the access to the basement shall be separate from the main and

alternate staircase providing access and exit from higher floors. Where the staircase is continuous, the same shall be enclosed type serving as a fire separation from the basement floor and higher floors. Open ramps shall be permitted if they are constructed within the building line subject to the provision of clause (d).

#### **Regulation 122. Stilt,-**

A stilt portion shall be permitted on ground floor only, constructed below 1<sup>st</sup> floor level. The height between ground floor level and ceiling of the stilt portion shall not be more than 2.4 m. and at least two sides of the stilt portion shall be open. The stilt portion shall not be used for any purpose other than for vehicles parking or for play field. Plinth of stilt shall not be more than 15 cm. from surrounding ground level.

#### **Regulation 123. Chimneys,-**

Chimneys, where provided, shall conform to the requirements of IS: 1646-1960 Indian Standard Code of Practice for Fire Safety of Building. General – Chimneys, Flues, Flue pipes and Hearths:

Provided that, the chimneys shall be built at least 0.9 m. above flat roof if the top of the chimneys be below the tops of adjacent parapet wall and in the case of sloping roofs, the chimney top shall not be less than 0.6 m. above the ridge of the roof in which the chimney penetrates.

#### **Regulation 124. Letter Box,-**

A letter box of appropriate dimensions shall be provided on the ground floor of residential and commercial buildings with five and more storeys.

#### **Regulation 125. Meter room,-**

An independent and ventilated well lighted meter (service room directly accessible from the outside) shall be provided on ground floor and/or on upper floors, according to the requirements of the electric supply undertaking. The door to the room shall have fire resistances of not less than two hours.

**Regulation 126. Common Antenna for Television Transmission Reception,-**

A common conventional antenna for receipt of television transmission shall be provided for every residential building with more than ten tenements.

**Regulation 127. Lighting and Ventilation of Rooms,-**

(i) Adequacy and manner of provision:- All parts of any room shall be adequately lighted and ventilated. For this purpose every room shall have—

(a) one or more apertures, excluding doors, with area not less than one sixth of the floor area of the room, with no part of any habitable room being more than 7.5 m. away from the source of light and ventilation.

However, a staircase shall be deemed to be adequately lighted and ventilated, if it has one or more openings their area taken together measuring not less than 1 sq.m. per landing on the external wall.

(b) an opening with a minimum area of 1 sq.m. in any habitable room including a kitchen, and 0.3 sq.m. with one dimension of 0.3 m. for any bathroom, water closet or store.

(c) all the walls, containing the openings for light and ventilation fully exposed to an exterior open space either directly or through a verandah not exceeding 2.4 m. in width provided that a room meant for non-residential user shall be considered as adequately lighted and ventilated if its depth from the side abutting the required open space does not exceed

12 m.

(ii) Artificial ventilation shaft:- (permissible only in congested area)— A bathroom, water closet, staircase or store may abut on the ventilation shaft, the size of which shall not be less than the values given below –

Height of Buildings in m.	Cross-section of Ventilation shaft in sq.m.	Side of shaft in m.
upto 12	2.8	1.2
upto 18	4.0	1.5
upto 24	5.4	1.8
upto 30	8.0	2.4
Above 30	9.0	3.0

\* For buildings above 30 m. mechanical, ventilation system shall be installed besides the provisions of minimum ventilation shaft. In such ventilation shafts, mechanical ventilation system shall be installed. Further, such ventilation shaft shall be adequately accessible for maintenance.

(iii) Artificial Lighting and Mechanical Ventilation:- Where lighting and ventilation requirements are not met through day-lighting and natural ventilation, they shall be ensured through artificial lighting and ventilation in accordance with the provisions of Part VIII, Building Service Section I, Lighting and Ventilation, National Building Code.

(iv) In any residential hotel where toilets are provided with a mechanical ventilation system, the size of the ventilation shaft prescribed in this Regulation may be suitably relaxed by the Commissioner.

#### **Regulation 128. Overhead Tanks,-**

Every overhead water storage tanks shall be maintained in a perfectly mosquito proof condition by providing a properly fitting hinged cover and every tank more than 1.5 m. in height shall be provided with a permanently fixed iron ladder to enable inspection by anti-malaria staff.

#### **Regulation 129. Parapet,-**

Parapet walls and handrails provided on the edges of roof terraces or balcony shall not be less than 1.15 m. above the finished floor level and not more than 1.30 unfinished floor level in height.

### **Regulation 130. Cabin,-**

The size of cabins shall not be less than 3.0 sq.m. The clear passages within the divided space of any floor shall not be less than 0.9 m. and the distance from the farthest space in a cabin to any exit shall not be more than 18.5 m. In case the sub-divided cabin does not derive direct lighting and ventilation from any open space or mechanical means, the maximum height of the cabin shall be 2.2 m.

### **Regulation 131. Wells,-**

(i) Wells, intended to supply water for human consumption or domestic purpose, where provided, shall comply with the requirements of sub-regulations (ii) and (iii) of this regulation.

(ii) The well shall be located:-

(a) not less than 15 m. from any ash pit, refuse pit, earth closet or privy

and shall be located on a site upwards from the earth closet or privy;

(b) not less than 18 m. from any cess pit, soak-way or bore-hole latrine

and shall be located on a site upwards from the earth closet or privy;

(c) at such place as to ensure that contamination by the movement of

sub-soil or other water is unlikely;

(d) at a place other than a place under a tree and if it is located at a place

under a tree, the well shall have a canopy over it so that leaves and twigs

of the tree may not fall into the well and root.

(iii) The well shall:-

(a) have a minimum internal diameter of not less than 1 m.;

(b) be constructed to a height of not less than 1 m. above the surrounding

ground level, to form a parapet or kerb and to prevent surface, water

flowing into a well, and shall be surrounded with a paving constructed of

impervious material which shall extend for a distance of not less than 1.8

1. in every direction from the parapet or from the kerb forming the well

head and the upper surface of such a paving shall be sloped away from

the well;

(c) be of sound and permanent construction (pucca) throughout temporary

exposed (*kutchha*) wells shall only be permitted in field of gardens for

purposes of irrigation and

(d) the interior surface of the lining or of walls of the well shall be rendered

impervious for a depth of not less than 1.8 m. measured from the level of

the ground immediately adjoining the well-head.

### 132. Septic Tanks,-

(i) Where a septic tank is used for sewage disposal, the location, design and construction of the septic tank shall conform to requirements of sub-regulations (ii) to (x) of this regulations.

(ii) A sub-soil dispersion system shall not be closer than 12 m. from any source of drinking water such as well, to mitigate the possibility of bacterial pollution of water supply. It shall also be as far removed from

the nearest habitable building as economically feasible but not closer than 2 m. to avoid damage to the structure.

(iii) Septic tanks shall have minimum internal width of 75 cm. minimum depth of one meter below the water level and a minimum liquid capacity of one cubic metre. Length of a tank shall be 2 to 4 times the width.

(iv) Septic tanks may be constructed of brick work, stone, masonry, concrete or other suitable materials as approved by the Commissioner.

(v) Under no circumstances should effluent from a septic tank be allowed into an open channel, drain or body of water without adequate treatment.

(vi) Minimum nominal diameter of pipe shall be 100 mm. Further at junctions of pipes in manholes, direction of flow from a branch connection shall not make an angle exceeding 45° with the direction of flow in the main pipe.

(vii) The gradients of land drains, under drainage as well as the bottom of dispersion trenches and seaways shall be between 1:300 and 1:400.

(viii) Every septic tank shall be provided with ventilating pipe of at least 50 mm. diameter. The top of the pipe shall be provided with a suitable cage of mosquito proof wires mesh. The ventilating pipe shall extend to a height which would cause no smell nuisance to any building in the areas. Generally, the ventilating pipe may extend to a height of about 2 m. when the septic tank is at least 15 m. way from the nearest building and to height of 2 m. above the top of the building when it is located closer than 15 metres.

(ix) When the disposal of septic tank effluent is to seepage pit, the seepage pit shall be of any suitable shape with the least cross-sectional dimension of 90 cm. and not less than 100 cm. in depth below the invert level of the inlet pipe. The pit may be lined with stone, brick or concrete blocks with dry open joints which shall be backed with at least 7.5 cm. of clean coarse aggregate. The lining above the inlet level shall be finished with mortar. In the case of pit of larger dimensions, the top portion shall be narrowed to reduce the size of the PCC cover slabs. Where no lining is used specially near trees, the entire pit shall be filled with loose stones. A masonry ring shall be constructed at the top of the pit to prevent damage by flooding of the pit by surface run off. The inlet pipe shall be taken down to a depth of 90 cm. from the top as an anti-mosquito measure.

(x) When the disposal of septic tank effluent is to a dispersion trench shall be 50 to 100 cm. deep and 30 to 100 cm. wide excavated to a slight gradient, and shall be provided with 15 to 25 cm. of washed gravel or crushed stones. Open jointed pipes placed inside the trench shall be made of unglazed earthen clay or concrete and shall have minimum internal diameter of 75 to 100 mm. Each dispersion trench shall not be longer than 30 m. and trenches shall not be placed closer than 1.8 m.

### 133. Boundary Wall,-

(i) Unless the special permission of the Commissioner is obtained, the maximum height of the front compound wall shall be 1.5 m. above the central line of the front street. Compound wall upto 2.4 m. height may be permitted if the top 0.9 m. is of open type construction.

(ii) In the case of a corner plot, the height of the boundary wall shall be restricted to 0.75 m. for a length of 10 m. on the front and side of the inter-sections and the remaining height of 0.75 m. if required in accordance with sub-regulation (i) may be made up of open type construction (through railings).

(iii) The provision of sub-regulations (i) and (ii) shall not be applicable to boundary walls of jails. Industrial buildings, electric sub-stations, transformer stations, institutional buildings like sanatoria, hospitals, industrial buildings like workshops, factories and educational buildings like schools, colleges including the hostels, and other use of public utility undertaking the height upto 2.4 m. may be permitted by the Commissioner.

### Regulation 134. Office Room,-

In the case of multi-storeyed multi-family dwelling apartments constructed by co-operative housing societies or apartment owners' co-operative societies, an office-room of dimension of 3.6 m. x 3 m. shall be provided on the ground floor. If the number of flats are more than 20, the minimum size of the office rooms shall be of dimension of 20 sq.m.

### Regulation 135. Provision of Lift,-

(i) Planning and design:- The planning and design of lifts including their number, type and capacity depending on the occupancy of the building, the population of each floor based on the occupant load and the building height shall be in accordance with Section 5 – Installation of lifts and escalators, national building code of India.

(ii) Maintenance:-

(a) The lift installation should receive regular cleaning, lubrication

adjustment and adequate servicing by authorised competent person at

such intervals as the type of equipment and frequency of service demand.

In order that the lift installation is maintained at all times in a safe

condition, a proper maintenance schedule shall be drawn up in

consultation with the lift manufacturer and rigidly followed. A log book to

record all items relating to general servicing and inspection shall be

maintained. The electrical circuit diagram of the lift with the sequence of

operation of different components and parts shall be kept readily available

for reference by persons responsible for the maintenance and

replacement, where necessary, to the satisfaction of the competent

authority (Lift Inspector of the Government of Maharashtra)

(b) Any accident arising out of operation of maintenance of the lifts shall

be duly reported to the competent authority, i.e. Lift Inspector of the

Government of Maharashtra.

(iii) All the floors shall be accessible for 24 hours by the lifts. The lifts provided in the buildings shall not be considered as a means of escape in case of emergency.

(iv) Grounding switch at ground floor level to enable the fire service to ground the lift cars in an emergency shall also be provided.

(v) The lift machine rooms shall be separate and no other machinery shall be installed therein.

In the case of an existing buildings, for construction of one additional floor, the existing lift may not be raised to additional floor.

**Regulation 136. Provision for exits and general requirements to be fulfilled in respect of such exits,-**

- (i) Every building meant for human occupancy shall be provided with exits sufficient to permit safe escape of occupants, in case of fire or other emergency.
- (ii) In every building exit shall comply with the requirements of this regulation except those not accessible for general public use.
- (iii) All exits shall be free of obstruction.
- (iv) No building shall be altered so as to reduce the number width or protection of exits to less than that required.
- (v) Exits shall be clearly visible and the routes to reach the exits shall be clearly marked and sign posted to guide the public to the floor concerned.
- (vi) All exit ways shall be properly illuminated.
- (vii) Firefighting equipment, where provided along exits, shall be suitably located and clearly marked but must not obstruct the exit way and yet there should be clear indication about its location from either side of the exit way.
- (viii) Alarm devices shall be installed for buildings above 25 m. in height, to ensure prompt evacuation of the inmates of the building through the exits.
- (ix) All exits shall provide continuous means of egress to the exterior of a building or to an exterior open space leading to a street.
- (x) Exits shall be so arranged that they may be reached without passing through another occupied unit, except in case of residential buildings.

**Regulation 137. Types of exits,-**

Exits shall be either of horizontal or vertical type. An exit may be doorway, corridor, passage way to an internal or external staircase, ramp or to a verandah or terrace which have access to the street or to roof of a building. An exit may also include a horizontal exit leading to an adjoining building at the same level.

**Explanation.-** For the purpose of this regulation, lifts and escalators shall not be considered as exits.

#### **Regulation 138. Number and Size of Exits to be Provided,-**

Exits in requisite number and of requisite size in accordance with regulations 139 to 141 (both inclusive) shall be provided, based on population in each room area on the floor, the occupant load, capacity of exits, travel distance and height of building.

#### **Regulation 139. Arrangement of Exits,-**

Exits shall be so located that the travel distance on the floor shall not exceed 22.5 m. for residential, education, institutional and hazardous occupancies and 30 m. for assembly, business, mercantile, industrial and storage occupancies. Whenever more than one exit are required for a floor of a building, exit shall be placed as remote from each other as possible. All the exits shall be accessible from the entire floor area at all floor levels.

#### **Regulation 140. Occupant Load,-**

The population in room areas of floors shall be calculated on the basis of occupant load as given in Table No. 9 below:-

#### **TABLE NO. 9**

#### **OCCUPANT LOAD**

Sr. No.	Group of Occupancy	Occupant Load Gross Area in M2 / person
1	2	3
1.	Residential	12.5
2.	Educational	04
3.	Institutional	15*
4.	Assembly	
	(a) With fixed or loose seats and dance floors	0.6+
	(b) Without seating facilities including dining rooms	1.5++
5.	Mercantile	
	(a) Street floor & Sales basement	3
	(b) Upper sale floors	6
6.	Business and Industrial	10
7.	Storage	30
8.	Hazardous	10

\* The gross area shall mean plinth area or covered area.

+ Occupant load in dormitory portions of homes for the aged, orphanages, insane, asylums etc., where sleeping accommodation provided, shall be calculated at not less than 7.5 m. gross area / person.

++ The gross area shall include, in addition to the main assembly rooms or space, any occupied connecting room or space in the same storey or in the storeys above or below where entrance is common to such rooms and spaces and they are available for use by the occupants of the assembly place. No deductions shall be made in the area for corridors, closets or other sub-divisions. One area shall include all space serving the particular assembly occupancy.

#### **Regulation 141. Capacity of Exits,-**

The capacity of exits (doors and stairways) indicating the number of persons that could be safely evacuated through an unit-exit width of 50 cm. shall be as given in Table 10 given below:-

**TABLE NO. 10**

**OCCUPANTS PER UNIT EXIT WIDTH**

Sr. No.	Group of Occupancy	Number of Occupants	
		Stairways	Doors
1	2	3	4
1.	Residential	25	75
2.	Educational	25	75
3.	Institutional	25	75
4.	Assembly	60	90
5.	Business	50	75
6.	Mercantile	50	75
7.	Industrial	50	75
8.	Storage	50	75
9.	Hazardous	25	10

**Regulation 142. Provision for staircase,-**

For all non residential buildings accepting single and multi-family dwellings below 16 m. in height, there shall be minimum two staircases. One of them shall be an enclosed stairway and the other shall be on the external walls of buildings and shall open directly to the exterior, or interior open space or to any place of safety.

**Regulation 143. Width provision for staircases,-**

Notwithstanding anything contained in regulations 139, 140 & 141 the following minimum width provision shall be made for staircases flight / corridor.

(i) Residential Building:- 1.2 m.

**Note:-** For row housing with 2 storeys the minimum shall be 0.75 m.

(ii) Assembly Buildings like auditorium, theatres and cinemas:- 2.0 m.

(iii) Institutional Buildings like hospitals upto 10 beds:- 1.5 m.

More than 10 beds:- 2.0 m.

(iv) Educational Buildings like schools:- 1.5 m

(v) All other buildings:- 1.50 m.

Provided that the width of the mid-landing/quarter landing should not be more than 1.5 times and the floor landing should not be more than two times of the width of the stair flight.

#### **Regulation 144. Requirement of Individual Exit at each floor,-**

The detailed requirements as respect of exits shall be as provided in regulations 145 to 150 (both inclusive).

#### **Regulation 145. Doorways,-**

(i) Every exit doorway shall open into an enclosed stairway, a horizontal exit, or a corridor or passageway providing continuous and protected means of egress

(ii) No exit doorway shall be less than 100 cm. in width. Doorway shall be not less than 200 cm. in height. Doorways for the bathrooms, water-closets or stores shall be not less than 75 cm. wide.

(iii) Exit doorways of non residential buildings shall open outwards, that is to say, away from the room but shall not obstruct the travel along any exit. No door, when opened shall reduce the required width of stairway or landing to less than 90 cm. overhead or sliding doors shall not be installed.

(iv) Exit door shall not open immediately upon a flight or stair. A landing equal to at least the width of the door shall be provided in the stairway at each doorway. Level of landing shall be the same as that of the floor which it serves.

(v) Exit doorway shall be openable from the side which they serve without the use of a key.

#### **Regulation 146. Revolving Doors,-**

(i) Revolving Doors shall not be used as required exit except in residential business and mercantile occupancies. They shall not constitute more than half the total required door width.

(ii) When revolving doors are considered as required exit way, the following assumptions shall be made:-

(a) each revolving door shall be credited one-half a unit exit width and

(b) revolving doors shall not be located at the foot of stairway. Any

stairway served by a revolving door shall discharge through a lobby or

foyer.

#### **Regulation 147. Stair Ways,-**

(i) Interior staircase shall be constructed of non-combustible materials throughout.

(ii) Interior staircase shall be constructed as a self contained unit with at least one side adjacent to an external wall and shall be completely enclosed. For buildings more than 25 m. in height, all staircases shall be enclosed.

(iii) A staircase shall not be arranged around a lift shaft unless the latter is entirely enclosed by a material of fire-resistant rating as that for type of constructions itself. For building more than 25 m. in height the staircase location shall be to satisfaction of the Chief Fire Officer, Thane, Fire Brigade.

(iv) Hollow combustible construction shall not be permitted.

(v) The minimum width of tread without nosing shall be 25 cm. for an internal staircase for residential building. In the case of other buildings, the minimum tread shall be 30 cm. The treads shall be constructed and maintained in a manner to prevent slipping.

- (vi) The minimum width of an internal staircase shall be 120 cm. subject to provisions of regulations 143.
- (vii) The maximum height of riser shall be 19 cm. in the case of residential buildings and 16 cm. in the case of other buildings. They shall be limited to 12 per flight. In narrow plots and in high density housing single flight staircase may be permitted and also in case of internal staircase the single flight may be allowed.
- (viii) Handrails shall be provided with a minimum height of 90 cm. from the centre of the tread.
- (ix) Floor indicator:- The number of each floor shall be conspicuously painted in figures at least 15 cm. large on the wall facing the flights of a stairway or at such suitable place as is distinctly visible from the flights.
- (x) The minimum headroom in a passage under the landing of a staircase shall be 2.2 m.
- (xi) For buildings more than 25 m. in height, higher access to main staircase shall be gained through at least half an hour fire resisting automatic closing doors placed in the enclosing walls of the staircase. It shall be a swing type door opening in the direction of the escape.
- (xii) No living space, store or other space including fire risk shall open directly into the staircase.
- (xiii) External exit door of staircase enclosure at ground level shall open directly to the open spaces or should be reached without passing through any door other than a door provided to form a draught lobby.
- (xiv) In the case of assembly, institutional or residential occupancies or hotels or industrial and hazardous occupancies, the exit sign with arrow indicating the way to the escape route shall be provided at a height of 0.5 m. from the floor level on the wall and shall be illuminated by electric light connected to corridor circuits. All exit way marking signs should be flushed with the wall and so designed that no mechanical damage shall occur to them due to moving of furniture or other heavy equipments. Further all landing of floor shall have floor indication boards indicating the number of floor. The floor indication board shall be placed on the wall immediately facing the flight of stairs and nearest to the landing. It shall be of the size not less than 0.5 x 0.5 m.
- (xv) In case of a single staircase, it shall terminate at the ground floor level and the access to the basement shall be by a separate staircase. Whenever the building is served by more than one staircase,

one of the staircases may lead to basement level provided the same is separated at ground level by either a ventilated lobby or a cut-off screen wall without opening, having a fire resistance of not less than 2 hours with discharge point at two different ends or through enclosures. It shall also be cut-off from the basement areas at various basement levels by a protected and ventilated lobby or lobbies. The staircase shall be lighted and ventilated and the minimum size of openings on walls abutting to open space shall be 1.5 sq.m. per landing.

#### **Regulation 148. Fire Escape or External Stairs,-**

Multi-storeyed, High rise and special buildings shall be provided with fire escape stairs which will be free of F.S.I. and they should conform to the following:-

- (i) They shall not be taken into account in calculating the evacuation time of a building.
- (ii) All of them shall be directly connected to the ground.
- (iii) Entrance to them shall be separate and remote from the internal staircase.
- (iv) Routes to the Fire escape shall be free of obstruction at all times except for a doorway leading to the fire escape which shall have the required fire resistance.
- (v) They shall be constructed of non-combustible material.
- (vi) They shall have a straight flight not less than 25 cm. wide with 15 cm. treads and risers not more than 19 cm. the No. of risers shall be limited to 16 per flight.
- (vii) They shall be provided with handrails at a height not less than 90 cm. above the tread.

#### **Regulation 149. Spiral Stairs (fire escape),-**

The use of spiral staircase shall be limited to low occupant and to a building of height of 9 m. unless they are connected to platforms, such as balconies and terraces to allow escapes to pause. A spiral fire escape shall be not less than 150 cm. in diameter and shall be designed to give adequate headroom.

#### **Regulation 150. Ramps,-**

(i) Ramps with a slope of not more than 1 in 10 may be substituted for and shall comply with, all the applicable requirements of required stairways as to enclosure capacity and limiting dimensions. Ramps shall be surfaced with approved non-slipping material.

(ii) The minimum width of the ramps in hospitals shall be 2.25 m.

(iii) Handrails shall be provided on both sides of the ramps.

(iv) Ramps shall lead directly to outside open space at ground level or courtyards or safe place.

(v) For building above 16 m. in height, access to ramps from any floor of the building shall be through smoke stop door.

### **Regulation 151. Corridors,-**

(i) The minimum width of a corridor shall not be less than 75 cm. in the case of 2 storeys row housing residential buildings and 100 cm. in the case of other buildings and actual width shall be calculated based on the provision of regulations 139 to 141 (both inclusive)

(ii) In the case of more than one main staircase of the building interconnected by a corridor or other enclosed space, there shall be at least one smoke stop door across the corridor or enclosed space between the doors in the enclosing walls of any two staircases.

(iii)(a) Exit corridors shall be of a width not less than the total required width of exit doorways leading from them in the direction of travel of the exterior / stairway.

(b) Where stairways discharge through corridors, the height of the corridors shall not be less than 2.4 m.

### **Regulation 152. Refuge Area,-**

For all buildings exceeding 25 m. in height, refuge area shall be provided as follows:-

(i) For floors above 25 M & upto 36 M – One refuge area on the floor immediately above 25 M.

(ii) For floors above 36 M – One refuge area per every five floors above 36 M.

(iii) It shall have minimum area of 15 sq.mts. and a minimum width of 3 M.

(iv) It shall not be counted in F.S.I.

(v) It shall be on external walls, as cantilevered projection or in any other manner.

**Regulation 153. Fire protection requirements,-**

Buildings shall be planned, designed and constructed to ensure fire safety and this shall be done in accordance with Part IV, Fire protection of National Buildings Code of India, unless otherwise specified in these regulations. In the case of buildings referred to in regulation 15, the buildings schemes shall also be cleared by the Chief Fire Officer, Thane Fire Bridge.

**Regulation 154. Additional provisions relating to fire protection applicable to certain Building,-**

The additional provisions contained in Appendix "O" relating to fire protection shall apply to buildings more than 25 m. in height referred to in regulation 15.

**Regulation 155. Special requirements for educational buildings/institutional buildings/ Hospital, Maternity Home, Health Centre, Sanatoria etc. Cinema Theatres (Assembly Halls)/Mercantile Bldgs.**

(i) Size of the Classroom:- Ref. Table No. 7, Regulation No. 94.

(ii) Height of the Classroom:- Ref. table No. 8, Regulation No. 95.

(iii) Exit Requirements:- Ref. Table No. 9 & 10, Reg. No. 136 to 151.

(iv) Parking Requirement:- Ref. table No. 5 & 6, Reg. No. 85.

In addition to above every educational building shall be provided with:-

(i) a tiffin room with a minimum area of 18.0 sq.m. for every 800 students or part thereof.

(ii) a separate tiffin room for teachers where strength of students exceeds 1000.

(iii) a room with drinking water facilities for every 300 students or less than on each of the floors.

These requirements may be amended by the Commissioner in consultations with the Education Department of the State Government.

**Regulation 156. Special requirements of industrial buildings,-**

(i) In addition to the provision of these regulations, regulations prescribed under the Factories Act, 1948 shall be applicable to the Industrial buildings.

(ii) In the case of industrial buildings with different operations or processes, the different (gaseous, solid, liquid) effluents shall be so treated, subject to the approval of Maharashtra pollution prevention board and Chief Inspector of Steam Boilers and Smoke Nuisance, before letting it out on the air, ground or water course.

(iii) Requirements as respects exit shall conform to regulations 136 to 151 Table No. 9 & 10.

(iv) Requirements as respects parking, loading and unloading Spaces shall conform to regulations 85, Table No. 5 & 6.

**Regulation 157. Special Amenities for physically handicapped persons,-**

Special amenities for physically handicapped persons as specified below shall be provided in buildings to be used for public offices, commercial occupancy or public purposes like cinema or drama theatres, hospitals, maternity homes, telephone offices, educational purposes.

(i) A 90 cm. high hand-rail and an additional one at a height of 75 cm. above the finished level of the steps for staircases and for steps to the ground floor plinth even if they are enclosed on their sides by walls.

(ii) A ramp with a slope not exceeding 1:12 from the ground level of open spaces or road level to the entrance door of the lift or staircases.

(iii) One of the wash basins in the toilet block on each floor fixed at a height of 80 cm. with a tap at 100 cm. above the finished floor level.

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**PART – VII****STRUCTURAL SAFETY AND SERVICES****Regulation 158. Structural design,-**

The structural design of foundations, elements made of masonry, timber, plain concrete, reinforced concrete, pre-stressed concrete and structural steel shall be carried out in accordance with part VI structural Design, Section 1 Loads, Section 2 – Foundation, section 3 – Wood, Section 4 – Masonry, Section 5- Concrete, Section 6 – Steel of National Building Code of India.

**Regulation 159. Quality of materials and workmanship,-**

(I) All materials and workmanship shall be of good quality conforming generally to accepted standards of Public Works Department of Government of Maharashtra and Indian Standard Specifications and Codes as included in part V- Building Materials and part VII – Constructional Practices and Safety of National Building Code of India.

(II) All borrow pits dug in the course of construction and repair of buildings, roads or embankments, shall be deep and connected with each other in the formation of a drain directed towards the lowest level and properly stepped for discharge into a river, stream, channel or drain and no person shall create any isolated borrow pit which is likely to cause accumulation of water which may breed mosquitoes.

**Regulation 160. Alternative materials, methods of design and construction and tests,-**

(I) The provisions of these regulations are not intended to prevent the use of any material or method of design or construction not specifically prescribed by these regulations provided any such alternative has been approved by the Commissioner.

(II) The provisions of these regulations are also not intended to prevent the adoption for architectural planning and layout conceived as an integrated development scheme.

(III) The Commissioner may approve any such alternative provided it is found that the proposed alternative is satisfactory and conforms to the provisions of relevant parts regarding material, design and construction and that material, method or work offered is for the purpose intended, at least

equivalent to that prescribed in these regulations in quality, strength, compatibility, effectiveness, fire and water resistance, durability and safety.

### **Regulation 161. Tests,-**

(I) Whenever there is insufficient evidence of compliance with the provisions of these regulations or evidence that any material or method of design or construction does not conform to the requirements of these regulations, in order to substantiate claims for alternative materials, designs or methods of construction, the Commissioner may require tests sufficiently in advance as proof of compliance. These tests shall be made by an approved agency at the expense of the owner.

(II) Test method shall be as specified by the regulations for the materials or design or construction in question. If there are no appropriate test methods specified in such regulations, the Commissioner shall determine the test procedure. For methods of tests for building materials, reference may be made to relevant Indian standards as given in the National Building code of India, published by the Indian standards institutions. The latest version of the National Building Code of India shall be taken into account at the time of enforcement of these regulation.

### **Regulation 162. Building Services,-**

(I) The planning, design and installation of electrical installations, air-conditioning and heating work shall be carried out in accordance with part VIII-Building Service Section 2 – Electrical installations, Section 3 Air conditioning and Heating, of National Building Code of India.

(II) The Planning, design including the number of lifts, type of lifts, capacity of lifts, depending on occupancy of building, population on each floor based on occupant load and height of building shall be in accordance with Section 5 – Installation of lifts and Escalators of National Building Code of India.

(III) Copies of the results of all tests shall be retained by the Commissioner for a period of not less than two years after the acceptance of the alternative materials.

### **Regulation 163. Plumbing Services,-**

The planning, design, construction and installation of water supply, drainage and sanitation and gas supply systems shall be in accordance with the provisions of the water supply and Drainage Bye-laws of Municipal Corporation of the City of Thane and part IX- plumbing Services, Section 1 – Water supply section 2 – Drainage and sanitation 3 – Gas supply, of National Building Code of India.

**Regulation 164. Signs and outdoor display structures,-**

(I) The display of advertising signs on buildings and lands shall be in accordance with part X-signs and outdoor Display Structures of National Building Code of India.

(II) In addition to provisions of sub-regulation (1), the following provisions shall be complied with for permitting advertising signs in different land use zones:-

(a) Residential Zone R-1:- The following non-flashing and non-neon signs

with illumination not exceeding 10 ft. candles:-

1. One name plate with an area not exceeding 0.1 sq.m. for each

dwelling unit.

1. For other users permissible in the zones one identification sign or

bulletin board with an area not exceeding 1.6 sq.m.

1. "For Sale" "For Rent" signs for real estate not exceeding 2 sq.m.

in area provided they are located on the premises offered for sale

or rent.

(b) Residential zones with shop lines:- R-2 non-flashing business

signs placed flat against the wall and not exceeding 2 sq.m. in

area per establishment.

(c) Commercial Zones:- Flashing or non-flashing business signs

placed flat against the wall, not exceeding 5 Sq.m. in area and

covering not more than 15% of the area of such wall including

door and windows and overhanging signs which project not more

than 0.9m. from the wall:

Provided that, such signs shall not face residential building and

shall be in conformity with the following:

1. Not more than one overhanging sign may be permitted for each

4.5 m. of plot frontage: and

1. The area of such overhanging signs shall not be more than 1

sq.m. except that for each 0.9m plot frontage above first 4.5 m an

increase in area of 0.2 sq.m. shall be permitted.

(III) Prohibition of advertising signs and outdoor display structures in certain cases.

Notwithstanding the provisions of sub-regulations (1)(2), no advertising sign or outdoor display structures shall be permitted on buildings of architectural, aesthetical, historical or heritage importance as may be decided by the Commissioner or on Government buildings save that in the cases of Government buildings only advertising signs or outdoor display structures may be permitted if they relate to the activities for the said buildings own purposes or related programmes.

(IV) The Commissioner may with the approval of the Corporation add, alter or amend the provisions in sub-regulation (2) above.

**Regulation 165. Special provisions in respect of developments for economically weaker sections, slum areas and redevelopment schemes etc.,-**

Rules for controlling developments mentioned in this regulation shall be as specified in Appendices Q to U.

**Regulation 166. Interpretation,-**

(I) In these Regulations, the use of the present tense includes the future tense, the masculine gender includes the feminine and neuter genders, the singular number includes the plural number and the plural number includes the singular number. The word “Person” includes a corporation as well as an individual; “Writing” includes printing and typing and “signature” includes thumb impression of a person unable to sign, provided that his name is written below such impression.

(II) Sizes and Dimensions:- Whenever sizes and dimensions of rooms and spaces within buildings are specified, they mean the clear dimensions, unless otherwise specified in these Regulations.

(III) If any question or dispute arises with regard to interpretation of any of these Regulations the matter shall be referred to the State Government which, after considering the matter and, if necessary, after giving hearing to the parties, shall give a decision on the interpretation of the provisions of these Regulations. The decision of the Government on the interpretation of these Regulations shall be final and binding on the concerned party or parties.

#### **Regulation 167. Delegation of powers,-**

Except where the Commissioner’s special permission is expressly stipulated, the powers of functions vested in him by these Regulations may be delegated to any municipal official under his control, subject to his revision if necessary and to such conditions and limitations, If any as he may prescribe. In each of the said Regulations, the word ‘Commissioner’ shall to the extent to which any municipal official is so empowered be deemed to include such official.

#### **Regulation 168. Power to delegate,-**

The State Government may, by notification in the official gazette delegate by a general or special order any of its powers under these Regulations, subject to such conditions as it may considered appropriate, to any officer of the State Government not below the rank of Deputy secretary, except those relating to any matter which is required to be dealt with under the special permission of the Commissioner.

#### **Regulation 169. Special Provisions for installation of water heating system,-**

Solar water heating systems should made in the buildings for hospitals, hotels, guest houses, policeman / army barracks, canteens, laboratories and Research institutions. Hostels of school and colleges and other institutes.

1. No new building in the following categories in which there is a system or installation for supplying hot water shall be built unless the system or the installation is also having an auxiliary solar assisted water heating system;

(a) Hospitals & Nursing homes;

(b) Hotels, Lodges and Guest houses:

(c) Hostels, school, colleges, Training Centers and other institutes;

(d) Barracks of armed forces, paramilitary forces and Police;

(e) Functional Buildings of Railway Stations like waiting rooms, retiring

rooms, rest rooms and inspection bungalows and catering units;

(f) Community Centers, Banquet Halls, Barat Ghars, Kalyan Mandaps and

buildings for similar use.

## SCHEDULE

### 1. Definitions :-

(i)	“Solar Assisted Water Heating System”	a device to heat water using solar energy as heat source.
(ii)	“Auxiliary backup”	electrically operated or fuel fired boilers / systems to heat water coming out from solar water heating system to meet continuous requirement of hot water.
(iii)	“New Building”	such buildings of above said categories for which construction plans have been submitted to Corporation for clearance.
(iv)	“Existing Building”	such buildings, which are licensed to perform their respective business.

It is suggested that solar water heating systems of the capacity of about 100 litres per day based on thermosyphon principles with necessary electrical back-up be installed at residential buildings like hostels.

## 2. Installation of Solar Water Heating Systems:-

(a) New Buildings:- In order to facilitate the installation of the solar water heating systems. The new buildings shall have the following provisions:-

1. All such buildings where solar water heating systems are to be installed will have open sunny roof area available for installation of solar water heating system.

2. The roof loading adopted in the design of such building should be at least 50 kg per sq.m. for installation of solar water heating system.

3. Solar water heating system can also be integrated with the building design. These can either be put on the parapet or could be integrated with the south facing vertical wall of the building. The best inclination of the collector for regular use throughout the year is equal to the local latitude of the place. The collectors should be facing south. However, for only winter use the optimum inclination of the collector would be (latitude + 15 degrees of the south). Even if the collectors are built in south facing vertical wall of the building

the output from such collectors during winter months is expected to

be within 82% output from the optimum inclined collector. The

south vertical wall gives a good aesthetic look and also the

performance of the system is slightly affected.

4. All the new buildings to be constructed shall have an installed hot

water line from the rooftop and also insulated distribution pipelines

to each of the points where hot water is required in the building.

(b) Existing Buildings:- Installation of Solar Assisted Water Heating System in the Existing building shall be made mandatory at the time of change of use to above said category provided there is a system or installation for supplying hot water.

3. **Capacity:-** The capacity of the solar water heating system to be installed on the building shall be described on the basis of the average occupancy of the buildings. The norms for hospitals, hotels and other functional buildings are given below :

Type of buildings	Per capita capacity Recommended liter per day
1. Hospitals	100
2. Hotels	150
3. Hotels other than 5 other Buildings such as hostels etc.	25
4. Canteen	As required
5. Laboratory & Research Institutions	As required

An open area of 3 sq. mts. would be required for installation of a collector, which supply about 100 liters of water per day. At least 50% of the roof area may be utilised for installation of the system.

4. **Specification:-** The specification for the Solar Assisted Water Heating System laid down by the MNES can be followed. Flat plate collector conforming to IS No. 12933 shall be used in all such solar water heating systems. So far no collector has been tested by the B.I.S. approved Test Houses / Centers and it is recommended mandatory orders should be made only after the B.I.S. confirms availability of I.S.I. mark solar collectors.
5. **Auxiliary System:-** Wherever hot water requirement is continuous, auxiliary heating arrangement either with electric elements or oil of adequate capacity can be provided.

Sd/-

(D.D. THOOL)

TOWN PLANNING OFFICER AND

DEPUTY DIRECTOR OF TOWN PLANNING

SPECIAL UNIT DEVELOPMENT PLAN, THANE

PLACE : THANE

DATED: 08/08/1994

Sd/-

(PRABHAKAR MANCHEKAR)

COMMISSIONER

THANE MUNICIPAL CORPORATION

THANE

PLACE : THANE

DATED: 08/08/1994

\*\*\*\*\*

**Development Control Regulations- Thane, 1994**

[D. C. Rules, Thane-1994]

**Appendix Section**

**APPENDIX - A**

**(Regulation No.6)**

**FORM OF APPLICATION FOR DEVELOPMENT UNDER SECTION 44, 45, 58**

**& 69 OF MAHARSHTRA REGIONAL AND TOWN PLANNING ACT, 1966.**

To,

THE COMMISSIONER

Municipal Corporation of the City Thane

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Sir,

I intend to carry out development in the site/to erect, to re-erect/to demolish/ to make material alteration in the building No..... in village.....Sector No.....Ward No.....situated at road/ street..... S. No./City S.No..... F.P. No.....in accordance with the provisions of the Maharashtra Regional and Town Planning Act, 1966. I therefore, apply for permission under section 44/45/58/69 of that Act.

I forward herewith the following plans and statements (item 1 to 6) wherever applicable, in quadruplicate signed by me and (Name in Block letters).....the licensed or registered Architect/Engineer/structural Engineer/Supervisor-Licence No.....who has prepared the plans, designs and a copy of other statements/documents, as applicable (items 7 to 10).

1. Key Plan (Location plan) as mentioned in Regulation 11.
2. Site plan.
3. Sub division/layout plan.
4. Building plan.
5. Service plan.
6. Particulars of Development in the Form as prescribed in Annexure I of appendix 'A' of Regulations.
7. Ownership title as mentioned in clauses (i), (ii) & (iii) of by Regulation 10.
8. Attested copy of receipt for payment of development permission fee.
9. Clearance Certificate of Tax arrears.
10. Appointment letter in favour of Licensed Technical Person/Architect by the Owner.
11. Acceptance letter from the Licensed Technical person or Architect.
12. No objection certificates from the various authorities as may be required under Reg. No.10.

I request that proposed development /Construction may be approved and permission accorded to me under the Maharashtra Regional and Town Planning Act, 1996 to execute the work.

Yours faithfully,

Signature of Owner

Name of Owner.....

Address of Owner.....

.....

Date:-

**ANNEXURE - I**

**PARTICULARS OF DEVELOPMENT (PART OF APPENDIX A ITEM 6)**

<p>1. (a)(i) Full Name of Applicant</p> <p>(in block letters)</p> <p>(ii) Address of Applicant</p> <p>(b) Name &amp; address of Licensed Architect/ Engineer/Structural Engineer/Supervisor</p> <p>(c) Number &amp; Date of issue of the licence</p>	Valid upto
<p>2. Is the plot affected by any reservations or road lines ? If yes, are these correctly and clearly marked on the block plan?</p>	
<p>3. (a) What is the total area of the plot according to the document ?</p> <p>(b) Does it tally with the collector's record?</p> <p>(c) What is the actual area available on Site measured by licensed architect/ engineer / structural Engineer / Supervisor?</p> <p>(d) If there is any deduction in the original area of the plot on account of road lines or reservation; please state the total area of such deduction.</p> <p>(e) If so, what is the net area ?</p> <p>(f) Is the clearance under the Urban Land Ceiling &amp; regulation Act 1976 obtained? If so what is the area allowed for development?</p> <p>Permission will be based on the minimum of areas in (a) (c) or (f) above</p>	
<p><b>NOTE:- INDICATE DETAILS ON THE SITE/BUILDING PLAN AS IN PROFORMA 1 ENCLOSED HEREWITH</b></p>	
<p>4. Are all plans as required under regulation No.6 enclosed ?</p>	

5. (a) Is the plot, part of a City, Traverse Survey No., Revenue Survey No., or Hissa No. or a final plot Number of a Town planning Scheme or a part of an approved layout.

(b) Please state sanction No. and date of sub-division layout.

6. (a) In what zone does the plot fall?

(b) What is the permissible FSI of the zone?

(c) What is the number of tenements per acre / hectare permissible in the zone?

7. (a) Is the use of every room in the proposed work marked on the plans?

(b) Is it in accordance with the regulations?

(c) Does the use of the building fall in the category of special types of buildings like cinema halls, stadium, buildings for religious purpose, Hospital building, educational buildings, markets and exhibition halls?

(d) If the nature of building proposed is of cinema theatre, auditorium whether no objection certificate from Commissioner of Police, Thane & Collector, Thane are obtained ? If so whether the same are attached with the proposal ?

8. If the work is in connection with Industry:

(a) Please briefly describe the main and accessory process :

(b) Please state the maximum number of workmen likely to be employed per shift in the factory, and the total horse power.

(c) Under what Industrial Classification does it fall, giving reference to relevant bye-law.

(d) Is the proposal for re-location of an existing industry and if so give the name and address of the existing industry?

(e) If the proposal is for the establishment of a new industry or for the expansion of an existing industry, is a copy of the No Objection Certificate from the Director of Industries enclosed ?

(f) Is the building be away from the boundary of residential or commercial zone or as per paragraph No.1.2.8 in Appendix N ?

(g) Is the proposal for a service Industrial Estate on a plot reserved for service industries or in Industrial Zone.

(h) Nature and quantum of industrial waste/effluents and methods of disposal be stated.

9. (a) What is the average:

(i) Prescribed width and

(ii) Existing width of the street ?

If the plot abuts two or more streets, the above information in respect of all streets should be given.

(b) What is the height of the building

(i) Above the centre of the street?

(ii) above the average ground level of the plot ?

(iii) Does it comply with regulation 83?

10. (a) If there are existing structures on the plot

(i) are they correctly marked and numbered on the site plan?

(ii) are those proposed to be demolished immediately and is so marked in yellow?

(iii) What is the plinth area and total floor area of all existing structures to be retained?

Please append statement as in statement (enclosed herewith) giving details.

(iv) What is the number of existing tenements in structures to be retained ?

(b) What is the plinth area and total floor area of the proposed work?

Please append statement as per statement 2 (enclosed herewith) giving details.

(c) What is the No. of tenements proposed ?

**NOTE: INDICATE DETAILS ON THE BUILDING PLAN AS IN PROFORMA I.**

11. (a) Please state the plinth area and total floor area, existing and proposed (i.e. total of items 10(a)(iii) & 10(b)).

(b) Please state the Development Rights, if any, proposed to be used and the floor space index credit available there under.

(c) Please state the overall floor space index (item 11(a) divided by item 3(c) Plus the floor space index available due to development

rights)

(d) Does the work consume the full floor space index of the plot, as given in item 6(b)? – If not, why not?

(e) Is the building proposed with set-backs on upper floors?

(f) What is the total number of tenements (Item 10(a)(iv) plus Item 10(c))?

**NOTE: INDICATE DETAILS ON THE BUILDING PLAN AS IN PROFORMA I.**

<p>12. (a) What is the width of the front open space ?</p> <p>If the building abuts two or more streets does the front open space comply with regulation 74?</p> <p>(b) Please state which of the provisions in appendix N is applicable for the front open space and does the front open space comply with that provision ?</p>	
<p>13. What is the distance from the centre line of street? Does it comply with the provisions of Appendix N.</p>	
<p>14. (a) What is—</p> <p>(i) the width of side open space(s) ?</p> <p>ii) the width of rear open space(s) ?</p> <p>iii) the distance between buildings ?</p> <p>(b) Do they comply with regulation 75?</p> <p>(c) Are there two or more wings to the buildings and if so, are the open spaces separate and distinct for each wing as required under Regulation 75?</p>	
<p>15. If the plot is narrow, which provision under Appendix N.1.8 you propose to take advantage of ?</p>	
<p>16. (a) What are the dimensions of the inner or outer chowk ?</p> <p>(b)(i) Is any room dependant for its light and ventilation on the chowk?- If so are the dimensions such as required for each wing of the building ?</p> <p>(ii) If not, is the area at least equal to square of one fifth of the height as per by law 77.</p>	
<p>17. If the height of the building is greater than 16m. above the average ground level, is provision for lift(s) made?</p>	

(a) If so, give details of lift.

Type	Passenger Capacity	No. of lifts	Types of Doors
.....	.....	.....	.....

(b) Details of fire lift

18. (a) Does the building fall under the purview of Regulation 15?

(b) If so, do the proposed fire protection requirements conform to Appendix O ?

(c) If not give reasons for non conformity

(i). .....

(ii). .....

(iii). .....

(iv). .....

19. (a)(i) What are the requirements for parking space under regulations?

(ii) How many are proposed ?

(iii) How many lock-up garages are proposed ?

(b)(i) Are loading and unloading spaces necessary under regulation 86?

(ii) If so, what is the requirement?

(iii) How many are proposed?

**NOTE: INDICATE DETAILS ON THE BUILDING PLAN AS IN PROFORMA- I.**

20. (a)(i) What are the maximum widths of balconies?

(ii) Will they reduce the required open space to less than that required under the regulations?

(iii) Do they serve as a passage to any part of the building?

(iv) What is their total area?

(b) What is the maximum width of weather frames sun-shades (chajja), sun-breakers, cornice eave or other projection?

(c)(i) Are any porches/canopies proposed?

(ii) Are they in compliance with regulations No.80?

21. (a) What is the width of the means of access?

(b)(i) If there is no access, whether there is right of way?

(ii) If yes, attach necessary plans and documents in support of right of way.

(c) What is its clear height?

(d) Will it be paved, drained and kept free of encroachment?

22. Is recreational or amenity open space provided as required under regulation 54?

23. (a) Are any accessory buildings proposed ? If so, for what purpose?

(b) What are their heights?

<p>(c) Are they 7.5m away from the street or front boundary and 1.5m from other boundary ?</p> <p>(d) Is their area calculated in F.S.I. ?</p>	
<p>24. (a) What is the proposed height of the compound wall? is it at the junction?</p> <p>(b) Is it in compliance with regulation 133 ?</p>	
<p>25. (a) Does the proposal fall under the category of tower like structure vide regulation 75? If so, does it comply with the requirements thereof?</p> <p>(b)(i) Is the proposal in the Air Port Zone?</p> <p>(ii) Is 'No Objection Certificate for height from Civil Aviation Authorities obtained ?</p>	
<p>26. Indicate provision for common conventional antenna for receipt of television transmission in residential building with more than ten tenements (Regulations 126).</p>	
<p>27. (a) Does any natural water course pass through the land under development?</p> <p>(b) Is the necessary set-back provided as per regulations 43?</p>	
<p>28. Please explain in detail in what respect the proposal does not comply with D.C. Rules and the reasons, thereof attaching a separate sheet if necessary.</p>	
<p>29. (a) Is the plinth level proposed to be above the level of the surrounding ground level?</p> <p>(b) Whether any filling is required in the plot? – If Yes, to what level?</p> <p>(c) What is the level and plinth height above the surrounding/abutting road?</p>	
<p>30. The materials to be used in construction with specifications:-</p>	

.....Roofs.....

.....Floors.....

.....Walls.....

.....columns.....

.....beams.....

.....any other item.....

31. The number of water closets, urinals, kitchens, baths to be provided:-

	Water Closets	Baths	Urinals	Kitchen
Existing:-	.....	.....	.....	.....
Proposed:-	.....	.....	.....	.....

32. The source of water to be used in the construction.

33. Distance from the sewer.

34. How much municipal land will be used for stacking building material?

I hereby declare that I am the owner/lessee/mortgagee in possession of the plot on which the work is proposed and that the statement made in this form are true and correct to the best of my knowledge.

Date:

Signature of the Applicant

Address.....

.....

.....

-

-

Form of Certificate to be signed by licensed Surveyor/Engineer /Structural Engineer/ Supervisor or Architect employed by the applicant.

I (Name).....have been appointed by the applicant as his licensed architect/engineer/structural engineer/supervisor. I have carefully perused covenants of conveyance in respects of this plot and examined the boundaries and the area of the plot and I do hereby certify that I have personally verified and checked all the statements made by the applicant who is the owner/lessee/mortgagee in possession of the plot in the above form and the attached statements 1 and 2 and found them to be correct.

Date:

Signature of the Architect / Engineer /

Structural Engineer /Supervisor

Address : .....

.....

**NOTE:- INDICATE IN BUILDING PLAN AS IN PROFORMA II.**

**ACCOMPANIMENT TO APPENDIX 'A'**

STATEMENT NO.1

(SR.NO.10(A)(III))

**Existing Building to be Retained**

Existing Building No.	Floor	Area in sq.m.	Total Floor area of existing Building in sq.m.	User or Occupancy of floor
1	2	3	4	5

**ACCOMPANIMENT TO APPENDIX 'A'**

STATEMENT NO.2

(SR.NO.10(B))

**Proposed Works/Buildings**

Existing Building No.	Floor	Area in sq.m.	Total Floor area of proposed works in sq.m.	User or Occupancy of floor
1	2	3	4	5

**PROFORMA – I**

(SR.NO. 3,10,11 &amp; 19 IN ANNEXURE "I")

(At Right Top Corner of Site/Building Plan at Ground Floor Level)

		Square Meters
<b>A.</b>	<b>AREA STATEMENT</b>	
1.	Area of Plot	.....
2.	Deductions for	
	(a) Road Set-back area	.....
	(b) Proposed Road	.....
	(c) Any Reservation	.....
		.....
		Total (a+b+c) =====
3.	Balance area of plot (1 minus 2)	
4.	Deduction for recreational ground (if deductible)	
5.	Net area of plot (3 minus 4)	
6.	Additions for floor space Index	
	2(a) 100%	
	2(b)100%	
7.	Total area (5 plus 6)	.....  =====
8.	Floor Space Index permissible	
9.	Floor Space Index credit	

	available by Development Rights (restricted to 40% of the balance area vide item 3 above)	
10.	Permissible Floor Area ( 7 x 8) plus 9 above	
11.	Existing Floor area	
12.	Proposed area	
13.	Excess balcony area taken in floor space index (as per B(iv) below)	
14.	Total Built-up area proposed (11+12+13)	.....  =====
<b>B.</b>	<b>BALCONY AREA STATMENT</b>	
(i)	Permissible balcony area per floor	.....
(ii)	Proposed balcony area per floor	.....
(iii)	Excess balcony per floor	.....
(iv)	Total excess balcony area for all floors	.....  =====

<b>C.</b>	<b>TENEMENT STATEMENT</b>	
(i)	Proposed area (item A-12 above)	
(ii)	Less deduction of non-residential area (shop etc.)	
(iii)	Area available for tenements [(i) minus (ii)]	
(iv)	Tenements permissible (Density of tenements/hectare)	
(v)	Tenements proposed	
(vi)	Tenements existing	<p>.....</p> <p>=====</p>
	Total tenements on the plot	
<b>D.</b>	<b>PARKING STATEMENT</b>	
(i)	Parking required by Regulations for Car  Scooter/Motor Cycle  Outsiders (Visitors)	
(ii)	Covered garages permissible	
(iii)	Covered garages proposed car  Scooter/Motor Cycle	

(iv)	Outsiders (Visitors)  Total Parking Provided	.....  =====
<b>E.</b>	<b>TRANSPORT VEHICLES PARKING</b>	
(i)	Space for transport vehicles parking required by regulations	
(ii)	Total No. of transport vehicles parking spaces provided	.....  =====

**PROFORMA – II**

**(At Right Bottom Corner of Plans/Below Proforma 1)**

Contents of Sheet  Stamp of date of receipt of plans  Stamp of approval of plans			
Revision	Description	Date	Signature

**CERTIFICATE OF AREA**

CERTIFIED THAT I have surveyed the plot under reference on.....and that the dimensions of the sides, etc. of the plot stated on the plan are as measured on site and the area so worked out is ..... square metres and tallies with the area stated in the document of Ownership/Town Planning Scheme records.

Signature of Licensed Surveyor/Architect/Engineer/ Structural

Engineer/Supervisor

Description of proposal and property:-

Name of Owner:

Job No.	Drg. No.	Scale	Checked by	Drawn by

North line:-

Signature, name (in Block Letters) and Address of

Licensed Surveyor/Architect/Engineer/ Structural

Engineer/Supervisor

Area to be stated in figures and also in words.

\*\*\*\*\*

**APPENDIX – B**

**(Regulation 18)**

**Form of Supervision**

To,

The.....

Municipal Corporation of the City of Thane,

Thane.

Sir,

The development, erection/re-erection/ demolition or material alteration of the building.....on S.No./ C.T.S. No./F.P.No.....of village /Town planning scheme No.....situated at Road/Street.....ward..... Sector No.....will be carried out under my supervision. All the materials (type and grade) and the workmanship of the work will generally tally with the general specifications submitted alongwith the plans and the work will be carried out according to the sanctioned plans. I shall be responsible for the execution of the work in all respects.

Yours faithfully,

Signature of licensed

Surveyor/Engineer/Structural Engineer/Supervisor/Architect

Name.....

(in block letters)

Licence No/C.A.No.....

Address : .....

.....

.....

Date : .....

\*\*\*\*\*

**APPENDIX - C**

**(Regulation 22)**

**Qualification, Competence, Duties & Responsibility of Licensed Technical Personnel/**

**Architect for preparation of Schemes for Development Permission & Supervision.**

**C-1 General:-**

C-1-1. The qualification of the technical personnel and their competence to carry out different jobs for development permission and supervision for the purpose of licensing by the Commissioner shall be as given in paragraphs C-2 and C-6. The procedures for licensing the technical personnel is given in paragraph C-6.

**C-2 Architect:-**

C-2-1. Competence:- Licensed architect shall be competent to carry out work related to building permit as given below and shall be entitled to submit:

- (a) all plans and related information connected with development permission.
- (b) structural details and calculations for buildings on plot upon and 500 sq.m. and upto 3 storeys or 11 m and;
- (c) Certificate of supervision and completion for all buildings.

### **C-3 Engineer:-**

C-3-1. Qualifications:- The qualification for licensing of engineer will be the Corporate Membership (Civil) of the Institution of Engineers or such Degree or Diploma in Civil or Structural Engineering which make him eligible for such membership

C-3-2. Competence:- Licensed engineer shall be competent to carry out the work related to development permission as given below and shall be entitled to submit:-

- (a) All plans and related information connected with development permission;
- (b) Structural details and calculations of buildings on plot upto 500 sq.m. and 5 storeys (16m.) and:
- (c) certificate of supervision for all buildings.

### **C-4. Supervisor:-**

C.4.1. Qualifications:- The qualifications for licensing of supervision will be

(a) For Supervisor -I

(i) Three years architectural assistantship or intermediate in architecture

with two years experience; or

(ii) Diploma in Civil Engineering with two years experience.

(b) For Supervisor -II

(i) Draftsman in Civil Engineering from I.T.I. with five years experience

under architect/ engineer.

C-4-2. Competence:- The Supervisor will be entitled to submit-

(a) For Supervisor – I

(i) All plans and related information connected with development

permission on plots upto 200 sq.m. and upto 2 storeys; and

(ii) Certificate of supervision for buildings on plots upto 200 sq.m. and upto

2 storeys;

(b) For Supervisor -II

(i) All plans and related information upto 50 sq.m. built-up area and

storeys; and

(ii) Certificate of supervision for limits at (i) above.

**C-5 Structural Engineer:-**

C-5-1. Qualifications,- Qualification for licensing of structural engineers shall be the following with minimum 3 years experience in structural engineering practice with designing and field work.

(a) Graduate in Civil Engineering of recognised Indian or Foreign University and Chartered Engineer or Associated Member in Civil Engineering Division of Institution of Engineers (India) or equivalent Overseas Institution; and

(b) Associate Membership in Civil Engineering Division of Institution of Engineer (India) or equivalent Overseas Institutions possessing exceptional merits. The three years experience shall be relaxed to two years in the case of graduate Degree of recognised Indian and Foreign University in the Branch Structural Engineering. In the case of doctorate in structural Engineering experience required will be one year.

C-5-2. Competence,- Structural Engineers shall be competent to submit the structural details and calculations for all buildings and supervision.

C-5-2.1. In case of complicated buildings and sophisticated structures, as decided by the Commissioner, which are within the areas and vertical limits under paragraphs C-2.1(b) C-3.2(b) and C-4.2(a)(i) & (b)(i) shall be designed only by structural engineers.

### **C-6 Licensing :-**

C-6.1. Technical personnel to be licensed,- The qualified technical personnel or group as given in paragraphs C-2, C-3 and C-4, C-5 shall be licensed by the Commissioner and the license shall be valid for one calendar year ending 31 December after which it shall be renewed annually.

C-6.2. Fees for licensing:- The annual licensing fees shall be as follows:-

For Engineers and structural Engineers:- Rs.250/- P.a.

For Supervisors S-I:- Rs.110/- P.a.

For Supervisors S-II:- Rs.50/- P.a.

C-6.3. Duties and responsibilities of licensed technical personnel,-The duties and responsibilities of licensed technical personnel shall be as follows:-

(1) It will be incumbent on every licensed technical personnel in all matters in which he may be professionally consulted or engaged to assist and co-operate with the Municipal Commissioner of Thane and other Municipal Officers in carrying out an enforcing the provisions of the Act, and of any bye-laws for the time being in force under the same.

(2) Every licensed technical personnel shall be in every case in which he may be professionally consulted or engaged, be responsible, so far as his professional connection with such case extends, for the compliance with the provisions of Chapters XII, XIV and XV of the B.P.M.C. Act M.R.& T.P. Act and of any rules, regulations or bye-laws for the time being in force under the said Acts or such of them as may respectively be applicable to the circumstances of the particular case and in particular it will be obligatory on him to satisfy himself that a qualified and competent site supervisor with prescribed qualifications is constantly employed and present on the work to supervise the execution of all works and to prevent the use of any defective material therein and the improper execution of any such work.

(3) In every case in which a licensed technical personnel is professionally concerned in connection with any buildings or work upon any premises in respect of which a right to require a set-back has occurred or is about to occur to the Commissioner under the provisions of sections 210 and 211 of the B.P.M.C. Act or any of them. it will be incumbent on such licensed personnel to ascertain whether the regular line of the street” has been prescribed under section 210 and whether any portion of the said premises is required for the street and no licensed technical personnel must, on any account or under any pretext whatever, be a party to any evasion or attempted evasion of the set-back (if any) that may be required.

(4) In every case in which a licensed technical personnel is professionally concerned in connection with any building or work upon any premises designed or intended to be used for any purpose in respect of which the written permission or License of the Commissioner, is prescribed by the said Act as a necessary condition to the establishment or use of such premises for such purpose , it shall be incumbent on such licensed technical personnel, so far as his professional connection with such case extends, to see that all conditions prescribed by the said Act, or by any bye-law or rules/regulations for the time being in force thereunder are duly fulfilled or provided for.

(5) A licensed technical personnel shall not carry out any work in connection with any building or other erection on a plot of land leased or agreed to be leased by the Corporation in contravention of any term or condition of the lease or agreement for lease.

(6) When a licensed technical personal ceases to be in the employment for the development work, he shall report the fact forthwith to the Commissioner.

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**APPENDIX – D**

**(Regulation No.3 & 24)**

**FORM FOR SANCTION OF DEVELOPMENT PERMISSION/**

**COMMENCEMENT CERTIFICATE**

To,

.....

.....

.....

Sir,

With reference to your application No..... dated.....development permission/grant of commencement certificate under sections 45 & 69 of The Maharashtra Regional and Town Planning Act, 1966 to carry out development work and or to erect building No..... in Village.....sector No..... Ward No.....situated at Road/Street.....S.No./city S.No./ F.No..... development permission / the commencement Certificate is granted subject to the following conditions.

- 1. The land vacated in consequence of the enforcement of the set back line shall form part of the public street.
- 2. No new building or part thereof shall be occupied or allowed to be occupied or permitted to be used by any person until occupancy permission has been granted.
- 3. The development permission/Commencement Certificate shall remain valid for a period of year commencing from the date of its issue.
- 4. This permission does not entitle you to develop the land which does not vest in you.
- 5. ....
- 6. ....
- 7. ....

WARNING:- PLEASE NOTE THAT THE DEVELOPMENT IN CONTRAVENTION OF THE APPROVED PLANS AMOUNTS TO COGNIZABLE OFFENCE PUNISHABLE UNDER THE MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966.

Yours faithfully,

Municipal Corporation the City of Thane.

Office No.....

Office stamp.....

Date.....

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**APPENDIX - E**

**(Regulation No.24)**

**FORM FOR REFUSAL OF DEVELOPMENT PERMISSION**

To,

.....

.....

.....

Sir,

With reference to your application No..... dated.....for the grant of sanction for the development work/the erection of a building/execution of work in Building No.....in village.....Sector No.....Ward No..... Road/Street.....C/S.No./F.P.No..... I have to inform you that the sanction has been refused under sections 45 & 69 of the M.R. & T.P. Act 1966 on the following grounds.

.....

.....

.....

.....

.....

.....

Yours faithfully,

Municipal Corporation the City of Thane.

Office No.....

Office stamp.....

Date.....

\*\*\*\*\*

**APPENDIX - F**

**(Regulation No.32)**

**FORM FOR NOTICE FOR COMMENCEMENT OF WORK**

To,

Municipal Corporation of the City of Thane.

Thane.

Sir,

I hereby certify that the development works/erection/ re-erection/demolition or material alteration in/of building No.....village.....Sector No.....Ward No.....situated at.....Road/Street, S.No./C.S.No./F.P.No.....will be, commenced on.....as per your permission vide office communication No..... dt.....under the supervision of.....licensed architect/engineer/structural engineer/supervisor-license No.....and in accordance with the plants sanctioned.

Yours faithfully,

Signature of Owner.....

Name of Owner.....

(In block letters)

Address of Owner.....

.....

\*\*\*\*\*

**APPENDIX – G**

**(Regulation No.34)**

**FORM FOR INITIATION OF COMPLETION OF WORK UPTO PLINTH**

**LEVEL**

To,

Municipal Corporation of the City of Thane.

Thane.

Sir,

The Construction upto plinth column upto plinth level has been completed in Building No.....  
S.No/C.T.S.No./F.P.No.....Sector No.....village No.....Town planning scheme  
No.....Road/ Street.....Ward .....accordance with your permission  
No..... dated..... under my supervision and in accordance with the  
sanctioned plan.

Please check the completed work and permit me to proceed with the rest of the work.

Yours faithfully,

Signature of licensed Surveyor

Engineer/Structural Engineer/ Supervisor or Architect.

Name.....

(In block letters)

Address .....

.....

.....

Date:

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**APPENDIX – H**

**(Regulation No.34)**

**Form of Approval /Disapproval of Development Work upto plinth level**

To,

.....

.....

.....

Sir,

Please refer to your Intimation No..... dated.....regarding the completion of construction work upto plinth/Columns upto plinth level in Building No..... on S.No./C.T.S. No./F.P.No..... Sector No.....Village/Town Planning scheme No..... Road/Street.....Ward..... You may/may not proceed with the further work as per sanctioned plans/as the construction upto plinth level does /does not confirm to the sanctioned plans.

Yours faithfully,

Municipal Corporation the City of Thane.

Office No.....

Office stamp.....

Date.....

\*\*\*\*\*

## APPENDIX – J-1

(Regulation No.36)

### Form of application for Building Completion Certificate

To,

Municipal Corporation of the City of Thane

Thane.

Sir,

I hereby certify that the erection/re-erection of part/full development work/ in on building/part building No..... on in Plot No..... S.No./City S.No/ F.P.No..... village/ T.P.S. No..... Sector No.....Road/Street /Ward No..... has been supervised by me and has been completed on ..... in accordance with the plans (V.P. ....) sanctioned vide your office communication No. .... dated ..... The work has been completed to my best satisfaction. The workmanship and all the materials (type and grade) have been used strictly in accordance with general and detailed specifications. No provisions of the Act or the building regulations, no requisitions made, conditions prescribed or orders issued thereunder have been transgressed in the course of the work. No objection certificate from various departments of the corporation such as Water Supply and Drainage Deptt., Fire Deptt, Tree Authority etc. in this respect are enclosed. Further, I am enclosing herewith six copies of the completion of plans, one of which is cloth mounted. The building is fit for occupancy for which it has been erected/re-erected or altered, constructed and enlarged.

I have to request you to arrange for the inspection & give permission for the occupation of the building.

Yours faithfully,

Signature of licensed Surveyor/Engineer/

Structural Engineer or Architect.

Name.....

(In block letters)

Address.....

.....

Licence No.....

Date.....

\*\*\*\*\*

**APPENDIX - J-2**

**(Regulation No.36)**

**Form of Acceptance/Refusal of Completion Certificate**

**Municipal Corporation of the City of Thane.**

**No.....of**

**To,**

.....

.....

.....

Subject :-

Reference:-

Sir,

The Completion Certificate submitted by you on.....for the above work, is hereby accepted/  
refused for following reasons.

- 1. ....
- 2. ....
- 3. ....

Yours faithfully,

Municipal Corporation of the City of Thane.

Office No.....

Office Stamp.....

Date :.....

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**APPENDIX – K**

**(Regulation No.37 )**

**Form for Occupancy Certificate.**

To,

.....

.....

.....

Sir,

Reference:- V.P. No.

The part/full development work/erection/re-erection or alteration in/of building/part building No. .... situated at .....Road /Street ..... Ward No..... Sector No..... S.No./C.T.S.No./ F.P.No.....Village/T.P.S.No.....completed under the supervision of..... Licence Surveyor / Engineer / Structural Engineer / Supervisor / Architect / Licence No..... may be occupied on the following conditions :

- 1. ....
- 2. ....
- 3. ....
- 4. ....

A set of certified completion plan is returned herewith.

Yours faithfully,

Municipal Corporation of the City of Thane.

Office No.....

Office Stamp.....

Date :.....

Copy to.

- 1) Collector of Thane.
- 2) Dy.Mun. Commissioner, Zone TMC
- 3) E.E.(Water Works),TMC
- 4) Assessor, Tax Deptt. TMC

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**APPENDIX - L**

**(Regulation No.38 )**

**Form for Indemnity for Part Occupancy Certificate**

**on stamp paper of such value as decided by the Commissioner.**

To,  
  
Municipal Corporation of the City,  
  
of Thane.

Sir,

Reference:- V.P.

While thanking you to allow me to occupy a portion of the abovementioned building before acceptance of the completion certificate of the whole building for the plans approved under communication No..... dated..... I hereby indemnify the Municipal Corporation of the City of Thane against any risk, damage and danger which may occur to occupants and users of the said portion of building and also undertake to take necessary security measures for their safety. I say that this undertaking will be binding on me/us our heirs, administrators and to our assignees.

Yours faithfully,

OWNER

Name :.....

(in block letters)

Address :.....

.....

.....

Witness :.....

Date :.....

\*\*\*\*\*

## APPENDIX – M

### (Regulation No.65)

#### LAND USE CLASSIFICATION & USES PERMITTED

##### M-1 Power of Granting Permission:

Where it is specified that a particular use is to be allowed only with the commissioner's special permission, the power of granting such permission shall be exercised by the commissioner's Officer not below the rank of Dy.City Engineer.

##### M-2 Purely Residential Zone (R-1 Zone):

Ancillary uses permitted:- Apart from residential use, the following uses and specified ancillary uses to the extent of 50 per cent of the floor space of the principal use shall be permitted buildings, premises or plots in the purely residential zone:-

(i) Customary home occupations. If with motive power total load not to exceed 1 H.P.

(ii) Medical and dental practitioners' dispensaries or clinics, including pathological or diagnostic clinics with a restriction of one dispensary or clinic per building to be permitted on the ground floor, on the floor just above the stilt or on the first floor.

(iii) Nursing homes, polyclinics maternity homes and medical practitioners/consultants in different disciplines of medical sciences in independent buildings or independent part of buildings on the ground floor, floor 1 and floor 2 with separate means of access/ staircase from within the building or outside, but not within the prescribed marginal open space in any case, and with the special permission of the Commissioner.

(iv) Professional offices and studies of a resident of the premises and incidental to such residential use, or medical and dental practitioners' dispensaries or clinics of a resident of the building with only out-patient treatment facilities without any indoor work each occupying a floor area exceeding 30 sq.m.

(v) Educational buildings, excluding building of trade schools but including student hostels in independent buildings, religious buildings, community halls, welfare centres & gymnasia:

Provided that the Commissioner may, by order, permit Montessori schools, kindergarten classes or bal-mandirs in a part of a residential building on the ground floor or on the floor above the stilts if the area thereof is not less than 40 sq.m. and no nuisance is likely to be caused to the residents of the building:

Provided further that in congested localities where it is not possible to provide separate building for a school, the Commissioner may allow a primary school in any part of or on any separate floor of a residential building. In doing so, he shall take into account the location, room sizes, means of access, water and sanitary arrangements and other relevant factors. He shall also ensure that a staircase is easily accessible from the entrance and serves the classrooms. The school shall also conform to other requirements educational buildings stipulated in Regulation 155.

(vi) Public libraries on the ground floor and floor 1 or on two consecutive floors immediately above the stilts in a building constructed on stilts, and museums in part or entire building.

(vii) Club houses, or gymkhanas not conducted as a business, on independent plots which may have an extension counter of only branch of a bank, in such club-houses or gymkhanas.

(viii) Public or private parks, gardens and playfield in independent plots not utilised for business purposes, but not amusement parks.

(ix) Bus shelters, bus stations, bus depots, railway stations, taxi-stands and heliports, on independent plots.

(x) Radio broadcasting and television studios and sound recording and dubbing studios in independent buildings or part of building, or in independent plot, with the permission of the Commissioner.

(xi) Places for the disposal of human bodies, subject to the Corporation's approval.

(xii) Police, stations, telephone exchanges, Government sub-office, municipal sub-office, sub-office of Electric supply and Transport under taking or the concerned electric company, consulate offices, post and telegraph offices, branches of banks including safe deposit vaults, electrical sub-stations, receiving stations fire stations civil defence warden posts and first aid posts, home guards and civil defence centres, pumping stations, sewage disposal works and water supply installations and ancillary structures thereof required to cater to the local area on roads of width of not less than 12m. However a

branch of a bank with a safe deposit vault may be permitted on road of less than 12.00 m, except that the area of such bank including the vault shall not exceed 400 sq.m.

(xiii) Storage of liquefied petroleum gas cylinders (bottled gas) for domestic consumption not exceeding 300 k.g. in a residential building and not exceeding 8000 k.g. in an independent ground floor structure(except a garage) at any one time, the special permission of the Commissioner and subject to compliance with statutory safety requirements.

(xiv) General agriculture, horticulture and poultry farming (but not dairy farming) in the areas other than congested area, poultry farming being permitted at the rate of 0.25 sq.m. built-up area per bird in an independent plot measuring not less than 1 ha.

Provided that no offensive odours, dirt and/or dust are created, that there is no sale of products not produced on the premises, and the accessory buildings are not located within of 9m. the boundaries or 6m. from the main buildings on the plot.

Provided further that the above restriction on space shall not apply to any poultry kept for domestic consumption only.

(xv) Where the commercial zone boundary or a street of and between 12.00 m and 25.00 m width is at least 400m. away convenience shops at the rate of one shop per 15 tenements on ground floor or in semi-detached ground floor building, with no other use over it, may be permitted, provided that the remaining area on the ground floor is used for parking purposes in conformity with these Regulations. Such shopping uses will not be permissible in more than two adjoining plots in any locality and shall not cover more than 5 percent of the plot area.

(xvi) Flour mills, (with the special permission of the Commissioners) if,-

(a) they are in a single storeyed detached or semi-detached structure, and

(b) their power requirement does not exceed 7.5 K.W. each.

(xvii) Research, experimental and testing laboratories not involving any danger of fire or explosion or of any obnoxious nature and located on a plot not less than 4 ha. in area provided that the laboratory is at least 30m. from any of the boundaries of the site and the accessory residential building 30m. from the laboratory.

**M-3 Residential zone with shop (R-2 Zone):**

(1) The residential zone with shop line (R-2 zone) in which shopping will be permissible indicated herein, will comprise of,-

(a) Plots in a residential zone along roads having existing or prescribed width of and between 12.00 m and 25.00 m width.

Provided that above restrictions on shopping will not apply to the reconstruction or redevelopment of an existing building having existing shopping users.

(2) Notwithstanding anything contained in this Regulation, for reasons of congestion, traffic or nuisance, new shopping or convenience shopping, even if otherwise permissible the Commissioner may not, for reasons to be recorded in writing, permit such shopping.

(3) Uses permitted in the Residential zone with shop line (R-2 Zone):-

The following uses shall be permitted in buildings, premises or plots in a residential zone with shopping.

(i) All uses permitted in the purely residential zone (R-1 zone).

(ii) Stores or shops for conduct of retails business, including department stores. There will, however, be no storage or sale of combustible materials except with the Commissioner's special permission.

(iii) Personal services' establishments, only in the areas other than congested areas.

(iv) Hair dressing saloons and beauty parlours.

(v) Frozen food stores.

(vi) Shoe repair and sports shops.

(vii) Professional offices each not exceeding 100 sq.m. in area only in the areas other than congested areas.

(viii) Shops for the collection and distribution of clothes and other materials for cleaning, pressing and dyeing establishments.

(ix) Tailoring, embroidery and button-hole making shops, each employing not more than 9 persons.

(x) Cleaning and pressing establishments for cloths, each occupying a floor area not more than 200 sq.m. and not employing solvents with a flash point lower than 59<sup>0</sup>C, machine with dry load capacity not exceeding 30 kg., and employing not more than 9 persons.

Provided that the total power requirement does not exceed 4KW.

(xi) Shops for goldsmiths, lock-smiths, watches and clocks and their repairs, bicycles and their rental and repairs, optical glass grinding and repairs, musical instruments and their repairs, picture-framing, radio, television and household appliances and their repairs, umbrellas and their repairs and upholstery work, each employing not more than 9 persons.

(xii) Coffee grinding establishments with electric motive power not exceeding 0.75k.w. (0.025 KWQ. individual motor each.)

(xiii) Restaurants, eating houses, cafeterias, ice-cream and milk bars under one establishment with total area not exceeding 200 sq.m. on the ground and/or floor 1 of a building with the special permission of the Commissioner.

(xiv) Bakeries, with no floor above, each not occupying for production an area more than 75 sq.m. and not employing more than 9 persons if the power requirement does not exceed 4 K.W. where only electrical ovens are used, an additional heating load upto 12 KVA being permitted.

(xv) Confectioneries and establishments for the preparation and sale of eatable each not occupying for production an area more than of 75 sq.m. per establishment and employing not more than 9 persons, motive power not exceeding 1.12 KW, as well as sugarcane and fruit juice crusher each employing not more than 6 persons with motive power not exceeding 1.12 K.W. and area not more than 25sq.m.

(xvi) Printing presses with aggregate motive power each not exceeding 3.75 KW and not employing more than 9 persons and individual electric motors of not more than 1.5 KW.

(xvii) Trade and other similar schools, not involving any danger of fire or explosion, or offensive noise, vibration, smoke, dust, odour, glare, heat or other objectionable features.

(xviii) Vegetable, fruit, flower, frozen fish, frozen meat or frozen food shops.

(xix) Battery charging and repairing establishments each not employing more than 6 persons with an area not more than 25 sq.m. and not more than 2 charges with power not exceeding 5 KW

(xx) Photographic studies with laboratories, Xeroxing, photo-copying, video-taping establishments etc. and their laboratories each with an area not exceeding 50 sq.m. and employing not more than 9 persons and not using power more than 3.75 K.W.

(xxi) Coal or fire-wood shops.

(xxii) Local sub-offices of any public utility.

(xxiii) Electronic industry of assembly but not of manufacturing type, with the Commissioner's special permission, subject to following restrictions:-

(a) Only on the ground floor each with an area not exceeding 50sq.m.

(b) Total electric power inclusive of motive power and heating load not to exceed 3.75 KW.

(c) Employing not more than 9 persons each.

(xxiv) Pawn shops.

(xxv) Art galleries i.e. display shops under one establishment with total area not exceeding 200 sq.mts. on the Ground floor and/or floor 1 internally connected.

(xxvi) Undertakers' premises.

(xxvii) Establishments using power only for heating, refrigeration or air-conditioning purposes.

(xxviii) Private lockers in the congested area the total area shall not exceed 400sq.m. each.

(xxix) Data-processing unit, with use of computers.

(xxx) Repairing garages, without activities of body-building and spray painting, each employing not more than 9 persons or using 1.5 KW. motive power with no floor above, with the permission of the

Commissioner to be allowed to function only between 08 and 20 hours.

(xxxii) Motor driving schools, with the permission of the Commissioner.

(xxxiii) Travel agencies, ticket booking and selling agencies for air, surface or water travel or transport of any other modes of travel or transport.

(xxxiv) Accessory uses customarily incidental to any permitted principal use, including storage upto 50 per cent of the total floor area of the principal use.

(xxxv) Notwithstanding anything contained in these Regulations, Information Technology Establishments (pertaining to software only) on the plots/premises fronting on roads having width more than 9 (nine) mts.

(xxxvi) Telecom shop, Telecom Maintenance center, Cyber Cafe on the ground floor duly conducted by the agencies licensed by public organisations like MTNL, etc. in accordance with conditions prescribed by the Commissioner.

(4) Conditions governing additional uses permitted in the R-2 Zone:- The uses permissible in the R-2 zone shall be restricted and subject to the conditions below:-

(i) A depth of 12m. measured from the building line along the front portion abutting the street only shall be provided.

(ii) All goods offered for sale or displayed should be within the premises comprising the shop and should not be kept in the passage or open spaces.

(iii) Shops shall be permitted only on the ground floor of a building unless specified otherwise.

(iv) Area of each shop will not exceed 100 sq.m. unless otherwise specified.

(v) Motive power, unless otherwise specifically indicated, shall not exceed 2.25 KW per shop, with no individual motor exceeding 0.75 KW. no power being allowed to be sub-let.

(vi) Power may be discontinued if the Commissioner is satisfied that the particular use is a nuisance to the residents.

(5) With the special permission of the Commissioner, shopping uses and departmental stores may be permitted on the entire ground floor of the building, subject to the following conditions:-

(i) The side and rear marginal open spaces shall not be less than 6m. in width.

(ii) No back to back shops would be permitted unless they are separated by a corridor at least 2.00m. in width which shall be properly lighted and ventilated.

(iii) All goods offered for sale or displayed should be within the premises comprising the shop and should not be kept in the passages or open spaces.

Provided that such shopping users and department stores may be permitted in the entire building where the whole building is in occupation of one establishment or of a co-operative society only and subject to the above conditions.

(6) Notwithstanding anything contained in these Regulations convenience shops as defined in time no.22 of Regulation No.2 may be permitted on all roads, having width of 9m. and above. In congested areas, however these users will be permitted on roads having width of 7.5 mtrs. and above.

(7) Service industry as specified in Table No.11 may be permitted.

(8) Users permitted in independent premises/buildings in the Residential zone with shop line (R-2 Zone):- The following uses may be permitted in independent premises/buildings/plots in the R-2 zone :-

(i) Drive-in-theatres, theatres, cinemas, club-houses, assembly or concert halls, dance and music studios and other places of entertainment. These uses may be permitted in combination with permissible non-residential uses except that of petrol pump with the special permission of the Commissioner.

Provided, however, in the case of a cinema / theatre the front open space shall be minimum 12 m. and the side and rear open spaces shall not be less than 6m.

Provided further that in the case of development and/or redevelopment of a cinema/theatre, the user for a cinema/theatre, the user for a cinema/theatre may be permitted in combination with the permissible users in a residential zone with a shop-line(R-2 Zone) excluding the users for bakery, confectionary, trade and other similar schools and coal or fire wood shops, with a cinema/theatre being permitted underneath or above any building subject to compliance with fire and safety requirements

specified by and to the satisfaction of the Chief Fire officer. However, residential user in combination with that of a cinema/theatre may not be allowed in the same building.

Provided further that the redevelopment of a plot allocated for a cinema/theatre shall be as prescribed below as amended by the Government from time to time.

On Plot/lands where there is existing cinema theatres, redevelopment of the plots shall be allowed subject to the condition that at least 1/3rd of the existing seats shall be retained, which shall not be below 150 seats, subject to the following .

**(A) Users Permitted:-**

Residential user may be permitted provided redevelopment conforms to the measures including any special measures prescribed by the Municipal Commissioner in regard to fire prevention, Protection and Safety, means of escape in the case of an emergency provided to the satisfaction of the Municipal Authority.

Effective vertical separation shall be provided against the spread of fire between cinema and residential development.

Separate entry and exists shall be provided for the residential users; and parking requirements as prescribed for each type of user shall have to be provided.

**(B) Floor Space Index:-**

On redevelopments, the F.S.I. shall be as otherwise admissible for the permissible users under the Development Control Regulations.

All other provisions in the Development Control Regulations will

applicable in these cases.

In the event of any dispute arising about the interpretation of the

provisions, it shall be referred to the State Government in Urban

Development Department and its decision shall be final.

(ii) Petrol/Gas/C.N.G. filling and service stations each employing not more than 9 persons in combination with other permissible users in the zone subject to clearance by the controller of Explosives and the Chief Fire Officer, and observance of such conditions as they may prescribe and with the permission of the Commissioner.

(iii) Trade and other similar shops.

(iv) Bulk storage of kerosene and bottled gas for domestic consumption with the special permission of the Commissioner.

(v) Parking of automobiles and other light vehicles on open plots as a business otherwise.

(vi) Fish or meat shops.

(vii) Residential hotels or lodging houses in independent buildings or parts of buildings or on upper floors thereof with special written permission of the Commissioner, who will take into account the suitability of the size and shape of the plot, means of access, water and sanitary arrangements etc. before granting the permission. The Commissioner shall not permit such use unless he is satisfied about the provision of these arrangements.

Provided that residential hotels of 4 & 5 star categories may be allowed only in an independent plot of size not less than 2,500 sq.m. and on roads of 16 m width or more a hotel of lower star category being also allowed on a separate floor of a premises or a building with separate access.

Provided further that development of residential hotels of the Star categories shall be permitted by the Commissioner only after the approval of the Commissioner of Police (Law, Order and Traffic), MD. MTDC.

- (viii) General agriculture, horticulture and domestic poultry, with limitation of keeping of upto 20 birds at the rate of 0.25 sq.m. per bird.
- (ix) Repairing garages not employing nor more than 9 persons or 1.5 KW motive power with no floor above, with the permission of the Commissioner.
- (x) Business offices on roads of 18m width and more subject to the fulfilment of parking and other requirements; except that balconies if any of such building shall not be free of F.S.I. computation.
- (xi) Correctional and mental institutions, institutions for children, the aged or widows, sanatoria and hospitals (except veterinary hospitals) with the special permission of the Commissioner, provided that those principally for contagious diseases shall be located not less than 36m. from any boundaries.
- (xii) Stadia.

#### **M-4 Commercial Zone: (C-1 Zone)**

(1) Uses permitted in Commercial zone:-The following uses are permissible in the C-1 Zone,-

- (i) Any uses permitted in a residential zone with a shop line (R-2 zone).
- (ii) Confectioneries, bakeries and establishments for the preparation and sale of eatables each not occupying for production an area in excess of 250sq.m. per establishment and employing not more than 25 persons or using power exceeding 10KW with no upper floors, over the furnace portion. If only electrical ovens are used, and additional load of upto 24 KVA may be permitted.
- (iii) Auto part stores and show rooms for motor vehicles and machinery.
- (iv) Sale of used or second hand goods for merchandise, excepting for junk, cotton and other waste rags or other materials of an offensive nature.
- (v) Club houses or other recreational activities conducted as business (with an extension counter or branch of a bank.)
- (vi) Storage of furniture and household goods.

(vii) Retailing of building materials, open or enclosed with not more than 500 sq.m. of area per establishment.

(viii) Pasteurizing and milk processing plants each employing not more than 9 persons and 7.5 KW motive power within an area not more than 50 sq.m.

(ix) Printing, book-binding, engraving and block-making, each with an area not exceeding 120 sq.m. and motive power not exceeding 7.5 KW per establishment.

(x) Veterinary dispensaries and hospitals and kennels in the areas other than congested areas.

(xi) Supari and masala grinding/pounding using motive power not exceeding 7.5 KW or occupying more than 25 sq.m. area. with the special permission of the Commissioner.

(xii) Prisons and animal pounds only in areas other than congested areas from extended municipal limits.

(xiii) Repair, cleaning shops and analytical experimental or testing laboratories each employing not more than 15 persons (but not including cleaning and dyeing establishments, using a cleaning or dyeing fluid having a flash point lower than 59<sup>0</sup>C and machines with dry-load capacity not exceeding 30kg. or any establishment carrying on activities that are offensive because of emission of odour dust, smoke, gas noise or vibration or otherwise dangerous to public health and safety), provided that the motive power requirement of each such establishment does not exceed 7.5 KW.

(xiv) Paper- box manufacturing, including paper-cutting, each employing not more than 9 persons with motive power not exceeding 3.75 KW and area not more than 50 sq.m.

(xv) Mattress making and cotton cleaning, each employing not more than 9 persons with motive power, not exceeding 2.25 KW and area not more than 50 sq.m. per establishment.

(xvi) Establishments requiring power for sealing tins, packages, etc. each employing not more than 9 persons with motives power not exceeding 2.25 KW.

(xvii) Ice factories in independent buildings, each with an area of not more than 250 sq.m. and power not more than 34 KW.

(xix) Business offices, including trade exchanges.

(xix) Accessory uses, customarily incidental to any permitted principal use including storage upto 50 per cent of the total floor area occupied of the principal use.

(xx) Aquariums.

(2) General conditions governing the uses permitted in 'C-1' zone:- In buildings, premises or plots in commercial zone, the uses permitted shall be subject to the following conditions,-

(a) All goods offered for sale shall be displayed within the building, and not in passages and open spaces.

(b) When the commercial zone boundary falls short of a street, the frontage along such street shall not be developed for uses which would not be permissible along such street.

(c) When the uses other than those permissible in the R-1 zone, an access from the side or rear open space, the width of such open space shall not be less than 7m.

#### **M-5 Commercial Zone: (C-2 Zone)**

(1) The following uses are permissible in C-2 Zone:-

(i) Any uses permitted in (C-1 Zone); except residential use other than ancillary to the said commercial user.

(ii) Wholesale establishments, each with storage capacity not exceeding 200 sq.m. for commodities other than those prohibited by any statute, or rules.

(iii) Printing, book-binding, engraving and block making if they are in an independent building, subject to any special conditions the Commissioner may prescribe in the interest of the adjoining developments.

(iv) Public utility buildings.

(v) Head quarters of a commercial organisations.

(2) General conditions governing the users permitted in the C-2 Zone,-

In a building premises in commercial zone(C-2 Zone) the uses permitted in sub- regulation (1) above shall be permitted subject to the following conditions:-

(a) All goods offered for sale shall be displayed within the building and not in passages and open spaces.

(b) When the commercial zone boundary falls short of a street, the frontage along such street shall not be developed for uses which would not be permissible along such street.

(c) If the uses, excepting those permissible in the R-1 zone derive access from the side rear open space, the width of such open space shall not be less than 7m.

### **M-6 Industrial Zone (1 Zone):-**

M-6.1 Uses permissible in I zone,-

(i) Uses permissible in Industrial zone shall be as per the industrial location policy of the Govt. as may be amended from time to time.

(ii) Service Industries – as specified in Table No.11 given hereinafter.

(iii) Information Technology Establishment shall be permitted in I Zone and Service Industrial Estates on all plots fronting on roads having width 12 meters or more.

### **TABLE NO.11**

### **SCHEDULE FOR SERVICE INDUSTRIES**

(PARAGRAPH M3, M4, M5 & M-6-1(II))

Sr.	Category of Industry	Service Industry  (Permitted in R2 & C1, C2)  Criteria for Classification & Special Condition	Maximum Permissible  Power Requirement  Employment	Maximum Permissible Floor area	Special Conditions if any
1.	2.	3.	4.	5.	6.
<b>I.</b>	<b>Food Products</b>				
1.	Manufacture of milk and dairy product such as butter and ghee	10 HP	9 Persons	50 sq.m.	--
2.	(a) Rice huller	10 HP	9 Persons	50 sq.m.	--
	(b) Grain mill for production of flour	10 HP	9 Persons	50 sq.m.	---
	(c) Manufacture of Supari and masala grinding (in separate building)	10 HP	9 Persons	50 sq.m.	--
	(d) Groundnut decorticator	10 HP	9 Persons	50 sq.m.	--

	(e) Baby oil expellers	10 HP	9 Persons	50 sq.m.	--
3.	Manufacture of Bakery Products with no floor above	10 HP	9 Persons	57 sq.m	<p>(i) Shall not be permitted under or above dwelling unit.</p> <p>(ii) Operation shall be permitted only between 8 hrs. and 20 hrs.</p> <p>(iii) Fuel used shall be electricity , gas or smokeless coal.</p>
4.	Coffee curing, roasting and grinding	2 HP	9 Persons	50 sq.m.	
5.	Manufacture of Ice	45 HP	20 Persons	250 sq.m.	
6.	Sugar-cane and fruit juice crushers	2 HP	9 Persons	25 sq.m.	

<b>II</b>	<b>Beverages &amp; Tobacco</b>				
7.	Manufacture of Bidi	No Power to be used	No limit	250 sq.m.	To be permitted in R1 Zone only.
<b>III</b>	<b>Textile and Textile Products</b>				
8.	Handloom / Power loom subject to a maximum of 4 looms.	5 HP	9 Persons	50 sq.m.	To be permitted in R1 Zone in area designated by the Commissioner.
9.	Embroidery & Making of crape laces & fringes	5 HP	9 Persons	50 sq.m.	-----
10.	Manufacture of all types of textile, garments, including wearing apparel	3 HP	9 Persons	50 sq.m.	-----
11.	Manufacture of made up textile goods such as curtains, mosquito nets, mattresses, bedding materials, pillow cases textile bags etc.	3 HP	9 Persons	50 sq.m.	-----
<b>IV</b>	<b>Wood Products &amp;</b>				

	Furniture				
12.	Manufacture of wooden furniture & fixtures.	7 HP	9 Persons	50 sq.m.	(i) Shall not be permitted under or adjoining a dwelling unit  (ii) Operation shall be permitted only between 8 hrs. to 20 hrs.
13.	Manufacture of bamboo and cane furniture & fixtures	7 HP	9 Persons	50 sq.m.	
<b>V</b>	<b>Paper Products &amp; Printing</b>				
14.	Manufacture of containers & boxes from paper pulp	5 HP	9 Persons	50 sq.m.	Manufacture with paper pulp not permitted
15.	Printing & Publishing Periodicals, books, journals, Atlases, maps, envelop printing, picture	10 HP	9 Persons	120 sq.m.	(i) Shall not be  Permitted under or adjoining

post-cards,  
embossing.

a dwelling  
unit

(ii)  
Operation  
shall be  
permitted  
between  
8 hrs. to  
20 hrs.

(iii) No  
restrictio  
ns on  
power, no  
of  
employee  
s, area of  
hours of  
operation  
shall  
apply, if  
located in  
a building  
in  
separate  
plot not  
less than  
500 sq.m.  
& if  
special  
permissio  
n of  
  
the  
Commissi

					oner is obtained.
16.	Engraving, etching, block making etc.	10 HP	9 Persons	120 sq.m.	Operation shall be permitted only between 8 hrs. to 20 hrs.
17.	Book Binding	10 HP	9 Persons	120 sq.m.	-----
<b>VI</b>	<b>Leather Products</b>				
18.	Manufacture of leather  Footwear	5 HP	9 Persons	50 sq.m.	-----
19.	Manufacture of wearing apparels like coats, gloves, etc.	5 HP	9 Persons	50 sq.m.	-----
20.	Manufacture of leather consumer goods such as upholstery, suitcases, pocket book, cigarette & key cases, purses etc.	5 HP	9 Persons	50 sq.m.	-----
21.	Repair of footwear & other leather goods	5 HP	9 Persons	50 sq.m.	-----
<b>VII</b>	<b>Rubber and</b>				

	<b>Plastic Products</b>				
22.	Retreading & Vulcanizing works	2 HP	9 Persons	50 sq.m.	-----
23.	Manufacture of rubber balloons	2 HP	9 Persons	50 sq.m.	-----
<b>VIII</b>	<b>Metal Product</b>				
24.	Tool sharpening & razor sharpening works	1 HP	9 Persons	25 sq.m.	Operation shall be permitted only between 8 hrs to 20 hrs.
<b>IX</b>	<b>Electrical Goods</b>				
25.	Repair of household electrical appliances such as radio set, television set, tape recorders, refrigerators, heaters, irons, shavers, vacuum cleaners, air conditioners, washing machines, electric cooking ranges, motor rewinding works etc.	3 HP	9 Persons	50 sq.m.	Operation shall be permitted only between 8 hrs to 20 hrs.
<b>X</b>	<b>Transport Equipment</b>				

26.	(a) Service of motor vehicles & motor cycles with no floor above	5 HP	9 Persons	50 sq.m.	Operation shall be permitted only between 8 hrs to 20 hrs.
	(b) Repair of motor vehicles & motor cycles with no floor above	5 HP	9 Persons	50 sq.m.	No spray painting permitted .
	(c) Battery charging & repair	5 HP	6 Persons	25 sq.m.	-----
27.	Repair of bicycles & cycle rickshaws	5 HP	6 Persons	50 sq.m.	No spray painting permitted .
<b>XI</b>	<b>Other manufacturing &amp; Repair Services</b>				
28.	Manufacture of Jewellery & related articles	3 HP	9 Persons	50 sq.m.	Operation shall be permitted only between 8 hrs to 20 hrs.
29.	Repair of watch, clock & Jewellery	3 HP	9 Persons	50 sq.m.	Operation shall be permitted only between 8 hrs to 20 hrs.

30.	Manufacture of musical instruments & its repair	No Power to be used	6 Persons	50 sq.m.	Operation shall be permitted only between 8 hrs to 20 hrs.
31.	Repairs of locks, stoves, umbrellas, sewing machines gas burners, buckets & other sundry household equipments, optical glass grinding & repairs	3 HP	9 Persons	50 sq.m.	Operation shall be permitted only between 8 hrs to 20 hrs.
32.	Petro filling stations	10 HP	9 Persons	(i) [30.5x 16.75m]  (ii) [33.5x 30.5m] (with service bay)	Plot size to be in line with IRC Recommendations.
33.	Laundries, laundry service & cleaning, dyeing, bleaching & dry cleaning.	4 KW	9 Persons	50 sq.m.	(i) Cleaning & dyeing fluid shall not have flash point lower than 138 <sup>0</sup> F

					(ii) Operation shall be permitted between 8 hrs. to 20 hrs.
					(iii) Machinery having dry load capacity of 20 kg & above.
34.	Photo processing laboratories, Xeroxing, photo copy, videotaping & their repairing	5 HP	9 Persons	50 sq.m.	Operation shall be permitted only between 8 hrs to 20 hrs.

**Note 1:** In the R-2 & C1, C2 Zones, the hours of operation for the concerned industry shall be from 08 to 20 hours only.

**Note 2:** With the approval of the Corporation, the Commissioner may from time to time add to, alter or amend the above table.

(iii) Essential staff quarters, watchman's quarters, canteens, banks.

(iv) Uses Permissible In 'C1' zone and 'C2' Zone.

(v) Slaughter House & the similar users which are not permissible in residential zone, with the approval of the Commissioner.

(vi) On production of No objection Certificate from U.L.C. Authorities conversion of zoning shall be permitted as below:-

(a) With the previous approval of Commissioner and on such conditions as deemed appropriate by him, the existing or newly built-up area of unit, in the industrial zone may be permitted to be utilised for an office or commercial purposes.

(b) With the previous approval of the Commissioner, any open land or lands or industrial lands in the Industrial zone, may be permitted to be utilised 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 & C2 zone) subject to the following:-

(i) The layout or sub-division of such land shall be approved by the Commissioner who will ensure that, for the land admeasuring 5000 sq.mts. or more, of 5% of the total area of land for public utilities and amenities like electric sub-station, bus station, sub-post office, police out post, Municipal purpose and such other amenities as may be considered necessary, will be provided therein; and

(ii) In such lay-outs or sub-divisions, each more than 2 Ha. in area, amenities and facilities shall be provided as required by these regulations. In addition to this 2.5% of the total area shall be reserved for such amenities.

These areas will be in addition to those to be earmarked for public utilities and amenities in accordance with clause (b)(i) above and in addition to the recreational space as is required to be provided under these Regulations further 5% shall be provided as additional recreational space.

(iii) The required segregating distance as prescribed under these Regulations shall be provided within such land intended to be used for residential or commercial purposes.

(iv) Such residential or local commercial development shall be allowed within the permissible FSI of the nearby residential or commercial zone.

(v) Provision for public amenities in b(i) & (ii) above shall be considered on par with reservations in D.P. and F.S.I. thereof shall be either utilised on the balance land or can be availed of in the form of TDR only as in Appendix 'W' of these Regulations.

(c) With the previous approval of the Commissioner, and subject to such terms as may be stipulated by him, open land in existing industrial premises, which is unoccupied or is surplus to requirement of the industry's use may be permitted to be utilised for commercial or residential purpose.

(d) With the special written permission of the Commissioner, isolated open plots which are allocated for industrial purposes and situated predominantly in the residential zone may be permitted to be used for any other permissible users in Residential zone (R-1 Zone) or the Residential zone with shop line (R-2 Zone)

#### **M-6.2 Non-viable plots in Industrial zone:-**

If a plot in industrial zone become unbuildable for industrial use because of any restriction in the industrial location policy or restrictions of segregating distance as provided under these regulations, the following uses may be permitted on such a plot with the special permission of the Commissioner.

(i) Petrol Pumps and service station.

(ii) Parking lots.

(iii) Electric Sub-Station.

(iv) Non-residential building, offices for public utility concerns or organisation.

(v) Branches of Banks including safe deposit vaults, telephone exchanges, police stations, Government & Semi-Government offices, Municipal Offices, Fire Stations and Post Telegraph offices.

(vi) Hotels with not more than 50 rooms.

(vii) Convenience shops, departmental stores, tea stall etc.

(viii) Restaurants.

(ix) Warehouses.

With the prior approval of the Government, the Commissioner may alter, amend or add to the list of the above users.

**M-7 Green Zone:**

**M-7.1** G-Zone is classified into three categories viz.

- (a) G-1 for Yeur village exclusively.
- (b) G-2 zone for other villages.
- (c) G-3 zone for forest area.

**M-7.2** Following regulations would be commonly applicable for holiday homes/weekend cottages or Rest Houses Permissible in G-1 and G-2 zones:-

- (1) The facilities provided shall be used by the holiday makers for temporary occupation only. The structures shall not be used for regular and permanent residence.
- (2) Necessary and adequate infrastructure i.e. access road, water supply, sanitation etc. shall be provided by the developer in the scheme at his own cost. The developer shall provide adequate garbage collection and disposal facilities so as to leave the entire area clean and hygienic.
- (3) Existing trees shall be preserved and if trees are cut, five times the number shall be planted and grown to their full height. The structures shall blend with the surrounding landscape.
- (4) The owner of the land shall prepare a suitable layout for the site including landscape plan, building plan and a project report and get duly approved with the written permission of the Commissioner.
- (5) Necessary setbacks shall be provided from the classified roads as per prevailing Ribbon Development Restriction Rules.

**M-7.3** The Following uses are permissible in Green Zone G-1, G-2, and G-3 provided, however, no services of any kind will be provided by the corporation.

- (i) Agriculture, horticulture and animal husbandry (except for keeping animals on a commercial scale), subject to a limit of 10 head of cattle per acre and providing necessary building, garages, pig sties, stables and storage buildings.
- (ii) Gardens and poultry farms.

(iii) Forestry.

(iv) Golf clubs and links.

(v) Public parks, private parks, playfields, stadia, gymkhanas, swimming pools, gliding facilities, temporary camps for recreation of all types.

(vi) Amusement park, in a plot of not less than 5 ha. in area, with recreational and amusement devices like a giant wheel, roller coaster, merry-go-round or similar rides, ocean park, swimming pool, magic mountain and lake, ethnic village, shops for souvenirs, toys, goods, refreshments and beverages on the following conditions with the special permission of the Commissioner:-

(a) The entire land for the amusement park shall vest in a signal ownership and the land shall not be subdivided at any time.

(b) Structures for the amusement park shall not be sold at any times to any other person.

(c) The required infrastructure, like proper and adequate access to the park, water supply, sanitation, conservancy services, sewage disposal and adequate off-street parking will have to be provided and maintained by the promoters of the project at their cost and to the satisfaction of the Commissioner.

(d) The promoters of the project shall provide adequate facilities for collection and disposal of garbage at their cost and to the satisfaction of the commissioner and will keep, at all times the entire environment clean, neat and hygienic.

(e) Structure for ancillary activities, such as administrative offices, exhibition hall or auditorium, restaurant, open air theatre, essential staff quarters, store buildings, fast food, shops, museum, souvenir an small shops, ancillary structures to swimming pool, may be permitted subject to a maximum floor space index not exceeding 0.04, i.e. FSI of 0.025 for principal activity and 0.015 for ancillary activities.

(f) Structures permitted in the amusement park (except those intended for park apparatus, entertainment such as magic mountain etc. and other equipment) should be ground floor structures, with the constructions blending with the surrounding environment and landscape.

(g) Except for minor dressing, hills and natural features, if any, shall be maintained in their natural condition and beautified with planting of trees etc.

- (h) All trees already growing on the land shall be preserved to the extent possible, except that if it becomes necessary to cut any tree, the required permission of the Competent Authority should be obtained under the law. At least 5 trees per 100 sq.m. shall be planted and grown within the area of the park.
- (i) Structures, buildings or monuments of historical, aesthetical, architectural, or heritage importance, If any, shall be preserved and maintained properly,.
- (j) Sufficient parking facilities and ancillary facilities for cars, buses, transport vehicles etc. shall be provided on site as prescribed by and to the satisfaction of the Commissioner and Commissioner of police.
- (k) The promoters of the project will prepare a suitable layout with appropriate landscaping of the recreational and other facilities and obtain approval of the Commissioner.
- (l) No objection certificate of the Tourism Department shall be obtained.
- (m) The development shall be regulated according to other requirements of these and all applicable rules and regulations and subject to all other clearances as may be required.
- (n) Proper arrangements for safety, regulation of traffic approaches to the park etc. shall be made to the satisfaction of the Commissioner of police from the point of view of the law and order and traffic aspects.
- (vii) Race tracks and shooting ranges.
- (viii) Fish curing on open land/fish farming.
- (ix) Salt manufacture from sea water.
- (x) Public utility establishment such as electric sub-stations, receiving stations, switch yards, over-head line corridors, radio and television stations, receiving stations main stations for public gas distributions, sewage treatment and disposal works, water works, along with residential quarters for essential staff for such works, with the special permission of the Commissioner.
- (xi) Cemeteries and crematoria and structures incidental thereto.

(xii) Structures for watchmen's quarters, each not exceeding 20 sq.m. numbers of such structures in each plot to be decided by the Commissioner.

(xiii) Slaughter House or the similar users to be developed by the Corporation which are not permissible in residential zone shall be permissible only in G-2.

#### **M-7.4 Regulations for G-1 Zone : (Yeurl village-sector VII only):**

To permit the residential Building on the lands which are actually under cultivation and the holiday homes for weekend stay and the Rest Houses subject to following conditions:-

(1) The plot to be permitted for such development shall be not less than 4000 sq.m. with the maximum F.S.I. of 0.025.

(2) Each building to be not more than ground plus one storey with height not exceeding 9.75 m. including the height of stilt portion if any, subject to maximum built up area 100 sq.m. excluding stilt.

(3) To permit Club Houses, open play Grounds and other recreational purposes as normally permissible under green zone – G2 with permissible FSI as in (2) above.

(4) To insist plantation at the rate of two fast growing trees per 100 sq.m. of land under development.

#### **M-7.5 Regulations for G-2 Zone:**

(1) To permit the residential buildings on the lands which are actually under cultivation and the holiday homes for weekend stay and the Rest Houses subject to following conditions:-

(a) Building to be not more than ground and one storey with a height not exceeding 9.75 m. including the height of stilted portion, if any.

(b) F.S.I. to be not more than 0.05 for independent plots of area upto one hectare each.

(c) For plots each more than one hectare in area F.S.I. to be 0.05 for upto first hectare and thereafter to be not more than 0.025 for remaining area of the plot no sub-division of plot being permitted.

(2) Public/Private playgrounds, sports, club, amusement parks, holiday homes, weekend cottages and Rest Houses provided the area of the site is not less than 2 Ha., subject to the condition that structures

are restricted to ground floor or one floor above stilts and plinth area of roofed structures restricted to 5% (1/20th) of the area of the total site. The club houses may be permitted to a height of 8.0 m.

(3) Petrol pumps, servicing shops, transport godowns for goods and parking sheds for road transport operators and other responsible roadside amenities including way-side and restaurants, in conformity with the current regulations in these respect.

(4) Development of Information Technology Establishment (Pertaining to Software only) with ancillary residential development shall be allowed in No Development Zone subject to the following:

(i) The total FSI shall not exceed 0.20.

(ii) Residential development shall not have FSI of more than 0.05.

(iii) Above ground coverage for construction of ITE/Ancillary Residential use shall not exceed 25% of total plot area and on remaining 75% plot, trees shall be planted at the rate of 500 trees /hect.

(iv) Sub-division of land shall be permitted with area of the plot so subdivided being not less than 4000 sq.mt.

#### **M-7.6 Regulations for G-3 zone for Forest area:**

No development of any sort shall be allowed in this zone except the projects of the Forest Department. In case of pockets of private lands in 'G-3' zone development shall be permitted as per the provisions G-1/G-2 subject to concurrence of Forest Department.

#### **M-7.7 Research and Development:**

Buildings shall be permitted in G-2 & G-3 and No Development Zones subject to the following conditions:-

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

(ii) The permissible plinth area shall be 10 percent of area of plot / land.

(iii) Maximum one percent of the total permissible plinth area can be allowed to be used for the purpose of office and residence of the employees.

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

(v) The research and Development for inflammable and hazardous industry shall

not be permitted.

(vi) The maximum two storeyed (Ground and one Floor) building shall be permitted. Height of floor shall be depending upon the type of Research and Development as decided by Municipal Corporation.

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

(viii) The permission so granted shall be revoked in the event if the conditions (i) to (vii) mentioned above are not strictly observed.

### **M-8 Coastal area classification & regulation of Development:**

Development in coastal area shall be regulated in accordance with guide lines contained in the Ministry of Environment & Forest, Government of India's Notifications dated 19th February 1991 and 13th August 1994 and as modified from time to time.

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## **APPENDIX - N**

**(Regulations 75 & 79)**

### **OPEN SPACES AREA AND HEIGHT LIMITATIONS**

#### **N.1 F.S.I / Marginal Distances:**

N.1.1. Applicable to congested area as shown on the Development plan.

N.1.1.1 Generally congested area shall be intended mainly for residential purpose excepting areas reserved for public purposes or municipal purposes in the Development Plan and areas in which it would be expedient to acquire for the said purposes but not so designated. All other users as listed out under residential use in land use classification order, shall be permitted in the congested areas.

**N.1.1.2 Residential:**

**(a) Floor Space Index** – In R-1 zone, (a) for plots fronting on roads below 9 m. width, permissible FSI will be 1.5 only, (b) for plot fronting on road width of 9 m. above (existing or proposed) additional 0.5 FSI shall be allowed for commercial use only subject to condition that, margin and parking space as required under these regulations are provided and separate access for residential and commercial users are provided.

**(b) Front open spaces** – The minimum set back from existing or proposed road shall be as under:-

(i) For streets 7.5 m. to less than 12.00 m. in width ..... 1.0 m.

(ii) For streets 12.0 m. and above in width ..... 1.5 m.

(iii) For street less than 4.5 M in congested area, set back of 2.25 M from the centre line of the street shall be provided; for street more than 4.5 M in width and less than 9 M in width set back of 4.5 M from the centre line of the street shall be provided clear of structural projections. For lanes less than 4.5 m. in wide set back of 2.25 m. shall be prescribed from the centre line of such lane. Where such streets, despite their narrowness, form part of traffic circulation system, widening shall be proposed and normal set back of 1.5 m. from edge of existing street shall be provided.

(iv) Structural projections such as balconies, cornice, weather sheds and roof projections shall be allowed in setback distance prescribed above. However, no balcony shall reduce the minimum marginal open space, to less than 1.5 at rear sides & front. Excepting balconies none of such projections shall be taken into consideration for calculation of built over area.

**(c) Side and rear open space:**

(i) For plots 7.5 m & less in width – 1.5 m. on one side & rear side.

(ii) For plots 7.5 m. & less in depth – 1.5 m. on both sides.

(iii) Width more than 7.5 m. & upto 15 m.— 1.5 m. on both sides or 3 M. on one side & 1.5 m. on rear side.

(iv) Depth more than 7.5 m & upto 15 m.— 1.5 m. on both sides & rear side.

(v) Width/depth above 15 m.— side & rear open space shall have width not less than one fifth of the building, 3m. above ground level rounded to nearest decimeter subject to maximum of 4.0 m. marginal space shall be provided for building above 7 floor.

(e) Notwithstanding anything contained in these regulations. The basement shall not be permissible in congested areas on roads below 9m. width.

(h) The area covered by stair well & stair case lift-wells excluded from FSI computation provide the stair well & stair case lift-well are of prescribed sizes. For stair case & stair case lift-wells which are of larger sizes than the prescribed sizes, the difference of area can be computed towards FSI.

#### **N.1.1.3 Other Buildings:**

(a) Floor space index:- Maximum floor space index shall be 1.33.

(b) Open spaces:- A clear open space of 3 m. around building shall be provided.

#### **N.1.1.4:**

Further the provisions of paragraphs 1.1.2 and 1.1.3 may be relaxed by the Commissioner in special circumstances.

#### **N.1.1.5:**

For plot with size more than 1000 sq.mts., the side and rear open spaces shall be as follows-

(i) For plots 7.5 M. & less in width – 1.5 M. on one side & rear side.

(ii) For plots 7.5 M. & less in depth – 1.5 M on both sides.

(iii) Width more than 7.5 M & upto 15 M. – 1.5 M. on both sides or 3 M. on one side & 1.5 M. on rear side.

(iv) Depth more than 7.5 M. & upto 15 M. – 1.5 M. on both sides & rear side.

(v) Width / depth above 15 M. – side & rear open space shall have width not less than one fifth of the height of that Building, 3 M. above ground level rounded to nearest decimeter subject to Maximum of

4.0 M. The minimum being 1.5 M. for residential buildings (without any projections thereon) but subject to condition that maximum 4.0 M. marginal space shall be provided for building above 7 floors.

### **N.1.2:**

As applicable to the areas- outside the congested area.

### **N.1.2.1:**

#### **Residential Building:-**

(a) The provisions as given below in Table 12A & B shall apply for residential buildings. Residential -cum- office or shop buildings permissible in areas other than congested area.

(b) Minimum distance between main and subsidiary building – A clear distance of at least 3.00m, subject to the open spaces required for the taller building shall be left between the main building and any subsidiary building such as an outhouse, garage etc. constructed in one building plot.

(c) Number of main and subsidiary buildings in a plot- only one main building either a tenement house or a block of flats or a dwelling house together with such out houses, garages etc. as are reasonably required for the bonafide use and enjoyment of the occupants of such main building and their domestic servants and which shall not be separately, let out, shall be permitted to be erected in any plot.

Provided that this restriction shall not prevent erection of two or more main buildings on the same plot, if the plot is upto thrice the minimum size of building plot or as the case may be (according to the number of buildings) of the minimum size of building plot as laid down under table 12 upto a plot admeasuring 900 sq.m. in area.

**Note:** 1. F.S.I 1.00 shall be subject to marginal open spaces.

2. Subject to the condition that a row housing plot at the junction of two roads shall be larger to enable set-backs from both roads being left and subject further to the condition that not more than 8 and less than 4 plots shall be allowed in each block of the row. Each block shall be separated from the other by 6m. and building shall conform to a type design prescribed by the corporation.

3. Subsidiary structures such as car park, garage, outhouse, Independent sanitary block, *gotha* shed etc. shall not be permitted in plot having area below 450 sq.m.

4. Residential layouts prepared by any competent authority prior to the date of commencement of those regulations shall be subject to control through the rules prevailing then.

5. If the owner of the Final Plot in the T.P.S. No.1 Thane accepts the possession of the plot alongwith encroachments and proposes development retaining encroachments on his plot he shall be allowed to avail of permissible F.S.I. on the entire F.P. area on the following conditions.

(a) He shall demarcate the area in his plot which is occupied by the slum and ensure that extent of the encroachment does not increase.

(b) To ensure the requirements (a) above the Corporation shall record the no. of hutments, name of the occupiers etc. at the time of granting permission.

(c) In case the owner of the final plot proposes to develop the portion of his plot occupied by slums, as per the provisions of Appendix 'S' he will be entitled for the FSI upto 1.5 maximum on the area occupied by slum.

6. Tenement density is prescribed for 1.00 F.S.I. and it shall be increased or decreased in proportion to the F.S.I. permissible.

#### **N.1.2.2:**

##### **Educational Buildings:-**

(a) Built-up area- The maximum permissible built up area shall be not more than 1/3 of plot area.

(b) F.S.I.- The maximum F.S.I shall be 1.00.

(c) A minimum open space of 6m. shall be left on all sides from boundaries of the plot.

(d) No educational building shall be constructed if the distance between the perimeter of the site of the proposed building and cinema theatre/ assembly hall is less than 60m.

#### **N.1.2.3:**

##### **Institutional buildings (Hospitals, Maternity Homes & Health Centres )**

(a) Built -up area- The built up area shall not be more than 1/3 rd of the area of the plot.

(b) F.S. I- The maximum F.S.I. shall be 1.00.

(c) There shall be a minimum open space of 6m. on all sides.

(d) No building shall be constructed if the distance between the perimeter of the site of the proposed building and cinema theatre/assembly halls is less than 60 m.

#### **N.1.2.4:**

##### **Cinema theatres/ Assembly halls**

(a) Open spaces:-

(i) Front set-back of 12 m. from road shall be left.

**Note:** Further in the case of plots facing National Highway, State Highway and Major District Roads the Building line shall be 37 m from the centre line of existing or proposed road or 12m. from plot boundary whichever is more.

(ii) Side and Rear open space- Side and rear marginal distances to be left open shall be 6m. minimum. The above shall be exclusive of parking spaces, subject to regulation 85.

(b) The minimum distance between boundary of the site for cinema theatre/assembly hall and boundary of educational, Institutional and other government buildings shall not be less than 60 m.

(c) The provisions of Maharashtra Cinema (Regulations / Rules) 1966 as amended from time to time shall be applicable.

#### **N.1.2.5:**

##### **Public Entertainment Hall/Mangal karyalaya and like Buildings.**

(a) Built-up area- The maximum permissible built-up area shall be 1/3

(b) F.S.I. – maximum F.S.I. shall be 1.00.

(c) Access road- The minimum width of access road shall be 15m. and the plot shall abut on this road.

(d) Open spaces

(i) Front open space.....12m

(ii) From all the three boundaries.....6m.

#### **N.1.2.6:**

##### **Petrol filling stations with or without service bays.**

(a) The plot on which a petrol filling station with or without service bays is proposed shall be an independent plot on which no other structure shall be constructed.

(b) Petrol station shall not be permitted within a distance of 91.5m. from any junction of road..

(c) Petrol station shall not be sited on the convex side of a road curve. In case the curve is not very sharp and cars moving out of the station are completely visible to the traffic from a distance of at least 91.5m and vice versa, a petrol station may be permitted on such a convex curve.

(d) petrol station shall not be sited within a distance of 91.5 m. from the nearest gate of a school, hospital, theatre, place of assembly or stadium.

#### **N.1.2.7:**

##### **Building in Commercial Zone.**

(a) Means of access – When two or more buildings are constructed in the same plot, every building shall be provided with independent means of access of not less than 6m. width. The means of access shall not be considered as part of marginal open spaces required to be left around the buildings.

(b) Built-up area- Maximum plot coverage shall be half the plot size.

(c) F.S.I. and V.P.R.- Maximum permissible shall be one. For the purpose of F.S.I. net area of land excluding open space and areas covered by internal roads shall only be considered.

(d) Open spaces- Marginal open spaces along periphery of land or plot shall be 4.5 m minimum, provided that in case of land/plots fronting on classified roads, set back prescribed under Ribbon Development Rules or 4.5 m. whichever is more shall be observed. Further provisions of Regulations No.75 shall be applicable for increased heights.

**Note:-** The provisions of note under paragraph N.1.2.4 (a) (1) shall apply for front open space in the case of storage building.

### N.1.2.8:

#### Industrial Buildings.

(a) Minimum size of plot, minimum marginal open spaces to be left in a plot, minimum width of plot and permissible FSI to be provided in a plot shall be as given in Table 13.

**TABLE NO. 13**

#### F.S.I. / MARGINAL DISTANCES FOR INDUSTRIAL BUILDINGS

1	2. Plot size in sq.m.	Maximum Marginal open space in M.		5. Minimum Width of plot	6. Maximum Floor space index
		3. Front	4. Rear and Side		
1.	Upto 800	6	3	12	1
2.	Above 800 – 1200	6	4	20	1
3.	Above 1200 – 2500	6	5	25	1
4.	Above 2500	6	6	35	1

\* **Note :-** Development in M.I.D.C. area shall be governed by the rules of M.I.D.C.

(b) In industrial zone, actual factory or workshop building and storage or godown shall not be constructed within a distance of 10 m. & 22.5 m. from the boundary of service & other industrial zone, respectively, as the case may be, wherever it separates an industries zone, from any other use, except a large open space.

Provided that, such distance shall be measured from the opposite edge of the road where the zone abuts on an existing or proposed road.

Provided further that, ancillary buildings such as essential staff quarters, canteen, garages, electricity stations, water tank etc. may be permitted in such open spaces provided a minimum distance of 6 m. & 10.5 m respectively is left free from the boundaries.

#### **N.1.3:**

**Note : Para N.1.3. is DELETED**

#### **N.1.4: Development in 'G' Zone**

Development in 'G' zone shall be allowed as per stipulations in Appendix-M Regulation M-7.

#### **N.1.5:**

**Additional Floor space Index which may be allowed in certain categories.**

(a) Transfer of Development Rights – In certain circumstances, the development potential of a plot of land may be separated from the land itself and may be made available to the owner of the land in the form of Transferable Development Rights (TDR), These Rights may be made available and be subject to the Regulations in Appendix W.

(b) Road widening and construction of new roads – The Commissioner may permit additional floor space Index on 100 percent of the area required for road widening or for construction of new roads proposed under the development plan or those proposed under the Bombay Provincial Municipal Corporation Act, 1949, excluding areas of internal means of access, if the owner (including the lessee) of such land surrenders such land for road widening or new road construction without claiming any compensation in lieu thereof and hand over the same to the Corporation free of encumbrances to the satisfaction of the Commissioner. Such 100 per cent of the F.S.I. on land so surrendered to the corporation may be utilised on the remainder of the land upto a limit of 40 per cent of the area of the plot remaining after such surrender and the balance F.S.I. remaining thereafter shall be allowed to be utilised as a Development Rights (TDR) in Appendix-W or the full FSI on the land surrendered to the Corporation may be allowed to be used as Development Right in accordance with the regulations governing Transfer of Development Rights (TDR) in Appendix-W. Thereafter the road land shall be transferred in the city survey records in the name of the corporation and shall vest in it becoming part

of a public street defined in sub-section (3) of Sec. 288 of the Bombay Provincial Municipal Corporation Act. 1949.

Provided in case from "Congested Area" 100 percent area of the F.S.I. on land so surrendered shall be permissible on the remainder of the plot.

In cases, where F.S.I. is already consumed and if thereafter any area is acquired for road widening, then the owner is entitled for the area under road widening as additional F.S.I. to the extent of 40% of the net plot area and the balance F.S.I. If any can be availed through T.D.R.

(c) Educational, medical and institutional buildings and starred category hotels –

With the previous approval of the Commissioner and subject to payment of premium, If any as may be fixed by Commissioner and such other terms and conditions as he may specify, floor space indices specified above may be permitted to be exceeded in respect of educational, medical and Institutional buildings of Government or Public authorities or of registered public charitable trusts. Government and semi-Government offices, starred category hotels (approved by the Department of Tourism) built on independent plots and under one establishment, and used exclusively for that purpose.

Provided the maximum additional F.S.I. which may be granted under this sub-rule shall not exceed 100 percent in the case of educational, medical, institutional buildings and Govt. and semi-Government buildings.

With the previous approval of Commissioner and subject to payment of such premium as may be fixed by Government & paid (out of which 50% shall be payable to the Corporation), & subject to such other terms and conditions as it may specify the Floor Space Index may be permitted to be exceeded in the case of buildings of all such category residential hotels in independent and under one establishment as approved by the Department of Maximum of 100% of the normal permissible FSI in outside congested area. No condonation in the required open spaces, parking & other requirements as in these regulations shall be allowed in the case grant of such additional FSI.

(d) 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.

(e) Buildings of Information Technology Establishment (pertaining to software only)-

The Commissioner may permit the floor spaces indices specified above to be exceeded in respect of buildings in independent plots of information technology establishment set up by Public Bodies like MHADA, SEEPZ, MIDC, SICOM, STP or their joint venture companies having more than 51% stake of these bodies. By 100% or lessees of these Public Bodies having plots exclusively used for ITS subject to terms and conditions as he may specify:

Provided in case of additional floor space index allowed in respect of Information

Technology Establishment, as aforesaid, premium as may be determined by Government shall be paid to the Government out of which 50% shall be payable to the Corporation.

#### **N.1.6:**

##### **Concession in front set-backs on certain roads.**

(a) In the case of plots fronting on Ram Maruti Road, only ground floor of the structure shall be set back by 3.05 m. from the road line and rest of the floors shall be set back at a distance of 4.5 m. subject to the condition that the front terrace so formed shall be kept inaccessible.

(b) In case of any plot fronting on Gokhale Road, from the portion between Ashok Talkies and its junction with M.G.road, the ground floor of the building shall be set back by 2.3 m from the road line and the upper floors shall be set back at a distance of 4.5 m. subject to condition that the owner of the plot shall pave the front open space so as to be the level with the footpath.

#### **N.1.7:**

##### **Setbacks from Eastern Express Highway and Roads more than 50m. in width.**

Set – bank from certain roads – No construction work of building shall be undertaken within 7.5 m. from the boundary of the Eastern Express Highway and other roads 52.5 m. or more in prescribed width.

#### **N.1.8:**

##### **Narrow plots (Applicable only to the areas other than congested area)**

(a) Residential / Commercial zone – Narrow plots are those of which width and depth is less than 14m. The provision of Table No.14 given on the next page shall be applicable in such cases.

(b) Industrial Zone – Narrow plots are those of which width or depth is less than 15m. The provisions of Table No.15 given on the next page shall be applicable in such cases.

## **N.2:**

### **Height of Building/Marginal distances.**

#### **N.2.1 Residential / Commercial.**

N.2.1.1(a) The maximum height of the building shall be 1.5 (abutting road width plus front open space.)

(b) The side and rear marginal distances prescribed in regulation No. N.1 are the minimum provisions.

N.2.1.2. For marginal distances of the building the provisions of Regulation 75 shall be applicable in addition.

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## **APPENDIX – O**

(Regulation No. 15 & 154)

### **ADDITIONAL FIRE PROTECTION REQUIREMENTS FOR BUILDINGS MORE THAN 25M. IN HEIGHT AND BUILDINGS AS COVERED BY BY-LAW 15.**

#### **0.1 General:**

0.1.1. In addition to the provisions of part IV Fire Protection of National Building Code of India, the Chief Fire Officer, Thane Fire Brigade may insist on suitable provisions in building from fire safety and fire fighting point of view depending on the occupancy and height of buildings.

#### **0.2 Construction :**

##### **0.2.1 Building Material :**

**0.2.1.1** Load bearing elements of construction and elements of construction for which the required fire resistance is one hour or more shall be of non-combustible material. Interior finish materials (wall

panelings, floor coverings, etc.) may be permitted of materials having their rating for flame spread and smoke developed not exceeding a very low flame spread limit in accordance with IS: 1642-1960 (Class I). Ceiling linings shall be of non-combustible or of plasterboard.

**0.2.1.2** Stairways and corridors shall not contain combustible materials.

**0.2.2** Structural members such as supports and bearing walls shall have fire resistance rating of 3 hours, transoms and ceilings 2 hours to 4 hours.

**0.2.3** Internal walls and partitions separating corridors from areas of floor that are used for any purpose other than circulation shall have a fire resistance of not less than one hour. There shall be no opening in such walls other than for doors or delivery hatches with fire resistance not less than half an hour to one hour. Fire sections (fire walls) sub-dividing the building to prevent fire spread, shall have a fire resistance rating not less than two hours.

**0.2.4** Facades shall consist of non-combustible building materials. A fire must bridge a distance of at least 0.9 meters between storeys.

### **0.3 Staircase Enclosures:**

**0.3.1** The internal enclosing walls of staircase shall be of brick or R.C.C. construction having fire resistance of not less than two hours. All enclosed staircases shall be reached via ventilated lobby and shall have access through self closing doors of at least half hour fire resistance. These shall be single swing doors opening in the direction of the escape. The door shall be fitted with check action door closers.

**0.3.2** The staircase enclosure on external wall of the building shall be ventilated to atmosphere at each landing.

**0.3.3** Permanent vent at the top equal to 5 per cent of the cross sectional area of the enclosure and openable sashes at each floor level with area equal to 15% of the cross sectional area of the enclosure on the external wall shall be provided. The roof of the shaft shall be at least 1m. above the surrounding roof. There shall be no glazing or glass bricks in any internal enclosing wall of a staircase. If the staircase is in the core of the buildings and cannot be ventilated at each landing a positive pressure of 5mm.w.g.by an electrically operated blower/blowers shall be maintained.

**0.3.4** The mechanism for pressurising the staircase shaft shall be so installed that the same shall operate automatically and also with manual operation facilities, when the automatic fire alarm operates.

#### **0.4 Lift Enclosures:**

0.4.1 The walls enclosing lift shafts shall have a fire resistance of not less than two hours. Shafts shall have permanent vents at the top not less than 1800 sq.m. (0.2sq.m) in clear area. Lift motor rooms shall preferably be cited at the top of the shaft and shall be separated from lift shafts by the enclosing wall of the shaft or by the floor of the motor rooms.

0.4.2 Landing doors in lift enclosures shall open in the ventilated or pressurised corridor/lobby and shall have fire resistance of not less than one hour (for buildings above 16 m. in height).

0.4.3 The number of lifts in one lift bank shall not exceed four. Shaft for fire lift in a lift bank shall be separated from each other by a brick masonry or R.C.C. wall of fire resistance of not less than two hours. For building above 16 m. in height lift car doors shall have fire resistance of not less than one hour.

0.4.4 If the lift shaft and lift lobby are in the core of the building, a positive pressure of not less than 2.5mm. and not more than 3mm. w.g. by an electrically operated blower/blowers shall be maintained in the lift lobby and positive pressure of not less than 5mm. w.g. shall be maintained in the lift shaft. The mechanism for pressuring the lift shaft and lift lobby shall be so installed that they shall operate automatically when the automatic fire alarm operates. The mechanism shall have facilities to operate manually.

(For buildings more than 25m. in height).

0.4.5 Exit from the lift lobby if located in the core of the building, shall be through a self closing smoke stop door of half hour fire resistance.

0.4.6 The lift machine room shall be separate and no other machinery shall be installed therein.

0.4.7 Lifts shall not normally communicate with the basement. However, one of the lifts may be permitted to reach the basement levels provided the lift lobby at each basement level is pressurised and separated from the rest of the basement areas, by smoke actuated fire resisting door of two hours' fire resistance. These doors can also be kept in hold-open position by an electro-magnet device to be linked with smoke detector.

0.4.8 Grounding switch/switches at the ground floor level to enable the fire service to ground the lift car/cars in an emergency shall be provided (for buildings more than 25m. height.)

### 0.5 External Windows:

0.5.1 Areas of the openable external windows on a floor shall be not less than 2.5% of the floor area. The locks for these windows shall be fitted with budget lock of the carriage key type (which can be opened with the point of a fireman's axe).

### 0.6 Lifts and Fire (for buildings more than 25 M in height.)

0.6.1 Telephone communication system in the lift car/cars with speaker/telephone assembly shall be provided for buildings more than 45m. in height.

0.6.2 Provisions for a fire lift shall be made as per the following details.

(a) To enable Fire services personnel to reach to the upper floors with the minimum delay, one or more of the lifts shall be so designed as to be available for the exclusive use of the Fireman in an emergency and be directly accessible to every dwelling/lift-able floor space on each floor.

(b) The lift shall have a floor area of not less than 1.4 sq.m. It shall have loading capacity of not less than 545 kg. (8 persons lift) with automatic closing doors.

(c) The electric supply shall be on a separate service from electric supply mains in a building and the cables run in a route safe from fire, that is, within the lift shaft. In case of failure of normal electric supply, it shall automatically trip over to alternate supply. For apartment buildings, this change over of supply could be done through manually operated changed over switch.

(d) The operation of a fire lift is by a simple toggle or two button switch situated in a glass fronted box adjacent to the lift at the entrance level. When the switch is on, landing call-points will become inoperative and the lift will be on car control only or on a priority control device. When the switch is off, the lift will return to normal working. This lift can be used by the occupants in normal times.

(e) The words "FIRE LIFT" shall be conspicuously displayed in fluorescent paint on the lift landing doors at each floor level.

(f) For building above 16m in height, collapsible gates shall not be permitted for lifts and shall have solid doors with the fire resistance of at least one hour.

(g) The speed of the fire lift shall be such that it can reach the top floor from ground level within one minute or 91.5 m. per minute whichever is less.

## **0.7 Basements:**

0.7.1 Each basement shall be separately ventilated. Vents with cross sectional area (aggregate) not less than 2.5% of the floor area spread evenly round the perimeter of the basement shall be provided in the form of grills of breakable stall board lights or pavement lights or by way of shafts. Alternatively, a system of air inlets shall be provided at basement floor level and smoke outlets at basement ceiling level. Inlets and extracts may be terminated at ground level with stall boards or pavement lights as before but ducts to convey fresh air to the basement floor level have to be laid. Stall boards and pavement lights should be in positions easily accessible to the Fire brigade and clearly marked "SMOKE OUTLET" or 'AIR INLET" with an indication of area served at or near the opening.

0.7.2 The staircase of basements shall be of enclosed type having fire resistance of not less than two hours and shall be situated at the periphery of the basement to be entered at ground level only from the open air and in the basement shall not obstruct any exit serving the ground and upper storeys of the building and shall communicate with basement through a lobby provided with fire resisting self-closing doors of one hour fire resistance. If the travel distance exceeds 18.50 m. additional staircases at proper places shall be provided.

0.7.3 In multi- storey basements, intake ducts may serve all basement levels but each basement and basement compartment shall have separate smoke outlet duct or ducts.

0.7.4 Mechanical extractors for smoke venting system from lower basement levels also be provided . The system shall be of such design as to operate on actuation of heat sensitive detectors or sprinklers if installed and shall have considerably higher performance than the standard units. It should also have an arrangement to start it manually and shall be designed to function at a temperature not less than 5500C.

0.7.5 Kitchens working on gas fuel, departmental stores, and shops shall not be permitted in basement/sub-basement.

## **0.8 Compartmentation (Fire -sections):**

0.8.1 If the uncompartmented floor space on a floor exceeds 750 sq.m. it shall be separated in compartments each not exceeding 750 sq.m. by means of fire walls of not less than two hour' fire resistance. In extended buildings, fire walls should be erected at distances not exceeding 40 meters. For floors with sprinklers, the area mentioned above may be increased by 50 per cent.

### **0.9 Service ducts, Refuse chutes and refuse chambers:**

0.9.1 Service ducts shall be enclosed by walls having a fire resistance of not less than two hours. Doors for inspection or access shall also have a fire resistance not less than two hours.

0.9.2 If the cross sectional area exceeds 1 sq.m. it shall be sealed where it passes a floor by carrying the floor through the duct. The floor within the duct shall be pierced for any service pipe or ventilation trunk and shall fit as closely as possible around any such pipe or trunk.

0.9.3 A permanent vent shall be provided at the top of the service shaft of cross sectional area not less than 460 sq.cm. or 6.25 sq.m. for each 900 sq.cm. of the area of the shaft whichever is more.

0.9.4 Hoppers to refuse chutes shall be situated in well ventilated positions and the chutes shall be continued upwards with an outlet above roof level and with an enclosure wall of non-combustible material with fire resistance not less than two hours. The hopper shall not be located within the staircase enclosure.

0.9.5 Inspection panel and hopper (charging station) opening shall be fitted with tight fitting metal doors, covers, having a fire resistance of not less than one hour.

0.9.6 Refuse chutes shall not be provided in staircase wells, air conditioning shafts, etc.

0.9.7 Refuse chambers shall have walls and floors or roofs constructed of non-combustible and impervious materials and shall have a fire resistance of not less than two hours. They shall be located at a safe distance from exit routes.

### **0.10 Building services:**

0.10.1 Electrical services:

(a) The electric distribution cables/wiring shall be laid in separate duct. The duct shall be sealed at every alternative floor with non-combustible materials having the same fire resistance as that of the duct.

(b) Water mains, telephone lines, inter-com lines, gas pipes or any other service line shall not be laid in the duct for electric cables.

(c) Separate circuits for water pumps, lifts, staircases and corridor lighting and blowers for pressuring system shall be provided directly from the main switch gear panel and these circuits shall be laid in separate conduct pipes so that fire in one circuit will not affect the others. Master switches controlling essential services circuits shall

be clearly labeled.

(d) The inspection panel doors and any other opening in the shaft shall be provided with air tight fire doors having the fire resistance of not less than two hours.

(e) Medium and low voltage wiring running in shafts, and within false ceiling shall run in metal conduct.

(f) An independent and well ventilated service room shall be provided on the ground floor with direct access from outside or from the corridor for the purpose of termination of electric supply from the licensee's service and alternate supply cables. The doors provided for the service room shall have fire resistance of not less than two

hours.

(g) If the licensees agree to provide meters on upper floors, the licensee's cables shall be segregated from consumers' cable by providing a partition in the duct. Meter rooms on upper floors shall not open into staircase enclosure and shall be ventilated directly to open air outside.

(h) PVC cables should have an additional sheathing or protection provided by compounds sprayed on after installation because of the notorious secondary damage in case of fire.

#### 0.10.2 Town Gas/L.P. Gas supply pipes:

Where gas pipes are run in the building, the same shall be run in separate shafts exclusively for this purpose and these shall be on external walls, away from the staircases. There shall be no inter connection of this shaft with the rest of the floors, Gas meters shall be housed in a suitably constructed metal cupboard located at well ventilated space at ground level.

#### 0.10.3 Staircase and corridor Lightings:

(a) The staircase and corridor lighting shall be on separate circuits and shall be independently connected so that it could be operated by one switch at any time on the ground floor easily accessible to fire fighting staff at any time irrespective of the position of the individual control of the light points if any.

(b) Staircase and corridor lighting shall also be connected to alternative supply as provided in paragraph 0-10.4

(c) Suitable arrangements shall be made by installing double throw switches to ensure that the lighting installed in the staircase and the corridor do not get connected to two sources of supply simultaneously. Double throw switch shall be installed in the service room for terminating the standby supply.

(d) Emergency lights shall be provided in the staircase/corridor for assembly and institutional buildings.

#### 0-10.4 Alternate source of Electric supply:

A standby electric generator shall installed to supply power to staircase and corridor lighting circuits, fire lifts, the standby fire pump, pressurisation fans and blowers, smoke extraction and damper systems in case of failure of normal electric supply. The generator shall be capable of taking starting current of all the machines and circuits stated above simultaneously. If the standby pump is driven by diesel engine, the generator supply need not be connected to the standby pump where parallel HV/LV supply from a separate sub-station is provided with appropriate transformer for emergency. The provisions of generator is provided with appropriate transformer for emergency. The provisions of generator may be waived in consultation with the Chief Fire Officer, Thane Fire brigade.

#### 0-10.5 Transformers:

(a) If Transformers are housed in the building below the ground level it shall be necessarily in the first basement in separate fire resisting room of 4 hours' rating. The room shall necessarily be at the periphery of the basement. The entrance to the room shall be provided with a steel door of 2 hours fire rating. A kerb (sill) of a suitable height be provided at the entrance in order to prevent the flow of oil from ruptured transformer into other parts of the basement. The direct access to the transformer room shall be provided preferably from outside. The switch gears shall be housed in a separate room separated from the transformer bays by a fire resisting wall with fire resistance not less than four hours.

(b) Transformer, if housed in basement, shall be protected by an automatic high pressure water spray system (Emulsifier system).

(c) In case the transformers housed in the basements are totally segregated from other areas of the basements by 4 hours fire resisting wall/walls with an access directly from outside, it may be protected by carbon-dioxide or B.C.F. fixed installation system.

(d) When housed at ground floor level, it/they shall be cut off from the other protection of premises by fire resisting walls of 4 hours fire resistance.

(e) They shall not be housed on upper floors.

(f) A tank of RCC construction of capacity of accommodating entire oil of the transformers shall be provided at lower level to collect the oil from the catch-pit in case of emergency. The pipe connecting the catch-pit to the tank shall be of non-combustible construction and shall be provided with a flame arrester.

#### 0.10.6 Air conditioning:

(a) Escape routes like staircases, common corridors, lift lobbies, etc., shall not be used as return air passage.

(b) The ducting shall be constructed of substantial gauge metal in accordance with IS1/655-1963 Metal Air Ducts (Revised).

(c) Wherever the ducts pass through fire walls or floors, the opening around the ducts shall be sealed with fire resisting materials such as asbestos rope, vermiculite concrete glasswool. etc.

(d) As far as possible metallic ducts shall be used even for the return air instead of space above the false ceiling.

(e) The materials used for insulating the duct system (inside or outside) shall be of non-combustible materials such as glass wool, spunglass with neoprene facing.

(f) Area more than 750 sq.m. on individual floor shall be segregated by a fire wall and automatic fire wall and automatic fire dampers for isolation shall be provided where the ducts pass through fire walls. The fire dampers shall be capable of operating manually.

(g) Air ducts serving main floor areas, corridors., etc., shall not pass through the staircase enclosure.

(h) The air handling units, shall as far as possible, be separate for each floor and air ducts for every floor shall be separate and in no way interconnected with the ducting of any other floor.

(i) If the air handling unit serves more than one floor the recommendations given above shall be complied with in addition to the conditions given below:

i] Proper arrangements by way of automatic fire dampers working on smoke detectors for isolating all ducting at every floor from the main riser shall be made.

ii] When the automatic fire alarm operates, the respective air handling units of the air-conditioning system shall automatically be switched off.

(j) Automatic fire dampers shall be provided at the inlet of the fresh air duct and the return air duct of each compartment on every floor.

(k) Automatic fire dampers shall be so arranged as to close by gravity in the direction of the air movement and to remain tightly closed upon operation of a smoke detector.

(l) The air filters of the air-handling units shall be of non-combustible materials.

(m) The air handling unit room shall not be used for storage of any combustible materials.

(n) Inspection panels shall be provided in main trunking to facilitate the cleaning of ducts of accumulated dust and to obtain access for maintenance of fire dampers.

(o) No combustible material shall be fixed nearer than 15 cm. to any duct unless such duct is properly enclosed and protected with non-combustible material (glass wool or spunglass with neoprene facing enclosed and wrapped with aluminum sheeting) at least 3.2mm. thick and which would not readily conduct heat.

0.10.7 Boiler Room- Provisions of Boiler and Boiler Rooms shall conform to Indian Boiler Act. Further the following additional aspects may be taken into account in the location of Boiler / Boiler Room.

(a) The boilers shall not be allowed in sub-basement but may be allowed in the basements away from the escape routes.

(b) The boilers shall be installed in a fire resisting room of 4 hours fire resistance rating and this room shall be situated on the periphery of the basement. Catch pits shall be provided at the low level.

(c) Entry to this room shall be provided with a composite door of 2 hours fire resistance.

(d) The boiler room shall be provided with fresh air inlets and smoke exhausts directly to the atmosphere.

(e) The furnace oil tank for the Boiler if located in the adjoining room shall be separated by fire resisting wall of 4 hours rating. The entrance to this room shall be provided with double composite doors. A curb of suitable height shall be provided at the entrance in order to prevent the flow of oil into the boiler room in case of tank rupture.

(f) Foam inlets shall be provided on the external walls of the building near the ground level to enable the fire services to use foam in case of fire.

### **0.11 Provisions of first Aid Fighting Appliances:**

0.11.1 The first-aid fire fighting equipments shall be provided on all floors including basements, lift rooms, etc. in accordance with IS : 2217 1963 recommendations for providing First Aid Fire Fighting Arrangements in public Buildings in consultation with the Chief Fire Officer, Thane Fire Brigade.

0.11.2 The fire fighting appliances shall be distributed over the building in accordance with IS:2190-71 code of practice for selection, installation and maintenance of portable fire-aid fire appliances.

### **0.12 Fixed Fire Fighting Installations:**

0.12.1 Buildings above 16m. in height depending upon the occupancy use shall be protected by wet riser, wet riser-cum down comer, automatic sprinkler installation, high pressure water spray or foam generating system etc. as per details in paragraphs 0-12.2 to 0-12.7.

0.12.2 The wet riser/Wet riser-cum-down comers installations with capacity of water storage tanks and fire pumps shall conform to the requirements as specified in Table No.16.

0.12.3 The wet riser installations shall conform to IS;3844-1966 codes of practices for installations of internal fire hydrants in multi-storey buildings. In addition, wet riser shall be designed for zonal distribution ensuring that unduly high pressure are not development in riser and hose pipes. In addition

to wet riser/wet riser down comer, first – aid hose reels shall be installed as shown in Figure II to VII enclosed with this Appendix on all the floors of the buildings above 25m. and shall conform to IS: 884-1969 Specification for first-aid reel for fire-fighting (fixed installation). The first aid hose reel shall be connected to one of the female couplings or twin couplings of landing valves of the Wet Riser installations by means of adapter.

0.12.3.1 Static water storage Tank – A satisfactory supply of water for the purpose of fire fighting shall always be available in the form of underground static storage tank with capacity specified in Table No.16 for each building by the local Fire Authority with arrangements of replenishment by town's main or alternative source of supply @1000 litres per minute. The static storage water supply required for the above-mentioned purposes should entirely be accessible to the fire engines of the local fire service. Provision of suitable number of manholes shall be made available for inspection, repairs and inspection of section hose, etc. The covering slab shall be able to withstand the vehicular load of 18 tons. The domestic suction tank connected to the static water storage tank shall have an overflow capable of discharging 2250 ltrs. per minutes to a visible drain point from which by a separate conduits, the overflow shall be conveyed to a storm water drain.

0-12-3.2 To prevent stagnation of water in the static water storage tank the suction tank of the domestic water supply shall be fed only through and overflow arrangement to maintain the level therein at the minimum specified capacity as shown in Figure-II.

**Note:-** 1) Any of the above category may incorporate an automatic sprinkler/ drencher system, if the risk is such that it requires installation of such protective methods.

2) Minimum of two hydrants shall be provided within the courtyard.

3) Wet riser-cum-down comer is an arrangement for fire-fighting within the building by means of vertical rising mains not less than 10 cm. internal diameter with hydrant outlets and hose reel on floor/landing connected to an overhead water storage tank for fire-fighting purpose, through a booster pump, gate non-return valve, over the underground static tank. A fire service inlet at ground level fitted with non return valve shall also be provided to the rising main for charging it by fire services pump in case of failure of static fire pump over the underground static tanks.

4) The performance of pumps specified above shall be at R.P.M. not exceeding 2000.

5) The above quantities of water shall be exclusively for fire fighting and shall not be utilised for domestic or other use. The layout of underground water static tank shall be as per figures in this

## Appendix.

6) Size of the riser shall be as under (internal diameter):

(a) Apartment buildings –

1. i) upto 60m. 10cm. with single hydrant outlets and hose reel on each floor.

1. ii) Above 60m. 15 cm. with twin hydrant outlets and hose reel on each floor.

(b) Non- Apartment building-

1. i) upto 25m. 10cm. with single hydrant outlets and hose reel on each floor.

1. ii) Above 25m. 15 cm. with twin hydrant outlets and hose reel on each floor.

7) A facility to boost up water pressure in the riser directly from the mobile pumps shall also be provided to the Wet riser system with a suitable fire service inlets (collecting breaching with 2 numbers of 63mm. inlets for 10 cm. rising main and 4 numbers of 63mm. inlets with check valves for 15 cm. diameter rising main) and non-return valve and a gate valve.

8) Hose Reel-Internal diameter of rubber hose for hose reel shall be minimum 19 mm. A shut-off branch with nozzle of 4.8 mm. size shall be provided.

0-12.3.3 The static water storage tank shall be provided with a fire brigade collecting breaching with 4 nos. 65mm. diameter instantaneous male inlets arranged in a value box at a suitable point at street level and connected to the static tank by a suitably fixed pipe not less than 15mm. diameter to discharge water into the tank when required at a rate of 2250 lits. per minute.

0.12.4 Automatic Sprinklers- Automatic sprinklers shall be installed:-

- (a) in basement used as car parks, if the area exceeds 500sq.m.
- (b) in multi-storeyed basements used as car parks, and for housing essential service ancillary to a particular occupancy.
- (c) in any room or other compartment of a building exceeding 750 sq.m.
- (d) In departmental stores or shops which totally exceed 750 sq.m.
- (e) in all non-domestic floors of mixed occupancy considered to constitute a hazard and not provided with staircases independent of the remainder of a building.
- (f) in godown and warehouses as considered necessary.
- (g) on all floors of the buildings other than apartment buildings, if the height of the building exceeds 60m.
- (h) in dressing rooms, scenery docks, stages and stage basements of theatres.

#### 0-12.5 Automatic high pressure water spray (emulsifier) System:

This system shall be provided for protection of indoor transformers of a sub-station in a basement area.

#### 0-12.6 Foam generating system:

This system shall be provided for protection of boiler rooms with its ancillary storage of furnace oils in basement.

#### 0-12.7 Carbon-die Oxide Fire Extinguishing System:

Fixed Co<sub>2</sub> fire extinguishing installation shall be provided as per IS: 6382 – 1971 code of practice for design and installation of fixed CO<sub>2</sub> fire extinguishing system on premises where water or foam cannot be used for fire extinguishment because of the special nature of the contents of the buildings/ areas to be protected. Where possible BCF (Bromochlorodifluoromethane) installation may be provided instead of CO<sub>2</sub> installation.

#### 0-13 Fire Alarm system:

0-13.1 All buildings with heights mentioned against each shall be equipped with fire alarm system as given in paragraphs 0-13.1.1 and 0-13.1.2.

0-13.1.1 Residential Buildings (Dwelling House and Hostels) above 35m. and educational Buildings, Institution buildings above 25m. in height.

(a) Such buildings shall be equipped with manually operated electrical fire alarm systems with one or more call boxes located at each floor. The location of the call boxes shall be decided after taking into consideration the floor plan with a view to ensure that one or the other call box shall be readily accessible to all occupants of the floor without having to travel more than 22.5 m.

(b) The call boxes be of the 'Break-glass' type without any moving parts, where the call is transmitted automatically to the control room without any other action on the part of the person operating the call box.

(c) All call boxes shall be wired in a close circuit to a control panel in the control room, located as per paragraph 0-14 so that the floor number where the call box is actuated is clearly indicated on the control panel. The circuit shall also include one or more batteries with a capacity of 48 hours normal working at full load. The battery shall be arranged to be continuously trickle-charged from the electric mains. The circuit may be connected to alternate source of electric supply as defined in paragraph 0-10.4.

(d) The call boxes shall be arranged to sound one or more sounders so as to ensure that all occupants of the building shall be warned whenever any call box is actuated.

(e) The call boxes shall be so installed that they do not obstruct the exitways and yet their location can easily be noticed from either direction. The base of the call box shall be at a height of 1 m. from the floor level.

0-13.1.2 Business and Industrial Buildings above 25m. but not exceeding 30m.

(a) Such buildings shall be equipped with manually operated electrical fire alarm system with one or more call boxes located at each floor. The location of the call boxes shall be decided after taking into consideration the floor plan with a view to ensuring that one or the other call box shall be readily accessible to all occupants of the floor without having to travel more than 22.5 m.

(b) The call boxes shall be of the 'break-glass' without any moving parts, where the call is transmitted automatically to the control room without any other action on the part of the person operating the call box.

(c) All call boxes shall be wired in a close circuit to a control panel in the room located as per paragraph 0-14.1 so that floor number from where the call box is actuated is clearly indicated on the control panel. The circuit shall also include one or more batteries with a capacity of 48 hours normal working at full load. The battery shall be continuously trickle-charged from the electric mains. The circuit may be connected to

alternate source of electric supply as defined in 0-10-4.

(d) The call boxes shall be arranged to sound one or more sounders so as to ensure that all occupants of the buildings shall be warned whenever any call box is actuated.

(e) The call boxes shall be so installed that they do not obstruct the exit way and yet their location can easily be noticed from either direction. The base of the call box shall be at a height of 1 m. from the floor level.

0-13.1.3 All other building exceeding 25m. in height excluding those mentioned in paragraphs 0-13.1.1 and 0-13.1.2- These buildings shall, in addition to the manually operated electrical fire alarm system be equipped with an automatic fire alarm system. The latter shall be in addition to the alarm which may be sounded by the actuation of any automatic fire extinguishing system, which may be installed in any particular occupancy in accordance with these by laws. The detectors for the automatic fire alarm shall conform to relevant IS specification Heat/Smoke Sensitive type Fire Detector and the system shall be installed in accordance with IS 2189-1976 code of practice for Automatic Fire Alarm system or any other relevant Indian Standards prescribed from time to time.

Note 1: Several types of fire detectors are available in the market but the application of each type is limited and has to be carefully considered in relation to the

type of risk and the structural features of the building where they are to be installed.

Note 2: No automatic detector shall be required in any room or portion of a building which is equipped with an approved installation of automatic sprinklers.

#### **0-14 Control Room:**

0-14.1 For all building mentioned in paragraphs 0-13.1.1, 0-13.1.2 and 0-13.1.3 except apartment buildings not exceeding 60 m. there shall be a control room on the entrance floor of the building with communication system (suitable public address system) to all floors and facilities for receiving the message from different floor. Details of all floor plans along with the details of firefighting equipment and installations shall be maintained in the control room. The control room shall also have facilities to detect the fire on any floor through Indicator boards connecting fire detecting and alarm system on all floors. The staff in-charge of control room shall be responsible for the maintenance of the various services and firefighting equipment and installations.

### **0-15 Caretaker for Residential Hotels, Business, Mercantile, Industrial, Storage and Hazardous Buildings with height more than 45 m.:**

0-15.1 A qualified fire Officer with experience of not less than 3 years (in city fire brigade) shall be appointed as a caretaker who will be available on the premises at all times. The lighting protection for buildings shall be provided based on the provisions of part II of the National Buildings Code of India 1970.

0-15.2 The Fire Officer shall-

(i) Maintain the firefighting equipment in good working condition at all times.

(ii) layout fire orders and fire operational plans.

(iii) Impart training to the occupants of the buildings in the use of firefighting equipments provided on the premises and keep them informed about the fire emergency evaluation plan, and

(iv) Keep proper liaison with City Fire Brigade.

### **0-16 House Keeping:**

0-16.1 To eliminate fire hazards a good housekeeping inside the building and outside the buildings shall be strictly maintained by the occupants and/or the owner of the building. For all buildings mentioned in paragraphs 0-13.1.1, 0-13.1.2 and 0-13.1.3 except apartment buildings not exceeding 60 m. there shall be a control room on the entrance floor of the building with communication system (suitable public address system), to all floors.

### **0-17 Fire Drills and Fire Orders:**

O-17.1 Fire notice/orders shall be prepared to fulfill the requirements of the firefighting and evacuation from the buildings in the event of fire and other emergency. The occupants shall be made thoroughly conversant with their action in event of the emergency, by displaying fire notices at vantage points. Such notices should be displayed prominently in broad lettering.

**TABLE NO. 12-A**

(Paragraph N.1.2.1 In Appendix N)

Sr. No.	Category and road width and description of housing	Minimum size of the plot fronting on the road	Frontage Minimum	Minimum set-back from the road in front in m.	Minimum Tenement density
1.	2.	3.	4.	5.	6.
1.	National Highways, State Highway	750 sq.m	18m.	Residential buildings 24.5 m from the centre line of the road (road existing or proposed ) or 4.5m  from plot boundary, whichever is more	250/Ha. for net plot area
2.	Other Road 24m. wide and above	600 sq.m.	18m.	6m.	300/Ha. for net plot area
3.	Roads of width below 24m. and above 15m	Above 500 sq.m.	15m.	4.5m.	300/Ha. for net plot area
4.	Roads of width of 15m. and below.	Above 250-500 sq.m.	12m.	4.5m.	300/Ha. for net plot area

		(with provision to develop two semi-detached bldgs.)			
5.	Roads of width of 15m.	Above 125-250 sq.m.	8-12m.	3m.	300/Ha. for net plot area
6.	Row housing on roads of width 12m. and below	Above 25-125 sq.m.	4.8 m.	2.25m.	300/Ha. for net plot area
7.	Row Housing for EWS/LIG by public agencies	-----As per Appendix Q-----			

**TABLE NO. 12-B**

(Paragraph N.1.2.1 In Appendix N)

Sr. No.	Minimum Size of the Plot fronting on the roads	Minimum set-back from the road in front in m	Minimum distance at the rear in m.	Minimum side set back in m.	Maximum Tenement density
1.	2.	3.	4.	5.	6.
1.	750 sq.m.	Residential buildings  34.5 m. from the centre line of the road (road existing or proposed ) or 4.5m from plot boundary,  whichever is more	3m.	3m.	250/Ha. for net plot area
2.	600 sq.m.	6.00 m.	3m.	3m.	300/Ha for net plot area
3.	Above 500 sq.m.	4.5m.	3m.	3m.	300/Ha for net plot area
4.	Above 250-500 sq.m.	4.5m.	3m.	2.25m.	300/Ha for net plot area
5.	Above 125/250 sq.m.	3m.	3m.	2.25m only on one	300/Ha for net

				side Gr.+ 2 with addl. marginal space of 1m. for every additional floor height of 3 m or part thereof.	plot area
6.	Above 25-125 sq.m.	2.25m.	2.25m (Gr+2 upper floors)	Nil	300/Ha for net plot area

**TABLE NO. 14**

Open Space Relaxation in narrow plots in residential and commercial zones

[Paragraph N.1.8 (a)]

Sr. No.	Plot Size	Relaxation	Restrictions on Buildings
1	2	3	4
1.	Depth less than 14 m but more than 11 m	Rear Open Space to be reduced to 1.8 m	(i) Depth not to exceed 6m (ii) Height not to exceed 3 storeys or 10m.
2.	Width less than 14m but more than 11m	One side open space may be reduced to 1.8m	(i) Width not to exceed 6m (ii) Height not to exceed 3 storeys or 10m.
3.	Two adjoining plots each less than 14m but more than 11m wide	Semi-detached structure permitted subject to Table 28	Height not to exceed 3 storeys or 10m.
4.	Depth or width less than 11m	Open space on all sides 1.5m	Ground floor structure
5.	Two adjoining plots each less than 11m. wide	Semi-detached structure with open space 1.5 m wide all round	Ground floor structure Height not to exceed 4m.

NOTE:- No dimension of any building in a narrow plot shall exceed 30m.

## TABLE NO. 15

### OPEN SPACE RELAXATION IN NARROW PLOTS IN INDUSTRIAL ZONES

[Paragraph N.18(b)]

Sr. No.	Relaxation granted in or conditions imposed	Width less than 9m.	Depth less than 9m.	Width Between 9m and 15.m	Depth Between 9m and 15.m
1	2	3	4	5	6
1.	Open space	Side open space may be reduced to 1.5m	Rear open space may be reduced to 1.5 m	May be reduced on one side only but to not less than 1.8 m.	May be reduced at the rear but to less than 1.8 m
2.	Building-				
	(a) Dimensions	6m	30m	6m	30m
	(i) Maximum width	30m	6m	30m	6m
	(ii) Maximum depth	4.5m	4.5m	8m	8m
	(iii) Maximum height	(one storey)	(one storey)	(Two storeys)	(Two storeys )
	(b) Walls	Dead walls 40cm thick on both sides	Dead wall 40cm. thick on the rear side.	Dead wall 40cm thick facing the reduced open space	Dead wall 40 cm. thick facing the rear side
	(c) Use	Storage	Storage only	As permissible	As

		only						permiss ible

**TABLE NO. 16**

THE WET RISER/WET RISER-CUM-DOWN COMERS INSTALLATIONS WITH CAPACITY OF WATER STORAGE TANKS AND FIRE PUMPS

Sr. No.	Type of the building  Occupancy	Type of Installation	REQUIREMENTS			
			Water Supply			Pump Capacity
			Undergro und  Static Tank	Terrace  Tank	Near the underground  static Tank	At the Terrace Level
1.	2.	3.	4.	5.	6.	7.
1.	Apartment buildings below 25m. in height	Nil	Nil	Nil	Nil	Nil
2.	Apartment buildings					
	(a) Exceeding 25m. but not exceeding 45 m.	Wet riser- cum-down  Comer	50,000 ltrs	20,000 ltrs.	1,400 ltrs, per minute giving a pressure not less  than 3.2 kg.cm <sup>2</sup> at the top most hydrant	450 ltrs. per minute giving a pressure not less than 2.1 kg.cm <sup>2</sup> at the top most  hydrant.
	(b) Above 25m and	Wet riser-	50,000	20,000	1,400 ltrs, per minute	900 ltrs.

not exceeding 35m with shopping area upto 250 sq.m. and restricting the shopping areas to the ground floor only	cum-down Comer	ltrs	ltrs.	giving a pressure not less than 3.2 kg.cm <sup>2</sup> at the top most hydrant	per minute giving a pressure not less than 2.1 kg.cm <sup>2</sup> at the top most hydrant.
(c) Above 25 m. and not exceeding 35m. with shopping area exceeding 250 sq.m.	Wet riser-cum-down Comer	1,00,000 ltrs.	20,000 ltrs.	2,400 ltrs, per minute giving a pressure not less than 3.2 kg.cm <sup>2</sup> at the top most hydrant	900 ltrs. per minute giving a pressure not less than 2.1 kg.cm <sup>2</sup> at the top most hydrant.
(d) Above 45m and not exceeding 60m.	Wet riser-cum-down Comer	75,000 ltrs	20,000 ltrs.	2,400 ltrs, per minute giving a pressure not less than 3.2 kg.cm <sup>2</sup> at the top most hydrant	900 ltrs. per minute giving a pressure not less than 2.1 kg.cm <sup>2</sup> at the top

						most hydrant.
	(e) Above 60m. in height but not exceeding 92 m (apartment building above 92m. should not be permitted)	Wet riser-cum-down  Comer	1,00,000 Ltrs	20,000 ltrs.	2,400 ltrs per minute giving a pressure not less than 3.2 kg/cm <sup>2</sup> at the top most hydrant. The pump provided should be of multistage type with suction and delivery sizes not less than 6" diameter with low level riser upto 15 storeys and high level riser deliver for upper floors.	900 ltrs. per minute giving a pressure not less than 2.1 kg.cm <sup>2</sup> at the top most hydrant.
3.	Non-apartment Buildings					
	(a) Above 16m. in height but not exceeding 25m. excepting educational building.	Wet riser-cum-down  Comer	50,000 ltrs	10,000 ltrs.	1,350 ltrs. per minutes giving a pressure not less than 3.2 kg/cm <sup>2</sup> at the top most hydrant.	450 ltrs. per minute giving a pressure not less than 2.1 kg.cm <sup>2</sup> at the top most hydrant.

	(b) Educational building above 16m. but not exceeding 25m. in height.	Wet riser-cum-down  Comer	Nil	10,000 ltrs.	-----	-----
	(c) Above 25m. but not exceeding 35m.	Wet riser-cum-down  Comer	75,000 ltrs	20,000 ltrs.	2,400 ltrs per minute giving a pressure not less than 2.3 kg/ cm <sup>2</sup> at the top most hydrant. The pump provided should be of multistage type with suction and delivery sizes not less than 6" diameter with low level riser upto 10 storeys and high level riser deliver for upper floors.	450 ltrs. per minute giving a pressure not less than 2.1 kg.cm <sup>2</sup> at the top most hydrant.
	(d) Above 35m.but not exceeding 60m.	Wet riser (fully charged with adequate pressure at all times & automatic	1,00,000 Ltrs	Nil	Nil	

		in operation)				
(e) Above 60m. but not exceeding 92m.	Wet riser (fully charged with adequate pressure at all times & automatic in operation)	1,50,000 Ltrs	Nil	(i) 2,400 ltrs per minute giving a pressure not exceeding 3.2 kg/cm <sup>2</sup> . The pump provided will be multistage type with suction and delivery sizes not less than 6" diameter with low level riser delivery for upper floors.  (ii) A stand by pump of equal capacity shall be provided on alternative source of supply	Nil	
(f) Above 92m.	Wet riser (fully charged with adequate pressure at all times &	2,00,000 ltrs.	Nil	2,400 ltrs per minute giving a pressure not exceeding 3.2 kg/cm <sup>2</sup> . The pump provided will be multistage type with suction and	Nil	

		<p>automatic in operation)</p>				<p>delivery sizes not less than 6"</p> <p>diameter with low level riser upto 15 storeys &amp; high level riser delivery to upper floors upto 60m. Another pump of equal performance with a break tank of</p> <p>12000 litrs. capacity at 75m.</p> <p>level &amp; set out ball valves to</p> <p>supply the tank with at least 2400</p> <p>ltrs per minute from the first</p> <p>pump.</p> <p>(ii) A stand by pump of equal capacity provided on alternative source supply</p>	
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**APPENDIX - P**

## **LAND USES AND MANNER OF DEVELOPMENT**

(Regulation No.68 (v))

Land uses and the manner of development: The uses of all lands situated within the municipal limits of Thane Municipal Corporation, which have been allocated, designated or reserved for certain purposes in the development plan, shall be regulated in regard to type and manner of development/ re-development, according to the Table hereunder:

## **LAND USES AND THE MANNER OF DEVELOPMENT**

Sr. No.	Use (Allocation, designation or reservation)	Person/Authority who may develop	Condition subject to which development is permissible
1.	2.	3.	4.
I.	<b>Residential (R)</b>		
	(a) Residential (R-1)  Residential with shop line (R-2)	Owner  Owner	
	(b) Public Housing (PH)	Public Authority or owners	<p>(i) A public authority may develop the land after acquiring it in accordance with law as per condition (1) below or</p> <p>(ii) In cases where the owner has been granted exemption under section 20 or section 21 or redevelopment permission under section 22 of the Urban Land (Ceiling and Regulations) Act, 1976, prior to coming into force of these Regulations, he would be entitled to develop the land in accordance with terms and conditions set out in relevant order issued by the Government or the Competent Authority under the said Act. In case the owner is granted the aforesaid exemption or permission after coming into force of these Regulations, he will be entitled to develop the land in accordance with the terms and conditions set out in the exemption order or permission, and in addition, on conditions</p>

stipulated for development of public housing here below.

**Conditions:**

(i) The minimum tenement density shall be 325 units per net hectare with not less than 50 percent tenements having carpet area of 16.75 sq.m. (180.sqft.) each.

(ii) The owner may develop the land in accordance with the condition (1) above and on such terms as are agreed between him and the Commissioner including the owner agreeing to give tenements of each carpet area of 16.75 sq.m. (180sq.ft.) in the building so constructed by him on payment of cost of construction plus 15

percent of the cost of construction as follows:

10 percent tenements in the buildings to the Corporation for allotment to persons affected by implementation of the development plan and where there is no such person left to be allotted a tenement, to others at market price.

(c) Housing the Dishoused (HD)

Corporation or  
Owner

The Corporation may develop the land after acquiring it in accordance with the law. The Owner may develop the land for housing with the normal permissible FSI on such terms as are agreed to between him and the Commissioner, provided that in the development a minimum density of 275

units per hectare with not less than 50% of tenements having carpet area of 20.90 sq.m. (225.00 sq.ft.) shall be achieved, and 20% permissible built-up area in form of tenements having carpet area of 20.90 sq.m. shall be handed over to Corporation, free of cost for allotment to persons affected by implementation of the development plan. Thereafter the owner will be entitled to have full permissible F.S.I. of the plot without taking into account the area to be handed over to Corporation.

While working out 20% built-up area to be handed over to the Corporation free of cost following areas shall not be taken into account.

(i) Area of land set aside as R.G. @ 15% of plot area as required by Regulation No. 54 of these Regulation.

(ii) Area of land under set back / D.P. Roads passing through such land.

(iii) Area used for re-accommodation of existing occupants not exceeding existing authorised occupied area or 20.90 sq.mts. carpet area whichever is more.

iv) Area constructed by utilisation of TDR.

(d) Municipal Staff  
Quarter

Corporation

II.	Commercial (C)		
	(a) C1 & C2	Owner	<p>(1) The Owner may be allowed to develop on such terms as may be agreed between him and the Commissioner.</p> <p>(2) In cases where the owner has been granted exemption under section 20 or 21 or redevelopment permission under section 22 of Urban Land (Ceiling and Regulations) Act, 1976, prior to coming into force of these regulations, he would be entitled to develop the land in accordance with the terms and conditions set out in exemption order issued by the Government or the Competent Authority under that Act.</p>
	(b) Town Centre or District Centre	Public Authority or Owner	<p>(1) The owner may be allowed to develop on such terms as may be agreed between him and the Commissioner.</p> <p>(2) In cases where the owner has been granted exemption under section 20 or 21 or redevelopment permission under section 22 of Urban Land (Ceiling and Regulations) Act, 1976, prior to coming into force of these regulations, he would be entitled to develop the land in accordance with the terms and conditions set out in exemption order issued by the Government or the Competent Authority under that Act.</p> <p>(3) 20% of shops to be handed over to Corporation free of cost in lieu of which 10% FSI should be given to the owner in consultation with the Director of Town Planning, Maharashtra state, Pune.</p>

(c) Retail Market

Corporation or  
Owner

The Corporation may acquire and develop Retail market.

OR

The owner may be permitted to develop the market with the type, number and size of stalls prescribed by the Commissioner and further subject to his agreeing to hand over free of charge, the built up market area as follows:-

Area of Plot	% of F.S.I.	
	Sector No. 1,2,3	Remaining sector
(a) Upto 2000 Sq. Mts.	25	20
(b) 2001 to 3000 Sq. Mts.	30	25
(c) 3001 to 4000 Sq. Mts.	35	30
(d) 4001 & Above	40	35

			Thereafter, the owner will be entitled to have the full permissible FSI of the plot without taking into account the area utilised for the market.
	(d) Shopping Centre (SC)	Corporation or  Owner	The corporation may acquire the land and develop it for the shopping centre.  OR  The Owner may develop the shopping centre on his agreeing to give at least upto 25 percent of the shops to the Corporation for the purpose of rehabilitation of shop-keepers displaced from sites reserved for public purposes of amenities in the development plan on payment of cost of construction plus 15 percent of the cost of construction.
<b>III.</b>	<b>Industrial (I)</b>		
	(a) Industrial Zone	Owner	---
	(b) Fishing Industry e.g. Fish drying, fish net drying, repair and allied activities	Public Authority or Institution Co-  Operative society or Association of  Fisherman of Owner	---
<b>IV.</b>	<b>Transportation</b>		
	(a) Proposed road/street	Corporation	

<p>(b) High capacity Mass transport Route (HCMTR)</p>	<p>Corporation/Railways</p>	
<p>(c) Proposed widening of existing road/street envisaged either in the development plan or by prescription of regular line of street under the Bombay Provincial Municipal Corporation Act, 1949.</p>	<p>Corporation</p>	
<p>(d) Municipal Transport Garage / Workshop (MW)/Bus Depot.</p>	<p>Corporation</p>	<p>The Corporation may acquire or develop Garage/Workshop/Bus Depot</p> <p>OR</p> <p>Municipal Transport/Garage/Workshop (MW) / Bus Depot may be developed by the Appropriate Authority for the specified purpose coupled with commercial use subject to the following conditions:-</p> <p>The carpet area of such commercial user shall not exceed 15% of the total permissible floor area. Out of such permissible commercial user area not</p>

		<p>exceeding 50% floor area of the total commercial user may be permitted on the ground floor, while remaining area for commercial use may be permitted on the upper floors. Extent of area proposed to be used for commercial use shall be such that it does not adversely affect the principal use.</p>
(e) Municipal Store	Corporation or Owner	<p>The Corporation may acquire, develop and maintain the amenity as a reservation</p> <p>OR</p> <p>The Owner may be allowed to develop these reservations subject to the following conditions –</p> <p>25% of permissible built-up area shall be constructed &amp; handed over to the Municipal Corporation along with land &amp; appurtenant open spaces free of cost to the terms &amp; conditions stipulated by the Commissioner. Thereafter owner will be entitled to have full permissible F.S.I. of the plot for user permissible in surrounding area, without taking into account the built-up area to be handed over to the Corporation. Provision for public utilities and amenities, except required under D.C.R. Nos. 54 &amp; 63 of these Regulations, shall not be insisted.</p>
(f) Truck Terminus (TT)	Corporation	-----

(g) Parking	<p>Corporation / Public Authority /Public Organisation/ Owner</p>	<p>The Corporation may acquire the land and develop, operate and maintain the parking lot.</p> <p>OR</p> <p>A public authority or a public organisation or the owner may be allowed to develop the parking lot for the public according to the design, specification and conditions prescribed by the Commissioner, utilising the full built-up area equal to the FSI available on the plot for the purpose of providing the parking spaces. The operation and</p> <p>maintenance of the facility will be decided by the Commissioner irrespective of the authority, organisation or person who develops the facility.</p> <p>The parking spaces may be in the basement or open spaces or under the stilts or on the upper floors. The Corporation, public authority, public organisation or the owner will be entitled thereafter to have the full permissible FSI of the plot, without taking into account the areas utilised for providing the parking spaces for other permissible user of the plot.</p>	
(h) Jetty	<p>Public Authority or Owner</p>	<p>When the owner develops this facility, it will be in accordance with the specifications approved by appropriate authority.</p>	
<b>V.</b>	<b>Public, Semi-Public</b>		

## 1. Institutional –

(a) Dispensary (D)

(b) Health/

Welfare Centre  
(WC)

(c) Maternity

Home (MH) or

Veterinary  
dispensary (VD)

Corporation or

Owner

The Corporation may acquire or develop Dispensary Health/ Welfare Centre, Maternity Home Veterinary Dispensary.

OR

The owner may be permitted to develop the amenity subject to the handing over to the Corporation free of charge the built-up space for amenity as follows :-

Area of Plot	% of F.S.I.	
	Sectors No. 1,2,3	Remaining sectors
(a) Upto 2000 Sq. Mts.	25	20
(b) 2001 to 3000 Sq. Mts.	30	25
(c) 3001 to 4000 Sq. Mts.	35	30
(d) 4001 & Above	40	35

Thereafter the owner will be entitled to have the full permissible FSI of the plot without taking into account the area utilised for such amenity to be used for surrounding users as permissible.

	<p>(d) Hospital</p> <p>(e) Home for mentally Handicapped</p>	<p>Public Authority or Public Organisation/Trust or Owner (Legal Person)</p>	<p>When owner develops the facilities at (d) &amp; (e) It will be in accordance with the specifications and conditions approved by the Commissioner</p>
	<p>(f) Government Hospital (GH)</p>	<p>Govt. Deptt.</p>	<p>-----</p>
<p><b>2. Educational –</b></p>			
	<p>(a) Municipal Primary School (MP)</p> <p>(b) Secondary School (SS)</p>	<p>Corporation Public Authority or Owner</p>	<p>The Commissioner may entrust the primary school to registered institutions or trust for operation subject to the conditions as will be decided by him.</p> <p>OR</p> <p>The land for the primary or secondary school may be allowed to be acquired for or on behalf of a public authority, a public trust or a registered society, subject to the conditions as decided by the Commissioner which may develop the facility themselves or lease it to another institution or trust for running the same.</p> <p>OR</p> <p>The Owner may be allowed to develop the land subject to the conditions as will be decided by the Commissioner for the</p>

			specific facility and operate it himself or entrust its operation to a registered institution or trust.
(c) College	Public Authority or Owner		The conditions subject to which development of college is permissible will be as in the case of a primary school or a secondary school as indicated in this column against item V(2)(b).
(d) Polytechnic and Staff quarters	Public Authority or Owner		Conditions subject to which development of polytechnic is permissible will be as in the case of a Primary School or a Secondary School as indicated in this column against item V (2) (b).
<b>3. Government or Semi-Public-</b>			
(a) Government purpose	Government		
<b>4. Assembly &amp; Recreation -</b>			
(a) Stadium  (b) Swimming Pool  (c) Recreation Ground (RG)  (d) Playground (PG)  (e) Garden (G)  (f) Park (P)  (g) Sports Complex-cum	Corporation or Owner		The Corporation may acquire & develop Assembly & Recreational Library.  OR  The Owner may be permitted to develop the library subject to his handing over to the Corporation free of charge, the built-up space for library as follows :-

Shopping Centre  (h) Library (Lib)	Corporation or Owner	Area of Plot	% of F.S.I.	
			Sectors No. 1,2,3	Remaining sectors
		(a) Upto 2000 Sq. Mts.	25	20
		(b) 2001 to 3000 Sq. Mts.	30	25
		(c) 3001 to 4000 Sq. Mts.	35	30
		(d) 4001 & Above	40	35
Thereafter the owner will be entitled to have the full permissible F.S.I. of the plot without taking into account the area utilised for the such amenity.				
(i) Tourist Complex/Picnic  Centre	Maharashtra Tourism  Development  Corporation Limited  or Owner	-----		
<b>5. Public Utilities –</b>				
(a) Fire Brigade station (FB)	Corporation			

<p>(b) Sewage Purification Works (SPS)</p> <p>(c) Pumping Station (P.pg.Stn.)</p>		
<p>(d) Cemetery/ Cremation Ground (C) Burial Ground (BG)</p>	<p>Corporation/Public Authority or Owner</p>	<p>The Corporation or a public authority (with the approval of the Corporation) may acquire and develop the land for a cemetery/ cremation ground/Burial ground.</p> <p>OR</p> <p>The owner may be allowed to develop the land for cemetery or cremation ground with the approval of Corporation on such terms and conditions as it may specify.</p>
<p>(e) Post Office (PO)</p>	<p>Government Deptt. concerned or Owner</p>	<p>The Government Department concerned may acquire, develop and maintain the users.</p> <p>OR</p> <p>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 into account the area utilised for constructing the facility.</p>

(f) Telephone Exchange (TE)	Government Department	-----
(g) Police Station/	Government / Owner	Conditions regarding item V(e) shall be applicable.

### Explanation:-

(1) Even where an owner, in terms of column (3) in Appendix 'P' above is permitted to develop certain categories of reservations, allocations or designations, the Corporation or concerned authority may at any time acquire land thereunder.

(2) An owner who in terms of column (3) in Appendix 'P' is permitted to develop certain categories of allocations, designations or reservations shall provide the required parking space for the same, in additions to those required for the developments he is permitted to undertake.

(3) In the case of the development of lands for gymnasia, gymkhanas, clubs, stadium, swimming pools, recreation grounds & playgrounds, constructions for ancillary uses only may be permitted. (In a suitable locations so as to keep as much of the remaining space open) upto 15 percent on 10 percent of the area of the land for the said amenities.

(4) In areas where the Bombay Metropolitan Region Development Authority or any other authority is appointed as Special Planning Authority under Section 40 of the Maharashtra Regional and Town Planning Act, 1966, all development permissions shall

need the clearance of the said Authority.

(5) In case of development of lands for Gymnasia, Gymkhana, Club, Pavilion, Stadium on sites reserved / designated / earmarked / nominated as such (existing or proposed) FSI of one shall be allowed on 50% of the area of land for the said amenities subject to terms and conditions stipulated by the Municipal Commissioner.

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## APPENDIX – Q

(Regulation No. 165)

### Regulation for Low Cost Housing Schemes of the Maharashtra Housing and

### Area Development Authority for Economically Weaker Section (EWS) and

### Low Income Groups (LIG)

1. The floor space Index for low cost housing schemes for economically weaker sections and low income groups of the Maharashtra Housing and Area Development Authority, having at least 60 per cent of the tenements under economically weaker section (EWS) and Low Income Group (LIG) categories, shall be allowed to be increased by 20 percent over and above the normally permissible FSI. For the purpose of calculating the FSI, the entire are of the layout shall be considered and under-utilised F.S.I. of the economically weaker section and low income group scheme areas may be

permitted to be utilised for Higher Income Group (HIG), Middle Income Group (MIG) and other amenities in the Scheme. Sub-Division of plots will be permissible on the basis of compulsory open spaces as in these Regulations.

#### 2. Density :

(a) Density shall be upto 450 tenements per net hectare having at least 60 per cent tenements for EWS/LIG housing.

(b) Extra Density of 20 percent over and above the normally permissible density will apply for such housing schemes, with 60 per cent tenements under the E.W.S. and L.I.G. categories.

#### 3. Minimum Plot size:

(a) In the case of a growing house on a plot of 25 sq.m. a room of minimum size of 5.57 sq.m. (60 sq.ft.) with toilet arrangement in the first phase shall be permitted. In the second phase, one room of 9.30 sq.m. (100 sq.ft.) may be allowed to be added. However, commencement and occupation certificate shall be granted initially, to the first phase only and subsequent certificate for second phase issued as required.

(b) Multi- purpose rooms:- A multi-purpose room shall be allowed with size upto 12.5 sq.m. with a minimum width of 2.4 m.

(c) Cooking space (alcove):- Provision of separate kitchen shall not be necessary. However, cooking space shall be allowed with a minimum of 2.4 sq.m. with minimum width of 1.2m.

(d) Combined toilet:- A combined toilet shall be permitted for more than one tenement with a minimum area of 1.85 sq.m. with minimum width of one meter.

(e) Height:- The average height for a habitable room with slopping roof shall be minimum 2.6m. with minimum height of 2m. at the eaves. In the case of a flat roof, minimum clear height shall be 2.6m. for a habitable room. Kitchen areas shall have minimum clear height/ average height of 2.4m. and bath and water closet (without loft) shall have a clear minimum height of 2.2m.

(f) Plinth:- The minimum plinth height shall be 30 cm. and in areas subject to flooding the plinth shall be higher than the high flood level.

#### **4. External Walls:**

115 mm. thick external brick wall without plaster shall be permitted.

#### **5. Staircases:**

Single flight staircases without landing between the two floors shall be permitted.

#### **6. Front open space:**

The front open space from roads having width of 9.14m. and below shall be of a minimum of 1.5m for buildings with height of upto 10 m.

#### **7. Open Space (side and rear):**

The distance between two ground floor structures shall be of a minimum of 4.5 m. for purposes of light and ventilation of habitable rooms. In case of toilets deriving light and ventilation from an open space, the distance between the two ground floor structures shall be a minimum of 1.5m.

#### **8. Pathways :**

The widths of pathways shall be as follows:

(i) 1.5m. width of pathways upto 20m, in length.

(ii) 2.0m. width of pathways upto 30 m. in length.

(iii) 2.5m. width of pathways upto 40 m. length.

(iv) 3.0m. width of pathways upto 50m. length.

#### **9. Flushing cistern:**

In water closets, flushing cistern shall not be essential and toilets without this provision may be permitted.

#### **10. Water closet pan size:**

The water closet seat shall be of a minimum of 0.46m. (18 inches) in length.

#### **11. Septic tank and leaching pits (soak pits):**

A septic tank shall be provided with capacity of 141.6 ltrs. (five cubic feet) per capita. Where the Municipal services are likely to be available within four to five years or so, pour flush water seal latrines (NEERI type) shall be permitted where the municipal sewerage system is not available and the water table in the area is not high.

#### **12. Convenience Shopping:**

Convenience Shopping as defined in these Regulations shall be permitted along layout roads with width of 12.2m to 18.49 m provided that a minimum set-back of 1.5m and a minimum plot area of 25.2 is available and is provided.

#### **13. Recreation Ground :**

In the layouts, provision for recreation ground shall be on the lines prescribed in these Regulations.

#### **14. Ancillary structures:**

Ancillary structures such as underground tank, overhead tank, substations etc. shall be permissible in the compulsory recreation open space subject to the condition that not more than 10 per cent of such space shall be utilised for such purposes.

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## APPENDIX – R

(Regulation No. 165)

### Regulation for reconstruction / redevelopment

(1)(a) These provisions shall be applicable to following proposals:-

(i) Reconstruction/Redevelopment schemes undertaken by the Corporation/Owners for the existing residential development. The FSI to be allowed for such proposal shall be FSI permissible under these regulation or the FSI consumed by the existing authorised building whichever is more. In addition to this 15% additional FSI shall be allowed as an incentive to the owner.

(ii) Reconstruction/Redevelopment of buildings destroyed by fire, collapsed, demolished. etc. Reconstruction in whole or in part of a building (not being a building wholly occupied by warehousing user) on or before reference date as specified in 1(c) below and which has ceased to exist in consequence of accidental fire, natural collapse or demolition for the reason of the same having been declared unsafe by or under a lawful order of the Commissioner.

(a) Redevelopment outside congested area shall be allowed with an FSI equivalent to that already utilised plus 50% of the permissible FSI or 2.00 whichever is more provided the total FSI of the new structure shall not exceed 3.00.

Redevelopment within the congested area shall be allowed with an FSI equivalent to that already utilised plus 50% of the permissible FSI provided that total FSI of the new structure shall not exceed 3.00.

(b) The Committee Comprises of Commissioner (TMC), Superintending Engineer, Public Works Department, Thane, Dy. Director, Town Planning, Konkan Division, shall be set up and the said committee shall decide the buildings which are dangerous and dilapidated.

(b) Deleted vide Govt. notification No. TPS/1297/127/CR-6/97-UD-12/dt. 4.10.99

(c) The reconstruction under (a) above shall be allowed only in respect of the buildings existing prior to the dates as mentioned below:

<p><b>4th November 1974</b></p> <p>The date of coming into force of the sanctioned Development Plan of Thane.</p>	<p>For the areas covered under the sanctioned Development Plan of the erstwhile Municipal Council limits.</p>
<p><b>16th August 1973</b></p> <p>The date of coming into force of the sanctioned Regional Plan of the Bombay Metropolitan Region.</p>	<p>For the remaining areas included in the Corporation limits.</p>

**NOTE :-**

(i) For the purpose of deciding authenticity of the structure if the approved plans of existing structure are not available, the Commissioner shall consider other evidence such as Assessment Record or City Survey Record or Sanad.

(ii) In cases where there are number of bldgs on plot, in such cases, equivalent land component of the bldg. which is declared unsafe shall be worked out and incentive F.S.I. shall be based on such land component.

(2) Reconstruction of the new building on the plot should conform to the provisions of the development plan and these regulations. Reconstruction on the said plot not so affected by the development plan is permissible.

(3) The new building may be permitted to be reconstructed in pursuance of an agreement to be executed on stamp paper by at least 70 percent of the landlord/occupants (if any) in the original building, within the meaning of the Bombay Rents, Hotel and Lodging House Rents Control Act, 1947 and such agreement shall make a provision for accommodation for the said landlords all occupants in the new building on agreed terms and a copy of such agreement shall be deposited with the Corporation before commencement or undertaking reconstruction of the new buildings.

(4) The carpet area of part or parts of the new building intended to be used as office premises shall not exceed the carpet area of part or parts of the original building so used as office premises or for commercial use or 0.5 F.S.I. whichever is more.

(5) The New building shall be reconstructed in accordance with these Regulations and all other Regulations and orders as applicable from time to time. The commissioner may exercise his powers under Regulation 23 for condonation of minor variations in respect of such reconstruction.

(6) The maximum area of a residential tenement in the reconstructed building shall not exceed 70 sq.m. or such larger area as may be decided by the State Government in deserving cases.

(7) The landlord/occupants of the original buildings shall furnish a duly stamped undertaking that he/they shall allot to all the occupants in the original building accommodation in the new building in accordance with Regulation in this Appendix.

(8) No construction or reconstruction shall be permitted on set-back areas or areas required for road-widening and such areas shall be handed over to the Corporation.

(9) Reconstruction of collapsed/gutted/demolished portions of buildings (provided such collapsed/gutted/demolished portion is not more than 25 per cent of the whole building, excluding sanitary portions and common facilities, passages and usages such as lift portion and lift wells, staircases, etc.) will be permitted subject to these Regulations with the use of conventional materials only except for repairs to the aforesaid sanitary portion and common facilities which will be permitted in R.C.C. with existing F.S.I. irrespective of permissible FSI.

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## **APPENDIX – S**

(Regulation No. 165)

**Regulation for re-development/construction of accommodation for censused slum-dwellers through owners/ developers/Co-operative housing societies of slum-dwellers /Corporation/MHADA/other public authorities**

(1) For redevelopment or restructuring of censused slums or such slums whose structures and inhabitant's name appear in the Legislative Assembly Voters' list of 1995, by the owners/developers of

the land on which such slums are located or by Co-operative Housing Societies of such slum dwellers, a total floor space index of upto 2.5 may be granted in accordance with schemes to be approved by special permission of the Commissioner in each case.

### **Eligibility of the Hutment Dwellers:**

The hutment dwellers actually residing will be eligible for the benefit or redevelopment scheme if:

(a) he/she is the original structure owner as per the census conducted in 1976 or is in possession photo-Pass issued by a competent authority in his/her own name; or

(b) In absence of (a) above, but he/she is head of family and his/her name is included in the voters' list 1995 and he/she is residing at present at the same address as given in the voters list; or

(c) If the original hutment dwellers in category (a) and (b) above is deceased and his/her legal heir is present occupant; or

(d) The hutment dweller actually residing at present has purchased the censused structure with photo-pass if any, from any of the categories above and that this transfer has been regularised.

(2) The Corporation/Konkan Housing and Area Development Board/the collector of Thane shall be 'designated authorities' for notified slums located on lands owned by the Corporation, the said Konkan housing and Area Development Board or the Govt. respectively.

(3) The FSI shall be restricted to a maximum of 2.5.

(4) The names of the eligible slum dwellers on private and Government lands shall be duly certified by the respective Collector. The list of the names of eligible slum dwellers on municipal lands and lands in possession of the Konkan Housing and Area Development Board should be duly certified by the respective authorities.

(5) All eligible slum dwellers residing on the plot to be developed shall have to be accommodated on the same plot as far as possible.

(6) The designated authorities for slums located in their respective lands shall formulate schemes for each plot according to the guidelines in this Appendix, and before inviting tenders/bids, shall obtain the approval of the Commissioner to such schemes subject to Regulation 19 in this Appendix.

(7) Development in slums on privately owned lands shall be regulated in accordance with the Regulation 16 in this Appendix.

(8) In case of developments undertaken by the Konkan Housing and Area Development Board/Collector, surplus tenements which come into their possession shall be used for accommodating project affected persons and footpath dwellers in consultation with the Commissioner.

(9) After formulation of the scheme and its approval by the Commissioner, the designated authorities shall invite quotations/bids from the developers/ owners in terms of the surplus tenements which would be made available to the said designated authority.

(10) The respective designated authority shall be competent to decide on acceptance of bids on merits and make use of the surplus tenements thus available.

(11) The area required for provision of civic/social amenities in the redevelopment scheme shall be cleared and made available by the developers/ owners/co-operative housing societies of such slum dwellers to the designated authorities for provision of the said amenities. Depending on the size of the plot/area taken up for redevelopment, the scheme may also provide that the developers/owners/Co-operative housing societies of such slum dwellers may develop and provide civic facilities on the land designated for the same as approved in the scheme.

(12) The scheme shall provide that each slum dweller/project affected person shall be given a tenement of minimum carpet area of 225 sq.ft.(20.90 sq.m.) including toilet, but excluding common areas.)

(13) The maximum density should not exceed 500 tenements per net hectare on the basis of FSI 1.00 The number of tenements per net hectare shall be increased or decreased in proportion to the permitted FSI.

(14) In any scheme of redevelopment, commercial of the area, shop area for the project affected/slum dwellers shall not exceed the areas which existed prior to the redevelopment of the property.

(15) Convenience shopping as defined in item (22) of Regulation 2 shall be permitted along the layout roads within the scheme area with width of 12.2 m and above, provided a set-back of 3m.is provided. This shopping provision would be in addition to the provision for shop area allowed according to the previous Regulation.

(16) In the case of notified slums on private lands, the Commissioner with the consent of the owners may invite quotations for redevelopment in terms of surplus tenements as provided in these Regulations from developers/ owners. In such cases, the owner would expect a return based on the existing balance land potential. This potential would be the permitted FSI in that scheme minus the actual FSI consumed in the slum. In the quotations given by the owner, developer, it would be presumed that he would have taken into account this aspect, Therefore, while evaluating and comparing the quotations from the owner and other developers, necessary loading should be done for proper evaluation of the bids. In case, however, the consent of the owner is not forthcoming within the stipulated time in accordance with the above conditions, such land can be developed according to the scheme after following acquisition proceedings under the respective Act.

(17) The scheme would also provide that 5 per cent of the net plot area (excluding the area for civic amenities from the gross plot) may be used for commercial purposes. This would be in addition to the provisions in Regulations 14 & 15 in this Appendix.

(18) The construction of the building for the rehabilitation of slum dwellers and the tenements to be made available to the appropriate authority shall be as per the designs and specifications approval by the Commissioner.

(19) Approval to the schemes in these Appendix shall be given by a Committee comprising of the Commissioner, the Vice-president and the Chief Executive Officer, Maharashtra Housing and Area Development Authority and the Collector of Thane.

(20) Co-Operative Housing-societies of slum dwellers would also be entitled to submit bids in accordance with these Regulations.

(21) Multi-purpose room:- A multi-purpose room shall be allowed with size upto 12.5 sq.m. with a minimum width of 2.4 m.

(22) Combined toilet:- A combined toilet shall be permitted for more than one tenement with a minimum area of 1.85 sq.m. with minimum width of one meter.

(23) Cooking space (Alcove):- provision of a separate kitchen shall not be necessary. However, cooking space shall be allowed with a minimum size of 2.4 sq.m. with minimum width of 1.2m..

(24) Height:- The average height of a habitable room with slopping roof shall be minimum 2.6m with minimum height of two meters at eaves. In the case of a flat roof, minimum clear height shall be 2.6m for

habitable rooms. Kitchen areas shall have minimum clear height/average height of 2.4m and bath and water closet (without loft) shall have a clear minimum height of 2.2m.

(25) Plinth:- The minimum plinth height shall be 30 cm. and in areas subject to flooding the plinth shall be higher than the high flood level.

(26) External walls:- 115 mm. thick external brick wall without plaster shall be permitted.

(27) Staircase:- Single flight staircases without landing between the two floors shall be permitted.

(28) Front open space:- The front open space from roads having width of 9.14 m and below shall be of a minimum of 1.5 for buildings with heights of upto 10m.

(29) Pathways:- The width of pathways shall be as follows:

(i) 1.5m width for pathways upto 20m. in length.

(ii) 2.0m width for pathways upto 30m. in length.

(iii) 2.5m width for pathways upto 40m. in length.

(iv) 3.0m width for pathways upto 50m. in length.

(30) Flushing cistern:- In water closets, flushing cistern shall not be essential and toilets without this provision may be permitted.

(31) Water Closet Pan size:- The water closet seat shall be of a minimum of 0.46 m (18 inches) in length.

(32) Septic Tank and Leaching pits (soak pits):- A septic tank shall be provided with a capacity of 141.6 ltrs.(five cubic feet) per capital. Where the municipal services are likely to be available within four to five years or so, pour flush water seal latrines (NEERI type) shall be permitted where the municipal sewerage system is not available and the water table in the area is not high. In the case of multi-storeyed structures constructed for rehabilitation of the slum dwellers and for the tenements to be made available to the appropriate authorities as mentioned in Regulation 8 in this Appendix, the provisions of Regulations 21 to 31 in this Appendix shall not apply to that portion of the construction not intended for rehabilitation and such constructions shall be governed according to the normal provisions of these Development Control Regulations, relaxable only in the case of reconstruction of

old and dilapidated cessed buildings in accordance with the provisions in Appendix 'R' of these regulations.

(33) In addition to above following guidelines on the lines of those prescribed for the B.M.C. area shall be applicable subject to the amendments as may be made by the Government from time to time.

1] In case the Redevelopment Schemes are to be implemented by the Thane Municipal Corporation (TMC), by the Maharashtra Housing Area Development Authority (MHADA) or by other Public authorities like Central Government Agencies, it would not be necessary to invite bid in case the authorities decide to execute the project themselves, on their own lands or lands owned by other public bodies.

2] In respect of declared slums on private lands, it will not be necessary to invite bids provided the owner formulates a scheme in accordance with these D.C. Regulations 1994 and agrees to restrict his margin of profit to 25% calculated in accordance with the guideline No.4 The owner would also be required to lease the land to the Co-operative Housing Society of the slum dwellers at Rs.1001 per society per annum for a period of 30 years renewable for further 30 years. The owner has choice of selling the land to slum dwellers co-operative society at price fixed as per clause 17 of Maharashtra Slum Areas Act (ICR) 1971.

3] Where land is leased or intended to be leased to a Co-operative Housing Society of occupant hutment dwellers, by a public authority (say the TMC), bids may not be invited and the Co-operative Housing Society of the occupant hutment dwellers may submit a scheme for redevelopment of huts provided the Society restricts its margin of profit to 25% as calculated in accordance with the guideline No.4 below.

4] The margin of profit for guideline No.2 and 3 will be calculated as follows :

Income to the owner/co-op. society of hutment dwellers.

(i) Value of balance F.S.I. society potential on the plot available for commercial sale.....”

(ii) Amount to be recovered –

(a) At the rate of Rs. 15,000/- per tenement made for rehabilitation of the existing slum dwellers plus Project Affected Person and

(b) amount to be given by existing commercial users for their rehousing as specified in Clause 22.

(iii) Expenditure by the owner:

Cost incurred on construction of tenements for hutment dwellers including commercial users + Project Affected Persons + Infrastructure + Cost incurred on construction of flats for sale at market rate.....'Z'

(iv) Profit :  $(x + y) - Z \times 100$ .. Not to exceed 25% Z

**NOTE :** For evaluating 'x' above, the market rates of flats as available with Thane Municipal Corporation, Income Tax Department and Registrar of Stamp Duties shall be used for guidance.

## ADMINISTRATIVE GUIDELINES

The Administrative guidelines for redevelopment of slums existing on lands belonging to T.M.C. B.H.A.D. Board, State Government and other public bodies as well as notified slums on private lands area as follows.

### 5] PAYMENT OF COMPENSATION:-

Similarly, in case of huts after 1976 but prior to 1/1/1995 compensation as applicable has to be fully paid by the hutment dwellers before he is admitted as member of the Society.

### 6] INITIATION OF THE SCHEME:

Where more than 70% of the eligible hutment dwellers on the land agree to join the redevelopment scheme, and become members of the cooperative society, the scheme should be considered for implementation.

### 7] FORMATION OF CO-OPERATIVE SOCIETY:

(a) The eligible hutment dwellers including the PAPs nominated by the Commissioner will have to form a co-operative housing society after all members have fully paid their dues to the Corporation, MHADA etc. All the cost involved in connection with registration of the society will be borne by the eligible hutment dwellers.

(b) The membership of the co-operative Housing Society should be finalised based on eligibility criteria in clause 5 above.

### **8] RESPONSIBILITY OF THE CO-OPERATIVE SOCIETY:**

(a) The Co-operative Society shall be responsible for maintenance of facilities provided within the area leased to the society. The maintenance shall involve sweeping and cleaning of pathways, collection of household garbage and carrying it to the nearest municipal dustbin, maintenance and replacement of common conveniences, etc. The co-operative society will be entitled to levy a suitable charge on its members for this purpose.

(b) Internal roads, pathways, common amenities etc. as shown in the layout of the colony will be provided as part of the original project. However the society will be responsible for maintaining the same.

(c) The society shall be responsible for payment of municipal taxes and service charges such as those for water supply etc. and for any dues of any other competent authority from time to time.

(d) The society shall not admit as member any person who does not satisfy the eligibility criteria. However, if any such member is admitted, the built-up area for such tenements shall be counted against the built-up area to be sold at market rates.

### **9] INALIENABILITY:**

All the allottees who have been given subsidised tenements shall not alienate the tenement or transfer it to anybody else (except the legal heirs), for a period of 10 years from the date of taking over possession, without prior permission.

### **10] LEASING OF LAND:**

(a) The land will be leased to the Society initially for a period of 30 years from the date of handing over the possession and the same will be renewable thereafter at the discretion of the land owning authority. The lease will be on usual terms and conditions as applicable. The lease conditions shall be binding on all the members

of the society.

(b) The annual lease rent shall be Rs. 1001/- per annum per 4000 sq. mtrs. or part thereof.

### **11] POSSESSION OF THE TENEMENTS/SHOP:**

Possession of the tenement/shop will be handed over to the hutment dwellers after.—

(i) The society is registered; and

(ii) Agreement to lease the land is executed by land owning authority with the society after completing any formalities; and

(iii) After he/she has surrendered transit accommodation given to him/her, if any and has cleared all dues to TMC/MHADA/Govt. of Maharashtra.

### **12] TRANSIT ACCOMMODATION:**

(a) The transit accommodation facility may be offered either by the developer/society or the land owning authority.

(b) The member of the co-operative society, if shifted to transit accommodation will be required to pay rental and service charges with effect from the date of occupation of transit accommodation.

### **13] SPECIAL GUIDELINES FOR SLUMS ON PRIVATE LANDS:**

In addition to the general guidelines above which are applicable to the development undertaken by T.M.C.,MHADA, other public lands and private lands, following additional guidelines will have to be fulfilled in case of slums on private land.

(a) Eligibility Criteria: The slum should be a slum area notified by the Collector (Encroachments).

(b) The owner/developer shall submit a list of eligible hutment dwellers who are proposed to be accommodated in the tenements to be constructed, to the Collector (Encroachment) for his verification and certification. Form of certificate is attached at the end (Annexure II).

(c) The owner/developer will have to organise all the eligible hutment dwellers into co-operative housing society/societies.

(d) In case of those hutment dwellers who are not eligible, the developer may accommodate them in the scheme, at his cost or shift them elsewhere. However, if they are accommodated, the built up area for such tenements shall be counted against the built up area to be sold at market rates.

(e) In case of private lands partially occupied by slums the owner will be allowed 2.5 F.S.I. on the proportionate areas of the plot occupied by the eligible hutment dwellers and he will be allowed to develop this land occupied by slums on the basis of area as certified by collector (Encroachments) and as per guidelines prescribed for slum redevelopment and the remaining vacant land will have to be developed as per the Development Control Regulations in force with permissible F.S.I. The rehabilitation of slum dwellers will be carried out first before undertaking the development on the vacant land.

(f) The accommodation for rehousing eligible hutment dwellers will have to be constructed and allotted and possession given to hutment dwellers before occupation of the accommodation for commercial sale is allowed.

#### **14] TECHNICAL GUIDELINES:**

Policy guidelines for the development plan of Thane for implementation of allocated, designated/reserved sites occupied by slums. Land from residential, commercial, industrial and no development zones, and lands reserved/designated/allocated for various public purpose (existing or proposed) but occupied by slums and the manner in which redevelopment thereon would be allowed are categorized as set down herein below:

#### **CATEGORY - I**

This category shall consist of lands occupied by slums in residential, commercial, industrial and No development Zones not affected by any other allocations/designation/reservation in the Development Plan. They may be developed subject to the following:

(i) Lands in the residential and commercial zone may be developed in accordance with provisions in Appendix – S.

(ii) Lands in the industrial zones may be converted into residential users in accordance with the provisions of paragraph M.6.1(vi) of Appendix-M, as the case may be and may be developed in accordance with Appendix S.

(iii)(a) Slums on lands in dangerous locations such as hill-slopes, marshy lands, *nallah* lands, land abutting railway tracks, pavements, footpaths and sites immediately required for public and semi-public projects may be shifted to another locations in a suitable residential zone, as near as possible, by working out the required area for relocation. Procedure for a minor modification under section 37 may be followed for reserving the same for rehabilitation of the slums in the said residential zone, and may be allowed to be developed in accordance with these Regulations.

(b) Lands in the No Development Zone occupied by slums where it would be impossible to shift the slum dwellers to nearby residential zone, may be brought under residential user by change of zoning according to the prescribed procedure for a minor modification under section 37 of the Maharashtra Regional and Town Planning Act, 1966.

## **CATEGORY - II**

This category shall consist of lands occupied by slums which are allocated, designated /reserved for non-buildable reservations such as recreation ground, playground, garden park and any other open user in the Development Plan. They may be developed subject to the following guidelines:

(i) Any plot admeasuring upto 2000 sq.m. independently located or any plot upto 2000 sq.m. located in a cluster along with other designations or reservations of a building nature, may be allowed to be developed for slum redevelopment in accordance with Appendix-S subject to the condition that the land so used shall not be more than 75 percent of the reservation, and leaving the remaining 25 percent rendered clear thereafter for the designation or reservation as sanctioned in the Development Plan.

(ii) Where the area of such lands, either independently located or in a cluster with designated/reserved sites, is more than 2000 sq.m. upto 66.66 percent of such lands may be allowed to be developed according to the aforesaid Regulation in Appendix S, but the remaining 33.33 percent, duly cleared of the Slums, shall be retained for the designation or reservation as indicated in the Development Plan.

## **CATEGORY-III**

This category shall consist of lands occupied by slums, which are designated or reserved for buildable public purposes in the Development Plan which need to be developed for such purposes and cannot be allowed to be occupied by slums. These may be developed subject to the following:

(i) Slums on such lands should be shifted to a suitable residential zone, as near as possible and development allowed on the new site according to provision of Appendix S. Where such shifting is not

possible and development of the land for the purpose of the designation or reservation in the Development Plan is not possible, action for deletion of the designation/reservation may be taken under section 50 of the Maharashtra Regional and Town Planning Act, 1966.

(ii) Slums on lands reserved for primary or secondary school and such other buildable reservations in the Development Plan may be developed subject to the following:

(a) In the case of lands reserved for a municipal primary school or a private primary school in the Development Plan, a building for accommodating such number of students as may be decided by the Municipal Commissioner, not in any case for less than 500 students, shall be constructed by the owner or developer at his cost according to the size, design, specification and conditions prescribed by the Municipal Commissioner. The built-up area occupied by the constructed building shall be excluded for the purpose of FSI computation and where it is intended for a municipal primary school, the building or part thereof intended for the school use shall be handed over free of cost to the Corporation. Thereafter, the land may be allowed to be redeveloped with the full permissible FSI of the plot according to Appendix S of these Regulations.

(b) In the case of lands affected by the designation or reservation of a secondary school in the Development Plan a building for accommodating such number of students as may be decided by the Municipal Commissioner, not in an, case for less than 800 students, shall be constructed by the owner or developer at his cost according

to the size design, specifications and conditions prescribed by the Municipal Commissioner. The built-up area occupied by the constructed building shall be excluded for the purpose of FSI computation. The constructed buildings shall be handed over to the Corporation free of cost and the Municipal Commissioner may handover the same or part thereof intended for the school use to a recognised and registered educational institutions for operation and maintenance on terms decided by him. Thereafter the land may be allowed to be redeveloped with full permissible FSI of the plot according to the provisions of Appendix S of these Regulations.

(c) For lands occupied by slums, which are reserved for other buildable reservation in the Development Plan not covered under (a) and (b) above, the Municipal Commissioner may prescribe the minimum built-up area required for the reservation, requiring the owner or developer to construct at his cost and handover the built-up area to the Corporation free of cost for operation and maintenance for the purpose of the reservation. The Commissioner may hand over the same to a recognised and registered institution for operation and maintenance on terms decided by him. Thereafter the land may be allowed

to be developed with full permissible FSI of the plot according to provisions of Appendix S of the said Regulations.

#### **CATEGORY-IV**

The category shall consist of lands occupied by slums but allocated, designated or reserved for public purpose in the Development Plan which an owner is permitted to develop according to provisions of Appendix P of these Development Control Regulations. Such lands may be allowed to be redeveloped by the owner at his cost according to the said Table with built-up area as may be prescribed by the Municipal Commissioner and on other terms decided by him. The built-up area would be handed over to the Corporation free of cost for further operation and maintenance according to the said Table. The built-up area of the amenity to be provided and handed over to the Corporation shall be excluded from FSI computation and the development for slum rehabilitation allowed on the full permissible FSI of the plot according to the provisions of Appendix S.

#### **CATEGORY-V**

This category shall consist of lands occupied by slums, designated or reserved for purpose of public housing / high density housing or housing for dishoused. Such lands shall be treated as sites for slum redevelopment and redevelopment allowed according to the provisions of Appendix S instead of as Public Housing/High Density Housing or Housing for Dishoused.

#### **CATEGORY-VI**

This category shall consist of lands occupied by slums on proposed or existing alignment of Development Plan Roads or road-widening proposals. Rehabilitation of such slums for clearing the areas required for the roads shall be effected on suitable residential zones, as near as possible, earmarking the area required for the purpose and then allowing them to be developed according to the provisions of Appendix S.

#### **CATEGORY-VII**

This category shall consist of lands occupied by slums, which are not covered by any of the aforesaid categories where slum redevelopment is not possible for any reason. In such cases, for slum rehabilitation, a minor modification to the Development Plan under Section 37 of the Maharashtra Regional and Town Planning Act, 1966, for placing the required land for slum in the residential zone

may be undertaken. Thereafter slum redevelopment may be undertaken according to the provisions of Appendix S.

### APPLICABILITY:

Decision of State government in these policy guidelines for implementation of allocated, designated/reserved sites occupied by existing slums will have effect for, and apply to Development Plans of Thane.

**Note:-** 1) Development/Re-development of lands covered by slums in the categories mentioned above shall be allowed only after a Certificate is issued certifying the exact extent of the lands covered by the slums on lands allocated, designated or reserved for various purposes or areas zoned for various users in the Development Plan required for slums redevelopment. This certificate shall be issued by the Committee appointed as in Regulation 19 of Appendix S of these Regulations.

**Note:-** 2) In case of lands owned by State Government, Maharashtra Housing and Area Development Authority or Municipal Corporation of Thane, affected by reservations of various categories stated above, the tenure rights for the areas occupied by the slum dweller from the slums within the slum area shall be allowed by the aforesaid authorities in the form of a document as prescribed by government in the Housing and Special Assistance Department subject to the shifting and relocation of the hut at the time of slum redevelopment, in the categories described below—

1. I) Category -I ..... I(i), I(ii)
2. II) Category -II ..... Full

III) Category -III ..... III(ii)(a)(b)(c)

1. IV) Category -IV ..... Full
2. V) Category -V ..... Full

However tenurial rights shall not be given in cases where slums are in categories described below—

1. I) Category .... I(iii)(a) & (b)
2. II) Category .... III & II(i)(Original site)

III) Category .... VI Full

1. IV) Category .... VIII Full

**15] F.S.I. REGULATION:**

While F.S.I. upto 2.5 will be available for slum re-development scheme, It is not that each slum redevelopment scheme shall necessarily exhaust 2.5 F.S.I., or even that maximum F.S.I. should be used.

**16] TENEMENT SIZE FOR REHOUSING HUTMENT DWELLERS & PROJECT AFFECTED PERSONS:**

(i) Residential one self-contained tenement of minimum 20.90 sq.mts. of size.

(ii) Commercial:- Existing area subject to maximum of 16.75 sq.mtr. The commercial area will have to be paid at double the cost price upto 16.75 sq.mtr.

(iii) Residential-cum-commercial:- One tenement of 16.75 sq.mtrs. carpet area.

**17] HEIGHT OF BUILDING:**

(i) The building for rehousing slum dwellers shall be maximum of ground

Plus Five, without lift with a maximum floor height of 2.8 mtrs.

(ii) Building for Commercial Sale:- No restriction except that all the normal D.C. Regulations for such construction will be applicable.

**18] CONCESSIONS:**

Concessions as available to MHADA for their reconstruction schemes in City will be applicable to tenements to be constructed for rehabilitating slum dwellers such as—

(i) Marginal open space on all sides. All round 1.5m subject to 3 mtrs, open space upto staircase.

(ii) Distance between 2 buildings – not less than 3 mtrs.

**19] OPEN SPACES:**

The open space around the building should be paved upto 1mtr. width.

## 20] AMENITIES:

For plots exceeding 2 HA area, provision of clause 11 of Appendix S read with Regulation 63 of these Regulations.

## FINANCIAL GUIDELINES

### 21] COST OF TENEMENTS:

(i) The present estimated cost of 180 sq.ft. carpet area a tenement for slum dwellers and Project Affected Persons will be Rs.65,000/- as per 1991 rates and as per PMGP norms. This will include the cost of infrastructure.

(ii) This amount of Rs.65,000/- will be made up as follows:

(a)	Initial down payment from hutment dwellers and Project Persons, at least	Rs.5,000/-
(b)	Loan from HUDCO/ HDFC/ BANKS, etc.	Rs.10,000/-
(c)	Cross-subsidy from sale of surplus FSI on Commercial basis	Rs.50,000/-
	Total	Rs.65,000/-

**NOTES:** i) The above calculations are based on the basis cost of Rs.65,000/- per tenement. If the cost exceeds Rs.65,000/- all the above amounts will increase proportionately.

1. ii) However, in special circumstances, such as higher land value or requirements of any public purpose such as need to accommodate more project affected persons, the Committee constituted under clause 19 of Appendix S of these provisions is empowered to increase the amounts to be paid by the slum dwellers.

### 22] SALE OF EXCESS AREA:

For commercial structures having existing area less than 16.75 sq.m the additional area offered-

- (a) upto 16.75 sq.m. will be charged at double the cost price;

(b) in excess of 16.75 sq.m. will be charged at market price.

For Commercial tenements having existing area beyond 16.75 sq.m. the beneficiary will pay double the cost price upto 40 sq.m. and market price for area in excess of 40 sq.m. The commercial nature of the structure will be decided only on the basis of census record available with the Collector (Encroachment). The decision of the Collector (Encroachment) in this behalf will be.

**23] GENERAL GUIDELINES FOR SLUM REDEVELOPMENT SCHEME TO BE DEVELOPED BY INVITING BIDS FROM BUILDERS/ DEVELOPERS BY PUBLIC BODIES SUCH AS TMC, MAHADA ETC.:**

(i) The bidder will have to prepare and submit a layout for the entire land occupied by hutment dwellers distinctly showing on the plan, accommodation/buildings for rehousing hutment dwellers, project affected persons nominated by the Municipal Commissioner as per the Appendix S and additional guidelines and the accommodation / buildings for commercial sale.

(ii) The bidder will quote the maximum number of tenements of 16.75 sq.m. in carpet area to be made available to the Thane Municipal Corporation including supporting infrastructure as per specifications.

(iii) The land owing authority will form the co-operative societies of existing eligible hutment dwellers.

(iv) The land owning authority will collect the down payment at the time of enrollment and loan amount from the slum dwellers which will be paid to the bidder in phases depending on the stages of construction. (The buildings to be mortgaged to the Bank.)

(v) The selection of bidders will be on the basis of their capacity to provide transit accommodation, their experience of undertaking large scale building works and other resources at their disposal.

**24]** For saleable bldg. necessary relaxation in marginal open spaces & parking spaces shall be granted by charging 10% of normal premium.

**25]** Notwithstanding anything contained in Regulation No. 54 only 10% recreational open spaces shall be required to be provided.

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**ANNEXURE – I**

## **SLUM REDEVELOPMENT PROJECT**

### **FORMAT FOR SUBMITTING THE SCHEME**

(i)	Name of the Slum	
(ii)	Survey No./CTS No.	
(iii)	Ownership of land	
	(a) If Private Name of the owner	
	(b) Notification No.	
(iv)	Documentary Evidence regarding ownership of the land	
	(a) Conveyance Deed	
	(b) Lease Agreement	
	(c) Extract from P.R. Cards	
	(d) Any other Document	
	(e) Power of Attorney	
(v)	Documentary Evidence regarding the area of the holding/plot	
	(a) As per Conveyance Deed	
	(b) As per P.R. Cards signed by S.L.R	
	(c) As per U.L. (C & R) Authority	
	(d) As per Affidavit	
	(e) As per L.S.'s certificate & triangular calculation with plot dimensions	
	(f) As per Lease Agreement Power of Attorney	
(vi)	(A) Number of Eligible hutment dwellers upto 1985	
	(a) Residential	
	(b) Residential-cum-Commercial	
	(c) Commercial	
	(B) Area under Commercial Occupation (Attach	

	statement giving details of area, etc. of each commercial establishment)	
(vii)	Zone (D.C. Rule No.64 Residential/Residential with shop line/Commercial/Industrial/No Development zone)	
(viii)	Reservation	
(ix)	Is layout/sub-division/amalgamation necessary	
(x)	<p>Area Statement</p> <p>1) Area of the Plot</p> <p>2) Deduction for</p> <p>(a) Setback area :</p> <p>(b) Proposed road :</p> <p>(c) Any reservation :</p> <p>(Total a+b+c)</p> <p>3) Net area of Plot (1-2)</p> <p>4) Deductions for</p> <p>(a) Recreation ground</p> <p>(b) Internal Road</p> <p>(c) Total (a+b)</p> <p>5) Balance area of Plot (3-4c)</p> <p>6) Addition for FSI purpose % of Setback area</p>	

7) Total area (5+6)	
8) F.S.I. permissible	2.5
9) Permissible Built-up area	
10) Built-up area required to re-house existing slum dwellers	
(a) Residential	
(b) Residential-cum-Commercial	
(c) Commercial	
(d) Project Affected Persons	
<b>Total :</b>	-----
	-----
11) F.S.I. consumed for existing slum dwellers + Project Affected Persons	
12) Percentage of F.S.I. $(10 / 9) \times 100$	
13) Balance Built-up area	
14) F.S.I. available for sale	
15) Percentage of F.S.I. for sale $(13/9) \times 100$	
16) Additional Commercial Area as per Regulation 17 of Appendix S of D.C. Rules (5% of the net area) if any	
17) Total F.S.I. actually consumed	
18) Area available for sale at market rate for residential purpose (13 - 16)	

	19) Built-up area per tenement for sale	
	20) No. of residential tenements available for sale	
	21) Total No. of tenements constructed on plot	
	22) Tenement Density per Hectare	
	23) Permissible Density	1250 per Hectare
(xi)	(A) Amenities available on site	
	(a) Water supply	Existing/not existing/ needs strengthening
	(b) Sewerage System	Available/Not available
	(c) Public Road/ Paved Road	Available/Not available
	Is any road widening prescribed?	Width of the roads abutting the plot
	Does any proposed road pass through the slum colony?	East: West: North: South:
	(d) Street lights	Provided/Not provided

	(e) Electric Supply	Available/Not available/  Needs strengthening
	(f) School	Available/Not available/ More classrooms needed
	(g) Dispensary	Available/Not Available
	(h) Welfare Centre	Available/Not Available
	(B) Amenities proposed if any	
	<b>COST OF THE PROJECT</b>	
1.	Cost of.....tenements constructed for rehousing slum dwellers at Rs.....per tenements	Rs._____/-
2.	Cost of.....tenements for project Affected Persons at the rate of Rs..... per tenement	Rs._____/-
3.	Cost of..... per sq.m. built-up construction for rehousing existing commercial huts at the rate of Rs..... per sq.m.	Rs._____/-
4.	Cost of construction of tenements for sale at market rates at the rate of Rs..... per sq.m. (including commercial for sale)	Rs._____/-
	TOTAL COST Rs.	-----  Rs._____/-  =====
5.	Supervision charges (5%)	Rs._____/-
6.	Price variation (10%) (including cost of transit accommodation)	Rs._____/-
	<b>TOTAL COST OF THE PROJECT</b>	-----

		Rs._____/-=====	
	<b>RECOVERY OF THE PROJECT COST</b>		
1.	Down Payment from Hutment Dwellers and Project Affected Persons	Rs.5000/-each	]
	(a) Residential + Residential -cum-Commercial:	Rs._____/- (a)	]
			]
	(b) Commercial:	Rs.10000/-each	]
		Rs._____/- (b)	]
			]
2.	From Loan to be raised by hutment dwellers and Project Affected Persons	Rs.10000/-each	]Y
	(a) Residential + Residential-cum-Commercial:	Rs._____/- (c)	]
			]
	(b) Commercial:	Commercial area as per (x)10(c)X double the cost of construction less 1(b) above	]
		Rs_____/- (d)	]
			]

3.	Recovery from sale at Market Price	(i) Cost of flats	
	(a) Residential:	Rs._____-/(e)	]
	(b) Commercial:	Rs._____-/(f)	]X
	TOTAL INCOME:	Rs._____-/-	
	(a)+(b)+(c)+(d)+(e)+(f)		
	<u>TOTAL EXPENDITURE:</u>	Rs._____-/-	
	<u>Excess of Income over Expenditure or vice versa</u>	-----	
	-	-	
		Rs.	
	<u>Percentage of Income over Expenditure:</u>	=====	
	<u>{(X+Y)-Z}/Z x 100 vide clause 4(iv) of the rule 33 of Appendix 'S'</u>	=====	

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**ANNEXURE – II**

**FORM OF CERTIFICATE BY ADDITIONAL COLLECTOR**

**(ENCROACHMENT)**

“Certified that an area .....in CTS No..... of Survey No..... of village..... Taluka..... is notified as slum under Section 4(1) of the Maharashtra Slum Area (Improvement, Clearance & Redevelopment Act, 1971) and that there are..... structures in the said slum out of which..... structures are censused/protected structures and therefore are eligible for alternate site. The list of such eligible hutment dwellers along with other relevant details is enclosed herewith.”

-----X-----

## **ANNEXURE – III**

### **DEFINITION OF PROJECT AFFECTED PERSON**

A Project Affected Person (PAP) is a person—

- (1) Who satisfies the eligibility criteria prescribed under clause No.5 of the additional guidelines.
- (2) Who is displaced/is being displaced or is liable to be displaced by the execution of a development project in Thane.
- (3) who cannot be rehabilitated on the very site or part thereof, where he is residing.

So far as the rates to be paid by the PAP, the PAP will be treated on par with the slum dwellers participating in the slum redevelopment scheme in which the PAP is proposed to be accommodated, provided they have not received any compensation at original site or dwelling.

A tenement will not be allotted to the PAP until he/she is actually displaced by and for the execution of a development project in Thane.

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### **PROCEDURE FOR SUBMITTING PROPOSALS FOR REDEVELOPMENT**

#### **OF SLUMS UNDER APPENDIX 'S'**

The proposal should be prepared and submitted as per guidelines and proforma as given in this Appendix. The same should be submitted to the office of the Dy.City Engineer Planning & Development, T.M.C.

A scrutiny fee of Rs.1/- (Rupees One only) per sq.m. of land area proposed to be taken up in the Redevelopment should be paid, alongwith the proposal. The land area for this purpose will be the area mentioned in clause V (3) of Annexure I of these Guidelines.

Officers concerned with the scrutiny and Implementation of the slums redevelopment scheme and their office and Telephone Nos.

### **1. GOVERNMENT OF MAHARASHTRA**

Mantralaya, Bombay – 400 032

(a) Secretary, Housing & Social Assistance Department.

(b) Secretary, Urban Development Department, Mantralaya.

(c) Additional Collector, Thane.

### **2. MUNICIPAL CORPORTION OF THANE**

Administrative Bldg.

Dr. Almeida Road

Panchpakhadi, Thane

### **3. MAHARASHTRA HOUSING AND AREA DEVELOPMENT AUTHORITY**

Griha Nirman Bhavan

Bandra (E)

Bombay – 400 051

### **4. BOMBAY METROPOLITAN REGION DEVELOPMENT AUTHORITY**

14/15, Bandra-Kurla Complex

Near Drive-in-Theatre

Bandra.

-----X-----

## APPENDIX – T

### (Regulation No. 165)

**Regulations for sites and services and for small size tenements for the Housing schemes under the Urban Land (Ceiling and Regulations ) act 1976 approved by Government from time to time.**

#### 1] F.S.I:

The FSI shall be the same as is permissible under these Regulations which shall prevail over the corresponding provisions of Rules/Regulations in force as amended from time to time.

#### 2] Density:

Density upto 450 tenements per net hectare (180 tenements per net acre) shall be permitted on 70 per cent of net developable land for plots above 4000 sq.m. on which the sites and services schemes is implemented according to Government orders. For land below 4000 sq.m. normal Regulations shall apply.

#### 3] Minimum Plot size:

(a) A serviced site shall be of 25 sq.m. and shall have plinth of adequate height for W.C. and bathroom. The size of the plinth for W.C. shall be 1.2 m x 0.9m (4' x 3')

(b) In the case of a dwelling unit as a core house, in addition to the service mentioned in (a) the said unit shall have plinth with adequate height, the total area of which shall not exceed 21 sq.m. in a plot with an area of 25 sq.m. Further, in the case of a core house on a plot of 25 sq.m. a room of a minimum size of 5.57 sq.m. with a toilet arrangement in the first phase shall be permitted. In the second phase, one room of 9.30 sq.m. may be allowed to be added. However, the occupation certificate shall be granted initially to the first phase only and sub-sequent certificates for second phase issued as and when required.

#### 4] Multipurpose rooms:

A multipurpose room shall be allowed with a minimum size of 12.5 sq.m. and with a minimum width of 2.4m.

#### 5] Cooking Space (Alcove):

Provision of separate kitchen shall not be necessary, However, a separate cooking space shall be allowed with a minimum size of 2.4 sq.m. with minimum width of 1.2 m.

#### **6] Combined Toilet:**

A combined toilet shall be permitted for more than one tenement upto five tenements with a minimum area of 1.85 sq.m. with a minimum side of one meter.

#### **7] Height:**

The average height for a habitable room with sloping roof shall be 2.6 mt. with a minimum height of 2m. at the eaves. In case of a flat roof, the minimum clear height shall be 2.6m. for a habitable room. Kitchen shall have minimum height of 2.4m. and bath and W.C. (without loft) shall have a clear minimum height of 2.2m.

#### **8] Plinth:**

The minimum plinth height shall be 30 cm. but in any case above high flood level.

#### **9] External walls:**

115 mm. for external brick wall without plaster shall be permitted.

#### **10] Front open Space:**

The front open space from roads having width of 9.14 m. and below shall be of a minimum of 1.5 m.

#### **11] Open spaces (side and rear):**

The distance between two ground floor structures shall be of a minimum of 4.5 m. for purposes of light and ventilation of habitable rooms. In the case of toilets, deriving light and ventilation from an open space, the distance between the two ground floor structures shall be of a minimum 1.5m. an open space, the distance between the two ground floor structures shall be of a minimum 1.5m.

#### **12] Pathways – The width shall be as follows:**

(i) 2.5 m. width for pathways upto 40m. in length.

(ii) 3.0 m. width for pathways upto 50 m. in lengths.

### **13] Water closet pan size:**

The Water closet pan size shall be of a minimum of 0.46 m. (18 Inches) in length.

### **14] Flushing Cistern:**

In water closets, a flushing cistern shall not be essential and toilets without this provision may be permitted.

### **15] Septic Tank and leaching Pits (soak Pits):**

A Septic tank shall be provided with capacity of 14.6 ltrs. (Five cubic feet) per Capita where municipal services are likely to be available within 4 to 5 years or so. Pour flush water seal latrines (NEERI type) shall be permitted where the municipal sewerage system is not available and the water table in the area is not high.

### **16] Convenience Shopping:**

Convenience shopping as defined in these Regulations shall be permitted along layout roads with width of 12.2 m to 18.49 m provided that a minimum setback of 1.5m and a minimum plot area of 25.2 sq.m. are available and provided.

### **17] Recreation Ground:**

In the layouts of housing schemes under this category, provision for recreation ground shall be as normally required by these Regulations.

### **18] Ancillary structures:**

Ancillary structures such as underground tank, overhead tank – sub-station etc. shall be permissible in the compulsory recreation space subject to the condition that not more than 10 per cent of such recreation space shall be allowed to be utilised for such purposes.

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## APPENDIX – U

### (Regulation No.165)

#### Regulations for the Schemes undertaken by the Maharashtra Housing and Area

#### Development Authority exclusively with the World Bank Assistance.

The following Regulations in addition to the Regulations in Appendix Q shall be applicable to schemes to be undertaken by the Maharashtra Housing and Area Development Authority.

#### 1] Recreational Open Spaces:

The proportion of recreational open spaces to the net area of plot shall be 10 per cent, provided that the proportion of such open spaces together with the areas under school and playgrounds, where provided shall be 8.5 per cent of the total gross area of the project. However, the percentage shall not be less than 9.5 per cent exclusive of the areas of development plan roads, and other facilities such as schools, hospitals, markets etc.

#### 2] Roads:

(a) Arterial network of the roads, according to the development plan will be retained in the sites and services project.

(b) Internal layout roads shall have a right of way of 9 m. out of which 4.75 m. shall be the paved width.

(c) The access pathways serving plots of less than 50 sq.m. shall have a minimum right of ways of 3m. Alternatively, if such plots are arranged in a cluster, a paved access of at least one meter width serving the plots only on one side shall be sufficient, but in such a case an open space of minimum width of 4m. shall be provided. In both the above cases, the maximum length of the access pathway should not exceed 50 m.

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## APPENDIX – W

### [Paragraph Appendix N.N.1.5 – (a)]

## Regulations for the grant of Transferable Development Rights (TDRs) to owners / developers and conditions for grant of such rights.

1. The owner (or lessee) of a plot of land which is reserved for a public purpose in the development plan and to be developed by Corporation and for additional amenities deemed to be reservations provided in accordance with these Regulations, excepting in the case of an existing or retention user or to any required compulsory or recreational open space, shall be eligible for the award of Transferable Development Rights (TDRs) in the form of Floor Space Index (F.S.I.) to the extent and on the condition set out below. Such award will entitle the owner of the land to FSI in the form of a Development Right, Certificate (DRC) which he may use himself or transfer to any other person.
2. Subject to the Regulations 1 above, where a plot of land is reserved for any purpose specified in section 22 of Maharashtra Regional and Town Planning Act, 1966, the Owner will be eligible for Development Rights (DR's) to the extent stipulated in Regulations 5 & 6 in this Appendix had the land been not so reserved, after the said land is surrendered free of cost as stipulated in regulation 5 in this Appendix, and after completion of the development or construction as in Regulation in this Appendix if he undertakes the same.
3. Development Rights (DR's) will be granted to an owner or a lessee only for

reserved lands which are retainable/non-retainable under the Urban land (ceiling & regulations) Act, 1976, and in respect of all other reserved land to which the provisions of the aforesaid Act do not apply, and on production of a certificate to this effect from the Competent Authority under that Act before a Development Right is granted. In the case of non-retainable lands, the grant of Development Rights shall be to such extent and subject to such conditions as Government may specify. Development Rights (DR's) are available only in cases where development of a reservation has not been implemented i.e. TDRs will be available only for prospective development or reservations.

4. Development Rights Certificates (DRCs) will be issued by the Commissioner

himself. They will state, in figures and in words, the FSI credit in square meters of the built up area to which the owner or lessee of the said reserved plot is entitled, the place and user zone in which the DRS are earned and the areas in which such credit may be utilised.

5. The built up area for the purpose of FSI credit in the form of DRC shall be equal to the gross area of the reserved plot to be surrendered and will proportionately increase or decrease according to the permissible FSI of the zone where from the TDR has originated.
6. When an owner or lessee also develop or constructs the amenity on the surrendered plot at his cost subject to such stipulations as may be prescribed by the Commissioner or the appropriate authority, as the case may be and to their satisfaction and hands over the said developed/constructed amenity to the Commissioner/appropriate authority, free of cost he may be granted by the Commissioner a further DR in the form of FSI equivalent to the area of the

construction/development done by him, utilisation of which etc. will be subject to the Regulations contained in this Appendix.

7. A DRC will be issued only on the satisfactory compliance with the conditions prescribed in the Appendix.
8. If a holder of a DRC intends to transfer it to any other person, he will submit the DRC to the Commissioner with an appropriate application for an endorsement for the new holder's name, i.e. transferee on the said certificate. Without such an endorsement by the Commissioner himself the transfer shall not be valid and the Certificate will be available for use only by the earlier original holder.
9. A holder of a DRC who desires to use the FSI credit certified therein on a particular plot of land shall attach to his application for development permission valid DRCs to the extent required.
10. The DRCs in Thane can be used as below:-

DRCs to be issued on the

Reserved lands in Planning Sector No.	The Planning Sector where the DRC's can be received
1	2
1.	4 to 6 and 8 to 11
2.	4 to 6 and 8 to 11
3.	4 to 6 and 8 to 11
4.	4 to 6 and 8 to 11
5.	4 to 6 and 8 to 11
6.	6, 10, 11, 9
7.	7
8.	4 to 6 and 8 to 11
9.	6, 9, 10, 11
10.	10, 11
11.	10, 11

**Note:-**

1) Notwithstanding anything contained in Appendix – W, Development Rights generated, through surrender of land for the purposes as mentioned in these regulations from Sector – I, II and III shall be utilised in respective sectors only to the extent of 40% of area of receiving plot. While granting TDR no relaxation will be given in marginal open spaces, tenement density, height, parking spaces and relevant provisions as applicable under sanctioned Development Control Regulation.

2) The Development Rights cannot be utilised within the areas falling under belt of 250 mt. around the hazardous industries as shown on sanctioned Development Plan in Sector No. IV and V.

3) The Development Right Certificates cannot be utilised for the development proposal undertaken for the old dilapidated buildings under regulation No. 1(a)(ii) of Appendix – R.

4) The Development Rights cannot be utilised for the proposals in congested area as shown on sanctioned Development Plan.

11. A DRC shall be valid for use on receivable plots in the areas listed below:

(a) Areas in No Development Zones, and areas for which the Bombay Metropolitan Reg. Development Authority or Maharashtra Housing and Area Development Authority is the Special Planning Authority.

(b) On plots for housing schemes of slum dwellers for which additional FSI is permissible under Appendix 'S'.

(c) Areas where the permissible FSI is less than 1.0

12. The user that will be permitted for utilisation of the DRCs on account of transfer of development rights will be as under—

Sr. No.	Zone in which designated reserved plot is situated	User to be permitted in receiving areas
1.	2.	3.
1.	Residential	Only residential users and in Residential Zones only.
2.	Commercial/Godown	Commercial/Godown if the plot where the FSI is to be utilised is situated in Godown Zone.  Residential in Residential Zones.
3.	Industrial	As per Industrial location policy in Industrial Zone.  Residential only in Residential Zones.

13. DRCs may be used on one or more plots of land whether vacant or already developed or by the erection of additional storeys, or in any other manner consistent with these Regulations, but not so as to exceed in any plot a total built up FSI higher than that prescribed in Regulation 14 in this Appendix.

14. The F.S.I. of receiving plot shall be allowed to be exceeded by not more than 0.8 in respect of either DR available in respect of reserved plot as in this Appendix or DR available in respect of land surrendered for road widening or construction of new road according to N.1.5.

15. DRs will be granted and DRCs issued only after the reserved land is surrendered to the Corporation, where it is Appropriate Authority, otherwise to the State

Government, as the case may be, free of cost and free of encumbrances, after the owner of lessee has levelled the land to the surrounding ground level and after he has constructed a 1.5 m. high compound wall (or at a height stipulated by the Commissioner) with a gate at the cost of the owner, and to the satisfaction of the Commissioner, or the State Government (Where the Corporation is not the appropriate authority). The cost of any transaction involved shall be borne by the owner or lessee.

16. With an application for development permission, where an owner seeks utilisation of DRs he shall submit the DRC, to the Commissioner who shall endorse thereon in writing, in figures and words, the quantum of the DRC proposed to be utilised, before granting development permission, and when the development is complete, the Commissioner shall endorse on the DRC in writing, in

figures and words, the quantum of DRs actually utilised and the balance remaining thereafter if any, before issue of occupation certificate.

17. A DRC shall be issued by the Commissioner himself as a certificate printed on a bond paper in an appropriate form prescribed by the Commissioner such a certificates will be a transferable “negotiable instrument” after due authentication by the Commissioner. The Commissioner shall maintain a register in a form considered appropriate by him of all transactions etc. relating to grant of utilisation of DR’s.
18. The surrendered reserved land for which a DRC is to be issued shall vest in the Corporation or the State Government, if the appropriate authority is other than the Corporation, and such land shall be transferred in the City Survey Records in the name of the Corporation or the State Government as the case may be and shall vest absolutely in the Corporation or the State Government.

The surrendered land, so transferred to the State Government in respect of which the Corporation is not the appropriate authority, may on application, thereafter be allotted by the State Government in favour of the concerned authority, which may be a State or Central Government Department, authority or organisation, or any other public authority or organisation, on appropriate terms as may be decided by the State Government.

19. The Commissioner/appropriate authority shall draw up in advance and make

public from time to time a phased annual programme (allowing a 10 per cent variation to deal with emergency development) for utilisation of TDRs in the form of DRs, prioritising revised (draft or sanctioned) development plan reservations to be allowed to be surrendered and indicating the areas for their utilisation on receiving plots. Notwithstanding this, in urgent cases, the Commissioner/appropriate authority, may for reasons to be recorded in writing, grant DRs, as and when considered appropriate and necessary.

Sd/-

(D.D. THOOL)

TOWN PLANNING OFFICER AND

DEPUTY DIRECTOR OF TOWN PLANNING

SPECIAL UNIT DEVELOPMENT PLAN, THANE

THANE

DATED:

Sd/-

(PRABHAKAR MANCHEKAR)

COMMISSIONER

THANE MUNICIPAL CORPORATION -THANE.

THANE

DATED:

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**Development Control Regulations- Thane, 1994**

[D. C. Rules, Thane-1994]

**NOTIFICATION SECTION**

Maharashtra Regional & Town Planning Act, 1966

Direction under Section 154 of the Act regarding

Development around Hazardous Industries

(Chemical Zone Area)

Government of Maharashtra

Urban Development Department

Mantralaya, Mumbai-400 032.

Dated the 28<sup>th</sup> October 1997.

### **MEMORANDUM**

#### **No. TPB 1296/943/CR-187/96/UD-12:**

Whereas the Urban Development Department under its Notification No. TMC/1082/230/NC-Cell (i) dated 15<sup>th</sup> June, 1982, Thane Municipal Corporation (hereinafter referred to as the said municipal Corporation) has been established with effect from 1<sup>st</sup> October 1982.

And whereas on the 21<sup>st</sup> December 1991, said Corporation has published the Draft Development Plan of Thane (hereinafter referred to "the said Development Plan") in the Maharashtra Government Gazette, Extra Ordinary No. IV, Part-II dated 21st December 1991, in accordance with the provisions of sub-section (1) of section 26 of the Maharashtra Regional and Town Planning Act, 1966 (XXXVII of 1966) (hereinafter referred to as "the said Act") and the said Corporation finds it's expedient to submit draft Development Control Regulations, 1994 as a part of the said Development Plan to Govt. under section 30 of the said Act, pending submission of Draft Development Plan to Government.

And whereas, the said Municipal Corporation after following the legal formalities stipulated under the said Act has submitted under sub-section (1) of Section 30 of the said Act, the revised Draft Development Control Regulations, 1994, to the State Government on 29th September 1994 for sanction.

And whereas, Government has sanctioned the Draft Development Control Regulations under Notification No. TPS 1294/1259/CR-222/94/UD-12, dated the 28<sup>th</sup> April 1995, excluding sanction to Regulations in respect of:-

(i) Development / Redevelopment of congested area.

(ii) Grant of Transferable Development Rights (TDR) to Owners /Developers and conditions for grant of such rights and relevant provisions concerned with Transfer of Development Rights.

(iii) Development around hazardous industries (Chemical Zone Areas).

And whereas considering the Judgement of Honourable Supreme Court of India dated the 9<sup>th</sup> September, 1996 in Civil Appeal No. 7086 of 1994, Ministry of Environment and Forests, Government of India, constituted an Authority known as “Authority for Environmental Planning for Thane” vide Notification dated 28<sup>th</sup> November 1996 (hereinafter referred to as the said Authority) in exercise of the powers conferred by sub-section (3) of Section 3 of Environment (Protection) Act, 1986 to assess the environmental impact of the Industries in the Thane and any appurtenant area of relevance to the demarcated by the Authority, for the purpose of environmental planning and for determining the future course of action including relocation of industries.

And whereas, the said Authority has submitted its final report to Ministry of Environment and Forests Government of India, and also to this Department and other concerned Departments under its letter No. DEPT/DN/605, dated the 22<sup>nd</sup> July 1997 to comply with the directions contained in the Report.

And whereas, as Government of Maharashtra is of the opinion that, it is necessary to include the recommendations of the said authority in the Development Control Regulations of Development Plan of Thane, approved by the Government in 1995.

Now, therefore, in view of the recommendations made by the said authority, Government is hereby pleased to give following directives under section 154 of the said Act to the Thane Municipal Corporation, for granting development permission around Hazardous Chemical Industries.

(A) GREEN BELT

(i) There shall be green belt of 100 metres around the boundary of the hazardous Chemical Industries as shown on plan attached with the report of authority.

(ii) The creation of the green belt, its development and maintenance as per report of authority will be the responsibility of Thane Municipal Corporation.

(iii) The cost of acquisition of land for the green belt, around the hazardous chemical industries will be borne by the Industry/Industry Association. The Private land owner will be given Transfer of Development Rights based on F.S.I. for the present land usage. The Regulation regarding TDR is pending

with the Government and it will be made applicable when the same is sanctioned by the Government. The cost of acquisition to be borne by industry will be exclusive of the value of T.D.R.

(iv) The existing authorised structures should be tolerated. However, only repairs to such existing structures should be allowed in future and no reconstruction or new construction should be allowed in the Green Belt.

(v) Unauthorised structures should be removed or relocated by the Thane Municipal Corporation as per the existing Public Policy.

#### (B) CREATION OF LOW DENSITY ZONE.

(i) Beyond the Green Belt, another belt of 150 metres should be created as “Low Density Zone” as shown on plan, attached with the report of the Authority.

(ii) The F.S.I. in the Low Density Zone shall be 0.5 and only Ground plus two storey structures should be allowed.

(iii) The existing buildings if already authorised with higher FSI and plan of the proposed building already approved by the Thane Municipal Corporation and Commencement Certificate have been given to such structure should be allowed to continue, be completed and occupied by the issuing Occupation Certificate. Where the plans have been approved by the Thane Municipal Corporation but commencement certificates have not been issued, they should be reviewed and the permission should be revised in accordance with the Low Density Zone Regulations, now prescribed.

(iv) The development proposals in Low Density Zone shall be scrutinised and permission shall be granted as per Development Control Regulations sanctioned by Govt. under Notification No. TPB-1294/1259/CR-222/94/UD-12, dt. 28<sup>th</sup> April, 1995, except for items mentioned in para (ii) above, considering the proposals of the Development Plan submitted for sanction to Govt. under section 30 of the said Act.

#### (C) DEVELOPMENT BETWEEN 250 AND 1000 METRES.

The Development proposals beyond the area of 250 meter shall be scrutinised and permissions shall be granted as per the Development Control Regulations sanctioned by Government under Notification No. TPS-1294/1259/CR-222/94/UD-12, dt. 28<sup>th</sup> April, 1995. Considering the proposals of the Development plan submitted for sanction to Government under sanction 30 of the Act.

These orders shall be implemented with immediate effect.

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

Sd/-

(K. Nalinakshan)

Principal Secretary to Government

Copy submitted to:

(i) The Secretary to the Government of India,

Ministry of Environment and Forests,

Paryavaran Sharas, C.G.O. Complex,

Lodhi Road,

New Delhi-110 003.

(ii) Copy forwarded for information to the:

Chairman Authority for Environment Planning

For Balkum Kolshet Area of Thane,

Environmental Department,

Mantralaya, Mumbai- 400 032.

(iii) Copy to the Collector of Thane, Thane,

(iv) Copy to the Commissioner, Thane Municipal Corporation, new Administrative Building, Chandanwadi, Panchpakhadi, Thane-400 602 for information and necessary action.

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## NOTIFICATION

Urban Development Department

Mantralaya, Mumbai-400 032

Dated 29<sup>th</sup> December 1997

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

No. TPS 1297/737/CR 88/97-UD-12:

Whereas under Government Notification, Urban Development Department, No. TMC 1082/230/NC-Cell (i), dated 15<sup>th</sup> June 1982, the Thane Municipal Corporation (hereinafter referred to as “the said Municipal Corporation”) has been established with effect from 1<sup>st</sup> October, 1982;

2. And whereas, on the 21<sup>st</sup> day of December, 1991 said Corporation has published the Draft Development Plan of Thane (hereinafter referred to as “the said Development Plan”) in the Maharashtra Government Gazette Extra-ordinary No. IV Part-II dated 21<sup>st</sup> December 1991, in accordance with the provisions of sub-section (1) of Section 26 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as “the said Act”); and the said Corporation finds it expedient to submit draft Development Control Regulations 1994 as a part of the said Development Plan to Government under section 30 of the said Act, pending submission of Draft Development Plan to Government;
3. And whereas the said Municipal Corporation after following the legal formalities stipulated under the said Act has submitted under sub-section 1 of Section 30 of the said Act, the revised Draft Development Control Regulations 1994 to the State Government on 29<sup>th</sup> September 1994 for sanction (hereinafter referred to as the said Development Control Regulations).
4. And whereas, subsequently, in accordance with the provisions of section 30 of the said Act, the said Corporation as the Planning Authority submitted the said Plan to the Government of Maharashtra for sanction vide its Marathi letter No. TMC/TDD/DDP//MISC/207 dated 16<sup>th</sup> December 1994 which was received by Government of Maharashtra on the 17<sup>th</sup> December, 1994.

5. And whereas, after consulting the Director of Town Planning, Maharashtra State, Pune, Government of Maharashtra is of the opinion that it is expedient to return the said Draft Development Plan excluding the said Development Control Regulation which are under consideration of Government for sanction to the said Municipal Corporation for following all the necessary legal formalities in accordance with the provisions of the said Act;
6. And whereas under Government Notification, Urban Development Department No. TPS 1294/1832/CR 291/94-UD-12 dated 7<sup>th</sup> March, 1995 the said Development Plan has been returned to the said Corporation with the directions sanctioned therein.
7. And whereas, after making necessary enquiry Development Control Regulations were sanctioned said Draft Development Control Regulations under Govt. Resolution No.TPS 1294/1259/CR 222/94/UD-12 dated 28-4-95, excluding sanction to Regulations in respect of-

(i) Development / Redevelopment of congested area.

(ii) Grant of Transferable Development Rights (TDRs) to Owners /Developers and conditions for grant of such rights and relevant provisions concerned with TDRs shall be kept pending till the sanction of the said Development Plan; and

(iii) Development around hazardous industries (Chemical Zone Areas), shall be kept pending till sanction of the said Development Plan and appropriate Court's final decision in the matter.

And whereas said Municipal Corporation has submitted revised Draft Development Plan under Section 30(1) of the said Act to Govt. of Maharashtra for sanction vide its letter No. TMC/TDD/DDP/1316 dated 19<sup>th</sup> February 1996.

And whereas Govt. after making necessary enquiry and after consulting the Director Town Planning Maharashtra State, Pune and after examining the provision of the said Draft Development Control Regulation has now decided to sanction the Draft Development Control Regulation in respect of grant of Transferable Development Rights (TDR).

Now, therefore, in exercise of the powers conferred by sub-section 1 of Section 31 of the said Act and all other powers enabling it in that behalf the Government of Maharashtra hereby—

Sanctions the said Draft Development Control Regulations in respect of Grant of Transferrable Development Rights (TDR) as set out in the schedule attached herewith.

By order and in the name of Governor of Maharashtra.

Sd/-

(V.W. Deshpande)

Deputy Secretary to Government.

## **SCHEDULE**

Schedule of modification to the Draft Development Control Regulations 1994- submitted by the Thane Municipal Corporation under section 30 of M.R.T.P Act, 1966 to Government for sanction.

Modification No.	Page	Regulation No.	Nature of Modification
1.	2.	3.	4.
1	152	N-1-5(a)	Sanction to this regulation was kept pending until sanction to the Dev. Plan while approving the D.C. Rules under Govt. Resolution dt. 28 <sup>th</sup> April, 1995, is replaced as below:  Transfer of Development Rights- In certain circumstances the development potential of the plot of land may be separated from the land itself and may be made available to the owner of the land in the form of Transferable Development Rights (TDR). These rights may be made available and be subject to the Regulation in Appendix- 'W'.
2	152	N-1-5(b)	The provisions and the balance FSI.....Appendix W after the word "Surrender" in the regulation from the 11 <sup>th</sup> line was deleted, is again reinstated.
3	212	Appendix- 'W'	Sanction to the provisions of Appendix- W was kept pending is reinstated.
4	212	Appendix- 'W'	Item No.1, in the first line after the words "reserved for public purpose in the development plan the words "and to be developed by the Corporation" shall be added.
5	213	Item No. 10	Item No. 10 shall be replaced as under:  The DRCs in Thane can be used as below  DRCs to be issued on

Reserved lands in Planning Sector No.	The Planning sector where the DRC's can be received
1.	2.
1-----	4, 5, 6, 9, 10, 11
2-----	---do---
3-----	---do---
4-----	---do---
5-----	---do---
6-----	6, 9, 10, 11
7-----	7
8-----	4, 5, 6, 8, 9, 10, 11
9-----	6, 9, 10, 11
10-----	10, 11
11-----	10, 11

Note:-In sector No. 4 & 5, DRC's can be received in excluding the 250 mt. belt around Hazardous chemical factories, as shown on plan attached with report of the Authority for Environmental Planning for Thane.

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## NOTIFICATION

Urban Development Department

Mantralaya, Mumbai- 400 032

Date: 23 September, 1999

**No. TPB 1297/321/CR 110/97/UD-12**

Whereas, Government in Urban Development Department under its Notification No. TPB 1294/1259/CR 222/94/UD-12 dated 28.4.95 has sanctioned the Draft Development Control Regulations, 1994 which has come into force with effect from 1<sup>st</sup> June, 1995 (hereinafter referred to as “the said Development Control Regulations”);

And whereas, Government in Urban Development Department has directed under Section 37(1) of Maharashtra Regional & Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as “the said Act”) all the Municipal Corporations and all ‘A’ Class Municipal Councils vide Resolution No. TPS 1297/321/CR 110/97/UD-12 dated 16.4.98 to permit user of “Research and Development” in No Development Zone/ Green Zone with some conditions (hereinafter referred to as “the said modifications”) to modify the existing Development Control Regulations under Section 37 of the said Act;

And whereas, in accordance with the provisions of sub-section (1) of Section 37 of the said Act, the Thane Municipal Corporation being Planning Authority (hereinafter referred to as “the said Corporation”) after following all legal formalities submitted the said modification proposal on 12<sup>th</sup> November, 1998 to state Government for approval;

And whereas, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune, the Government of Maharashtra is satisfied that the said proposal of modification is necessary in the public interest and should be sanctioned.

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 37 of the said Act and all other powers enabling it in that behalf, the Government of Maharashtra hereby sanctions the said proposal of Modification, with some modification as indicated in Schedule given hereunder.

**SCHEDULE**

In the sanctioned Development Control Regulations

(1) after Sub-Rule 126 of Rule No.2 new Sub-Rule No. 127 shall be added as—

(127) Research & Development:-

It is that type of construction which will be used only for the purpose of carrying out research to achieve the better standards for manufacturing process.

(2) In Appendix 'M', new Sub-Rule- M-7-7 shall be added as-M-7.7

M-7.7- Research and Development buildings shall be permitted in G-2 & G-3 and No Development Zones subject to the following conditions.

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

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

(iii) Maximum one percent of the total permissible plinth area can be allowed to be used for the purpose of Office and residence of the employees.

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

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

(vi) The maximum two storeyed (Ground and One Floor) building shall be permitted. Height of floor shall be depending upon the type of Research and Development as decided by Municipal Corporation.

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

(viii) The permission so granted shall be revoked in the event if the Conditions (i) to (vii) mentioned above are not strictly observed.

By order and in the name of Governor of Maharashtra.

Sd/-

(V.W. Deshpande)

Deputy Secretary to Government

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Urban Development Department

Mantralaya, Mumbai-400 032,

Dated the 4<sup>th</sup> October 1999

## NOTIFICATION

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

**No. TPS. 1297/737/CR 88/97/UD-12** – Whereas under Government Notification, Urban Development Department, No. TMC-1082/230/NC-Cell (i), dated 15th June 1982, the Thane Municipal Corporation (hereinafter referred to as “the said Municipal Corporation”) has been established with effect from 1st October, 1982.

AND WHEREAS, on the 21st day of December 1991 said Corporation has published the Draft Development Plan of Thane (hereinafter referred to as “the said Development Plan”) in the Maharashtra Government Gazette Extraordinary No. IV, Part II, dated 21st December 1991, in accordance with the provisions of sub-section (1) of section 26 of the Maharashtra Regional and Town Planning Act, 1966 (XXXVII of 1966) (hereinafter referred to as “the said Act”) and the said Corporation finds it expedient to submit draft Development Control Regulations, 1994 as a part of the said Development Plan to Government under section 30 of the said Act, pending submission of Draft Development Plan to Government.

AND WHEREAS, the said Municipal Corporation after following the legal formalities stipulated under the said Act has submitted under sub-section (1) of Section 30 of the said Act the revised Draft Development Control Regulations, 1994 to the State Government on 19th September 1994 for sanction (hereinafter referred to as the said Development Control Regulations);

AND WHEREAS, subsequently, in accordance with the provisions of section 30 of the said Act, the said Corporation as the Planning Authority submitted the said plan to the Government of Maharashtra for sanction vide its Marathi letter No. TMC/TDD/DDP/MISC/207, dated 16th December 1994 which was received by Government of Maharashtra on the 17th December 1994;

AND WHEREAS, after consulting the Director of Town Planning, Maharashtra State, Pune, Government of Maharashtra is of the opinion that it is expedient to return the said Draft Development Plan excluding the said Development Control Regulations which are under consideration of Government for

sanction to the said Municipal Corporation for following all the necessary legal formalities in accordance with the provisions of the said Act;

AND WHEREAS, under Government Notification, Urban Development Department No. TPS.1294/1832/CR 291/94-UD-12, dated 7<sup>th</sup> March 1995 the said Development Plan has been returned to the said Corporation with the directions mentioned therein;

And whereas, after making necessary enquiry Development Control Regulations were sanctioned and Draft Development Control Regulations under Government Resolution, No. TPS 1294/1259/CR 222/94/UD-12, dated 28<sup>th</sup> April 1995 excluding sanction to Regulations in respect of—

(i) Development / Redevelopment of congested area.

(ii) Grant of Transferable Development Rights (TDRs) to Owners /Developers and conditions for grant of such rights and relevant provisions concerned with TDRs shall be kept pending till the sanction of the said Development Plan; and

(iii) Development around hazardous industries (Chemical Zone Areas), shall be kept pending till sanction of the said Development Plan and appropriate Court's final decision in the matter.

And whereas, said Municipal Corporation has submitted revised Draft Development Plan under Section 30(1) of the said Act to Government of Maharashtra for sanction vide its letter No. TMC/TDD/DDP/1316, dated 19<sup>th</sup> February 1996.

And whereas, Government after making necessary enquiry and after consulting the Director, Town Planning Maharashtra State, Pune and after examining the provision of the said Draft Development Control Regulation has now decided to sanction the Draft Development Control Regulation in respect of Development/Redevelopment in congested area;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 31 of the said Act and all other powers enabling it in that behalf the Government of Maharashtra hereby:-

Sanctions the said Draft Development Control Regulations in respect of congested area as shall be as under:-

(A) Congested area shall be as shown on Development plan sanctioned vide Government Notification No.TPS 1297/1319/CR 148/97/UD-12 dated 4<sup>th</sup> October 1999.

(B) Permissible FSI in congested area shall be 1.5 for purely residential use and in case of mixed residential and commercial use additional FSI shall be 0.5 for the commercial use only shall be permitted.

(C) Provision made in para N. 1.1.2(b),(c), N. 1.1.3, N.1.1.4, N.1.1.5, shall be applicable for development in congested area.

By order and in the name of Governor of Maharashtra

A.M. ABHYANKAR

Desk Officer

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## NOTIFICATION

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai-400 032.

Date:- 4 October 1999

Maharashtra Regional & Town Planning Act, 1966

**No. TPS.1297/737/CR 88/97-UD-12**

Whereas under Government Notification, Urban Development Department, No. TMC 1082/230/NC-Cell (i), dated 15<sup>th</sup> June 1982, the Thane Municipal Corporation (hereinafter referred to as “the said Municipal Corporation”) has been established with effect from 1<sup>st</sup> October, 1982;

2. And whereas, on the 21<sup>st</sup> day of December, 1991 said Corporation has published the Draft Development Plan of Thane (hereinafter referred to as “the said Development Plan”) in the Maharashtra Government Gazette Extra-ordinary No. IV Part-II dated 21<sup>st</sup> December 1991, in accordance with the provisions of sub-section (1) of Section 26 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as “the said Act”); and the said Corporation finds it expedient to submit draft Development Control Regulations 1994 as a

part of the said Development Plan to Government under section 30 of the said Act, pending submission of Draft Development Plan to Government;

3. And whereas the said Municipal Corporation after following the legal formalities stipulated under the said Act has submitted under sub-section 1 of Section 30 of the said Act, the revised Draft Development Control Regulations 1994 to the State Government on 29<sup>th</sup> September 1994 for sanction (hereinafter referred to as the said Development Control Regulations).
4. And whereas, subsequently, in accordance with the provisions of section 30 of the said Act, the said Corporation as the Planning Authority submitted the said Plan to the Government of Maharashtra for sanction vide its Marathi letter No. TMC/TDD/DDP//MISC/207 dated 16<sup>th</sup> December 1994 which was received by Government of Maharashtra on the 17<sup>th</sup> December, 1994.
5. And whereas, after consulting the Director of Town Planning, Maharashtra State, Pune, Government of Maharashtra is of the opinion that it is expedient to return the said Draft Development Plan excluding the said Development Control Regulation which are under consideration of Government for sanction to the said Municipal Corporation for following all the necessary legal formalities in accordance with the provisions of the said Act;
6. And whereas under Government Notification, Urban Development Department No. TPS 1294/1832/CR 291/94-UD-12 dated 7<sup>th</sup> March, 1995 the said Development Plan has been returned to the said Corporation with the directions mentioned therein.
7. And whereas, after making necessary enquiry Development Control Regulations were sanctioned said Draft Development Control Regulations under Govt. Resolution No.TPS 1294/1259/CR 222/94/UD-12 dated 28-4-95, excluding sanction to Regulations in respect of-

(i) Development/Redevelopment of congested area.

(ii) Grant of Transferable Development Rights (TDRs) to Owners /Developers and conditions for grant of such rights and relevant provisions concerned with TDRs shall be kept pending till the sanction of the said Development Plan; and

(iii) Development around hazardous industries (Chemical Zone Areas), shall be kept pending till sanction of the said Development Plan and appropriate Court's final decision in the matter.

And whereas said Municipal Corporation has submitted revised Draft Development Plan under Section 30(1) of the said Act to Govt. of Maharashtra for sanction vide its letter No. TMC/TDD/DDP/1316 dated 19<sup>th</sup> February 1996.

And whereas Govt. after making necessary enquiry and after consulting the Director Town Planning Maharashtra State, Pune and after examining the provision of the said Draft Development Control Regulation has now decided to sanction the Draft Development Control Regulation in respect of Development/Redevelopment in congested area.

Now, therefore, in exercise of the powers conferred by sub-section 1 of Section 31 of the said Act and all other powers enabling it in that behalf the Government of Maharashtra hereby—

Sanctions the said Draft Development Control Regulations in respect of congested area as shall be as under:-

(A) Congested area shall be as shown on Development plan sanctioned vide Government Notification No. TPS 1297/1319/CR 148/97/UD-12 dt. 4<sup>th</sup> Oct. 1999.

(B) Permissible FSI in congested area shall be 1.5 for purely residential area and in case mixed residential and Commercial use, additional FSI shall be 0.5 for the Commercial use only shall be permitted.

(C) Provision made in para N. 1.1.2(b),(c), N. 1.1.3, N.1.1.4, N.1.1.5, shall be applicable for development in congested area.

By order and in the name of Governor of Maharashtra

Sd/-

(A.M. Abhyankar)

Desk Officer to Government of Maharashtra

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URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai-400 032, dated 4<sup>th</sup> October 1999

**NOTIFICATION**

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966

**No. TPS. 1297/127/CR-6/97-UD-12-** Whereas the Government in Urban Development Department No. TPS-1295/ CT-222/94/UD-12, dated 28<sup>th</sup> April 1995 has sanctioned the Draft Development

Control Regulation which has come into force with effect from 1<sup>st</sup> June 1995 (hereinafter referred to as the said Regulation):

And whereas, the Municipal Corporation of city of Thane (hereinafter referred to as the “said Planning Authority”) is of the opinion that the provisions of Regulation No. 165 of the Regulation and the corresponding Appendix “R” needs modification so as to give effective implementation to the safety of existing building and to solve the problem of rehousing the tenants of the existing dilapidated buildings as the provisions of regulation No. 165 and Appendix “R” thereunder are inadequate;

And whereas, the said Planning Authority under its letter (Marathi) No. Tha.ma.pa/Pra.vi.yo./sankirna-859, dated 10<sup>th</sup> March 1997 has informed the Government to reconsider the necessary changes in the contents of Regulation No. 165 and Appendix “R” thereunder;

And whereas, the Government has considered the request of the said Planning Authority and with a view to give relief to the existing dilapidated buildings and the tenants residing therein has under its letter number TPS 1297/127/CR-6/97/UD-12, dated 27<sup>th</sup> October 1997 directed the said Planning Authority to initiate the proposal of modification to the regulation No. 165 and Appendix “R” thereunder of the said sanctioned Regulations under section 37(1) of the said Act and submit the same to the Government for sanction after following the legal procedure;

And whereas, the said Planning Authority has submitted the proposal for sanction after following the necessary legal formalities under section 37 of the said Act vide letter (Marathi) number Tha.Ma.Pa/Sh.Vi.Vi/192, dated 25<sup>th</sup> August 1998;

And whereas, after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune, the Government of Maharashtra State is satisfied that the said proposal of modification is necessary in the public interest and should be sanctioned with certain changes;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 37 of the said Act and all other powers enabling it in that behalf the Government of Maharashtra hereby—

(A) Sanction the said modification, whereby following provisions shall be substituted for clause 1(a)(b) of Appendix “R” of the said regulations as given below:—

“1(a) These provisions shall be applicable to following proposals:—

(i) Reconstruction/Redevelopment scheme undertaken by the Corporation/Owners for the existing authorised residential development.

The FSI to be allowed for such proposal shall be FSI permissible under these regulation or the FSI consumed by the existing authorised building whichever is more. In addition to this 15% additional FSI shall be allowed as an incentive to the owner.

(ii) Reconstruction/Redevelopment of buildings destroyed by fire, collapsed, demolished, etc.

Reconstruction in whole or in part of a building (not being a building wholly occupied by warehousing user) on or before reference date as specified in 1(c) below and which has ceased to exist in consequence of accidental fire, natural collapse or demolition for the reason of the same having been declared unsafe by or under a lawful order of the Commissioner.

(a) Redevelopment outside congested area shall be allowed with an FSI equivalent to that already authorisedly utilised plus 50% of the permissible FSI or 2.00 whichever is more provided the total FSI of the new structure shall not exceed 3.00.

Redevelopment within the congested area shall be allowed with an FSI equivalent to that already authorisedly utilised plus 50% of the permissible FSI provided that the total FSI of the new structure shall not exceed 3.00.

(b) The Committee comprises of Commissioner (TMC) Superintending Engineer, Public Works Department, Thane, Dy. Director, Town Planning, Konkan Division shall be set up and the said committee shall decide the buildings which are dangerous and dilapidated.”

(B) Fixes this day to be the date on which the same modification will come into force.

By order and in the name of Governor of Maharashtra

A.M. ABHYANKAR

Desk Officer

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**Development Control Regulations- Thane, 1994**

[D. C. Rules, Thane-1994]

## REGULATIONS FOR CONSERVATION OF HERITAGE BUILDINGS/PRECINCTS/NATURAL FEATURES

This Regulation shall be known as Regulation for Conservation of buildings, artefacts, structures, areas and precincts of historic and/or aesthetic and/or cultural significance or sites of scenic beauty including points walks, rides and bride path (heritage buildings and heritage precincts) and/or natural features of environmental significance, for the city of (Thane).

### APPLICABILITY:-

1.2 This regulation will apply to those buildings, artefacts, structures, areas and precincts of historic and/or architectural and/or cultural significance (hereinafter referred as Listed Buildings/Heritage Buildings and listed precincts/Heritage precincts) and those natural features of environmental significance and or of Scenic beauty including sacred graves, hills, hillocks, water bodies (land the areas adjoining the same), open areas, wooden areas, sthalarikshas points, walks, rides, bride paths etc. (hereinafter referred to as “Listed natural features”) which are listed in notification to be issued by Central/State Government, situated in (Thane). The list issued in the notification shall be hereinafter referred to as the said list.

### 2. RESTRICTION ON DEVELOPMENT/RE-DEVELOPMENT/REPAIRS, ETC.

2.1 No development or redevelopment or engineering operations or additions, alteration, repairs, renovation including the painting of buildings, replacement of special features or plastering or demolition of any part thereof of the said listed buildings or listed precincts or listed heritage streets listed or natural features shall be allowed except with the prior written permission of the Municipal Commissioner. Before granting any such permission, the Municipal Commissioner shall consult the Heritage Conservation Committee to be appointed by the State Government (hereinafter referred to as the said heritage Conservation Committee) and shall act on the advice of the Heritage Conservation Committee.

2.2 In relation to religious buildings in the said lists, the changes, repairs, additions, alterations and renovations required on religious grounds mentioned in sacred texts, or as a part of holy practices laid down in the religious codes may be treated as permissible, subject to their being in accordance and in consonance with the original structure and architecture, designs, aesthetics and other special features thereof. Provided that while considering applications for such changes, repairs, additions, alterations

and renovation, the Municipal Commissioner shall act on the advice of the Heritage Conservation Committee.

2.3 Provided that before granting any permission for demolition or major alterations/additions to listed buildings (or buildings within listed precincts), streets or construction of any listed natural features or alteration of boundaries of any listed features, objections and suggestions from the public shall be invited and duly considered by the Heritage Conservation Committee.

2.4 Provided that in exception cases, for reasons to be recorded in writing, the Municipal Commissioner may overrule the advice of the Heritage Conservation Committee. Provided further that the power to overrule the advice of the heritage Conservation Committee shall not be delegated by the Municipal Commissioner to any other officer; provided further the Municipal Commissioner shall take the prior approval of Government before overriding the advice of Heritage Conservation Committee.

### **3. PREPARATION OF LIST OF HERITAGE BUILDINGS, HERITAGE PRECINCTS AND LISTED NATURAL FEATURES**

3.1 The Municipal Commissioner shall prepare list of buildings, artefacts, areas and precincts of historic and/or cultural significance and the list of those natural features of environmental significance including sacred groves, hills, hillocks, water bodies (and areas adjoining the same), open areas, wooded areas, athlarikshas etc. to which this regulation applies shall not form part of this Regulation for the purpose of section 37, of the Maharashtra Regional and Town Planning Act 1966.

3.2 The Municipal Commissioner shall issue public notice in the local news paper declaring his intention to include the buildings, artefacts, areas and precincts of historic and/or cultural significance and the list of natural features of environmental significance, including sacred groves, hills, hillocks, water bodies, land and areas etc. and invite objections and suggestions from any person in respect of the proposed inclusion within a period of thirty days from the date of such notice.

3.2.1 The Municipal Commissioner shall issue notice to the owners of the buildings, artefacts, areas and precincts of historic and/or cultural significance et., and invite objections or suggestions from such person in respect of proposed inclusion within 60 days from the date of such notice.

3.3 The Municipal Commissioner on receipt of any objection or suggestion shall decide the same after giving hearing to the Objector.

Provided that the Municipal Commissioner may supplement or amend the list from time to time either *suo motu* or on the advice of the Heritage Committee after following the procedure under Clause 3.1 and 3.2.

#### **4. SPECIAL REGULATIONS FOR HERITAGE PRECINCTS IN CONSULTATION WITH THE HERITAGE COMMITTEE**

4.1 The Municipal Commissioner shall frame special Regulation for the heritage precincts or the listed buildings.

4.2 Before finalising the special separate regulations for precincts, the draft of the same shall be published in the Official Gazette and in leading newspapers for the purpose of inviting suggestions and objection from the public. All suggestions and objections received within a period of 60 days from the date of publication in the Official Gazette and or news papers shall be considered by the Municipal Commissioner.

4.3(i) After consideration of the above suggestions and objections, the Municipal Commissioner shall modify the aforesaid draft separate regulations for precincts, and forward the same to the Government for sanction.

Provided that pending consideration of suggestion and objections and pending final sanction from the Government to the above draft special regulations fro precincts, the Municipal Commissioner shall have due regards to the above draft special regulations while considering applications for development/redevelopment etc. of heritage buildings/heritage precincts.

4.3(ii) The Municipal Commissioner while framing the Development Control Rules or the Bye-laws shall prescribe the Road widening line so as to protect and not to detract from the said Heritage Precincts or listed natural features.

4.3(iii) if there are any new roads or road widening lines proposed in the Draft or Sanctioned Regional Plan Revised Draft/sanctioned Development/Master Plan of City, the Municipal Commissioner shall consider the heritage provisions and environmental aspects while considering applications for development permissions in these precincts.

4.3(iv) If there are any Development Plan/Regional Plan reservations shown on heritage buildings, or on listed natural features the same shall not be implemented. If required, the Municipal Commissioner on the advice of the Heritage Conservation committee, shall move Government to get these reservations

deleted/modified as the needs be. However, before deleting/modifying the said reservation, the Municipal Commissioner shall cause notice to be published in local newspaper inviting objections for such deletion or modification.

4.3(v) The Municipal Commissioner, on the advice of the Heritage Committee may amend or modify the Special Regulation, after notice to the public and with the sanction of the State Government.

## **5. POWER TO ALTER, MODIFY OR RELAX REGULATIONS**

On advice of the said Heritage Conservation Committee and for reasons to be recorded in writing, the Municipal Commissioner may alter, modify or relax the provisions of other Regulations of the Development Control Regulations/Building Bye-laws (hereinafter referred to as “the said Regulations”) with the previous sanction of the State Government if it is needed for the conservations, preservation or retention of historic and/or aesthetic and/or cultural and/or architectural quality of any listed buildings/heritage buildings or listed precincts/heritage/precincts and the preservation of any listed natural features and or environment.

## **6. PRESTRICTION ON DEVELOPMENT OF HERITAGE PRECINCTS OR LISTED BUILDINGS**

6.1 No permission for Development, alteration, modification etc., shall be granted to any person in respect of any heritage precincts or the Listed Building, except with the advice of the Heritage Conservation Committee.

6.2 The Municipal Commissioner, may grant permission for development, alteration, modification etc., subject to provisions made under special Regulation framed for Heritage Precincts of the listed buildings.

6.3.(i) If the application for development, alteration, modification of the Heritage precincts or listed buildings is rejected under this regulation or under the Special Regulation or while granting such permission any conditions are imposed on the owner which deprives him to use the FSI, the said owner shall be compensated by grant of Development Right Certificate.

6.3.(ii) The owner of the Heritage/Listed Buildings shall be entitled to use the said Development Right anywhere in the city subject to conditions in the Development Right Certificate and the regulations as may be prescribed by the Government from time to time.

## **7. INCENTIVE USES FOR HERITAGE BUILDINGS**

7.1 After the commencement of this Regulation, the Heritage Precincts or the Listed Buildings shall not be permitted to be used for any commercial or office purpose except with the permission of the Heritage Conservation Committee. However, in cases of buildings included in the Heritage Conservation List, if the owner/owners agree to maintain the listed Heritage building as it is in the existing stage and to preserve its heritage with due repairs, the owner/owners may be allowed, with the approval of the Heritage Conservation Committee to convert part or the whole of the non-commercial area to commercial/office use. Provided that if the heritage building is not maintained suitably or if the heritage value of the building is allowed to be spoiled in any manner, the Commissioner-Municipal Corporation shall withdraw the permission forthwith.

7.2 Regulations for the grant of transferrable development rights to owners/lessees of heritage buildings/heritage precincts and conditions for grant of such T.D.R.

7.2.1 As provided in Regulation, the development potential of a plot of land may be separated from the land itself and may be made available to the owner of the land in the form of Transferable Development Rights (TDR). These rights may be made available and be subject to the conditions prescribed below:-

7.2.3 If a holder of a DRC intends to transfer it to any other person, he will submit the DRC to the Commissioner with an appropriate application for an endorsement of the new holder's name i.e. Transferee on the said Certificate. Without such an endorsement by the Municipal Commissioner the transfer shall not be valid and the certificate will be made available for use only by the earlier original holder.

7.2.4 A holder of a DRC who desires to use the FSI credit certified therein on a particular plot of land shall attach to his application for development permission valid DRCs to the extent required.

7.2.5 DRCs may be used in the following zones:

7.2.6 A DRC shall not valid for use of receivable plots in the areas listed below:

7.2.7 The DRCs may be used only in the areas to be permitted by the Commissioner- Municipal Corporation.

7.2.8 DRCs may be used on one or more plots of land, whether vacant or already developed or by the erection of additional storeys, or in any other manner consistent with these Regulations, but not so as to exceed in any plot a total built-up FSI higher than that prescribed in clause 9 in this Regulations.

7.2.9 The FSI of a receiving plot shall be allowed to be exceeded by not more than 0.4 of the FSI normally available as per Development Control Regulations/Regional Plan Regulations in respect of Development Right transferred to it. (Whether in respect of heritage building or by any other means)

7.2.10 With an application for development permission, where an owner seeks, utilisation of DRs, he shall submit the DRC to the Commissioner Municipal Corporation who shall endorse thereon in writing in figures and words, the quantum of the DRC proposed to be utilised, before granting development permission and when the development is complete, the Commissioner, Municipal Corporation shall endorse on the DRC in writing, in figures and words, the quantum of DRs actually utilised and the balance remaining thereafter, if any, before issue of occupation certificate.

7.2.11 A DRC shall be issued by the Municipal Commissioner himself as a certificate printed on bond paper in an appropriate form prescribed by Government. Such a certificate will be transferrable “negotiable instrument” after due authentication by the Commissioner Municipal Corporation. The Commissioner, Municipal Corporation shall maintain a register in a form considered appropriate by him of all transactions, etc., relating to grant of utilisation of DRs.

## **8. MAINTAINING SKYLINE:**

Buildings included in heritage precincts shall maintain the skyline in the precincts (without any high-rise development) as may be existing in the surrounding area, so as not to demolish or destroy the value and beauty of the said heritage building/heritage precincts. The development within the precinct shall be in accordance with the guidelines framed by the Municipal Commissioner on the advice of the Heritage Conservation Committee.

## **9. RESTRICTIVE COVENANTS**

Restrictions existing as on date of this Regulation imposed under covenants, terms and conditions, on the leasehold plots either by State Government or by the Municipal Corporation shall continue to be imposed, in addition to the Development Control Regulations. However, in case of any conflict with the heritage preservation interest/environmental conservation and the said development control regulations, this regulation shall prevail.

## **10. REPAIR FUND**

No cessed buildings included in the said list shall be repaired by the owners of the said buildings themselves or if they are cessed buildings, those can be repaired by the Housing Repair Board or by the owner or by the Co-operative society of the owner and occupiers of the old building. With a view to give

monetary help for such repairs separate fund may be created which would be kept at the disposal of the Municipal Commissioner, Municipal Corporation,(Thane), who will make disbursements from the funds on the advice of the Heritage Conservation Committee. Provisions for such fund may be made through District Planning and Development Council Budget.

## **11. GRADING OF THE LISTED BUILDINGS/LISTED PRECINCTS**

The Municipal Commissioner shall classify the Heritage precincts, Heritage Buildings in “Grades” such as I, II, III. The meaning of these grades and basic guidelines for development permission are as follows:-

Listing does not prevent change of ownership or usage. However, such usage should be in harmony with the said list precinct/buildings. Care will be taken to ensure that the development permission relating to these buildings is given without delay.

Grade:- I	Grade:- II	Grade:- III
<p><b>A. Definition:-</b>Heritage Grade I comprises of buildings and precincts of National or Historic importance, embodying excellence in architectural style, design, technology and material usage and/or aesthetics; they may be associated with a great historic event, personality, movement or institution. They have been and are the prime landmarks of the region. All natural features shall fall within Grade-I</p>	<p><b>Heritage Grade II (A &amp; B)</b> comprises building and precincts of local importance, possessing special architectural or aesthetic merit or cultural or historic significance, though of a lower scale than that Heritage Grade I. They are local landmarks which contribute to the image and identity of the region. They may be the work of master craftsmen or may be models of proportion and ornamentation, or designed to suit particular climate.</p>	<p><b>Heritage Grade III:-</b> Comprises buildings and precincts of importance for townscape; they evoke architectural, aesthetic or sociological interest though not as much as in Heritage Grade-II. These contribute to determine the character of the locality, and can be representative of a life style of a particular community or region and may also be distinguished by setting on a street line or special character of the façade and uniformity of height, width and scale.</p>
<p><b>B. Objective:-</b> Heritage Grade- I richly deserves careful preservation.</p>	<p><b>B. Objective—</b>Heritage Grade-II deserves intelligent conservation.</p>	<p><b>Heritage Grade III:-</b> Deserves intelligent conservation (though on a lesser scale than Grade-II) and special protection to unique features and attributes.</p>
<p><b>C. Scope for Changes:-</b> No interventions be permitted either on the exterior or interior unless it is necessary in the</p>	<p><b>C. Scope for Changes</b> Grade II (A):- Internal changes and adaptive reuse and external</p>	<p><b>C. Scope for Changes</b> External and internal</p>

<p>interest of strengthening and prolonging the life of the buildings/or precincts or any part of features thereof. For this purpose, absolutely essential and minimum changes would be allowed and they must be in accordance with the original.</p>	<p>changes may by and large be allowed but subject to strict scrutiny. Care should be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade-II.</p> <p><b>Grade:- II(B):-</b></p> <p>In addition to above, extension or additional building in the same plot or compound may, in certain circumstances, be allowed; provided that the extension/additional building is in harmony with (and does not detract from) the existing heritage building(s) or precincts, especially in terms of height and facade.</p>	<p>changes and adaptive reuse would by and large be allowed. Changes can include extensions and additional buildings in the same plot or compound. However, any changes should be such that they are in harmony with and should be such that they do not detract from the existing heritage building /precinct A.</p>
<p><b>D. Procedure:-</b> Development permission for the changes would be given by the Commissioner on the advice of the Heritage Conservation Committee to be appointed by the State Government.</p>	<p><b>D. Procedure:-</b> Development permission for the changes would be given by the Commissioner on the advice of the Heritage Conservation Committee to be appointed by the State Government.</p>	<p><b>D. Procedure:-</b> Development permission for the changes would be given by the Commissioner on the advice of the Heritage Conservation Committee to be appointed by the State Government.</p>
<p><b>E. Vistas/Surrounding</b></p>		

**Development:-** All the development in the areas surrounding Heritage Grade – I shall be regulated and controlled, ensuring that it does not mar the grandeur of or view from Heritage Grade – I.

## 12. SIGNS AND OUTDOOR DISPLAY STRUCTURES

12.1 No display or advertising signs and outdoor display structures on listed buildings and/or the Heritage Precincts shall be permitted except in accordance with Part X (Signs and outdoor display structure)- National Building Code of India.

### 12.2 Additional Conditions:-

In addition to above, the following provisions shall apply to advertising signs in different land use zones:-

(i) Residential Zone (R-1):- The following non/flashing neon signs with illumination not exceeding 40 Watt light.

(a) one name plate with an area not exceeding 0.1 Sq.m for each dwelling unit.

(b) For other users permissible in the zone, one identification sign or bulletin board with an area not exceeding 10 Sq.m provided the height does not exceed 1.5 m.

(c) "For sale" or "For rent" signs for real estate, not exceeding 2 Sq.m in areas provided they are located in the premises offered for sale or rent.

(ii) Residential Zones with shop lines (R-2):

Non-flashing business signs placed parallel to the wall and not exceeding 1m, in height for establishment.

(iii) Commercial Zones:

Flashing or non-flashing business signs placed parallel to the wall not exceeding 1m. in height provided such signs do not face residential buildings.

12.3 Prohibition of advertising signs and outdoor display structures in certain cases:-

Notwithstanding the provisions of 12.1 and 12.2 no advertising sign or outdoor display structures shall be permitted on buildings of architectural, aesthetic, historical or heritage importance as may be decided by the Municipal Commissioner, Committee or on Government buildings, so that in the case of Government buildings only advertising signs or outdoor display structures may be permitted if they relate to the activities for the said buildings own purposes or related programmes.

Provided that if the Heritage Conservation Committee so advises, the Municipal Commissioner shall refuse permission for any sign or outdoor display structure.

The Municipal Commissioner may on the advice of the Heritage Conservation committee, to add, alter or amend the provisions of sub-regulations 12.1, 12.2 and 12.3 above.

### 13. COMPOSITION OF HERITAGE CONSERVATION COMMITTEE

13.1 There shall be a Heritage Conservation Committee for the City of (Thane). The Committee shall comprise of the following members:-

(i)	The Member-in-charge, nominated by the Govt. of Maharashtra	Chairman
(ii)	The Deputy Municipal Commissioner, City of <u>(Thane)</u> Municipal Corporation	Vice-Chairman
(iii)	Structural Engineers having experience of 10 years in the field and membership of the institute of Engineers.	1 Member
(iv)	Architects having 10 years experience and membership of the Council of Architecture  (i) Urban Designer  (ii) Heritage Conservation Architect  Architects shall be those having experience in Conservation Architecture.	2 Members
(v)	Director-Museum	1 Member
(vi)	Environmentalists having in-depth knowledge and experience of 10 years of the subject matter.	2 Members
(vii)	City Historians having 10 years experience in the field.	1 Member
(viii)	Nominee of the State Government i.e. Asstt. Director of Town Planning, <u>(Thane)</u> Bench.	1 Member
(ix)	The City Engineer of the <u>(Thane)</u> Municipal Corporation, who shall also be the Secretary of the Committee.	1 Member

13.2 The Committee shall have the powers to co-opt upto three additional members who may have lesser experience, but who have special knowledge of the subject. Provided that additional members may be co-opted for special purpose or on sub-committee of the Heritage Conservation Committee.

13.2.1 The tenure of the Members of Category (i), (iii), (iv), (vii) above shall change after three years, provided however that the same person shall be eligible for reappointment as Member.

13.3 The Heritage Committee shall come into existence with effect from the date of its publication in the *official Gazette*.

13.4 No act of the committee done in good faith shall be deemed to be invalid by reason only of some defect subsequently discovered in the organization of the Committee or in the Constitution of the Committee or in the appointment of the Member or on the ground that such member was disqualified for being appointed.

13.5 The Chairman and in his absence the Vice-Chairman of the Committee shall preside over the meetings of the Committee.

13.6 The terms of reference of the Committee shall be, *inter-alia*—

(i) to advise the Municipal Commissioner whether Development & permission should be granted under this Regulation and the conditions of such permission;

(ii) to prepare a supplementary list of buildings, artefacts, structures, areas, precincts of historic, aesthetic, architectural or cultural significance and a supplementary list of natural features of environmental significance including sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, sthalariksha etc. to which this Regulation would apply;

(iii) to advise whether any relaxation, modification, alteration or variance of any of the Development Control Regulations/Building Bye-laws, is called for;

(iv) to suggest amendments, changes or special regulations or modification to special regulations for listed buildings and the Heritage Precincts regulated under these regulations and to advise the Municipal Commissioner regarding the same;

(v) to advise on the extent of Development Rights Certificates to be granted to the owners of listed Buildings or the Heritage Precincts;

(vi) to advise whether development Rights Certificates may be allowed to be consumed in a heritage precinct.

(vii) to advise whether to allow commercial/office user of any listed building or Heritage Precincts, and when to terminate the same.

(viii) to advise the Commissioner to regulate erection of outside advertisement/bill boards;

(ix) to recommend to the Commissioner guidelines to be adopted by those private parties who sponsor beautification schemes at Public intersections and elsewhere;

(x) to advise the Municipal Commissioner to evaluate the cost of repairs to be given to the owners to bring the existing buildings back to the original condition. For this purpose the Committee may also try to help the Municipal Commissioner to raise funds through private resources;

(xi) to prepare special designs and guidelines for listed buildings and control of height and essential façade characteristics such as maintenance of the buildings and to suggest suitable design adopting new materials for replacements keeping the old form intact to the extent possible;

(xii) to prepare guidelines relating to design, elements and conservation principles to be adhered to and to prepare other guidelines for the purposes of this regulation;

(xiii) to advise the Municipal Commissioner on any other issue as may be required from time to time during course of scrutiny of development permissions and in overall interest of heritage/environmental conservation;

(xiv) to prepare special regulations for heritage precincts/and to advise the Municipal Commissioner regarding the same.

#### **14. APPEAL**

Any person aggrieved by any decision of the Municipal Commissioner or the Heritage Conservation Committee may prefer an appeal to the State Government within 40 days of such decision. The Heritage Conservation Committee shall appear before Government either independently or through its representative in such appeals.

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### **Development Control Regulations- Thane, 1994**

[D. C. Rules, Thane-1994]

Accompaniment of Government in Urban Development Department's order bearing No.TPB. 432001/1829/CR-216/2001/UD-11, dated 25<sup>th</sup> February 2002

## **Model Building Bye-laws to provide facilities for physically handicapped persons.**

### **1. SHORT TITLE, EXTENT & COMMENCEMENT**

1.1 These Bye-laws shall be annexed to the (Thane) Municipal Bye-laws.

1.2 They shall extend to a whole Municipality of (Thane).

1.3 They shall come into force after \_\_\_\_ months from the date of their publication in the Official Gazette.

### **2. DEFINITIONS:-**

2.1 Non-ambulatory Disabilities:- Impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs.

2.2 Semi-ambulatory Disabilities:- Impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arbritics, spastics, and those with pulmonary and cardiac ills may be semi-ambulatory.

2.3 Hearing Disabilities:- Deafness or hearing handicaps that might make an individual insecure in public areas because he is unable to communicate or hear warning signals.

2.4 Sight Disabilities:- Total blindness or impairments affecting sight to the extent that the individual, functioning in public areas, is insecure or exposed to danger.

2.5 Wheel Chair:- Chair used by Disabled people for mobility. The standard size at wheel chair shall be taken as 1050 mm. X 750 mm.

### **3. SCOPE:-**

These bye-laws are applicable to all buildings and facilities used by the public. It does not apply to private & public residences.

#### 4. SITE DEVELOPMENT:-

Level of the roads, access paths and parking areas shall be described in the plan along with specification of the materials.

4.1 Access path/walk way:- Access path from plot entry and surface parking to building entrance shall be of minimum of 1800 mm. wide having even surface without any slope. Slope if any, shall not have gradient greater than 5%. Selection of floor material shall be made suitably to attract or to guide visually impaired persons (limited to coloured floor material whose colour and brightness is conspicuously different from that of the surrounding floor material or the material that emit different sound to guide visually impaired persons, hereinafter referred to as “guiding floor material” (Annexure-II). Finishes shall have a non-slip surface with a texture traversable by a wheel chair. Curbs wherever provided shall blend to a common level.

4.2 Parking:- For parking of vehicles of handicapped people, the following provisions shall be made:-

(a) Surface parking for two Car spaces shall be provided near entrance for the physically handicapped persons with maximum travel distance of 30.0 mt. from building entrance.

(b) The width of parking bay shall be minimum 3.6 mt.

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

(d) Guiding floor materials shall be provided or a device which guides visually impaired persons with audible signals or other devices which serves the same purpose shall be provided.

#### 5. Building Requirements:-

The specified facilities for the buildings 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.

**5.1 Approach to Plinth Level:-** Every building should have at least one entrance accessible to the handicapped and shall be indicated by proper signage. This entrance shall be approached through a ramp together with the stepped entry.

**5.1.1 Ramped Approach:-** Ramp shall be finished with non 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 800 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.

**5.1.2 Stepped Approach:-** For stepped approach size of tread shall not be less than 300 mm. and maximum riser shall be 150 mm. Provision of 800 mm. high hand rail on both sides of the stepped approach similar to the ramped approach.

**5.1.3 Exit/Entrance Door:-** Minimum clear opening of the entrance door shall be 900 mm. and it shall not be provided with a step that obstructs the passage of wheel chair user. Threshold shall not be raised more than 12 mm.

**5.1.4 Entrance Landing:-** Entrance landing shall be provided adjacent to ramp with the minimum dimension 1800 mm x 2000 mm. The entrance landing that adjoin the top end of a slope shall be provided with floor materials to attract the attention of visually impaired persons (limited to coloured floor material whose colour and brightness is conspicuously different from that of the surrounding floor material or the material that emit different sound to guide visually impaired persons, hereinafter referred to as “guiding floor material” (Annexure-I). Finishes shall have a non-slip surface with a texture traversable by a wheel chair. Curbs wherever provided should blend to a common level.

**5.2 Corridor Connecting the Entrance/Exit for the Handicapped:-** The corridor connecting the entrance/exit for handicapped leading directly outdoors to a place where information concerning the overall use of the specified building can be provided to visually impaired persons either by a person or by signs, shall be provided as follows:-

(a) ‘Guiding floor materials’ shall be provided or devices that emit sound to guide visually impaired persons.

(b) The minimum width shall be 1500 mm.

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

(d) Hand rails shall be provided for ramps/slope ways.

**5.3 Stair Ways:-** One of the stair-ways near the entrance/exit for the handicapped shall have the following provisions:-

(a) The minimum width shall be 1350 mm.

(b) Height of the riser shall not be more than 150 mm. 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 the top and bottom of each flight of steps.

**5.4 Lifts:-** Wherever lift is required as per bye-laws, provision of at least one lift shall be made for the wheel chair user with the following cage dimensions of lift recommended for passenger lift of 13 persons capacity of Bureau of Indian Standards:-

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 1000 mm. above floor level shall be fixed adjacent to the control panel.

(b) The lift lobby shall be of an inside measurement of 1800mm x 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 cage shall be provided with a device that audibly indicates the floor the cage has reached and indicates that the door of the cage for entrance/exit is either open or closed.

**5.5 Toilets:-** One special W.C. in a set of toilet shall be provided for the use of handicapped with essential provision of wash basin near the entrance for the handicapped:-

- (a) The minimum size shall be 1500 mm x 1750 mm.
- (b) Minimum clear opening of the door shall be 900 mm. and the door shall swing out.
- (c) Suitable arrangement of vertical/horizontal handrails with 50 mm. clearance from wall shall be made in the toilet.
- (d) The W.C. seat shall be 500 mm. from the floor.

**5.6 Drinking Water:-** Suitable provision of drinking water shall be made for the handicapped near the special toilet provided for them.

**5.7 Designing for Children:-** In the buildings meant for the predominant use of the children, it will be necessary to suitably alter the height of the handrail and other fittings and fixtures etc.

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## ANNEXURE-I

### Explanatory Notes

#### GUIDING/WARNING FLOOR MATERIAL

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

- (a) The access path to the building and to the parking area.

(b) The landing lobby towards the information board, reception, lifts, stair-cases and toilets.

(c) Immediately at the beginning/end of walkway where there is a vehicular traffic.

(d) At the location abruptly changing in level or beginning/end of a ramp.

(e) immediately in front of an entrance/exit and the landing.

## PROPER SIGNAGE

Appropriate identification of specific facilities within a building for the handicapped persons should be done with proper signals. Visually impaired persons make use of other senses such as hearing and touch to compensate for the lack of vision. Whereas visual signals benefit those with hearing disabilities.

Signs should be designed and located so that they are easily legible by using suitable letter size (not less than 20mm. high). For visually impaired persons, information board in Braille should be installed on the wall at a suitable height and it should be possible to approach them closely. To ensure safe walking there should not be any protruding sign which creates obstruction in walking. Public Address System may also be provided in busy public areas.

The symbols/information should be in contrasting colours and properly illuminated because people with limited vision may be able to differentiate amongst primary colours. International symbol marks for wheel chair as shown below be installed at the lift, toilet, staircase, parking areas etc., that have been provided for the handicapped.

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## Maharashtra Regional and Town Planning Act, 1966

Direction under section 154 of the ...Permitting construction of building in proximity to Railway Track

## GOVERNMENT OF MAHARASHTRA

## URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai 400 032.

Dated the 23 May, 2003

**ORDER**

**No. TPB 4302/1318/CR-23/03/UD-11**

The permission for construction of building on land adjoining the railway track is invariably given by the Local Body concerned viz. Corporation, Municipal Council as the case may be. Any work being undertaken in the proximity of the railway track can have serious effect on the safety of the track. It is felt necessary that “No Objection Certificate” be obtained from the Railway Authority before the Local Authority grants permission to the construction of such building in this regard. It is desirable that a vacant space of 30 mt. be kept between the Railway boundary and the face of any construction.

Now therefore, I am directed to issue the suitable direction under section 154 of the all Planning Authorities to the effect that they invariably insist on “No Objection Certificate” from the concerned Railway before granting permission for the building plans.

**DIRECTION**

All the Planning Authorities are hereby directed to incorporate the following regulation in their building bye-laws by following the procedure laid under section 37 of the Maharashtra Regional and Town Planning Act—

“No objection Certificate” from the concerned railway shall be insisted before, granting permission for the building plans between the Railway boundary and the distance 30 mt. from it.

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

Sd/-

(Abhiraj Girkar)

Under Secretary to Government.

**Copy to—**

- 1) All the Municipal Commissioners of Corporation
- 2) All the Chief Officer, Municipal Councils.
- 3) Metropolitan Commissioner, Mumbai Metropolitan Region Development Authority, Bandra Kurla Complex, Bandra (E), Mumbai 400 051
- 4) Chief Executive Officer, MIDC, Udyog Sarathi, Andheri (E), Mumbai 400 093.
- 5) Chief Executive officer, Maharashtra Housing and Area Development Authority, Bandra (E), Mumbai
- 6) Chief Executive Officer, Slum Rehabilitation Authority, Bandra (E), Mumbai.
- 7) Chief Officer, Pimpri Chinchwad New Town Development Authority, Pimpri, Pune.
- 8) Managing Director, CIDCO, Nirmal Bhavan, Mumbai.
- 9) Chairman, Nagpur Improvement Trust, Nagpur

**Copy for information & necessary action—**

- 1) Principal Chief Engineer, South-Eastern Railway, 11 Garden Beach Kolkata-43 with reference to your letter No. L/Policy/Land Licensing/1083 dated 5/6/2002.
- 2) Principal Secretary, Revenue & Forest Deptt., Mantralaya, Mumbai.
- 3) All Divisional Commissioners.
- 4) All Collectors.
- 5) Director of Town Planning, Maharashtra State, Pune.
- 6) All Divisional Deputy Director of Town Planning and Assistant Director of Town Planning-Through Director of Town Planning.
- 7) Section Officer (UD-9, 12, 13, 30)

## 8) Select File (UD-11)

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**URBAN DEVELOPMENT DEPARTMENT**

Mantralaya, Mumbai 400 032, dated 16<sup>th</sup> January 2004

**MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966**

**No. TPS. 1201/41/CR-2/2001/UD-12**— Whereas Government in Urban Development Department under Government Notification Urban Development Department No.TPS. 1295/CR-222/94/UD-12, dated 28<sup>th</sup> April 1995 have accorded sanction to the Draft Development Control Regulation of Thane (hereinafter referred to as “the said Regulations”) and the said regulations have come into force with effect from 1<sup>st</sup> June 1995.

And whereas, the Government in Housing and Special Assistant Department in its Resolution No.Ga.va.na 1220/Pra.kra.115/Zopa.su-1, dated 9<sup>th</sup> March 2000 has stated that as per Government Resolution No. Zo.Pu.Yo.1096/Pra.Kra. 68/Gru.Ni.Cell, dated 16<sup>th</sup> May, 1996 and No. Zo.Pu.Yo.1097/Pra.Kra.4515/Zopa.Su-1, dated 14<sup>th</sup> May, 1998, the slum dwellers whose name appeared in the voters list dated 1<sup>st</sup> January 1995 and who are still staying at the same place are eligible for the Slum Redevelopment Scheme.

And whereas, the said Corporation after following all necessary procedure stipulated under section 37 of the said Act, has submitted the said modification proposal to Government for sanction on 2<sup>nd</sup> December 2000.

And whereas, the Government of Maharashtra after making necessary enquiries and after consulting the Director of Town Planning, Maharashtra State, Pune is satisfied that the said proposal of modification is necessary and shall be sanctioned.

Now, therefore, in exercise of the powers conferred under sub-section (2) of section 37 of the said Act the Government of Maharashtra hereby sanctions the said proposal of modification.

In the schedule of modification appended to the said notification sanctioning the said Development Control Regulation after the last entry, following new entry shall be added viz.

The contents of the proposed minor modification to regulation No. 165, Appendix S are as under:

Page No.	Rule No./Line No.	Contents	Proposed modification
171	1/2 <sup>nd</sup> line	1885	1995
171	1(b)/2 <sup>nd</sup> line	1980/85	1995
175	33(5)/1 <sup>st</sup> line	January, 1985	1 <sup>st</sup> January, 1995

The aforesaid modification kept open for inspection by public during office hours (on all working days) in the office of the Commissioner, Thane Municipal Corporation.

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

N.R.RANE

Desk Officer

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GOVERNMENT OF MAHARASHTRA

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai-400 032

Dated:- 25 March, 2013

NOTIFICATION

**NO.MMS/TPS-1212/99/CR-247/12/UD-12**

**Maharashtra Regional and Town Planning Act, 1966**

Whereas, the Revised Development Plan of the city Thane (hereinafter referred to as “the said Development Plan”) has 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/1297/1319/CR-148/97/UD-12, Dt.4<sup>th</sup> October, 1999 (hereinafter referred to as “the said Notification”) and has come into force with effect from 22<sup>nd</sup> November 1999;

And whereas, in the Sector No.9 of the said Development Plan, Site no. 1 is reserved for “Library and Welfare Centre” (hereinafter referred to as Reservation”);

And whereas, Thane Municipal Corporation (hereinafter referred to as “the said Corporation”), after following the legal procedure under sub-section 1 of section 37 of the said Act, has submitted the proposal for modification in the said Development Plan so as to change the nomenclature of the said Reservation as the “Library and Cultural Centre”, vide letter dated 3<sup>rd</sup> August, 2012 (hereinafter referred to as “the said Modification”);

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 said modification;

Now therefore, in exercise of the powers conferred under sub-section (2) of section 37 of the said Act, the State Government hereby sanctions the said modification proposal as described below:-

“In the Schedule of modification appended with the said Notification, after the last entry, the following new entry shall be inserted viz.:-

#### ENTRY

“The nomenclature of the “Site No.1-Library and Welfare Centre” in Sector No. 9 of the Development Plan of Thane is changed to “Library and Cultural Centre”.

2. The date of publication of this Notification in the 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, Thane Municipal Corporation, Thane,

(ii) Deputy Director of Town Planning, Konkan division, Konkan Bhavan, Navi Mumbai,

(iii) Assistant Director of Town Planning, Thane Branch, Thane.

4. This notification shall also be published on the Government Website at

[www.urban.maharashtra.gov.in](http://www.urban.maharashtra.gov.in)

By order and in the name of the Governor of Maharashtra

(Sanjay V. Pawar)

Section Officer

\*\*\*\*\*

GOVERNMENT OF MAHARASHTRA

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai-400 032

Dated:- 25 March, 2013

NOTIFICATION

**NO.TPS-1212/446/CR-254/12/UD-12**

**Maharashtra Regional and Town Planning Act, 1966**

Whereas, the Revised Development Plan of the city Thane (hereinafter referred to as “the said Development Plan”) has 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/1297/1319/CR-148/97/UD-12, Dt.4<sup>th</sup> October, 1999 (hereinafter referred to as “the said Notification”) and has come into force with effect from 22<sup>nd</sup> November 1999;

And whereas, in the said Development Plan, an area admeasuring 7600.00 sq.mt. is reserved for Secondary School as Site No. 2 and an area admeasuring 7000.00 sq.mt. is reserved for Primary School as Site No. 4 (hereinafter referred to as “the said Reservations”);

And whereas, Thane Municipal Corporation (hereinafter referred to as “the said Corporation”), after following the legal procedure under sub-section 1 of section 37 of the said Act, has submitted the proposal for modification in the said Development Plan so as to delete the said Reservations and to reserve the land so released for Government Industrial Technical Institute and Girls Hostel and Primary School vide letter dated 17<sup>th</sup> July, 2012 (hereinafter referred to as “the said Modification”);

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 said modification with some changes;

Now therefore, in exercise of the powers conferred under sub-section (2) of section 37 of the said Act, the State Government hereby sanctions the said modification proposal with some changes as described below:-

“In the Schedule of modification appended with the said Notification, after the last entry, the following new entry shall be inserted viz.:-

#### ENTRY

“The Site No.2- Secondary School” and “Site No.4- Primary School” under the sanctioned Development Plan of Thane are deleted and out of the land so released, an area admeasuring 3000.00 sq.mt. is reserved for Primary School, as Site No.4-A (Appropriate Authority Thane Municipal Corporation, Thane) and the remaining area admeasuring 11600.00 sq.mt. is reserved for “Government Industrial Technical Institute (I.T.I) and Girls Hostel”, as Site No. 4-B (Appropriate Authority as Higher and Technical Education Department, Government of Maharashtra) as shown on part plan.”

2. The date of publication of this Notification in the 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, Thane Municipal Corporation, Thane,

(ii) Deputy Director of Town Planning, Konkan division, Konkan Bhavan, Navi Mumbai,

(iii) Assistant Director of Town Planning, Thane Branch, Thane.

4. This notification shall also be published on the Government Website at

[www.urban.maharashtra.gov.in](http://www.urban.maharashtra.gov.in)

By order and in the name of the Governor of Maharashtra

(Sanjay V. Pawar)

Section Officer

\*\*\*\*\*

Maharashtra Regional and Town Planning Act, 1966

- Notification under Section 37(1AA)(c) of the said Act
- Modification to the Regulation for Inclusive Housing in the Development Control Regulations of the Municipal Corporations having population of a Million or above (Excluding Greater Mumbai)

GOVERNMENT OF MAHARASHTRA

Urban Development Department

Mantralaya, Mumbai-400 032

Dated:- 3<sup>rd</sup> September, 2015

**NOTIFICATION**

**NO.TPB-4312/CR-45/2012(I)/UD-11**

Whereas, the State Government has sanctioned the Development Plans (hereinafter referred to as “the said Development Plans”) and the Development Control Regulations (hereinafter referred to as ‘the said Regulations) for the Municipal Corporations in Maharashtra State under the provisions of the Maharashtra Regional & Town Planning Act, 1966 (Maharashtra Act No, XXXVII of 1966) (hereinafter referred to as “the said Act”) which are in force in the limits of the respective Municipal Corporations;

And whereas in furtherance of the Housing Policy of the State, which provides for inclusive housing for the Low Income Group (LIG) in private layouts, the Govt. in Urban Development Department in exercise of the powers conferred under sub-section (1AA)(c) of section 37 of the said Act, has sanctioned and incorporated a Regulation regarding Inclusive Housing in the Development Control Regulations of the Municipal Corporations having population of one million or more as per the latest Census (excluding the Municipal Corporation of Greater Mumbai) vide Notification of even No. dated 8<sup>th</sup> November 2013;

And whereas various organisations and individuals have represented and requested the Government to amend certain provisions of the Regulation for Inclusive Housing so as to make its implementation smoother and more effective;

And whereas, after considering the representations of the various organizations and the view of the Housing Department of the Govt. of Maharashtra and after taking into account the view expressed by the Govt. in Urban Development Department in W.P. No. 366/2014 before the Hon’ble High Court, Mumbai, the Government in exercise of the powers conferred under sub-Section (1AA) of Section 37 of the said Act, had issued Notice of even no. dated 11<sup>th</sup> Sept. 2014 for inviting suggestions/objections from the general public with regard to the modification in respect of Regulation for Inclusive Housing (hereinafter referred to as “the proposed modification”) proposed in the Schedule appended in the said Notice and appointed the Joint Director of Town Planning of the concerned Divisions as the officer wherein the Municipal Corporations are located, (hereinafter referred to as “the said Officer”) to submit a Report on the suggestions/objections received in respect of the proposed modification to the Govt. after giving hearing to the concerned persons and the concerned Municipal Corporation;

And whereas, the said Notice dated 11<sup>th</sup> Sept. 2014 was published in the Maharashtra Government Gazette (Extra-ordinary Gazette) dated 11<sup>th</sup> Sept. 2014 (hereinafter referred to as “the Official Gazette”) and the said Officers of concerned Divisions have submitted their Reports through the Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under Section 37(1AA) of the said Act;

And whereas, after considering the above stated Reports of the said Officers of the concerned Divisions, the suggestions, Objections received from the general public and the say of the said

Corporations and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification is required to be sanctioned with some changes for Municipal Corporations having populations one million or above as per the latest Census (Excluding the Municipal Corporation of Greater Mumbai);

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

(A) Sanctions the proposed modification with some changes as described more specifically in the Schedule appended hereto.

(B) Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this modification.

(C) Directs the Municipal Corporation having population of one million or above as per the latest Census (Excluding the Municipal Corporation of Greater Mumbai) that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule referred to at (A) above shall be added.

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

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

Sd/-

(Kishor D. Girolla)

Under Secretary to Government.

## **SCHEDULE**

(Accompaniment to Notification No.TPB 4312/CR-45/2012/(I)/UD-11 Dated 3<sup>rd</sup> September, 2015)

### **Sanctioned Modification to Regulation for Inclusive Housing**

**1) The following proviso is added in Clause (1)(a):-**

“Provided that the equivalent affordable Housing Plots or 20% plot area can also be provided at some other location(s) within the same Administrative Ward of the Municipal Corporation.”

**2) The following proviso is added in Clause (1)(b):-**

“Provided that in case the Landowner/Developer desires not to utilize such additional FSI in the same land, fully or partly, then he shall be awarded TDR in lieu of such unutilized additional FSI. The utilization of this TDR shall be subject to the prevailing provisions of DCR and as per the following formula.”

Formula:  $X = [R_g/R_r] \times Y$

Where X = Utilisation of Development Right (DR) on the receiving plot

R<sub>g</sub> = Land Rate in Rs. per Sq.m. as per the Annual Schedule of Rates (hereinafter referred to as ‘ASR’) of generating plot in the year when project is sanctioned.

R<sub>r</sub> = Land Rate in Rs. per Sq.m. as per ASR of the receiving plot of the same year of generating plot.

Y = Unutilized additional FSI.”

**3) The following proviso is added in Clause (2)(b):-**

“Provided further that the equivalent Affordable Housing tenements can also be provided at some other location(s) within the same Administrative Ward of the Municipal Corporation and such construction shall be free of FSI upto the limit of 50% of the admissible FSI of such alternative plot.”

**4) In Clause 2(c):-**

“Instead of words “at the construction rates in the ASR applicable.” The words “at rates equal to 125% of the construction rates in the ASR applicable” are inserted.”

**5) The following two provisos are added in Clause (2)(c):-**

“Provided that there shall be no obligation to construct affordable Housing tenements in the redevelopment project of any Co-operative Housing Society in which the carpet area of all existing individual residential tenements does not exceed 80 Sq.mtr.

Provided further that in case of individual bungalow Housing Scheme, these provisions shall not apply in case of redevelopment of individual bungalow. However, if redevelopment for total plot under layout is proposed, these provisions shall be applicable.”

6) Clause (2)(e) is modified as follows:-

“(e) There shall be no obligation to construct affordable housing tenements in accordance with these provisions in any Housing Scheme or residential development project wherein, owing to the relevant provisions of the Development Control Regulations, 20% or more of the basic zonal FSI is required to be utilized towards construction of residential tenements for the EWS/LIG and also for the development/redevelopment of any land owned by the Government or any Semi-Government. Provided such development/redevelopment is undertaken by the Government or such Semi-Government Organization by itself or through any other agency under BOT or PPP model.”

Provided that in case of development of reservation for Public Housing, Housing the Dishoused, Public Housing/High Density Housing and EWS/LIG tenements constructed under the provisions of any other Act, these provisions shall not be applicable.”

By order and in the name of Governor of Maharashtra.

Sd/-

(Kishor D. Girolla)

Under Secretary to Government.

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Maharashtra Regional and Town Planning Act, 1966

- Notification under Section 37(1AA)(c) of the said Act
- Modification to the Development Control Regulations for Municipal Corporations (Excluding Greater Mumbai)

**GOVERNMENT OF MAHARASHTRA**

Urban Development Department

Mantralaya, Mumbai-400 032

Dated:- 19<sup>th</sup> November, 2015

**NOTIFICATION****NO.TPB-4313/145/CR-119/2013/UD-11**

Whereas, the State Government has sanctioned the Development Plans (hereinafter referred to as “the said Development Plans”) and the Development Control Regulations (hereinafter referred to as ‘the said Regulations) for the Municipal Corporations in the State of Maharashtra under the provisions of the Maharashtra Regional & Town Planning Act, 1966 (Mah. XXXVII of 1966) (hereinafter referred to as “the said Act”) which are in force in the limits of the respective Municipal Corporations;

And whereas, the Govt. in Home Department vide G.R.No. RSA-609/CR-432/Pol-7/ dated 17<sup>th</sup> November, 2009 has framed policy for creating staff quarters for Police personnel including Police Officers, with additional FSI;

And whereas, the Govt. in the Urban Development Department, in view of the above policy, is of the opinion that in the public interest, it is desirable to grant additional FSI. For creating staff quarters for not only Police personnel but also other employees of the Govt. and its statutory bodies;

And whereas, the Govt. in the Urban Development Department has also taken a decision to incorporate new Regulation in respect of staff quarters for employees of the Govt. and its statutory bodies in the Development Control Regulation of Greater Mumbai, 1991 and whereas after completing formalities as per provisions of the said Act, Govt. in Urban Development Department vide Notification dt.02/09/2015 issued under Section 37(1AA)(c) of the said Act, has incorporated necessary provisions to that effect in the Development Control Regulations for Greater Mumbai;

And whereas, the Govt. in the Urban Development Department has also taken a decision to incorporate new Regulation in respect of staff quarters for employees of the Govt. and its statutory bodies in the Development Control Regulations of the other Municipal Corporations in the State and it is necessary to urgently carry out suitable modification to the existing Development Control Regulations of

Municipal Corporations and therefore, in exercise of the powers conferred by sub-section (1AA) of Section 37 of the said Act; and of all other powers enabling it in this behalf, Govt. had issued Notice of even number dated 01/04/2015 (hereinafter referred to as “the said Notice”) for inviting suggestions/objections from the general public with regard to the proposed modification proposed in the Schedule appended to the said Notice and appointed the Joint Director of Town Planning, of the concerned Divisions as the Officer wherein the Municipal Corporations are located, (hereinafter referred to as “the said Officer”) to submit a Report on the suggestions/objections received in respect of the proposed modification to the Govt. after giving hearing to the concerned persons and the concerned Municipal Corporation;

And whereas, the said Notice dated 1<sup>st</sup> April, 2015 was published in the Maharashtra Government Gazette (Extra-Ordinary Gazette) dated 6<sup>th</sup> April, 2015 (hereinafter referred to as “the Official Gazette”) and the said Officers of concerned Divisions have submitted their Reports through the Director of Town Planning, Maharashtra State, after completing the legal procedure stipulated under Section 37(1AA) of the said Act;

And whereas, after considering the Reports of the said Officers of the concerned Divisions, the suggestions/objections received from the general public and the say of the said Corporations and after consulting the Director of Town Planning, Maharashtra State, the Government is of the opinion that the proposed modification in respect of construction of staff quarters on private Land is to be kept in abeyance and decision for the same will be taken at later stage. Whereas, Government is of the opinion that, Regulation for Staff Quarters of the State Govt. or its statutory bodies or Municipal Corporations on lands belonging to such public Authorities is required to be sanctioned with some changes;

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

(A) Sanctions the proposed modification with some changes as described more specifically in the Schedule appended hereto.

(B) Fixes the date of publication of this Notification in the Official Gazette as the date of coming into force of this modification.

(C) Directs the Municipal Corporation (Excluding the Municipal Corporation of Greater Mumbai) that in the Schedule of Modifications sanctioning the said Regulations, after the last entry, the Schedule referred to at (A) above shall be added.

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

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

Sd/-

(Kishor D. Girolla)

Under Secretary to Government.

### **SCHEDULE**

(Accompaniment to Notification No.TPB 4315/145/CR-119/2013/UD-11 Dated 19 November, 2015)

The following provisions regarding Development/Redevelopment for construction of staff quarters of the State Govt. or its statutory bodies or Municipal Corporations in the State are incorporated in the Development Control Regulations of Municipal Corporations (excluding Municipal Corporation of Greater Mumbai:-

Regulation for staff quarters of the State Govt. or its statutory bodies or Municipal Corporations on lands belonging to such Public Authorities situated in developable zones such as Residential/ Public-Semi Public/Commercial Zone etc. except restricted zone such as Green Belt, Agricultural Zone, No Development Zone, CRZ etc.

(1) The basic Floor Space Indices specified in sanctioned DCR, may be allowed to be exceeded as per following table on the gross plot area solely for the project of construction of staff quarters (hereinafter referred to as “staff quarters project”) for the employees of the Government or its statutory bodies or the Municipal Corporations (hereinafter collectively referred to as “User Authority”) on land belonging to such User Authority, by the Public Works Department of the Govt. of Maharashtra or MHADA or Maharashtra Police Housing Corporation or Municipal Corporations or any other Public Agency nominated by the Govt. for this purpose, which would also include any Special Purpose Vehicle, wherein the Govt. or a fully owned Company of the Govt. holds at least 51% equity share (hereinafter collectively referred to as “Implementing Public Authority”).

Class of Municipal Corporation	Road Width & Plot area	Maximum permissible FSI (Including basic FSI)
“A” Class Municipal Corporations	(1) <u>18.00 mt. or above</u>  Minimum Plot area 4000 sq.mt or above	4.00
	(2) 12.00 mt or above but below 18.00 mt.	3.00
“B” & “C” Class Municipal Corporations	(1) <u>15.00 mt. or above</u>  Minimum Plot area 4000 sq.mt or above	3.00
	(2) 12.00 mt. or above but below 15.00 mt.	2.50
“D” Class Municipal Corporations	12.00 mt or above	2.50

(2) For the purpose of calculating the FSI, the entire area of the plot excluding area under Development Plan roads and Development Plan reservations, if any, shall be considered:

Provided that, the Development Plan reservations like Government Staff Quarters, Police Staff Quarters, Police Housing, Municipal Staff quarters etc., on lands belonging to the Government/Public Authorities/Local Authorities shall not be excluded.

Provided further that amalgamation of such Development Plan reservation/s with adjoining lands for the execution of project under this regulation, shall be permissible.

(3) The total permissible FSI under this Regulation shall be utilized for construction of staff quarters for the User Authority, subject to the following:-

(i) The area of staff quarters for various categories of employees shall be as per the norms prescribed by the concerned User Authority and in no case shall the area of Staff Quarters exceed the maximum limit of carpet area as prescribed therein.

(ii)(a) Commissioner may also permit upto 1/3<sup>rd</sup> of the total permissible FSI under this Regulation for construction of free sale area (hereinafter referred to as “free sale component”) to be disposed of by the implementing Public Authority as provided therein.

The free sale component shall preferably be constructed in a separate block. Sub-division of plots shall be permissible on the basis of equitable distribution of FSI, in case construction of free sale component is permitted by the Commissioner.

The free sale component may be utilized for commercial use as per potential of plot as decided by following Committee:-

[1] Municipal Commissioner – Chairman

[2] Police Commissioner – Member

[3] Collector of Concerned District – Member

[4] Superintendent Engineer (PWD)– Member

The extent of commercial use, if required shall be decided by the said Committee strictly within the limits as specified in the sanctioned prevailing Development Control Regulations.

(b) If the User Authority requires construction of staff quarters to the extent of full permissible FSI, then the User Authority shall pay full cost of construction + 5% of construction cost as establishment charges to the Implementing Public Authority.

(c) The flats constructed under the free sale component shall be first offered to the Central Govt., its statutory bodies, Central/State PSUs for purchase as staff quarters and if the Central Govt. or its statutory Bodies or Central/State PSUs do not indicate willingness to purchase the same within the prescribed time limit, such flats shall be sold in open market.

(4)(i) Notwithstanding anything contained in any regulation under sanctioned DCR of Municipal Corporations, no amount shall be charged towards Premium, Scrutiny Fee etc., for the projects proposed under this regulation.

(ii) The provisions of Inclusive Housing, which is applicable for Municipal Corporations, shall not be applicable for development under this Regulation.

(5) For any staff quarters project under this Regulation, a Development Agreement shall be executed between the User Authority and the Implementing Public Authority, which, inter-alia, shall authorize the Implementing Authority to dispose of the flats constructed under the free sale component of the project, wherever applicable, Such development agreement shall contain the details regarding the modalities and conditions of transferring such quarters (whether free of cost or on payment/receipt of certain amount by the user authority) to the user authority and also conditions, modalities of disposing of the flats under the free sale components by the Implementing Public authority.

Sd/-

(Kishor D. Girolla)

Under Secretary to Government.

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[Translation]

Government Direction under Section 154 of the Maharashtra Regional and Town Planning Act, 1966

Regarding explanation about the current provisions of Development Control Regulations dealing with Inclusive Housing within the limits of Municipal Corporations having population exceeding Ten Lakhs (excluding Municipal Corporation for Greater Mumbai).

Government of Maharashtra

Department of Urban Development

**No. TPB 4312/Pra.kra.45/2012/(i)/Na.vi-11**

Mantralaya, Mumbai:- 400 021

**Date:- 8<sup>th</sup> February, 2016**

Vide:- 1] Government Notification in the Urban Development Department bearing No. 4312/Pra.kra.45/2012(I)/Na.Vi-11, dated 8/11/2013

2] Government Notification in the Urban Development Department bearing No. 4312/Pra.kra.45/2012(I)/Na.Vi-11, dated 3/09/2015

By an even numbered Notification dated 08/11/2013 issued by the urban Development Department of the Government in furtherance of section 37(1AA)(c) of the Maharashtra Regional and Town Planning Act, 1966, provisions for Inclusive Housing have been incorporated in the Development Control Regulations governing the remaining Municipal areas in the State of Maharashtra (excluding Municipal Corporation for Greater Mumbai) with population exceeding ten lakhs. By an even numbered Notification dated 03/09/2015 issued by the Urban Development Department of the Government, modifications to the said provisions have been sanctioned.

The matter of giving more clarity to the said provisions regarding Inclusive Housing was under the consideration of the Government. Accordingly, the directions/explanation in the exercise of powers under section 154(1) of the Maharashtra Regional and Town Planning Act, 1966 are hereby given as follows:-

#### Directions

1] Even if the Development Control Regulations of the concerned Municipalities contain a provision for excluding the area occupied by staircase and lift lobby from the computation of Floor Space Index by levying Premium, the Planning Authority should offer a rebate of 50% in the levy of Premium vis-à-vis the lift lobby and staircase of the buildings comprising EWS/LIG Flats under the Inclusive Housing Scheme.

2] Clause 2(b) of the provisions dealing with Inclusive Housing contains a condition that the balance construction (Free Sale) should not be granted Occupation Certificate, unless the construction of Affordable Housing Tenements is accorded Occupation Certificate. The Object of this provision is to ensure that the construction of Affordable Housing Tenements gets priority.

Therefore, there would not be any hindrance in granting proportionate Occupation Certificate to the construction of Inclusive Housing (EWS/LIG) as well as the balance construction (Free Sale), without violating the said provision. However, under no circumstances the balance construction shall be granted full Occupation Certificate until the Affordable Housing Tenements are accorded full Occupation Certificate.

3] As per sub-clause 4 of the provisions dealing with Inclusive Housing, the provisions of Inclusive Housing do not apply to a case where Commencement Certificate is granted before the said provisions came into force. Moreover, the said provisions do not apply to an already sanctioned case where a proposal for revised permission is received. However, if the revised permission proposal contemplates construction on 4000 sq.mt balance potential, then in such case the provisions of Inclusive Housing would apply to such balance construction area.

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

Sd/-

(Kishor D. Girolla)

Under Secretary to Government of Maharashtra.

Copy:-

1] Principal Secretary, Department of Housing, Mantralaya, Mumbai.

2] All Commissioners, New Mumbai/Thane/Kalyan-Dombivali/Vasai-Virar/Pune/Pimpri-Chinchwad/Nashik/Aurangabad/Nagpur Municipal Corporation.

3] Vice-Chairman and Chief Executive Officer, MHADA

4] Director, Town Planning, Maharashtra State, Pune

5] Joint Secretary and Director, Town Planning, Department of Urban Development, Mantralaya, Mumbai

6] Joint Director, Town Planning, Konkan Division/Pune Division/Nashik Division/Aurangabad Division/Nagpur Division

7] Under Secretary, UD-13, UD-30

8] Section Officer, UD-9, UD-12

9] Section Officer, Desk Office-UD-29

/-He is hereby requested to take the necessary steps for publishing the accompanying directions on the website of the Department.

10] Select File

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