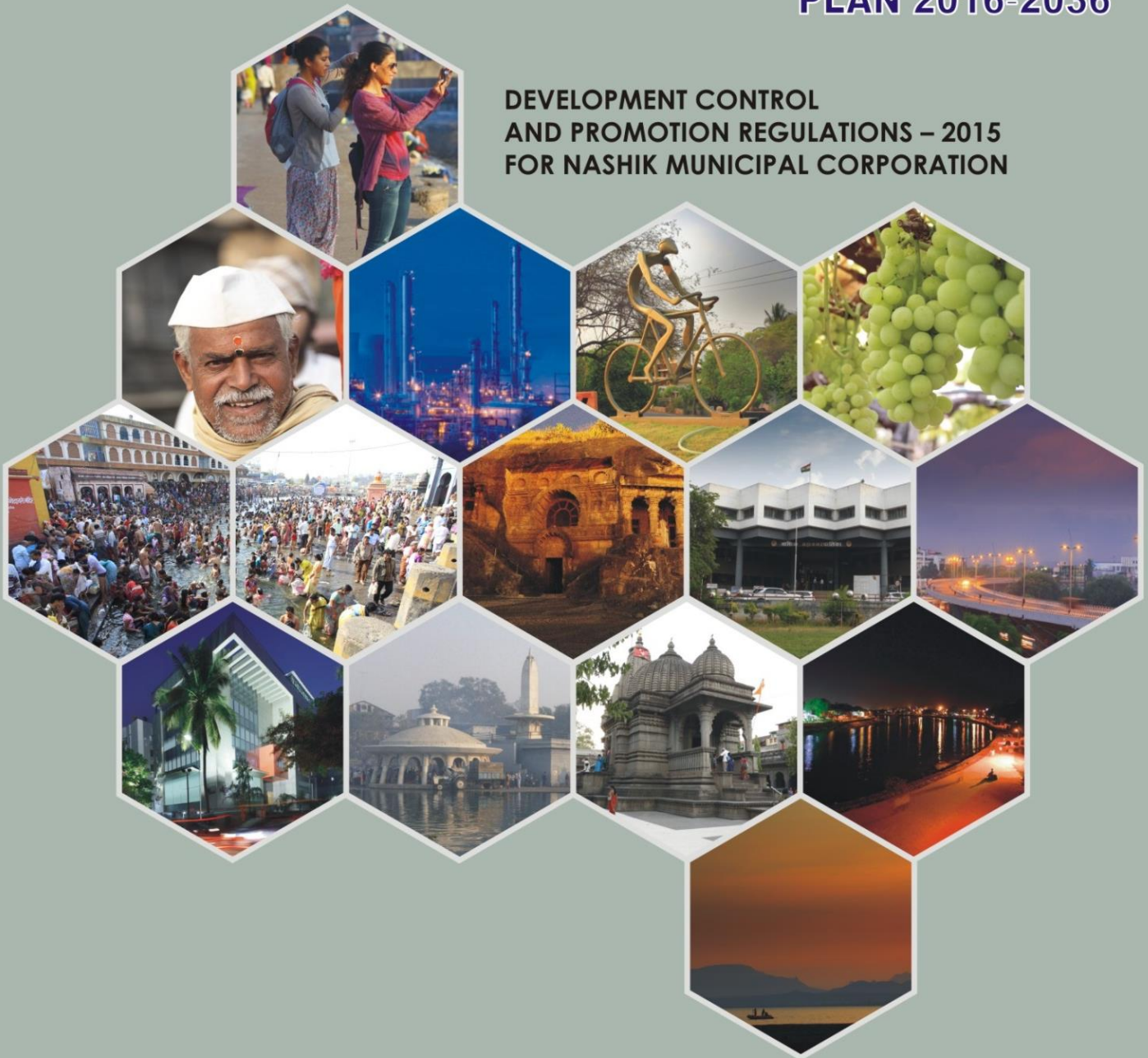




NASHIK
DRAFT REVISED
DEVELOPMENT
PLAN 2016-2036

DEVELOPMENT CONTROL
AND PROMOTION REGULATIONS – 2015
FOR NASHIK MUNICIPAL CORPORATION



**DEVELOPMENT CONTROL AND PROMOTION REGULATIONS -2015
FOR NASHIK MUNICIPAL CORPORATION**

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**DEVELOPMENT CONTROL AND PROMOTION REGULATIONS - 2015
FOR NASHIK MUNICIPAL CORPORATION,**

PART – I ADMINISTRATION

1.0 SHORT TITLE, EXTENT AND COMMENCEMENT

- 1.1** These Regulations shall be called as "Development Control and Promotion Regulations Nashik - 2015"
- 1.2** These Regulations shall apply to the building activities and development works on lands within the jurisdiction of Nashik Municipal Corporation excluding certain final plots in TPS No.1 of Nashik (First Varied) where Arbitrator has framed special regulation for such plots.
- 1.3** These Regulations shall come into force only when these are sanctioned by the Government under section 31 of the Act by publishing a notice to that effect in the Government Gazette and these shall replace all existing building bye-laws and Development Control Rules.
- 1.4 Savings:** Notwithstanding anything contained herein, any permission granted or any action taken under the Regulations in force prior to these Regulations shall be valid and continue to be so valid, unless otherwise specified.

2.0 DEFINITIONS

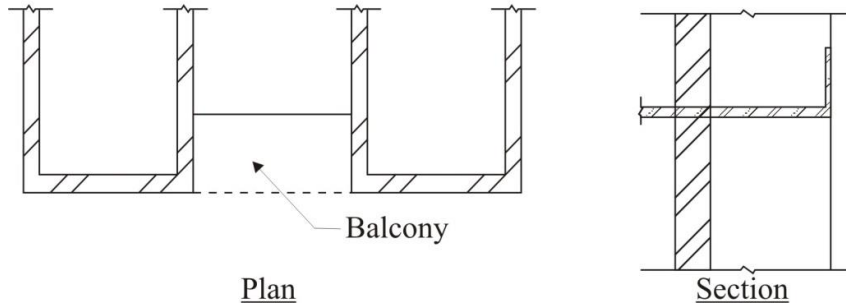
2.1 General

- 2.1.1** In these Regulations, unless the context otherwise requires, the definitions given hereunder shall have meaning indicated against each of them.
- 2.1.2** Words and expressions which are not defined in these Regulations shall have the same meaning or sense as in the -
- i) Maharashtra Municipal Corporation Act, 1949,
 - ii) The Maharashtra Regional and Town Planning Act, 1966 and
 - iii) National Building Code (2005 or amended from time to time)

2.2 Act : Act in these Regulations means –

The Maharashtra Regional and Town Planning Act, 1966;

- 2.3 Authority** - Authority means Municipal Commissioner of Nashik Municipal Corporation or an officer authorised by him.
- 2.4 Alteration** - Any change in existing authorized building or 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 any change to the structure, such as the construction of, cutting into or removal of any wall, column, beam, joist, floor, roof or other support or a change to or closing of any required means of ingress or egress as provided under these regulations. However modification in respect of gardening, white washing, painting, plastering, pointing, paving and retiling shall not be deemed to be alteration.
- 2.5 Advertising Sign** - Any surface or structure with characters, letters or illustrations applied there to and displayed in any manner whatsoever out door for purposes of advertising or to give information regarding or to attract the public to any place for public performance, article or merchandise

Open Balcony permissible but not entitled for enclosure

- 2.14 Basement** - The lower storey of a building below or partly below the ground level.
- 2.15 Building**- Any structure for whatsoever purpose and of whatsoever materials constructed and every part thereof whether used as human habitation or not and includes foundation, plinth, walls, floors, roofs, chimneys, wells, door steps, fencing, plumbing and building services, fixed -platforms, verandahs, balcony; cornice or projection, part of a building or anything affixed thereto or any wall fence enclosing or intended to enclose any land or space and signs and outdoor display structures. However, tents, shamianas and the tarpaulin shelters erected for temporary and ceremonial occasions with the permission of the Municipal Commissioner shall not be considered as building.
- 2.16 Built up Area**- The area covered by a building on all floors including cantilevered portion, mezzanine floors if any but excepting the areas excluded specifically under these Regulations.
- 2.17 Building Line** - The line upto which the plinth of a building adjoining a street or an extension of a street or on a future street may lawfully extend.
- 2.18 Building Height** - The vertical distance measured in the case of flat roofs, from the average level of the ground around and contiguous to the building or as decided by the Municipal Commissioner to the terrace of last livable floor of the building adjacent to the external walls; to the highest point of the building and in the case of pitched roofs, up to the point where the external surface of the outer wall intersects the finished surface of the sloping roof; and in the case of gable facing road, the mid-point between the eaves level and the ridge. Architectural features serving no other function except that of decoration shall be excluded for the purpose of measuring heights.
- 2.19 Carpet Area** - The net usable floor area within a building excluding that covered by the walls or any other areas specifically exempted from floor space index computation in these regulations.
- 2.20 Chajja** -A sloping or horizontal structural overhang usually provided over openings on external walls to provide protection from sun and rain and for purpose of architectural appearance.
- 2.21 Chimney** - An upright shaft containing one or more flues provided for the conveyance to the outer air of any product of combustion resulting from the operation of heat producing appliance or equipment employing solid, liquid or gaseous fuel.
- 2.22 Cluster** - A cluster is any defined area with proper access.
- 2.23 Combustible Material** - 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, given in the National Building Code.
- 2.24 Control Line** -A line on either side of a highway or part of highway beyond the building line fixed in respect of such highway by the Highway Authority.

- 2.25 Courtyard or Chowk** - A space permanently open to sky enclosed on sides fully or partially by buildings and may be at ground level or any other level within or adjacent to a building.
- 2.26 Canopy** - A projection over any entrance.
- 2.27 Core Area** - A Core Area means the core area as shown on the Development Plan.
- 2.28 Convenience Shopping** - Means shops for domestic needs having area upto 10.00 sq.m.
- 2.29 Corridor** - A common passage or circulation space including a common entrance hall.
- 2.30 Detached Building** - A building whose walls and roofs are independent of any other building with marginal distances on all sides as specified.
- 2.31 Development** - Development with its grammatical variations means the carrying out of buildings, engineering, mining or other operations in, or over, or under land or the making of any material change, in any building or land or in the use of any building or land or any material or structural change in any Heritage building or its precinct and includes demolition of any existing building, structure or erection of part of such building, structure of erection and reclamation, redevelopment and layout or sub-division of any land and to develop shall be construed accordingly.
- 2.32 Development Plan** - "Development Plan" means a plan for the development of the area within the jurisdiction of a Planning Authority and includes the revised development plan.
- 2.33 Drain** -The word "Drain" shall have the same meaning assigned thereto as under Bombay Provincial Municipal Corporation Act, 1949,
- 2.34 Dwelling Unit /Tenement** - An independent housing unit with separate facilities for living, cooking and sanitary requirements.
- 2.35 Enclosed Stair- case** - A stair case separated by fire resistant walls and door (s) from the rest of the building.
- 2.36 Existing Building or Use** - A building, structure or its use existing authorisedly.
- 2.37 Exit** - A passage, channel or means of egress from any building, storey or floor area to a street or other open space of safety.
- 2.37.1 Vertical Exit** - A vertical exit is a means of exit used for ascension or descension between two or more levels including stairways, smoke proof towers, ramps, escalators and fire escapes.
- 2.37.2 Horizontal Exit**- A horizontal exit is a protected opening through or around a firewall or a bridge connecting two buildings.
- 2.37.3 Outside Exit** - An outside exit is an exit from the building to a public way, to an open area leading to a public way, to an enclosed fire resistive passage to a public way.
- 2.38 External Wall** - External Wall means an outer wall of a building, not being a party wall even though adjoining to a wall of another building and also means a wall abutting on an interior open space of any building.
- 2.39 Escalator** - A power driven, inclined, continuous stairway used for raising or lowering passengers.
- 2.40 Fire and/ or Emergency Alarm System** - 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. This device may be workable automatically or manually to alert the occupants in the event of fire or other emergency.

- 2.41 Fire lift** - One of the lifts specially designed for use by fire service personnel in the event of fire.
- 2.42 Fire Proof Door** - 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.
- 2.43 Fire Resisting Material** - Material which has certain degree of fire resistance.
- 2.44 Fire Resistance** - The time during which a material fulfills its function of contributing to the fire safety of a building when subjected to prescribed conditions of heat and load or restraint. The fire resistance test of structures shall be done in accordance with "IS -3809 - 1966 Fire Resistance Test of Structures".
- 2.45 Fire Separation** - The distance in meters measured from any other building on the site, or from other site, or from the opposite side of a street or other public space to the building.
- 2.46 Fire Service Inlets** - A connection provided at the base of a building for pumping up water through in-built fire-fighting arrangements by fire service pumps in accordance with the recommendations of the Fire Services Authority.
- 2.47 Fire Tower** - An enclosed staircase which can only be approached from the various floors through landings or lobbies separated from both, the floor areas and the staircase by fire resisting doors and open to the outer air.
- 2.48 Floor** - The lower surface in a storey on which one normally walks in a building. The general term floor unless otherwise specifically mentioned shall not refer to a mezzanine floor.
- Note** - The sequential numbering of floor shall be determined by its relation to the determining entrance level. For floor at or wholly above ground level, the lowest floor in the building with direct entrance from / to road or street shall be termed as ground floor. The other floors above ground floor shall be numbered in sequence as Floor 1, Floor 2, etc., with the number increasing upwards.
- 2.49 Floor space index (F. S. I)** - The quotient obtained by dividing the total built-up area on all floors, excluding exempted areas as given in Regulation no.15.8.2 by the area of the plot.

$$\text{F.S.I.} = \frac{\text{Total built-up area on all floors}}{\text{Plot area}}$$

- 2.50 Footing** - 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.
- 2.51 Foundation** - That part of the structure which is in direct contact with and transmitting loads to the ground.
- 2.52 Front** - The space between the boundary line of plot abutting the means of access / road / street and the building line. In case of plots facing two or more means of accesses / roads / streets, the plot shall be deemed to front on all such means of access / road / streets.
- 2.53 Future Urbanizable Zone** - Future urbanizable zone is a residential zone wherein development is allowed, subject to fulfillment of certain requirements as mentioned in this DCPR.
- 2.54 Gallery** - An intermediate floor or platform projecting from a wall of an auditorium or a hall providing extra floor area, additional seating accommodation etc. These shall also include the structures provided for seating in stadia.
- 2.55 Garage Private** - A building or portion thereof, designed and used for parking of privately owned

motor driven or other vehicles.

- 2.56 Garage Public** - A building or portion thereof, designed as other than a private garage, operated for gain, designed or used for repairing, servicing, hiring, selling or storing or parking motor driven or other vehicles.
- 2.57 Group Housing Scheme** - Group Housing Scheme means a building or a group of buildings constructed or to be constructed with one or more floors, consisting of more than one dwelling units and having common service facilities. Common service facilities means facilities like stair case, balcony, corridor, and varandaha, lift, etc.
- 2.58 Ground Level** - The average level of ground in a plot (site).
- 2.59 Habitable Room** - Habitable room or living room means, a room constructed or intended for human habitation.
- 2.60 Home Occupation** - Customary home occupation other than the conduct of an eating or a drinking place offering services to the general public, customarily carried out by a member of the family residing on the premises without employing hired labour, and for which there is no display to indicate from the exterior of the building that it is being utilized in whole or in part for any purpose other than a residential or dwelling use, and in connection with which no article or service is sold or exhibited for sale except that which is produced therein, which shall be non-hazardous and not affecting the safety of the inhabitants of the building and the neighborhood and provided that no mechanical equipment is used except for what is customarily used for purely domestic or household purposes and / or employing licensable goods. If motive power is used, the total electricity load should not exceed 0.75 KW. -Home Occupation may also include such similar occupations as may be specified by the Municipal Commissioner with the approval of Divisional Head of Town Planning and subject to such terms and conditions as may be prescribed.
- 2.61 High Rise Building** - The Buildings 15 m. or above in height, excluding chimneys, cooling towers, boiler, rooms / lift machine rooms, cold storage and other non-working areas in case of industrial buildings, and water tanks, and architectural features in respect of other buildings shall be considered as high rise building.
- 2.62 Information Technology Establishment (ITE)** - ITE means an establishment which is in the business of developing either software or hardware relating to computers or computer technology as approved by Director of Industries.
- 2.63 Ledge or Tand** - A shelf like projection, supported in any manner whatsoever, except by vertical supports within a room itself but not having projection wider than 0.60 meter.
- 2.64 Licensed Engineer / Structural Engineer / Supervisor** - A qualified Engineer/ Structural Engineer / Supervisor licensed by the Municipal Commissioner, Nashik Municipal Corporation.
- 2.65 Lift** - An appliance designed to transport persons or materials between two or more levels in a vertical or substantially, vertical direction, by means of a guided car platform.
- 2.65.1 Lift Machine** - Part of the lift equipment comprising the motor(s) and the control gear there with, reduction gear (if any), brakes and winding drum or sheave, by which the lift car is raised or lowered.
- 2.65.2 Lift Well** - Unobstructed space within an enclosure provided for the vertical movement of the lift car(s) and any counter weights, including the lift pit and the space for top clearance.

- 2.66 Loft** - Loft means, an intermediate floor between two floors, with a maximum height of 1.5 m., which is constructed and used for storage purpose.
- 2.67 Laying out of New Street** - It includes provision of road for leveling, formation, metalling or paving of a road and footpaths, etc. including laying out of the services such as water supply, drainage, etc.
- 2.68 Mall** - A large enclosed shopping area.
- 2.69 Marginal distance / Set back** - Minimum distance required to be left open to sky between the boundary of the building plot and the building excluding court yard/chowk, which is an integral part of the plot.
- 2.70 Masonry** - An assemblage of masonry units properly bound together with mortar.
- 2.71 Mezzanine floor** - An intermediate floor between two floors of any story, forming an integral part of floor below, overhanging or overlooking a floor beneath, not being a loft between the floor and the ceiling of any storey.
- 2.72 Means of Access** -These shall include the road/street/vehicular access way, pathway upto the plot and to the building within a plot.
- 2.73 Net plot area** - The net plot area shall be as per Regulation no. 13.9.
- 2.74 Non-Combustible Material** - A material which does not burn nor add heat to a fire when tested for combustibility in accordance with IS: 3808 - 1966 'Method of Test for Combustibility of Building Materials'.
- 2.75 Non-conforming User** - Any lawful use / building existed on the site but which does not conform to the zoning shown on the Development Plan.
- 2.76 Occupancy or Use Group** - The principal occupancy or use for which a building or a part of a building is used, or intended to be used, for the purposes of classification of a building according to the occupancy. Occupancy shall be deemed to include subsidiary occupancies which are contingent upon it. Buildings with mixed occupancies are those buildings in which more than one occupancy are present in different portions of the building. The occupancy classification shall have the meaning given from **2.76.1 to 2.76.12** unless otherwise spelt out in Development Plan.
- 2.76.1 Residential Buildings** - These shall include any building in which sleeping accommodation is provided for normal residential purposes with or without cooking or dining or both facilities. It includes one or two or multi-family dwellings, lodging or rooming houses, residential hotels, hostels, dormitories, dharmshalas, apartment houses, flats, service apartment, studio apartment and private garages incidental thereto.
- 2.76.2 Educational Buildings** - A building exclusively used for a school or college recognized by the appropriate Board or University, or any other competent authority involving assembly for instruction, education or recreation incidental to educational use, and including a building for such other users incidental thereto such as library, coaching class 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 attached to an educational institution whether situated in its campus or not and, also includes buildings used for daycare purposes more than 8 hours per week.
- 2.76.3 Institutional Buildings** - A building constructed or used by Government, Semi-Government organization or registered trusts or persons and used for medical or other treatment, a hostel for working women or 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, destitute or aged persons and for penal or correctional detention with restricted liberty of the inmates ordinarily providing sleeping accommodation, and includes hospitals, sanatoria, custodial and penal institutions such as jails, prisons, mental hospitals, houses of correctional detention and reformatories.

- 2.76.4 Assembly Buildings** - These shall include any building or part of building where groups of people congregate or gather for amusement, recreation or social, religious, patriotic, civil, travel and similar purposes, e.g. theatres, motion picture house, drive-in-theatres, multiplexes, assembly halls, city halls, town halls, auditoria, exhibition halls, museums, mangal karyalaya, cultural centre, skating rinks, places of worship, dance theatres, club & gymkhana, passenger stations and terminals of air, surface and other public transportation services, recreation piers and stadia having built up area more than 1000 sq.m.
- 2.76.5 Business Buildings** - These shall include any building or part of building, which is used for transaction of business for the keeping of accounts and records for similar purposes; offices, banks, professional establishments, I.T. establishments, call centre, offices for private entrepreneurs, court houses, libraries shall be classified in this group in so far as principal function of these is transaction of public business and the keeping of books and records.
- 2.76.6 Office Building / Premises** - The premises whose sole or principal use is to be used as an office or for office purpose; "office purposes" shall include the purpose of administration, clerical work, handling money, telephone/ telegraph/ computer operations and "clerical work" shall include writing, book-keeping, sorting papers, typing, filing, duplicating, drawing of matter for publication and the editorial preparation of matter for publication.
- 2.76.7 Mercantile (Commercial) Buildings** - These shall mean and include any building or part of a building, which is used as shops, stores, market, malls for display and sale of merchandise either wholesale or retail Office, storage and service facilities incidental to the sale of merchandise and located in the same building shall be included under this group.
- 2.76.8 Public-Semipublic Building** – A building constructed or used by Government, Semi Government Organization, Government Undertaking, Local Authorities, for conducting public semipublic use like municipal office, post office, telephone office, etc.
- 2.76.9 Wholesale Establishments** - These shall mean and include establishments wholly or partly engaged in wholesale trade, manufactures, wholesale outlets including related storage facilities, A.P.M.C. establishments, warehouses and establishments engaged in truck transport including truck transport booking agencies.
- 2.76.10 Industrial Buildings** - These shall mean and include any building or part of a building or structure, in which products or materials of all kinds and properties are fabricated, assembled or processed like assembling plants, laboratories, power plants, smoke houses, refineries, gas plants, mills, dairies, factories etc.
- 2.76.11 Storage Buildings** - These shall mean and include any building or part of a building used primarily for the storage or sheltering of goods, wares or merchandise, like ware houses, cold storage, freight depots, transit sheds, godowns, store houses, public garages, hangars, truck terminals, grain elevators, barns and stables.
- 2.76.12 Hazardous Buildings** - These shall mean and include any building or: part of a building which is used for the storage, handling, manufacture or processing of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and / or which may produce

poisonous gases or explosions during storage, handling, manufacturing or processing, which involve highly corrosive, toxic or noxious alkalis, acids or other liquids or chemicals producing flames, fumes and explosive, mixtures of dust or which result in the division of matter into fine particles subject to spontaneous ignition.

- 2.77 Owner** - The person who has legal title for land or building.
- 2.78 Parapet** - A low wall or railing built along the edge of a roof, terraces, balcony, verandah etc.
- 2.79 Parking Space** - An enclosed or unenclosed, covered or open area sufficient in size to park vehicles. Parking space shall be served by a driveway connecting them with a street or alley and permitting ingress or egress of vehicles.
- 2.80 Permit / Permission** - A permission or authorisation in writing by the Authority to carry out the work regulated by these Regulations.
- 2.81 Plinth** - The portion of a structure between the surface of the surrounding ground and surface of the floor immediately above the ground.
- 2.82 Plot / Site** - A parcel or piece of land enclosed by definite boundaries and approved by an authority as a building site, under these Regulations.
- 2.83 Porch** - A covered surface supported on pillars or otherwise for the purpose of pedestrian or vehicular approach to a building.
- 2.84 Podium** - A continuous projecting base or pedestal under or around a building, generally used for parking and movement of vehicles, within the permissible area as specified in these regulations.
- 2.85 Recreational Open Space / Layout open space** - Recreational open space means a statutory common open space kept in any layout or group housing scheme or campus planning, exclusive of margins and approaches, on ground only.
- 2.86 Road / Street** - Any highway, street, lane, pathway, alley, stairway, passageway, carriageway, footway, square place or bridge, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had 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.
- 2.87 Road / Street Line** - The line defining the side limit of a road / street.
- 2.88 Room Height** - The vertical distance measured from the finished floor surface to the finished ceiling/ slab surface. In case of pitched roofs, the room height shall be the average height between bottom of the eaves and bottom of ridge.
- 2.89 Row Housing** - A row of houses with front and rear marginal distances.
- 2.90 Semi Detached Building** - A building detached on three sides with marginal distances as specified.
- 2.91 Site corner** - The side at the junctions of and fronting on two or more intersecting streets.
- 2.92 Site, Depth of** - The mean horizontal distance between the front and rear side boundaries.
- 2.93 Site, Double Frontage** - A site, having a frontage on two streets other than a corner plot.
- 2.94 Site, Interior or Tandem** - A site, access to which is by a passage from a street whether such passage forms part of the site or not.

- 2.95 Smoke Stop Door** - A door for preventing or checking the spread of smoke from one area to another.
- 2.96 Stair Cover** - A structure with a covering roof over a stair case and its landing built to enclose only the stair for the purpose of providing protection from weather and not used for human habitation.
- 2.97 Stilts or Stilt Floor** - Stilts or stilt floor means portion of a building above ground level consisting of structural column supporting the super structure with at least two sides open for the purpose of parking vehicles, scooters, cycles, etc.
- 2.98 Storage** - A place where goods are stored.
- 2.99 Store Room** - A room used as storage space.
- 2.100 Storey** - 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 the ceiling next above it.
- 2.101 Telecommunication Cell Site/Base Station (TCS/BS)** - Telecommunication Cell Site/Base Station (TCS/BS) for any Telecom Operator shall mean and include tower of requisite height and dimensions, delta, single pole antennae, microwave antenna, cabin of requisite dimensions for housing equipment, telecom transceiver machinery, related civil work, requisite wires and cables, power supply equipment, Diesel Generator (DG) Set/ Alternate power supply mechanism, cabin /cupboard for housing any or all of the aforesaid items as necessary.
- 2.102 Tenement** - An independent dwelling unit with a kitchen or cooking alcove.
- 2.103 Terrace** - A flat open to sky roof of a building or a part of a building having parapet, not being a cantilever structure.
- 2.104 To Erect** - To erect a building means
- (a) to erect a new building on any site whether previously built upon or not;
 - (b) to re-erect any building of which portions above the plinth level have been pulled down, burnt or destroyed; and
 - (c) conversion from one occupancy to another.
- 2.105 Travel Distance** - 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.
- 2.106 Tower like structure** - A structure in which the height of the tower like portion is at least twice the width of the broader base.
- 2.107 Unsafe Building** - Unsafe buildings are those which are structurally unsafe, unsanitary or not provided with adequate means of ingress or egress which constitute a fire hazard or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation or abandonment.
- 2.108 Verandah** - A covered area with at least one side open to the outside with the exception of 1 m. high parapet on the ground floor to be provided on the open side.
- 2.109 Water Closet (WC)** - A privy with arrangement for flushing the pan with water. It does not include a bathroom.
- 2.110 Water Course** - A natural channel or an artificial one formed by draining or diversion of a natural

channel meant for carrying storm water and waste water.

- 2.111 Width of Road** - The whole extent of space within the boundaries of road when applied to a new road, as laid down in the city surveys map 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 whichever is more.
- 2.112 Window** - An opening to the outside other than the door which provides all or part of the required natural light, ventilation or both, to the interior space.

3.0 APPLICABILITY OF REGULATIONS

- 3.1** These regulations shall apply to all development, redevelopment, erection and/or re-erection of a building, change of user etc. as well as to the design, construction or reconstruction of, and additions and alteration to a building. These regulations shall also apply to any revision of the development permissions/building permissions granted earlier under any Development Control Regulations. Further, these Regulations shall apply to development work defined in Regulation no. 3.2 to 3.5.
- 3.2 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 the work involved.
- 3.3 Change of Occupancy / User:** -Where the occupancy or the user of a building is changed, except where otherwise specifically stipulated, these Regulations shall apply to all parts of the building affected by the change.
- 3.4 Reconstruction** - The reconstruction, in whole or part of a building which has ceased to exist due to an accidental fire, natural collapse or demolition, having been declared unsafe, or which is likely to be demolished by or under an order of the Municipal Corporation and for which the necessary certificate has been given by the said Municipal Corporation, shall be allowed subject to the provisions in these Regulations.
- 3.5 Revised permission** – Any development permission granted earlier may be revised provided that, third party interest established in pursuance of such permission, if any, are not adversely affected. In such case, consent of the adversely affected persons shall be necessary. While granting the revised permission, the approved plans and commencement certificate of the earlier permission with the owner and office, shall be stamped as ~~CANCELLED~~ by the Authority.

4.0 INTERPRETATION

- 4.1** In these Regulations, the use of present tense includes the future tense, the masculine gender includes the feminine and the neutral, the singular number includes the plural and the plural includes the singular. The word "person" includes a corporation/company, "writing" includes "printing and typing" and "signature" includes thumb impression made by a person who cannot write if his name is written near such thumb impression.
- 4.2** Whenever sizes and dimensions of rooms and spaces within buildings are specified, they shall mean clear dimensions unless otherwise specified in these Regulations.

5.0 DEVELOPMENT PERMISSION AND COMMENCEMENT CERTIFICATE

- 5.1** No person shall carry out any development, in contravention of the Development Plan proposals.
- 5.2** No person shall carry out any development work including development of land by laying out into

suitable plots or amalgamation of plots or development of any land as group housing scheme or to erect, re-erect or make alterations or demolish any building or cause the same to be done without first obtaining a separate building permit / commencement certificate for each such development work / building from the Municipal Commissioner.

- 5.3** No temporary construction shall be carried out without obtaining prior approval of the Municipal Commissioner, which may be granted subject to such conditions as may be deemed necessary by it.

5.4 Development undertaken on behalf of Government -

As per the provisions of Section 58 of The Maharashtra Regional and Town Planning Act, 1966, the office in-charge of the Government Department shall inform in writing to the Municipal Commissioner of the intention to carry out its purpose along with details of such development or construction as specified below :-

- i) An official letter by the authorised officer of Government Department addressed to the Municipal Commissioner, giving full particulars of the development work or any operational construction.
- ii) Ownership documents and measurement plan issued by the Competent Authority of Land Records Department.
- iii) Development / building plans conforming to the provisions of Development Plan and these Regulations for the proposed development work to the scale specified in these Regulations.
- iv) The proposals of the Development Plan or Town Planning Scheme affecting the land.
- v) A Site Plan (with required number of copies) of the area proposed to be developed to the scale.
- vi) Detailed plan (with required number of copies) showing the plan, sections and elevations of the proposed development work to the scale, including existing building specified either to be retained or to be demolished.

- 5.4.1** The 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 shall be exempted from the provisions of these Regulations:-

- i) Railways;
- ii) National Highways;
- iii) National Waterways;
- iv) Airways and Aerodromes;
- v) Major Ports;
- vi) Posts and Telegraphs, telephones, wireless, broadcasting and other like forms of communication, excluding mobile towers;
- vii) Regional grid for electricity;
- viii) Defence Authorities;
- ix) Any other essential public service as may be notified by the State Government.

All such constructions shall however, conform to the prescribed requirements for the provision of essential services, water supply connection, drains, etc.

- 5.4.2** However the following constructions of the Government Departments do not come under the purview of operational construction for the purpose of exemption under Regulation no.5.4.1.

- i) New residential building (other than gate lodges, quarters for limited essential operational staff and the like), roads and drains in railway colonies, hospitals, clubs, institutes and schools in

case of Railways; and

- ii) New building, new construction or new installation or any extension thereof, in case of any other services.

5.4.3 However, no permission shall be necessary for the following types of works:-

- i) The carrying out of any works by the Central or State Government or any local authority-
 - (a) required for the maintenance or improvement of highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street; or
 - (b) required for the purpose of inspecting, repairing or renewing any drains, sewers mains, pipes, cable, telephone or cables, or other apparatus including the breaking open of any street, or other land for the purpose.

Provided that the concerned authority shall inform the local authority, in writing, one month before carrying out such development.

- ii) The carrying out of works in compliance with any order or direction made by any authority under any law for the time being in force.
- iii) The carrying out of work by any Authority in exercise of its powers under any law for the time being in force.
- iv) The excavation (including excavation of wells) made in the ordinary course of agricultural operation.
- v) The construction of a road intended to give access to land solely for agricultural purpose.
- vi) Normal use of land which has been used temporarily for other purposes like marriage pandals or for festive occasions; and
- vii) In case of land normally used for one purpose and occasionally used for any other purpose, such occasional use of land for that other purpose.

6.0 PROCEDURE FOR OBTAINING DEVELOPMENT PERMISSION / BUILDING PERMISSION (COMMENCEMENT CERTIFICATE)

6.1 Notice - Every person who intends to carry out development and erect, re-erect or make alterations in any place in a building or demolish any building, shall give notice in writing to the Authority of his said intention in the prescribed form (See Appendix A1 or A2) and such notice shall be accompanied by the payment receipt of required scrutiny fee and any other fee/ charges prescribed by the Municipal Commissioner from time to time and the plans and statements in sufficient copies (See Regulation no. 6.1.1), as required under Regulation no. 6.2 and 6.3. The plans may be ordinary prints on Ferro paper or any other type (prints only). One set of plans shall be retained in the office of the Municipal Commissioner for record after the issue of permission or refusal. The plans may be submitted in the form of soft copy as may be specified by the Municipal Commissioner from time to time.

6.1.1 Copies of Plans and Statements - Minimum four copies of plans and statements shall be made available along with the notice. In case of building schemes, where clearance is required from other agencies like Fire Services, number of copies of plans required shall be as decided by the Authority.

6.2 Information Accompanying Notice - The notice shall be accompanied by the key (location plan), site plan, sub-division layout plan/ building plan, services plans, specifications and certificate of supervision and ownership title as prescribed in Regulation no.6.2.1 to 6.2.13.

6.2.1 Size of drawing sheets and colouring of plans.

6.2.1.1 The size of drawing sheets shall be any of those specified in **Table 1**.

Table No 1
DRAWING SHEET SIZES

Sr. No.	Designation	Trimmed Size (In mm)
(1)	(2)	(3)
1	A0	841 x 1189
2	A1	594 x 841
3	A2	420 x 594
4	A3	297 x 420
5	A4	210 x 297

If necessary, submission of plans on sheets bigger than A0 size is also permissible.

6.2.1.2 Colouring Notations for Plans: - The Plans shall be coloured as specified in **Table no. 2** herein under. Prints of plans shall be on one side of paper only.

6.2.1.3 Dimensions: All dimensions shall be indicated in metric units.

Table No -2
COLOURING OF PLANS

Sr. No.	Item	Site Plan		Building Plan	
		White Plan	Ammonia Print	White Plan	Ammonia Print
(1)	(2)	(3)	(4)	(5)	(6)
1.	Plot lines	Thick Black	Thick Black	Thick Black	Thick Black
2.	Existing Street	Black	Blue
3.	Future street if any	Black dotted	Blue dotted
4.	Permissible Building lines	Thick dotted black	Thick dotted blue
5.	Existing work	Black (outline)	Blue	Black	Blue
6.	Work proposed to be demolished	Yellow hatched	Yellow hatched	Yellow hatched	Yellow hatched
7.	Proposed work	Red filled in	Red	Red	Red
8.	Drainage & sewerage work	Red dotted	Red dotted	Red dotted	Red dotted
9.	Water supply work	Black dotted thin	Black dotted thin	Black dotted thin	Black dotted thin

10.	Deviations from the sanctioned plan	Red hatched	Red hatched	Red hatched	Red hatched
Note:-	For land development/sub-division/layout/building plan, suitable colouring notations shall be used which shall be indexed.				

6.2.2 Ownership title and area - Every application for development permission and commencement certificate shall be accompanied by the following documents for verifying the ownership and area etc. of the land:-

- (a) Attested copy of original registered sale / lease - deed /power of attorney, wherever applicable.
- (b) V.F.No.7/12 extracts or property register card of a date not more than six months prior to the date of submission and a certified copy of the Measurement Plan of the property under development proposal.
- (c) Statement of area of the holding by triangulation method from the qualified licensed technical personnel or architect with an affidavit from the owner with regard to the area in the form prescribed by the Municipal Commissioner.
- (d) Any other document prescribed by the Municipal Commissioner.
- (e) Wherever third party interest is created by way of agreement to sale or mortgage etc. the registered consent of such interested persons shall be submitted with the application.
- (f) A certified copy of approved sub-division / amalgamation / layout of land from the concerned authority.
- (g) In the case of land leased by the Government or local authorities, no objection certificate of Government or such authorities shall be obtained if there is deviation from lease conditions and shall be attached to the application for development permission in respect of such land.

6.2.3 Key Plan or Location Plan - A key plan drawn to a scale of not less than 1:10,000 shall be submitted as a part of building plan / development proposal along with the application for a building permit and commencement certificate; showing the boundary and location of the site with respect to neighbourhood landmarks or with respect to the area within the radius of 200 m. from the site, whichever is more.

6.2.4 Site Plan - The site plan shall be submitted with an application for building permission drawn to a scale of 1:500 or more as may be decided by the Authority. This plan shall be based on the measurement plan duly authenticated by the appropriate officer of the Department of Land Records. This plan shall have the following details:-

- a) The boundaries of the site and of any contiguous land belonging to the neighbouring owners;
- b) The position of the site in relation to neighbouring streets ;
- c) The name of the street, if any, from which the building is proposed to derive access;
- d) All existing buildings contained in the site with their names (where the buildings are given names) and their property numbers;
- e) The position of the building and of other buildings, if any, which the applicant intends to erect, upon his contiguous land referred to in (a) above in relation to;
 - (i) The boundaries of the site and, in a case where the site has been partitioned, the boundaries 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 the work site and of the contiguous land (if any) referred to in (a), and

- f) The means of access from the street to the building and to all other buildings (if any) which the applicant intends to erect upon.
- g) The space to be left around the building to secure free circulation of air, admission of light and access;
- h) The width of the street (if any) in front and the street (if any) at the side of or near the building, including the proposed roads;
- i) The direction of the north line relative to the plan of the building;
- j) Any existing physical features, such as wells, tanks, drains, pipe lines, high tension line, railway line, trees, etc.;
- k) The ground area of the whole property and the break-up of the built-up area on each floor;
- l) A plan indicating parking spaces as required and provided under these regulations;
- m) Overhead electric supply lines, if any, including space for electrical transformer / sub-station according to these regulations or as per the requirements of the electric distribution company.
- n) Any water course existing on site;
- o) Existing alignments of water supply and drainage line;
- p) Such other particulars as may be prescribed by the Municipal Commissioner.

6.2.5 Sub-Division/ Layout Plan - In the case of development of land, the notice shall be accompanied by the sub-division/ layout plan which shall be drawn to a scale of not less than 1:500, however, for layout having areas of 4.0 ha. and above, the plan shall be drawn to a scale of not less than 1:1000, containing the following:

- (a) Scale used and north point;
- (b) The location of all proposed and existing roads with their existing /proposed widths within the land;
- (c) Dimension of plots;
- (d) The location of drains, sewers, public facilities and services, electrical lines, natural water courses, water bodies and streams etc.
- (e) Table indicating size, area and use of all plots in the sub-division/ layout plan;
- (f) The statement indicating the total area of the site, area utilized under roads, recreational open spaces, amenity spaces, playground, recreation spaces and development plan reservations/ roads, schools, shopping and other public places along with their percentage with reference to the total area of the site proposed to be sub-divided / laid out;
- (g) In case of plots which are sub-divided in built-up areas, in addition to the above, the means of access to the sub-division from existing streets;
- (h) Contour plan of site, wherever necessary.

6.2.6 Building Plan - The plans of the buildings with elevations and sections accompanying the notice shall be drawn to a scale of 1:100 or to a scale as may be directed by the Municipal Commissioner and shall

- (a) include floor plans of all floors together with the built-up area, clearly indicating the sizes of rooms and the position and width of staircases, ramps and other exit ways, lift-wells, lift machine rooms and lift pit details. It shall also include ground floor plan as well as basement plans and shall indicate the details of parking spaces, loading and unloading spaces provided around and within 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 along with accessory building;
- (b) show the statement of built-up area of every flat or shop or any unit along with proportionate common built-up area attached to it and area of balcony / enclosed balcony and double height terraces, if any attached to the said unit;
 - (c) show the use or occupancy of all parts of the building;
 - (d) show exact location of essential services e.g. wc, sink, bath and the like;
 - (e) include sectional drawings of the building showing all sectional details;
 - (f) show all street elevations;
 - (g) give dimensions of the projected portions beyond the permissible building line;
 - (h) include terrace plan indicating the drainage and the slopes of the roof;
 - (i) give indications of the north point relative to the plans; and
 - (j) give dimensions and details of doors, windows and ventilators;

6.2.6.1 Building Plans for Special Buildings :- For

- (i) multistoried buildings which are more than 15m. height; **or**
- (ii) special buildings like educational, assembly, mercantile, institutional, public and semipublic, industrial, storage and hazardous buildings having built-up area more than 500 sq. m on each floor; **or**
- (iii) mixed occupancies with any of the aforesaid occupancies mentioned in (ii) above, having built-up area more than 500 sq. m on each floor;

the following additional information shall be furnished/indicated in the Building Plans, in addition to the items (a) to (j) of Regulation no. 6.2.6.:-

- (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, wherever necessary, along with 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, service duct, etc.;
- (g) vehicular parking spaces;
- (h) refuge area, if any;
- (i) details of Building Services :-Air-conditioning system with position of fire dampers, mechanical ventilation system, electrical services, boilers, gas pipes etc.,
- (j) details of exits including provision of ramps, etc. for hospitals and buildings requiring special fire protection measures,
- (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 etc.
- (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 protection installations such as sprinklers, wet risers, hose reels, drenchers, CO₂ installation etc.;
- (q) location and details of first aid, firefighting equipmentø / installations.

Provided that, in case of building to be constructed as per Regulation no.23.15, the above stipulations shall be applicable for residential buildings of height more than 24 m.

Provided further that, the provision of fire escape stair case shall be made as per Regulation No.17.4.4

Provided further that, certificate of structural engineer about earthquake safety shall also be necessary.

6.2.7 Service Plan - Plans, elevations and sections of private water supply, grey water supply, sewage disposal system and details of building services, where required by the Authority, shall be made available on a scale not less than 1:100 in general and 1:1000 for layouts.

6.2.8 No Objection Certificate - In case of development / construction of buildings requiring clearance from the authorities like Civil Aviation Authority, Railways, Directorate of Industries, Maharashtra Pollution Control Board, District Magistrate, Inspectorate of Boilers and Smoke Nuisance, Defence Authorities, Archeological Department etc., the relevant no objection certificates from these authorities, applicable to the occupancy, shall also accompany the application.

In case of a building identified in Regulation no.6.2.6.1, the building scheme shall also be cleared by the Chief Fire Officer of the Municipal Corporation.

6.2.9 Supervision - The notice shall be further accompanied by a certificate of supervision in the prescribed form given in Appendix B, by a licensed Architect/ Engineer/ Structural Engineer, as the case may be. In the event of the said licensed technical personnel ceasing to be employed for the development work, further development work shall stand suspended till a new licensed technical person is appointed.

6.2.10 Building/ Layout Permission Fee- The notice shall be accompanied by an attested copy of Receipt of payment of Building/ Layout Permission Fee. The building permission fee or layout /subdivision of land fees shall be as decided by the Municipal Commissioner from time to time, subject to Government orders, if any.

6.2.11 Security Deposit Fee - For ensuring faithful compliance of regulations and the directions given in the sanctioned plan and other terms and conditions, a security fee shall be charged at rates as specified by the Municipal Commissioner. The same shall be returned to the owner after the issue of full occupancy certificate for the building by the Authority.

6.2.12 Development Charges- Development charges as required under Section 124A of the Maharashtra Regional and Town Planning Act, 1966 shall be deposited with the Planning Authority before issue of development permission/ commencement certificate. In case of revised permission where no development is carried out in pursuance of the earlier permission, amount of difference of development charges, if any, shall be levied and recovered. In case of revised permission, where development is commenced in pursuance of earlier permission, development charges shall be levied on the land and built-up area, over and above the area covered in the earlier permission.

6.2.13 Premium charges and charges for Fungible FSI- Premium charges and charges for Fungible FSI as may be required to be recovered under these regulations shall be paid to the Planning Authority before issue of development permission/ commencement certificate. The amount of premium

collected shall be kept in a separate account and it shall be utilised for development of civic amenities and infrastructure.

- 6.2.14 Tax receipt for tax clearance** - The notice shall also be accompanied by an attested copy of the tax receipt from the Assessment Department of the Municipal Corporation for payment of Tax up to date.

6.3 Signing the Plan -

All the plans shall be duly signed by the owner, co-owner, if any, and the Architect or Licensed Engineer / Structural Engineer / Supervisor and shall indicate his name, address and license number allotted by the Authority.

6.4 Qualification and Competence of the Architect / Licensed Engineer / Structural Engineer/ Supervisor and Registration of Developer -

Architect/ Engineer/Structural Engineer/ Supervisor referred to in Clause 6.3 shall be registered / licensed by the Authority as competent to plan and carry out various works as given in Appendix "C". The qualification and procedure for registration and licensing of the Engineer / Structural Engineer / Supervisor / Developer shall be as given in Appendix- "C". Architects registered with council of Architecture shall not be required to register with the Authority.

6.5 Discretionary Powers:-

6.5.1 Interpretation.

In conformity with the intent and spirit of these regulations, the Municipal Commissioner may,

- (i) decide on matters where there is doubt / error in interpretation of these Regulations in consultation with the Divisional Head of Town Planning, Nashik Division, Nashik;
- (ii) decide the extent of the proposal of development plan with respect to survey number, where boundaries of the survey number shown on development plan varies with the boundaries as per revenue record/ measurement plan/ city survey sheets.
- (iii) determine and establish the location of zonal boundaries in exceptional cases, or in cases of doubt or controversy;
- (iv) decide the alignment of development plan road, where the street layout actually on the ground varies from the street layout as shown on the Development Plan;
- (v) decide the alignment of blue and red flood line on development plan where it varies with the said lines given by the irrigation department from time to time;
- (vi) authorise erection of a building or use of premises for a public service undertaking for public utility purposes only, where he finds such authorisation to be reasonably necessary for the public convenience and welfare, even if it is not permitted in any Land Use Classification.

6.5.2 Relaxation.

In specific cases, where a clearly demonstrable hardship is caused, the Municipal Commissioner may -

- (i) permit any of the dimensions / provision prescribed by these regulations to be modified provided the relaxation sought does not violate the health safety, fire safety, structural safety and public safety of the inhabitants of the buildings and the neighborhood. However, no relaxation from the setback required from the road boundary or FS.I. or parking requirements shall be granted under any circumstances.

While granting permission under (i) conditions may be imposed on size, cost or duration of the

structure, abrogation of claim of compensation, payment of deposit and its forfeiture for noncompliance.

6.5.3 Temporary Constructions -The Municipal Commissioner may grant permission for temporary construction for a period not exceeding six months at a time and in the aggregate not exceeding for a period of one year, such a permission may be given by him for the construction of the following, viz.:-

- (i) Structures for protection from the rain or covering of the terraces during the monsoon only.
- (ii) Pandals for fairs, ceremonies, religious function, etc.
- (iii) Structures for godowns/storage of construction materials within the site.
- (iv) Temporary site offices and watchman chowkies within the site only during the phase of construction of the main building.
- (v) Structures of exhibitions/ circuses etc.
- (vi) Structures for storage of machinery, before installation for factories in industrial lands within the site.
- (vii) Structures for ancillary works for quarrying operations in conforming zones.
- (viii) MAFCO stalls, government 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.
- (xi) Ready mix concrete plant.

Provided that, temporary constructions for structures etc. mentioned at (iii), (iv), (vi), (ix) and (x) may be permitted to be continued temporarily by the Municipal Commissioner, but in any case not beyond completion of construction of the main structure or building and that structure in (vii) may be continued on annual renewal basis by the Municipal Commissioner beyond a period of one year.

Provided further that approval of Chief Fire Officer of the authority shall be obtained wherever necessary.

6.6 Grant or Refusal of permission

6.6.1 The Authority may either sanction or refuse the plans or may sanction them with such modifications or directions as it may deem necessary after having recovered the necessary charges and there upon shall communicate its decision to the person giving the notice in the prescribed form given in Appendix D1/D2/D3 and E1/E2 as the case may be.

- 6.6.2**
- (i) The building plans for buildings identified in Regulation no. 6.2.6.1 shall also be subject to the scrutiny of the Chief Fire Officer, Fire Brigade and the sanction / building permission shall be issued by the Authority after the clearance from the Chief Fire Officer.
 - (ii) In case of land subdivision or plotted layout, tentative layout shall be recommended for demarcation at first instance. After having demarcated the layout by the Land Records Department, the owner shall submit the demarcated layout for final approval to the Authority and the Authority shall examine the provision laid down in Regulation no.6.8 and grant final approval if it is in accordance with the layout recommended for demarcation and confirming to the regulations. This shall also be mandatory to Group Housing Scheme where roads in the adjoining layouts/ Development Plan roads are to be coordinated and/or amenity space is to be earmarked.

- 6.6.3** If within sixty (60) days of receipt of the notice, along with necessary fees/ deposit under 6.2.10 and 6.2.11 of the regulations, the Authority fails to intimate in writing to the person, who has given the notice; of its refusal or sanction or sanction with such modifications or directions, the notice with its plans and statements shall be deemed to have been sanctioned, provided nothing shall be construed to authorise any person to do anything on the site of the work in contravention or against the terms of lease or titles of the land.

Provided further that, the development proposal, for which the permission was applied for, is strictly in conformity with the requirements of provisions of these regulations, or regulations framed in this behalf under any law for the time being in force and the same in no way violates either provisions of any draft or final plan or proposals published by means of notice, submitted for sanction under the Act. Provided further that any development carried out in pursuance of such deemed permission which is in contravention of the provisions mentioned above, shall be deemed to be an unauthorised development for purposes of Sections 52 to 57 of the Maharashtra Regional and Town Planning Act, 1966 and other relevant Acts.

Provided further that upon receipt of intimation of any claim for deemed permission, the Authority shall within fifteen days from the date of receipt of such claim, communicate its remarks, if any, regarding deemed permission to the applicant, failing which, the proposal shall be approved and commencement certificate and one set of duly approved plans for proposed development shall be issued to the applicant within fifteen days thereafter.

Provided further that necessary explanation shall be called from the concerned officer of the Authority for not processing and disposing of the proposal within 60 days.

- 6.6.4** After the plan has been scrutinised and objections have been pointed out, the owner giving notice shall modify the plan, comply with the objections raised and resubmit it. The prints of plans submitted for final approval, shall not contain superimposed corrections. The authority shall grant or refuse the commencement certificate / building permit within 60 days from the date of resubmission. No new objections may generally be raised when they are resubmitted after compliance of earlier objections, except in circumstances to be quoted for additional compliances.

6.7 Commencement of work

The commencement certificate/development permission shall remain valid for 4 years in the aggregate but shall have to be renewed every year from the date of its issue. The application for renewal shall be made before expiry of one year if the work is not already commenced. Such renewal can be done for three consecutive terms of one year after which proposals shall have to be submitted to obtain development permission afresh. If application for renewal is made after expiry of the stipulated period during which commencement certificate is valid, then the Authority may condone the delay for submission of application for renewal by charging necessary fees; but in any case, commencement certificate shall not be renewed beyond 4 years from the date of commencement certificate/ development permission. Provided that no such renewal shall be necessary if the work is commenced within the period of valid permission and such permission shall remain valid till the work is completed.

For the purpose of this regulation, "**Commencement**" shall mean as under:-

(a)	For layout, sub-division and amalgamation	Final demarcation and provision of water bound macadam roads complete.
(b)	For a building work including additions and alterations.	Upto plinth level.

(c)	For bridges and overhead tanks construction.	Foundation and work up to the base floor.
(d)	For underground works	Foundation and work upto floor of underground floor.

- 6.8** In case of land subdivision / group housing schemes, it shall be the responsibility of the owner / developer to construct all infrastructure including roads with asphaltting, storm water drains, sewer lines, water supply lines, development of recreational open spaces etc. In case of land subdivision, these works shall generally be completed within two years and phase wise building permission shall be granted depending upon the percentage of infrastructure work completed. The layout plots should be released for construction in stages according to infrastructure work completed. The condition to that effect shall be incorporated in the commencement certificate. In case of group housing scheme, these works shall be completed before completion of the project and occupancy certificate shall be granted phase wise as per completion of infrastructure work.

7.0 PROCEDURE DURING CONSTRUCTION

- 7.1 Owner / Architect / Developer / Engineer / Structural Engineer / Supervisor or any licensed Technical persons' liability:** - Neither the grant of permission nor approval of the drawing nor inspection by the Authority during erection of the building, shall in any way relieve the Owner / Architect / Developer / Engineer / Structural Engineer / Supervisor or any licensed Technical persons of such building / development, from full responsibility for carrying out the work in accordance with these Regulations and safety norms as prescribed by the Bureau of Indian Standards.
- 7.2 Documents at site**
- (i) **Development Permission:** The person to whom a development permission is issued shall during construction, keep -
- posted at a conspicuous place on the site for which permission has been issued, a copy of a development permission; and
 - a copy of the approved drawings referred to in Regulation no.6.6 on the site for which the permission was granted.
- (ii) **Display board:** Display board mentioning name of the owner, name of architect, name of structural engineer, except for small individual plot holders.
- 7.3 Deviation during constructions-** If during construction of a building any departure of a substantial nature from the sanctioned plans is intended by way of internal or external additions, sanction of the Authority shall be necessary. A revised plan showing the deviation shall be submitted and the procedure laid down for the original plans shall apply to all such amended plans. Any work done in contravention of the sanctioned plans, without prior approval of the Authority shall be deemed as unauthorised.
- 7.4 Completion Certificate** - The owner through his licensed surveyor / engineer / structural engineer / supervisor or his architect, as the case may be, who has supervised the construction, shall furnish a building completion certificate to the Authority in the form in **Appendix 'F'**. This certificate shall be accompanied by three sets of plans of the completed development.
- 7.5 Occupancy certificate** - The Authority after inspection of the work and after satisfying himself that there is no deviation from the sanctioned plans, issue an occupancy certificate in the form in

Appendix- G or refuse to sanction the occupancy certificate in **Appendix - H** within 21 days from the date of receipt of the said completion certificate, failing which the work shall be deemed to have been approved for occupation, provided the construction conforms to the sanctioned plans. One set of plans, certified by the Authority, shall be returned to the owner along with the occupancy certificate. Where the occupancy certificate is refused or rejected, the reasons for refusal or rejection shall be given in intimation of the rejection or the refusal.

In case of building identified in Regulation no.6.2.6.1, the occupancy certificate shall be issued by the Authority, only after the clearance from the Chief Fire Officer, regarding the completion of the work from fire protection point of view.

- 7.6 Part occupancy certificate:-** When requested by the holder of the development permission, the Authority may issue a part occupancy 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 to ensure public safety and health. The occupancy certificate shall be subject to the owners indemnifying the Authority in the form in **Appendix 'I'**.

8.0 INSPECTION

The Authority shall have the power to carry out inspection of the work under the provisions of the Act, at various stages to ascertain whether the work is proceeding as per the provisions of regulations and sanctioned plan.

9.0 UNSAFE BUILDINGS

All unsafe buildings shall be considered to constitute danger to public safety and hygiene and sanitation and shall be restored by repairs or demolished or dealt with as otherwise directed by the Authority. The redevelopment of such buildings shall be as per the provisions of the Regulation no. 23.13.

10.0 OFFENCES AND PENALTIES

- 10.1 Offences and penalties:-** Any person who contravene any of the provisions of these regulations / 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 guilty of an offence and upon conviction shall:

- (a) be punished with a fine as fixed by the Municipal Commissioner and as stipulated in Section 52 of The Maharashtra Regional and Town Planning Act, 1966;
- (b) further the Authority may take suitable actions including demolition of unauthorised works, as stipulated under Section 53 of The Maharashtra Regional and Town Planning Act, 1966;
- (c) in case of Licensed Engineer / Structural Engineer / Supervisor, the Authority may take suitable action against him which may include cancellation of license and debarring him from further practice / business for a period as decided by the Authority;
- (d) in case of registered architects, the Municipal Commissioner may report to the Council of Architecture to take suitable action against the Registered Architect as per the provisions of Architects Act, 1972.

10.2. Revocation of Permission:-

- 1) Without prejudice to the powers of revocation conferred by Section 51 of the Maharashtra Regional and Town Planning Act, 1966, the Authority may, after giving the opportunity of being heard, revoke any development permission issued under these regulations where it is

noticed by it 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.

PART II

GENERAL LAND DEVELOPMENT REQUIREMENTS

11.0 REQUIREMENTS OF SITE

11.1 SITES NOT ELIGIBLE FOR CONSTRUCTION OF BUILDING

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

- (a) If the Authority considers that the site is insanitary, incapable of being well drained or it is dangerous to construct a building on it;
- (b) If the entire site is within a distance of 6 m. from the edge of water mark of a minor watercourse (like nalla) and 15 m. from the edge of water mark of a major water course (like river) shown on Development Plan or village/city survey map or otherwise, provided that where a minor water course passes through a low lying land without any well-defined banks, the owner of the property may be permitted by the Authority to restrict and or to realign the same within the same land along with cross section as determined by the Authority;
- (c) If the owner of the plot has not shown to the satisfaction of the Authority all the measures required to safeguard the construction from constantly getting damp;
- (d) If the proposed building is for assembly uses, for cinemas / theatres, as well as for public worship which has not been previously approved by the appropriate Authority;
- (e) If the building is proposed on any area filled up with carcasses, excreta, filth and offensive matter till the production of certificate from the Authority to the effect that it is safe from the health and sanitary point of view, to be built upon;
- (f) If the use of the site is for the purpose, which in the opinion of the Authority will be a source of annoyance to the health and comfort of the inhabitants of the neighbourhood;
- (g) If the proposed occupancy of the building on the site does not conform to the land use proposals in the development plans or Zoning Regulations,
- (h) If the level of the site is less than prescribed datum level depending on topography and drainage aspects;
- (i) If it doesn't derive access from an authorised street/means of access described in these Regulations;
- (j) If it is within the river/lake boundary and blue flood line of the river (prohibitive zone) unless flood protection measures are under taken with the approval and to the satisfaction of the Municipal Commissioner mentioned in these regulations;
- (k) If the site is not developable by virtue of restrictions imposed under any law or guidelines of any Government department and;
- (l) If the site is hilly and having gradient more than 1:5.

11.2 DISTANCE OF SITE FROM ELECTRIC LINES

No structure including verandah or balcony shall be allowed to be erected or re-erected or any additions or alterations made to a building on a site within the distance quoted in **Table No. 3** below in accordance with the prevailing Indian Electricity Rules and its amendments from time to time between the building and any overhead electric supply line.

Table No. 3

Electric Lines	Vertically (m.)	Horizontally (m.)
(1)	(2)	(3)
(a) Low and medium voltage Lines and Service Lines.	2.5	1.2
(b) High voltage lines up to and including 33,000 V.	3.7	2.0
(c) Extra High voltage beyond 33,000 V.	3.7	2.0
	(Plus 0.3 m. for every additional 33,000 V. or part thereof)	(Plus 0.3 m. for every additional 33,000 V. or part thereof)
<p>Note :</p> <p>The minimum clearance specified above shall be measured from maximum sag for vertical clearance and from maximum deflection due to wind pressure for horizontal clearance.</p>		

11.3 CONSTRUCTION WITHIN FLOOD LINE

Construction within flood line of river Godavari, Waghadi, Nasardi and Waldevi

- i) Area between the river bank and blue flood line (Flood line towards the river bank) shall be prohibited zone for any construction except parking, open vegetable market with otta type construction, garden, open space, cremation and burial ground, public toilet or like uses, provided the land is feasible for utilization.

Provided further that development and redevelopment of the existing properties within river bank and blue flood line, in core area, marked on development plan, may be permitted at a height of 0.45 m. above red flood line level.

Provided further that development of property falling within the river bank and blue flood line, in non-core area, shall be allowed to be developed subject to flood protection measures to be undertaken by the owner to the satisfaction of Municipal Commissioner in consultation with Irrigation Department.

- ii) Area between blue flood line and red flood line shall be restrictive zone for the purposes of construction. The construction within this area may be permitted at a height of 0.45 m. above the red flood line level.
- iii) If the area between the river bank and blue flood line or red flood line forms the part of the entire plot in developable zone i.e. residential, commercial, public-semi-public, industrial, future urbanizable zone, then, FSI of this part of land may be allowed to be utilised on remaining land.

11.4 DEVELOPMENT WITHIN 30 M. FROM RAILWAY BOUNDARY

For any construction within 30 m. from railway boundary, No Objection Certificate from Railway Authority shall be necessary.

11.5 ENVIRONMENTAL CLEARANCE

Environmental clearance certificate shall be submitted for the project as may be prescribed by the Ministry of Environment from time to time.

11.6 RESTRICTIONS IN THE VICINITY GANDHI NAGAR AIRPORT

Height restriction in the vicinity of the Gandhi Nagar Airport, as may be specified by the concerned authority from time to time, shall be observed.

11.7 CONSERVATION LINE FOR PANDAV LENI

A conservation line around Pandav Leni has been earmarked by the Archeological Survey of India. A conservation zone is upto 300 m. from the periphery of Pandav Leni subject to following conditions;

- i) No construction activity is permissible within 100 meters distance.
- ii) Beyond 100 m. and 300 m. construction is permissible upto a height of 9.0 m.
- iii) For every construction in this area, NOC from Archeological Survey of India is necessary.

11.8 DEVELOPMENT ALONG HIGHWAYS / CLASSIFIED ROADS

The development along the highways shall be subject to the provisions of State Highways Act, 1965 and National Highway Act, 1956 and orders issued by Public Works Department in this regards, from time to time.

A service road of 12 m. wide shall be provided along State and National Highways on both sides. These service road may not be provided where development / construction is already taken place without the provision of the service roads.

11.9 DEVELOPMENT WITHIN 500 M. FROM THE JAIL PREMISES

The developments within 500 m. from the jail premises may be permitted with prior consent of the committee constituted in this regard vide government order no.UOR-81-2013-UD-11, Dated 4 December, 2013. This provision shall be subject to the orders issued by the Government from time to time.

11.10 DISTANCES FROM LAND FILL SITES

For any residential development, segregating distance from the land fill site shall be observed as specified under Solid Waste Management Rules in force from time to time.

11.11 DEVELOPMENT OF CYCLE TRACK ALONG RIVER & NALLA

A cycle track shall be developed in green belt areas earmarked on Development Plan along the rivers. Also, cycle track proposal is shown on canal land in the Development Plan.

A distance of 6 m. from the edge of minor water course (nalla) is to be left as marginal distance for construction of any building. A 3 m. strip of land from the edge of such water course out of this 6 m distance to be left, shall be available for use as cycle track for general public. The compound wall shall be constructed excluding this distance of 3 m. strip for cycle track. The owner shall be entitled for FSI of this strip of land for cycle track, in-situ. This 3m wide strip shall be handed over to Municipal Corporation for which, owner shall be entitled for TDR or in-situ FSI equivalent to 35% of the area of 3m. wide strip. This regulation shall be applicable for development of land along nallas specified in **Plan-A** annexed with this DCPR. Where

development is already taken place and it is not possible to make provision for such 3 m. wide cycle track, then Municipal Commissioner shall be empowered to decide not to apply this regulation for particular stretch of nalla. In such cases, normal marginal distances under these regulations shall apply.

12.0 MEANS OF ACCESS

- 12.1** Every plot / building whether existing or proposed, shall have means of access as required in these Regulations.
- 12.2** Every person who erects a building shall not at any time erect or cause or permit to erect or re-erect any building which in any way encroaches upon or diminishes the area set apart as means of access.

13.0 REGULATIONS FOR LAND SUB-DIVISION AND LAYOUT

13.1 OBLIGATION TO PREPARE LAYOUT

Layout or Sub-division proposal shall be submitted for the following:

- (i) When more than one building, excepting accessory buildings in the case of residential building, is proposed on any land, the owner of the land shall submit proposal for proper layout of building or sub-division of his entire contiguous holding.
- (ii) When development and redevelopment of any land which includes division and sub-division or amalgamation of plots for various land uses is proposed.
- (iii) When group housing scheme or campus /cluster planning of any use is proposed.

13.2 ROADS / STREETS IN LAND SUB-DIVISION OR LAYOUT

- A) For Residential Development -The plots shall abut on a public means of access like street / road. Minimum width of access / layout road / internal road in any development proposal / subdivision / group housing shall be as given in **Table No.4**.

Table No-4		
S.No.	Length of Means of access in m.	Width of Means of access in m.
i	upto150	9.00
ii	above 150 and to upto300	12.00
iii	more than 300	15.00

- B) For Other than Residential Development óThe minimum width of access / layout road / internal road in any development proposal other than residential (for commercial/industrial use) shall be as given in **Table No.4 (a)**.

Table 4 (a)		
Sr.no.	Length of Mean of access in m.	Width of Means of access in m.
i	Upto 75	12
ii	Above 75 to 150	15
iii	Above 150	18 or more

NOTE – 1 The means of access shall be clear of required marginal distances from the existing building line. In no case, development on plots shall be permitted unless it is accessible by the authorized public street existing prior to coming in to force of these Regulations or road from the layout sanctioned prior to these Regulations.

NOTE – 2 For layout or part of layout where plots of 50 sq.m.or less are proposed for Economical Weaker Sections (EWS), 4.5.. wide road of length upto 60 m. and 6 m. wide road of length upto 100 m. may be permitted so that EWS plots shall abut on both sides of such 6 m. wide road.

C) In case of group housing scheme minimum width of internal means of access shall be as under

Table (4b)		
Sr. no.	Length of Mean of access in m.	Width of Means of access in m.
i	Upto 150	7.50
ii	Above 150 to 300	9.00
iii	Above 300 to 600	12.00
iv	Above 600	15.00

NOTE – 1 In case of group housing scheme, building as mentioned in Regulation no.6.2.6.1 is proposed then such building shall abut on minimum road width of 12 m. and road network shall be planned accordingly.

NOTE – 2 It shall be necessary to provide through roads, in group housing scheme of area more than 2 Hecter, so as to coordinate the adjoining major road link (12 m and above) or give way to new road link for adjoining area. The road width required for such road link shall be as per Table no.4. This shall not bar coordination of smaller width roads approaching from adjoining area, if owner so desires. Further the authority may insist on coordination of smaller width road from adjoining area, if required from planning point of view.

13.2.1 Pathways - In case of group housing scheme / campus planning, a pedestrian approach to the buildings from road / street / internal means of access, wherever necessary, shall be through paved pathway of width not less than 3.0 & 4.5m., provided its length measured from farthest building is not more than 60 m. and 100 m respectively from the main / internal means of access. If the length is more than 100m., then regular street as provided in Table No.4b shall be necessary. The marginal distances shall not be required from such pathways, however, distance between two building shall be maintained. This provision shall not apply to development under Regulation no.23.10.

13.2.2 The length of 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.

- 13.2.3** In the interest of general development of an area, the Authority may require the mean of access to be of larger width than that required under Regulation no. 13.2.
- 13.2.4** While granting the development permission for land sub-division or group housing/campus planning, it shall be necessary to coordinate the roads in the adjoining lands subject to provisions mentioned in Regulation no.13.2.C ó NOTE - 2.
- 13.2.5** In case where a private passage is unrestrictedly used by public for more than 10 years as a means of access of width not less than 9 m. to a number of plots, the Authority may take steps including improvement under, the provision of relevant Act to declare it as a public street.
- 13.2.6** In core areas in the case of plots facing street / 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/ means of access way to give rise to a new street / means of access way of width of 4.5 m. clear from the structural projections.
- 13.2.7** Means of access shall be levelled, metalled, flagged, paved, sewered, drained, channelled, lighted, laid with water supply line and provided with trees for shade (wherever necessary) to the satisfaction of the Authority, free of encroachment and shall be maintained in a condition to the satisfaction of the Authority .
- 13.2.8** If any private street or any other means of access to a building is not constructed & maintained as specified above, the authority may by written notice require 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 benefit by works executed to carry out any or more of the aforesaid requirements in such manner and within such time as the authority shall direct. If the owner or owners fail to comply with this direction, the authority may arrange for its execution and recover the expenses incurred from the owner/ owners.
- 13.2.9 Access from the Highways/classified roads:** Generally the plot / building along Highway and classified roads shall derive access from service road. However, highway amenities like petrol pump; hotel, etc. may have an access direct from Highways and such other roads having a width of 30 m. or more. The above shall be subject to the provisions of State Highways Act, 1965 and National Highway Act, 1956.
- 13.2.10** For building identified in Regulation no. 6.2.6.1, the following additional provisions of means of access shall be ensured;
- (a) The width of the main street on which the building abuts shall not be less than 12m. and one end of this street shall join another street of width not less than 12 m. in width subject to Regulation no.13.2.
 - (b) The marginal distances on its all sides (see Regulation no. 15.0) shall be minimum 6 m. and the layout for the same shall be approved in consultation with the Chief Fire Officer, Nashik Municipal Corporation and the same shall be of hard surface capable of taking the weight of fire engine, weighing up to 45 tones. The said marginal distances shall be kept free of obstructions and shall be motorable.
 - (c) Main entrances to the plot shall be of adequate width to allow easy access to the fire engine and in no case it shall measure less than 4.5 m. The entrance gate shall fold back against the compound wall of the premises, thus leaving the exterior access way within the plot free for

movement of fire engine / fire service vehicles. If main entrance at boundary wall is built over, the minimum clearance shall be 4.5 m.

- 13.2.11** In addition to the provisions of Regulation no. 13.2, Cul-de-sacs giving access to plots and extending upto 150 m. normally and 275 m. maximum with an additional turning space at 150m. shall be allowed only in residential area, provided that Cul-de-sacs would be permissible only on straight roads and further provided that cul-de-sacs ends shall be higher in level than the level of starting point. The turning space, in any case shall be not less than 81 sq. m. in area with no dimension being less than 9 m.
- 13.2.12** Areas under roads shall be handed over to the Planning Authority by way of deed after development of the same to the satisfaction of the Authority, within such period as may be specified in commencement letter / development permission, for which nominal amount of Re 1/- shall be paid by the Planning Authority.
- 13.2.13 Intersection of Roads** - At junctions of roads meeting at right angles, the rounding off at the intersection shall be done, unless otherwise directed by the Authority, with the tangent length from the point of intersection to the curve being $1/2$ the road width across the direction of tangent as given below: The building shall also set back at required marginal distance from this rounding off.

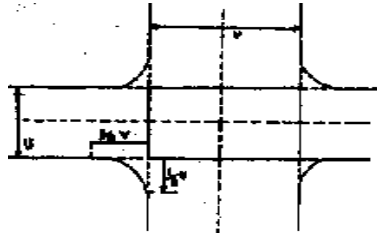


Fig. 1- Rounding off intersections at junctions

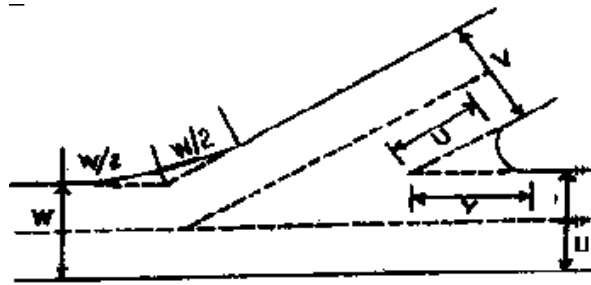


Fig.2. - Rounding off intersection at junctions.

- 13.2.14** For junctions of road meetings at less than 60 degree, the rounding off or cut or similar treatment shall have tangent length of U and V from the intersections point as shown in fig 2. The tangent length at obtuse angle junction shall be equal to half the width of the road from which the vehicle enters as shown in fig. 2. Provided however, that the radius for the junction rounding shall not be less than 6 m.

13.3 RECREATIONAL OPEN SPACES

- 13.3.1** In any layout or subdivision or any development of land for any use/zone admeasuring 0.40 Ha. or more after deducting D.P. road and reservation area, if any, 10% of the entire holding area shall be reserved as recreational open space which shall as far as possible be provided in one place. In case of land admeasuring more than 0.8 Ha., recreational open space may be allowed to be left at different locations in the same layout, provided that the size and other dimensions conform to the

provisions herein below.

In case of development of land for educational purpose, 40% of the gross area (or as decided by the Government from time to time) shall be earmarked for playground which shall be inclusive of 10% recreational open space. Notwithstanding anything contained in this rule, the shape and location of such open space shall be such that it can be properly used as playground.

Provided that, the above-mentioned area of 0.4 Ha. shall be measured with reference to original holding as on 11th January 1967 and not with reference to sub-divided holding in revenue / city survey record thereafter without the permission under the Maharashtra Regional & Town Planning Act, 1966. If such sub-divided holding in revenue/city survey record admeasures less than 0.4, then 10% open space shall be left which shall not be in any case less than 250 sq.mt., in such cases.

Provided further that, in case of lands declared surplus or retainable under Urban Land (C & R) Act, 1976, if the entire retainable holding or entire surplus holding independently admeasures 0.4 Ha., or more, then 10 percent recreational open space shall be necessary in respective holding.

Provided further that such recreational open space shall also be necessary for group housing scheme or campus/ cluster planning for any use / zone.

Provided further that, no such open space shall be necessary in case of layout or subdivision of plots from already sanctioned layout by the Authority where the requisite recreational open space has already been left in the sanctioned layout.

Provided further that no such open space shall be necessary for development of the reservations in the development plans designated for the purpose other than residential.

- 13.3.2** The owner shall have to give an undertaking that the recreational open space shall be for the common use of all the residents or occupants of the layout / building unit.
- a) On sanction of the development permission, the recreational open space shall deem to have vested in the society / association of the residents / occupants except otherwise specified. In case such society or association is to be formed, the owner shall give undertaking to the Municipal Commissioner that he will transfer the recreational opens pace to the society/ association whenever it is formed. The recreational open space shall not be sold to any other person and it shall not be put to any other user except for the common use of residents/ occupants as mentioned in Regulation no.13.3.8
 - b) If the authority is convinced that there is misuse of open spaces; in such case the authority shall take over the land of recreational open space.
- 13.3.3** No permission shall be granted to delete / reduce open spaces of the existing sanctioned layout / subdivision. However, while revising the layout, such recreational open space may be rearranged without decrease in area subject to minimum prescribed area under these Regulations with the consent of plot / tenement holders / co-owners; but such revision of recreational open space area shall ordinarily not be allowed after a period of 4 years from the first sanction.
- 13.3.4** The open spaces shall be exclusive of means of accesses / internal roads / designations or reservations in development plan roads and areas for road widening.
- 13.3.5** No such recreational open spaces shall admeasure less than 400 sq. m. and for sub-divided holding less than 0.4 hect. mentioned in Regulation no.13.3.1, it shall not be less than 250 sq.m.
- 13.3.6** Such recreational open space may be allowed to be left in green belt area shown on the development plan, provided, such recreational space is sizable. However, such open space area

shall be available for general public for use as cycle track or recreational space and no construction as per Regulation no.13.3.8 shall be allowed in such green belt area.

13.3.7 Minimum dimensions -The minimum dimensions of such recreational open space shall be not less than 10m. and if the average width of such recreational open space is less than 20m. the length thereof shall not exceed 2 ½ times the average width.

13.3.8 If required, structure and uses which can be permitted free of FSI in the recreational open spaces shall be as under:

- 1) There shall be two storeyed structure with maximum 15% built up area of recreational open space, out of which 10% built up area shall be allowed on ground floor and remaining 5% can be permitted on 1st floor. In case of stilt, additional floor may be allowed.
- 2) The structures used for the purpose of pavilion or gymnasium or club house or vipashyana and yoga centre or crèche or kindergarten or library or water tank, health out post if required by the Authority or other structures for the purpose of sports and recreation activity may be permitted. Convenience Shopping below pavilion facing on road on payment of premium at the rate of 10 % of the land rate in ASR with requisite side margin required for stadium may be allowed.
- 3) No detached toilet block shall be permitted.
- 4) A swimming pool may also be permitted in such a recreational open space. The ownership of such structures and other appurtenant users shall vest in all the owners on account of whose cumulative holdings, the recreational open space is required to be kept in the land.
- 5) The proposal for the construction of such structure should come as a proposal from the owner/s, owners' society / societies or federation of owners' societies and shall be meant for the beneficial use of the owners / members of such society / societies / federation of societies.
- 6) Such structure shall not be used for any other purpose, except for recreational activity.
- 7) The remaining area of the recreational open space shall be kept open to sky and properly accessible to all members as a place of recreation, garden or a playground.
- 8) The owners' society / societies, the federation of the owners' societies shall submit to the Authority, a registered undertaking agreeing to the conditions in (5) to (7) above while obtaining permission for the above said construction.

13.3.9 Every plot meant for a recreational open space shall have an independent means of access. In case of group housing scheme, if such recreational open space is surrounded by buildings and is meant for use by the occupants of those buildings, then independent means of access may not be insisted.

13.4 PROVISION FOR AMENITY SPACE

In any layout or development proposal, amenity space as given below shall be provided while granting permission to the layout / development proposal. This amenity space shall be handed over to the authority at the time of final approval to the layout / development permission.

Sr.no.	Area under permission	Area allocation for amenity space
1	0 to 1.0 hectre	12%
2	Above 1.0 to 5.0 hectre	10% subject to minimum of sr.no.1
3	Above 5.0 hectre	8% subject to minimum of sr.no.2

If the owner on the requirement of Municipal Commissioner, surrenders the land along not less than 18.0 m wide road, for specific purposes, such as city bus pick-up shed on specified road,

public convenience, hawkers zone or like purposes, then aforesaid percentage may be reduced by 40% (For example: city bus pick-up area with about 6.0m depth and 70.0m length along road, similar width for hawkers, no dimensional restriction for public convenience.)

This amenity space shall be deemed to be a reservation in development plan and Floor Space Index (FSI) in lieu thereof may be made available in-situ (on remaining land). The calculation of this in-situ FSI shall be shown on the layout / building plan. If the owner desires to have TDR against it, instead of in-situ FSI, then he may be awarded TDR.

Provided that, if there is any development plan reservation, then area of such reservations shall be adjusted against this amenity space and the owner of the said land shall not be required to part with the area for the amenity space to that extent. However, such area under reservation shall be handed over to the planning authority at the time of final approval of the development proposal. If the owner possesses land at different locations then he may be allowed to earmark the amenity space at one of such locations, provided such location is not inferior as compared to the all locations considered together.

Provided further that, the Commissioner shall ensure that amenity space shall be earmarked in the layout so that after amalgamating the amenity spaces in the adjacent layouts, it becomes larger in area, and is approachable by minimum 12 m. wide road.

Provided further that, the Municipal Commissioner, instead of taking over the amenity space, may allow the owner to develop the amenity space for specific uses on terms and condition as may be decided by him. In such cases, no in-situ FSI or TDR shall be allowed.

The generation of TDR or in-situ FSI shall be equivalent to the quantum mentioned in TDR Regulation no.22. Further, the utilization of in-situ FSI only, may exceed the limits mentioned in Regulation no.15.4.

Provided further that, if the amenity space is less than 200 sq.m. in area and not suitable for creation of amenity, then, Municipal Commissioner may exempt such area from the provision of this regulation subject to payment of premium to the Corporation equivalent to 35% of the value of the land as per Annual Statement of Rate of respective year.

Provided further that, this regulation shall not be applicable to Regulation no 14.5.(v), wherein separate provision for land for public amenities / utilities is made.

13.4.1 Development of amenity spaces

Development of amenity space may be carried out by the Authority if handed over to it, or the owner may be allowed to develop the same for the amenities as per priorities mentioned here in below.

1. After handing over the amenity spaces to the authority, it shall be developed for "Notional Reservations" i.e. sector level amenities mentioned in the development plan report. The priority for development of particular amenity may be decided by the Municipal Commissioner, after taking into consideration the requirement in the area.
2. If the owner of the land desires to develop the amenity space for "Notional Reservations", then, the Municipal Commissioner on satisfying with the proposal in public interest may allow the owner to do so. However, building plan for development of such amenity shall be got approved along with the regular proposal of development on the land and the development of such amenity shall be carried out ahead of development on owner's land. At any point of time, if it is observed that there is breach of condition, the development permission of the entire land shall be revoked by the Municipal Commissioner. The agreement to that effect shall be executed and also condition to that effect shall be

incorporated in commencement letter.

After construction of the amenity, it shall be the responsibility of the owner to maintain the amenity and make it available for the use by the public, on reasonable charges, wherever necessary, to be decided by the Municipal Commissioner. This shall be the part of agreement to be executed between the Commissioner and the owner.

Wherever, after construction of amenity, it is to be handed over to the corporation as per agreement, then, the owner shall be entitled for the further TDR as mentioned in Regulation no.22.0.

3. After having exhausted all required Notional Reservations in the sector, the Municipal Commissioner may develop the remaining amenity spaces for other social amenities mentioned in these regulations and also for housing for weaker sections, having tenement size of upto 50 sq.m.
4. Any other use not mentioned in these regulations may be allowed to be developed by the Commissioner in consultation with the Divisional Head of Town Planning Department, Nashik Division, Nashik.

13.5 DEVELOPMENT OF AMENITY SPACES IN EARLIER SANCTIONED LAYOUT

The amenity spaces which are earmarked in the layout sanctioned earlier and not developed so far, may be allowed to be developed for any of the uses mentioned in the definition of amenity.

13.6 PROVISION FOR ELECTRIC SUB-STATION

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

Sr. No.	Plot Area	Maximum requirements
1	Plot above 2000 sq.m.	One single transformer sub-station of the size of 5m.x5m. and height of not more than 5m.
2	Layout or sub-division of a plot measuring 2.0 ha. or more.	A suitable site for an electric sub-station (11kv/33kv/110kv.) as decided by the Commissioner.

Provided that the sub-station is constructed in such a manner that it is away from main building at a distance of atleast 3 mt. and in general does not affect the required side marginal distances or prescribed width or internal access or larger open space or as may be decided by the Commissioner.

13.7 PROVISION FOR INCLUSIVE HOUSING

- 13.7.1** (a) For the sub-division or layout of the land admeasuring 4000 sq. mt. or more for residential purpose, minimum 20% of the net plot area shall have to be provided either-
- (i) in the form of developed plots of 30 to 50 sq. mt. size for Economically Weaker Sections/Low Income Groups (EWS/LIG), (hereinafter referred to as 'affordable plots')
- Or**
- (ii) in the form of plot / plots equivalent to 20% net plot area for constructing EWS/LIG tenements, which area shall be handed over to MHADA at the land rate prescribed in the Annual Statement of Rates prepared by the Inspector General of Registration, Maharashtra State, Pune (hereinafter referred to as ASR) of the year in which final

approval is accorded to such sub-division or layout.

- (b) (i) In case of development specified in (a)(i) above, as soon as final approval to subdivision/ layout of land is granted by the Municipal Commissioner, the owner / developer shall intimate to MHADA about number of plots, area of each plot alongwith the approved plans, MHADA shall decide the allottees from EWS/ LIG section after following its procedure, and communicate the list of allottees within four months to the owner/ developer under intimation to the allottees. The owner/ developer shall allot these plots to the allottees at 125% of the land rate prescribed in the ASR prepared by the Inspector General of Registration, Maharashtra State, Pune (here in after referred to as ASR) of the year in which final approval is accorded to such sub-division or layout. The entire amount to be paid by the allottees to the owner/ developer shall be in 6 months or before the date within which physical infrastructure like roads, water supply, sewage system, street lighting is completed by the owner/ developer. The last installment shall be paid immediately before handing over possession. If MHADA fails to intimate the list of allottees within four months, then owner/ developer shall allot these plots to EWS/LIG having income less than specified by MHADA for such categories and intimate the list of such allottees to MHADA.
- (ii) In case of development specified in (a)(ii) above, MHADA shall intimate to the owner/ developer for agreeing to purchase the said plot within four months at the rate specified above in (a)(i). The amount shall be paid by MHADA within one month after the physical infrastructure is completed by the owner/ developer. If no intimation is given by MHADA or failed to pay the amount to the owner in specified time, the owner shall utilize this plot for construction of tenements upto 30 to 50 sq.mt. and shall allot them to the allottees on the same lines specified above and on the rate mentioned in Regulation no.13.7.2(a).
- (c) The Landowner/Developer shall be entitled for equivalent FSI against area of these plots to be utilized on the remaining plots at the time of first permission, itself.

In case the Land Owner/Developer desires not to utilize such additional FSI in the same land, fully or partly, then he shall be awarded equivalent TDR in lieu of such unutilised FSI. The utilization of this TDR shall be as per the provisions of TDR Regulation no.22

13.7.2 For a plot of land, admeasuring 4000 sq.mt. or more to be developed for a Housing Scheme consisting of one or more buildings (hereinafter referred to as 'the said Scheme'), EWS/LIG Housing in the form of tenements of size ranging between 30 to 50 Sq.mt. (hereinafter referred to as 'affordable housing tenements') shall be constructed at least to the extent of 20% of the basic FSI subject to the following conditions:-

- a) As soon as final approval to the building plans is granted by the Municipal Commissioner, the owner / developer shall intimate to MHADA about number of tenements, area of each tenements, along with the approved plans, MHADA shall decide the allottees from EWS/ LIG section after following its procedure, and communicate the list of allottees within four months to the owner/ developer under intimation to the allottees. The owner/ developer shall allot these tenements to the allottees at 125% of the construction rate prescribed in the ASR of the year in which final approval is accorded to such building plans. The entire amount to be paid by the allottees to the owner/ developer shall be in equal instalments before completion of the construction of building. The last installment shall be paid immediately before handing over possession. If MHADA fails to intimate the list of allottees within four months, then owner/ developer shall allot these tenements to EWS/LIG having income less than specified by

MHADA for such categories and intimate the list of such allottees to MHADA.

- b) The built up area of the EWS/LIG tenements constructed under the Scheme shall not be counted towards FSI.
- c) The Landowner/Developer shall construct the stock of the affordable housing tenements in the same plot and the Planning Authority shall ensure that the Occupation Certificate for the rest of the development under the said Scheme is not issued till the Occupation Certificate is issued for the Affordable Housing tenements under the said Scheme.
- d) There shall be no obligation to construct affordable Housing tenements in the redevelopment project of any co-operative Housing Society.

13.7.3 The provision for inclusive housing shall be subject to following

- a) The 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.

Provided that, the 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.

- b) There shall be no obligation to provided inclusive housing in accordance with these provisions in any Housing Scheme or residential development project wherein owing to the relevant provisions of the Development Control and Promotion Regulations, more than 20% of the basic FSI is required to be utilized towards construction of residential tenements for EWS / LIG, ongoing housing schemes under the then Urban land (Ceiling and Regulation) Act, 1976 and also for the development/ re-development of any land, owned by the Government or any Semi- Government Organisation provided such development/ redevelopment is undertaken by the Government or such Semi-Government Organisation.
- c) Amalgamation of affordable plots/affordable tenements shall not be allowed.

13.7.4 These Provisions shall be applicable prospectively and shall not be applicable to any Housing Scheme or residential development project wherein Commencement Certificate had been issued prior to the date of coming into force of these provisions and was valid on such date, irrespective of the FSI consumed in said sanctioned scheme. The Commencement Certificate shall relate to the area covered in the development permission.

13.8 PLOT AREA, PLOT WIDTH FOR VARIOUS USES:

Minimum plot areas and widths for various uses shall be as given below in the **Table No. 5**.

Table No 5				
MINIMUM PLOT AREA, MINIMUM WIDTH, FOR VARIOUS USES				
Sr. No.	Uses	Plot area (in sq.m.)	Min. Plot Width	Type of Development
(1)	(2)	(3)	(4)	(5)
1	Residential and Commercial (except those in 2,3 & 4 below)	i) 30 and above but upto 125	As per Table No.13	Row
		ii) Above 100 but less than 250		Semi-detached/ Detached
		iii) 250 & above		Detached

2	Plots in EWS Housing / High Density Housing / Sites and Services / Slum Upgradation / Reconstruction Scheme by public authority.	25 and above but upto 125	As per Table No.13	Row
3	Petrol Filling station-			
	(a) Without service bay	545	16.75 m	Detached
	(b) With service bay	1100	30.5 m	Detached.
4.	Industrial	300	10 m	Detached.
Note : in case of sr.no.1, pattern of development permissible within a plot shall be shown in dotted line while approving the layout. However change in pattern may be permitted in future, if it fits in to above pattern of development and does not disturb the overall pattern of development already approved.				

13.9 NET PLOT AREA AND COMPUTATION OF FSI

For the purpose of computing FSI/Built-up area, the net area of the plot shall be as under.

- i) In case of a plotted layout/sub-division /group housing scheme / any development, net area shall be the gross plot area, after deducting, the area covered by amenity space under Regulation no 13.4, Development Plan proposals and natural water courses, if any.
- ii) Such net plot area shall correspond to FSI 1.00 mentioned as a basic permissible FSI in these regulations.
- iii) In case of plotted layout, FSI of such net area shall be distributed on all plots on prorata basis.
- iv) In case of plots from already approved layouts, the plot area shall be treated as net plot area.
- v) The above regulations in respect of net plot area and computation of FSI shall apply to proposals in all land use zones.

Illustration showing calculations as per above provisions for layouts in Residential Zone.

a) Area Statement-

A	AREA STATEMENT	AREA
	1. Area of land (Minimum area of a, b, c to be considered)	30000
	a) As per ownership document (7/12, CTS extract)	30,000
	b) as per measurement sheet	30,050
	c) as per site	30,010
	2. Deductions for	
	(a) Proposed D.P. road / D.P. road widening area	4000
	(b) Any D.P. Reservation area	5000
	(c) Natural water course area	--
	(Total a+b)	9000
	3. Gross Area of Plot (1-2)	21000
	4. Recreational Open space	
	(a) Required	2100

	(b) Proposed	2105
5.	Amenity Space -	
	(a) Required (say 10%)	2100
	(b) Proposed -	2100
6.	Service road and Highway widening	--
7.	Internal Road area	3400
8.	Area under layout plots	13395
9.	Net area of plots for FSI Calculations = (3-5b) i.e.(21000-2100)	18900
10.	Pro-rata FSI factor for layout plots = (9/8)	1.410

b) Distribution of FSI on each plot

Plot no.	Plot area (sq.m.)	Rounding area of Road (if any) (sq.m.)	Remaining Plot area (b-c) (sq.m.)	Built up area on pro-rata basis i.e. (d x Pro-rata FSI factor) i.e. d x 1.410	Front Road width (m.)	Permissible basic FSI	Permissible Builtup area on basic FSI (e x g) (sq.m.)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
1.	10 x 15	--	150	211.50	9	1.0	211.50
2.	15 x 17	--	255	359.55	18	1.1	395.50

Note 1 : If FSI of development plan proposal/ amenity space is proposed to be utilised in the same land, then while calculating the pro-rata factor, area of such development plan proposal/FSI of amenity space shall be added to serial no.9. This area to be added shall be equivalent to the entitlement for TDR.

Note 2 : The area worked above on the basis of prorata calculations shall correspond to basic FSI of 1.00 for all other purposes like, limit of premium/ fungible FSI, TDR, etc.

Note 2: The FSI against the plot(s) to be handed over against the inclusive housing required under Regulation No.13.7 shall be utilised as desired by the owner on plots in the same layout, subject to other stipulations mentioned in this DCPR.

13.10 TRANSFER OF DP SITES (OTHER THAN DP ROAD) IN LIEU OF FSI

If in any development proposal, owner desires to hand over the reserved site to the Planning Authority and the Commissioner agrees for taking over such reserved site, then FSI of such reserved site equivalent to the TDR may be allowed to be utilized on the remaining land. The utilization of this in-situ FSI only, may exceed the maximum limit specified in Regulation no.15.4. Transfer deed to that effect shall be executed and FSI calculation shall be mentioned on the plans of development proposal. In case of plotted layout, distribution of FSI of plots in pursuance of such transfer shall be as desired by the owner and may differ from plot to plot. If some FSI remains unutilized, the owner shall be entitled for TDR against the remaining FSI.

13.11 RELOCATION OF DP SITES/DP PROPOSALS

If the land proposed to be laid out for any development is affected by any reservations for public purposes, the authority may agree to adjust the location of such reservation to suit development

without altering the area of such reservation. Provided that no such shifting of the reservations shall be permitted

- (a) If the reservation proposed to be relocated is in parts;
- (b) Beyond 200 mts. of the location in the Development Plan;
- (c) Beyond the same holding of the owner in which such reservation is located;
- (d) Unless the alternative location and size is at least similar to the location and size of the Development Plan as regards access, levels, etc.;
- (e) Unless the relocation is within area covered by the layout or development permission under sanction; and
- (f) If the land is reserved in view of its geographical location like Bio-Diversity Proposal, Nalla training reservation etc.
- (g) if the reservation is already shifted under these regulations.

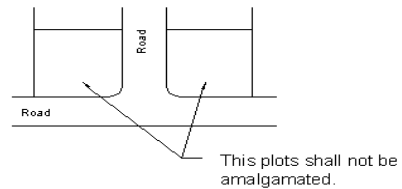
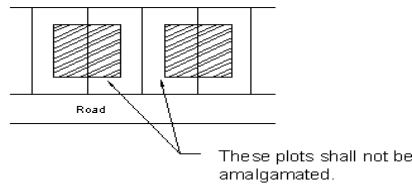
Provided that relocation of the reservation from a land may also be permitted on any land within 500 meters belonging to other owner's land if the other owner consents to such relocation of reservation on his land and consents to hand over his land to the Planning Authority in lieu of TDR subject to conditions mentioned in sub Regulation no (a)(d)(f) and (g) above.

All such relocation of the reservations / alignment of roads shall be reported by the Municipal Commissioner to the Government under intimation to the Director of Town planning, at the time of sanctioning the development permission. The Development Plan shall be deemed to be modified to that extent.

13.12 AMALGAMATION OF PLOTS

13.12.1 Amalgamation of plots shall be permissible if they form a sizable plot from planning point of view and are contiguous.

- 13.12.2** a) Amalgamation of plot having different tenures/ incompatible zoning in development plan shall not be allowed.
- b) Amalgamation of plot which is not desirable from planning point of view (eg. as shown in below) shall not be permitted.



PART III
LAND USE CLASSIFICATION AND PERMISSIBLE USES.

14.0 GENERAL

- (1) In case of Development / re-development of any land, building or premises, the intended use shall conform to the use of zones, purpose of designation, allocation or reservation, as the case may be, unless specified otherwise.
- (2) **Reservations lapsed under 127 of the Act.** – If the reservation in the earlier sanctioned development plan is lapsed in pursuance of notice under section 127 of Maharashtra Regional and Town Planning Act, 1966, then the corresponding reservation shall stand lapsed in this revised development plan to the extent of area covered in the said notice.
- (3) **Lawful existing non-conforming uses** - Any lawful non-conforming use of premises existing prior to the date of enforcement of these regulations, shall continue and may be allowed to be expanded to the extent of 50 percent of the existing built up 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 or with lawful existing use.
- (4) **Discontinuance of zoning in pursuance of existing use** – If any land is shown in zone like Public Semi-public, public utility, because of the activity existed there-on; such lands shall be deemed to have been shown in the adjoining predominant zone after such activity ceases to exist.

The different land use classification & different uses permissible in that land use are given below.

14.1 PURELY RESIDENTIAL ZONE - R 1

(Plot abutting on roads below 9 m. in core area and 12 m. width in outside core area.)

14.1.1 The following uses and accessory uses to the principal use shall be permitted in buildings or premises in purely Residential Zone subject to other regulations:

- (i) Any residences.
- (ii) Customary Home occupation, i.e. occupations customarily carried out by the members of household without employing hired labour and shall include stitching, embroidery, Beauty Parlour, etc, with or without motive power. If motive power is used, the total electricity load should not exceed 1 H. P.
- (iii) Medical and Dental Practitioner's Dispensaries including pathological laboratory, diagnostic clinics, polyclinics, to be permitted on any floor. However, in case of mixed use, maternity homes, clinics, nursing home with indoor patients with separate means of access of staircase from within the building or outside, but not within the prescribed marginal distances.
- (iv) Professional Offices in residential tenement not exceeding carpet area of 20 sq. m. each.
- (v) Community halls, welfare centre, gymnasias (each not exceeding 100 sq.m.)
- (vi) Primary and nursery schools including students' hostels except trade schools.
- (vii) Religious buildings.
- (viii) Public Libraries and Museums in independent structures.

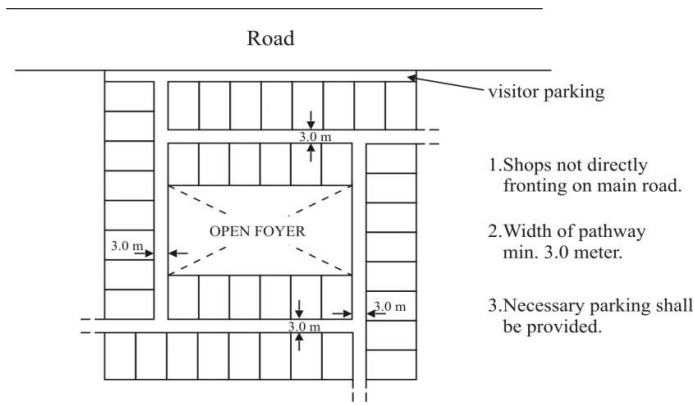
- (ix) Club Houses in residential complexes,
- (x) Parks and Playgrounds not being used for business purpose.
- (xi) Bus shelters, Taxi-Rickshaw stands.
- (xii) Convenience shops not more than 10 sq. m. such as ration shops, chemist shop, pan shops, dhobi/ dry cleaning shops, darners, tailors, groceries, confectionary and other general provisions, hair dressing Saloon and beauty parlour, bicycle hire and repair; shoe repair, umbrella repair, vegetable & fruit stalls, milk shops. dispensaries, floweriest, bangles and other articles needed by women, small bakeries, newspaper stalls, tea and breakfast stalls, ATM, etc.
- (xiii) Police chowky, telephone exchanges, government and municipal sub -offices, post and telegraph offices, branch offices of banks with safe deposit vaults, electrical sub-stations, fire station. civil defence and home guard warden posts, first aid posts, municipal bit offices, pumping stations and water installations and ancillary structures thereof required to cater to the local area.
- (xiv) Information technology establishment (ITE) (pertaining to software only) on the plots/ premises fronting on roads having width more than 9.00 m. and above.
- (xv) Flour mill and wet / dry masala grinding / book binding subject to following conditions:
 - (a) It is located on ground floor.
 - (b) Adequate care has been taken in structural design.
 - (c) It does not cause any nuisance to the neighbour and residents of upper floor.
 - (d) Power requirement does not exceed 10 hp.
- (xvi) Roads, bridge, culverts and construction for any mode of transportation.
- (xvii) Burial grounds, cremation grounds and essential public utilities on a road having width 9 m. and above.
- (xviii) Raisin production.
- (xix) Agricultural, horticultural and allied uses (except agro-based industries).
- (xx) Public conveniences.

14.2 RESIDENTIAL ZONE R-2

(Residential plots abutting on road having width 9 m. and above in core area and 12 m. and above in outside core area)

14.2.1 In this zone the following uses, mix uses may be permitted:

- (i) i) All Uses permitted in R1 zone shall be permitted in R 2 zone.
- ii) All uses or mix uses may be permitted irrespective of restriction on floor or area except uses at sr.no.14.5.3.(i), 14.4(iv), 14.5(ii), 14.6(vii), 14.6(ix), 14.6(xix), 14.6(xxii), 14.6 (xxvii) to 14.6 (xxxiii)
- iii) A pedestrianised shopping precinct on ground floor only may be allowed subject to the condition that no shop in such pedestrianised precinct shall be allowed to open directly on the road in front. The minimum width of pedestrian way provided shall be 3 m. clear of all steps or projections and bollards shall be placed at the entrance of such pedestrian passage to prevent entry of vehicles provided further that satisfactory arrangements for natural or artificial ventilation are made as may be directed by the Municipal Commissioner.



- iv) The following uses shall be permitted in independent premises / building:
- a) Bulk storage and sale of kerosene in separate godowns confirming to the existing regulations of Chief Controller of Explosives, Government of India provided further that the applicant shall make adequate fire-fighting arrangements at his cost in his plot to the entire satisfaction of the Municipal Commissioner.
 - b) Storage and sale of LPG in cylinders in a separate godown confirming to the existing regulations of Chief Controller of Explosives, Government of India provided further that the applicant shall make adequate fire-fighting arrangements at his cost in his plot to the entire satisfaction of the Municipal Commissioner.
 - c) **Service Industries** - The Service Industries may be permitted in one or more independent plot in R2 and Commercial zones along with the limitation of area, maximum number of persons to be employed, maximum permissible power requirement and the special conditions if any as given in **Table No. 6** for service industries.

Table No.6
SCHEDULE FOR SERVICE INDUSTRIES

Sr. No.	Category of Industry	Service Industry Class -A (Permitted in R2 and C) Criteria for Classification and special conditions			
		Maximum Permissible			
		Power requirement (in H.P.)	Employment (in persons)	Floor area (in sq. m.)	Special Conditions if any
(1)	(2)	(3)	(4)	(5)	(6)
I.	Food Product				
1.	Preservation of meat, canning preserving and processing of fish crust aces and similar foods	-	-	-	Not permissible
2.	Manufacture of milk and dairy products such as butter, ghee, etc.	10	9	50	-
3.	Canning & preservation of Fruits & Vegetables including production of Jam, Jelly, Sauce, etc.	-	-	-	-
4.	(a) Rice huller (b) Groundnut decorticators (c) Grain Mill for production of flour (d) Manufacture of supari and Masala grindings. (e) Baby oil expellers	10 10 10 10 10	9 9 9 9 9	50 50 50 50 50	-
5.	Manufacture of bakery products with no Floor above	10	9	75	(i) Operation shall be permitted only between 8.00 hrs. to 20.00 hrs. (ii) Fuel used shall be electricity, gas or smokeless coal.
6.	Manufacture of cocoa, chocolate, Sugar confectionary	-	-	-	Not permissible
7.	Coffee, curing roasting and grinding	2	9	50	-

8.	Cashewnut processing like drying, shelling, roasting, salting etc.	-	-	-	Not permissible
9.	Manufacture of Ice	45	20	250	-
10.	Sugarcane crushing & Fruit Juice	2	9	25	-
II.	BEVERAGES & TOBACCO				
11.	Manufacture of soft drinks and carbonated water	-	-	-	Not permissible
12.	Manufacture of bidi	No Power to be used	as permitted	250	May also be permitted in R-1 zone
III.	TEXTILE & TEXTILE PRODUCTS				
13.	Handloom / power-loom of yarn for a maximum of 4 looms.	5	9	50	May also be permitted in R-1 zone in areas designated by the Municipal Commissioner.
14.	Printing dyeing & bleaching cotton, woolen & silk textiles	-	-	-	Not permissible
15.	Embroidery & making of crape laces and fringes	5	9	50	-
16.	Manufacture of all types of textile garments including wearing apparel.	3	9	50	-
17.	Manufacture of made up textiles goods such as curtains, mosquito net, mattresses, bedding material pillow cases, textile bags. etc.	3	9	50	-
IV.	WOOD PRODUCTS AND FURNITURE				
18.	Manufacture of wooden & cane boxes & packing cases.	-	-	-	Not permissible
19.	Manufacture of structural wooden goods such as beams, posts, doors and windows	-	-	-	Not permissible
20.	Manufacture of wooden furniture and fixtures	1	9	50	i) Shall not be permitted adjoining a dwelling unit. ii) Operation shall be permitted only between 8.00 hrs. to 20.00 hrs.

21.	Manufacture of bamboo and cane furniture and fixtures	1	9	50	
22.	Manufacture of wooden products such as utensils, toys, art wares etc	-	-	-	Not permissible
V.	PAPER PRODUCTS AND PRINTING PUBLISHING				
23.	Manufacture of cartons and boxes from papers and paper board, paper pulp,	5	9	50	Manufacture with paper pulp not permissible.
24.	Printing & Publishing newspaper.	5	9	50	-
25.	Printing & Publishing periodicals, books journals, atlases, maps, envelope, printing picture, post-card, embossing				i) Operation shall be permitted only between 8.00 hrs. and 20.00 hrs. ii) No restrictions of power, number of employees, area of hours of operation shall apply if located in a building, in separate plot not less than 500 sq. m. and if special permission of the Municipal Commissioner is obtained
26.	Engraving etching block making etc.	10	9	120	Operation shall be permitted only between 8.00 hrs. to 20.00 hrs.
27.	Book binding	10	9	120	-
VI.	LEATHER PRODUCTS				
28.	Manufacture of leather footwear	-	-	-	Not permissible
29.	Manufacture of wearing apparel like coats, gloves etc.	-	-	-	Not permissible
30.	Manufacture of leather consumers goods such as upholstery suitcases, pocket books, cigarette and key cases, purses etc.	-	-	-	Not permissible
31.	Repair of footwear and other leather	5	9	50	

VII. RUBBER AND PLASTIC :					
32.	Re-treading and vulcanizing works	2	9	50	
33.	Manufacture of rubber balloons, hand gloves and allied products	2	9	50	
VIII. NON-METALLIC MINERAL PRODUCTS					
34.	Manufacture of structural stone goods, stone dressing, stone crushing and polishing	-	-	-	Not permissible
35.	Manufacture of earthen & plaster states and images, toys and art wares.	-	-	-	Not permissible
36.	Manufacture of cement concrete building components, concrete jellies, septic tank, plaster or paris work lime mortar etc.	-	-	-	Not permissible
IX. METAL PRODUCTS :					
37.	Manufacture of furniture and fixtures primarily of metal.	-	-	-	Not permissible
38.	Plating & Polishing and buffing of metal products	-	-	-	Not permissible
39.	Manufacture of metal building components such as grills, gates. Doors and window frames, water tanks, wire nets, etc.	5	9	50	
40.	Manufacture and repair of sundry ferrous engineering products done by jobbing concerns such as mechanical works, shops with lathes, drills, grinders, welding equipment etc	-	-	-	Not permissible
41.	Total sharpening and razor sharpening works	1	6	25	Operation shall be permitted only between 8.00 hrs. to 20.00 hrs.

X ELECTRICAL GOODS :					
42.	Repairs of household electrical appliances such as radio set. Television set, tape recorders, heaters, irons, shavers, vacuum cleaners, refrigerators, air-conditioners, washing machines, electric cooking ranges, motor rewinding works etc.	3	9	50	(i) Operation shall be permitted only between 8.00 hrs. 20.00 hrs. (ii) No spray painting permitted.
XI TRANSPORT EQUIPMENT					
43.	Manufacturing of push cart, hand cart, etc.	10	9	50	
44.	(a) Servicing and repairing of bicycle, rickshaws, motor cycle and motor vehicles (b) Battery charging and repairs.	10 5	9 6	50 25	Operation shall be permitted only between 8.00 hrs. to 20.00 hrs. No spray painting permitted
XII. OTHER MANUFACATURING AND REPAIR INDUSTRIES AND SERVICES					
46.	Manufacture of jewellery and related articles	3	9	50	Operation shall be permitted only between 8.00 hrs. to 20.00 hrs.
47.	Repair of watch, clock and jewellery	3	9	50	Operation shall be permitted only between 8.00 hrs. to 20.00 hrs.
48.	Manufacture of sports and athletic goods	-	-	-	Not permissible
49.	Manufacture of Musical instruments and its repair.	3	9	50	Operation shall be permitted only between 8.00 hrs. to 20.00 hrs.
50	Mass manufacture of miscellaneous Products such as costume, jewellery, costume novelties, feather, plumes, artificial flowers, brooms, brushes, lamp shades, tobacco, pipes, cigarette holders, ivory goods, bandages, wigs and similar articles.	-	-	-	Not permissible
51.	(a)Repairs of locks, stoves, umbrellas, sewing machines, gas burners, buckets & other sundry household equipment. (b) Optical glass grinding and repairs	3 3	9 9	50 50	Operation shall be permitted only between 8.00 hrs. to 20.00 hrs.

52.	Petrol filling stations	10	9	(i) 30.5x16.75m. (ii) 36.5x30.5m	Plot size - without service bay Plot size - with service bay
53.	Laundries, Laundry service and cleaning, dyeing, bleaching and dry cleaning	5	9	50	(i) Cleaning & dyeing fluid used shall not have flash point lower than 138 ⁰ F. (ii) Operation shall be permitted between 8.00 hrs. to 20.00 hrs. (iii) Machinery having day load capacity of 20 kg and above.
54.	Photo processing laboratories.	5	9	50	Operation shall be permitted between 8.00 hrs. to 20.00 hrs.
55.	Electronic Industry of assembly type (and not of manufacturing type including heating load).	10	20	250	In independent structure on independent plot with special permission of the Municipal Commissioner
56.	Bio-technology Unit	--	--	--	As per Regulation no.23.8
57.	Information Technology Unit	--	--	--	As per Regulation no.23.9

14.3 FUTURE URBANIZABLE ZONE

In this zone, all uses permissible in residential zone may be allowed subject to fulfillment of following requirements

- i For extending offsite infrastructure like road, water supply, sewage line, electricity, to the land, the expenses shall be borne by the owner and shall be deposited with the Municipal Corporation as per the expenses communicated by it. The owner shall have liberty to construct such infrastructure at his own, as per the drawing, design and specification approved by the Municipal Commissioner.
- ii If the land is located on development plan road of width more than 18 m. then construction of road of width upto 18 m. to his land, shall be the liability of the owner. Else 12m. wide road with asphaltting, shall be necessary.

14.4 COMMERCIAL ZONE

In commercial zones, buildings or premises shall be used for the uses and purposes given below, provided all goods offered for sale shall be displayed within the building, excluding passages.

- i) Any use permitted in residential zone without area and floor restrictions.
- ii) Uses permissible in Public Semi-public Zone.
- iii) Public utility buildings.
- iv) Whole-sale establishments with storage area, subject to fire protection requirements and any commercial use.

14.5 INDUSTRIAL ZONE

Industries shall include any building or part of a building or structure, in 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 station; smoke houses, laundries, gas plants, refineries, dairies and saw - mills.

The following users shall be permissible in Industrial Zone.

- i) The service industries as given in **Table No.6**
- ii) Any industry / industries may be permitted only with the special permission of the Municipal Commissioner who may grant it after such scrutiny as may be necessary to ensure that the location is appropriate and is not likely to cause nuisance and hazard to adjoining owners. Before granting any such permission, the Municipal Commissioner may prescribe special conditions about minimum size of plot and minimum buffer open distance from the industrial building/ industrial use to residential or habitable zone/ use, which shall not however be less than 23 m.
- iii) Building or premises in industrial zone may be used for any industrial as well as accessory uses like banks, canteens, welfare centre and such other common purposes considered necessary for the industrial workers, quarters of watchmen, caretakers or other essential staff required to be maintained on the premises. Such residential/commercial/other uses may be permitted up to 25 % of the permissible FSI.
- iv) Following uses may also be permitted:
 - (a) Parking lots.
 - (b) Building of public utility concerns.
 - (c) The branches of Scheduled Banks.

- (d) Residential Hotels, Restaurants.
- (e) Shopping centre, malls.
- (f) Storage Buildings.
- (g) Drive-in -Theaters, cinema or theaters, subject to provision of provision of the Bombay Cinemas (Regulation) Act, 1953.
- (h) Highway amenities as permitted in Agriculture zone with full FSI.

v) Allowing Residential / Commercial User In Industrial Zone:- (Conversion of Industrial Zone to Residential Zone):

- (a) The existing or newly built-up area of a unit in the Industrial zone may be permitted to be utilised for residential or commercial purposes, on such conditions as deemed appropriate by the Municipal Commissioner. However, if premises of such built-up area is having vacant land, then in addition to this regulation, regulation (b) shall also
- (b) The lands in the Industrial Zone, including lands in Industrial Zone in Town Planning Scheme area, may be permitted to be utilised for any of the permissible users in the Residential or Commercial Zone subject to the following conditions :
 - (i) Residential/ Commercial user in respect of industries which are not in operation shall not be permitted unless NOC from Labour Commissioner, Maharashtra State, Mumbai, stating that all legal dues have been paid to the workers or satisfactory arrangements between management and workers have been made, is obtained. However, in respect of any open land in the Industrial Zone where industry never existed, NOC from Labour Commissioner shall not be required.
 - (ii) In such layouts or sub-division, 15% land shall be provided for public utilities and amenities like electric sub-station, bus-station, sub- post office, police out-post, garden, playground, school, dispensary and such other amenities/utilities as may be considered necessary.
 - (iii) The land under public utility / amenity shall be handed over to the Planning Authority with proper access and basic land development. These areas will be in addition to the recreational space as required to be provided under these regulations provided that at least 50% of the total land provided for public amenity/ utility space shall be reserved for unbuildable purposes such as garden, recreational ground, etc.
- (c) The required segregating distance between the Industrial Zone and the area over which Residential use is permitted under this Regulation shall be provided within such land intended to be used for residential or commercial purpose.
- (d) Such residential or local commercial development shall be allowed within the permissible FSI of the nearby Residential or Commercial Zone.
- (e) The owner shall be entitled for FSI of equivalent area of the land handed over for public utilities and amenities under this Regulation on the remaining land or TDR of equivalent area. The TDR, if granted, shall be utilised as per Regulation no.22.0.

Note :

- i) Residential/Commercial User may be allowed over the part area of the land holding.
- ii) The area under reservation if any, in the said land, shall be adjusted in the area of required amenity / utility space as per this Regulation, if desired by the owner.

14.6 AGRICULTURAL ZONE / NO DEVELOPMENT ZONE

The following uses shall be permissible:-

-
- (i) All agricultural uses.
 - (ii) Agriculture research and agriculture education with full permissible FSI as that of Residential zone.
 - (iii) Garden, forestry, nursery, public parks, private parks; play fields, summer camps for recreation of all types.
 - (iv) Golf Course and Links, Race tracks, and shooting ranges.
 - (v) L.P.G. Godown subject to the following conditions-
 - a) Minimum area of the plot shall be 4000 sq. m.
 - b) Maximum permissible F.S.I. shall be 0.2 of gross plot area.
 - c) Only ground floor structure shall be permitted.
 - d) No Objection Certificate from the Controller of Explosives and the Chief Fire Officer shall be submitted along with the proposal.
 - e) Any additional condition as may be imposed by the Municipal Commissioner.
 - (vi) Pottery manufacture.
 - (vii) Storage and drying of fertilizer.
 - (viii) Public utility establishments such as electric sub-stations, receiving stations, sewage disposal, water works alongwith residential quarters for essential staff for such works with F S I of that of residential zone.
 - (ix) Farm houses subject to following conditions:-
 - (a) The land in which it is to be constructed is actually put under agricultural use.
 - (b) Minimum plot area under above use shall be 0.4 Ha.
 - (c) Farm house shall be permitted in accordance with the provisions of Maharashtra Land Revenue Code, 1966.
 - (d) The FSI shall not exceed 0.0375 of gross plot area subject to a maximum built up area of 400 sq.m. in any case.
 - (e) Only ground floor structure with or without stilt shall be permissible with 12m. margin from the boundary of land.
 - (x) Swimming pools / sports and games, health clubs, cafeteria, canteen, tennis courts, etc.
 - (xi) Amusement park with minimum plot area of 1.00 hect. with ancillary constructions. Maximum permissible FSI shall be 0.20.
 - (xiii) Tourism activities as specified in Regulation no.39
 - (xiv) Mobile Phone Towers with ancillary equipments as specified in Regulation no.36
 - (xv) ITE with ancillary development subject to following conditions:
 - a) Total FSI shall not exceed 0.2.
 - b) Ancillary residential development shall not have FSI of more than 50%.
 - c) On 50% of plot area, trees shall be planted at the rate of 500 trees per hect.
 - d) Plot shall front on 12 m. wide road.

This provision shall be subject to change as per the policies decided by the Government from time to time.
 - (xvi) Automobile Showrooms and workshops with FSI as that of residential zone.
 - (xvii) Bus Terminus and any use related to transportation and communication with FSI as that of residential zone.
 - (xviii) Research and Development Centres on following conditions:-
 1. The area of land shall be minimum 10 hectare.
-

2. FSI permissible shall be maximum 0.20.
3. Out of the total allowable FSI, FSI for staff Quarters shall not exceed 50%.
4. Total strength of the employees shall be limited to 10 per hect.
5. On 50% of plot area, trees shall be planted at the rate of 500 trees per hect.

This provision shall be subject to change as per the policies decided by the Government from time to time.

- xix) Ancillary service industries for agriculture produce marketing and management, Ancillary service uses for agro related products like flowers, fruits, vegetables, poultry products, marine products, related collection centres, auction hall, godowns, grading services and packing units, knowledge parks, cold storages, utility services (like banking, insurance, post office services) as service industries for agriculture produce marketing on the land owned by individuals / organizations with FSI of 0.20. Additional FSI above 0.20 and up to 1.00 shall be subject to payment of premium at the rate of 40% of rate of ASR.
- xx) Bio-technology unit as per stipulations given in Regulation no. 23.8 with maximum permissible FSI of 0.20.
- xxi) Petrol Pump/LPG Pump/CNG Pump: Petrol Pump, LPG Pump, CNG Pump shall be permissible in No Development Zone subject to following conditions:-
 - a) The minimum size of plot shall be,
 - i) 30.50 m x 16.75 m. in the case of Petrol/LPG/CNG Filling Station with kiosk without service bay;
 - ii) 36.50 m x 30.50 m. in the case of Petrol/LPG/CNG Filling Station with service bay.
 - b) Plot shall be located /fronting on National Highway, State Highway, Major District Road, Other District Road or Village Road or other road with a minimum width of 12.00 m. or more.
 - c) Permission from Government of India, Petroleum Ministry and Chief Controller of Explosives shall be necessary.
 - d) NOC from Public Works Department and other related departments shall be obtained as per the prevailing rules. As regards service road / building line / control line, the Government Resolution, Public Works Department, No. RBD-1081/ 871/Raste-7, dated 09 March 2001 and the circulars issued in this regard from time to time shall be observed. Instructions contained in Government of India, Ministry of Road Transport and Highways letters dated 25/09/2003 and 17/10/2003 and its enclosures as amended from time to time shall be observed.
 - e) Petrol/LPG/CNG station shall not be permitted within a distance of 90 meter from junction of roads having minimum width of 12 m. each.
 - f) In the case of kiosks and other buildings for sales office, snack bars etc. within the plot for Petrol/LPG/CNG filling stations, the setbacks from the boundaries shall be 4.50 m. Further the other clearances for the installations shall be as per the Petroleum Rules of 1937.
- xxii) Solid waste management, land fill sites, bio-gas plants, power generation from waste.
- (xxiii) Power generation from non-conventional sources of energy. Area covered under solar panels shall not be counted in FSI.
- (xxiv) Integrated highways amenities such as motels, way-side restaurants, fuel pumps, service stations, restroom and canteen for employees working on site and truck drivers, service godowns, factory outlets, highway malls, hyper market along with public conveniences like toilets, trauma centre, medicine shop, bank ATMs and like activities with FSI of 0.5 on gross

area. While allowing such integrated highway amenities, no subdivision of land shall be allowed and location of fuel pump, if provided, shall be separately earmarked.

xxv) Any Public Semi-public use with FSI of 0.20 and further FSI equivalent to FSI permissible in public semi-public zone, with payment of premium at the rate of 40% of land rate in ASR

xxvi) Mangal karyalaya / lawns.

a) Minimum area for mangal karyalaya shall be 0.40 hec. with FSI of 0.50. It may be permitted along with essential guest rooms not exceeding 30% of the area of mangal karyalaya. Area for parking shall be 40% of gross area which shall be properly earmarked and bounded by bifurcating wall.

b) Lawns for ceremony shall be 0.80 hect. with FSI of 0.20. Covered area (pandal) open on three sides shall not be counted for FSI. Area for parking shall be 40% of gross area.

(xxvii) Brick, tile manufacture.

(xxviii) Fish Farming.

(xxix) Sand clay or gravel quarries.

(xxx) Scrap Market with FSI of Residential zone.

(xxxi) Mining and quarrying operations subject to stipulations mentioned in Regulation no.35.0.

(xxxii) Any industry / industries may be permitted only with the special permission of the Municipal Commissioner who may grant it after such scrutiny as may be necessary to ensure that the location is appropriate and is not likely to cause nuisance and hazard to adjoining owners. Before granting any such permission, the Municipal Commissioner may prescribe special conditions about minimum size of plot and minimum buffer open distance from the industrial building/ industrial use to residential or habitable zone / use, which shall not however be less than 23 m. such industrial use shall be allowed FSI of 0.20 and further FSI equivalent to FSI permissible in industrial zone, with payment of premium at the rate of 40% of land rate in ASR.

(xxxiii) Town planning scheme for minimum 20 hector area, subject to condition that road network in scheme area shall not be less than 24m wide and entire cost of scheme shall be borne by the owners. After sanction of preliminary scheme under section 86 of the act, all uses as that of residential zone, shall be permitted.

Note ó 1) The permissible FSI for uses mentioned above shall be 0.20, if not specified.

2) In above uses, where FSI above basic permissible FSI is allowed with payment of premium, TDR may be allowed to be utilised instead of FSI with payment of premium.

14.7 GREEN BELT

Following uses shall be permissible

- i) Agriculture,
- ii) Tree Plantation, Gardens, River front development, Land scaping, Recreational open space etc.
- iii) Development of pedestrian pathways, Jogging track, Cycle track, Boat club etc.

14.8 PUBLIC /SEMI PUBLIC ZONE.

The following uses shall be permissible:

- (i) Pre-primary Schools, Primary Schools, High Schools, Technical / Trade Schools, Colleges, Educational Complex, Hostels for students and essential staff quarters.
- (ii) Hospital, Sanatoria, Dispensary, Maternity Homes, Health Centre, Complex of such uses, Dharmashala for the visitors to patients, pilgrims and like, essential staff quarters, veterinary

- hospital, auditorium exhibition hall and gallery.
- (iii) Training institutions, Home for the aged, essential quarters.
 - (iv) Government/ Semi -Government/ Local Self-Government offices, Court buildings, essential staff quarters.
 - (v) Post Office, Telegraph office, Telephone Exchange, Radio Station, Complex of such uses, Staff quarters and similar public /Semi-public uses.
 - (vi) Library, Mangal Karyalaya, Gymnasium, Gymkhana, Water tanks, Stadium, Community hall, Religious Structures, etc.
 - (vii) Commercial use upto 15% shall be permissible subject to following conditions:
 - (a) Convenience shopping, Branch of Bank, hotels etc. shall be permissible. However, shops for liquor, pan, cigarette, tobacco, lottery tickets and such other uses which do not serve public purpose, and outlets / godowns for domestic gas, kerosene shops, godowns which are dangerous to public health shall not be permitted.
 - (b) The Municipal Commissioner shall not allow sub - division of land on which such a commercial development has taken place/ would take place.
 - (c) The landowner / developer / institution shall give guarantee in writing to the Municipal Commissioner for following the stipulated conditions scrupulously.
 - (viii) Petrol/LPG/CNG Pumps as per Regulation no. 15.2.2.

14.9 USES PERMISSIBLE IN PROPOSED RESERVATIONS-

- 1) The uses permissible in a reserved site shall be conforming to the use for which it is reserved unless and otherwise specified. The required parking, public toilets and separate place for garbage bins shall also be provided in the reserved site itself.
- 2) Where the Authority or the Appropriate Authority proposes to use land / building / premises reserved for one specific public purpose / purposes, partly for different public purpose / purposes, it may do so, provided that such partial use shall not exceed 40% of the reserved area and such combination shall not be of incompatible uses. However, area upto 300 sq.m. from any reserved land may be allowed to be developed for construction of **arogya kothi** i.e. waste segregation centre at ward level with allied use.
- 3) Any site reserved for specific purpose in the development plan may be allowed to be developed for any other public purpose with the permission of the Government.
- 4) Municipal Corporation may acquire and develop any of the reservation proposed in the development plan, partly or fully, for multistory public parking, irrespective of its designation, if amenity of parking is direly needed in the area.
- 5) Combination of uses as mentioned below may be permissible even if the reservation is for a specific purpose.
 - a) **Playground** ó In playground reservation, minimum 90% area shall be kept open for open play activities. In remaining 10% of area, covered swimming pool & allied construction, gymnasium, covered badminton court, pavilion, watchman quarter, small restaurant or food stalls to the extent of 20 sq.m. (for every 4000 sq.m. reservation area) may be permitted. The FSI permissible shall be 0.15. If required, the sites of play-ground may be developed for park or garden.
 - b) **Stadium / sports complex** - In addition to the uses permissible in playground mentioned above, shops below the spectatorsø tiered gallery may be permitted. The FSI permissible shall be 0.25.
 - c) **Garden / park / Goda park** ó In addition to the main use of garden, open swimming pool & allied construction, water tank, rain water harvesting system, gardener / watchman quarter,

small restaurant or food stalls to the extent of 20 sq.m. (for every 4000 sq.m. reservation area) may be permitted. Total FSI used for such constructions shall not exceed 0.04 of the garden area. If required, the sites of park or garden may be developed for play-ground.

- d) **Weekly Market** ó Weekly vegetable market with open ottas, cattle market and ancillary petty convenience shops.
- e) **Vegetable Market** ó Open or covered ottas, alongwith petty convenient shops, fruit stalls may be permitted.
- f) **Municipal Market** ó Shopping, vegetable market, hawkers place, etc and departmental stores, offices, banks / community hall on upper floors.
- g) **Auditorium/Drama Theatre** - In addition to Auditorium, Drama theatre / natyagriha, art gallery, exhibition hall, library, small restaurant to the extent of 20 sq.m. (for every 4000 sq.m. reservation area) and allied users such as guest rooms for the artists may be permitted.
- h) **Educational amenity** ó all types of educational activities along with canteen.
- i) **Medical amenity** ó Any sort of medical facilities alongwith ancillary construction such as staff quarters, chemist shop, restaurant, ATM, PCO, cyber café of not more than 20 sq.m., etc. and sleeping accommodation for guests in case of bigger hospitals of built up area not less than 6000 sq.m. may be permitted.
- j) **Truck Terminus** ó In addition to minimum 60% area for parking of trucks, ancillary office restaurant, hotel, motel, lodging facility for drivers, petrol pump, auto repair centre, auto service centre, shops for auto spare parts, shops for daily needs, ATM, PCO, primary health centre / first aid centre and provision for loading-unloading may be permitted. Moreover, these reservation may also be developed for bus stand, bus-MRT interchange with mall.
- k) **Bus Stand** -In addition to Bus Stand, bus-MRT interchange with mall.
- l) **Fire Brigade Station** ó fire brigade station along with allied activities.
- m) **S.T.P., Municipal Solid Waste Facility, Water Works**ó respective use with allied activities and interchangeability among one another.
- n) **Parking** ó parking, public convenience, bus-MRT interchange with mall and allied activities.
- o) **Sadhu gram/ Pilgrim centre** ó any activity related to Kumbh mela during the period of kumbh mela, public meeting, exhibition, sports activities, open parking, recreation, playground, open weekly bazar, other open uses.
- p) **Public Amenity** ó any amenity, along with ancillary use on the lines mentioned above.
- q) **Cremation Ground/ Burial Ground** - respective use with allied activities and interchangeability among one another.
- r) **Other reservations** ó other reservations may be developed for the respective purposes along with ancillary use on the line mentioned above.

Note:-

- 1) The permissible FSI for above uses shall be as that of residential zone, including premium and loading of TDR, if not specified.

14.10 ADDITIONAL USES:

The lists of uses mentioned under the various land use zoning herein above may be amended by the Municipal Commissioner from time to time with the consent of Divisional Head of Town Planning, Nashik Division, Nashik.

PART IV
GENERAL BUILDING REQUIREMENTS –
SETBACK, MARGINAL DISTANCE, HEIGHT AND FSI

15.0 GENERAL

Following regulations for core area shall be applicable for the lands included in core area as shown on the Development Plan. For the areas outside core area in the Development Plan, regulation for non-core area shall apply. However, in Core area, if the original land holding is more than 0.40 Hect., then regulations of non-core area shall apply.

15.1 REGULATIONS FOR CORE AREA

15.1.1 Residential Buildings

(a) **Floor Space Index.**

Maximum permissible FSI shall be 2.20 for purely residential, commercial or mixed use buildings. In addition to this premium FSI of 0.30 shall be permissible.

(b) **Setback (Road side margin/s) -** The minimum front setback from the existing or proposed road/roads shall be as under:-

Sr. No.	Road width	For Purely Residential	For commercial or mixed Users
(i)	For streets more than 4.5 but upto 6.0 m. in width.	1.00 m.	2.00 m.
(ii)	For streets above 6 m	1.50 m	2.50 m.
(iii)	For streets below 12 m.	1.50 m.	2.00 m.
(iv)	For streets 12 m and above.	1.50 m.	3.00 m.
(v)	For streets 18 m and above.	2.00 m.	4.50 m.

(c) **Side & rear marginal distances -** Side & rear marginal distances for construction in a plot shall be as below

Residential Plot Area	Side	Rear
Upto 250 sq. m	0.00	0.00
Above 250 & upto 500 sq. m	1.00 m.	1.00 m.
Above 500 sq. m. & upto 1000 sq.m	2.00 m.	2.00 m.
Above 1000 sq.m.	As per Regulation no.15.6.a	
NOTE :- For light and ventilation, provisions in Regulation no.15.11 shall apply.		

d) For streets less than 4.5 m. in width, no setback shall be prescribed subject to condition that no lane shall be less than 4.5 m. in width clear of structural projection. For lanes less than 4.5 m. in width, a setback of 2.25 m. shall be prescribed from the centre line of such lane. Streets less than 4.5 m. shall be treated as lanes only when they serve as access to the properties fronting on them.

- e) Above set back and marginal distances shall be applicable for buildings with ground + 2 storey or parking + 3 storey structures. For buildings having height more than this, marginal distances shall be as per regulations of non-core area.
- f) Structural projections such as balconies, cornices, weather sheds, roof projections etc. shall be allowed in the setback distance prescribed above as per Regulation no. 15.8.
- g) Height- The height of the building shall be governed by Regulation no. 15.9.
- h) Ground Coverage-The maximum ground coverage shall be 2/3 of the plot area
- i) Parking ó parking shall be provided as per the provisions in Regulation no.20.0.

15.1.2 Public semipublic, Educational, Medical, Institutional, Mercantile, and Other Buildings

- (a) Floor Space Index - Maximum FSI permissible for public semipublic building shall be 2.5 and for remaining buildings it shall be 2.2. In addition to this premium FSI of 0.30 shall be permissible
- (b) Marginal Distance - For these buildings marginal distances shall be 3 m. on all sides.
- (c) For buildings having height more than 15 m. regulations of outside core area shall apply for front, side and rear marginal distances.

Provided that for buildings like cinema theatre, multiplex, assembly buildings, shopping malls, regulation of outside core area, except FSI, shall apply.

- 15.1.3** Pathway for access to the internal building or interior part of the building shall not be less than 3.6m. (12 ft) in width.
- 15.1.4** If the width of property is less than 3.6 m. (12 ft), the entire ground floor shall be on stilts.
- 15.1.5** Front setback (marginal distances) as prescribed by the Highway or any other rules shall be applicable if they are over and above as prescribed in these regulations.

15.2 REGULATIONS FOR OUTSIDE CORE AREA.

15.2.1 Residential Buildings

The provisions as given in **Table 7** shall apply for the residential buildings, mix use building permissible in areas outside core areas and residential buildings permissible in industrial areas.

Table No. 7

PLOT SIZE/WIDTH OF PLOT/MARGINS/HEIGHTS AND FSI FOR BUILDINGS IN RESIDENTIAL ZONE IN NON-CORE AERA

S No	Description of Road / housing pattern	Minimum Required					Basic FSI	Premium FSI	Fun-gible FSI	Remarks
		Plot Size	Width Of Plot	Set Back from road front	Side marginal distance	Rear marginal distance				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(9)	(10)
1.	National/ State Highway	450	15	6.0 m. from road line or as specified by Highway rules, whichever is more.	3.0	3.0	1.20	0.30	0.30	
2.	M.D.R./ O.D.R.	450	15	6.0 m. from road line or as specified by Highway rules whichever is more	3.0	3.0	1.20	0.30	0.30	
3.	Other roads 24 m. wide and above	300	12	6.0 m.	3.0	3.0	1.20	0.30	0.30	
4.	Roads of width below 24m. wide and up to 18m.	250	12	4.5m.	3.00	3.00	1.10	0.30	0.30	
5.	Roads of width below 18m. wide and up to 15m.	250	10	4.5m.	2.25	2.25	1.00	0.30	0.30	Margins only for G + 2 or stilt + 2 structure
6.	Road of width below 15 m. and above 9 m.	150	8	3.0 m	2.25	2.25	1.00	0.30	0.30	Margins only for G + 2 or stilt + 2 structure

7.	Road of width upto 9 m.	100	7	3.0 m.	1.5	1.5	1.00	0.30	--	Margins only for G + 1 or stilt + 1 structure
8.	Row housing on roads of width 12m. and below	30 to 125	3.50	2.25 m.	0.00 (in case of corner plot, 1.5 or building line of the adjoining road whichever is more)	1.5	1.00	0.30	--	Margins only for G+1 or Stilt+1 structure
9.	Row housing for L.I.G. EWS/High Density Housing, Slum Up-gradation etc. by public authority	20 to 50	3.00	0.90 m. from pathway 2.25 m. from road boundary	-do-	0.90	1.00	0.30	--	Only G+1 or Stilt+1 structure.
10.	36 m. wide D. P. Road from Gnagapur S. No. 12 to Ambad S. No. 199 .	300	12	3.00 (for commercial use also)	3.00	3.00	1.20	0.30	0.30	

Notes :

- (1) Marginal distances mentioned in above table shall be subject to distances mentioned in Regulation no. 15.6. In case of sr.no. 5 to 9, structures having higher height may be permitted subject to marginal distance mentioned in Regulation no. 15.6.
- (2) The minimum area of plots fronting on service roads along highways, shall be with reference to the width of service road.
- (3) For semidetached buildings, side margin shall be on one side only. Plots for semidetached buildings shall be in pairs.
- (4) Row-housing plots at the junction of two roads shall be larger to maintain the setback from both roads. Not more than 12 and **not** less than 4 plots shall be

- allowed in each block of row housing. Each block shall be separated from the other by 6 m. road or 6 m. side marginal distance of the plot.
- (5) No garage shall be permitted in a building having stilt or basement provided for parking.
 - (6) Subsidiary structure such as garage (limited to one), outhouse, independent sanitary block may be permitted only in plots having area more than 250 sq.m. or more.
 - (7) Construction of ottas, railings, barricades or supporting columns for canopy or porch shall not be allowed in front marginal distances. However, steps may be permitted within 1.2 m. from the building line.
 - (8) Basic FSI of 1.1 or 1.2 mentioned in above table shall be eligible for a land which is abutting or substantial portion of such land is abutting on road 18 m. and above in width or 24 m. and above in width respectively. The lands having point access by such roads shall not be entitled for such basic FSI of 1.1 or 1.2
 - (9) Basic FSI shall be permissible with reference to width of road, existing or proposed in development plan.
 - (10) If the width of road is varying, then width of road for maximum length of road shall be considered for deciding entitlement of basic FSI. However plot fronting on road with width less than this, shall be entitled for higher basic FSI only after agreeing to widening of road width, equivalent to the width of road existing for maximum length.
 - (11) Ribbon development rules may be relaxed with the consent of the Highway Authority only.
 - (12) In case of special building as specified in Regulation no 6.2.6.1, marginal distances shall be as per said regulations.
 - (13) The plot width to depth ratio shall be 1 : 1.5 to 1 : 2.5; as far as possible.
 - (14) In Public Housing Schemes for E.W.S. undertaken by government or semi-government organisations, marginal distances shall be as per their respective schemes and rules.
 - (15) The front setback set-out in already approved and partially developed layouts / schemes, may be retained as per said approval, so as to maintain the building line.
 - (16) The pattern of development like semi-detached, row housing, etc. in already approved layout shall be as per said approved layout.
 - (17) Where commencement certificate is granted prior to publication of draft development plan and the said plot is affected by new road proposed in the development plan, then front margin stand relaxed to that extent.
 - (18) Rear or side marginal distances for development along nalla or water courses shall be subject to Regulation No.11.1(b),11.3 and 11.11.

15.2.2 Other Buildings : The Provision as given in **Table No.8** below shall apply for different categories of other buildings.

Table No.8

Sr. No.	Type of Building	Min. road width required	Minimum marginal distances	Basic Permissible FSI on the net plot area			Premium and fungible FSI	Other Stipulations
				Front road less than 18 m.	Front road 18 m. and less than 24	Front road 24 m. and more.		
(1)	(2)	(3)	(4)		(5)		(7)	(8)
1.	i) Hospital, Maternity Homes, Health Club, Public-Semipublic buildings	12 m.	6 m. on all sides	1.00	1.10	1.20	As per table no.7	
	ii) Clinics on plot upto area 300 sq.m.	9 m.	Front margin as per 13. other all sides 3.0 m.	1.00	1.10	1.20	As per table no.7	-
2.	Educational buildings	6m.& not more than 24 m.	As per Table No.7	1.00	1.10	1.20	As per table no.7	-
	i) Pre-primary School							
	ii) Primary School	9m.& not more than 24 m.	6 m. on all sides	1.00	1.10	1.20	As per table no.7	-
	iii) Other Educational Buildings	15 m.	--do--	1.00	1.10	1.20	As per table no.7	-
3.	Cinema Theatre/ Drama Theatre/ Assembly Hall/ Multiplex / Shopping	15 m.	Front 6 12 m. (only on one major road) Remaining front	1.00	1.10	1.20	As per table no.7	-

	Malls		and/or all sides ó 6 m.					
4.	MangalKaryalaya like buildings	15 m.	--do--	1.00	1.10	1.20	As per table no.7	-
5.	Petrol/Fuel Filling Stations with or without service bays	12 m.		0.20	--	--	----	<p>i) Plot should not be located within the distance of 90 m. from any junction of roads having min. width 12 m. each. In case of T-junction, this restriction of 90 m. shall apply on a side where perpendicular road meets the junction..</p> <p>ii) Restrictions imposed by Ribbon Development Rules, IRC, MoRTH shall apply.</p> <p>iii) Petrol filling 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 90 m. and vice versa, a petrol station may be permitted on such a convex curve.</p>
6.	Mercantile/ Business/ hotel/ Commercial/ mix use with residential buildings.	12	Front 4.5 m. Side & rear 3.0 m.	1.00	1.10	1.20	As per table no.7	Shops may also be allowed fronting side and rear margins.
7.	Stadium / Pavilion	12	6 m. on all sides	0.10	--	--	--	Covered portion shall not exceed 20% of plot area. The spectatorsø gallery of the stadium shall not be counted towards FSI. Shops below spectatorsø gallery may be permissible.

NOTE:

- i) In case of plots fronting on National Highway, State Highway and Major District Roads, the building line shall be as per Ribbon Development Rules as given in Table above, whichever is more.

- ii) Side and rear marginal distances mentioned in above Table shall be subject to Regulation no.15.6 and 15.7, whichever is more.
- iii) Rear or side marginal distances for development along nalla or water courses shall be subject to Regulation No.11.1(b),11.3 and 11.11.
- iii) In case of special building as specified in Regulation no. 6.2.6.1, marginal distances shall be as per said regulations.
- iv) Clarification regarding entitlement of basic FSI of 1.1 or 1.2, given in table no.7, shall apply to the above buildings also.

15.2.3	Industrial buildings: Minimum plot area, ground coverage, marginal distances, height, FSI for industrial building shall be as per the Table No.9 given below.
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Table No – 9

Sr. No.	Plot Size in sq. m.	Max. Ground Coverage (%)	Min. Front Margins	Min. Side & Rear Margins	Basic Permissible FSI			Height	Premium and Fungible FSI
					Front road less than 18 m.	Front road 18 m. and less than 24	Front road 24 m. and more.		
1	300 to 1000	50	4.5	3.0	1.00	1.1	1.2	As per requirement.	As per table no.7
2	1001 to 5000	50	6.0	4.5	1.00	1.1	1.2	As per requirement.	As per table no.7
3	5001 & above	50	9.0	6.0	1.00	1.1	1.2	As per requirement.	As per table no.7

NOTE :

- i) In case of plots fronting on National Highway, State Highway and Major District Roads, the building line / control line shall be as per Ribbon Development Rules as given in Table above, whichever is more.
- ii) Side and rear marginal distances mentioned in above Table shall be subject to Regulation no.15.6 and 15.7, whichever is more.
- iii) Rear or side marginal distances for development along nalla or water courses shall be subject to Regulation No.11.1(b),11.3 and 11.11.
- iv) Clarification regarding entitlement of basic FSI of 1.1 or 1.2, given in table no.7, shall apply to the above buildings also.
- v) In case of special building as specified in Regulation no. 6.2.6.1, marginal distances shall be as per said regulations.

15.3 CHARGES FOR PREMIUM AND FUNGIBLE FSI

The premium FSI and fungible FSI mentioned in above regulations shall be available on payment of charges to the Corporation as mentioned below at the rate of land mentioned in ASR prepared by Inspector General of Registration, Maharashtra State for the respective year.

Charges for Premium FSI	10% of land rate for all uses.
Charges for Fungible FSI	40% of land rate for all uses.

The Municipal Commissioner shall deposit the amount collected through the aforesaid premium in the development fund set up under section 124J of Maharashtra Regional and Town Planning Act, 1966 and shall utilise the same for up-gradation of infrastructure in the area on priority as well as implementation of Development Plan proposals and creation of civic amenities.

15.4 MAXIMUM PERMISSIBLE FSI / TDR ON A PLOT

In case of plots located outside core area, the maximum permissible FSI including basic FSI, in-situ FSI, Premium FSI, Fungible FSI, TDR admissible under these regulations taken together shall not exceed the limit given below

Front road width	FSI (basic)	Allowable limit of additional in-situ FSI/ Premium FSI/ Fungible FSI/ TDR (together)	Max. permissible FSI.
(1)	(2)	(3)	(4)
6 m. to less than 12 m.	1.00	0.60	1.60
12 m. to less than 18 m.	1.00	0.80	1.80
18 m. to less than 24 m.	1.10	1.00	2.10
24 m. to 30 m	1.20	1.30	2.50
Above 30 m.	1.20	1.60	2.80

Provided that, the maximum permissible limits of FSI specified above, may allowed to be exceeded in cases mentioned in chapter VII where additional FSI is permissible over above limit. i.e. (basic + additional FSI permissible under the said chapter) ó limits specified above, shall be the additional limit, if any, in such cases.

Provided further that, the maximum limits of FSI prescribed above shall be applicable to fresh permission and also to an existing building which has not been granted full occupation certificate but subject to production of stability certificate from structural engineer in respect of such existing building. However, in no case the rights of the flat owner / unit holders shall be adversely affected.

Provided further that above limits of FSI shall be exclusive of the FSI required for Inclusive housing as per Regulation no. 13.7

15.5 FSI OF GREEN BELT

FSI of the green belt zone shown on the development plan may be allowed on remaining land of the owner by counting area of green belt in gross area of plot subject to condition that owner shall develop cycle track and plant trees in this area with proper planning at the rate of minimum 100 trees per hectore and should have been survived for atleast one year prior to issuance of occupation certificate.

Provided that, this shall not be in toto applicable where this green belt area is included in recreational open space to be left as per Regulation no.13.3.6

15.6 REQUIREMENTS OF MARGINAL DISTANCES

- (a) Side or rear marginal distance in relation to the height of the building for light and ventilations:
- i) The marginal distance on all sides shall be as per **Table No.7** for building height mentioned therein. For height more than specified in the said table, the marginal distance on all sides except the front side of a building shall be minimum $H/4$ (Where H = Height of the building above ground level) subject to a minimum of 3.0 m. for residential building, 4.5 m. for commercial building and 6.0 m. for special building mentioned in Regulation no. 6.2.6.1

Provided that such marginal distance shall be subject to maximum of 16.0 m.

- (b) **Front margin** ó Front margin shall be as per Regulation no.15.2.1 or as given below with reference to height of building.

i)	Height above 18 m. & upto 24 m.	6.00 m.
ii)	Height above 24 m. & upto 36 m.	7.50 m.
iii)	Height above 36 m. & upto 48 m.	9.00 m.
iv)	Height above 48 m. & upto 60 m.	12.00 m.
v)	Height above 60 m.	15.00 m.

Provided that, in case of group housing scheme where building abuts on internal road, the minimum 3.0 m. set back from internal road or distance between two buildings whichever is more shall be provided. For Development plan road or classified road or through road, passing through Group Housing Scheme, the setback as prescribed in the regulations shall be provided.

- (c) Distance between two buildings- The distance between two buildings shall be the side marginal distance required for the higher building between two adjoining buildings.

15.7 BUILDINGS ABUTTING TWO OR MORE STREETS

When a Building abuts two or more streets, the setbacks from the streets shall be such as if the building is fronting on each such street.

15.8 PERMISSIBLE STRUCTURES / PROJECTIONS IN MARGINAL DISTANCES

15.8.1 The following projections shall be permissible in marginal distances:

- (a) Projections into marginal distances:- Every marginal distances 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 shade more than 0.75 m. wide shall overhang or project over the said marginal distances so as to reduce the width to less than the minimum required. However, sloping chajja provided over balcony/ gallery etc. may be permitted to project 0.3 m. beyond balcony projections at an angle of 30 degree from horizontal level.
- (b) A canopy not exceeding 5m. in length and 2.5 m. in width in the form of cantilever and unenclosed over the main entrance providing a minimum clear height of 2.40 m. below the canopy. The canopy shall not have access from upper floors (above floors), for using as sitting out place. There shall be a minimum clearance of 1.5 m. between the plot boundaries and canopy.

Provided that more than one canopy may be allowed in case of special buildings, as per

requirement.

- (c) Balcony :- Balcony or balconies of a minimum width of 1.00 m. subject to maximum of 2.00 m. may be permitted free of F.S.I. at any upper floor, not more than 15% of the built up area of the same floor and such balcony projection shall be subject to the following conditions.
- (i) In non-core area, balcony may only be permitted on upper floors (except ground floor) and no balcony shall reduce the marginal distance to less than 2 m. In core area, balcony may only be permitted on upper floors projecting in front setbacks except over lanes having width 4.50 m. or less and subject to 1.00 m. clear marginal distance from plot boundary to the external face of the balcony.
 - (ii) The width of the balcony will be measured perpendicular to the building upto the outermost edge of balcony.
 - (iii) Balconies may be allowed to be enclosed on payment of premium at the rate of 10% of market value for land as per Annual Statement of Rates. The area taken for computing premium shall be equal to the built up area of enclosed balcony. This may be allowed at the time of approval of plans.
 - (iv) Balconies in excess of 15% of built up area shall be calculated in FSI.
 - (v) Nothing shall be allowed beyond the outer edge of balcony.
 - (vi) The constructed area which is not cantilever and form the part of built-up area shall not be treated as enclosed balcony in any case.
- (d) A projection of maximum 30 cm. on roof top terrace level may be allowed throughout the periphery of the building. In case of pitched roof projection of maximum 45 cm. at roof top terrace level throughout periphery of the building shall be allowed.
- (e) Accessory buildings:- The following accessory buildings may be permitted in the marginal distances -
- (i) In an existing building where toilet is not provided, a single storeyed toilet subject to a maximum area of 4.0 sq. m. in the rear or side marginal distance and at a distance of 7.5 m. from the road line or the front boundary and 1.5 m. from other boundaries may be permissible. The Municipal Commissioner may reduce 1.5 m. margin in exceptional cases to avoid hardship.
 - (ii) Parking lock up garage not exceeding 2.4 m. in height shall be permissible in the rear corner of the plot with independent bungalow. Parking lock up garage when attached to main building shall be 7.5 m. away from the road line and shall be of such constructions giving fire resistance of 2 hours. The area of parking lock up garage shall be taken into account for the calculation of FSI.
 - (iii) Suction tanks, soak pits, pump room, electric cabin of substation or gen-set area, electric meter room as per requirement, garbage shaft for wet and dry garbage separately with collection chamber, space required for fire hydrants, electrical and water-fittings, water tanks, dustbins, etc.
 - (iv) One watchman's cabin / booth not more than 5 sq. m. in built up area having min. 1.80 m. width or diameter of cabin / booth for each entrance to the campus.
 Note :- When a building abuts on three or more roads then above mentioned user, except (iv), shall be permissible in front setback facing the smaller road or less important from traffic point of view.
- (f) "Ramp" for basement, in side and rear marginal distances. In case of special buildings, ramps

may be allowed, subject to 6.0 m. clear marginal distance for movement of fire fighting vehicle

- (g) Staircase mid-landing of 1.2 m. width with clear minimum headway of 2.1 m. below the mid-landing. However, clear distance from edge of landing to the plot boundary shall not be less than 1.8 m. In case of special buildings, this shall be subject to 6.0 m. clear marginal distance.
- (h) Cupboard/Shelves of size stipulated in these regulations.
- (i) Architectural projections upto 1.00 m. which will not reduce the marginal space more than 2.00 m.

15.8.2 Exclusion of structures / projections for FSI calculation

All structures, excluding following, shall be counted in FSI.

- (a) Structures/ Projections mentioned in Regulation 15.8.1 (a), (b), (c), (d), (e)(i), (e)(iii), (f), (g), (i)
- (b) Stilt / Multi-storeyed floor space used as parking.
- (c) A basement/s under a building and used for meter room, air-conditioning plant, electric sub-station and parking spaces (use accessory to the principal use).
- (d) Areas covered by (i) Lofts (ii) Service floor of height not exceeding 1.8 m. for hotels rating with three stars and above and hospitals .
- (e) Area of structure for an effluent treatment plant as required as per the requirements of the Maharashtra Pollution Control Board or other relevant authorities.
- (f) Areas covered by service ducts, stilt. Area of lifts on all floors excluding any one floor.
- (g) Rockery, well and well structures, plant, nursery, water pool, swimming pool (if uncovered), platform around a tree, fountain bench, chabutara with top and unenclosed sides, ramps, compound wall, gate slide / swing, steps outside the buildings, domestic working place (open to sky), overhead water tank on top of the building and refuge area for high rise buildings.
- (h) Area covered by new lift and passage thereto in an existing building with height upto 15m., in core area.
- (i) Telecommunication tower, antenna and construction of a room having upto 20 sq.m. area for allied activities.
- (j) Structure permissible in recreational open space in layout or group housing scheme.
- (j) Atrium in any building.
- (k) Escalators as provided in Regulation no.17.4.9.2.

15.8.3 Exclusion of structures / projections for FSI calculation subject to payment of premium:

- (a) Supported double height terraces (open terraces with railing having minimum height equal to two floors) within the building line, not exceeding 20 % of the built up area of the same floor.
- (b) Such terraces in excess of 20 % area shall be calculated in FSI.
- (c) Nothing shall be allowed to be projected beyond and attached to the outer edge of the double height terrace.
- (d) Premium shall be charged at the rate of 10% of market value for land as per Annual Statement of Rates.

15.9 HEIGHT OF BUILDING –

- (a) Normally, the maximum height of building shall not exceed 1.5 times total of the width of road

abutting plus front marginal distance subject to other restrictions, if any.

Provided that, the building of greater height may be allowed with prior approval of the Director of the Fire Services Government of Maharashtra.

Provided further that, it shall be mandatory for the Municipal Commissioner that, for the buildings heights 70 m. and more, the building proposal shall be cleared by the Highrise Committee. The Highrise Committee shall be constituted by the commissioner. The structure of the committee is as under. The decision of the committee shall be binding on owner / developer.

Constitution of the committee.

Sr.no.	Member	Post
1	Municipal Commissioner	Chairman
2	Joint Director of Town planning, Nashik division Nashik	Member
3	Head of Department, Soil Mechanics, College of engineering.	Member
4.	Head of Department, Structural Engineering, College of engineering.	Member
5.	City engineer, Nashik Municipal Corporation	Member
6.	Chief fire officer, Nashik Municipal Corporation	Member
7.	Deputy Director / Assistant Director, Town planning, Nashik Municipal Corporation	Member secretary

- i) The committee shall be of advisory in nature and it will advise the Municipal Commissioner regarding the feasibility of the development proposal considering the opinion of the expert members of the committee.
 - ii) In specific case, if the chairman desires, any experts from other fields may be invited for the meeting of the committee.
 - iii) The non-official members shall be paid honorarium as may be decided by the Commissioner.
 - iv) The Commissioner may levy additional scrutiny fees for such building proposals.
- (b) If a building abuts on two or more streets of different widths, the height of building shall be regulated by the street of greater width.
 - (c) For buildings in the vicinity of aerodromes, the maximum height of such buildings shall be subject to values framed by the Civil Aviation Authorities or the development permission shall be considered only after applicant produces NOC from Air Port Authority.
 - (d) In addition to (c) for Industrial Chimneys coming in the vicinity of aerodromes, it shall be of 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 Boilers and Smoke Nuisance, and
 - (e) Buildings intended for hazardous godowns storage of inflammable materials and storage of explosives shall be single storied structures only.
 - (f) The above regulation for height of building shall apply to all land use zones.

Note : For the purpose of Regulation no. 15.9 (a), the width of the street may be prescribed width of the street, shown on Development Plan or width resulting from the prescription of a regular line of street under the relevant act whichever is more.

15.10 HEIGHT EXEMPTIONS -

The appurtenant structures such as roof tanks and their supports, ventilating, air-conditioning, lift rooms and similar service equipment, stair cover, chimneys and parapet walls and architectural features not exceeding 1 m. in height shall not be included in computation of height of building.

15.11 INTERIOR & EXTERIOR CHOWK

15.11.1 (a) Interior chowk : Wherever habitable rooms or kitchen derives ventilation from inner chowk or interior open space, the size of such interior open space shall not be less than 3 m. x 3 m. upto height of 15 m. and for height more than 15 m., the interior open space shall not be less than $H/6$ m. x $H/6$ m. where H = height of highest wall of the chowk.

(b) Exterior chowk : The minimum width of the exterior chowk for the purpose of light and ventilation, shall not be less than 2.4 m. and depth shall not exceed 2 times the width, for buildings upto 15 m. height and for height more than 15 m., the exterior open space shall not be less than $H/7$ m. x $H/7$ m. where H = height of highest wall of the chowk. If the width of the exterior chowk is less than 2.4 m. it shall be treated as a notch and shall not be considered for deriving ventilation. However, maximum distance shall be subject to the maximum limit prescribed for distance between two buildings.

15.11.2 Where only water closet, bathroom, combined bathroom and water closet are abutting on the interior open space, the size of the interior open space shall be in line with the provision for ventilation shaft as given in Regulation no.16.13.4.

15.12 TRANSIT ORIENTED DEVELOPMENT (TOD)

Transit oriented development aims at a development focused around a transit nod which facilitates complete ease of access to the transit facility, thereby encouraging people to walk and use public transportation over personal modes of transportation.

The transit corridors shall be identified by the Municipal Corporation. This regulation shall come into force only after transit corridors are identified by the Municipal Corporation and mass rapid transport system work is started.

Area within 400 m. on either side of transit corridor shall be known as TOD zone. The following special regulations shall be applicable for development in TOD zone.

1. The maximum permissible FSI in TOD shall be 4.00 including basic FSI, irrespective of the zone in the sanctioned development plan.
2. The above FSI shall be calculated on net plot area.
3. TDR utilization on the plots within the TOD zone shall not be allowed.
4. Additional FSI over and above basic FSI of respective land use zone as per these regulations shall be available at premium equivalent to 0.40 times the ASR rates for the square meter of land area.
5. Dwelling unit sizes proposed in this zone shall be minimum, 25 sq.m. and maximum 100 sq.m. of built-up area. Out of proposed tenements, atleast 50% tenements shall be less than, 60 sq.m. This 50% restriction shall not be applicable to individual bungalows.
6. Mixed use development shall be permissible over and above the existing land use as per development plan.
7. Each type of proposed use (residential, commercial, amenity) shall have vertical and horizontal separate access.

8. Parking ó the requirement of parking in TOD zone shall be as under. Other requirement shall be as mentioned in Regulation no.20.0

s. no.	Occupancy	Size / area of unit	Car	Scooter / motorcycle	Cycle
1	Residential / multi families	i. Tenements having built-up area up to 40 sq.m.	-	1	1
		ii. Tenements having built-up area from 40 to 80 sq.m.	-	2	2
		iii. Tenements having built-up area 80 and upto 100 sq.m.	1	2	2
2	Govt. and Semi-Govt. building, private business building	100 sq.m. built-up area or fraction thereof	1	2	2

9. Parking spaces for differently abled persons shall be provided as per these regulations.

PART V
REQUIREMENTS OF PARTS OF BUILDINGS

16.0 Requirements for the various parts of the building shall be as given below

16.1 Plinth

16.1.1 Main Building: The plinth or any part of a building or out house shall be so located with respect to surrounding ground level that adequate drainage of the site is assured but height shall not be less than 0.45 m. above the surrounding ground level. In areas subject to flooding, the height of the plinth shall be at least 0.45 m. above the high flood level. In case of special housing scheme undertaken by public agencies for LIG /EWS, the minimum height shall not be less than 0.30 m.

16.1.2 Interior Courtyards: Every interior Courtyard shall be raised at least 0.15 m. above the surrounding ground level and shall be satisfactorily drained.

16.2 Habitable Rooms

16.2.1 Size - A habitable room shall have a carpet area of minimum, 7.20 sq.m. except those in the hostels attached to recognised educational institutions, the minimum size of a habitable room for the residence of a single person shall be 5.76 sq. m; the minimum width of a habitable room shall be 2.4 m. One full side of a habitable room shall abut on the open space. Where there is more than one room, one shall be not less than 7.20 sq.m., and other 5.76 sq.m.

16.2.1.1 The size of the room in a single room tenement shall not be less than 10.5 sq. m. with a minimum width of 2.4 m.

16.2.2 Height:-The height of all rooms for human habitation shall not be less than 2.75 m. measured from the surface of the floor to the lowest point of the ceiling (bottom of slab). The minimum clear head room under beam shall be 2.4 m. In case of centrally air conditioned building, height of the habitable room shall not be less than 2.4 m, measured from the surface of the floor to the underside of the slab or to the underside of the false ceiling.

16.2.2.1 In the case of pitched roof, the average height shall not be less than 2.75 m. and the minimum height at eaves level shall not be less than 2.1 m.

16.2.2.2 However, the maximum room height shall be 4.40 m. in case of all buildings excepting Residential Hotels of the category of 3 starred and above, Assembly, Institutional, Educational, Industrial, Hazardous and Storage occupancies, and in case of portions common to two floors of duplex flats. Duplex flats shall mean a residential flat divided on two floors with an internal staircase connecting the two floors.

16.2.2.3 Height of room for Information Technology Establishment (I. T. E.) for any telematics equipment storage erection facility can have a height as required for effective functioning of that system.

16.3 Kitchen

16.3.1 Kitchen size - The area of the kitchen shall not be less than 3.3 sq. m. with a minimum width of 1.5 m.

16.3.1.1 In the case of single room tenement as given in Regulation no. 16.2.1.1, no provision for kitchen is necessary. Where alcoves (a cooking space having direct access from the main room without any inter communicating door) are provided, the size shall not be less than 2.4 sq.m. with a minimum

width of 1.2 m.

16.3.2 Height: The room height of a kitchen measured from the surface of the floor to the lowest point in the ceiling (bottom of slab) shall not be less than 2.75 m., subject to provisions of Regulation no.16.2.2.1.

16.3.3 Other Requirement: Every room to be used as kitchen shall have-

- (a) Means for the washing of kitchen utensils which shall lead directly or through a sink to grated and trapped connection to the waste pipe;
- (b) Impermeable floor.
- (c) Window of not less than 1.0 sq. m. area, opening directly on to an interior or exterior open space, but not into a ventilation shaft.

16.4 Bath Rooms, Water Closets, Combined bath room and water closet

16.4.1 Size - The minimum size shall be as under-

- (a) Independent Bathroom 1.00 x 1.20 m.
- (b) Independent Water closet 0.9 m. x 1 .10 m.
- (c) Combined bath room and water closet. 1.80 sq. m. with minimum width of 1.00 m.

16.4.2 Height:- 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 2.1 m.

16.4.3 Other Requirements - Every bathroom or water closet shall -

- (a) be so situated that at least one of its wall shall open to external air with the size of opening (windows, ventilators, louvers) not less than 0.3 sq. m. in area and side not less than 0.3 m. (See Regulation no. 16.13.3)
- (b) have the platform or seat made of water tight non-absorbent material,
- (c) be enclosed by walls or partitions and the surface of every such wall or partitions shall be finished with a smooth impervious material to a height of not less than 1 m. above the floor of such a room; and
- (d) be provided with an impervious floor covering, sloping towards the drain with a suitable grade and not towards verandah or any other room.

16.4.4 No room containing water closets 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.

16.5 Loft

The maximum depth of a loft shall be 1.5 m. and the loft may be provided, over residential kitchens, habitable rooms, bath rooms, corridors and over shop floor, built up to an area 25 per cent over kitchens and full space of bath rooms, water closets and corridors. In the shops loft over an area upto 33% of the carpet area may be provided. However, loft will not be allowed where mezzanine floor is provided.

16.5.1 The clear head room under loft shall not be less than 2.1 m.

16.5.2 Loft in commercial areas and industrial buildings shall be located 2 m. away from the entrance.

16.6 Cupboards & Shelves

The projections (cantilever) of cupboards and shelves in residential building may be permitted and shall be counted in FSI calculations. Such projections may project upto 0.60 m, in the setbacks, provided the width of such cupboard/shelves does not exceed 2.4 m. and each room shall not have more than one such cupboard/ shelf. Moreover such projection shall not be allowed in a marginal distance less than 2.25 m.

Notwithstanding the above, continuous cupboards / shelves with 0.60 m. projections may be permitted, provided the same is constructed underneath the sill portion of the window (not exceeding 0.90 m. from floor) and over the lintel of windows (at height of 2.00 m. above floor level).

16.7 Mezzanine floor

16.7.1 Size: The aggregate area of the mezzanine floor shall not exceed 50 % of the built up area of that floor. The minimum size of a mezzanine floor if it is used as a habitable room shall not be less than 9.00 sq.m.

Note :- Mezzanine floor area shall be counted towards F. S. I.

16.7.2 Height -The minimum height of a mezzanine floor shall be 2.2 m. The headroom under mezzanine room shall not be less than 2.10 m.

16.7.3 Other Requirements: A mezzanine floor may be permitted in a room, provided that it conforms to the standards of habitable rooms as regards lighting and ventilation.

16.8 Store Room :-

16.8.1 Size :- The floor area of a store room in a residential building where light ventilation and height are provided at standards lower than as required for living room shall not be more than 3 sq. m.

16.8.2 Height- The height of a store room shall not be less than 2.10 m.

16.9 Garage

16.9.1 Size:- The size of a garage in individual residential building shall be not less than 2.5 m. X 5 m. and not more than 3 m. X 6 m. The area of parking lock up garage shall be included in FSI calculations.

16.9.2 Height:-The maximum head room in a garage shall be 2.4 m.

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

16.9.4 The garage shall be setback behind the building line for the street / road on to which the plot abut, and shall not be located affecting the access ways to the building.

16.9.5 Corner Site: When the site fronts on two streets, the location of a garage (in a corner plot) (if provided within the marginal distances) shall be on diagonally opposite the point of intersections.

16.10 Roofs

16.10.1 The roof of a building shall be so constructed or framed as to permit effective drainage of the rain water there from 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 foundations of the building or those of an

adjacent building.

- 16.10.2** The Municipal Commissioner may require rain water pipes to be connected to a storm water drain through a covered channel formed beneath the public footpath or in any other approved manner, if not used for rain water harvesting
- 16.10.3** Rainwater pipes shall be affixed to the outside of the walls of the building or in such other manner as may be approved by the Municipal Commissioner.
- 16.10.4** Terrace of a building shall not be sub-divided and it shall have only common access.

16.11 Basement

- 16.11.1** Basement shall generally be constructed within the prescribed setbacks and prescribed building line in one or two level and may be put to only following uses:

Following user shall be permissible free of FSI.

- (i) Air conditioning equipment and other machines used for services and utilities of the building;
- (ii) Parking spaces and
- (iii) Strong room, bank cellars, radio/laser therapy unit etc.

Following user shall be permissible and counted in FSI.

- (i) Storage incidental to principle use
- (ii) Commercial uses.

- 16.11.2** The basement shall not be used for any other user than mentioned above.
- 16.11.3** Multilevel basements may be permitted if the basement is used for parking. The ramps of minimum 3.0 m. width for entry and exit of vehicle separately shall be provided. In case of bona-fide hardship, the Municipal Commissioner may allow only one ramp with not less than 6.0 m. in width.
- 16.11.4** If the basement is proposed to be constructed below podium then marginal distances shall be as that of podium.
- 16.11.5** 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 soffit of beam.
 - (b) Adequate ventilation shall be provided for the basement with a ventilation area not less than 2.5% of the area of the basement. Any deficiency may be met by providing additional adequate mechanical ventilation in the form of blowers, exhaust fans, air conditioning systems etc.
 - (c) The minimum height of the ceiling of any basement shall ordinarily be 0.9 m. and maximum of 1.2 m. above the average surrounding ground level. However it does not apply to the mechanically ventilated basements. In such cases, basement may also be allowed flushing to the average ground level
 - (d) Adequate arrangement shall be made such that surface drainage does not enter the basement.
 - (e) The walls and floor of the basement shall be water-tight and be so designed that the effect of the surrounding soil and moisture, if any, are 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 in case of building served by

more than one staircase, the same shall be of enclosed type serving as a fire separation from the basement floor and higher floors [see Regulation no. 17.4.3 (m)] Open ramps shall be permitted if they are constructed within the building line subject to the provision of (d).

16.12 Podium

Podium for parking of the vehicle may be permitted with following requirements / conditions

- i) Every podium shall be in every part at least 2.4 m. in height from the floor to the soffit of beam.
- ii) Podium shall not be provided in front setback space.
- iii) Minimum 3.0 m. distance shall be observed between plot boundary and podium subject to requirements of Fire Brigade Authority.
- iv) Podium shall only be used for parking and it shall be designed to take load of fire engine.
- v) Podium shall be permissible for plots having 1000 sq.m. and above and may be in multilevel. However in core area the same shall be minimum 500 sq.m.
- vi) Podium shall be permissible joining two or more buildings or wings of buildings.

16.13 Lighting and Ventilation of Rooms

16.13.1 The minimum aggregate area of opening of habitable rooms and kitchens excluding doors shall be not less than 1/10th of floor area.

16.13.2 No portion of a room shall be assumed to be lighted if it is more than 7.5 m. from the opening assumed for lighting / ventilation of the portion, provided additional depth of living room beyond 7.5 m. may be permitted subject to provision of proportionate increase in the opening.

16.13.3 Where the lighting and ventilation requirements are not met through day lighting and natural ventilation, the same shall be ensured through artificial lighting and mechanical ventilation as per latest version of Part VIII - Building Services Section, Lighting and Ventilation of National Building Code of India published by the Bureau of Indian Standards. In the case of special types of buildings requiring artificial lighting and air-conditioning for special types of manufacturing or other process the requirements about natural day lighting and ventilation may be relaxed.

16.13.4. Ventilation Shaft:-

For ventilating the space for water closets and bath room, if not opening on the exterior side of a building, open on the ventilation shaft, the size of which shall not be less than the values given below in **Table No.10**:

Table No.10		
Height of building in m.	Size of ventilation in sq. m	Minimum width of shaft in m.
Up to 10	1.2	0.90
Up to 12	3.0	1.50
Up to 18	4.5	1.80
Up to 24	5.4	1.80
Up to 30	8.0	2.40
Above 30	9.0	3.00

16.13.5 In residential lodging hotels where attached toilets are provided with mechanical ventilation system installed as per Regulation no. 16.13.3., the size of ventilation shaft may be relaxed by the Municipal Commissioner.

16.14 Parapet

Parapet walls and handrails provided on the edges of roof terraces, balcony etc. shall not be less than 1.05 m. and not more than 1.20 m. in height.

16.15 Wells

Wells intended for supply of water for human consumption or domestic purposes may be permitted at suitable place.

16.15.1 Requirements: The well shall:

- (a) have minimum internal diameter of not less than 1 m.;
- (b) be constructed to a height not less than 1 m. above the surrounding ground level to form a parapet or curb and to prevent surface water from following 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 m. in every direction from the parapet or the curb forming the well head and the upper surface for such paving shall be sloped away from a well;
- (c) be a sound and permanent construction (PUCCA) throughout;
- (d) the interior surface of the lining or walls of the well shall be rendered impervious for depth of not less than 1.8 m. measured from the level of the ground immediately adjoining the well-head.

16.16 Septic Tanks

Where a septic tank is used for sewage disposal, the location, design and construction of the septic tank shall conform to requirements of Regulation no.16.16.1 and 16.16.2.

16.16.1 Location of Septic Tanks and Subsurface Absorption System:- A subsoil dispersion system shall not be closer than 12.00 m. of any source of drinking water, so as to avoid the possibility of bacterial pollution of water supply.

16.16.2 Requirements:

- (a) **Dimensions of Septic Tanks:** Septic tanks shall have minimum width of 75 cm., minimum depth of 1 m. below the water level and a minimum liquid capacity of 1 cu.m. Length of tanks shall be 2 to 4 times the width.
- (b) Septic tanks may be constructed of brick work, stone masonry, concrete or other suitable materials.
- (c) Under no circumstances should effluent from a septic tank be allowed into an open channel drain or body of water without adequate treatment.
- (d) Minimum nominal diameter of pipe shall be 100 mm. further, at junctions of pipes in manholes; direction of flow from a branch connection should not make an angle exceeding 45 degree with the direction of flow in the main pipe.
- (e) The gradients of land drains under drainage as well as the bottom of dispersion trenches and soak way should be between 1:300 and 1:400.
- (f) 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 wire mesh.

The ventilating pipe shall extend to a height, which would cause no smell nuisance to any building in the area. Generally, the ventilating pipe may extend to a height of about 2 m. when the septic tank is at least 15 m. away from the nearest building and to a height of 2 m. above the top of the building when it is located closer than 15 m.

- (g) When the disposal of septic tank effluent is to seepage pit, the seepage pit may 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 should be backed with at least 7.5 cm. of clean coarse aggregate. The lining above the inlet level should be finished with mortar. In the case of pits of large dimensions, the top portion may be narrowed to reduce the size of the RCC cover slabs. Where no lining is used, especially near trees, the entire pit should be filled with loose stones. A masonry ring may be constructed at the top of pit to prevent damage by flooding of the pit by surface run off. The inlet pipe may be taken down to a depth of 90 cm. from the top as an anti-mosquito measure.
- (h) When the disposal of septic tank effluent is to a dispersion trench, the 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 of crushed stones. Open jointed pipes placed inside the trench shall be made of unglazed earthenware clay or concrete and shall have minimum internal diameter of 75 to 100 mm. Each dispersion trench should not be longer than 30 m. and trenches should not be placed closer than 1.8 m.

16.16.3 Septic Tank Requirements:- Requirements specified by State and Central Government, Public Health Institutes such as NEERI, for modern methods of disposal, may also be permissible.

16.17 Boundary Wall

The requirements of the boundary wall are given below:

- (a) Except with the special permission of the Municipal Commissioner the maximum height of the compound wall shall be 1.5 m. above the centre line of the front street. Compound wall upto 2:4 m. height may be permitted if the top 0.9m. is of open type construction (railings).
- (b) In case of corner plot the height of boundary wall shall be restricted to 0.75 m. for a length of 10 m. on the front and side of the intersections and balance height of 0.75 m. if required in accordance with (a) may be made of open construction (railings),
- (c) However, the provisions of (a) and (b) are not applicable to boundary wall of jails. In 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 uses of public utility undertakings. Height upto 2.4 m. to boundary walls of these types of building may be permitted by the Municipal Commissioner.
- (d) The compound gate should open entirely inside the property and shall not open on any access/pathway/ road/street.

16.18 Office-cum-Letter Box Room

In the case of multi-storeyed multi-family dwelling apartments constructed by existing or proposed Cooperative Housing Societies or Apartment Owners Associations, Limited Companies and proposed societies, an office-cum-letter box room of appropriate size as per requirement shall be provided on the ground floor.

16.19 Meter Rooms

Meter room size shall be as per requirement of M.S.E.D.C.L

- 16.19.1** The spaces for provision of transformers shall be provided as given in Regulation no.13.6 or as per the requirements of M.S.E.D.C.L.

16.20 Chimneys

- 16.20.1** Chimneys, where provided shall conform the requirements of IS 145-1960 of latest version.

- 16.20.2** Notwithstanding the provisions of Regulation no. 16.20.1, the Chimneys shall be built at least 0.9 m. above parapet wall. 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.

17.0 EXIT REQUIREMENTS

- 17.1** General-The following general requirements shall apply to exits.

- (a) 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;
- (b) In every building, exits shall comply with the minimum requirements of this part, except those not accessible for general public use;
- (c) All exits shall be free of obstructions;
- (d) No building shall be altered to reduce the number, width or protection of exits to less than that required;
- (e) Exits shall be clearly visible and the routes to reach the exits shall be clearly marked and sign posted to guide the occupants to the floor concerned;
- (f) All exit ways shall be properly illuminated;
- (g) Fire-fighting 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;
- (h) Alarm devices shall be installed for buildings above 15m. in height, to insure prompt evacuation of the occupants concerned through the exits;
- (i) All exits shall provide continuous means of egress to the exterior of a building or to an exterior open space leading to a street and;
- (j) Exits shall be so arranged that they shall be reached without passing through another occupied unit.

17.2 Types of exits -

Exits shall be either of horizontal or vertical type. An exit may be doorway, corridor, and passageways to an internal staircase or external staircase, ramps or to a verandah and/or terraces 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. Lifts and escalators shall not be considered as exits.

17.3 Number and Size of Exits

The requisite number and size of various exits shall be provided, based on number of occupants in each room and floor based on the occupant load, capacity of exits; travel distance and height of

building as per provisions of Regulation no. 17.3.1. to 17.3.5.

17.3.1 The buildings specified in Regulation no.17.4.4 shall have two staircases out of which one shall be fire escape staircase. This shall be subject to the provisions mentioned in the said regulations.

17.3.2 Arrangement of Exits

Exits shall be so located so that the travel distance on the floor shall not exceed as given below:

Type of Building	Travel Distance
1) Residential, Educational, Institutional and Hazardous occupancies	22.5 m
2) Assembly, Business, Mercantile, Industrial and Storage occupancies	30.0 m

Wherever more than one exit is required for a floor of a building, they 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

17.3.3 Occupant Load -

For determining the exits required the number of persons within any floor area or the occupant load shall be based on the actual number of occupants but in no case, less than that specified in **Table 11** below.

Table No -11 Occupant Load		
Sr. No.	Group of Occupancy	Occupant Load Gross Area*in sqm per person
(1)	(2)	(3)
1	Residential	12.5
2	Educational	04.00
3	Institutional	15 (see Note-1)
4	Assembly	
	(a) with fixed or loose seats and dance floors	0.6 (see Note-2)
	(b) without seating facilities including dining rooms	1.5 (see Note-2)
5	Mercantile	
	(a) Street floor and 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

Note 1 - Occupant load in dormitory portions of homes for the aged, orphanages, insane asylums,

etc. where sleeping accommodation is provided shall be calculated @ not less than 7.5 sq.m. gross area/ person.

Note 2 - The gross area shall include, in addition to the main assembly room 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 space. No deductions shall be made in the gross area for corridors, closets or other sub-divisions. The area shall include all space serving the particular assembly occupancy.

17.3.4 Capacity of Exits -

The capacity of exits (doors and stairways) indicating the number of persons that could be safely evacuated through a unit exit width of 50 cm. shall be as given in **Table -12**.

S.No.	Group or Occupancy	Number of Occupants		
		Stairways	Ramps	Doors
1	Residential	25	50	75
2	Educational	25	50	75
3	Institutional	25	50	75
4	Assembly	40	50	60
5	Business	50	60	75
6	Mercantile	50	60	75
7	Industrial	50	60	75
8	Storage	50	60	75
9	Hazardous	25	30	40

17.3.5 Width of Stairways-

The following minimum width provisions shall be made for stairways;

- i) For Individual House & Row housing with G+2 storeys ϕ minimum 0.75m.
- ii) For Housing scheme in Regulation no.24.15 ϕ minimum 1.00m.
- iii) Other types ϕ for building mentioned below, minimum width shall be as follows

Type of Building	Built-up area on floor served by single staircase	
	upto 500 sq.m.	More than 500 sq.m.
Multistoried Residential Buildings	1.20 m.	1.50 m
Residential Hotel Buildings	1.50 m.	1.80 m
Assembly buildings like auditoria, theatres, Cinemas etc., mangal karyalaya, marriage halls.	1.80 m.	2.00 m.
Institutional Buildings like hospitals & Educational	2.00 m.	2.30 m.

All other public buildings	1.50 m.	1.80 m.
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17.4 Other Requirements of Individual Exits- The detailed requirements of individual exits are given in Regulation no. 17.4.1 to 17.4.6.

17.4.1 Doorways:

- (a) Every exit doorway shall open into an enclosed stairway, a horizontal exit or a corridor or passage way providing continuous and protected means of egress
- (b) No exit doorway shall be less than 90 cm in width in case of residential and 100 cm. in width in case of other buildings. Doorways shall be not less than 200 cm. in height. Doorways for bathrooms, water closet, stores etc. shall be not less than 75 cm. wide.
- (c) Exit doorways shall open outwards, that is away from the room but shall not obstruct the travel along any exit. No door, when open, shall reduce the required width of stairway or landing to less than 90 cm.
- (d) Exit door shall not open immediately upon a flight of stairs, 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.

17.4.2 Revolving Doors :

Revolving doors shall not be used as required exits except in residential, business and mercantile occupancies, but shall not constitute more than half the total required door width;

17.4.3 Stairways:

- a) Interior stair shall be constructed of non-combustible materials throughout;
- b) 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;
- c) A staircase shall not be arranged around a lift shaft unless the latter is entirely enclosed by a material of required fire- resistance rating. For buildings more than 15m. in height, the staircase location shall be to the satisfaction of Fire Officer, Fire Brigade Authority, wherever necessary.
- d) Hollow combustible construction shall not be permitted.
- e) The minimum width of an internal staircase shall be as per the provisions of Regulation no. 17.3.5.
- f) The minimum width of treads without nosing shall be 25 cm. for an internal staircase for residential buildings. In the case of other buildings, the minimum treads shall be 30 cm. The treads shall be constructed and maintained in a manner to prevent slipping.
- g) The maximum height of riser shall be 20 cm. in the case of residential buildings and 15 cm. in the case of other buildings. They shall be limited to 12 per flight. For low income housing scheme in narrow plots, the riser may be provided in one flight.
- h) Handrails shall be provided with a minimum height of 90 cm. from the tread,
- i) The minimum unobstructed headroom in a passage under the landing of a staircase and under the staircase shall be 2.2 m.
- j) No living space, store or other fire risk spaces shall open directly into the external staircase or staircases.
- k) External exit door of staircase enclosure at ground level shall open directly to the open spaces

or can be reached without passing through a large lobby.

- l) In the case of assembly, institutional, residential, hotels, industrial and hazardous occupancies, the exit sign with arrow indicating the way to the escape route shall be provided on the wall / floor and shall be illuminated by electric light connected to corridor circuits. All exit way marking signs should be flush 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 landings of floor shall have floor indication boards indicating the floor number. 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 appropriate size.
- m) In case of single staircase it shall terminate at the ground floor level and the access to the basement shall be by a separate staircase. Wherever the building is served by more than one staircase, one of the staircases may lead to basement levels, provided the same is separated at ground level by either a ventilated lobby or 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 / lobbies. The staircase shall be lighted and ventilated and the minimum size of openings on walls abutting to open spaces shall be 0.3 sq. m. per landing.

17.4.4 Fire escape or external stairs –

Fire escape staircase shall be provided in case of following buildings.

- 1) Residential buildings having height more than 24 m. and less than 70m., additional fire escape staircase shall be necessary.
Provided that, it will not be necessary if built-up area on any floor does not exceed 500 sq.m.
- 2) Building having height 70m. or more shall be provided with additional fire escape staircase, having width not less than 2.00 m. irrespective of the built up area on the floor.
- 3) For buildings above 15m. in height specified in Regulation no. 6.2.6.1 but excluding 17.4.4.(1) and 17.4.4.(2) above, fire escape staircase shall be provided.

This shall be subject to following -

- (a) Fire escape shall not be taken into account in calculating the evacuation time of building;
- (b) All fire escapes shall be directly connected to the ground;
- (c) Entrance to fire escape shall be separate and remote from the internal staircase;
- (d) The route to fire escape shall be free of obstructions at all times, except a doorway leading to the fire escape; which shall have the required fire resistance;
- (e) Fire escape shall be constructed of non-combustible materials;
- (f) Fire escape stairs shall have straight flights not less than 75 cm. wide with 25 cm. treads and risers not more than 20 cm. The number of risers shall be limited to 16 per flight.
- (g) Handrail shall be of height not less than 90 cm.
- (h) Fire escape staircase shall be connected to other staircases through common passage at every floor.
- (i) Unprotected steel frame staircase will not be accepted as means of escape. However, steel staircase in an enclosed fire rated compartment of 2 h. will be accepted as means of access.

17.4.5 Spiral stairs (fire escape) -

The use of spiral staircase shall be limited to low occupant load and to a building of height 9 m. unless they are connected to platforms, such as balconies and terraces to allow escapee to pause.

A spiral fire escape shall not be less than 150 cm. in diameter and shall be designed to give adequate headroom.

17.4.6 Ramps:

(1) Ramps for pedestrians.-

- (a) 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;
- (b) The minimum width of the ramps in hospitals shall be 2.25 m;
- (c) Handrails shall be provided on both sides of the ramp.

(2) Ramps for basement or storeyed parking - For parking spaces in a basement and upper floors, at least two ramps of minimum 3 m. width and slope of not steeper than 1:8, shall be provided preferably to the opposite ends. In case of bona-fide hardship, the Municipal Commissioner may allow only one ramp, if proposed to be provided due to space restriction, it shall not less than 6.0 m. in width. Such ramps may be permitted in the side and rear marginal distances. However, in case of special building mentioned in Regulation no.6.2.6.1, ramp may be permitted in the side and rear marginal distances after leaving 6.0 m. distance around building for movement of firefighting vehicles. In case of building as per Regulation no.24.15, this shall not be applicable upto the height of 24m. Provided that when a building abutting 3 or more roads, then ramps shall be allowed in front marginal distances facing the smaller road or less important road from traffic point of view.

17.4.7 Corridors:

- (a) The minimum width of a corridor other than internal passages shall be calculated based on the provisions of a Regulation no.17.3.3 to 17.3.5 as per the corresponding width of staircase;
- (b) In 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.
- (c) The passages (covered or uncovered) including an arcade, a courtyard, a porch or portico, spaces to be left open to sky in accordance with these Regulations, in any premises shall not be used for any other purpose than the one permissible.

17.4.8 Refuge Area

For buildings more than 24 m in height, refuge area of 15 sq.m. or an area equivalent to 0.3 sq.m. per person to accommodate the occupants of two consecutive floors whichever is higher shall be provided as under:

The refuge area shall be provided on the periphery of the floor or preferably on a cantilever projection and open to air at least on one side protected with suitable railings.

- a) For floors above 24 m and upto 39 m ó One refuge area on the floor immediately above 24 m.
- b) For floors above 39 m óOne refuge area on the floor immediately above 39 m and so on after every 15 m. Refuge area provided in excess of the requirements shall be counted towards FSI.

Note: Residential flats on multi-storeyed buildings with balcony/terraces, need not be provided with refuge area. However, flats without balcony or with enclosed balconies shall be provided with refuge area as given above. All refuge areas shall be accessible from common passages/staircases.

17.4.9 Lifts and Escalators:-

Provision of lift shall be made for all buildings more than 16m. in height

17.4.9.1 Lifts:

- (a) 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.
- (b) Grounding switch at ground floor level to enable the fire service to ground the lift cars in any emergency shall also be provided;
- (c) The lift machine room shall be separate and no other machinery shall be installed therein.

17.4.9.2 Escalators :

Escalators may be permitted in addition to required lifts. Such escalators may be permitted in atrium area in shopping malls / public buildings.

17.4.10 Fire Lift

Where applicable, fire lifts shall be provided with a minimum capacity for 8 passengers and fully automated with emergency switch on ground level. In general, buildings 15 m in height or above shall be provided with fire lifts. In case of fire, only fireman shall operate the fire lift. In normal course, it may be used by other persons. Each fire lift shall be equipped with suitable inter-communication equipment for communicating with the control room on the ground floor of the building. The number and location of fire lifts in a building shall be decided after taking into consideration various factors like building population, floor area, compartmentation, etc.

17.4.11 Additional requirements in case of Housing Schemes

Following amenities shall be provided in any housing scheme and shall be counted in FSI

- i) Fitness Centre, Crèche, society office cum letter box room, admeasuring area of about 20 sq.m. in scheme having minimum 100 flats and thereafter additional 20 sq.m. area for every 300 flats.
- ii) Sanitary block for servants having maximum area of 3.00 sq.m. in schemes having minimum 100 flats and thereafter additional 3.00 sq.m. area for every 200 flats.
- iii) Drivers room of size 12 sq.m. with attached toilet in schemes having minimum 100 flats and thereafter additional 10 sq.m. area for every 300 flats.

In case of scheme having more than 1000 flats, the above amenities shall be reasonably provided keeping in view the above requirements.

18.0 FIRE PROTECTION REQUIREMENTS

All buildings shall be planned, designed and constructed to ensure fire safety and this shall be done in accordance with Part IV of Fire Protection of National Building Code of India and Maharashtra Fire Prevention and Life Safety Measures Act, 2006, In case of buildings identified in Regulation no. 6.2.6.1., the building schemes shall also be cleared by the Fire Officer, Fire Brigade Authority.

19.0 SPECIAL REQUIREMENTS OF OTHER BUILDINGS:-**19.1 Educational buildings.**

- 19.1.1** Educational building shall only be permitted if area as mentioned below is available for playground.

Sr.No.	Area of land	Area of Play Ground
(i)	Upto 5 Hec	40%
(ii)	Above 5 Hec	For first 5 hec. 40% and for remaining 20%

However, this provision shall not be applicable to already approved existing building wherein construction of additional floor is proposed.

- 19.1.2** No classroom shall admeasure less than 38 sq. m. with a min dimension of 5.50 m
- 19.1.3** The height of any classroom shall not be less than 3.60 m.

19.2 Institutional Buildings

(Hospital, Maternity Homes and Health Centre, Sanatoria).

- 19.2.1** Hospitals and Sanatoria, preferably, shall be constructed on independent plot.
- 19.2.2** Every building shall have a refuge collection area of minimum 7.50 sq. m. size. The same shall not be allowed in marginal distances. Modern method of incineration of the refuge may be adopted.

19.3 Cinema Theatre/Multiplex

- 19.3.1** Construction of Cinema Theatre / Multiplex shall confirm to the provisions of Maharashtra Cinema (Regulations) Rules, 1966, as amended from time to time.

19.4 Mercantile Buildings.

- 19.4.1** Minimum area of shop shall be 6 Sq. m. with a minimum width of 2.0 m.

19.5 Industrial Building

- 19.5.1** In the case of Industrial Buildings with different operations/processes, the different (gaseous, solid, liquid) effluents shall be so treated, subject to the approval of Maharashtra Prevention of Water Pollution Control Board and Chief Inspector of Steam Boilers and Smoke Nuisance, before letting it out in to the air, ground or water course.
- 19.5.2** For construction of industrial building, buffer zone of 23 m. wide shall be left from residential or incompatible zone, wherever necessary. Such buffer zone may be part of sizable required recreational open space. Roads and marginal distance may also be treated as part of buffer zone. However, area of such buffer zone shall be counted in gross area for computation of FSI. Where green belt is shown in development plan between residential and industrial zone, area of such green belt shall be counted in gross area for calculation of FSI.

Provided that marginal distance for a building shall not be exclusive of buffer zone.

The floor height for industrial building shall be as per requirement.

PART VI
PARKING, LOADING AND UNLOADING SPACES

20.0 PARKING, LOADING AND UNLOADING SPACES: -

20.1 Parking spaces ó

Wherever a property is to be developed or redeveloped, parking spaces at the scale laid down in these Regulations shall be provided. When 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. The provisions for parking of vehicles shall be as given in **Table No. 14**.

20.1.1 General space requirements

- (i) **Types:** The parking spaces mentioned below include parking spaces in basements or on a floor supported by stilts, podium or on upper floors, covered or uncovered spaces in the plot and / or lock up garages. The height of the stilt shall generally be allowed upto 3 m. More height may be allowed in case of shopping malls, hotels etc. as per requirements.
- (ii) **Size of parking space -** The minimum sizes of parking spaces to be provided shall be as shown below in **Table No.13**

Table No- 13		
S.No.	Type of Vehicle	Minimum Size/ area of parking space
(1)	(2)	(3)
(a)	Motor vehicle	2.5 m X 5 m
(b)	Scooter, Motor Cycle.	1.0 m. x 2.0 m.
(c)	Bicycle	0.50 m x 1.4 m.
(d)	Transport vehicle	3.75 m. X 7.5 m.
Note:	In the case of parking spaces for motor vehicle, upto 50 percent of the prescribed space may be of the size of 2.3 m. X 4.5 m.	

- (iii) **Marking of parking spaces:** Parking space shall be paved and clearly marked for different types of vehicles.
- (iv) **Maneuvering and other ancillary spaces:** 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 maneuvering of vehicles.
- (v) **Ramps for Basement parking :-** Ramps for parking in basement should conform to the requirement of Regulation no.17.4.6.
- (vi) **Bus bay for schools / multiplex / assembly buildings/group housing:-** While granting development permission, a bus bay of required size shall be provided along main road on which plot abuts. This shall be applicable for housing scheme having more than 500 flats.

Table No 14
Off Street Parking Spaces

Sr. No.	Occupancy	One parking Space for every	Core Area			Outside Core Area		
			Car	Scooter	Cycle	Car	Scooter	Cycle
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	Residential i) Multi-family residential	(a) 1 Tenements having built-up area more than 100sq.m.	1	1	1	1	2	2
		(b) 1 tenements having built-up area between 50 to 100 sq.m.	0	3	3	1	1	1
		(c) 2 tenements having built-up area upto 50 sq.m.	0	4	4	1	2	2
	ii) Lodging establishments tourist homes, hotels with lodging accommodation.	(a) For every five guest rooms	1	3	3	2	2	2
	iii) Restaurants	(a) For hotel, eating houses 25sq.m. of area of restaurant including kitchen, pantry hall, dining rooms etc.	0	2	2	1	2	2
	iv) Three and above star hotels	For every five guest rooms	2	3	3	3	2	2
2.	Institutional (Hospital, Medical Institutions)	For 100 sq.m. built-up area or fraction thereof.	1	2	3	2	4	4
3.	Assembly (theatres, cinema houses, concert halls, auditoria, assembly halls including those of college and hostels)	For every 40 Seats.	1	2	5	2	7	7
4.	MangalKaryalaya / Marriage Halls, Cultural Halls	For every 100 sq.m. built up area / covered area or fraction thereof.	1	3	3	2	5	5
5.	Educational – i) Primary School	100 sq.m.built up area or fraction thereof entire built-up area	0	3	3	1	4	4
	ii) Secondary School	100 sq.m.built up area or fraction	0	1	5	1	4	6

		thereof of the entire built up area.						
	iii) College	100 sq.m.built up area or fraction thereof of the entire built up area.	0	2	6	1	5	6
6.	Government or semipublic or private business buildings.	100 sq. m. built up area or fraction thereof	1	2	2	2	4	4
7.	Mercantile (markets, departmental stores, shops and other Commercial users) including wholesale markets	100 sq. m. built up area or fraction thereof	1	2	2	2	4	4
8.	Industrial	200 sq. m. built-up area or fraction thereof	1	2	2	1	4	4
9.	Storage (any type)	200 sq. m. built-up area or fraction thereof	0	2	2	1	2	2
10.	Plots less than 200 sq.m. (any use)		0	1	1	0	1	1

Note 1 :- For plots upto 100 sq. m. as in the case of shops, row houses parking space need not be insisted.

Note 2 :- Fraction of parking unit need not be provided. However, in case where proportional number of vehicles is less than 1 (i.e. fraction) it will be rounded to the next full number.

Note 3 :- In case of independent single family residential bungalows having plot area upto 300 sq. m., parking space need not be insisted separately.

Note 4 :- Further a garage shall be allowed in rear or side marginal distance at one corner having minimum dimension of 2.5 m. x 5.0 m. & maximum dimension 3 m. x 6 m. i.e. minimum 12.5 sq.m. and maximum 18.0 sq.m. built up area.

Note 5 :- Mechanical Parking shall be permissible in case of parking provided over and above the requisite parking requirements stipulated under these regulation.

- 20.2** Off street parking space shall be provided with adequate vehicular access to a street, and the area of drives, aisles and such other provisions required for adequate maneuvering of vehicle shall be exclusive of the parking space stipulated in these regulations.
- 20.3** To meet the parking requirements as per these regulations, common parking area for group of buildings, open or multi-storeyed, may be allowed in the same premises.
- 20.4** In addition to the parking spaces provided for building of Mercantile (Commercial) like office, market, departmental store, shopping mall and building of industrial and storage, loading and unloading spaces 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. of floor area, shall be provided. The space shall not be less than 3.75 m. x 7.5 m.
- 20.5** Parking lock up garages shall be included in the calculation for floor space for F.S.I. calculations.
- 20.6** The space to be left out for parking as given in Regulation no. 20.1 to 20.5 shall be in addition to the marginal distances left out for lighting and ventilation purposes as given in Regulation no.15.6. Those spaces may be used for parking provided minimum distance of 3 m. (6.0 m. in case of special building mentioned in Regulation no.6.2.6.1) around the buildings is kept free of any parking or loading and unloading spaces excepting the buildings as mentioned in Regulation no.20.5.
- 20.7** In case of parking spaces provided in basements, at least two separate ramps of adequate width and slope for entry and exit (as per Regulation no. 17.4.6) shall be provided preferably at opposite ends.
- 20.8** In addition to the regular parking area as per this regulation, provisions for visitors parking at 5% of the regular parking required under these regulations shall be made in respect of residential buildings.

PART VII
ACQUISITION / DEVELOPMENT OF RESERVED SITES IN DEVELOPMENT PLAN

21.0 MANNER OF DEVELOPMENT OF RESERVED SITES IN DEVELOPMENT PLAN (ACCOMMODATION RESERVATION PRINCIPLE)

The use of land situated within the Municipal Corporation limit which has been reserved for certain public purpose in the development plan may be allowed to be developed / redeveloped according to provisions mentioned in **Table No. 15**.

When owner is allowed to develop the reservation, he should have exclusive ownership/ title of the land without any restriction under ULC or any other Act or regulation in force.

Table 15
THE MANNER OF DEVELOPMENT OF RESERVED SITES

Sr. No.	Reservation	Person / Authority who may develop	Conditions subject to which development is permissible
(1)	(2)	(3)	(4)
1.	Residential (R)		
	(a) Public Housing	Planning Authority/ Owner Appropriate Authority/ Owner	Planning Authority may acquire the reserved land and develop OR the Municipal Commissioner may allow the owner to develop the land under reservation, subject to handing over of 50% land to Planning Authority in lieu of FSI on remaining land or TDR. If the owner agrees to handover land along with built up area to the Planning Authority, then he shall be further entitled to additional FSI against built-up area on remaining land or TDR on principles mentioned in TDR regulations. The owner shall be entitled to develop remaining land for the uses permissible in adjoining zone.
	(b) Reservation similar as above	Appropriate Authority/ Owner	
2.	Commercial		
	(a) Municipal Market	Planning Authority/ Owner	Planning Authority may acquire the reserved land and develop OR the Municipal Commissioner may allow the owner to develop the land under reservation, subject to handing over of 50% of built-up area along with 50% of land or land share to the Planning Authority in the form of shops /stores / offices etc., as per designs approved by him in lieu of FSI on remaining land or TDR, against land / land share and construction on principles mentioned in TDR regulations. The owner shall be entitled to develop remaining land for the uses permissible in adjoining zone.
	(b) Vegetable	Planning Authority/	Planning Authority may acquire the reserved land and develop OR the Municipal Commissioner may allow the owner to

	Market	Owner	develop the land under reservation, subject to handing over of 50% land to Planning Authority in lieu of FSI on remaining land or TDR. If the owner agrees to handover land along with built up area to the Planning Authority, then he shall be further entitled to additional FSI against built-up area on remaining land or TDR on principles mentioned in TDR regulations. The owner shall be entitled to develop remaining land for the uses permissible in adjoining zone.
3.	Transportation		
	(a) Bus Stand	M.S.R.T.C./ Planning Authority/ Private Bus Operatorsø Association/ Owner.	Planning Authority or M.S.R.T.C OR Private Bus Operatorsø Association may acquire the reserved land and develop OR the Municipal Commissioner may allow the owner to develop the land under reservation, subject to handing over of 50% of built-up area along with 50% of land or land share to the Planning Authority in the form of developed bus terminus as per designs approved by him in lieu of FSI on remaining land or TDR, against land / land share and construction on principles mentioned in TDR regulations. The owner shall be entitled to develop remaining land or composite building for the uses permissible in adjoining zone.
	(b) Truck Terminus	Planning Authority/ Owner	Planning Authority may acquire the reserved land and develop OR the Municipal Commissioner may allow the owner to develop the land under reservation, subject to handing over of 50% land to Planning Authority in lieu of FSI on remaining land or TDR. If the owner agrees to handover land along with built up area to the Planning Authority, then he shall be further entitled to additional FSI against builtup area on remaining land or TDR on principles mentioned in TDR regulations. The owner shall be entitled to develop remaining land for the uses permissible in adjoining zone.
	(c) Parking	Planning Authority/ Owner	<p>Planning Authority may acquire the reserved land and develop OR the Municipal Commissioner may allow the owner to develop the land under reservation, subject to handing over of parking area equivalent to reserved site to Planning Authority in lieu of entitlement to the owner, to develop the said land for the uses permissible in adjoining zone with full permissible FSI under these regulations.</p> <p>He shall also be entitled to additional FSI against the handed over constructed parking area on said land or TDR on principles mentioned in TDR regulations.</p> <p>The operation and the maintenance of the facility shall be decided by the Municipal Commissioner. Parking spaces to be handed over, may be in basement or under the stilts or on upper floors with separate entry & exit.</p>

5. Public - Semi-public			
	(a) Medical Amenity	Planning Authority / Owner	Planning Authority may acquire the reserved land and develop OR the Municipal Commissioner may allow the owner to develop the land under reservation, subject to handing over of 50% of built-up area along with 50% of land or land share to the Planning Authority according to the norms prescribed by the Municipal Commissioner, in lieu of FSI on remaining land or TDR, against land / land share and construction on principles mentioned in TDR regulations. The owner shall be entitled to develop remaining land for the uses permissible in adjoining zone. For development of reservation of Government offices by the owner, preference shall be given to allot the constructed area to Town Planning and Valuation Department.
	(b) Govt. Offices		
	(c) Fire Brigade Station		
	(d) Reservation similar to above		
6. Educational			
	(a) Educational Amenity	Planning Authority / Owner/ Public Authority	The Planning Authority may acquire the reserved land and develop OR Public Authority; may be allowed to acquire and develop the reservation OR The owner may be allowed to develop the reservation.
7. Assembly and recreation			
	(a) Auditorium/ Drama Theatre	Planning Authority / owner	Planning Authority may acquire the reserved land and develop OR the Municipal Commissioner may allow the owner to develop the land under reservation, subject to handing over of 50% of built-up area along with 50% of land or land share to the Planning Authority according to the norms prescribed by the Municipal Commissioner, in lieu of FSI on remaining land or TDR, against land / land share and construction on principles mentioned in TDR regulations. The owner shall be entitled to develop remaining land for the uses permissible in adjoining zone.
	(b) Stadium (c) Play Ground (d) Recreational Centre (e) Garden (f) Park	Planning Authority / owner	<p>Planning Authority may acquire the reserved land and develop OR the Municipal Commissioner may allow the owner to develop the land under reservation, subject to handing over of 75% land to Planning Authority in lieu of following.</p> <p>i) The owner shall be entitled to develop remaining 25% land for the uses permissible in adjoining zone, with FSI of 2.5 on the said gross 25% land irrespective of anything contained in these regulations.</p> <p>ii) The owner shall be entitled for TDR of the above 75% land on the principles mentioned in the TDR regulations deducting the quantum of TDR utilised on 25% land to achieve FSI of / upto 2.5 over and above basic permissible FSI.</p> <p>iii) If the owner agrees to develop the amenity in the form of garden or play ground or sports complex on the 75% land and hands over to Planning Authority, then he shall be further</p>

			entitled to additional TDR against such development on principles mentioned in TDR regulations.
9.	Public Utilities		
	(a) Water Works	Planning Authority/ Appropriate Authority	-
	(b) Cremation Ground		
	(c) Burial Ground		
	(d) Solid Waste Facility		
	(e) Sewage Treatment Plant		
	(f) Slaughter House		
	(g) Electric Sub Station		
10.	Public Amenity		
	Public Amenity	Planning Authority/ Owner	Planning Authority may acquire the reserved land and develop OR Municipal Commissioner may allow the owner to develop the reservation for any of the purposes with corresponding conditions of development, mentioned above, taking into consideration need in the area.
NOTE:			
<p>i) The above permissions for development of reservations shall be granted by the Municipal Commissioner as per the norms mentioned in these regulations. Such permission may be granted by the Municipal Commissioner where the land is not actually put to acquisition under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or proposal to that effect is not under process.</p> <p>ii) In case of composite reservations, the percentage of the use shall be decided by the Commissioner taking into consideration use and requirements.</p> <p>iii) Where development of reservation is in a single building, then built-up area proportionate with land share may be allowed to be handed over to the Planning Authority or Appropriate Authority, as the case may be.</p> <p>iv) A parking area required under these regulations for the area to be handed over, shall be provided, earmarked and handed over to the planning authority along with built up area to be handed over under these regulations.</p> <p>v) If the area under the reservation is owned by more than one owners, then, atleast 50% area shall be necessary for partial development of reservation.</p>			

- vi) If the total area of the reservation is less than 0.20 Hec., then, such reservation shall not be eligible for development under this regulation.
- vii) Where the appropriate authority is other than planning authority then, the cost of amenity as per tenement / office / shop rate in ASR, shall be paid to the planning authority in the following manner.
- a. If appropriate authority is the State Government / State Government Departments or undertaking then 25% of the cost as per annual statement of rate, shall be paid to planning authority.
- Out of this 25% cost, 15% shall be paid to the planning authority at the time of request to the planning authority, after agreeing of the owner for developing the said reservation, under these regulations and remaining 10% shall be paid after handing over the possession of the constructed amenity, to the said appropriate authority.
- b. If appropriate authority is other than planning authority, the State Government / State Government Departments or undertaking then 100% of the cost of land as per annual statement of rate, shall be paid to planning authority.
- Out of this 100% cost, 75% shall be paid to the planning authority at the time of request to the planning authority, after agreeing the owner for developing the said reservation and remaining 25% shall be paid after handing over the possession of the constructed amenity, to the said appropriate authority.
- viii) The area / built-up area to be handed over to the planning authority under these regulations, shall be earmarked on the sanctioned building plan clearly mentioning the same, and agreement to that effect shall be executed. After completion of construction, the said amenity shall be handed over by executing the deed of transfer in this respect and expenses thereon shall be borne by the owner.

22.0 TRANSFERABLE DEVELOPMENT RIGHTS:

For acquisition of land under the development plan proposals, 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 when the authority actually intends to develop or intends to acquire the land for development of reservations under Section 126(1)(b) of the Maharashtra Regional and Town Planning Act and subject to the Regulations mentioned below.

22.1. APPLICABILITY

The owner or lessee of a plot of land which is reserved for a public purpose or new road or widening of road, in the Draft Published or Sanctioned Development plan and for additional amenities deemed to be reservations provided in accordance with these regulations, shall be eligible for the award of Transferable Development Rights (TDR) in the form of Floor Space Index (FSI) to the extent and on the conditions set-out below against the surrender of land free of cost and free from all encumbrances.

Such award will entitle the owner of the land to FSI in the form of Development Rights Certificate (DRC) which he may use himself or transfer to any other person.

However in case of lessee, the award of TDR shall be subject to lessee paying the lessor or depositing with the Planning Authority, for payment to the lessor, an amount equivalent to the value of the lessor's interest to be determined by the said Authority on the basis of provisions of, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, against the area of land surrendered free of cost and free from all encumbrances.

22.1.1 The Cases for eligibility of TDR shall be as mentioned below

22.1.1.1 Cases eligible for TDR

- a) TDR may be allowed as per these regulations for prospective acquisition and development of land under any development plan proposal after sanction of these regulations.
- b) Where layout is sanctioned after 9th May 1996, but before the sanction of these regulations and possession has not been taken over by the Municipal Corporation, then TDR shall be permissible for the width of road over and above the width that would have been necessary according to length as per then regulations.
- c) In other cases except covered under (b), where reserved land is surrendered to the Corporation after 9th May 1996, but before sanction of these regulations, and where no compensation has been paid in any form, TDR may be allowed as per these regulations.
- d) Cluster TDR as per Regulation no 40.7
- e) Slum TDR.
- f) Surrender of land of green belt along Godavari river for 'Goda Park' at the request of Municipal Commissioner.
- g) Surrender of front margin of plots on notified roads for pedestrian pathways.
- h) For handing over land along nallas for cycle track as per regulation no.11.11

22.1.1.2 Cases not eligible for TDR

- a) Where layout is already sanctioned and possession of the development plan road is taken over by the Municipal Corporation, prior to sanction of these regulations.
- b) Where award has been declared under the Land Acquisition Act or possession is already been delivered to Municipal Corporation under any Act / DCR having received part or full compensation or amount of compensation is deposited in Treasury / Court.
- c) Where lands under the development plan proposals are surrendered before 9th May 1996.
- d) For development plan roads included in final layout sanctioned before 9th May 1996.
- e) For any existing user or any required compulsory or recreational open space.

22.1.2 In addition to the provision mentioned in Regulation no. 22.1 above, the owner will be eligible for Development Rights (DRs) to the extent stipulated in these Regulations, if he hands over the constructed amenity on the reserved land free of cost to the Planning Authority if Municipal Commissioner and the owner agrees to do so.

22.1.3 Notwithstanding anything contained herein, the owner shall also be eligible for Development Rights (DRs) to the extent stipulated in these regulations, if existing authorised construction of a owner is required to be demolished or acquired for new road, or widening of road proposed in the sanctioned development plan.

22.1.4 The owner shall also be entitled for award of TDR in lieu of land surrendered to planning authority while developing the reservation under accommodation reservation principle provided, FSI of such surrendered land is not utilised on the remaining plot.

22.1.5 The owner shall also be entitled for award of TDR in lieu of surrender of land at the request of the Municipal Commissioner, shown for green belt along the Godavari River in development plan, for development of 'Goda Park' by Municipal Corporation.

- 22.1.6** If the Municipal Commissioner desires to acquire the front marginal distances along the notified road for this purpose for development of pedestrian walkways, then owner shall be entitled for award of TDR amounting 35% of the area of such marginal distances. For this purpose, the Municipal Commissioner shall first notify the road in the Government gazette and local newspaper as and when required.
- 22.1.7** Development Rights (DRs) will be granted to an owner or lessee only for reserved lands which are not vested and handed over to the Government and not exempted under section 20 or 21 of the then Urban Land (Ceiling and Regulations) Act, 1976 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 schemes sanctioned under section 20 or 21 of the said Act, the grant of Development Rights (DRs) shall be to such extent and subject to such conditions as the Government may specify. The provisions of these regulations shall be subject to the orders issued by the Government from time to time in this regard.

22.2 GENERATION OF TDR

- 22.2.1** DRs shall be granted and DRC shall be issued only after the reserved land is surrendered to the Municipal Corporation, free of cost and free of encumbrances and after leveling the land to the surrounding ground level and in case of reserved land other than development plan road, after constructing a 1.5 m. high barbed wire fencing with a gate, at the cost of the owner and to the satisfaction of the Municipal Commissioner. The cost of any transaction involved shall be borne by the owner or lessee.

Provided that construction of barbed wire fencing and gate may not be insisted where it is not desirable to do so, in such case the entitlement of TDR shall be as prescribed in these regulations.

- 22.2.2** The TDR shall be in the form of FSI which shall entitle the owner for construction of built-up area subject to provisions in these regulations. This FSI credit shall be issued in a certificate which shall be called as Development Right Certificate. For Surrender of the gross area of the reserved plot (except area under development plan road), the owner shall be entitled for TDR in the proportion of 1 : 2 in outside core area and 1:2.5 in core area irrespective of zone from where it is originated / generated. In case of surrender of land under reservation without construction of fencing and gate, the owner shall be entitled for TDR in the proportion of 1:1.85 and 1:2.3 and in case of surrender of land under development plan road, the owner shall be entitled for TDR in the proportion of 1:1.85 in outside core area and 1:2.3 in core area. The utilisation of this TDR shall be subject to the provisions in these regulations.

For example,

If 100 sq.m. area is surrendered with fencing and gate against development plan reservation in outside core area, then owner shall be entitled to TDR of 200 sq.m.

If 100 sq.m. area is surrendered against development plan road in core area, then owner shall be entitled to TDR of 230 sq.m.

- 22.2.3** Development Rights Certificate (DRC) shall be issued by the Municipal Commissioner or an officer not below the rank of Deputy Director of Town Planning to whom such powers are delegated by him. It 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 from where it is generated and the rate of that plot given in the Annual Statement of Rates issued by the Registration Department for the concerned year. The DRC shall be issued only after satisfactory compliance of the condition prescribed in these regulations.

- 22.2.4** DRC shall be a certificate printed on bond paper in appropriate form, prescribed by the Municipal Commissioner. Such a certificate shall be a transferable negotiable instrument after authentication by the Municipal Commissioner or an officer authorised by him. He shall maintain a register in a form considered appropriate by him of all transaction relating to grant of or utilisation of DRs
- 22.2.5** If any contiguous land in addition to the land under reservation for which TDR is given remains unbuildable, the Municipal Commissioner may grant TDR for such land also. The Municipal Commissioner shall take care that such land is utilised for road side parking, road side garden, open space, road side amenities, public toilet etc., or may include such land in reservation itself.
- 22.2.6** When an owner or lessee with prior approval of Municipal Commissioner, also develops or constructs the amenity on the surrendered plot at his cost subject to such stipulations as may be prescribed by the Municipal Commissioner or the appropriate authority, as the case may be, and to the satisfaction of the Municipal Commissioner and hands over the said developed/constructed amenity to the Municipal Commissioner free of cost, he may be granted by the Municipal Commissioner a further DR in the form of FSI equivalent to the 1.25 times amount worked out by dividing cost of construction of the amenity by land rate per sq.m. as per annual statement of rates.

$$\text{TDR in sq.m.} = \frac{\text{Cost of construction of amenity in rupees}}{\text{Land rate per sq.m. as per annual statement of rates of the respective year}} \times 1.25$$

- 22.2.7** While surrendering the land for new road, or road widening proposed in the sanctioned development plan, the Municipal Commissioner desires to acquire the existing authorised structure affected by such proposal, then owner may be granted a further DR in the form of FSI equivalent to the amount worked out by dividing depreciated cost of existing authorised construction by land rate per sq.m. as per annual statement of rates.

$$\text{TDR in sq.m.} = \frac{\text{Depreciated cost of existing construction in rupees}}{\text{Land rate per sq.m. as per annual statement of rates of the respective year}}$$

- 22.2.8** In cases where plots which are already developed with full FSI potential and vacant area of such plot is subjected to acquisition for road widening, TDR may be permitted only to the extent of 35% of the otherwise permissible TDR.

22.3 UTILISATION OF TDR

- 22.3.1** Where an owner seeks utilisation of DRs, he shall, with application for development permission, submit the DRC to the Municipal 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, he shall endorse on the DRC in writing in figures and words the quantum of DRs actually used and the balance remaining thereafter, if any, before issue of Occupation Certificate.

- 22.3.2** The TDR generated from any land use zone shall be utilised on any receiving plots irrespective of the land use zone and shall be as per formula given below:

Formula: $X = (R_g / R_r) \times Y$

Where, X = Utilisation of DR in sq.m on receiving plot

R_g = Rate in Rs. per sq.m. as per ASR of generating plots in generating year

R_r = Rate in Rs. per sq.m. as per ASR of receiving plot in generating year

Y = TDR debited from DRC in sq.m.

- 22.3.3** DRs may be used on one or more plots of land including development plan reservations of buildable nature whether vacant or already developed; by erection of additional storeys or in any other manner consistent with these regulations, but so as not to exceed in any plot, total maximum permissible FSI limit mentioned in Regulation no.15.4

Provided that utilisation of TDR shall also be permissible on a plot developed under accommodation reservation principal remained with the owner after handing over the area to the planning authority.

- 22.3.4** DRC shall not be valid for use in special township area and core area shown on development plan.
- 22.3.5** If a holder of DRC intends to transfer it to any other person, he will submit the DRC to the Municipal 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 available for use only by the earlier original holder.

22.4. VESTING OF LAND

The surrendered reserved land for which a DRC is to be issued shall vest in the Municipal Corporation or the State Government / Appropriate Authority, if the appropriate authority is other than the Municipal Corporation and such land shall be transferred in the City Survey Records / Revenue Records in the name of the Municipal Corporation or the State Government / Appropriate Authority as the case may be, and shall vest absolutely in the said Authority. Where the appropriate authority is other than planning authority then, the cost of land shall be paid to the planning authority in the following manner.

1. If appropriate authority is the State Government / State Government Departments or undertaking then 25% of the cost of land as per annual statement of rate, shall be paid to planning authority.

Out of this 25% cost, 15% shall be paid to the planning authority at the time of request to the planning authority, after agreeing of the owner for handing over of said reservation in lieu of TDR and remaining 10% shall be paid after handing over the possession of the land to the said appropriate authority.

2. If appropriate authority is other than planning authority, the State Government / State Government Departments or undertaking then 100% of the cost of land as per annual statement of rate, shall be paid to planning authority.

Out of this 100% cost, 75% shall be paid to the planning authority at the time of request to the planning authority, after agreeing of the owner for handing over of said reservation in lieu of TDR and remaining 25% shall be paid after handing over the possession of the land to the said appropriate authority.

22.5. PHASE PROGRAMME:

The Municipal Commissioner shall draw up in advance and make public from time to time a phased annual programme for generation / grant of TDR in the form of DRCs prioritising revised development plan reservations as mentioned below.

- i) The reservation for which notice u/s 49 has been confirmed or notice under section 127 has been served.
- ii) Acquisition and construction of proposed roads in the development plan
- iii) For the reserved site which are not covered under the accommodation reservation principle.
- iv) Other remaining reservations.

Provided that in urgent cases the Municipal Commissioner may, for reasons to be recorded in writing, grant DRCs as and when considered appropriate and necessary.

Provided further that, generally no reservation shall be acquired in lieu of TDR, which are not required to be developed immediately except as mentioned in regulation (i) above.

22.6 OTHER STIPULATIONS

22.6.1 The DRs generated under these regulations, shall be utilised within 10 years from issuance of the certificate and thereafter such certificate shall lapse.

22.6.2 These regulations shall not be applicable for utilisation of TDR generated prior to sanction of these regulations. The said DR shall be utilised on the lines of earlier regulations mentioned in Regulation no.22.7.

22.7 UTILISATION OF DR'S GRANTED PRIOR TO COMING INTO THE FORCE OF THESE REGULATIONS

The Utilisation of DRs granted prior to coming into the force of these regulations, shall be utilised in accordance with the following provision.

22.7.1 Utilisation of DRs originated from surrendered plots, shall not be permitted to be utilised, in the following areas irrespective of wherefrom, these are originated.

- a) All core areas within the limits of Corporation, shown on the development plan.
- c) Area within the limits of CIDCO and M.I.D.C. so long as, these are special planning Authority.

22.7.2 Subject to clause 2.1 above, utilization of DRs shall be permitted in manner given below.

Sector from which D.R. originated	Sector where D.R can be utilised
Sector -Aø	In Sectors B,C & D
Sector -Bø	In Sectors B,C & D
Sector -Cø	In Sectors C & D
Sector -Dø	In Sectors D

Note : Utilisation of DRs (F.S.I.) on the receiving plots shall be subject to use provisions of the respective zone.

22.7.3 For this purpose, the city has been divided into four sectors, namely A, B, C & D sectors.

Sector A : i. Core areas within the limits of the Nashik Municipal Corporation excluding the core areas of village Makhmalabad Mhasrul, Adgaon, Manpur, Dasak, Panchak, Anadwali, Gangapur, Satpur, Kamathwada, Ambadkothrud, Wadale Chehedi, Deolali, Pimpalgaon khamb, Dahegaon, etc. which are situated at the outskirts of the Corporation limit.

ii. Area under Town Planning scheme, Nashik No.1.

Sector B : i. Area under Town Planning scheme, Nashik No.2

ii. Area of village Deolali, bounded within the limits as given below.

Towards East : By Railway line.

Towards North : By Nashik Pune Road.

Towards West : By Mahatma Gandhi Road (Lam Road)

Towards South : Subhash road from M.G. Town hall to Railway Station.

Sector C : Areas within the limits of the erstwhile Municipal Councils Nashik, Nashik road, Deolali & Satpur Excluding areas of sectors A & B.

Sector D : Remaining areas within the limits of Nashik Municipal Corporation.

Note : The map showing these sectors shall be prepared by the Municipal Commissioner and shall be used for utilization of DRØs issued prior to coming into force of this regulation.

PART VIII
ADDITIONAL FSI IN CERTAIN CATEGORIES
IN NON-CORE AREAS

23.0 GENERAL

Additional Floor space index may be allowed in certain categories as mentioned below and subject to following conditions:

- a) The percentage of additional FSI shall be applicable on basic FSI, permissible in the said area.
- b) Such additional FSI shall be available for basic use only and other permissible uses shall be allowed within the basic Permissible FSI.
- c) The amount recovered by way of premium for additional FSI shall be deposited in separate infrastructure development fund and shall be utilised for development/ up-gradation of infrastructure related to the concerned projects.

23.1 ROAD WIDENING AND CONSTRUCTION OF NEW ROADS

The Municipal Commissioner may permit on the same plot, additional FSI of the area required for road widening or for construction of a new road proposed under the Development Plan, if the owner (including the lessee) of such land surrenders such land for road widening or construction of new road without claiming any monetary compensation in lieu thereof and hand over the same free of encumbrances to the satisfaction of the Municipal Commissioner. FSI generated against the surrender of land, shall be in proportion to the provisions mentioned in Regulation no.22.2.2 of TDR and may be utilised on the remaining land. If desired by the owner, TDR may be granted against such surrendered land instead of utilizing FSI on remaining land. Such TDR shall be allowed to be utilised as a Development Rights in accordance with the rules regulating Transfer of Development Rights (TDR). Thereafter, the road shall be transferred in the city survey records/revenue records in the name of the Municipal Corporation and shall vest in it becoming part of a public street.

Provided further that, this concession shall not be granted in respect of

- a) Roads in the areas of Town Planning Scheme which are the proposals of the scheme.
- b) Cases mentioned in Regulation no. 22.1.1.2 of TDR.

Note 1 : This regulation shall also be applicable to core area.

Note 2 : Area for road widening /service road proposed to NH/ SH/ MDR/ ODR, may also be included in gross plot area for computation of FSI. However, in such cases, TDR nor the FSI on the lines of TDR shall be allowed.

23.2 EDUCATIONAL, MEDICAL INSTITUTIONS, INSTITUTIONAL BUILDINGS, BANKS AND STARRED CATEGORY HOTELS

The Municipal Commissioner may, on such terms and conditions as he may specify grant additional 100 percent FSI on basic permissible FSI, in respect of educational, medical and institutional buildings, Nationalised and District central co-operative banks, hotels with minimum three star category approved by the Department of Tourism, GOI, subject to payment of premium as decided by Government from time to time to the Municipal Corporation.

23.3 BUILDINGS OF GOVERNMENT AND SEMI-GOVERNMENT OFFICES AND PUBLIC SECTOR UNDERTAKINGS

The Municipal Commissioner may grant additional 150 percent FSI on basic permissible FSI in the case of buildings of Government and Semi-Government offices and public sector undertakings. Such additional FSI shall be granted without payment of premium.

23.4 BUILDINGS OF POLICE DEPARTMENT

In case of buildings of Department of Police, Police Housing Corporation, Jail and Home Guard of Government of Maharashtra for use as their Staff Quarters / offices, development shall be permissible with additional 150 percent FSI on basic permissible FSI. Commercial use shall be permissible to the extent permissible in residential zone, irrespective of the zone where land of police department is located. Such additional FSI shall be without payment of premium.

23.5 THE LAND IN POSSESSION OF MAHARASHTRA STATE ROAD TRANSPORT CORPORATION

Land in possession of Maharashtra State Road Transport Corporation may be allowed to be developed for additional 50 percent FSI on basic permissible FSI including commercial and other uses permissible in residential zone. Such additional FSI shall be without payment of premium.

23.6 RELIGIOUS BUILDING

The Municipal Commissioner may grant additional 50 percent FSI on basic permissible FSI in respect of buildings for religious purpose of registered Public Trust, subject to following terms & conditions.

- i) The religious building shall be on independent plot having area not less than 500 sq.m.
- ii) No Objection Certificate shall be obtained from concerned Police Authority and Collector before applying for permission.
- iii) Additional FSI shall be used for religious purpose only. Ancillary residential user may be permissible within 10% of total area. No commercial user shall be permissible.
- iv) The additional FSI shall be permissible to existing authorised religious users subject to structural stability.
- v) The additional FSI shall be granted on payment of premium. Such premium shall be recovered at the rate of 25% of the market value of the land as per the Annual Statement of Rate or as decided by the Government from time to time.
- vi) The total premium shall be paid to the to the Municipal Corporation.

23.7 YATRI NIWAS, YOUTH HOSTEL

The Municipal Commissioner may grant additional 50 percent FSI on basic permissible FSI in respect of building constructed by registered Charitable Trust for yatri niwas, youth hostel, subject to following terms & conditions.

- i) The building shall be on independent plot having minimum plot area of 1000 sq.mt.
- ii) The additional FSI shall be granted on payment of premium. Such premium shall be recovered at the rate of 25% of the market value of the land as per the Annual Statement of Rate or as decided by the Government from time to time.
- iii) The total premium shall be paid to the Municipal Corporation.

23.8 BIOTECHNOLOGY UNITS/ PARKS

The Municipal Commissioner may grant additional 100 percent FSI on basic permissible FSI for biotechnology units/ parks approved by Director of Industries, including those, located in Agriculture Zone proposed in the Development Plan subject to following condition:

- i) Out of total built up area minimum 90% shall be used for Biotechnology purpose and maximum 10% shall be used for ancillary users.
- ii) The additional FSI shall be granted on payment of premium. Such premium shall be recovered at the rate of 25% of the market value of the land as per the Annual Statement of Rate or as decided by the Government from time to time.
- iii) The total premium shall be paid to the Municipal Corporation.

23.9 INFORMATION TECHNOLOGY ESTABLISHMENT

The Municipal Commissioner may grant additional 100 percent FSI on basic permissible FSI to IT/ITES units approved by Director of Industries, including those located in Agriculture Zone proposed in the Development Plan subject to following conditions:-

- i) The additional FSI shall be granted on payment of premium. Such premium shall be recovered at the rate of 25% of the market value of the land as per the Annual Statement of Rate or as decided by the Government from time to time.
- ii) The total premium shall be paid to the Municipal Corporation.
- iii) While developing site for IT/ITES with additional FSI, users ancillary to the principal users as may be approved by the Directorate of Industries, shall also be allowed.

23.10 DEVELOPMENT / REDEVELOPMENT OF HOUSING SCHEMES OF MAHARASHTRA HOUSING AND AREA DEVELOPMENT AUTHORITY

- 1) The FSI for a new scheme on vacant lands of low Cost Housing Scheme for Economically Weaker Section, Low Income Groups and Middle Income Groups of MHADA having at least 60 percent built-up area of the tenements under EWS, LIG and MIG categories, shall be 2.50
- 2) For redevelopment of any existing housing scheme of MHADA, undertaken by the MHADA departmentally or jointly with societies /occupiers of buildings or housing societies/ occupiers of building or by lessees of MHADA or by developer, the FSI shall be as under.-
 - a) Total permissible FSI shall be maximum 2.5 on gross plot area.
 - b) The incentive FSI admissible against the FSI required for rehab shall be as under:-
 - i) In congested area, for the area upto 4000 sq. m., the incentive FSI admissible will be 50 percent.
 - ii) In congested area, for the area above 4000 sq.m., the incentive FSI admissible will be 60 percent.
 - iii) In outside congested area, for the area upto 4000 sq.m., the incentive FSI admissible will be 60 percent.
 - iv) In outside congested area, for the area above 4000 sq.m., the incentive FSI will be 75 percent.
 - c) Difference between 2.5 FSI and the FSI required for rehab + incentive shall be shared

between MHADA and Occupiers Society/ developer in the ratio of 2:1

- d) In the scheme, for the land allotted for societies of MIG and HIG and developed plot allotted individually to MIG and HIG group, the permissible FSI shall be as per prevailing Development Control and Promotion Regulations
- 3) In case of grant of NOC with additional permissible built-up area outside congested area over and above the permissible FSI as per sanctioned DCR prevailing at the time of allotment by MHADA for the purpose of undertaking Redevelopment / Utilisation, MHADA shall charge premium at the rate decided by Government in Housing Department from time to time.
- 4) For the purpose of calculating the FSI, the entire area of the layout including development plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered. Sub-division of plots will be permissible on the basis of compulsory recreational open space as in these Regulations. For low cost Housing Schemes of MHADA for EWS, LIG categories, the Regulations in the Schedule below shall apply.
- 5) For the purpose of this Regulation, the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.
- 6) For the offsite infrastructure, MHADA shall pay to the municipal council 12.5 percent of the charges collected by MHADA for the grant of additional FSI (FSI over and above the normally permissible FSI) for the Redevelopment Schemes
- 7) In any Redevelopment Scheme where the Co-operative Housing Society / Developer appointed by the Co-operative Housing Society has obtained No Objection Certificate from the MHADA thereby sanctioning additional balance FSI with a consent of 70 percent of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation) then it shall be obligatory for all the occupiers/ members to participate in the Redevelopment Scheme and vacate the existing tenements, for the purpose of redevelopment. In case of failure to vacate the existing tenements the provisions of Section 95-A of the MHADA Act mutatis mutandis shall apply for the purpose of getting the tenements vacated from the non-cooperative members
- 8) A corpus fund, as may be decided by MHADA, shall be created by the Developer which will remain with societies for its maintenance.

SCHEDULE

The following provisions shall be applicable only for Low Cost Housing Schemes i.e. Economically Weaker Sections and Low Income Group Housing Schemes only undertaken by Maharashtra Housing & Area Development Authority (MHADA)

1. Minimum Plot Size:-

- (a) In the case of a growing house for EWS and LIG category 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 certificates shall be granted initially to the first phase only and subsequent certificates 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 size 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 sloping roof shall be minimum 2.5 m. with minimum height of 2 m. at the eaves. In the case of a flat roof, minimum clear height shall be 2.6 m. for a habitable room. Kitchen areas shall have minimum clear height/average height of 2.4 m. and bath and water closet (without loft) shall have a clear minimum height of 2.2 m.
- (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.
2. **External walls:-** 115 mm, thick external brick wall without plaster shall be permitted
3. **Staircases:-** Single flight staircases without landing between the two floors shall be permitted.
4. **Front marginal distance:-** The front marginal distance from roads having width of 9.14 m. and below shall be a minimum of 1.5 m for buildings with height of upto 10 m.
5. **Marginal Distance (side and rear):-** The distance between two ground floor structures shall be of a minimum of 4.5 m for purpose of light and ventilation of habitable rooms. In case of toilets deriving light and ventilation from open space, the distance between the two ground floor structures shall be a minimum of 1.5 m.
6. **Pathways:-**
The widths of pathways shall be as follows :-
- (i) 1.5 m. width of pathways upto 20 m. in length;
 - (ii) 2.0 m. width for pathways upto 30 m. in length;
 - (iii) 2.5 m. width for pathways upto 40 m. in length;
 - (iv) 3.0 m. width for pathways upto 50 m. in length
7. **Flushing cistern:-** In water closets, flushing cistern shall not be essential and toilets without this provision may be permitted
8. **Water closet pan size:-** The water closet seat shall be of a minimum of 0.46 m. (18 inches) in length.
9. **Septic tank and leaching pits (soak pits):-**A septic tank shall be provided with capacity of 141.6 litres (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.
10. **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 set-back of 1.5m and a minimum plot area of 25.2 sq.m is available and is provided.
11. **Recreation Ground:-** In the layouts, provision for recreation ground shall be on the lines prescribed in these Regulations

12. **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 percent of such space shall be utilised for such purposes.
13. Other provisions of these regulations shall continue to be applicable for such schemes.

23.11 BASIC SHELTER FOR URBAN POOR

Any housing scheme for EWS/LIG, undertaken by planning authority, Government / semi Government organisation, under the basic shelter for urban poor or similar programme / scheme of the Central / State Government, may be allowed FSI upto 2.5.

Provided that, the scheme of affordable housing for EWS / LIG in the form of tenements of size ranging from 30 to 50 sq.m. built-up area to be undertaken by the Municipal Corporation shall be entitled for FSI upto 2.5.

23.12 REDEVELOPMENT OF EXISTING BUILDINGS

While reconstructing any existing building in whole or in part, the entitlement of FSI without any charges shall be equal to the authorisedly utilised FSI, including TDR / additional FSI/premium FSI, if any. In addition to this, said development shall also be entitled for FSI, additional FSI, premium FSI, if any, permissible under these regulations.

23.13 REDEVELOPMENT OF DANGEROUS BUILDINGS

Reconstruction in whole or in part of any user which existed prior to these regulations which has ceased to exist in consequence of accidental fire / natural collapse or demolition for the reasons of the same having been declared unsafe by or under a lawful order of the Municipal Commissioner, shall be allowed with FSI of original authorised building or FSI Permissible as per these regulations, whichever is maximum plus 15% incentive FSI.

23.14 DEVELOPMENT OF PUBLIC PARKING

The owner may be allowed to develop his land other than reserved in the development plan for single or multi-storeyed public parking on specified roads, in lieu of additional FSI, subject to handing over the same to the Municipal Corporation subject to following conditions.

- i) The minimum area of plot shall be 500 sq.mt. in core area 1000 sq.mt. in non-core area. The owner may develop the public parking on entire plot or part of it. The construction of public parking shall be RCC construction of stilt type or podium or enclosed type in the basement. The minimum car parking spaces shall not be less than 40 and parking plan along with maneuvering spaces. The location of parking spaces can be in basement, ground floor or upto upper 4 floors, with access through ramps/lift or combination of both subject to clearance from Chief Fire Officer.
- ii) On receipt of the proposal from the owner, the commissioner shall forward it to the Committee under the Chairmanship of Municipal Commissioner, which may approve the plots for public parking, on the basis of suitability and need in the area. The Committee shall comprise of (i) Joint Director of Town planning or his representative (ii) Deputy Commissioner of Police (Traffic) or his representative (iii) Deputy/ Assistant Director of Town Planning, Municipal Corporation (iv) City engineer, Municipal Corporation.
- iii) The FSI given on this count will be over and above the FSI permissible under any other provisions of DCPR. This compensatory FSI shall be allowed to be used on the same plot without any cap or limit. However, construction should be in conformity with other regulations

of DCPR.

- iv) Concerned land owner/developer/society/company shall not be allowed to operate the public parking.
- v) Area covered under parking shall not be counted towards FSI consumption.
- vi) The compensatory or additional FSI to be granted against the construction of public parking shall be as follows.

1	<p>Location - Within the area of 500 mt. from precincts of Railway Stations, S.T. Bus Depots existing Govt./semi Govt. & Corporation Offices, Tourist Places identified by Tourism Department, Important Religious places of Worship (Registered under Charity Act) etc. having inadequate public parking facilities.</p> <p>Permissible additional FSI = $\frac{\text{(Finished construction rate as per ASR)} \times \text{area of parking}}{\text{ASR rate of the land.}}$</p>
2.	<p>In other areas</p> <p>Permissible additional FSI = $0.9 \times \frac{\text{(Finished construction rate as per ASR)} \times \text{area of parking}}{\text{ASR rate of the land.}}$</p>

- vii) If the owner wishes to avail TDR without consuming FSI in-situ, he may be granted the same and utilisation of the such TDR shall be according to TDR Regulation no.22.

23.15 DEVELOPMENT OF HOUSING FOR EWS/LIG

If the owner constructs the housing for EWS / LIG section of the society in the form of tenements of size upto 50 sq.mt on his plot, then he shall be entitled for basic FSI of 2.00 subject to following conditions.

- i) Out of the total tenements, at least 40% tenements shall be of area not more than 30 sq.mt.
- ii) Only one tenement should be sold to a family. Adjoining tenement should not be sold to a close relative such tenement owner. Affidavit to that effect shall be obtained from the land owner / developer.

Notwithstanding anything contained in these regulations, the development of such housing scheme shall be entitled for concession as given below

- i) Marginal distances (except front margin), the room sizes, parking and other requirements shall be as per the slum rehabilitation scheme mentioned in Regulation no.41.
- ii) If such building exceeds height of 24 m, then it shall be subject to provisions of special buildings mentioned in Regulation no.6.2.6.1

PART IX
STRUCTURAL SAFETY, WATER SUPPLY, DRAINAGE & SANITARY
REQUIREMENTS, OUTDOOR DISPLAY AND OTHER SERVICES

24.0 STRUCTURAL DESIGN

24.1 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 6. Structural design Section 1-Loads, courses and effects, Section 2-Soils and Foundation, Section-3-Timber and Bamboo, Section 4-Masonry, Section 5-Concrete, Section 6-Steel, Section-7-Prefabrication, systems building and mixed / composite construction of National Building Code of India, amended from time to time.

25.0 QUALITY OF MATERIALS AND WORKMANSHIP

25.1 All materials and workmanship shall be of good quality conforming generally to accepted standards of Public Works Department of Maharashtra and Indian Standard Specifications and Codes as included in Part 5 - Building Materials and Part 7 - Construction Practices and Safety of National Building Code of India, amended from time to time

25.2 All borrow pits dug in the course of construction and repair of buildings, roads, embankments etc. shall be deep and connected with each other in the formation of a drain directed towards the lowest level and properly stopped 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.

26.0 ALTERNATIVE MATERIALS, METHODS OF DESIGN & CONSTRUCTION AND TESTS

26.1 The provision of the regulations are not intended to prevent the use of any material or method of design or construction, not specifically prescribed by the regulations, provided any such alternative has been approved.

26.1.1 The provision of these regulations is also not intended to prevent the adoption for architectural planning and layout conceived as an integrated development scheme.

26.2 The authority may approve any such alternative provided it is found that the proposed alternative is satisfactory and conform 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 the rules in quality, strength, compatibility, effectiveness, fire rating and resistance, durability and safety.

26.3 **Tests:** Whenever there is insufficient evidence of compliance with the provisions of the regulations of evidence that any material or method of design or construction does not conform to the requirements of the rules or in order to substantiate claims for alternative materials, design or methods of construction, the Municipal Commissioner may require tests sufficient in advance as proof of compliance. These tests shall be made by an approved agency at the expense of the owner.

26.3.1 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 the regulations, the Authority shall determine the test procedure. For methods of tests for building materials; reference may be made to

relevant Indian standards as given the National Building Code of India, published by the Bureau of Indian Standards. The latest version of the National building Code of India shall be taken into account at the time of enforcement of these rules.

- 26.3.2** Copies of the results of all such tests shall be retained by the authority for a period of not less than two year after the acceptance of the alternative material.

27.0 BUILDING SERVICES

27.1 The planning, design and installation of electrical installations, air-conditioning and heating work shall be carried out in accordance with Part 8 - Building Services, Section 2-Electrical and allied Installations, Section 3-Air Conditioning, heating and mechanical ventilation of National building Code of India, amended from time to time.

27.2 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, height of building shall be in accordance with Section-5 installation of Lifts and Escalators of National Building Code of India, amended from time to time. In existing buildings, in case of proposal for one additional floor, existing lift may not be raised to the additional floor.

- 27.2.1** The lifts shall be maintained in working order properly.

28.0 WATER SUPPLY, DRAINAGE AND SANITARY REQUIREMENTS.

28.1 The planning, design, construction and installation of water supply, drainage and sanitation and gas supply systems shall be in accordance with the provisions of Part 9 - Plumbing Services- Section 1 Water Supply, Drainage and Sanitation, Section 2 - Gas supply of National Building Code of India as amended from time to time.

28.2 Requirements of water supply in building.

The total requirements of water supply shall be calculated based on the population as given below:

Occupancy	Basis
Residential Building	5 persons per tenement
Other Buildings	No. of persons on occupant load and area of floors given in Table No.11.

- 28.2.1** The requirements of water supply for various occupancies shall be as given in **Table 16** and **17** or as specified by the Municipal Commissioner from time to time.

Table No. 16		
PER CAPITA WATER REQUIREMENTS FOR VARIOUS OCCUPANCIES/USES		
Sr. No	Type of Occupancy	Consumption per head per day (in liters)
1	Residential	
	(a) in living units	135
	(b) Hotels with lodging accommodation (per bed)	180
2	Educational:	
	(a) Day Schools	45

	(b) Boarding Schools	135
3	Institutional (Medical Hospitals):	
	(a) No. of beds not exceeding 100	340
	(b) No. of beds exceeding 100	450
	(c) Medical quarters and hostels	135
4	Assembly-Cinema theatres, auditorium etc. (per seat of accommodation).	15
5	Government and Semi-public business.	45
6	Mercantile (Commercial)	
	(a) Restaurants (per seat)	70
	(b) Other business buildings.	45
7	Industrial	
	(a) Factories where bathrooms are to be provided	45
	(b) Factories where no bath-rooms are required to be provided.	30
8	Storage (including warehousing)	30
9	Hazardous	30
10	Intermediate / Stations (excluding mail and express stops).	45 (25)*
11	Junction Stations	70 (45)*
12	Terminal / Stations.	45
13	International and domestic Airports.	70

The value in parenthesis is for stations where bathing facilities are not provided.

NOTE: The number of persons for Sr. No. (10) to (13) shall be determined by the average number of passengers, handled by the station daily; due consideration may be given to the staff and workers likely to use the facilities.

Table No. 17		
FLUSHING STORAGE CAPACITIES		
Sr.No.	Classification of building	Storage capacity.
(1)	(2)	(3)
1	For tenements having common convenience	900 liters net per w. c. seat.
2	For residential premises other than tenements having common convenience	270 liters net for one w. c. seat and 180 liters for each additional seat in the same flat.
3	For Factories and Workshops	900 liters per w. c. seat and 180 liters per urinal seat.

4	For cinemas, public assembly halls, etc.	900 liters per w. c. seat and 350 liters per urinal seat.
---	--	---

29.0 DRAINAGE AND SANITATION REQUIREMENTS

29.1 General

There should be at least one water tap and arrangement for drainage in the vicinity of each water-closet or group of water-closets in all the buildings.

29.1.1 Each family dwelling unit on premises (abutting on a sewer or with a private sewage disposal system) shall have, at least, one water-closet and one kitchen type sink. A bath or shower shall also be installed to meet the basic requirement of sanitation and personal hygiene.

29.1.2 All other structures for human occupancy or use on premises, abutting on a sewer or with a private sewage disposal system, shall have adequate sanitary facilities, but in no case less than one water-closet and one other fixture for cleaning purposes.

29.1.2 For Residences

29.2.1 Dwelling with individual convenience shall have at least the following fitments:

- a) One bathroom provided with a tap and a floor trap,
- b) One water-closet with flushing apparatus with an ablution tap; and
- c) One tap with a floor trap or a sink in kitchen or wash place.

29.2.2 Dwelling without individual conveniences shall have the following fitments:

- a) One water tap with floor trap in each tenement,
- b) One water-closet with flushing apparatus and one ablution tap, bath for every two tenements, and
- c) One bath with water tap and floor trap for every two tenements.

29.3 For Buildings Other than Residences

29.3.1 The requirements for fitments for drainage and sanitation in the case of buildings other than residences shall be in accordance with **Table 18 to Table 31**. The following shall be, in addition, taken into consideration:

- a) The figures shown are based upon one (1) fixture being the minimum required for the number of persons indicated or part thereof.
- b) Building categories not included in the tables shall be considered separately by the Municipal Commissioner.
- c) Drinking fountains shall not be installed in the toilets.
- d) Where there is the danger of exposure to skin contamination with poisonous, infectious or irritating material, washbasin with eye wash jet and an emergency shower located in an area accessible at all times with the passage / right of way suitable for access to a wheel chair, shall be provided.
- e) When applying the provision of these tables for providing the number of fixtures, consideration shall be given to the accessibility of the fixtures. Using purely numerical basis may not result in an installation suited to the need of a specific building. For example, schools should be provided with toilet facilities on each floor. Similarly toilet facilities shall be provided for

temporary workmen employed in any establishment according to the needs; and in any case one WC and one washbasin shall be provided.

- f) All buildings used for human habitation for dwelling work, occupation, medical care or any purpose detailed in the various tables, abutting a public sewer or a private sewage disposal system, shall be provided with minimum sanitary facilities as per the schedule in the tables. In case the disposal facilities are not available, they shall be provided as a part of the building design for ensuring high standards of sanitary conditions in accordance with this section.
- g) Workplaces where crèches are provided, they shall be provided with one WC for 10 persons or part thereof, one washbasin for 15 persons or part thereof, one kitchen sink with floor tap for preparing food / milk preparations. The sink provided shall be with a drinking water tap.
- h) In all types of buildings, individual toilets and pantry should be provided for executives and for meeting / seminar / conference rooms, etc. as per the user requirement.
- i) Where food is consumed indoors, water stations may be provided in place of drinking water fountains.

30.0 SIGNS AND OUTDOOR DISPLAY STRUCTURES

30.1 The display of advertising signs on buildings and land, shall be in accordance with Part 10, Section 2 "Signs and outdoor display structures" of National Building Code of India as amended from time to time.

30.2 Prohibition of advertising signs and outdoor display structure in certain cases - Notwithstanding the provisions of sub-regulations 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 Municipal Commissioner or on Government Buildings save that in the case of Government buildings only advertising signs or outdoor display structure may be permitted if they relate to the activities for the said buildings own purposes or related programmes.

Table 18 - Office Buildings

Sr. No.	Fixtures	Public Toilets		Staff Toilets	
		Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
i)	Executive Rooms and Conference Halls in Office Buildings Toilet suite comprising one WC, one washbasin (with optional shower stall if building is used round the clock at user's option) Pantry optional as per user requirement	Unit could be common for Male / Female or separate depending on the number of user of each facility		For individual officer rooms	
ii)	Main Office Toilets for Staff and Visitors				
	a) Water-closet	1 per 25	1 per 15	1 per 25	1 per 15
	b) Ablution tap with each water-closet	1 in each water-closet			
	c) Urinals	Nil up to 6 1 for 7-20 2 for 21-45 3 for 46-70 4 for 71-100	-	Nil up to 6 1 for 7-20 2 for 21-45 3 for 46-70 4 for 71-100	-
		Add @ 3% for Add @ 2.5 %	101-200	101-200	
			Over 200	Over 200	
	d) Washbasins	1 per 25	1 per 25	1 per 25	1 per 25
	e) Drinking water fountain	1 per 100	1 per 100	1 per 100	1 per 100
	f) Cleaner's sink	1 per floor			

Table 19- Factories

Sr. No.	Fixtures	Offices/Visitors		Workers	
		Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
i)	Water-closets (Workers & Staff)	1 for up to 25 2 for 16-35 3 for 36-65 4 for 66-100	1 for up to 15 2 for 16-25 3 for 26-40 4 for 41-57 5 for 58-77 6 for 78-100	1 for up to 15 2 for 16-35 3 for 36-65 4 for 66-100	1 for up to 12 2 for 13-25 3 for 26-40 4 for 41-57 5 for 58-77 6 for 78-100
	For persons 101-200 add	3 %	5 %	3 %	5 %
	For persons over 200 add	2.5 %	4 %	2.5 %	4 %
ii)	Ablution tap	1 in each WC	1 in each WC	1 in each WC	1 in each WC
iii)	Urinals	Nil up to 6 1 for 7-20 2 for 21-45 3 for 46-70 4 for 71-100	-	Nil up to 6 1 for 7-20 2 for 21-45 3 for 46-70 4 for 71-100	-
	For persons 101-200 add	3 %		3 %	
	For persons over 200 add	2.5 %		2.5 %	
iv)	Washbasins Washbasins in rows or troughs and taps spaced 750 mm c/c	1 per 25 or part thereof	1 per 25 or part thereof	1 per 25 or part thereof	1 per 25 or part thereof
v)	Drinking water fountain	1 per every 100 or part thereof with minimum one on each floor		1 per every 100 or part thereof with minimum one on each floor	
vi)	Cleaner's sink	1 on each floor	1 on each floor	1 on each floor	1 on each floor
vii)	Showers/Bathing rooms	As per trade requirements			
viii)	Emergency shower and eye wash fountain	-	-	1 per every shop floor per 500 persons	
NOTE For factories requiring workers to be engaged in dirty and dangerous operations or requiring them to be in extremely clean and sanitized conditions additional and separate (if required so) toilet facilities and if required by applicable Industrial and Safety Laws and the Factories Act must be provided in consultation with the user.					

Table 20 - Cinema, Multiplex Cinema, Concerts and Convention Halls, Theatres

Sr. No.	Fixtures	Public		Staff	
		Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
i)	Water-closets	1 per 100 up to 400 Over 400, add at 1 per 250 or part thereof	3 per 100 up to 200 Over 200, add at 2 per 100 or part thereof	1 for up to 15 2 for 16 - 35	1 for up to 12 2 for 13 - 25
ii)	Ablution tap	1 in each water-closet	1 in each water-closet	1 in each water-closet	1 in each water-closet
iii)	Urinals	1 per 25 or part thereof	-	Nil up to 6 1 for 7-20 2 for 21-45	-
iv)	Washbasins	1 per 200 or part thereof		1 for up to 15 2 for 16-35	1 for up to 12 2 for 13-25
v)	Drinking water fountain	1 per 100 persons or part thereof			
vi)	Cleaner's sink	1 per floor			
vii)	Showers/Bathing rooms	As per trade requirements			

- NOTES -**
- 1) Some WC's may be European style if desired
 - 2) Male population may be assumed as two-third and female population as one-third.

Table 21 - Art Galleries, Libraries and Museums

Sr. No.	Fixtures	Public		Staff	
		Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
i)	Water-closets	1 per 200 up to 400 Over 400 add at 1 per 250 or part thereof	1 per 100 up to 200 Over 200 add at 1 per 150 or part thereof	1 for up to 15 2 for 16-35	1 for up to 12 2 for 13-25
ii)	Ablution tap	One in each water-closet	One in each water-closet	One in each water-closet	One in each water-closet
		1 water tap with draining arrangements shall be provided for every 50 persons or part thereof in the vicinity of water-closets and urinals			
iii)	Urinals	1 per 50	-	Nil up to 6 1 per 7-20 2 per 21-45	-
iv)	Washbasins	1 for every 200 or part thereof. For over 400, add at 1 per 250 persons or part thereof	1 for every 200 or part thereof. For over 200, add at 1 per 150 persons or part thereof	1 for up to 15 2 for 16-35	1 for up to 12 2 for 13-25
v)	Drinking water fountain	1 per 100 persons or part thereof			
vi)	Cleaner's sink	1 per floor, Min			
vii)	Showers/Bathing rooms	As per trade requirements			
NOTES -					
1) Some WC's may be European style if desired.					
2) Male population may be assumed as two-third and female population as one-third.					

Table 22 - Hospitals with Indoor Patient Wards

Sr. No.	Fixtures	Patient Toilets		Staff Toilets	
		Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
i)	Toilet suite comprising one WC and one washbasin and shower stall	Private room with up to 4 patients		For individual doctorø / officerø rooms	
For General Wards, Hospital Staff and Visitors					
ii)	Water-closets	1 per 8 beds or part thereof	1 per 8 beds or part thereof	1 for up to 15 2 for 16-35	1 for up to 12 2 for 13-25
iii)	Ablution tap	1 in each WC	1 in each WC	1 in each WC	1 in each WC
		1 water tap with draining arrangements shall be provided for every 50 persons or part thereof in the vicinity of water-closets and urinals			
iv)	Urinals	1 per 30 beds	-	Nil up to 6 1 for 7 to 20 2 for 21-45	-
v)	Washbasins	2 for every 30 beds or part thereof. Add 1 per additional 30 beds or part thereof		1 for up to 15 2 for 16-35	1 for up to 12 2 for 13-25
vi)	Drinking water fountain	1 per ward		1 per 100 persons or part thereof	
vii)	Cleanerø sink	1 per ward		-	
viii)	Bed pan sink	1 per ward		-	
ix)	Kitchen sink	1 per ward		-	

NOTES -

- 1) Some WCø may be European style if desired.
- 2) Male population may be assumed as two-third and female population as one-third.
- 3) Provision for additional and special hospital fittings where required shall be made.

Table 23 - Hospitals - Outdoor Patient Department

Sr. No.	Fixtures	Patient Toilets		Staff Toilets	
		Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
i)	Toilet suite comprising one WC and one washbasin (with optional shower stall if building used for 24 h)	For up to 4 patients		For individual doctorø/officerø rooms	
ii)	Water-closets	1per 100 persons or part thereof	2 per 100 persons or part thereof	1 for up to 15 2 for 16-35	1 for up to 12 2 for 13-25
iii)	Ablution tap	1 in each WC	1 in each WC	1 in each WC	1 in each WC
		1 water tap with draining arrangements shall be provided for every 50 persons or part thereof in the vicinity of water-closets and urinals			
iv)	Urinals	1 per 50 persons or part thereof	-	Nil up to 6 1 per 7 to 20 2 per 21-45	-
v)	Washbasins	1per 100 persons or part thereof	2per 100 persons or part thereof	1 for up to 15 2 for 16-35	1 for up to 12 2 for 13-25
vi)	Drinking water fountain	1 per 500 persons or part thereof		1 per 100 persons or part thereof	

notes - 1) Some WCø may be European style if desired.

2) Male population may be assumed as two-third and female population as one-third.

3) Provision for additional and special hospital fittings where required shall be made.

Table 24 - Hospitals' Administrative Buildings

Sr. No.	Fixtures	Staff Toilets	
		Male	Female
(1)	(2)	(3)	(4)
i)	Toilet suite comprising one WC and one washbasin (with optional shower stall if building used for 24 h)	For individual doctorø/officerø rooms	
ii)	Water-closets	1per 25 persons or part thereof	1per 15 persons or part thereof
iii)	Ablution tap	One in each water-closet	One in each water-closet
		1 water tap with draining arrangements shall be provided for every 50 persons or part thereof in the vicinity of water-closets and urinals	
iv)	Urinals	Nil up to 6 1 per 7 to 20 2 per 21-45	-
v)	Washbasins	1per 25 persons or part thereof	1per 25 persons or part thereof
vi)	Drinking water fountain	1 per 100 persons or part thereof	
vii)	Cleanerø sink	1 per floor, Min	
viii)	Kitchen sink	1 per floor, Min	

note - Some WCø may be European style if desired.

Table 25 - Hospitals' Staff Quarters and Nurses Homes

Sr. No.	Fixtures	Staff Quarters		Nurses Homes	
		Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
i)	Water-closets	1 per 4 persons or part thereof	1 per 4 persons or part thereof	1 per 4 persons or part thereof 2 for 16-35	1 per 4 persons or part thereof 2 for 16-35
ii)	Ablution tap	One in each water-closet	One in each water-closet	One in each water-closet	One in each water-closet
		1 water tap with draining arrangements shall be provided for every 50 persons or part thereof in the vicinity of water-closets and urinals			
iii)	Washbasins	1 per 8 persons or part thereof	1 per 8 persons or part thereof		
iv)	Bath (Showers)	1 per 4 persons or part thereof	1 per 4 persons or part thereof		
v)	Drinking water fountain	1 per 100 persons or part thereof, minimum 1 per floor	1 per 100 persons or part thereof, minimum 1 per floor		
vi)	Cleaner's sink	1 per Floor	1 per Floor		

- NOTES -**
- 1) Some WC's may be European style if desired.
 - 2) For independent housing units fixtures shall be provided as for residences.

Table 26-Hotels

Sr. No.	Fixtures	Public Rooms		Non-Residential Staff	
		Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
i)	Toilet suite comprising one WC, washbasin with shower or a bath tub	Individual guest rooms with attached toilets		-	
Guest Rooms with Common Facilities					
ii)	Water-closets	1 per 100 persons up to 400 Over 400 add at 1 per 250 or part thereof	2 per 100 persons up to 200 Over 200 add at 1 per 100 or part thereof	1 for up to 15 2 for 16-35 3 for 36-65 4 for 66-100	1 for up to 12 2 for 13-25 3 for 26-40 4 for 41-57 5 for 58-77 6 for 78-100
iii)	Ablution tap	1 in each WC	1 in each WC	1 in each WC	1 in each WC
		1 water tap with draining arrangements shall be provided for every 50 persons or part thereof in the vicinity of water-closets and urinals			
iv)	Urinals	1 per 50 persons or part thereof	Nil, upto 6 persons 1 for 7-20 persons 2 for 21-45 persons 3 for 46-70 persons 4 for 71-100 persons	Nil up to 6 1 for 7 to 20 2 for 21-45 3 for 46-70 4 for 71-100	-

v)	Washbasins	1 per WC/Urinal	1 per WC	1 for up to 15 2 for 16-35 3 for 36-65 4 for 66-100	1 for up to 12 2 for 13-25 3 for 26-40 4 for 41-57
vi)	Bath (Showers)	1 per 10 persons or part thereof		-	-
vii)	Cleaner's sink	1 per 30 rooms, minimum 1 per floor			
viii)	Kitchen sink	1 per kitchen			
NOTES	1) Some WC's may be European style if desired. 2) Male population may be assumed as two-third and female population as one-third. 3) Provision for additional and special hospital fittings where required shall be made.				

Table 27 - Restaurants

Sr. No.	Fixtures	Public Rooms		Non-Residential Staff	
		Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)
i)	Water-closets	1 per 50 seats up to 200 Over 200 add at 1 per 100 or part thereof	2 per 50 seats up to 200 Over 200 add at 1 per 100 or part thereof	1 for up to 15 2 for 16-35 3 for 36-65 4 for 66-100	1 for up to 12 2 for 13-25 3 for 26-40 4 for 41-57 5 for 58-77 6 for 78-100
ii)	Ablution tap	1 in each WC	1 in each WC	1 in each WC	1 in each WC
		1 water tap with draining arrangements shall be provided for every 50 persons or part thereof in the vicinity of water-closets and urinals.			
iii)	Urinals	1 per 50 persons or part thereof	----	Nil up to 6 1 for 7-20 2 for 21-45 3 for 46-70 4 for 71-100	----
iv)	Washbasins	1 per WC	1 per WC	1 per WC	1 per WC
v)	Cleaner's sink	1 per restaurant			
vi)	Kitchen sink /Dish washer	1 per kitchen			

NOTES: 1) Some WC's may be European style if desired.

2) Male population may be assumed as two-third and female population as one-third.

3) Provision for additional and special fittings where required shall be made.

Table 28 - Schools and Educational Institutions

Sr. No.	Fixtures	Nursery School	Non-Residential		Residential	
			Boys	Girls	Boys	Girls
(1)	(2)	(3)	(4)	(5)	(6)	(7)
i)	Water-closets	1 per 15 pupils or part thereof	1 for 40 pupils or part thereof	1 per 25 pupils or part thereof	1 per 8 pupils or part thereof	1 per 6 pupils or part thereof
ii)	Ablution tap	1 in each WC	1 in each WC	1 in each WC	1 in each WC	1 in each WC
		1 water tap with draining arrangements shall be provided for every 50 persons or part thereof in the vicinity of water-closets and urinals.				
iii)	Urinals	----	1 per 20 pupils or part thereof	----	1 per 25 pupils or part thereof	----
iv)	Washbasins	1 per 15 pupils or part thereof	1 per 60 pupils or part thereof	1 per 40 pupils or part thereof	1 per 8 pupils or part thereof	1 per 6 pupils or part thereof
v)	Bath/Showers	1 per 40 pupils or part thereof	----	----	1 per 8 pupils or part thereof	1 per 6 pupils or part thereof
vi)	Drinking water fountain or taps	1 per 50 pupils or part thereof	1 per 50 pupils or part thereof	1 per 50 pupils or part thereof	1 per 50 pupils or part thereof	1 per 50 pupils or part thereof
vi)	Cleaner's Sink	1 per floor				

NOTES:

1) Some WC's may be European style if desired. 2) For teaching staff, the schedule of fixtures to be provided shall be the same as in case of office building.

Table 29 - Hostels

Sr. No.	Fixtures	Resident		Non-Resident		Visitor/Common Rooms	
		Male	Female	Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
i)	Water-closet	1 per 8 or part thereof	1 per 6 or part thereof	1 for upto 15 2 for 16-35 3 for 36-65 4 for 66-100	1 for upto 12 2 for 13-25 3 for 26-40 4 for 41-57 5 for 58-77 6 for 78-100	1 per 100 up to 400 Over 400 add at 1 per 250	1 per 200 up to 200 Over 200 add at 1 per 100
ii)	Ablution tap	1 in each WC	1 in each WC	1 in each WC	1 in each WC	1 in each WC	1 in each WC
		1 water tap with draining arrangements shall be provided for every 50 persons or part thereof in the vicinity of water-closets and urinals.					
iii)	Urinals	1 per 25 or part thereof	----	Nil up to 6 1 for 7-20 2 for 21-45 3 for 46-70 4 for 71-100	----	1 per 50 or part thereof	----
iv)	Washbasins	1 per 8 persons or part thereof	1 per 6 persons or part thereof	----	----	----	----
v)	Bath/Showers	1 per 8 persons or part thereof	1 per 6 persons or part thereof	----	----	----	----
vi)	Cleaner's Sink	1 per floor					

NOTE:Some WCø may be European style if desired.

Table 30 - Mercantile Buildings, Commercial Complexes, Shopping Malls, Fruit & Vegetable Markets

Sr. No.	Fixtures	Shop Owners		Common Toilets in Market/ Mall Building		Public Toilet for Floating Population	
		Male	Female	Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
i)	Water-closets	1 per 8 persons or part thereof		1 for up to 15 2 for 16-35 3 for 36-65 4 for 66-100	1 for up to 12 2 for 13-25 3 for 26-40 4 for 41-57 5 for 58-77 6 for 78-100	1 per 50 (Minimum 2)	1 per 50 (Minimum 2)
ii)	Ablution tap	1 in each WC	1 in each WC	1 in each WC	1 in each WC	1 in each WC	1 in each WC
		1 water tap with draining arrangements shall be provided in receiving / sale area of each shop and for every 50 persons or part thereof in the vicinity of water-closets and urinals.					
iii)	Urinals	----	----	Nil up to 6 1 for 7-20 2 for 21-45 3 for 46-70 4 for 71-100	----	1 per 50	----
iv)	Washbasins	1 per 8 persons or part thereof		1 for up to 15 2 for 16-35 3 for 36-65 4 for 66-100	1 for up to 12 2 for 13-25 3 for 26-40 4 for 41-57	----	----
v)	Bath / Showers	1 per 8 persons or part thereof	1 per 6 persons or part thereof	----	----	1 per 50 persons	1 per 50 persons

NOTES: 1) Toilet facilities for individual buildings in a market should be taken same as that for office buildings.

2) Common toilets in the market buildings provide facilities for persons working in shops and their regular visitors.

Table 31 - Airports and Railway Stations

Sr. No.	Fixtures	Junction Stations, Intermediate Stations and Bus Stations		Terminal Railway and Bus Stations		Domestic and International Airports	
		Male	Female	Male	Female	Male	Female
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
i)	Water-closet	3 for up to 1000 Add 1 per additional 1000 or part thereof	4 for up to 1000 Add 1 per additional 1000 or part thereof	4 for up to 1000 Add 1 per additional 1000 or part thereof	5 for up to 1000 Add 1 per additional 1000 or part thereof	Minimum 2 for 200 2 For 400 9 For 600 12 For 800 16 For 1000 18	Minimum 2 For 200 2 For 400 9 For 600 12 For 800 16 For 1000 18
ii)	Ablution tap	1 in each WC	1 in each WC	1 in each WC	1 in each WC	1 in each WC	1 in each WC
		1 water tap with draining arrangements shall be provided for every 50 persons or part thereof in the vicinity of water-closets and urinals.					
iii)	Urinals	4 for up to 1000 Add 1 per additional 1000	----	6 for up to 1000 Add 1 per additional 1000	----	1 per 40 or part thereof	----
iv)	Washbasins	1 per WC / Urinal	1 per WC	1 per WC / Urinal	1 per WC	1 per WC / Urinal	1 per WC
v)	Bath/Showers	2 per 1000		3 per 1000		4 per 1000	
vi)	Drinking water fountain or taps (in common lobby	2 per 1000 or part thereof		3 per 1000 or part thereof		4 per 1000 or part thereof	

	for male/ female)						
vii)	Cleaner's sink	1 per toilet compartment with 3 WCø	1 per toilet compartment with 3 WCø	1 per toilet compartment with 3 WCø	1 per toilet compartment with 3 WCø	1 per toilet compartment with 3 WCø	1 per toilet compartment with 3 WCø
viii)	Toilet for Disabled	1 per 4000	1 per 4000	1 per 4000	1 per 4000	1 per 4000 (Minimum 1)	1 per 4000 (Minimum 1)

NOTES:

1) Some WCø may be European style if desired. 2) Male population may be assumed as three-fifth and female population as two-fifth. 3) Separate provision shall be made for staff and workers.

PART X
SPECIAL PROVISIONS IN CERTAIN BUILDINGS

31.0 PROVISION OF FACILITIES FOR DIFFERENTLY ABLED PERSONS:

31.1 Definitions

- 1.1 Non-ambulatory Disabilities:** 6 Impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs.
- 1.2 Semi - ambulatory Disabilities:** - Impairments that cause individuals to walk with difficulty or insecurity, individuals using braces or crutches, amputees, arthritics, spastics, and those with pulmonary and cardiac ills may be semi-ambulatory.
- 1.3 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.
- 1.4 Sight Disabilities:** - Total blindness or impairments, which affect sight to the extent that the individual, functioning in public areas, is insecure or exposed to danger.
- 1.5 Wheel Chair:** - Chair used by disabled people for mobility. The standard size of wheel chair shall be taken as 1050 mm x 750 mm.

31.2 Scope:- These regulations are applicable to all buildings and facilities used by the public such as educational, institutional, assembly, commercial, business, mercantile buildings constructed on plot having an area of more than 2000 sq.m. It does not apply to private and public residences.

31.3 Site development:- Level of the roads, access paths and parking areas shall be described in the plan along with specification of the materials.

31.3.1 Access Path / Walk Way: - Access path from plot entry and surface parking to building entrance shall be minimum of 1800 mm wide having even surface without any steps. 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 emits different sound to guide visually impaired persons; hereinafter referred to as 'guiding floor material'). Finishes shall have a non-slip surface with a texture traversable by a wheel chair. Curbs wherever provided should blend to a common level.

31.3.2 Parking: For parking of vehicles of differently abled people, the following provisions shall be made-

- i) Surface parking for two car spaces shall be provided near entrance, with maximum travel distance of 30.0 m. from building entrance.
- ii) The width of parking bay shall be minimum 3.6 meter.
- iii) The information stating that the space is reserved for wheel chair users shall be conspicuously displayed.
- iv) 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.

31.4 Building requirements

The specified facilities for the buildings for differently abled persons shall be as follows:

- i) Approach to plinth level
- ii) Corridor connecting the entrance/exit for the differently abled.
- iii) Stair-ways
- iv) Lift
- v) Toilet
- vi) Drinking Water

31.4.1 Approach to plinth level - Every building should have at least one entrance accessible to the differently abled and shall be indicated by proper signage. This entrance shall be approached through a ramp together with the stepped entry.

31.4.1.1 Ramped Approach Ramp shall be finished with non-slip material to enter the building. Minimum width of ramp shall be 1800mm with maximum gradient 1:12. Length of ramp shall not exceed 9.0 meter having 800mm high hand rail on both sides extending 300mm beyond top and bottom of the ramp. Minimum gap from the adjacent wall to the hand rail shall be 50mm.

31.4.1.2 Stepped Approach :- For stepped approach size of tread shall not be less than 300mm and maximum riser shall be 150mm. Provision of 800mm high hand rail on both sides of the stepped approach similar to the ramped approach.

31.4.1.3 Exit/Entrance Door:- Minimum & clear opening of the entrance door shall be 900mm and it shall not be provided with a step that obstructs the passage of a wheel chair user. Threshold shall not be raised more than 12mm.

31.4.1.4 Entrance Landing:- Entrance landing shall be provided adjacent to ramp with the minimum dimension 1800mm x 2000mm. The entrance landing that adjoins 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 emits different sound to guide visually impaired persons hereinafter referred to as "guiding floor material"). Finishes shall have a non-slip surface with a texture traversable by a wheel chair. Curbs wherever provided should blend to a common level.

31.4.2 Corridor connecting the entrance / exit for the differently abled: The corridor connecting the entrance / exit for differently abled, 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 material" shall be provided or device that emits sound to guide visually impaired persons.
- b) The minimum width shall be 1500mm.
- 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.

31.4.3 Stair-ways - One of the stair-ways near the entrance / exit for the differently abled 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 300mm. 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.

31.4.4 Lifts - Wherever lift is required as per regulations, 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 person capacity of Bureau of Indian Standards.

Clear internal width	1100 mm
Clear internal width	2000 mm
Entrance door width	900 mm

- a) A hand rail not less than 600mm long at 1000mm above floor level shall be fixed adjacent to the control panel.
- b) The lift lobby shall be of an inside measurement of 1800 mm x 1800 mm or more.
- c) The time of an automatically closing door should be minimum 5 seconds 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 indicates that the door of the cage of entrance/exit is either open or closed.

31.4.5 Toilets - One special W.C. in a set of toilets shall be provided for the use of differently abled with essential provision of washbasin near the entrance for them.

- a) The minimum size shall be 1500 mm x 1750 mm.
- b) Minimum clear opening of the door shall be 900mm and the door shall swing out.
- c) Suitable arrangement of vertical/horizontal handrails with 50mm clearance from wall shall be made in the toilet.
- d) The W.C. seat shall be 500mm from the floor.

31.4.6 Drinking Water:-Suitable provision of drinking water shall be made for the differently abled near the special toilet provided for them.

31.4.7 Designing for Children - In the buildings meant for the pre-dominant use of the children, it will be necessary to suitably alter the height of the handrail and other fittings & fixtures, etc.

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. This 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, staircases 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 differently abled 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 20 mm high). For visually impaired persons, information board in brail 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 colour and properly illuminated because people with limited vision may be able to differentiate amongst primary colours. International Symbol Mark for wheel chair be installed in a lift, toilet, staircase, parking areas, etc., that have been provided for the differently abled.

32.0 INSTALLATION OF SOLAR ASSISTED WATER HEATING SYSTEM:

1. Solar water heating systems shall be installed in the building for hospitals, hotels, hostels, guest houses, police men/ army barracks, canteens, laboratories and research institutions, schools and colleges and other institutes, and housing schemes having more than 50 flats.
2. The hospitals and hotels, where the hot water requirements are of continuous nature, must be provided with auxiliary back-up system.
3. The installation of Gas instantaneous water heaters or electrical back-up in all such water heating system shall be optional depending on the nature of requirement of hot water.

32.1 Guidelines for design of new buildings

In order to facilitate the installation of Solar Water Heating System, the new buildings shall have the following provisions:

- i) All such buildings where solar water heating systems are to be installed will have open sunny roof area available for the installation of Solar Water Heating System.
- ii) The roof loading adopted in the design of such building should be atleast 50 kg per sq.m. for the installation of solar water heating system.
- iii) An Open area of 3 sq.m. would be required for installation of a collector which supplies about 100 liters of water per day. At least 60% of the roof area may be utilized for installation of the system.
- iv) Precaution should be taken that architectural elevation treatment should not cast shadow on terrace space. As far as possible, parapet of south, east and west sides of the terrace shall be of railing type (above 1 feet) such that it will not cast shadow on the solar collectors and maximum terrace space can be utilized.
- v) Solar Water Heating System can also be integrated with the building design. These can either be put on the south side sloping parapet. As far as possible the solar collectors shall be installed at an inclination of latitude + 15 degree to the south.
- vi) The capacity of the Solar Water Heating System to be installed on the building shall be decided on the basis of the average occupancy of the building. The norms for hospitals, hotels

and other functional buildings are given below.

Type of Building	Per capita capacity recommended (litre per day)
Residential ó Homes/Flats/etc.	25
Hospitals	100
Hotels Five Star	150
Hotels other than Five Star	100
Guest House	25
Policemen / Army Barrack	25
Hostels, Schools, Colleges and other institutions where hot water is needed	25
Laboratory and Research Institutions	As required

- vii) All the new buildings to be constructed shall have an installed hot water line from the rooftop and insulated distribution pipelines to each of the points where hot water is required in the building.
- viii) Whenever the hot water is utilized for cooking or for hospital purpose stainless steel storage tank & pipelines should be used.
- ix) If shadow free area is not available for installation of Solar Hot Water systems due to nearby high-rise buildings or structures or trees, in such cases solar water heating system may not be installed.

34.2 Guidelines for selection of Solar Water Heating Systems for all buildings.

Developers should follow the following guidelines for selection/installation of Water heating system.

- i) As far as possible, use of electrical storage type water heater should be discouraged and instant electrical water heater (4 and 5 star labeled) may be used.
- ii) In case control mechanism is not provided, at least 30% higher capacity system may be installed.
- iii) All renewable energy water heating systems/practices shall confirm to relevant Bureau of Indian Standards (IS 12933 Part (1&2)) and/or be obtained from Ministry of New and Renewable Energy, New Delhi, approved Manufacturers and their authorized dealers.
- iv) Both flat plate collector (FPC) type and Evacuated Tube Collector(ETC) type systems are eligible for installation. The installation of ETC type Solar Water Heating system shall be carried out as per the specifications / guidelines of MNRE, GoI .
- v) All products/practices adopted for generating hot water with renewable energy shall confirm to relevant Indian Standards or products from Manufacturers approved by Ministry of New and Renewable Energy, New Delhi.

32.3 Piping and insulation

The Solar Water Heater system piping can be done using medium class (B class) GI pipe as per IS1239 with proper insulation and cladding.

Any other pipe that can withstand high temperature upto 100 degrees C having less heat loss

character can be considered.

32.4 Other Requirements

- a) Vertical pipe risers serving storage water heaters and storage tanks not having integral heat traps and serving a non-recalculating system shall have heat traps on both, the inlet and outlet piping as close as practical to the storage tank.
- b) At least 50% of the heating requirement shall be met from solar heat/heat recovery.

32.5 Concession in House Tax

The building having solar assisted water heating system installed as per above norms shall be entitled for concession in house tax as decided by the Municipal Corporation subject to condition that the said system is in operation.

33.0 RAIN WATER HARVESTING

The provision for Rain Water Harvesting shall be made as under:

- a) All the layout recreational open spaces/amenity spaces of housing societies and new constructions/ reconstruction/ additions on plots having area, not less than 500 sq.mt., area shall have one or more Rain Water Harvesting structures having a minimum total capacity as detailed in Schedule.

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

- b) The owner/society of every building mentioned in the (a) above shall ensure that the Rain Water Harvesting structure is maintained in good condition for storage of water for non-potable purposes or recharge of groundwater at all times.
- c) The Authority may impose a levy of not exceeding Rs.1000/- per annum for every 100 sq.m. of built-up area for the failure of the owner of any building mentioned in the (a) above to provide or to maintain Rain Water Harvesting structures as required under these regulations

SCHEDULE

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

1. The following systems may be adopted for harvesting the rainwater drawn from terrace and the paved surface.
 - i) Open well of a minimum 1m dia and 6m in depth into which rain water may be channeled and allowed to filter for removing silt and floating material. The well shall be provided with ventilating covers. The water from the open well may be used for non-potable domestic purposes such as washing, flushing and for watering the garden etc.
 - ii) Rain Water Harvesting for recharge of groundwater may be done through a bore-well around which a pit of 1m width may be excavated upto a depth of at least 3m and refilled with stone aggregate and sand. The filtered rain water may be channeled to the refilled pit for recharging the bore-well.
 - iii) An impressive surface / underground storage tank of required capacity may be constructed in the setback or other open spaces and the rain water may be channeled to the storage tank. The storage tank shall always be provided with ventilating covers and shall have draw-off taps suitably placed so that rain water may be drawn off for domestic, washing, gardening and such other purposes. The storage tank shall be provided with an overflow.

- iv) The surplus rain water after storage may be recharged in to ground through percolation pits or trenches or combination of pits and trenches. Depending on the geomorphological and topographical conditions, the pits may be of the size of 1.20 m width X 1.20 m length X 2 m to 2.50 m depth. The trenches can be of 0.60 m width X 2 to 6 m length X 1.50 to 2 m depth. Terrace water shall be channeled to pits or trenches. Such pits or trenches shall be back filled with filter media comprising the following materials :-
- a) 40 mm stone aggregate as bottom layer upto 50% of the depth.
 - b) 20 mm stone aggregate as lower middle layer upto 20% of the depth.
 - c) Coarse sand as upper middle layer upto 20% of the depth.
 - d) A thin layer of fine sand as top layer.
 - e) Top 10% of the pits/trenches will be empty and a splash is to be provided in this portion in such a way that roof top water falls on the splash pad.
 - f) Brick masonry wall is to be constructed on the exposed surface of pits/trenches and the cement mortar plastered. The depth of wall below ground shall be such that the wall prevents loose soil entering into pits/ trenches. The projection of the wall above ground shall at least be 15 cm.
 - g) Perforated concrete slabs shall be provided on the pits/trenches.
 - h) If the marginal distances surrounding the building is not paved, the top layer up to a sufficient depth shall be removed and refilled with coarse sand to allow percolation of rain water into ground
- 2) The terrace shall be connected to the open well/bore-well/storage tank/ recharge pit/trench by means of HDPE / PVC pipes through filter media. A valve system shall be provided to enable the first washing from roof or terrace catchment, as they would contain undesirable dirt. The mouth of all pipes and opening shall be covered with mosquito (insect) proof wire net. For the efficient discharge of rain water, there shall be at least two rain water pipes of 100 mm dia. for a roof area of 100 sq.m.
- 3) Rain Water Harvesting structures shall be sited as not to endanger the stability of building or earthwork. The structure shall be designed such that no dampness is caused in any part of the walls or foundation of the building or those of an adjacent building.
- 4) The water so collected/recharged shall as far as possible be used for non-drinking and non-cooking purpose. Provided that when the rain water in exceptional circumstances will be utilised for drinking and/or cooking purpose, it shall be ensured that proper filter arrangement and the separate outlet for bypassing the first rain water has been provided.

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

34.0 GREY WATER REUSE

The grey water (bathroom and kitchen) reuse or recycling regulations are meant to reduce the requirement of potable treated water taking into consideration the increase in demand of water day by day and also to help sustainable development.

34.1 Application

These regulations shall be applicable to all new development of housing, commercial and industrial premises, which fall in the one of the following category.

- i) Housing complex having aggregate built-up area more than 10000 sq.m. or more.

- ii) Three star or higher category hotels.
- iii) Commercial establishment, hostels, having builtup area 10000 sq.m. or more.

Provided that these provision shall not be applicable to those constructions for which commencement certificate have been already been granted prior to sanction of these regulations.

34.2 Separation of grey water

The grey water shall be separated from wastes from toilets, by means of separate down take discharge system. The grey water shall be recycled by providing recycling plant and shall be reused for non-potable purposes after storing the same in the distinctly separate tank by means of purple coloured down take pipes. The water quality shall to conform to standards of non-potable water. The recycle water shall be tested once in a six months and the result shall be made available to Municipal Commissioner or his authorised officer, whenever demanded.

34.3 Separate plumbing for grey water and provision of recycling

Every developer shall provide in new construction, separate down take plumbing for grey water, water plant for recycling, storage and reuse fitting before the selling of tenement / building.

34.4 Reuse of grey water strictly for non-potable, non-contact use

The reuse of grey water shall be strictly for non-potable use by means of providing a distinctly separate reuse system coloured in purple. The non-contact uses shall be restricted to toilet flushing, drip irrigation of trees/shrubs, sub-surface irrigation of lawns and recharge of ground water.

34.5 No cross connection of potable and non-potable water

There shall not be cross connection of fittings of potable and non-potable water at any point. The recycle water system shall be maintained at a lower operating pressure than that of lower potable water system. Precautions should be taken at the makeup connection to prevent contamination.

34.6 Recycle water measurement

The recycled water shall be measured by means of flow meter / water meter before storing the same in separate water tank. The flow meter / water meter shall be read monthly by the occupier and shall make available the results whenever demanded.

PART XII
REGULATIONS FOR SPECIAL ACTIVITIES

35.0 MINING OR QUARRYING OPERATIONS:-

The Municipal Commissioner, may grant permission for Mining or Quarrying operations in agriculture zone on following conditions:

- i) Pits and holes created in the process of mining and quarrying should be appropriately filled up and not left open.
- ii) The site shall be restored so as to make it safe either by developing a garden or by planting fruit growing trees around it or by making it a water reservoir.
- iii) Mining & quarrying operation should be in a controlled manner, so that it would not cause nuisance to other.
- iv) Hill tops and hill slopes from which rain water flows should not be allowed to be used for mining and quarrying.
- v) The natural landscape and environment should not affect adversely.
- vi) Quarrying shall be regulated in accordance with the method to be prescribed by the District Collector.
- vii) Regulations prescribed by the Revenue authorities regarding, settlement and restoration of environment shall be strictly followed.
- viii) Quarrying shall not be permitted within 500m from the Core area (gaathan) / village settlements/ residential zone / existing development and from the national highway / state highway, rivers, water reservoir, lakes, forts, archeological sites, historical places and places of tourist interest.
- ix) The conditions prescribed under Maharashtra Minor Mineral Extraction Rules and Regulations shall be observed.

36.0. ERECTION OF MOBILE TOWERS:

Regulation for setting up of Telecommunication Cell Site(s)/Base Station(s) and installation of the equipments for Telecommunication Network in Municipal Corporation area.

36.1 Applicability:

This Regulation, shall apply to all existing and/or proposed Telecommunication Cell Sites/Base Stations installed or to be installed in Municipal Corporation area.

36.2 Control Over Development

No Telecommunication Cell Site/Base Station shall be setup or installed without the previous permission in writing of the Municipal Commissioner. The permission shall be granted in the same manner as prescribed under Sections 44 to 47 of the Maharashtra Regional and Town Planning Act, 1966.

If the Municipal Commissioner does not dispose of the application within a period of 60 days from the date of submission, the said application by the Telecom Service Provider/Infrastructure Provider

(TSP/IP) shall be deemed to have been approved as per the provisions under Section 45 of the Maharashtra Regional and Town Planning Act, 1966.

36.3 Procedure for Obtaining Development Permission

- A** All the applications for setting up or installation of any Telecommunication Cell Site/ Base Station (TCS/BS) or erection of a part thereof, shall be made to the Municipal Commissioner by the concerned Telecom Service Provider (TSP) or the concerned Infrastructure Provider (IP), in such form and containing such particulars as may be prescribed by the Municipal Commissioner.
- B** The application to the Municipal Commissioner for obtaining the aforesaid development permission shall be accompanied by the following documents-
- (a) All the documents as otherwise required to be attached for any development permission under the sanctioned Development Control Regulations for the area in which the site under application is located.
 - (b) Plans showing Location Map, Key Plan, Site Plan, Block Plan and Plans of the proposed work. In case of roof-top tower, the copy of Occupation Certificate or copy of sanctioned building plans or copy of Commencement Certificate issued by the Municipal Commissioner or any other valid proof, in respect of the building on which the erection of roof-top tower is proposed, showing that such building is authorised.
 - (c) Notarised consent of the Owner of premises, which shall mean and include consent of the owner of property or no-objection certificate of the concerned registered Co-op Housing Society or notarised consent of 70% of the total number legal occupants in case of Apartments or Condominium or no-objection certificate of the lessor in case of a lease -hold property.
 - (d) Copy of agreement between the TSP/IP and the Owner of premises.
 - (e) Copy of Access Service License/ Infrastructure Provider (IP) Registration Certificate, granted to the TSP/IP by the Department of Telecommunications (DoT), Government of India (GoI).
 - (f) Copy of clearance from the Standing Advisory Committee for Frequency Allocations (SACFA) or copy of application made to SACFA for the said Location submitted to Wireless Planning Commission (WPC) wing of the Department of Telecommunications (DoT), with registration number as WPC Acknowledgement, along with an undertaking that in case of any objection/ rejection, TSPs/IPs will take corrective actions or remove the TCS/BS.
 - (g) Acknowledgement receipt issued by Telecom Enforcement Resource and Monitoring (TERM) Cells in respect of the self-certificate submitted by TSP/IP regarding mobile towers/Base Transceiver Station (BTS) (Ground-based or Roof-Top or Pole/wall-mounted) in the format as prescribed by Telecom Engineering Centre (TEC), DoT, establishing/certifying that all General Public areas around the TCS/BS will be within safe Electro-Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antennae starts radiating.
 - (h) Copy of Structural Stability Certificate for any ground-based Base Transceiver Station (BTS).

OR

In case of any roof-top BTS tower, Structural Stability Certificate for the building, based on written approval of any authorized Structural Engineer of the State/local Body/Central Building Research Institute (CBRT), Roorkee/ IIT/ NIT or any other Agency, authorized by the Municipal Commissioner.

Provided that such NOC shall not be required for the single pole antennae or cellular signal boosters.

- (i) Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) Sets.
 - (j) Notarised undertaking from the Applicant/Owner of premises :-
 - (i) That the cabin will not be utilized for any purpose other than the Telecommunication Cell Site/Base Station.
 - (ii) That if the said activity is discontinued by the Applicant, the said cabin will be demolished forthwith by the Applicant /Owner of premises.
 - (k) No objection certificate from the Authority concerned under the Civil Aviation Ministry (hereinafter referred to as the said Authority) in case of any building falling in any area where such no objection certificate of the said Authority is required under the relevant rules or law.
 - (l) No objection certificate of the Maharashtra Pollution Control Board regarding compliance with the norms prescribed for noise levels and smoke levels for the power generating sets having capacity above 100 kw, to be provided for Base Transceiver Stations.
 - (m) No objection certificate of the Chief Fire Officer of the Municipal Corporation only in case of High Rise buildings having height of 15 mtr. or more measured from ground level.
 - (n) Copy of clearance from the State Environment Department as well as the Forest Department, in case of forest, protected areas, if applicable.
 - (o) Data Sheet containing the information regarding ó
 - (a) Name of Telecom Service Provider/ Infrastructure Provider,
 - (b) Location,
 - (c) Tower Reference-
 - (i) Height and Weight of Tower,
 - (ii) Ground Based Tower/Roof Top Tower,
 - (iii) Number of Antennae planned on Tower,
 - (iv) Permissible maximum EMF Radiation Level,
 - (v) Proposed maximum EMF Radiation Level.
 - (p) Requisite fees, charges, as applicable.
- C** In case of a listed Heritage building/ Heritage precinct and/or in case of cessed buildings and/or in case of area under Environmentally Sensitive Zone (ESZ), notified by the Ministry of Environment and Forest (MoEF), Government of India (GoI), all the applications for installation of any TCS/BS or erection of a part thereof, shall be made to the concerned Municipal Commissioner, which will forward it to the Heritage Conservation Committee concerned and/or High Level Monitoring Committee (HLMC) appointed/constituted by MoEF respectively.
- D** The erection of the Base Station including tower, shall be commenced within 90 days from the date of receipt of permission from the Municipal Commissioner and report of erection shall be made to the Municipal Commissioner.

36.4 Leviable charges

The Municipal Commissioner, while granting permission under sub regulation (3) hereinabove, shall levy and collect the following charges:-

- (a) Development Charge.-Development charge shall be levied and collected by the Municipal Commissioner as per the provisions under section L24-B of The Maharashtra Regional and Town Planning Act, 1966. For the purpose of assessing the development charge, the setting up

of Base Station on land and on roof-tops shall be classified under commercial category, calculated over the foot print area occupied by the Telecommunication Cell Site/Base Station.

- (b) Administrative Fee.-Over and above the development charge as stipulated in clause 4 (a) above, TSP/IP shall pay to the Municipal Corporation, a one time non-refundable Administrative fee of Rs.30000, or as per the rates revised from time to time by the Government.

36.5 Planning Norms For Erection of TCS /BS

- (a) Notwithstanding the land use provisions under these regulations, subject to the compliance of other provisions of these Regulations, it shall be permissible to install TCB/BS, on
- (i) all land uses as earmarked in development plan,
 - (ii) all lands which are designated for non-buildable reservations in development plan, subject to the condition that the maximum permissible area for installation of such TCS/BS shall not be more than 5% of the area of the reserved site or 100 sq.m., whichever is less, and shall be located in one corner of the reserved site.
 - (iii) all lands which are designated as open spaces/ recreational open spaces/ recreational grounds in a sanctioned layout, where such installation shall be permissible only with the no-objection certificate of the concerned registered co-operative housing society or consent of 70% of the total number of legal occupants/ plot holders of such layout, subject to the condition that the maximum permissible area for installation of such TCS/BS shall not be more than 5% of such area or 100 sq.m, whichever is less, and the same shall be located in one corner of such area.
 - (iv) all buildable reservations in development plan, except for buildings of uses mentioned in Regulation no.36. 5(f), where such installation shall be permissible on the roof top, but only after development of the said reservation.
 - (v) all open lands in slum areas belonging to the Government/ public Authority planning Authority, where only ground-based TCS/BS shall be permissible and no Roof-Top Tower shall be permissible, save as provided in Regulation no.36.5(a)(vi) herein below.
 - (vi) public buildings in slum areas, like public toilets, community centres etc., constructed by any Public Authority or to be constructed by the TSP/IP, where construction of Roof Top Towers shall be permissible, subject to maintenance and compliance of other terms and conditions specified by the Municipal Commissioner.
- (b) No permission for installation of TCS/BS shall be granted in ecologically important areas, without ecological impact assessment and review of installation site. The Forest Department should be consulted before installation of TCS/BS in and-around protected areas and Zoos.
- (c) The TCS/BS must have clear access by means of an existing road having minimum width of 6 mtr. for locations falling in Core area as earmarked on DP and 9 mtr., for locations falling outside such Core area. However, in exceptional circumstances, the Municipal Commissioner may relax such road width suitably, but in no case, shall it be less than 5 mtr.
- (d) In case of both ground-based towers and roof-top towers, there shall be no nearby buildings right in front of the antenna(e) of equivalent height, taking into account the tilt of the lowest antenna on tower, as per the details in the **Table No.32** below:-

Table No.32

Sr. No.	Number of Antenna(e) Pointed in the Same Direction	Building/ Structure Safe Distance from the Antenna(e) at the Same Height (in mtrs)
(1)	(2)	(3)
1	1	20
2	2	35
3	4	45
4	6	55

Provided that the antennae at the same height only are to be counted, as the beam width of mobile antennae, in the vertical direction, is very narrow.

(Explanation.-The distance figures in the above Table are based on empirical estimation considering that all the antennae are emitting at their maximum RF power of 20 Watts and exactly in the same direction with the same height.)

Provided further that above norms shall automatically stand revised as per the latest guidelines, issued by the DoT from time to time.

- (e) In case of Wall Mounted/Pole Mounted Antenna(e) :-
- (i) Wherever the antennae are mounted on the wall of a building or pole or along the road, their height should be at least 5 mtr., above ground level/road level. Provided that such installations shall have to comply with the prescribed radiation limits.
 - (ii) As far as safe distance of buildings from antenna(e) is concerned, guidelines as in Regulation no.36.5 (d) above shall apply.
- (f) Installation of Base Station antenna(e) shall not be permissible within the premises of schools, colleges, and hospitals as well as on the adjoining land /building within 3 mtr., from the boundary of premises of schools, colleges and hospitals. Also antenna(e) shall not be directed/ positioned towards any school/college/ hospital building.
- (g) The existing Base Station antenna(e) approved earlier on any school/college/ hospital, building shall not be renewed further after the expiry of period of approval and the same shall be removed immediately thereafter, subject to the provisions of Regulation no.36.7 (d).
- (h) Access to Base Station Antenna site shall be prohibited for the general public, by putting in place suitable measures such as wire-fencing, locking of the door to the roof, etc.
- (i) The roof-top TCS, IBS towers shall be put only on buildings which are declared structurally strong enough to bear the load of such installation. The base connection to the building should be got designed from a qualified structural engineer. Structural safety certificate of the composite structure [Building + Tower(s)] shall have to be obtained from any of the recognized Government Institutes.
- (j) While according permission for installation of TCS/BS, permissible for erection of a cabin at ground level may be granted. However, the same shall not be allowed in the prescribed marginal distances. The area of such cabin shall not be more than 20 sq. mt. for each TSP/IP, subject to the certificate of structural safety. Built-up area of such cabin(s) shall not be counted towards built-up area or FSI.

- (k) No permission for installation of TCS/BS shall be granted on buildings which are unauthorized and structurally unsafe. If permission for installation of such structures is granted on a building, which is declared as unauthorized at a later point of time, the Municipal Commissioner shall first take recourse to the provisions of sections 52, 53, 54 and 55 of the Maharashtra Regional and Town Planning Act, 1966 or other relevant laws, as the case may be, against such unauthorized building and in case the Municipal Commissioner, after completing the due process of law, decides to undertake any action of demolition against such unauthorised building then such decision shall also be conveyed to the concerned TSP/IP with a direction to relocate the TCS/BS within a period of 90 days, after which the Municipal Commissioner shall not be under any obligation to send any further intimation to the TSP/IP concerned before demolishing such unauthorised building, and it shall not be liable to pay compensation for the loss of the Base Station as a consequence of the demolition of the unauthorised building. The TSP/IP shall indemnify the Municipal Commissioner to this effect, while seeking permission for installation of TCS/BS.
- (l) Permission for installation of TCS/BS, once granted shall remain valid for next 5 years. The TSP/IP shall apply for renewal of permission to the Municipal Commissioner. The Municipal Commissioner, while considering renewal, shall insist upon submission of fresh structural stability certificate for buildings more than 30 years of age. Administrative fee shall be levied and collected as prescribed in Regulation no.36.4 (b) hereinabove, for every such renewal. If TSP/IP fails to apply for renewal along with all necessary documents before the expiry of earlier permission, then such TSP/IP shall be liable for action under the provisions of the Maharashtra Regional and Town Planning Act, 1966.
- (m) In case of any existing TCS/BS on a slum structure, every effort shall be made to relocate such TCS/BS on a nearby suitable public building or any other authorised structure or open land in the slum. If such relocation is not possible, then such TCS/BS may be allowed to be continued on such slum structure subject to its structural suitability, till the TCS/BS is shifted to any other authorised structure or till the redevelopment of the slum, whichever is earlier.
- (n) While granting permission for TCS/BS, the Municipal Commissioner shall stipulate that TSP/IP shall conduct regular audit in accordance with the directions/guidelines issued by TERM Cell or DoT from time to time.

36.6 Electro-Magnetic Field (EMF) Radiation Norms

- (a) Prior to installation of TCS/BS, the TSP/IP shall have to obtain Site clearance from the Standing Advisory Committee on Frequency Allocation (SACFA) of the Department of Telecommunication (DoT) for every site from the point of view of interference with other wireless users, aviation hazards and obstruction to any other existing microwave links.
- (b) The Electro-Magnetic Field (EMF) radiation from BTS towers shall be subject to the regulations framed by the DoT from time to time. The TSP/IP shall periodically conduct audit and monitor EMF radiation in Urban localities, hospitals and educational/industrial /residential / recreational premises, especially around the Protected Areas (PAs) and ecologically sensitive areas, in accordance with the guidelines issued by DoT in this regard. It shall be binding on TSP/ IP to follow the mechanism prescribed by the DoT/TERM Cell at local level for ensuring control on the EMF radiation and for notifying on continual basis the radiation level at critical location. For all the existing as well as new BTSs/Towers, TSPs are required to submit self-certificates periodically in the format prescribed by TEC, DoT, in order to ensure that normally all general public areas around the TCS/BS site are within the safe EMR exposure limits. Audit of the self-certification furnished by the TSPs shall be done by the TERM Cell periodically. TERM Cell shall carry out test audit of the BTS sites on random basis as per the guidelines received from DoT and also in respect of all

cases where there is a public complaint. The TERM Cell shall have due regard to the instructions issued by DoT regarding technical audit of TCS/BS, including radiation of towers within safe limits. These shall include Roof Top/Ground Based./Pole Mounted/Wall Mounted Towers. The TERM Cell shall also verify antenna orientation, safe distance from the Tower (exclusion zone) etc. For non-compliance of EMF standards, Telecom Service Provider shall be liable for penal action by the TERM Cell and/or Department of Telecommunication (DoT). Any violation noticed may attract heavy penalties on TSPs and may also lead to shut down of TCS/ BS, in case the violation persists.

36.7 Miscellaneous Provisions

- (a) Any complaint concerning illegal installation of TCS/BS on any building or any query of any nature regarding the installation of telecommunication equipment, shall be addressed to the Municipal Commissioner which shall intimate the concerned TSP/IP about the same with a direction to resolve the issue under intimation to the Municipal Commissioner, within such period as may be prescribed by the Municipal Commissioner.
- (b) The TSP/IP, who has erected TCS/BS without due permission, shall apply to the concerned Municipal Commissioner for regularization within 180 days from the date of coming into force of this Regulation. In case such application is made within the prescribed period, then the offence, if any, registered against the TSP/IP may be compounded by the Municipal Commissioner under section 143 of the Maharashtra Regional and Town Planning Act, 1966, subject to the provisions of these regulations.
- (c) The TSPs/IPs who have earlier erected TCS/BS with due permission, shall apply afresh, for validation of the previous permission, to the Municipal Commissioner within a period of 90 days from the date of commencement of this Regulation, in order to ensure due compliance of this Regulation. However Administrative fee in such cases shall not be leviable if appropriate fee/ Development charge, not less than the amount prescribed under Regulation no.36.4 (b) above, has already been paid. In case the amount paid is less than what is prescribed hereinabove, the difference in amount shall be recovered from the TSP/IP.
- (d) Any existing TCS/BS not conforming to any of the above provisions shall have to be removed within one year from the date of commencement of this Regulation, unless the same is specifically regularized by the Municipal Commissioner following due compliance by TSP/IP. However, operation of such non-conforming Telecommunication Cell Site/Base station shall be discontinued within a period of 30 days from the date of receipt of notice from the Municipal Commissioner to that effect, which shall however be issued only after obtaining the consent of the TERM Cell of DoT.
- (e) The Licensees shall try to share the tower for fixing their respective antennae provided the prescribed conditions are duly fulfilled, so as to ensure curtailment of multiple towers and optimizing the use of the existing ones.
- (f) Sign boards and Warning signs ("Danger", "RF Radiation", "Restricted Area", "Don't Enter" etc.) shall be provided at TCS/BS antenna sites which are clearly visible and identifiable.
- (g) The TSP/IP shall display the details of the following on a board (minimum size 24" x 48") separately or prominently on the cabin, for the perusal of general public in such a way that the same shall be clearly visible and identifiable.
 - i. Name of TSP/IP :-
 - ii. Location :-
 - iii. Tower Reference :-

(a) Height, (b) Weight (c) Number of antennae planned on tower, (d) Permissible EMF radiation level (e) Proposed EMF radiation level.

- iv. Due date for next renewal.
- v. Contact Person's name, address and Telephone Number
- vi. Address of Complaint Redressing Authority with Telephone Numbers
- vii. Police Control Room- 100
- viii. Fire Control Room ó 101
- ix. Ambulance ó 102
- x. Other important information, if any.

Provided that in case of Telecommunication Cell Site/Base station on roof-top, the aforesaid information shall be displayed on the ground floor of the building.

- (h) The Municipal Commissioner shall display the list of authorized TCS/BS on their official web site, along with the date of permission and due date for renewal of permission.
- (i) TCS/BS Tower shall be inspected for distortion of members, torques of nuts and bolts at least once in five years. However, in case of areas affected by any natural calamity, such as cyclone, earthquake, flood, etc., such inspection shall be carried out immediately after such incident *suo motu* or on being directed by the Municipal Commissioner. Such inspection shall be carried out only by a qualified structural engineer and a certificate to that effect shall be submitted to the Municipal Commissioner.
- (j) TCS/BS Towers located in highly corrosive environment shall be painted every year. Other towers shall be painted at least once in five years to give additional protection.
- (k) The Municipal Commissioner shall make efforts to provide Single Window clearance to TSP/ IP for disposal of their applications in a time bound manner.

36.8 Notwithstanding anything contained hereinabove, all the Regulations/Bye-Laws/ Memorandum /Directions /Guidelines in this regard, issued or to be issued from time to time, by the Department of Telecommunications, Government of India, shall prevail and be binding on TSP/IP and also on the Municipal Corporation, in which case, this Regulation shall stand modified to that extent.

36.9 Powers of Interpretation and Removal of Doubt.-

If any interpretation is required regarding the clauses of this Regulation, then the matter shall be referred to the Urban Development Department, Government of Maharashtra, whose decision shall be final.

PART XII

SPECIAL SCHEMES

37.0 SPECIAL TOWNSHIP PROJECTS

37.1 Applicability

These Regulations would be applicable to the Corporation area excluding the area under jurisdiction of Maharashtra Industrial Development Corporation, Eco Sensitive area, if any declared by Government and Special planning Authority, if any.

37.1.1 Area Requirement - Any suitable area having access by means of an existing or proposed Development Plan road having a minimum width of 18 mtr can be identified for the purpose of development as Special Township Project.

The area notified under the Special Township shall be one, continuous, unbroken and uninterrupted and in any case shall not be less than 40 Ha. (100 acres) at one place.

Explanation - If such minimum 40 Ha. (100 Acre) area proposed to be developed under a Special Township Project is divided by one or more water courses (such as nallas, canal etc.), existing or proposed roads of any width or railways etc., then such area shall be considered to be continuous, unbroken and uninterrupted, subject to the condition that the developer shall construct necessary connecting roads or bridges as per site requirements at his own cost with due permission from concerned authorities.

The area under any Special Township Project shall not include the area under notified forest, water bodies like river, creek, canal, reservoir, Tribal lands, lands falling within the belt of 500 mtrs. from the High Flood Line (HFL) of major lakes, lands in the command area or irrigation projects, land falling within the belt of 200 mtrs. from the historical monuments and places of Archaeological importance, Archaeological monuments, Heritage precincts and places, restricted areas, notified National Parks, Defence areas, Cantonment areas, area under Eco-sensitive Zone, other environmentally sensitive areas, Quarry Zone, notified areas of Special Economic Zone (SEZ) and designated Airport areas.

However, such Special Township, may include private land under Hill-tops and Hill-slopes Zone, Afforestation Zone. Provided that, the area of lands in such Hill-tops and Hill-slopes Zone and Afforestation Zone shall not exceed 40 percent of the gross area of the project and such area shall be included in part shown towards 50% area to be kept permanently open where no development activity shall be permissible under such Township Project. The said areas shall be developed for tree plantation as per the norms specified. However, for the purpose of calculation of Floor Space Index (FSI), such areas shall be excluded.

However, such Special Township Project may also include lands under Industrial Zone, and Public/Semi-Public Zone, subject to the condition that minimum 60 percent built-up area from the land under such zone shall be used for the purpose of respective main user of such zone, with remaining 40 percent, for the Residential and allied users.

37.1.2 Manner of Declaration - Any area identified above and if found suitable can be Notified by Government in Urban Development Department by following procedure under section 44(2) of the Maharashtra Regional and Town Planning Act, 1966 and also in such other manner as may be determined by it for the purpose of development as Special Township Project.

37.1.3 Infrastructure Facilities - The entire Township should be an integrated one with all facilities within the boundaries of declared townships. All the on-site infrastructure, i.e. roads, including development plan roads, approach road, street lights, water supply and drainage system shall be provided and maintained in future by the developer till it is taken over by the Municipal Corporation and the developer shall also carry out development of amenity or proposals, if any designated in the development plan, in accordance with these regulations.

(a) Water supply - The developer shall be required to develop the source for drinking water (excluding the groundwater source) or secure firm commitment from any water supply authority for meeting the daily water requirement of minimum 140 litres per capita per day exclusive of requirement of water for fire-fighting and gardening. The storage capacity of the same shall be at least 1.5 times of the actual required quantity as determined by expected population (Resident and Floating) and other uses. The developer would be required to develop proper internal distribution and maintenance systems and shall specially undertake rain water harvesting, groundwater recharging and waste water recycling projects within the Township.

(b) Drainage and Garbage disposal - The developer shall make suitable and environment friendly arrangements for the disposal and treatment of sewage and solid waste as per requirements of Maharashtra Pollution Control Board. Recycling sewage for gardening shall be undertaken by the developer.

The developer shall develop Eco-friendly garbage disposal system by adopting the recycling and bio-degradation system in consultation with Maharashtra Pollution Control Board.

(c) Power - The developer shall ensure continuous and quality power supply to township area. The developer may draw the power from any existing supply system or may go in for arrangement of captive power generation with the approval from concerned authority. If power is drawn from any existing supply system, the developer shall before commencement of development, procure a firm commitment of power for the entire township from the power supply company.

37.1.4 Environment - The development contemplated in townships shall not cause damage to ecology. In no case it shall involve topographical changes, changes in alignment and cross section of existing water course, if any, in the scheme area or adjacent to scheme area. Environmental clearance shall be obtained from the Ministry of Environment and Forest, Government of India as per directions issued by the MOEF's notification dated 7th July 2004. The Township shall provide at least 10% of the total area as park/garden/playground as mentioned in Resolution No.37.4 (f) below, with proper landscaping and open uses designated in the Township shall be duly developed by owner/developer. This amenity shall be open to general public without any restriction or discrimination.

37.2 Special concession

(a) N.A. Permission. - Non-agriculture permission will be automatic. As soon as the scheme is notified, lands notified under Special Township area as per Resolution No. 37.1.2 will be deemed to have been converted into non-agriculture and no separate permission is required. Non-agriculture assessment, however, will commence from the date of sanction of scheme.

(b) Stamp Duty - The stamp duty rates applicable in Notified Special Township area shall be 50% of prevailing rates of the Mumbai Stamp Act.

(c) Grant of Government Land - Any Government land falling under Special Township area shall be leased out to the developer at the prevailing market rate on usual terms and conditions.

(d) Relaxation from Mumbai Tenancy and Agriculture Land Act - The condition that only the agriculturist will be eligible to buy the agriculture land shall not be applicable in Special Township

area.

(e) Ceiling of agriculture land - There shall be no ceiling limit for holding agriculture land to be purchased by the owner/developer for such Special Township project.

(f) Exemption from Urban Land (Ceiling and Regulation) Act, 1976 - Special Township Projects shall be exempted from the purview of Urban Land (Ceiling and Regulation) Act; 1976.

(g) Scrutiny fee - A Special Township Project shall be partially exempted from payment of scrutiny fee being levied by the Planning Authority for processing the development proposal on certain terms and conditions as may be decided by the Planning Authority.

(h) Floating FSI - There will be floating FSI in the township. Unused FSI of one plot can be used anywhere in the whole township.

(i) Special benefits / concessions in respect of Star Category Hotels, Hospitals and Multiplexes / Property Tax shall be provided.

37.3 Planning considerations

The Township project has to be an integrated township project. The project should necessarily provide land for following users: -

- (a) Residential
- (b) Commercial
- (c) Educational
- (d) Amenity Spaces
- (e) Health Facilities
- (f) Parks, Gardens and Play Grounds.
- (g) Public Utilities.

37.4 General norms for different land uses

The overall planning of the special townships shall be such that the project fairly meets with the specifications spelt out in the prevailing planning standards approved by the Government. Further, the planning of Special Township shall take care of following land uses in particular.

(a) Residential. - The residential area should be well defined in clusters or neighbourhoods or in plotted development with proper road grid. Out of the total floor area proposed to be utilised which is permissible as proportionate to zoning of area under such township, atleast 60% of the floor area generated by utilizing the basic FSI, may be used for purely residential development (hereinafter referred to as Residential Component of the Special Township). The area earmarked for social housing for E.W.S. /L.I.G. shall be governed by *Regulation no.37.5.1(i) & 37.5.2(i)* in such a way that the building permission for the residential components of the special Township shall be given pro-rata in accordance with the development of Social Housing for EWS/LIG.

(b) Commercial - The commercial area shall be properly distributed in hierarchical manner such as convenient shopping, community centre etc.

(c) Educational. - Comprehensive educational system providing education from primary to secondary should be provided as per the requirement. The area allocation should be on projected population base and as far as possible the educational complex should not be concentrated at one place. All such complexes should have adequate area allocation for playground. Minimum area required for educational purpose shall be as per prevailing planning standards.

(d) Amenity Spaces. - The area allocation for amenity space providing for amenities like market, essential shopping area, recreation centres, town hall, library etc. should not be less than 5% of

gross area and should be evenly placed.

(e) Health Facilities. - Adequate area allocation for health facilities for primary health should be provided for. Minimum area required for health facilities shall be as per prevailing planning standards.

(f) Parks, Gardens and Play grounds. The Special Township Project in Residential Zone shall also provide at least 10 percent of the gross area of the Project as parks/gardens/ playgrounds which shall be developed by the Developer as such and kept open to the general public. This shall be exclusive of the statutory open spaces to be kept in smaller layouts and shall be distributed in all residential clusters.

(g) Public Utilities. - Appropriate area allocation should be provided for (a) power receiving station/ substation, (b) water supply system, (c) sewerage and garbage disposal system, police station (e) public parking, (f) cemetery/cremation ground, (g) bus station, fire brigade station and other public utilities as per requirements.

(h) Transport and Communication. - The entire area of township shall be well knitted with proper road pattern, taking into consideration the linkages with existing roads within the township and outside area as well. All such roads shall be developed by the developer as per standard and road widths shall be as given below.

Classified Road - as prescribed.

Main road/Ring road - 18 to 24 meters wide.

Internal road - as per the DCPR, subject to minimum road width 9 mt.

(i) Service Industries. - In the Special Township area, lands required for commercial uses, industrial uses, permissible in residential user, may also be earmarked. However, the predominated land use would be residential use.

(j) Economic Activities : In order to make the Special Townships self-sustainable and ensure their development as new self-contained micro-centres of urban growth, the Special Township shall ideally be centred around one or more key economic activities like Trade/commerce, Education, Health Care, Non-polluting/ Service Industries, Entertainment, Tourism, etc. Special Townships shall compulsorily provide minimum 20 % built up area for such economic activities and development of residential Component of the Special Township shall be permissible pro-rata, in accordance with the development of the economic activity.

Explanation-

i) Educational activity and Health care activity mentioned above shall not include Primary/Secondary Schools and Primary/Secondary health care facilities respectively.

ii) The total built up area for Commercial Activity under Resolution no. 37.4(b) and the total commercial built up area under Resolution no. 37.4(d) shall be counted towards the built up area for the aforesaid Economic Activity.

Notes. - (I) All the amenities referred to above shall be inclusive of designated amenities and Amenity space required as per DCPR.

(II) Development Plan roads in the township area shall be developed and maintained by developer, and the same shall be always open for general public without any restrictions there upon.

(III) Minimum parking shall be provided as per these regulations, provided that for hotel, restaurant, college, school, educational institute, educational classes, hospitals, polyclinics and diagnostic centres, offices, Mangal Karyalaya, town hall, clubs, etc. onsite parking shall be provided. For buildings having mixed users, in addition to the regular parking area as mentioned above a space of 3.0 mt. wide strip along the road on front/side shall be provided for visitorsø

parking.

37.5 Development Control Regulations

Development Control and Promotion Regulations for Nashik City as well as provisions of MoEF notification, issued from time to time shall be applicable to the Special Township Projects except those expressly provided in these Special Regulations.

37.5.1 Special Township project in Residential Zone, Industrial Zone, Public-semipublic Zone:

(i) The admissible FSI in respect of a special Township project in the Residential Zone, Industrial Zone, Public semi-public Zone within the development plan area shall be as given in **Table No.33** below;

Table No.33					
Sr. No.	Area of Township (In Ha.)	Basic FSI on gross plot area	Additional Social Housing FSI (@ 20% of the basic) for EWS/LIG (compulsory)	Additional FSI Against Payment of Premium (Optional)	Maximum Total Permissible FSI on Gross plot area
1	40-100	1.0	0.20	0.10	1.30
2	Above 100 to 200	1.0	0.20	0.20	1.40
3	Above 200	1.0	0.20	0.30	1.50

ii) Subject to the limits imposed by the overall FSI admissible under these Regulations to the Special Township Project, there shall be no limit on the Total built up area / FSI utilization for the development of any individual plot in the STP. Maximum Height of any building shall be as per these regulation

However, the height of a building may be increased further, subject to provision of fire-fighting arrangements, with prior approval of the Director of Fire Services, Government of Maharashtra.

iii) The Planning & Design of Social Housing Component for EWS/LIG shall not be amenable to combining one or more flats to make larger flats.

iv) (a) The Landowner/Developer shall construct the stock of the EWS/LIG tenements in the same Special Township Project and the Planning Authority, shall ensure that the Occupation Certificate for the rest of the development under the Special Township Project is not issued till the Occupation Certificate is issued for the EWS/LIG tenements under the said Special Township Project.

b)The completion of EWS/LIG tenements under the Special Township Project, along with necessary particulars including a copy of the Occupation Certificate granted by the Planning Authority in respect thereof, shall be immediately intimated by the Landowner/Developer to MHADA. Upon such intimation MHADA, within a period of 6 months from the date of receipt of such intimation, shall either purchase such EWS/LIG tenements or allot such tenements to the allottees selected by MHADA through a system of lottery, drawn after such EWS/LIG tenements have been granted Occupation Certificate and thereafter, the Landowner / Developer shall dispose of such tenements to MHADA or such allottees, as the case may be, at the construction rates in the Annual Statement of Rates (ASR), prepared by the Inspector General of Registration, applicable to

the land under the project, on the date of grant of Occupation Certificate to such EWS/LIG tenements.

c) The Landowner / Developer may also be permitted to utilise $\frac{1}{4}$ of the total 20% FSI earmarked for the EWS/LIG to construct EWS/LIG tenements in the form of service quarters in the same Special Township Project but in a separate block which shall have to be sold as service quarters only to the purchasers of the free sale flats constructed under the Residential Component of the Special Township Project.

v) The optional Additional FSI as per Regulation no.37.5.1(i) to be granted against premium, shall be granted against premium, shall be sold at the 50% of the land rate as prescribed in ASR, by the respective Authorities notified by the Government. No premium shall be charged for the grant of FSI for social housing for EWS/LIG.

vi) The amount of premium collected by the respective authorities shall be deposited in a separate account and should be exclusively used for creating off-site infrastructure and implementation of development plan.

37.5.2 Special Township in Agriculture/ No Development Zone-

i) Development of Special Township Project in Agricultural/ No Development Zone, Green contained in the development Plan shall be permissible subject to conditions that 50% of the gross area of the project shall be kept open while the project of Special Township shall be executed on the remaining 50% land with basic FSI of 0.5 worked out on the entire gross area of the project. Further, while developing such project, it shall be obligatory on the part of the developer to provide and develop all the infrastructure facilities including sites required for public purposes as per the prescribed planning norms. As regards 50% of land, which is required to be kept open, the same shall be made free from encumbrances and no development except town level open amenities shall be permissible thereon.

Provided that over and above the built up area corresponding to the basic FSI of 0.50, the developer shall have to be compulsorily provide built up area for the EWS and the LIG equal to 20 % of the basic FSI (i.e. 0.10 FSI on gross plot area) which shall not be counted towards the total FSI of the project.

37.5.3 In every Special Township proposal the structural designer of developer has to submit declaration with project report to Planning Authority about the construction of building as below.-

'I have confirmed that the proposed construction in the scheme are as per norms as specified by Indian Standards Institute, for the resistance of earthquake, fire safety and natural calamities'.

(i) Upper and lower ground floor type construction shall not be allowed.

(ii) The following shall not be included in covered area for built up area and F.S.I. calculations:-

(a) Area covered by the staircase rooms for stair flights of width 0.75 m. & above, in case of row housing & pent houses and duplexes, 1 mt. in case of residential building, 1.2 mt. & above in case of commercial (mercantile) buildings, 2.00 mt. & above in the case of public & semi-public building, subject to payment of premium in consultation with Director, Town Planning, Maharashtra State, Pune.

(b) Area covered by lift room for a building with height upto 16 mt.

(c) Stilt floor space (exclusively for parking space) constructed under building of maximum cleared height 2.4 mt. and which shall be open atleast from two sides.

(d) Balcony or balconies as per these regulations

(e) In special Township schemes under Residential Zone and No Development Zone trees at the rate of minimum 150 trees per ha. and 400 trees per ha., respectively shall be planted and

maintained by the developer.

(f) Once the proposal for Special Township is submitted to the Government under Regulation no.37.7.a, no change of zone proposal in such Township area shall be considered by Government.

37.6 Sale Permission

It would be obligatory on the part of the developer firstly to provide for basic infrastructure and as such no permission for sale of plot/ flat shall be allowed unless the basic infrastructure as per Regulation no.37.1.3 is completed by the developer to the satisfaction of the Municipal Commissioner. In case the development is proposed in Phases & sale permission is expected after completion of Phase wise basic infrastructure, such permission may be granted by the Municipal Commissioner. Before granting such sale permission, Developer has to submit undertaking about the basic infrastructure to be provided & completed phase-wise by Developer. The plots earmarked for amenities, facilities, and utilities shall be also simultaneously developed phase-wise along with residential/allied development.

37.7 Procedure.

37.7.a Locational Clearance. - The proposal for development of Special Township, alongwith details of ownership of land or Development rights of lands in the proposed scheme, site plan, part plan of sanction development plan *along with No Objection Certificate of Irrigation Department of State Government* shall be submitted to the Government in Urban Development Department along with a copy to Director of Town Planning Maharashtra State Pune, for grant of locational clearance. Upon receipt of such proposal, depending upon the merits of the case, locational clearance may be granted by the Government u/s 44(2) of Maharashtra Regional & Town Planning Act, 1966 in consultation with the Director of Town Planning, within a period of 90 days from the date of receipt of the proposal and after completion of the prescribed procedure specified in Regulation no. 37.1.2 above and compliance of any such document as may be required by the State Government *and subject to the condition that the developer shall obtain environmental clearance from appropriate authority.* This locational clearance will be valid for one year from the date of issue and if within such period the letter of intent and final approval is not taken or not applied for, such clearance/approval will stand lapsed unless it is renewed by Government for sufficient reasons. Application for renewal has to be made to Government before expiry of one year. In that case these Special Regulations shall not be applicable to the area under such scheme.

37.7.b Letter of intent. - Upon receipt of locational clearance from the Government, the developer shall submit the proposal in respect of Special Township Project to the Municipal Commissioner, alongwith the environmental clearance as mentioned in Regulation no. 37.1.4 for issue of letter of intent. The proposal shall contain **documents regarding** ownership rights/ development rights, in respect of **100 percent** of the area under the project and other particulars as decided and directed by Municipal Commissioner., details of qualified technical staff and consultant in technical and law field. Letter of intent shall be issued within a period of 45 days from the date of receipt of the completed full & final proposal. The letter of intent shall be valid for six months unless renewed.

37.8 Implementation & completion

- (a) Development of basic infrastructure & amenity shall be completed by the developer to the satisfaction of the Municipal Commissioner as per phases of scheme. Development of the scheme shall be completed within 10 years from the date of final sanction to the layout plan of scheme.
- (b) No building in the scheme is permitted to be occupied in any manner unless occupancy certificate is issued by Municipal Commissioner.

- (c) Final completion certificate for the scheme is to be issued by Municipal Commissioner in consultation with Maharashtra Pollution Control Board, Forest Department as far as tree plantation is concerned and Fire Officer of Municipal Corporation.
- (d) Application for occupation certificate or final completion certificate shall be submitted along with a declaration and undertaking by the developer and his structural consultant, Architect, Town Planner as follows: -
- (i) We confirm that all buildings constructed in the scheme area are as per norms as specified by Indian Standard Institute for the resistance of earthquake, fire safety and natural calamities.
 - (ii) Work is done as per sanctioned plan.
 - (iii) Built up area and FSI consumed in scheme is as per sanctioned plan
 - (iv) No balcony is enclosed.
- (e) If it is found that extra built up area/FSI is consumed in the scheme at any time, it shall be demolished by developer at his own cost as directed by Municipal Commissioner.

37.9 Interpretation

If any question or dispute arises with regard to interpretation of any of these regulations, the matter shall be referred to the State Government. The Government after considering the matter and, if necessary, after giving hearing to the parties, shall give a decision on the interpretation of the provisions of the Regulations. The decision of Government on the interpretation of these Regulations shall be final and binding on all concerned.

38.0 CONSERVATION OF HERITAGE BUILDINGS / PRECINCTS / NATURAL FEATURES

38.1 Applicability:

This regulation will apply to those buildings, artifacts, structures, areas and precincts of historic and/or architectural and /or cultural significance (hereinafter as "Listed Buildings/Heritage Buildings and listed precincts/Heritage precincts") and those natural features of environmental significance including sacred graves, hills, hillocks, water bodies (and the areas adjoining the same) etc.

38.2 Preparation of list of Heritage Buildings, Heritage Precincts and Natural Features.

The Municipal Commissioner in consultation with Heritage Conservation Committee, shall prepare list of buildings, artifacts, areas and precincts of historic and /or cultural significance and the list of those natural features of environmental significance including sacred graves, hills, hillocks, water bodies (and areas adjoining the same) etc. to which this regulation applies. Whenever such list is to be prepared independently or required to be amended, it shall not be necessary to follow the procedure under Section 37 of Maharashtra Regional and Town Planning Act of 1966. The procedure as laid down in this regulation shall be followed.

The Municipal Commissioner shall issue public notice in the local newspapers declaring his intention to include the buildings, artifacts, areas and precincts of historic and /or cultural significance and the list of natural features of environmental significance, including sacred graves, hills, hillocks, water bodies etc. and invite objections and suggestions from any person in respect of the proposed inclusion within a period of 30 days from the date of such notice.

The Municipal Commissioner shall issue notice to the owner of the buildings, artifacts, areas and precincts of historic and/or cultural significance etc. and invite objections and suggestions from such person in respect of proposed inclusion within 30 days from the date of such notice.

The Municipal Commissioner on respect of any objections or suggestions 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-moto or on the advice of the Heritage Committee after following the procedure as described above.

Provided further that, any draft list published as above, shall be the part these regulations after sanction by the Government.

38.3 Restriction on development, Redevelopment/repairs etc.

No development or redevelopment or engineering operations or addition, 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 natural features shall be allowed except with the prior written permission of the Municipal Commissioner. Before granting any such permissions, 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.

Provided that before granting any permission for demolition or major alterations/addition to listed buildings (or buildings within listed precincts) objections and suggestions from the public shall be invited and duly considered by the Heritage Conservation Committee.

Provided that, in exceptional 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.

If the application for development, alteration, modification of the Heritage precincts or listed building is rejected under this 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.

38.4 Incentive uses for Heritage Buildings.

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 of 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 Municipal Commissioner shall withdraw the permission forthwith.

38.5 Grant of Transferable Development Rights to owners/lessees of heritage buildings/heritage precincts.

If the owner is deprived of using FSI on the said plot or development permission is granted to him with conditions which deprives him of use of FSI, then he shall be entitled for TDR as decided by the Commissioner in consultation of Heritage Conservation Committee. The utilisation of this TDR shall be as per TDR Regulation no.22

38.6 Maintaining Skyline

Building 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 buildings/heritage precincts. The development within the precincts shall be in accordance with the guidelines framed by the Municipal Commissioner on the advice of the Heritage Conservation Committee.

38.7 Restrictive Covenants

Regulations 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 and Promotion Regulations. However, in case of any conflict with the heritage preservation interest/environmental conservation and the said Development Control and Promotion Regulations, this regulation shall prevail.

38.8 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 permissions are as follows:

Grade-I	Grade-II	Grade-III
(A) Definitions		
Heritage Grade-I comprises Buildings and precincts of National or Historic importance, excellence in architectural style, design technology and material usage and/or aesthetics; associated with a great historic event, personality, movement or institution. They have been and are the prime landmarks of the city and of National importance.	Heritage Grade II (A and B) comprises buildings and precincts of Regional importance, possessing special architectural or aesthetic merit, or cultural or historical significance though of a lower scale than 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 a particular climate.	Heritage Grade III comprises buildings and precincts of local importance for townscape, they evoke architectural, aesthetic, or sociological interest though not as in Heritage Grade II. These contribute to determine the character of the locality and can be representative of 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.
(B) Objective		
Heritage Grade-I richly deserves careful preservation.	Heritage Grade-II deserves intelligent conservation.	Heritage Grade-III deserves intelligent conservation (though on a lesser scale than Grade-II and special protection to unique features and attributes.)
(C) Scope for Change		
No interventions be permitted either on exterior or interior unless it is	Grade-II (A) Internal changes and adaptive reuse and external changes may	External, internal changes and adaptive reuse would by and large be allowed. Changes can

necessary in the 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.	by and large be allowed but subject to strict scrutiny. Care would be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade-II Grade-II (B) In addition to the above, extension of Additional building in the same plot or compound, in certain circumstances be allowed, provided that, the extension/ additional building is in harmony with (and does not detract from) the existing heritage buildings or precincts especially in terms of height, and facade.	include extensions, and additional buildings in the same plot or compound. However any changes should be such that they do not detract from the existing heritage building/ precinct.
(D) Procedure		
Development permission for the changes would be given by the Commissioner on the advice of the Heritage Conservation Committee.	Development permission for the changes / additional construction would be given by the Commissioner on the advice of Heritage Conservation Committee.	Development permission for the changes / additional construction would be given by the Commissioner on the advice of the Heritage Conservation Committee.
(E) Vistas/ Surrounding Development		
All developments in areas surrounding Heritage Grade-I shall be regulated and controlled by ensuring that it does not mark the grandeur of or view from Heritage Grade-I		

38.9 Signs and outdoor display structures

No display or advertising signs and outdoor display structures on listed building and / or the Heritage Precincts shall be permitted except accordance with part X (sign and outdoor display structure) National Building Code of India.

Prohibition of advertising signs and outdoor display structure in certain cases :

Notwithstanding the provisions mentioned above no advertising sign or outdoor display structures shall be permitted on buildings of architectural aesthetic historic or heritage importance as may be decided by the Municipal Commissioner, Committee or on Government buildings, save 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 programs.

Provided that, if the Heritage Conservation Committee so advises, the Municipal Commissioner shall refuse permission for any sign or outdoor display structure.

38.10 Composition of Heritage Conservation Committee.

here shall be Heritage Conservation Committee for the City. This Committee is to be constituted by the Government. The committee shall comprise of the following members:

Member having knowledge of architecture, art, conservation as

i)	Nominated by the Government of Maharashtra	Chairman
ii)	Architects having 10 years of experience and membership of the Council of Architecture and he should be (i) Urban Designer : or (ii) Heritage Conservation Architect (architects shall be those having experience in conservation architecture)	Member
iii)	Environmentalist having in-depth knowledge and experience of 10 years of the subject matter.	1 Member
iv)	Expert in the field of history having 10 years of experience	Member
v)	Deputy / Assistant Director of Town Planning, Nashik Municipal Corporation	Member

The Committee shall have the powers to co-opt five additional members who may have lesser experience, but who have special knowledge of the subject matter.

Provided that, the additional members may be co-opted, for special purposes or on sub-committees of the Heritage Conservation Committee.

The tenure of the Members of categories (i) to (iv) above shall change after every three years provided however that, the same person shall be eligible for reappointment as Member.

The Heritage Conservation Committee shall come into existence with effect from the date of its publication in the official Gazette.

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 organisation 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.

The Chairman and in his absence the chosen Member of the Committee shall preside over the meeting of the Committee.

The Terms of reference of the Committee shall be inter alia.

- (i) To advise the Municipal Commissioner whether development permission should be granted this Regulation and the conditions of such permission.
- (ii) To prepare a list or supplementary list of building artifacts, structures, areas precincts of historical aesthetic architectural cultural significance and a supplementary list of natural features of environmental significance including sacred groves, hills, hillocks etc. water bodies (and the adjoining the same) to which this regulation would apply.
- (iii) To advise whether any relaxation, modification, alteration, or variance of any of the Development Control and Promotion Regulations is called for.
- (iv) To suggest amendments, changes or special regulations or modification to regulations for 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 to be granted to the owners of listed Building 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 of Heritage Precinct 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 intersection and elsewhere.
- (x) To recommend to the Commissioner to evaluate the cost of repairs to be given to the owners to return the existing building back to the original condition For this purpose the Committee may also help the Municipal Commissioner to raise funds through private sources.
- (xi) To prepare special designs and elements and guidelines for listed buildings and control of height essential façade characteristics such as maintenance of the buildings and to suggest suitable adopting new materials for replacements keeping the old form intact to the extent possible.
- (xii) To prepare guideline relating to design elements and conservation principles to be adhered to and to prepare other guideline for the purpose of this regulation.

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.

39.0 TOURISM DEVELOPMENT ACTIVITIES

The Municipal Commissioner may allow the development of tourism activities in Agriculture Zone, as per following terms & conditions-

General Conditions –

Where the lands are located in unique/picturesque area, particularly suitable for development of tourism in view of existing water body, scenic beauty, tree plantation or geological formation etc. such area can be specified as Tourism Development Zone on request of land owner. The minimum area of such site, however, shall not be less than 1.00 Ha.

Tourism Development Zone can be developed by individual or company or partnership firm or Government / Semi-government Organizations / Corporations.

On the request of owner/applicant, Tourism Development Zone shall be identified by the following Committee taking into consideration the location of area and its surrounding

Constitution of committee -

Sr.No.	Name	Position
(i)	Municipal Commissioner	Chairman
(ii)	Regional officer MTDC	Member
(iii)	Environmentalist to be appointed by Municipal Commissioner	Member
(iv)	Deputy Director /Assistant Director, town Planning, Municipal Corporation.	Member Secretary

This Committee may be called "Tourism Development Zone Committee" (TDZC). The tenure of the member at Sr.No.3 shall be of 3 years, however, the same person shall be eligible for reappointment as a member.

4) Condition for development

- i) Maximum permissible FSI in this zone shall be 0.25 of net plot area.

- ii) The uses like resort, Holiday camp, recreational activities, amusement park, may be permitted in this zone.
- iii) If the site is located adjacent to forts, archeological and historical monuments, the development shall be governed by the rules prescribed by the archeological department.
- iv) No development shall be permissible within 500 mts from full reservoir level (FRL) of the irrigation projects on the upstream side and within such distance as may be prescribed under river zone management guidelines on the down-stream side, except for existing core area (gaothan) and its 100 mts. Periphery and except for the purpose of restoration, conservation, improvement, maintenance and management of the places of recreational and tourism value and projects.
- v) If the site is located near natural lakes, then, development shall be governed by the following

Distance from high flood line (HFL) / full storage level (FSL)	Development to be allowed
Upto 100 mtr.	Not permissible
Above 100 mtr. to 300 mtr.	Ground floor structure with maximum height of 5 mtr.
Above 300 mtr to 500 mtr	G+1 storey structure with maximum height of 9 mtr.
Above 500 mtr.	Within permissible FSI and subject to other regulations

- vi) No subdivision of land shall be allowed and structure to be constructed shall not allowed to be sold and condition to that effect shall be stamped on the approved plan.
 - vii) the land should have approach of minimum 9 mtr, wide road.
 - viii) the land having slope steeper than 1:5, shall not be eligible for development
- 5) **Infrastructural Facilities** ó All the infrastructural facilities required in site as specified by Municipal Commissioner and also as suggested by Tourism Development Zone Committee shall be provided by the developer at his own cost on the site. Proper arrangement for treatment and disposal of sewage and solid waste shall be made to the satisfaction of Municipal Commissioner & Maharashtra Pollution Control Board. No untreated effluent shall be allowed to pass into any watercourse. However, no effluent shall be allowed to pass into natural water body.
- 6) **Environment& Education** ó Places where rare species of migratory birds are known to visit and where there is a heritage of flora & fauna shall be given preference for development as Tourism Development Zone. Efforts should be made for creating environmental awareness among the local population & especially among school going children in nearby area.

40.0 CLUSTER DEVELOPMENT FOR CORE AREA

This regulation is meant to enable the redevelopment of old properties in core areas, so as to achieve planned development and enhance living environment of such area.

40.1 Applicability

This regulation shall be applicable to the core area shown on the development plan. The owner or developer authorized by the owner shall be eligible to undertake the redevelopment scheme.

40.2 Requirements

- i Properties in residential / commercial / public semi-public etc., (excluding prohibited zone), of which 70% buildings are atleast 30 years old, shall be entitled for development under this regulation.
- ii Area of the cluster shall not be less than 1000 sq.m.
- iii If the property is occupied by the tenants, then prior no objection certificate from 70% of the tenants for redevelopment of the cluster shall be necessary.
- iv Minimum width of access to the cluster shall not be less than 9.0 m.

40.3 Permissible FSI

Permissible FSI shall be upto 4.00 on gross plot area.

40.3.1 Incentive FSI

In case of redevelopment undertaken by the different owner and / or Co-operative Housing Societies of flat owners and / or occupiers or developer jointly of 2 or more plots having amalgamated area between 0.2 to 0.4 Ha, above 0.4 to 1 Ha. and above 1 Ha, incentive FSI to the extent of 5%, 10% and 15% respectively, of the rehabilitation FSI may be granted.

40.4 Criteria for rehabilitation

40.4.1 Entitlement of owner

The owner shall be entitled for built-up area, as may be decided by the owner and developer. However for calculation of FSI for free sale component, the following entitlements shall be considered.

- i The owner shall be entitled for the residential or commercial built-up area equivalent to 10% more than area occupied by him.
- ii If the owner has unused FSI with reference to permissible FSI under these regulations, then he shall be entitled for 50% of the construction of unused FSI.
- iii If the owner does not have occupied area or unused FSI but only have ownership of plot then, he shall be entitled for 10% residential built-up area against the area of plot.

40.4.2 Entitlement of tenants

The tenants should have tenancy of more than 12 years. Entitlement of built-up area for rehabilitation of existing tenants shall be as follows.

- i The size of residential tenements for rehabilitation shall be minimum built up area of 25 sq.m. or equal to the area of the existing tenement whichever is more.
- ii for rehabilitation of area under commercial use, size of commercial unit shall be equal to area of existing use or 10 sq.m., whichever is more.

40.4.3 Proof of tenancy

Proof of tenancy of the tenant shall be verified from the voters list or property tax receipt or shop act license or similar documents. Without the proof of 12 years tenancy, the tenant shall not be entitled for built-up area specified above and consent of such tenant shall not be required for the scheme.

40.5 Free sale component

The construction which is allowed to be sold within the permissible FSI limit other than the rehabilitation area is free sale component.

40.6 Rehabilitation and Free sale component.

The ratio between FSI of Rehabilitation (for construction to owner and eligible tenants) and FSI for the free sale component, shall be 1:1.

Example –

If the rehabilitation built up area is 10 sq.m. of construction, then, 10 sq.m. built up area will be permitted for construction of free sale component, which can be sold in open market.

40.7 Cluster TDR

Under this scheme maximum permissible FSI to be consumed in the cluster is 4.00. In case, rehabilitation and free sale component FSI together exceeds 4.00, then the developer shall be entitled for TDR over and above permissible 4.00 to be consumed in the same site.

Provided that if permissible FSI of 4.00 cannot be consumed in-situ due to restrictions like, vicinity of national or state monuments, flood line, etc., then difference between permissible FSI of 4.00 and permissible under the scheme, shall be granted in the form of TDR. This TDR shall be termed as cluster TDR and shall be utilised as per the TDR Regulation no.22.0

40.8 Amenity space

Amenity space as mentioned in Regulation no.13.4 shall be left in the scheme. However, this shall not be required to be handed over to the planning authority. The 50% area of this area of this amenity space shall be used as recreational open space and remaining 50% may be utilised for development of amenity as stipulated by Municipal Commissioner. The amenity shall be handed over to and maintained by the society to be formed for the cluster area. The area of amenity space shall be counted for computation of FSI mentioned in Regulation no.40.3. If this amenity construction is required to be handed over to the Municipal Corporation free of cost, for amenities like public parking, fire brigade, ward office, etc., then FSI consumed for such amenity shall be available to the developer.

40.9 Composite Cluster development

When an owner / Developer seeks permission to develop two or more cluster located at a distance of not more than 500 m. from one another as a Composite Cluster development Scheme, accommodation of all the existing occupiers may be allowed on any of the properties by legal and peaceful means subject to the permissible FSI of that cluster. In such a case, the sale component of residential and commercial use may be allowed to be interchanged subject to maximum permissible FSI of the individual cluster. However, all the proposals should be submitted and got approved at the same time as a composite scheme.

40.10 Development plan reservation in the cluster

In case of the development Plan reservations in the cluster, the owner/ developer may be allowed to relocate or realign the reservation within the cluster, as consented by Municipal Commissioner.

40.11 Roads/ Lanes

If the Municipal Commissioner thinks that it is expedient for the improvement of traffic flow, any road/ lane within the cluster forming a link between two roads needs to be widened, then the roads shall be widened accordingly.

40.12 Services

Redevelopment of the existing services like water lines, drainage lines, telephone lines, roads, etc. shall be made by the owner/ developer under the direction of concerned departments and NOC to that effect shall be submitted.

40.13 Infrastructure development charges

For up-gradation of the infrastructure in the area, the owner / developer shall pay the infrastructure development charges at the rate of 10% of land rate in ASR to the Municipal Corporation over and above the permissible FSI in core area, i.e. 2.00

41.0 SLUM REHABILITATION SCHEME

Slum Rehabilitation Authority (hereinafter referred to as ~~the SRA~~) shall be constituted for Municipal Corporation of Nashik. The SRA shall be empowered with all powers and authorities as Special planning Authority, and may undertake Rehabilitation of hutment dwellers in the slums located in the area under jurisdiction of SRA in accordance with the provisions contained herein below:

41.1 Definitions

- a) **"Slums"** shall mean and include any slum recorded as such in the census or declared and notified as such, in the past or hereafter, under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (hereinafter referred to as "the Slum Act"). Slums shall also include hutments erected by encroaching upon stretches of pavement or the existing or proposed roads, areas under electric H.T. power lines, Nalla banks also and the areas declared and notified as such, in the past or hereafter as Slum Rehabilitation Areas. Also included in this definition will be any partially or fully encroached area, shown towards any buildable or non-buildable reservations / amenities in the Development Plan of the Nashik city.
- b) If any area has been enumerated as Slum in the Census or fulfils the condition laid down in section 4 of the Slum Act and is declared and notified as such, it shall be deemed to be and treated as **"Slum Rehabilitation Area"** or
- c) Slum Rehabilitation Area shall also mean any area declared as such by the Chief Executive Officer of the Slum Rehabilitation Authority (hereinafter referred to as "the CEO (SRA)") for implementation of Slum Rehabilitation Scheme (SRS) and / or any area required for implementation of **"Slum Rehabilitation Scheme (SRS)"** or
- d) Any area required or proposed for the purpose of construction of temporary or permanent transit camps required for execution of SRS approved by the CEO(SRA) shall also be deemed to be treated as Slum Rehabilitation Areas.
- e) ~~Pavement~~ **"Pavement"** shall mean any Municipal/ Government/ Semi- Government pavement, and shall include such stretch of pavement as may be considered viable for the purpose of the SRS.
- f) A **"Slum Structure"** shall mean the dwelling areas of hutment structure on any floor with separate unit having separate access or dwelling area of all persons who were enumerated as living in that one numbered house in the relevant electoral roll regardless of the number of persons or location of rooms or accesses.
- g) **Census** shall mean census of the slums located on lands belonging to the Government or any undertaking of the Government, or Municipal Corporation or MIDC, carried out prior to **1st January, 2000**, or the date decided by the Government from time to time.

- h) A "**composite Building**" shall mean a building comprising both Rehabilitation component and Free-Sale component or Built up Amenity component.
- i) "**Slum Rehabilitation Scheme**" shall mean a scheme for rehabilitation of hutment dwellers of one or more slum areas in accordance with the provisions of these Regulations and shall include transit camps, infrastructure, amenities, Rehabilitation component and Free sale component of the development, as permitted on the area of Slum Rehabilitation Scheme (SRS) by the CEO, SRA.
- j) "**SRA**" shall mean Slum Rehabilitation Authority for Nashik Municipal Corporations area.
- k) The "**Competent Authority**" referred to hereinafter in these Regulations shall mean the Officer appointed under Section 3 and 4 of the Slum Act.
- l) The "**Chief Executive Officer**" referred to hereinafter in these Regulations shall mean the Officer appointed under Section 3 of the Slum Act and empowered under the Maharashtra Regional and Town Planning Act 1966 as Planning Authority.
- m) "**Regulations**" shall mean all the provisions in these Regulations of the Slum Rehabilitation Authority for Nashik Municipal Corporation Area.
- n) "**Gross Plot Area**" shall mean total plot area.
- o) "**Net Plot Area**", for the purpose of these Regulations, shall mean the balance area derived after deduction of area earmarked for reservations under Development Plan of Nashik City.
- p) "**Carpet area**" shall mean the net usable floor area, excluding the area that is covered by the walls, including partition walls, if any, in the tenement.
- q) "**Floor space Index**" (FSI) or Floor Area Ratio (FAR) shall mean the quotient of the ratio of the combined built up area on all floors, excepting the areas specifically exempted from computation under the Development control Regulations (DCR) of the Nashik Municipal Corporation, to the gross area of the plot.
- r) "**Slum Transferable Development Rights**" (Slum TDR) shall mean the FSI remaining out of the total permissible FSI of the SRS after utilizing in-situ FSI on site as per the provisions of these Regulations or shall mean the FSI made available in the form of Transferable Development Rights in lieu of the unencumbered land spared for rehabilitation of hutment dwellers
- s) "**Recreation Ground**" (RG) shall mean any common open space required to be kept in any layout and left permanently open to the sky, having access from any public pathway or public road.
- t) "**Hazardous building**" shall mean any building or part thereof which is used for the storage, handling, manufacture or processing of any Hazardous Material as defined in these regulations.
- u) "**Rehabilitation Component**" shall mean area of all residential tenements as well as non-residential built-up premises to be given to the eligible hutment dwellers in accordance with the provisions of these Regulations and shall be inclusive of common areas, lobbies, staircase/(s), lift/(s) and machine room/(s), passage/(s), welfare-centre/(s), balwadi/(s), women's welfare centre/(s), society office/(s), incentive commercial area/(s) (if any), eligible amenity structure/s (if any) and permitted religious structure/(s), more particularly described in these Regulations.
- v) "**Free Sale Component**" in SRS is the built up area that can be constructed against the incentive FSI, in accordance with these Regulations, available in the form of FSI or TDR out of the total permissible FSI of the SRS (rehabilitation component plus incentive sale component in the ratios prescribed in these Regulations) after deducting FSI required for Rehabilitation.

- w) **"Amenity Component"** shall mean any constructed amenities, prescribed by CEO SRA for rehabilitation of the hutment dwellers in any SRS.
- x) **"Beneficiary"** shall mean hutment dwellers found eligible as protected occupiers, as defined in the Slum Act and /or orders issued there under.
- y) **"Annual Statement of Rates (ASR)"** is the annual statement of rates of lands and properties, prepared annually by the Inspector General of Registration and Controller of Stamps, Maharashtra State, Pune.
- z) **Terms and expressions other than those specifically defined herein shall have the same meaning as in:-**
 - (i) Maharashtra Regional and Town Planning Act, 1966,
 - (ii) The Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act 1971,
 - (iii) Development Control and Promotional Regulations of the Nashik Municipal Corporation.
 - (iv) National Building Code (2005) as amended from time to time.

41.2 Eligibility

Eligibility for Rehabilitation under Slum Rehabilitation Scheme:

- i. Inhabitants of the slums or slum rehabilitation areas referred to in these Regulations, who are protected occupiers as defined in Chapter I-B of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment Act, 1971) and orders issued thereunder shall be eligible for rehabilitation under the slum Rehabilitation scheme, in accordance with the provisions of these Regulations.
- ii. Subject to the foregoing provisions, only the actual occupants of the hutments shall be treated as eligible for rehabilitation under the SRS and any person claiming ownership of such structure who is not the actual occupant of the same, shall have no right whatsoever to allotment of rehabilitation tenement.
- iii. The hutment dweller actually residing at present who has purchased the censused structure with photo pass, if any, from any of the categories above shall be held eligible for rehabilitation under SRS, provided such transfer has been regularized. Provided further that the original owner of the censused structure who has sold the said hut shall be deemed to be ineligible for any alternative subsidized accommodation in any of the government scheme.
- iv. The names of the eligible hutment dwellers on private, Municipal and Government lands shall be duly certified by the Competent Authority (SRA).
- v. All eligible hutment dwellers residing on the area of the SRS shall have to be accommodated on the same plot as far as possible.
- vi. Any hutment dweller whose name appears in the Relevant Electoral Roll and who is an actual occupant of such hutment shall not be held eligible for rehabilitation if his name is also included in any other Relevant Electoral Roll of any other non-slum area.
- vii. CEO(SRA) may allow rehabilitation of hutment dwellers not eligible as per above clause (i) to (iii), under any other scheme promoted by SRA, as per the provisions of these Regulations herein below or any scheme of the state or the central Government from time to time.
- viii. A certified extract of the Relevant Electoral Roll shall be considered as evidence for establishing the eligibility of a person for rehabilitation provided he is found to be occupying any slum structure. In case of doubt or dispute, the decision of CEO SRA shall be final and binding on all the parties concerned. The eligibility of a person including

transferees under the SRS shall be established in accordance with Chapter I-B of the Maharashtra Slum Area (Improvement and Clearance and Redevelopment) Act, 1971 and the orders issued thereunder.

41.3 Applicability

41.3.1 Provisions of these Regulations shall be applicable to:

- (i) The slums which have been declared and notified as -SLUMSø by the competent Authority under the provisions of the Maharashtra Slum Areas (Improvement, clearance and - Redevelopment) Act, 1971, as well as;
- (ii) any area which the said Competent Authority may declare as -Slum Rehabilitation Areaø and
- (iii) also the hutment dwellers in such slums or Slum Rehabilitation Areas, who are protected occupiers as defined in chapter I-B of Maharashtra slum Areas (Improvement, clearance and Redevelopment) Act, 1971 and orders issued thereunder (hereinafter referred to as "Eligible Slum Dwellers")

41.3.2 The provisions of these Regulations shall prevail over the corresponding provisions of the other Development Control and Promotion Regulations (hereinafter referred to as öDCPRö) of the Nashik Municipal Corporation in case of any conflict or ambiguity. In respect of any matters not specifically mentioned in these Regulations, the relevant provisions of the DCPR of the sanctioned Development Plan of Nashik as modified from time to time; shall be applicable.

41.3.3 (i) The provisions for implementing in-situ rehabilitation scheme, of these Regulations shall not apply to slum areas existing on any lands earmarked as Hill Tops / Hill Slopes, Green Belts, river or Nalla beds, canal banks, No Development Zone in the Development Plan, in Open Spaces of approved layouts and slums on lands required for vital public purpose or on hazardous locations. Such slums are to be evicted on priority. However, such slums shall be allowed to be rehabilitated on other buildable lands as per these Regulations.

(ii) It shall be an obligatory duty of the CEO, SRA to rehabilitate slums mentioned in clause (i) of 41.3.3 on other sites under the provisions of these Regulations. The CEO, SRA shall prepare an Action Plan and identify all such slum areas and grant approval for relocation and rehabilitation of such slums for environmental and ecological reasons in a time bound manner in accordance with the provisions of these Regulations.

(iii) On relocation and rehabilitation of hutment dwellers of such slums unencumbered lands thus vacated shall be handed over to the Municipal Corporation for the development of vital public purpose.

(iv) The slums existing on reservations shall be allowed to be rehabilitated as per the provisions of these Regulations.

41.3.4 Eligible hutment dwellers may, at the discretion of the CEO, SRA, be rehabilitated in-situ within the area under consideration for the implementation of the Slum Rehabilitation Scheme. Such rehabilitation shall be governed by the provisions of these Regulations.

41.3.5 Eligible hutment dwellers may also be rehabilitated by relocation to another plot in the Corporation area. Such rehabilitation shall be governed by the provisions of these Regulations.

41.3.6 If any hutment dweller is a protected occupier of a slum structure, but his name is on the electoral roll on or prior to 1st January, 2000 at another slum / pavement site within the jurisdiction of Nashik Municipal Corporation, he shall be considered eligible but only at the place of his present

residence.

In case of doubt or dispute, CEO, SRA shall get an inquiry made may be considered necessary, and give a decision thereon, which shall be final and binding on all parties concerned.

41.4 Approval to SRS:

- 41.4.1** The land owner or his power of attorney holder or the lease holder with at least 5 years of un-expired lease period and concurring with lease terms of the land, shall be allowed to redevelop the slum area either directly upon registration with Slum Rehabilitation Authority or through a developer registered with Slum Rehabilitation Authority, subject to the provisions laid down in these Regulations.
- 41.4.2** Slums on the lands belonging to the Government, Semi- Government Bodies, Municipal Corporations, Public Authorities and Trusts shall be rehabilitated under the provisions of these Regulations through a private SRA registered developer only.
- 41.4.3** The Slum Rehabilitation Scheme submitted by the developer registered with SRA shall be strictly in accordance with the provisions of these Regulations. The Scheme submitted by the developer shall be made available to the concerned slum dwellers and their suggestions shall be considered while implementing such scheme. The decision of CEO, SRA in this regard shall be final and binding on all concerned.
- 41.4.4** On compliance of the terms and conditions of approval to the SRS and the requirements of these Regulations, the necessary building permission u/s 45 of MRTP Act 1966, shall be admissible in accordance with the provisions to construct the Rehabilitation component of the SRS as well as the Free-sale component of the SRS, as per the provisions contained in these Regulations.
- 41.4.5** Approval to the scheme as per these Regulations shall be given by the CEO, SRA in accordance with these regulations. Approval to any SRS proposal after declaration of rehabilitation area shall be granted within 60 days from date of notification.
- 41.4.6** The Slum Rehabilitation Scheme for rehabilitation of eligible hutment dwellers may be allowed to be implemented under the provisions of these Regulations over the slum areas or slum rehabilitation areas under the jurisdiction of SRA, for rehabilitation of eligible hutment dwellers residing upon such areas.
- The CEO (SRA) shall be competent to approve the proposed slum Rehabilitation Schemes.
- 41.4.7** The decision of CEO, SRA shall be final and binding on all the concerned regarding the proportion and location of the land area to be used for the Rehabilitation Component, Amenity Component and the Free- Sale Component.

41.5 Obligatory Participation :

- 41.5.1 Landowners:** The CEO, SRA shall survey, analyse and prepare a general rehabilitation program for area under its jurisdiction or parts thereof. The CEO, SRA shall publish its intention to implement rehabilitation programme on such lands by declaring its rehabilitation areas and schemes to the general public through notice published in one or more newspapers having wide circulation within that area and also within the areas of jurisdiction. The concerned land owners shall be given a period of 90 days to come forward with a rehabilitation scheme in accordance with the prescribed form under these Regulations. Upon failure of the concerned land owner to do so, the CEO, SRA shall issue a notice to acquire the same as per the provisions of these Regulations.

In the case of notified slums on private lands if a developer registered with SRA approaches SRA along with land rights as per the Regulation no. 41.4.1 of these Regulations for implementing SRS; CEO, SRA shall give a three months' public notice in the slum area for the hutment dwellers to come forward for the development.

In case a developer registered with SRA comes up for the development along with 70% consents of the hutment dwellers, CEO, SRA shall give him preference and the land owner shall be entitled to compensation equal to 25% of the value of land as per ASR. In case of dissent of the land owner for this valuation, CEO, SRA may forward the land acquisition proposal to the District Collector on behalf of the applicant developer and the Hutment Dwellers' Co-operative Housing Society, provided such applicant deposits 2/3rd, of the required amount with the Collector to initiate the land acquisition proceedings and undertakes to pay the final consideration as per the Award of Land Acquisition. In case the land owner wishes consideration in terms of TDR, he may be granted TDR to the extent of 25%, of land area under slum rehabilitation scheme, in which case, however, the developer shall pay to SRA, premium equal to 25% of ASR value.

In case hutment dwellers fail to come up with a scheme within the stipulated-period of three months, CEO, SRA may sanction scheme submitted by the registered developer having land ownership or concurrent development rights.

In case either land owner or hutment dweller's Co-operative Housing Society does not come forward within three (3) years of promulgation of these Regulations and CEO, SRA is of the opinion that a slum on private land is required to be developed in the larger public interest, out of concern for public health and safety of the slum and nearby areas, CEO, SRA may invite land owner or hutment dwellers to come forward through a developer registered with SRA, by issuing a public notice of not less than 30 days. In case, none of them come forward with the scheme, CEO, SRA may proceed with the appointment of developer through competitive bid process. In such an eventuality, CEO, SRA shall call bids on the basis of premium, over and above the consideration that is needed to be paid to the owner (either 25% of ASR value or as decided by the Collector in a land acquisition proceeding).

Where 70% landowners have come forward from a larger slum area, CEO, SRA shall acquire and allot the rest of the land to the concerned developer for the Slum Rehabilitation Scheme for ensuring integrated implementation.

41.5.2 Occupiers/ Hutment Dwellers :

For the approval of the SRS, consent of the hutment dwellers shall not be necessary. Competent Authority as notified under Slum Act shall finalize the list of eligible hutment dwellers with reference to the area proposed under the SRS and it shall be obligatory for all slum dwellers to participate in the Slum Rehabilitation scheme, once the same is approved by the CEO, SRA.

41.5.3 The hutment dwellers shall be rehabilitated in the same SRS wherein the hutments are situated, except in case where relocation is warranted on account of non- buildability or in case of clubbing of schemes or composite scheme as per these Regulations.

41.5.4 Area Entitlement of Eligible Hutment-dwellers (Residential User) :

A Hutment dweller having residential user, in the slum or on the pavement, who is eligible in accordance with the provisions of these Regulations, shall, in lieu of his structure, be given free of cost, a residential tenement having carpet area of 25.00 sq.m. (269.00 sq.ft.) which shall include living room, bedroom, kitchen/ alcove, bath and water closet and balcony, (if any), but shall exclude common areas.

41.5.5 Area Entitlement of Eligible Hutment dwellers (Non-Residential User):

An eligible hutment dweller, having existing carpet area up to 25 sq. m. (269 sq. ft.) for commercial/industrial / economic / office activity that existed prior to 1st January 2000 or the date decided by the Government from time to time, and is certified by the competent Authority, shall be entitled to get actual carpet area or 25 sq. m., whichever is less, free of cost, under the Slum Rehabilitation Scheme.

Such area may be allowed on any side of the plot abutting 3.0 m. wide pathway and deriving access from 3.0 m. wide pathway / open space. Back to back shopping on ground floor shall be allowed for the purpose of rehabilitation. After exhausting these provisions, such area may be allowed on the first floor, to the extent necessary.

41.5.6 Area Entitlement of Eligible Hutment dwellers (Mixed User) :

In case a hutment dweller in the area of any SRS has both, residential and commercial premises, without a common wall between such residential and commercial premises, in respect of which the SRS is being or to be implemented, he shall be eligible for a residential tenement of 25 sq. m. carpet area free of cost, and he shall also be entitled to purchase a commercial unit admeasuring up to 6 sq.mt at the cost of construction as per ASR. The purchase price of such commercial unit shall be paid to the developer. The area of such commercial unit shall not be entitled for incentive FSI for free sale component.

Such area may be allowed on any side of the plot abutting 3.0 m. wide pathway and deriving access from 3.0 m. wide pathway / open space. Back to back shopping on ground floor shall be allowed for the purpose of rehabilitation. After exhausting these provisions, such area may be allowed on the first floor, to the extent necessary.

41.5.7 Only non-polluting, non-hazardous industry may be allowed to be re-accommodated under the SRS. However, if the Industrial unit is hazardous or polluting, the concerned person may be provided a commercial unit or built-up area for conforming non-hazardous/ non- polluting industrial unit in the Rehabilitation Component of the SRS.

41.5.8 All eligible hutment dwellers in Slum Rehabilitation Scheme shall be rehabilitated according to the provisions in these Regulations and as per Rehabilitation option exercised by CEO, SRA under these Regulations.

41.5.9 Pavement-dwellers and hutment dwellers in the slum situated on lands required for vital public utility/ purpose or on hazardous location on amenity/ open spaces or plots, shall not be rehabilitated in-situ but other available plots within the jurisdiction of SRA.

41.5.10 Unauthorized commercial go-downs, Cow sheds/ gothas, scrap godowns/ yards; hazardous users/ structures shall not be permitted in the SRS. These shall be evicted and shall be moved away from the Slum Rehabilitation Area as non-conforming users.

All activities which existed on the date of eligibility shall be allowed to be relocated within the area of the SRS, regardless of the non-conforming nature of such activities, excepting those which are hazardous and polluting.

41.6 Initiation to the Scheme

The following procedure shall be adopted while examining and sanctioning any SRS in accordance with the provisions of these Regulations.

- 41.6.1** A certified extract of the relevant Electoral Roll shall be considered as evidence to establish the eligibility of a person for rehabilitation provided, he is found to be a protected occupier of a slum structure. In case of, doubt or dispute, the decision of CEO, SRA shall be final and binding on all the parties concerned. The eligibility of a person including transferees under the SRS shall be established in accordance with chapter I-B of the Maharashtra Slum Area (Improvement and Clearance and redevelopment) Act, 1971 and orders issued there under.
- 41.6.2** Where 70% or more of the eligible hutment-dwellers in a slum or pavement in a viable stretch at one place agree to join a SRS, it may be considered for approval. Provided that nothing contained herein shall apply to Slum Rehabilitation Schemes undertaken by the State Government or a Public Authority or, as the case may be, a Government Company, as defined in Section 617 of the Companies Act, 1956 which is owned and controlled by the State Government.
- 41.6.3** After declaration of Slum Rehabilitation area as "Clearance Area" u/s 3 (d) of the Slum Act, the CEO, SRA shall take all required actions against the non-participating occupiers. The eligible occupiers shall be forced to participate and the non-eligible shall be forcefully evicted.
- 41.6.4** A specially abled person or widow household shall be given first preference in allotment of tenements to the hutment dwellers. Thereafter lots shall be drawn for allotment of tenements from the remaining tenements to the rest of the eligible hutment dwellers, before grant of OCC to the Rehabilitation Building.
- 41.6.5** Recovery of pending dues such as assessment, occupational charges, non-agricultural tax dues etc. of the State Government, NMC shall not be linked to grant of approval or building permission to the SRS.
- 41.6.6** Action under the provisions of the Slum Act, 1971, including Section 33/ 33A and 38 of the said Act shall be taken against any hutment dweller who is not willing to join the SRS within 15 days after approval of site has been granted for the SRS. The hutment of such a hutment dweller shall be removed and it shall be ensured that no obstruction is caused to the scheme.

In respect of those eligible hutment-dwellers on site, who do not join the SRS willingly, the following steps shall be taken:-

- a) Provision for all of them shall be made in the rehabilitation component of the Scheme.
- b) The detail of the actual tenements that would be given to them by way of draw of lots, on the same basis as for those who have joined the scheme, will be communicated to them in writing by the Developer, and in case of dispute, decision of the CEO, SRA in this regard shall be final and binding on all the parties concerned.
- c) The transit tenements that would be allotted to such unwilling hutment dwellers would also be indicated along with the details of transit accommodation allotted to those who have joined the project.
- d) If such unwilling hutment dwellers who do not join the Scheme within 15 days after the approval has been given to the Slum Rehabilitation Scheme on that site, then action under the relevant provisions including sections 33/33A and 38 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971, as amended from time to time, shall be taken and their hutments will be removed, and it shall be ensured that no obstruction is caused to the Scheme of the majority of hutment dwellers who have joined the Scheme willingly.
- e) After this action under the foregoing clause is initiated, such unwilling hutment dwellers should not be held eligible for allotment of transit tenement and they shall not be eligible for

- the allotment of rehabilitation tenements by draw of lots, but shall only be entitled to what is available after others have exercised the choice, which may be or may not be on the same site.
- f) If such unwilling hutment dwellers do not join the scheme till the building permission to the SRS is given, they will completely lose the right to any built-up tenement, and their tenements shall be taken over by the CEO, SRA and used for the purpose of accommodating pavement-dwellers and other hutment dwellers who cannot be accommodated in-situ etc. At this stage, the non-participating slum dweller shall lose their right to rehabilitation.
 - g) Within 30 days from the allotment, if the permanent tenement is not occupied and transit camp is not vacated then the eligible hutment dweller will lose his right to rehabilitation permanently.
 - h) After occupation of rehabilitation tenement, if any, hutment dweller reconstructs or occupies any new hutment or structure such unauthorized structure shall be immediately evicted and demolished without giving any notice.

41.7 Formation of Co-operative Housing Society

41.7.1 The developer and the beneficiaries of SRS to form and register CHS:-

- (a) The eligible hutment dwellers 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 Co-operative Housing Society will be borne by the eligible hutment dwellers and the Developer shall register a Co-operative Housing Society (CHS) of the rehabilitated hutment dwellers immediately after occupation of Rehabilitation Tenements by the hutment dwellers. Stamp Duty payable under Bombay Stamp Act, 1958 for registration of documents of allotment of such rehabilitation tenements or registration of Co-operative Housing Society shall be fully exempted.
- (b) The Managing Committee of the registered Co-operative Housing Society of hutment dwellers shall have at least one third women members out of the total strength and the actual number of members on the Management Committee at any time.
- (c) The rehabilitation tenement shall be jointly owned by the Pramukh hutment dweller and the spouse, if applicable. The details of ownership including Share Certificate and other relevant documents, shall be so entered and shall be deemed to be so entered in the records of the Co-operative Housing Society.
- (d) The membership of the Co-operative Housing Society should be finalized based on eligibility criteria as per the provisions of these Regulations and as specified by CEO, SRA.

41.7.2 The developer registered with SRA shall enter into individual agreement with the eligible hutment dweller of each structure in the slum area under the SRS, regarding allotment of his respective Rehabilitation Tenement. Such agreement will be in the joint name of Pramukh hutment dweller and the spouse, if applicable, for every Rehabilitation Tenement.

41.7.3 The rehabilitation tenement shall be in the joint ownership of the hutment dweller and the spouse; and shall be so entered and be deemed to be so entered in the records of the co-operative housing society of eligible slum dwellers, including the share certificate and all relevant documents. Such tenement shall not be sold or leased by the hutment dweller up to 10 years from the date of occupation certificate of rehabilitation building, without permission of CEO, SRA. Such provision shall be included in the Agreement between the hutment dweller and the Developer. Before granting such permission, the CEO, SRA shall verify that the hutment dweller is actually shifting outside Nashik Municipal Corporation area.

41.7.4 Transfer of the rehabilitation tenement may be permitted by CEO, SRA after completion of ten years from the date of occupation by charging a premium equal to 25%o of the prevailing market value of the tenement as given in the ASR for the respective year.

41.7.5 The Developer shall register a conveyance Deed in favour of the Co-operative Housing Society of the rehabilitated hutment dwellers, formed for the constructed rehabilitation built-up area and the land spared for the same, along with common areas, access, marginal spaces left for the building, immediately after such rehabilitated hutment dwellers occupy the building(s) in the Rehabilitation component.

41.8 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 Housing society will be entitled to levy a suitable service 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 Co-operative Housing society will be responsible for maintaining the same.
- (c) The Co-operative Housing 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.

41.9 CEO (SRA) shall issue identity Cards to each rehabilitated family in the name of the head of the family, jointly with his/ her spouse, if applicable. Selling/ Transfer/ Rent/ Lease of the rehabilitation tenement shall not be allowed for a period of 10 years (except to their heirs), from the date of possession of the tenement. In case of breach, CEO, SRA shall cancel the allotment in respect of the dweller and take over the tenement. These conditions shall appear on the identity card as well.

41.10 Possession of the rehabilitation tenement/shop will be, handed over to any eligible hutment dweller only after:-

- (i) The Co-operative Housing Society of the rehabilitated hutment dwellers is registered;
and
- (ii) Agreement to lease the land is executed by land owning authority, with the Co-operative Housing Society of the rehabilitated hutment-dwellers after completing necessary formalities;
and
- (iii) After such hutment dweller has surrendered transit accommodation, if any, given to him / her, and has cleared all his / her dues to NMC / Government of Maharashtra.

41.11 De-notification of Slum Rehabilitation Area

41.11.1 The CEO, SRA shall de-notify partly or fully the Slum Rehabilitation Area as per provisions of Slum Act, on being satisfied that it is necessary to do so or when directed by the state Government.

41.11.2 The concerned ward officials of respective municipal area and the concerned Police Inspector of the local area shall ensure effective uninterrupted implementation of SRS. It shall be their obligatory duty to immediately take required action against slum lords as well non-participant and /

or obstructionist persons obstructing the sanctioned SRS. In case of failure, CEO, SRA shall recommend action against such persons under the provisions of the Slum Act and /or applicable Law.

41.12 Premium for ownership and terms of lease

- 41.12.1** (i) Where SRS is proposed to be undertaken on lands owned by the Government, semi-Government Undertakings and Local Bodies, the developer registered with SRA shall pay premium at the rate of twenty five percent of the land cost as per ASR or in-situ construction area equivalent to such premium where premium and construction cost both are calculated as per ASR.
- (ii) Upon payment of land premium, the CEO, SRA shall issue a Letter of Intent in such case to the developer and the land owning authority. The No objection certificate (NOC) for building permission of the land-owning authority shall be given in respect of such land under slum within 30 days after receipt of the letter of intent. In the event of such NOC not being given within the period, it shall be deemed to have been given.

The part of the land belonging to the Government /semi-Government / ULB / public Trusts / MHADA/ NMC/ MIDC, on which the rehabilitation project will be constructed shall be leased to the co-operative Housing Society of slum dwellers for a period of 30 years at lease rent of Rs. 1001 for 4000 sq. m. of land and part thereof which shall be renewable for further periods of 30 years at a time. The same dispensation shall apply to the land under the free sale component and such land shall be leased directly, and not through the slum dwellers, to the registered Co-operative Housing Society / Association of the purchasers of tenements in the free sale component and, pending the formation of such Co-operative Housing Society / Association of the purchasers of tenements in the free sale component, such land shall be leased to the developer. The said lease deed shall be executed within 60 days from the date of issuing building permission to the project.

- 41.12.2** Recovery of pending dues such as assessment, compensation, occupation charges, usage charges, revenue or non-agricultural tax/dues etc., pending with public authorities such as the State Government, MHADA, MSEDCL and/or Municipal Corporation, although binding on the Developer, shall not be linked to grant of approval or building permission and implementation of the Slum Rehabilitation Scheme. The Developer will have to settle all pending dues before issue of occupancy certificate by SRA. Any revenue assessments, permissions, orders to be made for any land under SRS shall not be linked to the issue of any certificate or NOC relating to the SRS.

41.13 Development Control Regulations

41.13.1 Maximum FSI permissible for Consumption on the Plot under SRS:

Admissible FSI in respect of the Slum Rehabilitation Scheme in congested and non-congested area shall include the admissible FSI for the Rehabilitation Component as well as the Free- Sale Component. The ratio between the two components shall be as contained in these Regulations.

Such FSI may be utilized mainly for in-situ rehabilitation of slum dwellers, Convenience Shopping, non-combustible / non-polluting type Commercial godowns of slum dwellers. Such commercial users shall be permitted only on the lower and upper ground floor, irrespective of whether the site is located in R-1 or R-2 zone.

Subject to the provisions of Resolution no. 41.13.2 herein below, FSI available for Free sale component may be utilized in-situ for residential, commercial or any other use as may be permissible under the Development Control and Promotion Regulations of corporation.

As such, the permissible in-situ FSI, partly or fully, shall be allowed for rehabilitation, residential /

non-residential / commercial or mixed users, as otherwise permissible in the Development Control and Promotion Regulations of Nashik.

41.13.2 The total sanctioned FSI (Rehabilitation component plus Free sale component) for a slum rehabilitation scheme that can be utilized on any slum site for construction of rehabilitation plus free sale component shall not exceed 3.00 and the difference between the sanctioned total FSI of the SRS and maximum in-situ permissible FSI or in-situ consumed F.S.I., if any, may be made available in the form of Transferable Development Right (**TDR**), in accordance with these Development Control Regulations.

Provided that if the existing tenement density is more than 450 per hectare, FSI consumption in-situ (Rehabilitation component + free sale component) may be allowed to be exceeded up to 4.00. In such cases, the difference between the sanctioned higher FSI and maximum in-situ permissible F.S.I. of 4.00 will be made available in the form of TDR, in accordance with the provisions of Development Control Regulations.

In case 50% plot area or more is under a non-buildable DP reservation and if the same is handed over by the owner free of cost to the Appropriate Authority, in-situ FSI up to 4.00 for Rehabilitation + Free-sale component may be permitted.

This shall also be applicable in cases wherein the developer is accommodating and rehabilitating slums from other non-buildable lands by relocating the same in any ongoing or adjoining SRS on buildable lands to the extent of slum so accommodated.

Provided further that exemption of areas from computation of FSI as per these Regulations shall be restricted to 35% of built-up area (i.e. carpet area of rehabilitation component including balcony and area under walls) of rehabilitation, component and any rehabilitation component area, claimed above this restriction, shall not be eligible for any incentive towards the free sale component area to be calculated as per Resolution no.41.15.1, 41.15.2 and 45.15.3.

41.13.3 Notwithstanding the provisions in Resolution no 41.13.2 above, if the developer does not desire to consume the full permissible in-situ FSI on the same site, in such case, the free sale component partly or fully shall be granted in the form of Slum TDR (total sanctioned FSI of SRS - consumed in-situ FSI) with the approval of CEO,SRA.

41.13.4 (a) The total sanctioned FSI (i.e. FSI of Rehabilitation + free sale components) can be utilized on any slum site for SRS up to a maximum of 3.00 and the difference between the total sanctioned FSI (i.e. FSI of rehabilitation component plus sale component) and in-situ maximum permissible or maximum consumed FSI, if any, will be made available in the form of Transferable Development Rights; (hereinafter referred to as "**Slum TDR**") to the developer registered with SRA as per provisions in these Regulations.

(b) The Slum TDR to be sanctioned in accordance with these regulations and generated from the Slum Rehabilitation Schemes shall be treated as generated from the adjacent land of SRS having maximum land rate as per ASR, for the purpose of deciding the rate of generation plot. The Slum TDR generated shall be allowed to be utilized under the Regulation no.22.0

41.13.5 The slum TDR shall be released in stages as under:-

- After issue of plinth completion certificate of rehabilitation building/s, 25% of total slum TDR permissible shall be released.
- After completion of RCC and brickwork of rehabilitation, 35% of total slum TDR permissible shall be released.
- After issue of occupation certificate of rehabilitation building/s, 30% of total slum TDR

permissible shall be released.

- After completion of procedure of rehabilitation of all eligible slum dwellers, formation and registration of Co-operative Housing Society and conveyance of rehabilitation area to the Co-operative Housing Society of hutment dwellers, balance 10% of total slum TDR permissible shall be released.

41.13.6 Utilisation of Slum TDR

Difference in Total Permissible FSI allowed for SRS as per these Regulations and FSI actually utilized in the Slum Rehabilitation scheme, due to constraints of different provisions of DCR or otherwise, shall be converted into slum TDR and shall be utilizable as per Regulation no.22.0.

- (i) The Development Rights certificate (**DRC**) shall be issued by the Municipal Commissioner of the Municipal Corporation immediately upon intimation issued by the CEO (SRA) in writing and the Municipal Commissioner shall allow such slum TDR to be utilized in Municipal Corporation area. The FSI credit in square meters of built up area shall be stated in the DRC in figures and in words, along with details of the place from where TDR is generated and maximum rate of adjacent land;
- (ii) Where a buildable amenity on the reserved plot for which Slum Rehabilitation Scheme is sanctioned, is handed over, free of cost to the Municipal Corporation, the Commissioner may grant a further TDR on account of construction of the said amenity, in accordance with the TDR Regulation no.22.0 in the DCPR in this regard.

- 41.14**
- (i) The site of SRS may be developed with layout of building. For the computation of FSI and tenement density in a site admeasuring 4,000 sq. mt. or more, the net plot area shall be 90% of the gross plot area.
 - (ii) All the plots involved in any SRS under which ex-situ rehabilitation of hutments dwellers is envisaged shall be notionally treated as one for the purpose of computation of FSI.
 - (iii) Boundaries and measurement of the areas of plots under the SRS shall be certified by the Competent Authority after actual on site measurement of the areas of plots. Such certified boundaries and areas of plots shall be the basis for calculation of tenement density, FSI and other aspects of planning.

41.14.1 Layout Open and Amenity Space:

- (a) For sites with area admeasuring 4000 sq.m. and above, 10% open spaces shall be provided and be maintained as per the DCPR and structures permissible in open spaces shall be as per the DCPR.
- (b) For plots with area exceeding 2 Hectare and above, 5% Amenity Space shall also be provided and for development of such Amenity Space, the provisions of Resolution no.41.21 of these Regulations shall apply.

41.14.2 Roads in the layouts of the sites of SRS shall be of widths prescribed in the Development Control and Promotion Regulations for their corresponding lengths. The area of such internal layout roads shall not be deduced in the computations of the net plot area for determining the permissible FSI and tenement density.

41.14.3 The Minimum Tenement Density to be achieved in SRS:

- (i) Minimum tenement density of 360 T/Ha shall be provided on the net plot area used for rehabilitation of hutment dwellers (including residential rehabilitation and non-residential rehabilitation units). If the number of rehabilitation tenements needed to be provided to the

hutment dwellers in any SRS is such that the corresponding tenement density is less than the minimum specified tenement density, the required number of balance tenements shall be constructed so as to achieve the said minimum tenement density and shall be handed over free of cost to SRA. The CEO, SRA may use such tenements for the purpose of transit tenements or for accommodating the Project Affected Persons (PAP) or the pavement dwellers or as may be decided by the CEO, SRA.

- (ii) The minimum tenement density for rehabilitation shall be 360 T/H and maximum tenement density for rehabilitation and free sale tenements /units shall be 1440.
- 41.14.4** All non-residential built-up area shall be included in the computation of tenement density, by counting an area of 25.00 sq.m. (or such area as may be notified by the Government from time to time), per tenement.
- 41.14.5** For computation of the tenement density, the net plot area shall be considered after deducting development plan reservations and recreation / amenity open space.
- 41.14.6** The permissible ground coverage shall be total plot area after deducting required marginal distance / setback areas from the plot boundaries.
- 41.14.7** The maximum permissible height shall be as per the DCPR. The marginal distances from the front, side and rear boundaries of the land shall be maintained as follows:
- a) If the site of SRS fronts up on one or more roads, every side abutting on such road shall be treated as the front side, and the marginal distances prescribed below for such front road side shall apply. The front road side marginal distances shall be measured from the proposed road widening line in the plot, if any.
 - b) In core areas, the front road side marginal distance shall be minimum 1.50 mt. for purely residential buildings and 2.25 mt. for mixed use buildings of maximum height up to 40 mt.
 - c) In outside core areas, the front road side marginal distance buildings shall be minimum 4.50 mt. for purely residential and 6.00 mt. for mixed use buildings.
 - d) Side and rear marginal distances from the side and rear boundaries of the plot shall be minimum 4.5 mt. for the building having height up to 24 mt. Such marginal distances shall be increased proportionately with increase in height of the building beyond 24 mt. but shall not exceed 7.50 mt. for the building having height of 40 mt. For the building having height more than 40 mt. marginal distances as per DCPR shall apply. The marginal distances may be relaxed by the CEO (SRA) on the merits of each case.
 - e) Where the plot abuts a Nalla/non-buildable reservation or zone / open space; the marginal distance along it shall be 3.00m from the edge of the trained Nalla/ non-buildable reservation or zone/ open space. Ramps-for basements or multi-level parking may be allowed only in side margin and / or rear margins.
 - f) Minimum distance between two Rehabilitation buildings shall be as follows:

(i)	For buildings with Height up to 40 mt. -	Min. 6.00 m.
(ii)	For buildings with Height above 40 mt up to 50 mt. -	Min. 7.50 m.
	For buildings with Height above 50 mt. -	Min. 9.00 m.
 - g) The marginal distance around the building should be paved up to 1mt. width.
 - h) Where the dimensions prescribed are for the pathway and the marginal distances, the larger of the two shall prevail. The pathway shall serve as access wherever necessary. The

construction of buildings may be permitted abutting the pathways

- 41.14.8** In the event of any proposed road widening, the computation of permissible FSI shall be made on gross plot area without deducting the area under such proposed road widening and the height of a building shall be relaxed by the CEO, SRA on the merits of each case for such road area going under road widening as per the Development Control and Promotion Regulations of the Nashik Municipal Corporation. However, the maximum height of the building shall be as per the Development Control and Promotion Regulations of the Nashik Municipal Corporation.
- 41.14.9** The construction of the building for the rehabilitation of Slum dwellers and the tenements to be made available to the SRA shall be as per the designs and specifications approved by the CEO, SRA.
- 41.14.10** After approval is granted to the Slum Rehabilitation Scheme (SRS), the land earmarked for SRS may be further subdivided if necessary, to carve out separate plots for the Rehabilitation Component, Free-sale Component and the Amenity Component. Both, the Plot area and the Built-up area of the said plots shall be mentioned separately in sq.m. in the lease agreements-as well as Record of Rights.

41.15 Rehabilitation and Free Sale Components

The total permissible FSI for any SRS shall be the sum total of rehabilitation component area and free sale component area, calculated as per the ratios prescribed herein below.

41.15.1 FSI Ratio

If the rehabilitation component is 10 sq. mt. of actual construction including balcony, passage/ (s), lift/(s), lobby/ (s), staircase/ (s), lift machine room/ (s), common areas and amenities then; an additional 17.50 sq.mt will be permitted so that it can be sold in open market and the rehabilitation component subsidized,

- 41.15.2 (a)** If the SRS in respect of a slum located on any land belonging to a public authority or a private owner, which is needed for a vital public purpose or which is on uninhabitable locations / ecologically fragile / environmentally sensitive locations or wherein in-situ rehabilitation is not feasible for any reason, is taken on an unencumbered plot, then the TDR (land TDR) for the gross area of the land spared for this purpose shall be permissible as per TDR Regulation no.22.0 and in addition, TDR as per the following formula, irrespective of TDR Zone, shall also be admissible to the owner of the said unencumbered Plot.

$$\text{TDR} = [(\text{Construction of in-situ rehabilitation component}) + (\text{Admissible Free Sale Component equal to 1.75 times the in-situ rehabilitation component}) - (\text{Maximum permissible in-situ construction})].$$

Provided that this TDR shall be treated as generated from the adjacent land of SRS, having maximum land rate as per ASR, for the purpose of deciding the rate of generation plot. The slum TDR generated shall be allowed to be utilized under the Regulation no.22.0.

- (b)** Relocation henceforth shall be preferably on lands already earmarked in the DP for EWS/ MHADA, Housing for Dis-housed (HDH) or High Density Housing (HDH) or Slum Improvement. For lands other than these, process of public consultation shall be followed by inviting objections and suggestions in respect of the proposed relocation and rehabilitation of slum. CEO, SRA shall be competent to take decision in this regard and his decision shall be final.

- (c) The identified land for slum relocation under SRS shall be conveyed, in favour of SRA upon approval of such SRS. The TDR for the unencumbered land spared for this purpose as mentioned above (hereinafter referred as Land TDR) shall thereafter be granted to the owner of the said unencumbered plot.
- (d) Land TDR shall be released (in two stages 75% after conveyance land and 25% after physically rehabilitating the identified beneficiaries of the SRS).
- (e) The land after relocation of such slum shall be handed over free of cost to the Nashik Municipal Corporation for vital public purpose.

41.15.3 Area / Tenements to be given to SRA free of cost:

On considering the maximum FSI of 3.00 or 4.00, as the case may be, on net plot area and on distributing the same in proportion to the provision for rehabilitation and sale component ratios, the 10 sq. m. component is to be mainly used for construction of rehabilitation component, required to accommodate only the existing slum dwellers from the same site and the balance area from this 10 sq. m. component shall be handed over to the SRA free of cost, in the form of tenements. If exactly 10 sq. mt. component is required for rehabilitation of existing slum dwellers from the same site, the SRA will not be entitled to any area.

41.15.4 At least 40% of the built-up area in a Composite Building under the SRS shall be towards the Rehabilitation Component.

41.15.5 The CEO, SRA shall use the tenements received by him free of cost as per the provisions hereinabove for the purpose of transit or for project affected persons or slum dwellers from other slums.

41.15.6 The terms and conditions for resettlement of such existing tenements shall be as governed by the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

41.16 Payments to be made to SRA and instalments

41.16.1 No premium shall be charged for any relaxation to be granted for construction in SRS, provided relaxation is necessary for implementation of the scheme.

41.16.2 Land Development charges shall not be charged for lands under declared slum rehabilitation areas. Building Development charges shall not be payable for rehabilitation component. However infrastructural improvement charges shall be paid to SRA at the prevailing rates for the built-up area, over and above the permissible FSI of the zone These charges shall also apply to the transit camp.

41.16.3 The Developer shall deposit with CEO, SRA, an amount of Rs.10000/- or 3% (for 15 m. height rehabilitation building or 4% (for 24 m. height rehabilitation building) or 5% (for 40 m. height rehabilitation building) of the cost of construction as per the prevailing ASR whichever is more, for each Rehabilitation Tenement as well as for the Welfare Centre(s) and Balwadi(s) in the Rehabilitation Component of the SRS.

41.16.4 The concerned developer shall have to pay Infrastructure Development charges (IDC) at the rate equal to the then prevailing rate. Such IDC shall be calculated on the difference of built-up area proposed for construction of rehabilitation component, free-sale component, transit camps, welfare hall, balwadi etc., if any, and built-up area as otherwise normally permissible on the land pertaining to the scheme under the provisions of DCPR for the Nashik Municipal Corporation. Sharing of such IDC between SRA and the Nashik Municipal Corporation shall be in proportion of 10:90 of

the total leviable IDC and the same shall be paid to the Authorities in accordance with the payment schedule as may laid down by the CEO(SRA), provided the instalments shall not exceed beyond the completion of construction of the scheme. This amount shall be used for schemes to be prepared for the improvement of infrastructure in slums or slum rehabilitation areas.

However any infrastructural improvement charges, if any, payable to the Nashik Municipal Corporation for loading of slum TDR shall be adjusted against the premium leviable as above.

41.17 Transit Camp Accommodation

- a) The Temporary Transit Tenements for rehabilitation of hutment dwellers may be allowed to be constructed on Rehabilitation site itself, or on any other land located within NMC area.
- b) "Temporary Transit Tenement" shall mean habitable residential or non-residential accommodation for eligible SRS beneficiary constructed from detachable material such as tubular/ prefabricated light structures or such other material, in such a manner that it ensures safety of the inhabitants. Design criteria for structural elements of transit accommodation shall be similar to those of the rehabilitation tenements, with a maximum carpet area of 16.72 sq. mt. (180 sq. ft.) for residential and 9.29 sq.mr. (100.00 sq. ft.) for non- residential tenement for each transit tenement/unit.
- c) The temporary transit camp for rehabilitation of slum dwellers may be provided on site itself or anywhere in the Corporation area and, if needed, be-on the area of statutory open spaces to be left in accordance with the DCPR of the Corporation on the plot or in the transit rehabilitation tenements allotted by CEO, SRA or otherwise. Minimum monthly rent as may be decided by CEO, SRA shall be paid by the developer to the eligible slum dwellers to be temporarily shifted for allowing construction on site till allotment of permanent rehabilitation tenements.
- d) The area of temporary transit tenements shall be excluded from the computation of FSI, but the safety of the structure shall be ensured.
- e) Such building permission shall be given within 30 days from the date of application and after approval to the project by CEO, SRA, failing which such permission shall be deemed to have been granted.
- f) If a site reserved in Development Plan for any buildable public purpose is vacant or partly encumbered or there happens to be the unused portion of any site reserved for public purpose, then temporary construction of transit tenements in such sites may be allowed wherever possible.
- g) On any nearby vacant site without any reservation in the Development Plan, construction of temporary transit tenements made of light material shall be allowed with the consent of the land owners up to an FSI of 3.00. The word "Temporary" here shall mean made of detachable material such as tubular / prefabricated light structures.
- h) In all such cases where the temporary transit camp is erected, there shall be a condition that such structures shall be demolished by the Developer / Society within 30 days of grant of occupation Certificate to the Rehabilitation Buildings and the site should be brought back to the Original State.

41.18 Building Control Regulations for SRA

41.18.1 Habitable Rooms - Size and width - The minimum size and width for any habitable room shall be as per the following provisions:

- Living room shall not be less than 7.5 sq. m., in area, with minimum width of 2.40 m.

- Bed room shall not be less than 6.5 sq. m., in area, with minimum width of 2.40 m.
- Multipurpose room, if any, shall not be less than 12.5 sq. m., in area, with minimum width of 2.40 m.

41.18.2 For rehabilitation tenement, provision of a separate kitchen shall not be necessary where an alcove (cooking space with direct access from the main room without a communicating door); of size not be less than 2.40 sq.m. with a minimum width of 1.20 m., is provided.

If a separate kitchen is provided, it shall not be lesser than 3.30 sq. m in area, having a minimum width of 1.80m.

41.18.3 In water closets, flushing cistern shall not be essential and toilets without this provision may be permitted. The water closet seat shall be of minimum of 0.46 mt. (18 inches) in length.

41.18.4 There shall be no size restriction for bath or water closet unit. Moreover for bathroom, water closet for kitchen there shall be no stipulation of one wall abutting open space, etc. as long as artificial light and ventilation through any means are provided

41.18.5 The minimum internal size of ventilation shaft shall be 1.50m x 2.40 m.

41.18.6 Common Passage: The minimum width of Common Passage in the Rehabilitation Component shall be 1.20 mtrs. and the maximum shall be 1.50 mtrs., in case of singly loaded corridor floor arrangement, and the same shall be minimum 1.50 mtrs. and maximum 2.00 mtrs. in case of doubly loaded corridor floor arrangement.

The area of common passage, not exceeding the prescribed limits in width, provided in Rehabilitation Component, shall not be counted towards the computation of permissible in-situ FSI

- 41.18.7**
- (i) The minimum plinth height shall be 45 cm. and in flood prone areas, the plinth shall be at least 30 cm. higher than the Highest Flood Level for Ground floors and it shall be minimum 15 cm. in case of building on stilts.
 - (ii) The minimum clear floor height (finished floor to finished ceiling) of rehabilitation tenement room shall be 2.75 m and any toilet shall have a clear minimum floor height of 2.40m.
 - (iii) The minimum width of each flight, mid-landing and corridor of the staircase shall not be less than 1.50 m.
 - (iv) The maximum height of all risers shall be of 15 cm. in a residential building.
 - (v) The minimum width of the tread without nosing shall be 25 cm. for any staircase in a residential building, other than stairs provided in fire escapes.
 - (vi) The minimum head-room in a passage under the staircase shall be 2.20 m.
 - (vii) The ordinal number of each floor shall be conspicuously displayed in figures of the size of at least 15 cm. on the wall facing the flights of a stairway or at such suitable place as is distinctly visible from the flights.
 - (viii) Handrails having a minimum height of 0.90 m. from the centre of the treads shall be provided.
 - (ix) For every rehabilitation tenement / unit, provision of parking for 1 two-wheeler, and 1 cycle shall be made.
 - (x) The planning, design and construction of any building under SRS shall be such as to ensure safety from fire. For this purpose, the provisions of DCPR for Corporation, the Maharashtra Fire Prevention and Life Safety Act, 2006 and the relevant provisions of the National Building code 2005, as amended from time to time, shall apply.

- 41.18.8** The front marginal distance on roads having width of 9.14 mt. and below shall be minimum 1.50 mt., for buildings with heights up to 10 mt.
- 41.18.9** The width of pathways shall be as follows:
- (i) 1.50 mt. width for pathways up to 20 mt. length.
 - (ii) 2.00 mt. width for pathways up to 30 mt. length
 - (iii) 2.50 mt. width for pathways up to 40 mt. length
 - (iv) 3.00 mt. width for pathways up to 50 mt. length
- 41.18.10** All provisions mentioned herein above shall be applicable to the buildings under the Rehabilitation Component as well as Composite buildings under SRS.
- 41.18.11** The above special regulations can be further relaxed by the CEO, SRA under written permission in specific cases of demonstrable genuine hardship. In order to make the SRS viable, the CEO (SRA) shall be competent to award any relaxation/(s), wherever necessary, for reasons to be recorded in writing. The CEO (SRA) may delegate any of the powers conferred upon him under the provisions of these regulations and the said Act, except power of relaxation, to any of the officers of the SRA, by a general or special order in this behalf.
- 41.18.12** (a) Boundaries and measurement of Area under SRS: The areas of plots under the SRS shall be certified by the Competent Authority after actual on-site measurement of the areas of plots. Such certified boundaries and areas of plots shall be the basis adopted for planning purposes, for calculation of tenement density and FSI and other aspects of planning.
- (b) The collector / city survey Officer, as the case may be, on payment of such fees as may be applicable in this behalf shall ensure that the city survey sheets and property cards are corrected accordingly and fresh property cards are opened for each of the plots giving details regarding the area of the plots and the total area of the floors of the built-up property i.e. the FSI used on that plot.
- (c) The CEO, SRA may, if required, adjust the boundary of the plot declared as slum rehabilitation area so as to suit the building design and provide proper access to the Project.
- 41.18.13** In case the land on which any SRS is undertaken is adjoining railway tracks, a boundary wall of minimum 2.40 m. in height shall be constructed on the side of the plot abutting the railway line. The Developer shall be required to furnish a No objection Certificate (NOC) from the concerned Railway Authority while seeking permission for construction of any building under the SRS within a distance of 30 m. from the railway boundary. Any development on such plot shall be subject to the terms and conditions stipulated by the concerned Railway Authority.

41.19 Slum and Development Plan Reservations

Existing hutments in the slum pockets occupying lands in dangerous locations such as hill slopes, marshy lands, or in close proximity of water bodies, or lands abutting Railway tracks or sites immediately required for the public and semi-public projects may be relocated on other suitable locations with the prior approval of CEO, SRA.

- 41.19.1** Slums situated on land falling under various reservations in the Development plan and/or Town planning Scheme shall be developed as follows :-

Out of the total area under reservation, 40% of the area shall be earmarked for reservation and rest shall be put to slum rehabilitation. In schemes where the existing density of slums (calculated on net plot area after deducting area under Road) is more than 450 T/H, the area earmarked for

reservation may be reduced upto 33 %, but in no case shall it be less than 33%. The users as otherwise allowed in the zones in the vicinity of the reservation can be permitted by the CEO, SRA.

- 41.19.2** Slums situated in lands under industrial and public / semi- public Zone / Slum Improvement Zone or under reservations for Economically Weaker Section Housing (EWS), High Density Housing (HDH) / Housing for Dis-housed (HDH) shall be allowed without charging any premium on area of reservation for conversion or accommodation and for allowing redevelopment.
- 41.19.3** Wherever a D.P. Road passes through slum; entire 100 percent FSI of the road may be given for utilisation in the same site on the remaining area of such Plot.
- 41.19.4** SRS can be taken up on Town Planning Scheme plots and reservations as well, in accordance with these Regulations. Contravening structures in the adjoining final plots, if declared as slum redevelopment area by the Competent Authority, shall be included in the Slum Rehabilitation Scheme (SRS) in the relevant final plot of the Town Planning Scheme.
- 41.19.5** It shall be an obligatory duty of the Competent Authority to ensure de-notification of the entire slum area, by including all eligible slum dwellers falling in the proposed buildable site, contravening structures, hutments on adjacent non-buildable areas like roads/No Development Zones/Green Belts/reservations, for the purpose of in-situ rehabilitation of such eligible slum dwellers on balance buildable land as per these regulations.

41.20 Clubbing of two schemes

- 41.20.1** Clubbing of two or more Slum Rehabilitation Schemes, proposed within a radius of 2 km. aerial distance, may be allowed by keeping the ratio of rehabilitation component to sale component, same in the respective lands and the corresponding ratio zones. In such a case, the rehabilitation component can be proposed on one land and the sale component on the other. Slum TDR generation in such case shall be as per the respective ratio zone of individual schemes. Provided that, this approval shall be subject to payment of difference in the Rate as per ASR of built-up premises for sale components, proposed to be exchanged.
- 41.20.2** The SRS proposal shall be allowed to be executed as Composite proposal, with adjacent encumbered or unencumbered buildable lands. In such a case, the developer may execute the SRS along with any other encumbered or unencumbered buildable land, by availing benefits under these regulations on any of the land, restricting the scheme to the rehabilitation component area that existed prior to such composition. This shall even mean allowing rehabilitation component on one land and entire permissible in-situ free sale FSI under these Regulations, on the other land.
- 41.20.3** Development of slum and contiguous non-slum area under any other provisions may be allowed together, in order to promote flexibility of design as well as to raise more resources, provided the FSI on non-slum quantum of area shall be restricted to that permissible in the surrounding zone. Such a scheme shall be deemed to be a Slum Rehabilitation Scheme. The power under DCPR for shifting and/or interchanging the purpose of designations / reservations shall be exercised by the CEO, SRA in respect of slum rehabilitation areas/projects.
- 41.20.4** All the plots involved in any SRS, under which ex-situ rehabilitation of hutments dwellers is envisaged, shall be notionally treated as one, for the purpose of computation of FSI.

41.21 Social Amenities and Religious Structures

- 41.21.1** Religious structures existing prior to rehabilitation, if allowed as part of rehabilitation in accordance with the guidelines issued by the Government from time to time, shall not exceed the

area that existed prior to rehabilitation. However FSI required for the same shall not be counted in the in-situ permissible FSI of Slum Rehabilitation Scheme (SRS).

- 41.21.2 (a)** There shall be a welfare centre and Balwadi admeasuring 25 sq. m. each for every multiple or part of 100 hutment dwellersø families in every SRS, as part of the Rehabilitation Component. It shall be located so as to serve all the floors and buildings equitably. Further, two or more such welfare centres and Balwadis may be permitted to be clubbed together suitably for their better utility. In case of misuse of the Welfare centre and / or Balwadi by the members of the Co-operative Housing Society, it shall be taken over by CEO, SRA who shall be entitled to allot the same to be run by any suitable organization / institution for public use.
- (b)** For all sites admeasuring more than 4000 sq. m. in area, 5% of the rehabilitation component, shall be constructed for the Rehabilitation Co-operative society in the form of convenience shopping. Such shops shall not be more than 10 sq. m. in carpet area, with single floor height.
- Convenience users like vegetable market, Meat market, Fish market, Barber shop, Grocery shop, Milk Booth, Telephone Booth, Newspaper and Book stall, stationery shop, utility shop, Tailor shop, canteen, Tea stall etc. shall be permissible in these shops.
- The Rehabilitation Co-operative Housing Society shall own these convenience shops and shall generate operation and Maintenance costs for rehabilitation component through these by way of transparent allotment and operation- for which, accounting system may be prescribed by the CEO (SRA).
- 41.21.3** One society office of 12 sq. m. (free of FSI) for rehabilitation building for every 100 tenements shall be provided free of cost in every Slum Rehabilitation Scheme. An attached toilet of 3 sq. m. area (free of FSI) may be permitted.
- 41.21.4** All the areas underlying welfare halls, society office, balwadi/s religious structure/s, and the commercial areas given by way of incentives to the Co-operative Housing Society shall be free of cost and shall form part of rehabilitation component and shall be considered for incentive FSI computation for the free sale component as per the provisions in these Regulations.
- 41.21.5** Welfare halls, society office, balwadi/s, religious structure/s, and -the commercial areas given by way of incentives to the Co-operative Housing Society provided in the rehabilitation component shall not be counted towards the FSI even while computing in situ permissible FSI of 3.00 or 4.00 (as the case may be) on site as per these Regulations.
- 41.21.6** Similarly, Health post as per the requirement of the Corporation and police chowky of 25.00 sq. m. carpet area shall be provided as per the requirement of the Commissioner of police under a Slum Rehabilitation Scheme. In case of misuse of these facilities, the same shall be taken over by the CEO, SRA who shall be competent to allot the same to some other Government / Semi Government organization /institution for public use.
- 41.21.7** Convenience shopping as defined in the corresponding provisions of the DCPR of the Corporation shall be permitted along the layout roads within the SRS, having width of 9.00 m. and above, provided a setback of 3.0 m.is provided. This shopping provision would be in addition to the provision for shop area allowed according to these Regulations.
- 41.22** If any question or dispute arises with regard to interpretation of any of the above regulations, the CEO, SRA shall take a decision with prior approval of the Government, which shall do so after considering the matter and if necessary, after giving hearing to the parties. The decision of the Government on the interpretation of such regulations shall be final and binding on all the concerned

parties.

42.0 INNOVATIVE DEVELOPMENT PROPOSALS

If any development proposal is submitted by the owner or developer, consisting of new concepts, innovative ideas, then such proposal may be approved by the Authority in consultation with the Director of Town Planning, Maharashtra State, Pune, if it is, otherwise, in accordance with the spirit of these regulations.

APPENDIX A-1

FORM FOR CONSTRUCTION OF BUILDING OR LAYOUT OF BUILDING / GROUP HOUSING

Application for permission for development under Section 44 / 58 of The Maharashtra Regional and Town Planning Act, 1966 read with Section 253 of the BPMC Act, 1949.

From _____

(Name of the owner)

To,

The Municipal Commissioner,
Municipal Corporation, Nashik

Sir,

I intend to carry out the under mentioned development in the site/plot of land, on Plot No. _____ Town and Revenue S.No. _____ .City Survey No. _____ ..Mauje _____ situated at Road / Street _____ Society _____ .in accordance with Section 44 / 58 of the Maharashtra Regional and Town Planning Act, 1966 read with Section 253 of the BPMC Act, 1949.

I forward herewith the following plans and statements (Item i to ix) wherever applicable, in quadruplicate, signed by me (Name in block letters) _____ ..and the Architect / Licensed Engineer / Structural Engineer / Supervisor, (License No. _____), who has prepared the plans, designs and a copy of other statements /documents as applicable

- i) Key Plan (Location Plan), (to be shown on first copy of the set of plans)
- ii) Site Plan showing the surrounding land and existing access to the land proposed to be developed; (to be shown on first copy of the set of plans)
- iii) A detailed building plan showing the plan, section and elevations of the proposed development work along with existing structure to be retained/ to be demolished, if any;
- iv) Particulars of development in Form enclosed (to be submitted for development other than individual buildings);
- v) Copy of sanctioned layout plan if any;
- vi) An extract of record of rights, property register card (any other document showing ownership of land to be specified) alongwith consent of co-owners where third party interest is created;
- vii) Attested copy of receipt of payment of scrutiny fees;
- viii) Latest property tax receipt;
- ix) No Objection Certificate(s), wherever required.

I request that the proposed development/ construction may be approved and permission be accorded to me to execute the work.

Signature of the Licensed /

Surveyor/Architect

Name

License No.

Contact No.

Dated

Signature of Owner

Name of Owner

Address of Owner

Contact No.

Dated

FORM GIVING PARTICULARS OF DEVELOPMENT
(Item iv of Appendix A-1)

1.	(a) (i) Full Name of Applicant	-----
	(ii) Address of applicant	-----
	(iii) e-mail ID	-----
	(iv) Contact / Mobile No.	-----
	(b)(i) Name and address of Architect/ licensed Engineer/ Structural Engineer/ Supervisor employed.	-----
	(ii) No. and date of issue of License	-----
2.	(a) Is the plot of, a City Triangulation Survey Number, Revenue Survey Number or Hissa Number of a Survey Number or a Final Plot Number of a Town Planning Scheme or a plot of an approved layout?	
	(b) Please state Sanction Number and Date of Sub-division / Layout	
	(c) Whether the land is situated in Core Area or Outside Core Area?	
3.	(a) What is the total area of the plot according to the ownership document and measurement plan?	-----
	(b) Does it tally with the Revenue/CTS Record	-----
	(c) What is the actual area available on site measured by Architect/ licensed Engineer/ Structural Engineer / Supervisor? (The permission shall be based on the area whichever is minimum.)	-----
	(d) Is there any deduction in the original area of the plot on account of D.P. roads, or reservation(s). If so, are they correctly marked on the site plan? Please state the total area of such deductions?	-----
	(e) Is there any water stream in the land? State the area of such land.	
	(e) What is the area remained for development after above deduction(s)?	-----
	(f) What is the area proposed for recreational open space? (in case of land having original holding more than 0.4 hector) Please mention the area.	
	(g) Whether amenity space as required under Regulation no.13.4 is left? Please mention the area.	
	(f) What is the net plot area as per Regulation no.13.8? (excluding (g) above)	
4.	Are all plans as required under Regulation no.6.2 enclosed?	
5.	(a) In what zone does the plot fall?	-----
	(b) For what purpose the building is proposed? Is it permissible according to the land use classification?	

6.	(a) Is road available as an approach to the land? What is the average existing width of the road? (If the plot abuts on two or more roads, the above information in respect of all roads should be given)	
	(b) Is the land fronting on D.P. road? If so, width of the D.P. road	
	(c) Is the land fronting on National or State highway? If so, is the Building line / control line maintained? Please state the distance.	
	(c) What is the height of the building above the average ground level of the plot?	
	(d) Is it within permissible limit of height specified in Regulation no. 15.9 i.e. 1.5 times of the road width plus front margin?	
	(e) Does height exceed the limit specified in (d) above? If so, is height approved by Director of Fire Services, M.S.?	
7.	Is the land subject to restrictions of blue / red flood line, airport, railway, electric line, land fill sites, archeology, etc.? Please state the details along with No objection certificate if any.	
8.	(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 hatched in yellow colour?	
	(iii) What is the plinth area and total floor area of all existing structures to be retained? (Please give details confirming to the plan submitted)	
9.	Is balcony area within the permissible limit of 15 % ? State said balcony area and area counted in FSI.	
10.	Are double height terrace within the limit of 20%? Are they of supported type? State said double height terrace area and area counted in FSI.	
11.	(a) Please state the total built up area, (existing + proposed + extra balconies + extra double height terraces.)	
	(b) What is the basic permissible F.S.I. of the zone according to front road width?	
	(c) What is the premium FSI proposed to be consumed?	
	(d) What is the fungible FSI proposed to be consumed?	
	(e) What is the area of TDR proposed to be consumed?	
	(f) What is the additional FSI proposed to be consumed?	
	(g) Please state the overall F.S.I. utilised in the proposal?	
	(h) Is built-up area of each flat / unit	

	mentioned on the plan?		
12.	Whether area for inclusive housing is required as per Regulation no.13.7? Please state the details.		
13.	(a) What is the width of the front marginal distance (s)? If the building abuts two or more roads, does the front marginal distance comply with Regulation?		
14.	(a) What is :	Permissible	Proposed
	(i) the side marginal distance (s)?		
	(ii) the rear marginal distance (s)?		
	(iii) the distance between buildings?		
15.	(a) What are the dimensions of the inner or outer chowk?		
	(b) Is / are room (s) dependent for its light and ventilation on the chowk? If so, are the dimensions of the chowk as required?		
16.	(a) Whether sizes of the rooms comply with the dimensions mentioned in the regulations?		
	(b) Whether use of every room / part mentioned on the plan?		
	(c) Whether every room derives light and ventilation required under the regulations?		
17.	If the height of the building is more than 15 meter above the average ground level, is provision for lifts made?		
	(a) If so, give details of lift.	Passenger Capacity	No. of Lifts
	(b) Details of Fire Lift.	Passenger Capacity	No. of Lifts
18.	(a) Does the building fall under purview of Regulation no.6.2.6.1?		
	(b) If so, is fire escape staircase provided in addition to regular staircase?		
	(c) Whether the ramps to the basement are provided leaving 6 m marginal distance for movement of fire fighting vehicle?		
	(d) If podiums are proposed, does it allow the movement of fire fighting vehicle properly?		
19.	(a) What are the requirements of parking spaces under the Regulation no.20? How many are proposed?	Required	Proposed
		Car	
		Scooter	
	(b) (i) Are loading-unloading spaces necessary?		
	(ii) If so, what is the requirement?		
(iii) How many are proposed?			
20.	Is the sanitary arrangement provided as per the regulation?		

21.	Details of the source of water to be used in the construction	
22.	Distance from the sewer.	
23.	Please explain in detail in what respect the proposal does not comply with the Development Control and Promotion Regulations and the reasons there for, attaching a separate sheet if necessary.	

I hereby declare that I am the Architect/ licensed Engineer/ Structural Engineer/ Supervisor employed for the proposed work and that the statements made in this form are true and correct to the best of my knowledge.

Date : / /

Signature of the Architect/ licensed Engineer/ Structural Engineer/ Supervisor employed.

+++++

FORM OF STATEMENT 1

(to be printed on plan)

[Sr. No. 8 (a) (iii)]

Existing Building to be retained

Existing Building No.	Floor No.	Plinth Area	Total Floor Area of Existing Building	Use / Occupancy of Floors.
(1)	(2)	(3)	(4)	(5)

+++++

FORM OF STATEMENT 2

(to be printed on plan)

[Sr. No. 11 (a)]

Proposed Building

Building No.	Floor No.	Total Built-up Area of floor.	Balcony area within 15%	Excess balcony area counted in FSI.	Double height terrace area within 20%	Excess Double height terrace area counted in FSI.	Total FSI (3+5+7)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

+++++

FORM OF STATEMENT 2

(to be printed on plan)

[Sr. No. 11 (h)]

Area details of Flat / unit

Building No.	Floor No.	Flat / unit No.	Built up area of flat / unit along with Share of Common areas like staircase / passages	Area of Balcony attached to flat / unit	Area of Double height terraces attached to flat / unit	Total area of flat / unit (4 + 5 + 6)
1	2	3	4	5	6	7

Note :

- 1) Built up area of all flats / units on the respective floor shall tally with the total built up of that floor.
- 2) Above statements may vary, wherever required.

PROFORMA - I	
(At Right Hand top Corner of Plans)	
PROPOSED ----- COMPLEX ON C.T.S. NO./PLOT NO. / S.NO. / F.P.NO.----- OF VILLAGE MAUJE -----	Drawing Sheet No. X/Y
Stamps of Approval of Plans:	
A	AREA STATEMENTS
	1. Area of plot <i>(Minimum area of a, b, c to be considered)</i>
	a) As per ownership document (7/12, CTS extract)
	b) as per measurement sheet
	c) as per site
	2. Deductions for
	(a) Proposed D.P./ D.P. Road widening Area
	(b) Any D.P.Reservation area
	(c) Natural Water course area
	(Total a+b+c)
	3. Gross Area of Plot (1-2)
	4. Recreational Open space
	(a) Required
	(b) Proposed
	5. Amenity Space -
	(a) Required -
	(b) Proposed -
	6. Service road and Highway widening
	7. Internal Road area
	8. Net Area of Plot = [3 ó 5(b)] <i>[For Basic F.S.I. = 1.00]</i>
	9. Built up area with reference to Basic F.S.I. as per front road width <i>(sr. no. 8 X 1.0 or 1.1 or 1.2)</i>
	10. Addition of area for F.S.I.
	(a) In-situ area against D.P. road <i>[1.85x sr. no. 2 (a)], if any</i>
	(b) In-situ area against Amenity Space <i>[2.00 or 1.85 x sr. no. 5 (b)],</i>
	(c) Premium FSI area <i>(subject to maximum of 0.3 of sr. no. 8)</i>
	(d) Fungible FSI area <i>(subject to maximum of 0.3 of sr. no. 8)</i>
	(e) TDR area
	(f) Additional FSI area under chapter VIII
	(Total of a+b+c+d+e+f)
	11. Total area available (9+10)
	12. Maximum utilization of F.S.I. Permissible as per Road width <i>(as per Regulation no. 15.4)</i>
	13. Total Built-up Area in proposal. <i>(excluding area at Sr.No.15.b)</i>
	a) Existing Built-up Area.
	b) Proposed Built-up Area
	c) Excess Balcony area counted in F.S.I.
	d) Excess Double Height terraces area counted in F.S.I.
	Total (a+b+c+d)
	14. F.S.I. Consumed (13/8) <i>(should not be more than serial no.12 above.)</i>
	15. Area for Inclusive Housing, if any
	a) Required <i>(20% of sr.no.9)</i>
	b) Proposed

Certificate of Area:

Certified that the plot under reference was surveyed by me on _____ and the dimensions of sides etc. of plot stated on plan are as measured on site and the area so worked out tallies with the area stated in document of Ownership/ T.P. Scheme Records/ Land Records Department/City Survey records.

Signature

(Name of Architect/ Licensed Engineer/ Supervisor.)

Owner (s) name and signature

Architect/ Licensed Engineer/ Supervisor name and signature

Job No.	Drawing No.	Scale	Drawn by	Checked by	Registration / License no. of Arch./ Lic. Eng./ Supervisor

APPENDIX A-2**FORM FOR SUB-DIVISION OF LAND AS PLOTTED LAYOUT**

Application for permission for development under Section 44 / 58 of The Maharashtra Regional and Town Planning Act, 1966 read with Section 253 of the BPMC Act, 1949.

From í í í í ..
(Name of the owner)

To,
The Municipal Commissioner,
Municipal Corporation, Nashik.

Sir,

I intend to carry out the under mentioned development in the site/plot of land, bearing S.No./ Gut No. í í í í í City Survey No.í í í í í í í í í , Mouje í í í í í í í í , situated at Road/ Street í í í í í í í í í in accordance with Section 44/58 of The Maharashtra Regional and Town Planning Act, 1966 read with Section 253 of the BPMC Act, 1949.

I forward herewith the following plans and statements (Item 1 to 6) wherever applicable, in quadruplicate, signed by me (Name in block letters) í í í í í í í í í í and the Architect / Licensed Engineer / Structural Engineer / Supervisor (License Noí í í í í í í í í .), who has prepared the plans, designs and a copy of other statements /documents as applicable (Items 7 to 10).

- (1) Key Plan (Location Plan); (to be shown on first copy of the set of plans)
- (2) Site Plan showing the surrounding land and existing access to the land included in the layout; (to be shown on first copy of the set of plans)
- (3) A layout plan showing,
 - (i) sub-divisions of the land or plot with dimensions and area of each of the proposed sub-divisions and its use according to prescribed regulations;
 - (ii) width of the proposed streets; and
 - (iii) dimensions and area of recreational open spaces provided in the layout.
 - (iv) dimensions and area of amenityspace provided in the layout.
- (4) An extract of record of rights property register card (any other document showing ownership of land to be specified) alongwith consent of co-owners where third party interest is created.
- (5) Particulars of development in Form enclosed.
- (6) Attested copy of Receipt for payment of scrutiny fees.
- (7) No Objection Certificate, wherever required.

I request that the proposed layout may please be approved and permission accorded to me to execute the work.

Signature of the Licensed /
Surveyor/Architect

Name

License No.

Contact No.

Dated

Signature of Owner

Name of Owner

Address of Owner

Contact No.

Dated

**FORM GIVING PARTICULARS OF DEVELOPMENT
(PART OF APPENDIX 1.....ITEM 5)**

1.	(a) (i) Full Name of Applicant	
	(ii) Address of applicant	
	(iii) e-mail ID	
	(iv) Mobile No.	
	(b) (i) Name and address of Architect/ licensed Engineer employed.	
	(ii) No. and date of issue of License	
2.	(a) Is the plot of, a City Triangulation Survey Number, Revenue Survey Number or Hissa Number of a Survey Number or a Final Plot Number of a Town Planning Scheme?	
	(b) Whether the land is situated in Core Area or Outside Core Area?	
3.	(a) What is the total area of the plot according to the ownership document and measurement plan?	
	(b) Does it tally with the Revenue/CTS Record	
	(c) What is the actual area available on site measured by Architect/ licensed Engineer/ Structural Engineer / Supervisor? (The permission shall be based on the area whichever is minimum.)	
	(d) Is there any deduction in the original area of the plot on account of D.P.roads, or reservation(s). If so, are they correctly marked on the site plan? Please state the total area of such deductions?	
	(e) Is there any water stream in the land? State the area of such land and state whether it is excluded?	
	(e) What is the area remained for development after above deduction(s)?	
	(f) What is the area proposed for recreational open space? (in case of land having original holding more than 0.4 hector) Please mention the area.	
	(g) Whether amenity space as required under Regulation no.13.4 is left? Please mention the area.	
	(f) What is the net plot area as per Regulation no.13.9? (excluding (g) above)	
	5.	Are all plans as required under Regulation no.6.2 enclosed?
6.	(a) In what zone does the plot fall?	
	(b) For what purpose the layout is proposed? Is it permissible according to the land use classification?	
7.	(a) Is road available as an approach to the land? What is the average existing width of the road? (If the plot abuts on two or more roads, the above information in respect of all roads should be given)	
	(b) Is the land fronting on D.P. road? If so, width of the D.P. road	
	(c) Is the land fronting on National or State highway? If so, is the Building line / control line maintained? Please state the distance.	
8.	Is the land subject to restrictions of blue / red flood line, airport, railway, electric line, land fill sites, archiology, etc? Please state the details along with No objection certificate if any.	

9.	Whether the internal roads proposed in the layout conform to the Regulation no.12.	
10	Whether roads in the layout are co-ordinated with the roads in the surrounding layout?	
11	Whether the area and dimentions of plots are proposed as per prescribed regulations?	
11.	Whether area for inclusive housing is required as per Regulation no. 13.7? Please state the details.	

I hereby declare that I am the Architect/ licensed Engineer employed for the proposed work and that the statements made in this form are true and correct to the best of my knowledge.

Date : / /

Signature of the Architect/ licensed Engineer/
Structural Engineer/ Supervisor employed.

+++++

PROFORMA - I

(At Right Hand top Corner of Plans)

PROPOSED ----- LAYOUT ON C.T.S. NO./PLOT NO. / S.NO. / Drawing Sheet
F.P.NO.----- OF VILLAGE MAUJE ----- No.

X/Y

Stamps of Approval of Plans:**A AREA STATEMENTS**

1. Area of land
(Minimum area of **a, b, c** to be considered)
 - a) As per ownership document (7/12, CTS extract)
 - b) as per measurement sheet
 - c) as per site
2. Deductions for
 - (a) Proposed D.P./ D.P. Road widening Area
 - (b) Any D.P. Reservation area
 - (c) Natural water course area

(Total a+b)
3. Gross Area of Plot (1-2)
4. Recreational Open space
 - (a) Required -
 - (b) Proposed -
5. Amenity Space
 - (a) Required -
 - (b) Proposed -
6. Service road and Highway widening
7. Internal Road area
8. Area under layout plots
9. Net area of plots for FSI Calculations = (3-5b)
10. Permissible FSI factor for layout plots = (9/8)
11. Area for inclusive housing
 - (a) Required -
 - (b) Proposed -

Certificate of Area:

Certified that the plot under reference was surveyed by me on _____ and the dimensions of sides etc. of plot stated on plan are as measured on site and the area so worked out tallies with the area stated in document of Ownership/ T.P. Scheme Records/ Land Records Department/City Survey records.

Signature

(Name of Architect/LicensedEngineer/Supervisor.)

Owner (s) name and signature**Architect/ Licensed Engineer/ Supervisor name and signature**

Job No. Drawing No. Scale Drawn by Checked by Registration / Licence no. of
Arch./ Lic.Eng./ Supervisor

Statement of distribution of FSI on each plot (to be printed at suitable place on plan)							
Plot no.	Plot area (sq.m.)	Rounding area of Road (if any) (sq.m.)	Remaining Plot area (b-c) (sq.m.)	Built up area on pro-rata basis i.e. (d x Pro-rata FSI factor)	Front Road width (m.)	basic FSI	Permissible Builtup area on Basic FSI (e x g) (sq.m.)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)

APPENDIX 'B'**FORM OF SUPERVISION**

To,
The Municipal Commissioner,
Municipal Corporation, Nashik.

Sir,

I hereby certify that the development/erection/re-erection/demolition or material alteration in/ or Building No. _____ on / in Plot No. _____ in Block No. _____ situated at Road / street _____ City Survey No. _____ shall be carried out under my supervision and I certify that all the materials (types and grade) and the workmanship of the work shall be generally in accordance with the general specifications and that the work shall be carried out according to the sanctioned plans. I shall be responsible for the execution of the work in all respects.

Signature and name of the Architect or Licensed _____
Engineer/Structural Engineer/ Supervisor

License No. _____

Date :

APPENDIX 'C'

QUALIFICATION, COMPETENCE, DUTIES AND RESPONSIBILITES ETC. OF LICENSED TECHNICAL PERSONNEL OR ARCHITECT FOR PREPARATION OF SCHEMES FOR DEVELOPMENT PERMISSION AND SUPERVISION

C-1	General
C-1.1	The qualifications of the technical personnel and their competence to carry out different jobs for building permit and supervision for the purpose of licensing by the Authority shall be as given in Regulation no. C-2 to C-6. The procedures for licensing the technical personnel is given in Regulation no.C-6.
C-2	ARCHITECT
C-2.1	Qualifications- The Qualifications for licensing of Architect will be the Associate Membership of the Indian Institute of Architects or such Degree or Diploma which makes him eligible for such membership or such qualifications listed in Schedule XIV of Architects Act, 1972 and shall be registered under the Council of Architecture as per Architects Act, 1972. Such registered Architects shall not be required to again register their names with the Corporation. However, he shall submit the registration certificate to the Corporation.
*C-2.2	Competence of Architect: To carry out work related to development permission as given below and shall be entitled to submit - (a) All plans and information connected with development permission. (b) Structural details and calculations for building on plot upto 500 sq. m. and upto 3 storeys or 11 m. height and (c) Certificate of supervision and completion for all building.
C-3	A)ENGINEER
C-3.1	Qualifications- 1) The qualifications for Licensing Engineer will be the corporate membership (Civil) of the Institution of Engineers or such Degree or Diploma in Civil or Structural Engineering or equivalent; 2) Diploma in Civil Engineering or equivalent, having experience of 10 years in the field of land and building planning.
*C-3.2	Competence- To carry out 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 for building on plot upto 500 sq.m. and upto 5 storeys or 16 m. height, and (c) Certificate of supervision and completion for all building.
C-4	STRUCTURAL ENGINEER
	C-4.1 Qualifications- Qualifications for Licensing of structural engineers shall be as given below, with minimum 3 years experience of structural engineering practice in designing and field work;

	<p>(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</p> <p>(b) Associate member in Civil Engineering Division of institution of Engineers (India) or equivalent Overseas Institution possessing exceptional merits.</p> <p>The 3 years experience shall be relaxed to 2 years in the case of Post-graduate degree of recognised Indian and Foreign University in the Branch of Structural Engineering. In the case of doctorate in Structural Engineering, the experience required would be one year.</p>				
* C-4.2	Competence he shall be entitled to submit the structural details and calculations for all buildings and supervision.				
*C-4.2.1.	Complicated buildings and sophisticated structures, as decided by the Municipal Commissioner, which are not within the horizontal areas and vertical limits under C-2.2 (b), C-3.2 (b), C-5.2 (a) (i) & C-5.2 (b) (i) shall be designed only by Structural Engineer.				
C-5	SUPERVISOR:				
C-5.1	<p>Qualification</p> <p>(a) For Supervisor 1 :-</p> <p>(i) Three years architectural assistantship or intermediate in architecture with two years experience, or</p> <p>(ii) Diploma in Civil engineering with two year's experience.</p> <p>(b) For Supervisor - 2:-</p> <p>(i) Draftsman in Civil Engineering from ITI with five year's experience under Architect / Engineer.</p>				
C-5.2	<p>Competence</p> <p>(a) For Supervisor-1: he shall be entitled to submit -</p> <p>(i) All plans and related information connected with development permission on plot upto 200 sq. m. and upto 2 storeys; and</p> <p>(ii) Certificate of supervision of buildings on plot upto 200 sq. m. and upto 2 storeys and completion thereof.</p> <p>(b) For Supervisor-2 : he shall be entitled to submit -</p> <p>(i) All Plans and related information upto 50 sq. m. built up area and upto 2 storeys, and</p> <p>(ii) Certificate of supervision for limits at (i) above and completion thereof.</p>				
C-6.	LICENSING-				
* C-6.1	<p>Technical Personnel to be licensed:-</p> <p>The Qualified technical personnel or group as given in regulations; No C-3, C-4, C-5 shall be licensed with the authority and the license shall be valid for three calendar years ending 31st December after which it shall be renewed annually or every three years.</p>				
* C-6.2	<p>Fees for Licensing- The annual licensing fees shall be as follows:-</p> <table border="1" style="margin-left: 40px;"> <tr> <td>For Engineer and structural Engineer</td> <td>1000 p.a.</td> </tr> <tr> <td>For supervisor (1)</td> <td>500 p. a.</td> </tr> </table>	For Engineer and structural Engineer	1000 p.a.	For supervisor (1)	500 p. a.
For Engineer and structural Engineer	1000 p.a.				
For supervisor (1)	500 p. a.				

	For supervisor (2)	300 p. a	
	The Municipal Commissioner may revise above fees from time to time, if necessary.		
* C-6.3	<p>Duties and Responsibilities of Architects / Licensed Technical Personnel:</p> <p>The duties and responsibilities of architects / licensed technical personnel shall be as follows:-</p> <p>(1) It will be incumbent on every architect / licensed technical personnel, in all matters in which he may be professionally consulted or engaged, to assist and co-operate with the Municipal Commissioner and other Officers in carrying out and enforcing the provisions of Maharashtra Regional & Town Planning Act, 1966 and of any regulations for the time being in force under the same.</p> <p>(2) Every architect / licensed technical personnel shall be responsible for due compliance with the provisions of Maharashtra Regional & Town Planning Act, 1966 and the BPMC Act, 1949 and of any regulations for the time being in force under the said Act. It shall be obligatory on him to satisfy himself that a qualified and competent Maistry or Inspector of Works is constantly employed and present on the work to supervise the execution of all work and to prevent the use of any defective material therein and the improper execution of any such work.</p> <p>(3) Every architect / licensed technical personnel shall be responsible for carrying out work according to sanctioned plan.</p> <p>(4) Every architect / licensed technical personnel shall be responsible for correctness of the calculations and dimensions mentioned on the plan and shall be liable for consequences arising thereof.</p> <p>(5) Architect / licensed technical personnel shall not involve himself in any unauthorised development. He shall also make aware the client about legal provisions in respect of proposed development and consequences thereof.</p> <p>(6) When an architect / licensed technical personnel cease to be in the employment for the development work, he shall report the fact forthwith to the Municipal Commissioner.</p>		

APPENDIX 'D-1'

**FORM FOR SANCTION OF BUILDING PERMISSION AND
COMMENCEMENT CERTIFICATE**

To,

Sir,

With reference to your application No _____, dated _____ for the grant of sanction of Commencement Certificate under Section 44 of The Maharashtra Regional and Town Planning Act, 1966 read with Section 253 of the BMC Act, 1949 to carry out development work / Building on Plot No _____ Revenue Survey No _____, City Survey No _____, mauja _____ situated at Road /Street _____, Society _____ the Commencement Certificate/Building Permit is granted under Section 45 of the said Act, subject to the following conditions:

1. The land vacated in consequence of the enforcement of the set-back rule shall form part of the public street.
2. No new building or part thereof shall be occupied or allowed to be occupied or used or permitted to be used by any person until occupancy permission has been granted.
3. You will have to handover the amenity space to the Corporation before approval of final layout as per Regulation no.13.4. (wherever applicable)
4. You will have to submit an undertaking in respect of recreational open spaces as stipulated in Regulation. (wherever applicable)
5. The Commencement Certificate/ Building permit shall remain valid for a period of one year commencing from the date of its issue unless the work is not commenced within the valid period.
6. This permission does not entitle you to develop the land which does not vest in you.
7. -----
8. -----
9. -----

Office No.

Office Stamp

Date :

Yours faithfully,
Municipal Commissioner, Nashik
or an officer appointed by him

APPENDIX 'D-2'

FORM FOR TENTATIVE APPROVAL FOR DEMARCATION OF LAND / SUB-DIVISION LAYOUT

To,

Sir,

With reference to your application No _____, dated _____ for the land sub-division approval, under Section 44 of The Maharashtra Regional and Town Planning Act, 1966 read with Section 253 of the BMC Act, 1949 to carry out development work in respect of land bearing Revenue Survey No _____, City Survey No _____, mauje _____ situated at Road /Street _____, Society _____, it is to inform you that, land sub-division layout is hereby tentatively approved and recommended for demarcation, subject to the following conditions:

1. You will get the land sub-division layout demarcated on the site by the Land Records Department and submit the certified copy to that effect for final approval.
2. It shall be the responsibility of the owner to carry out all the development work including construction of roads, sewer lines, water supply lines, culverts, bridges, street lighting, etc. and hand it over to the Municipal Corporation after developing them to the satisfaction of the Municipal Commissioner.
3. If you wish that the Municipal Corporation has to carry out these development works, then you will have to deposit the estimated expenses to the Municipal Corporation in advance, as decided by the Municipal Commissioner.
4. You will have to handover the amenity space to the Corporation before approval of final layout as per Regulation no.13.4. (applicable in case where owner is not allowed to develop)
5. You will have to submit an undertaking in respect of recreational open spaces as stipulated in Regulation.
6. This permission does not entitle you to develop the land which does not vest in you.
7. -----
8. -----

Office No.

Office Stamp

Yours faithfully,

Municipal Commissioner, Nashik
 or an officer appointed by him

APPENDIX 'D-3'**FORM FOR FINAL APPROVAL TO THE LAND SUB-DIVISION / LAYOUT**

To,

Sir,

With reference to your application No. _____, dated _____ for the land sub-division approval, under Section 44 of The Maharashtra Regional and Town Planning Act, 1966 read with Section 253 of the BMC Act, 1949 to carry out development work in respect of land bearing Revenue Survey No _____, City Survey No _____, mauje _____ situated at Road /Street _____, Society _____, the land sub-division layout is finally approved as demarcated under Section 45 of the Maharashtra Regional & Town Planning Act, 1966, subject to the following conditions:

1.	It shall be the responsibility of the owner to carry out all the development work including construction of roads, sewer lines, water supply lines, culverts, bridges, street lighting, etc. and hand it over to the Municipal Council after developing them to the satisfaction of the Municipal Commissioner.
2.	If you wish that the Municipal Council should carry out these development works, then you will have to deposit the estimated expenses to the Municipal Council in advance, as decided by the Municipal Commissioner.
3.	As per the undertaking submitted by you in respect of recreational open space as stipulated in Regulation no.13.3, the said open space admeasuring ----- sq.m. stand vested in the name of plot holders of the layout or society of the plot holders and you have no right of ownership or interest in the said recreational open space.
	Since you have handed over the amenity space to the Corporation, you shall be entitled for FSI equivalent to TDR, on the remaining land. (wherever applicable)
4.	This permission does not entitle you to develop the land which does not vest in you.
5.	-----
6.	-----
7.	-----
8.	-----

Office No. -----Office Stamp

-----Date : -----

Yours faithfully,
Municipal Commissioner, Nashik
or an officer appointed by him

APPENDIX 'E-1'

FORM FOR REFUSAL OF BUILDING PERMIT / COMMENCEMENT CERTIFICATE

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 on Plot No. _____, Revenue Survey No._____, City Survey No._____, mauje_____, I regret to inform you that the proposal has been refused under Section 45 of the Maharashtra Regional and Town Planning Act, 1966, on the following grounds.

1. -----
2. -----
3. -----
4. -----
5. -----
6. -----

Office Stamp

Yours faithfully,

Municipal Commissioner, Nashik
or an officer appointed by him

APPENDIX 'E-2'

FORM FOR REFUSAL OF LAND SUB-DIVISION / LAYOUT

To,

Sir,

With reference to your application No. _____ dated _____ for the grant of sanction for the development work bearing Revenue Survey No._____, City Survey No._____, mauje_____, I regret to inform you that the proposal has been refused under Section 45 of the Maharashtra Regional and Town Planning Act, 1966, on the following grounds.

1. -----
2. -----
3. -----
4. -----
5. -----
6. -----

Office Stamp

Yours faithfully,

Municipal Commissioner, Nashik
or an officer appointed by him

APPENDIX 'F'**FORM FOR COMPLETION CERTIFICATE**

To,

The Municipal Commissioner,
Nashik Municipal Corporation

Sir,

I hereby certify that the erection / re-erection or part/ full development work in / on building / part building No _____ Plot No _____, Revenue Survey No. _____, City Survey No. _____, mauje _____, has been supervised by me and has been completed on _____ according to the plans sanctioned, vide office communication No _____ dated _____. The work has been completed to the best of my satisfaction. The workmanship and all the materials (type and grade) have been 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 there under have been transgressed in the course of the work. I am enclosing three copies of the completion plans. 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 & grant permission for the occupation of the building.

Yours faithfully

Signature and name of Architect /Licensed Engineer/
Structural Engineer/Supervisor

Encl : As above.

Date :

(Signature of Owner)

Name of Owner (in Block Letters)

APPENDIX 'G'**FORM FOR OCCUPANCY CERTIFICATE**

To,

i) Owner:

ii) Architect, Licensed Engineer Structural Engineer / Supervisor

Sir,

The part / full development work / erection re-erection / or alteration in of building / part building No _____ Plot No _____, Revenue Survey No. _____, City Survey No. _____, mauje _____, completed under the supervision of _____ Architect, Licensed Engineer/ Structural Engineer / Supervisor, / License No _____ may be occupied on the following conditions-

1. -----
2. -----
3. -----
4. -----

A set of certified completion plans is returned herewith.

Encl : As above.

Yours faithfully,

Municipal Commissioner, Nashik
or an officer appointed by him

APPENDIX 'H'**FORM FOR REFUSAL OF OCCUPANCY CERTIFICATE**

To,

i) Owner:

ii) Architect, Licensed Engineer Structural Engineer / Supervisor

Sir,

The part / full development work / erection re-erection / or alteration in of building / part building No _____ Plot No _____, Revenue Survey No. _____, City Survey No. _____, mauje _____, completed under the supervision of _____ Architect, Licensed Engineer/ Structural Engineer / Supervisor, / License No _____ is not allowed to be occupied because of the following reasons -

1. The construction carried out by you does not conform to the sanctioned plans.

2. -----

3. -----

A set of completion plan is retained with the Municipal Council and remaining sets are regretfully returned herewith.

Encl : As above.

Yours faithfully,

Municipal Commissioner, Nashik
or an officer appointed by him

APPENDIX 'I'

FORM OF INDEMNITY FOR PART OCCUPANCY CERTIFICATE

(On Stamp Paper)

(Of such value as decided by the Municipal Commissioner.)

To,

Municipal Commissioner,

Nashik Municipal Corporation.

Subject:-

Sir,

While thanking you for letting me occupy a portion of the above building before acceptance of the Completion Certificate of the whole building for the plans approved in communication No _____, dated_____ I hereby indemnify the Municipal Corporation against any risk, damage and danger which may occur to occupants and users of the said portion of the building and also undertake to take necessary security measures for their safety. This undertaking will be binding on me /us, our heirs, administrators and our assignees.

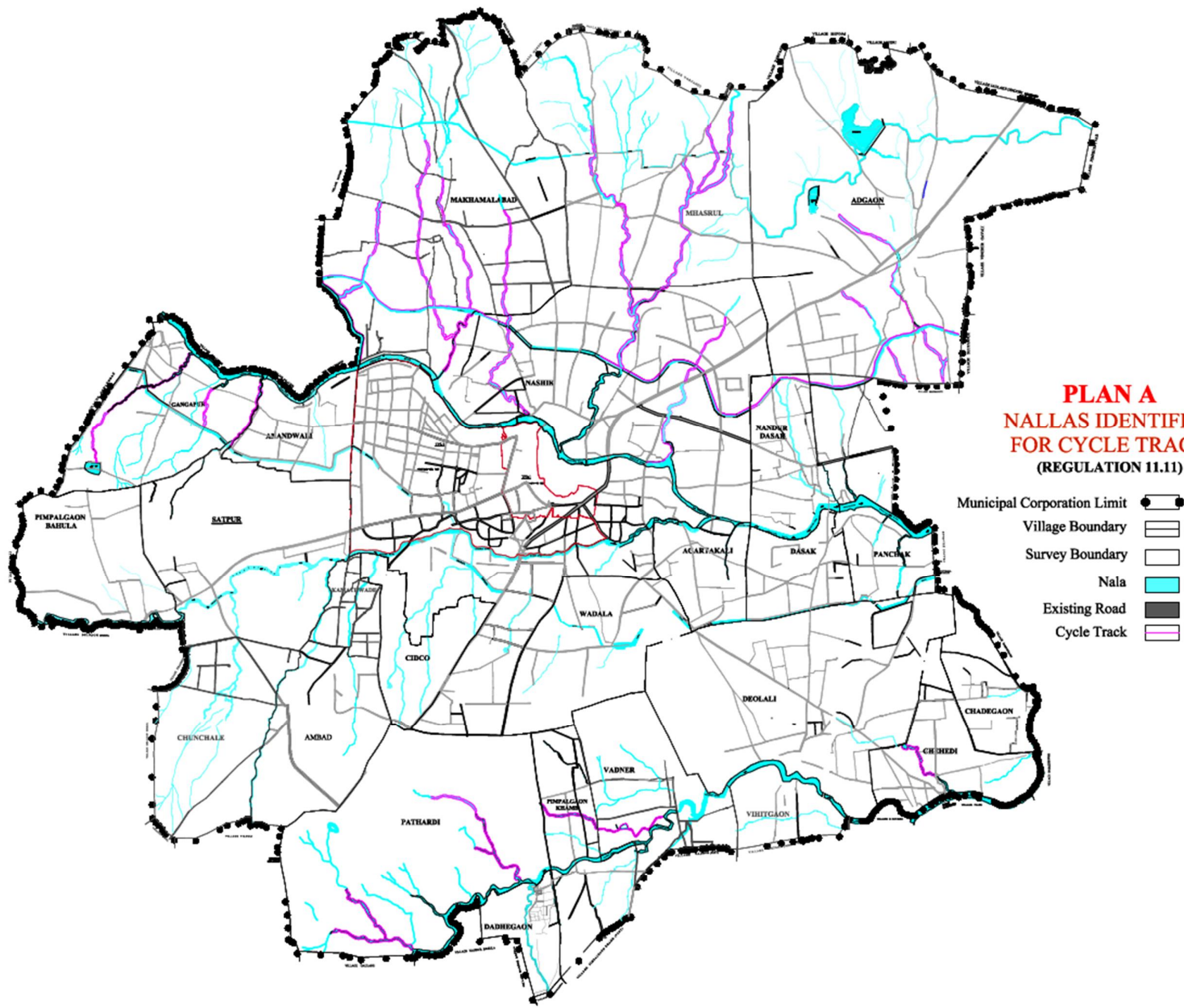
Yours faithfully,

Signature and name of Owner

Witness:

Address:

Date:



PLAN A
NALLAS IDENTIFIED
FOR CYCLE TRACK
(REGULATION 11.11)

- Municipal Corporation Limit
- Village Boundary
- Survey Boundary
- Nala
- Existing Road
- Cycle Track