

## PART III

### 16. ZONING AND USE PROVISIONS

16.1 The Development Plan of Navi Mumbai, has divided Navi Mumbai into following zones:

1. Predominantly Residential,
2. Predominantly Commercial,
3. Industrial,
4. Wholesale market and Warehousing,
5. Regional Park,
6. No Development Zone,
7. Institutional,
8. Woodland Corridor,
9. Marshalling Yard,
10. Recreational,
11. Special Economic Zone,

16.2 **For the purpose of these regulations the land uses have been classified into following groups:**

1. Mining and quarrying.
2. Residential.
3. Educational.
4. Institutional.
5. Assembly.
6. Business.
7. Mercantile.

8. Industrial.
9. Storage.
10. Information Technology land use.
11. Recreational land use.
12. Biotechnology unit.

**16.3 In these regulations, unless the context otherwise requires:**

- 1 "Mining and Quarrying" means extraction of stone earth, murum or any other mineral including operating brick kilns.
- 2 "Residential Land Use" includes any land on which sleeping accommodation is provided for normal residential purposes, with or without cooking or dining or both facilities, except any activity classified under Group 4.
- 3 "Educational Land Use includes any land use for school, college or day-care purposes for more than 8 hours per week involving assembly for instruction, education or recreation and which is not covered by Group 5.
- 4 "Institutional Land Use" includes any land, which is used for purposes such as medical or other treatment or care or persons suffering from physical or mental illness, disease or infirmity; care of infants, convalescents or aged persons and for penal or correctional detention in which the liberty of the inmates is restricted. Institutional buildings ordinarily provide sleeping accommodation for the occupants.
- 5 "Assembly Land Use" includes any land, where groups of people congregate or gather for amusement, recreation, Social, religious, patriotic, civil, travel and similar purpose, for example, theatres/multiplex, motion picture houses, assembly halls, auditoria, exhibition halls, museums, skating rings, gymnasia, restaurants, places of worship, dance halls, club rooms, passenger stations and terminal of air, surface and marine public transportation services, recreation piers and stadia.
- 6 "Business Land Use" includes any land, which is used for the transaction of business (other than that covered in Group 7), for the keeping of accounts and records and similar purpose, doctor's and dentist's consulting rooms

(unless these are covered by the provisions of Group 4); service facilities such as news stands, lunch counters serving less than 10 persons, barber shops and beauty parlors, city halls, town halls, courthouses and libraries shall be classified in this group in so far as the principal function of these is transaction of public business and the keeping of books and records. Minor offices, incidental to operations in another type of land use shall be considered as part of the main land use and shall be classified under the relevant group for the main land use.

7. "Mercantile Land Use" includes any land, which is used for shops, stores, markets, for display and sale of merchandise, either wholesale or retail. Office, storage and service facilities incidental to the sale of merchandise and located on the same plot shall be included under this group. Minor merchandising operations on land primarily used for other land use shall be covered by the group under which the predominant land use is classified.
8. "Industrial Land Use" includes any land on which products or materials of all kinds and properties are fabricated, assembled or processed, for example, assembly plants, laboratories, dry-cleaning plants, power plants, pumping stations, smoke houses, laundries, gas plants, refineries, dairies and saw mills.
- 8a. "Service Industry Class-A", means any industry which is engaged in producing, servicing or repairing goods or articles for consumption by persons residing in the neighborhood and which fulfills the following three conditions:
- i. The number of persons employed in any establishment does not exceed 9;
  - ii. The maximum power requirement of such establishment does not exceed 10 H.P.; and
  - iii. The floor area occupied by such establishment does not exceed 50 Sqm. and shall include particularly any industry mentioned in Schedule-1.
- 8b. "Service Industry Class-B", means any industry which is engaged in producing, servicing or repairing goods or articles for consumption in the neighborhood and which fulfills the following three conditions:

- i. The number of persons employed in any establishment does not exceed 20;
  - ii. The maximum power requirement of such establishment does not exceed 20 H.P., and
  - iii. The floor area occupied by such establishment does not exceed 250 Sq. M. and shall include particularly any industry mentioned in Schedule-1.
9. "Storage Land Use" includes any land uses primarily for the storage or sheltering (including servicing, processing or repairs incidental to storage) of goods, wares, or merchandise, vehicles, for example-warehouses, cold storages, freight depots, transit sheds, store houses, truck and marine terminals, garages, hangers (other than aircraft repair hangers), grain elevators.
10. "Information Technology" land-use: Information Technology land use includes any land use primarily for the development of computer software and hardware and equipment relating to earth station, V-SAT routes, transponders, covered and dish antenna, transmission towers and other similar I.T. related uses.
11. "Recreational land use", means any land-use primarily used for public gathering in an open to sky or under temporarily covered places/shelters on occasions of Public meetings/speeches, sports meet, exhibitions, fairs, and any other similar public use as may be decided by the Corporation from time to time. The Corporation may designate an appropriate location within this land use for permitting sports offices, podium, canteen, toilets and such other uses incidental to the recreation land use. However in any case total built up area of such uses shall not exceed 1 % of the gross area of the plot or 1000 sq.m. whichever is less. "

12. "Biotechnology unit "shall means and include Biotechnology units which are certified by the Development Commissioner (Industries) or any other officer authorized by him in this behalf.

**Note :** The decision of the Corporation about the land use group of any function shall be final and conclusive.

**16.4 The land uses that shall generally be permitted with due considerations to amenity in the zones are as follows:**

16.4.1

Zone	(Code No.) Land use
Predominantly Residential	2. Residential 3. Educational 4. Institutional 5. Assembly 6. Business 7. Mercantile

In case of Action areas located in predominantly residential zone, essential service industries and warehouses which do not create any nuisance on account of smoke, smell, dust, noise, glare or any other factor may be permitted in addition to the land uses stipulated above. In particular, the following shall be permitted:

- 8a. Service Industry, Class 'A' including office and storage space required for service industry as secondary land use on the land designated primarily for 'Mercantile' and 'Business" land uses and earmarked for such secondary use.

Note: For the purposes of these Regulations, the secondary use shall be deemed as relevant primary use and all relevant provisions shall apply to secondary use as they apply to primary use.

- 8b. Service Industry, Class 'B' with residence for essential staff.
9. Storage, with volume not exceeding 1000 cubic m. per establishment and with residences for essential staff, and such other allied land uses as are

incidental to or complementary to Service Industry Class 'B' and storage land use, namely restaurants, bars, lunch counters, news-stands, offices, paan and tobacco shops, fruit shops, and land use commonly known as public utility and services, namely police station or chowky, telephone exchange, fire station, sewage treatment plant or pumping station, electricity sub-station, water-works or pumping stations or service reservoirs.

Note: The above land uses namely 8b and 9 shall be permitted only in the exclusive area earmarked as 'Service Industry'.

10. Information Technology I.T. / I.T.E.S on the plots/premises fronting on roads having width more than 11.00 mtrs. shall be allowed.

#### 16.4.2

Zone	(Code No.) Land use
Predominantly Commercial	2. Residential 3. Educational 4. Institutional 5. Assembly 6. Business 7. Mercantile

In case of Action areas located in predominantly commercial zone, essential service industries and warehouses, which do not create any nuisance on account of smoke, smell, dust, noise, glare or any other factor may be permitted in addition to the land uses stipulated above. In particular, the following shall be permitted:

- 8a. Service Industry, Class 'A' including office and storage space required for service industry as secondary land use on the land designated primarily for 'Mercantile' and 'Business" land uses and earmarked for such secondary use.

**Note:** For the purposes of Regulations No.18, 40 and 41 the secondary use shall be deemed as relevant primary use and all provisions of

Regulations No. 18, 40 and 41 shall apply to secondary use as they apply to primary use.

- 8b. Service Industry, Class 'B' with residence for essential staff.
- 9. Storage, with volume not exceeding 1000 cubic m. per establishment and with residences for essential staff, and such other allied land uses as are incidental to or complementary to Service Industry Class 'B' and storage land use, namely restaurants, bars, lunch counters, news-stands, offices, paan and tobacco shops, fruit shops, and land use commonly known as public utility and services, namely police station or chowky, telephone exchange, fire station, sewage treatment plant or pumping station, electricity sub-station, water-works or pumping stations or service reservoirs.

**Note :** The above land uses namely 8b and 9 shall be permitted only in the exclusive area earmarked as 'Service Industry'.

- 10. Information Technology land use, pertaining to only software development, and only on the plots fronting 11.0 m., more wide roads.

	Zone	(Code No.) Land use
16.4.3	Industrial	<ul style="list-style-type: none"> <li>1. Industries with residence for essential staff</li> <li>2. Storage with residences for essential staff</li> <li>3. Information Technology land use, only on the plots fronting 11.00 m., more wide roads.</li> <li>12. Biotechnology units on all plots fronting on roads having width 11.0 mt. or more</li> </ul>
16.4.4	Wholesale market & Warehousing	<ul style="list-style-type: none"> <li>5. Assembly</li> <li>6. Business</li> <li>7. Mercantile land use</li> <li>8a. Service Industry class – A [Only ancillary service industries which are not abnoxious and hazardous shall be allowed.]</li> <li>8b. Service Industry class – B [Only ancillary service industries which are not abnoxious and hazardous shall be allowed.]</li> <li>9. Storage land use with residences for essential staff up to limit of 30% of the land use.</li> <li>10. IT land use.</li> </ul>

16.4.5	Regional Parks <sup>1</sup>	<ol style="list-style-type: none"> <li>1. Deleted</li> <li>2. Residential</li> <li>3. Educational</li> <li>4. Institutional</li> <li>5. Assembly</li> </ol> <p>The above uses shall be permitted only in areas to be specially designated by the Corporation and in accordance with the respective provisions made in Reg. 38.1 (1.a), provided further that, the corporation may relax the area limitation if any, specified for the above land uses in Reg. 38.1 (1.a). as and when circumstances demand.</p>
16.4.6	No Development Zone <sup>2</sup>	<ol style="list-style-type: none"> <li>10. Information Technology related equipment wherever permissible as per prevailing statutory provisions related to Coastal Regulation Zone.</li> </ol> <p>"Uses in No Development Zone" include Research Development, agriculture, horticulture, Educational, Science Museum, salt manufacture, forestry, promenades, gardens, parks, play fields, temporary camps for various kinds of social activities like recreational or religious functions on sites, wherever the existing topography permits without disturbing the mangroves and marshy areas, holding ponds, coastal Roads, public utility establishments including sewage treatment &amp; disposal works and water works, water sports activities alongside natural water bodies not involving the construction of man-made water bodies, cemeteries and crematoria along with structure incidental thereto, structure of sea lamps and watchmen's quarters, LPG Godowns of minimum 2000 m<sup>2</sup> area with 0.2 FSI and ground floor construction, and other storage land uses.</p> <p>Fish farming and Agriculture activities may be permitted in coastal Regulation zone at such places as the corporation may decide, subject to No objection Certificate from Department of Fisheries and provisions of notification dated 19 Feb, 1991 issued by ministry of Environment and Forest &amp; changes made from time to time.</p> <p>Uses in No Development area such as Research Development, Educational, Science Museum shall be permitted subject to maximum 0.2 F.S.I and also subject to CRZ Notification.</p>
16.4.7	Institutional	<ol style="list-style-type: none"> <li>3. Educational</li> <li>5. Institutional, including Govt. and Semi-Government</li> </ol>

		<p>offices, professional and corporate offices with residences for essential staff upto limit of 30% of land use.</p> <p>12. Information Technology land use: Provided further that the Corporation may permit essential and business activities at designated locations.</p>
16.4.8	Woodland Corridor	Gardens, nurseries, Horticulture and Arboriculture.
16.4.9	Marshalling Yard	12. Storage land use, Railway sidings for goods trains, Loading and unloading platforms, transit storage sheds, wagon repairing activities etc.
16.4.10	Recreational Land Use	11. Recreational land Use.
16.4.11	Special Economic Zone	<p>2. Residential, 3. Educational, 4. Institutional, 5. Assembly, 6. Business, 7. Mercantile, 8. Industrial, 9. Storage, 10. Information Technology, 11. Recreational.</p> <p>Any other land uses as may be permitted by the Govt. of India within the Special Economic Zone</p>

<sup>1</sup> The regulations were modified and sanctioned on 21/07/2008

<sup>2</sup> The regulations were modified and sanctioned on 21/07/2008

16.4.12: **Mixed Use**<sup>1</sup>:

Plots allotted for Residential, Commercial (Business and/or Mercantile), Institutional, Service Industry etc. purposes may be allowed to utilize up to a

<sup>1</sup> The regulations were modified and sanctioned on 21/07/2008

maximum of 10% of the built up area for certain compatible uses other than the originally allotted use, as per Appendix – X subject to clearance from CIDCO, being the lessor of the land and payment of premium as may be determined by the corporation from time to time.

Note: All the above mixed use shall be permitted at the sole discretion of the Municipal Commissioner. The Municipal Commissioner reserves the right not to allow any mixed use, even though permitted by the table in Appendix – X in case the same is likely to cause any health hazard or have an adverse environment impact, may be beyond the capacity of available infrastructure, may cause traffic/parking problem or may cause nuisance to the general public in any manner.

All such uses shall be subject to the other provisions of the Development Control Regulation or any other relevant law in force.

16.4.13: **Change of use<sup>1</sup>:**

The plots allotted exclusively for Residential or Commercial (Business and/or Mercantile) uses which are situated on 15.0 or wider roads and having 1000 sq.m. or more plot area may be allowed to change the use to Residential + Commercial subject to payment of premium as may be determined by the Corporation from time to time and clearance from CIDCO, being the lessor of the land, provided further that, the Corporation while permitting change of use may stipulate any other conditions it may deem fit.

The mixed user other than allotted shall not be more than 30% subject to further condition that the principal land use shall be segregated by separate entrance.

16.5<sup>2</sup> Whenever land intended to be developed has been granted or agreed to be granted on lease by the CIDCO, then notwithstanding anything contained in the lease or agreement to lease the permissible land-use for such land excluding the

<sup>1</sup> *The regulations were modified and sanctioned on 21/07/2008*

<sup>2</sup> *The regulations were modified and sanctioned on 21/07/2008*

land granted for educational, institutional, public amenity purpose, shall be the land-use specified in the foregoing clause under the zone in which land is located and may corresponding closely to the land-use specified in the Lease or as the case may be, the Agreement to Lease made with the CIDCO, subject to prior clearance from CIDCO and recovery of additional premium if any, applicable.

16.6 If the development is proposed in the scheme for allotment of plots of land to the Project Affected Land Holders in the defined area then only the uses sanctioned by the State Government from time to time.