

PART X SPECIAL PROVISIONS

51. *Parking Authority*

MCGM, with approval of Corporation in consultation with GoM, shall constitute a Parking Authority at MCGM level to plan, regulate and manage all on/off street parking and public parking places under the physical jurisdiction of Greater Mumbai. The constituted Parking Authority, inter alia, will fix and promulgate parking fees as well as penalties for various areas/zones in MCGM.

52. *Conservation of Heritage*

1. *Definition:*

(i) "Conservation" means all the processes of looking after a place so as to retain its historical and/or architectural and/or aesthetic and/or cultural significance and includes maintenance, preservation, restoration, reconstruction and adoption or a combination of more than one of these.

(ii) "Preservation" means and includes maintaining the fabric of a place in its existing state and retarding deterioration.

(iii) "Restoration" means and includes returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components.

(iv) "Heritage Site" means the area within the boundary / extent of the heritage building / Precinct / natural area included in the heritage list and as shown on the map.

(v) "Natural heritage site" shall include, natural sites or precisely delineated natural areas which are of outstanding value from the point of view of science, heritage conservation or natural beauty; geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants and are of outstanding value from the point of view of ecology or conservation; natural features consisting of physical and biological formations or groups of such formations, which are of outstanding (special) value from the aesthetic or scientific point of view.

2. *Applicability:*

This Regulation shall apply to the heritage list as shall be notified by GoM from time to time (hereinafter referred to as Listed Heritage Buildings/Structures/Precincts/Sites) and to any draft Heritage List (s) as published by the GoM. /Municipal Commissioner.

3. *Restriction on Development/Redevelopment/Repairs, etc.:*

(i) Development, additions / alterations, repairs, restoration, in respect of graded heritage buildings or buildings in heritage precincts or heritage sites shall be in accordance with the provisions mentioned at 9 (C & D) of this regulation.

(ii) Provided that in exceptional cases, for reasons to be recorded in writing, using his powers of special permission, the Commissioner, may overrule the recommendation of the MHCC. The decision of the Municipal Commissioner shall not be subject to challenge by the MHCC thereon shall be final.

(iii) In relation to religious buildings in the said List, the changes, repairs, additions, alterations and renovations required on religious grounds mentioned in sacred texts or as a part of holy practices laid down in religious codes shall be treated as permissible, subject to their being in accordance and consonance with the original structure and architecture designs, aesthetics and other special features thereof. Provided that before arriving at his decision, the Commissioner shall take into consideration the recommendations of the Mumbai Heritage Conservation Committee.

4. Preparation of list of Heritage Buildings and Heritage Precincts:

The said heritage list of Heritage Buildings/Structures/Precincts to which this Regulation applies shall not form part of this Regulation for the purpose of Sections 37 of the MR&TP Act, 1966. This List may be supplemented, altered, deleted or modified from time to time by Government on receipt of proposals from the Commissioner or by the Government suo-motu, provided that objections and suggestions from the public be invited and duly considered by the Commissioner and/or by GoM before notification.

Provided that any draft list which is published and pending for the approval of GoM shall, in the interim period, be deemed to be part of the heritage list and provisions of this regulation shall be applicable to the said draft list.

5. Grant of Transferable Development Rights in case of loss of Development Rights -

Owners of heritage buildings, structures, sites will, on application for preservation /conservation/restoration of the heritage buildings/structures/sites or if any application for development of Heritage Building/s is refused under this Regulation and conditions are imposed while permitting such development which deprive the owner/lessee of any unconsumed DRs will be entitled for grant of DRC in terms of TDR as provided in these Regulations. The extent of TDR permissible will be the difference between Zonal (basic) FSI plus area of plot and the consumed BUA of the Heritage structure. The grant of TDR shall be subject to a contract between the owner/lessee and MCGM binding the owner/lessee to conserve the heritage building in the prescribed manner as recommended by MHCC and approved by Municipal Commissioner. In such cases the potential of the plot shall be perpetually reduced to the extent of existing BUA of the Structure.

The TDR may be given in two stages

- i. An appropriate % of the available DRC after approval of plans for the conservation of the heritage structure will be granted by the Municipal Commissioner on the recommendations of the MHCC.
- ii. After getting completion certificate for the conservation of the heritage structure from the appropriate authority and on recommendation of the MHCC, whatever is considered appropriate of the residual or entire residual DRC will be granted by the Municipal Commissioner.

6. Maintaining Sky-Line:

Buildings included in listed/published draft Heritage Precincts shall, as far as possible, maintain the sky-line in the precincts as may be existing within the Precinct boundary excluding any high-rise new development. so as not to diminish or destroy the value and beauty of the said listed Heritage buildings/Heritage Precincts. The development within the precincts shall be in accordance with respective Precinct guidelines as formulated by the Municipal Commissioner in consultation with MHCC or as may be decided by the Municipal Commissioner, shall require sanction by Government. Guidelines for display of hoarding, signage, advertisement boards, street furniture, pavement shall be formulated by the MHCC.

7. Heritage Conservation Fund:

Non-cessed buildings included in the said list shall be repaired/restored by the owners/lessees of the said buildings themselves or if they are cessed buildings, those can be repaired/restored by MHADA or by the owner or by the Co-operative Society of the owners and/or occupiers of the building. With a view to give monetary help for such repairs/restoration, a separate fund may be created, which would be kept at the disposal of the Commissioner, who may consult Heritage Conservation

Committee while disbursement of such funds. Provisions for such a fund may be made through District Planning and Development Council Budget or any other budget.

8. Development Plan Reservation:

If there are any DP Reservations on listed heritage structure and due to development of such site if adversely affects its character, then Municipal Commissioner on recommendation of MHCC shall initiate the process of modification/deletion of such reservation following due procedure.

9. Grading of the Listed Buildings/ Sites & Listed Precincts:

In the last column of the said list of Heritage Building, Heritage precincts, “Grades” such as I, II, or III have been indicated. The chart showing definition meaning of these Grades and basic guidelines for development permissions and Precincts, objectives, scope for changes and procedure for obtaining development permission are as follows

Grade – I	Grade – II	Grade – III/PRECINCT
A. Definition – Heritage Grade – I comprises buildings, and precincts sites of national or historical importance, embodying excellence in architectural style, design, technology and material usage; they may be associated with a great historical event, personality, movement or institution. It may also comprise natural sites of heritage value eg. Waterfronts, creeks, mangroves, Hillocks, forest lands, open spaces, etc. They have been and are the prime landmarks of the City. Vista of Grade I : An area within 100 m. Periphery or as may be delineated on plan by the Municipal Commissioner in consultation with MHCC shall be considered as the vista of a Grade – I structure/entry.	A. Definition – Heritage Grade - II comprises building/ precincts, of regional or local importance, possessing special architectural or aesthetical merit or cultural or historical value, though of a lower order than that of Heritage Grade - I. They are local landmarks contributing to the image and identity of the city. They may be the work of master craftsmen or may be models of proportion and ornamentation, or designed to suit particular climate. Heritage Grade - II buildings within the premises (open space/compound) of which independent/separate additional building(s) /structure(s) may be permitted to be constructed, owing to the availability of adequate surrounding open space and unconsumed FSI, have been assigned Grade- IIB. The remaining Grade- II buildings have been assigned Grade –IIA.	Definition – Grade – III Heritage Grade -III Comprises buildings and precincts of importance for townscape, they evoke architectural aesthetic or sociological interest though not as much as in Heritage Grade – II. These contribute to determine the character of the locality, and can be representative of a life style or 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. PRECINCT A. Definition – A heritage precinct is an area of heritage value and cultural significance. Such area within a specified boundary may possess a setting reminiscent of significant urban scape / townscape attributes and comprising a number of buildings and spaces, within a structure of streets / roads and other landscapes and qualifies to have cultural or heritage significance worthy of recognition and conservation. Such area espouses special quality of cohesiveness (mass, scale, style, architecture etc.) between

Grade – I	Grade – II	Grade – III/PRECINCT
		its various elements, lending a unique sense of place and cultural setting.
B. Objective— Heritage Grade – I richly deserves careful preservation.	B. Objective— Heritage Grade – II deserves intelligent conservation.	Objective— Grade – III Heritage Grade -III Deserves protection of unique features and attributes. PRECINCT Precincts deserve sensitive development in terms of mass, scale, setting and require conservation of its heritage and cultural significance.
C. Scope for Changes – i)No interventions would be permitted either on the exterior or interior unless it is necessary in the interest of strengthening and prolonging the life of the buildings or any part or features thereof. For this purpose, absolutely essential and minimum changes would be allowed and they must be in accordance with the original. Repairs shall follow conservation norms based on proven standards with use of like to like or similar material. ii)Additional buildings /new interventions in a Grade-I complex shall be permitted only if the development does not mar the grandeur, scale, setting and view of the main Grade-I structure and the new development is in harmony with the main heritage structure. iii)Development in surrounding area/vista : All the development (excluding repairs) in the vista of a Grade - I heritage, within 100 m.	Scope for development ---Grade - II A: In addition to the scope for development permissible for Grade –I, internal changes, and adaptive reuse may be generally allowed. In certain circumstances, extension of a Grade - IIA heritage building may also be allowed; provided that such extension shall be in harmony with (and shall not detract from) the Grade - II A heritage building concerned or precinct, especially in terms of height and/or façade. External changes too may be permitted, subject to strict scrutiny. Care should be taken to ensure the conservation of all special aspects/features of Grade – II A building concerned. Grade –II(B): In addition to above, additional building(s) in the same plot or compound may, in certain circumstances, be allowed; provided that, such additional building(s) shall be in harmony with (and shall not detract from) the Grade-IIB heritage building(s) or precinct, especially in terms of height and/or façade	Grade – III External and internal changes and adaptive reuse would generally be allowed. Changes can include extensions / additional buildings in the same plot or compound provided that extension / additional building is in harmony with and does not detract from the existing heritage building / precincts especially in terms of height and/or façade. ii) Reconstruction / redevelopment shall be allowed with the permission of Commissioner as detailed below. PRECINCT i)Sensitive additions, alterations, extensions, interior renovations shall be permissible but these should not alter the character of the precinct. The new interventions could be contemporary but subtle or inspired by the original character but should not be a pastiche/ tasteless imitation of it. ii) Essential structural and non-structural repairs shall be allowed for structural stability while

Grade – I	Grade – II	Grade – III/PRECINCT
Periphery or as may be delineated on plan, shall be regulated and controlled ensuring that it does not mar the grandeur of or views from Heritage Grade – I. Development permission may be granted within this regulated area provided that the proposed development does not mar the grandeur, scale and setting of, or view of or from Heritage Grade-I. In case of world Heritage sites, the directives given by the Govt. from time to time will be applicable.	and such building shall be termed as Grade-II (B).	retaining the original architectural features. iii) Reconstruction / redevelopment shall be allowed with the permission of Commissioner as detailed below.
D. Procedure Development permission for the changes shall be given by the Commissioner in consultation with/taking into consideration the recommendation of the MHCC Repairs to existing structures in delineated vista of a Grade-I structure shall be permissible as per these Regulations/policy without insisting NOC of MHCC.	Development permission shall be given by the Commissioner in consultation with/taking into consideration the recommendation of the MHCC.	Grade – III a) In respect of minor/structural repairs, periodic maintenance (e.g. Waterproofing, repairs to flat/ sloping roof, existing plumbing, re-plastering), interior renovation / furniture work etc. in respect of a Grade-III heritage structure; approval may be granted by Commissioner as per these Regulations/ policy without insisting NOC of MHCC by ensuring that the intended minor works do not affect the original façade, fenestration pattern/bands/cornices, ornamental features, railings , window grid & pattern etc. as the case may be. b) In case of reconstruction or redevelopment of Grade – III heritage buildings, height up to 32 m. shall be permitted by Commissioner. If the height of the building to be reconstructed /redeveloped exceeds 32 m. special permission from the Commissioner shall be obtained. However, before allowing demolition of a Grade-III listed

Grade – I	Grade – II	Grade – III/PRECINCT
		heritage building/structure, complete documentation of facade elevations/material specifications, detailing etc. should be prepared by the owner through an architect and shall be submitted to Commissioner along with any reconstruction/redevelopment proposal so that cognizance of any special features etc. can be taken while finalising the design/elevations of the new building. PRECINCT a)In respect of minor/structural repairs, periodic maintenance (e.g. Waterproofing, repairs to flat / mangalore tiled roof, existing plumbing, re-plastering), interior renovation / furniture work etc. in respect of buildings in Precincts; approval may be granted by Commissioner as per these Regulations/policy without insisting NOC of MHCC by ensuring that the intended minor works do not affect the original façade, fenestration pattern/bands/cornices, ornamental features , railings , window grid & pattern etc. as the case may be. b)In case of reconstruction or redevelopment of buildings in heritage Precincts, height up to 32 m. shall be permitted by Commissioner. If the height of the building to be reconstructed/redeveloped exceeds 32 m., special permission from the Commissioner may be obtained, who may take into consideration guidelines if any in respect of listed Precincts. c)However, before allowing demolition of a Precinct building / structure , complete documentation of faced elevations / material

Grade – I	Grade – II	Grade – III/PRECINCT
		specifications , detailing etc. should be prepared by the owner through an architect and shall be submitted to approving authorities along with any reconstruction / redevelopment proposal so that cognizance of any special features etc. Can be taken while finalising the design / elevations of the new building. It shall be ensured that external appearance, elevation shall be in harmony / consonance with the characteristics of listed Precinct.

53. ***Under Ground Public Utility/Conveniences/Amenity Provision***

Subject to the conditions as may be prescribed by the Commissioner, MCGM, Sewage Treatment Plant, storage and allied facilities as per design and specification and at location as may be considered necessary by the Commissioner for treatment of sewage/effluent, water pumping station and storage facility, Electric Substation/Distribution/Receiving Station, underground parking and shopping shall be allowed below existing or proposed DP Roads and below lands reserved for Playground/Gardens/Parks and Public Open Spaces both existing and proposed and to be used at one or two levels below the ground. Provided no such uses will be allowed below the following.

Oval Maidan, Cross Maidan, Azad Maidan, Shivaji Park, all parade grounds, Nare Park, Jambhori Maidan, Five Gardens and Recreational Ground opposite Scottish School, Dadar, Cadell Road (Veer Sawarkar Marg) situated to the north of Hinduja Hospital.

And provided further that the area to the extent of 10 m along the road side below the surface within the boundary of the aforesaid Maidans/Parks/Gardens/Public Open Spaces may be used for the purpose of ingress and egress to the underground area.

54. **Uses Permissible below Flyovers:**

Following uses may be permitted below the flyovers:

- (1) Garden, park, Promenades
- (2) Electricity Distribution Stations;
- (3) Municipal chowkies, road depot, municipal store, public toilet;
- (4) Police chowky, RTO vehicle chowky, pay and park facility/bus stands /taxi stands/auto-rickshaw stand;
- (5) Homeless shelters, welfare centres for street children/activities centers for destitute
- (6) BEST street light chowky, BEST electricity bill & cash collection centre, BEST relief shelter with toilet block for bus operation staff.

Provided further that the plantation/green space of width not less than 1.0 m shall be developed all along the edge of carriageway below the flyover or central median with width not more than width of pillar, except the accesses wherever necessary or as may be required by the Commissioner.

55. *Alignment of Metro/Mono/Coastal Road /Elevated Corridors/Corridors of Mass and Rapid Transport System*

Any alignment modifications introduced in Metro/Mono/Coastal Road /Elevated Corridors/Corridors of Mass Rapid Transport System, including BRTS, by the Appropriate Authority and sanctioned by Government shall stand automatically amended on the Development Plan as modified.

Furthermore, any new “Transport Corridor” such as Metro/Mono/Coastal Road /Elevated Corridors/Corridors of Mass Rapid Transit System, including BRTS, proposed by Appropriate Authority and sanctioned by Government, shall stand automatically added on to Development Plan.

After finalization of site for Metro Car shed by the Competent Authority, the portion of land reserved/earmarked for the Metro Car Shed in DP, if not required by the Competent Authority subsequently, shall be deemed to be deleted from the said reservation and included in adjoining predominant zone. In such case, the Municipal Commissioner shall issue a written, well reasoned, speaking order modifying the DP to that effect and copy of such order along with certified part plan, shall be forwarded to Govt. and Director of Town Planning, Pune for record.

56. *Forest Land*

Development in the forest land which has been designated as Natural Area in DP will be governed by the notifications issued by the Ministry of Environment and Forest as amended from time to time.

The land owned by Forest Department and reserved for public purpose shall have to be developed with the special permission of the Municipal Commissioner as per the provisions of Forest Act.