

4 GENERAL REQUIREMENTS FOR DEVELOPMENT

4.1 MARGIN AND/OR SETBACK

Any plan for the construction of any structure or building or any part thereof should provide setback and margin from the boundary of the plot or the road line as the case may be as required under these regulations. The road line shall be determined as per the maximum width of the road or street proposed under the BPMC Act-1949 or Development plan proposals or the Town Planning Scheme or any other Local Acts.

4.2 DEVELOPMENT OF LAND IN THE DEVELOPMENT AREA

4.2.1 CONFORMITY WITH OTHER ACTS AND REGULATIONS :

- (a) Situated and abutting on any of the classified roads of the State Government and the Panchayat shall be regulated and controlled by Building line and Control line prescribed under the Govt. Department Resolution as amended from time to time.

Provided that the setback for the building line prescribed in the above resolution of the Department and the marginal distances to be kept open or setbacks to be observed from the road side, prescribed in the Development Control Regulations or in the Town Planning Scheme Regulations whichever is more shall be enforced.

- (b) Whose right of user is acquired under the Petroleum Pipelines (Acquisition of right of user in land) Act. 1962 as amended from time to time shall be regulated and controlled according to the provision of the said Act. in addition to these regulations.
- (c) Situated in the vicinity of an oil well installed by Oil & Natural Gas Commission shall be regulated and controlled according to the provision of the Indian Oil. Mines Regulations - 1933 in addition to these regulations.
- (d) Situated in the vicinity of the Grid Lines laid by the Gujarat Electricity Board Under the Indian Electricity Rules 1956 shall be regulated and controlled by the horizontal and vertical clear distances to be kept open to sky.
- (e) In restricted critical zone near the Air Port. construction of building shall be regulated as per the provisions of Civil Aviation Department.
- (f) Situated in the vicinity of the Railway Boundary shall be regulated and controlled according to the standing orders instructions in force of the Railway Authorities and as amended from time to time.
- (g) Situated any where in the Development Area shall be subject to provisions of Gujarat Smoke Nuisance Act. 1963.
- (h) Situated any where in the Development area shall be subject to provisions of Water (Prevention and Control of Pollution) Act. 1974.
- (i) Situated any where in the Development area shall be subject to provisions of Pollution Control Act-1981
- (j) Situated in the vicinity of the Jail shall be regulated and controlled according to the standing orders instructions manual in force of the Jail Authority and as amended from time to time.
- (k) Situated any where in the Development area shall be subject to provisions of the act

related to telecommunication. I.S.R.O., archaeology and conservation preservation of monuments.

- (l) Development Permission granted by Competent Authority on the basis of any document/NOC received is not final and conclusive. It shall be considered in true sense and meaning of concerned issuing Authority This Authority has no legal responsibility for such development permission.
- (m) Situated any where in the Development area shall be subject to provisions of the act related to the protected monument or as per the proposals of the Development plan.

4.2.2 REQUIREMENTS OF SITE:

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

- (a) if the Competent Authority considers that the site is insanitary or that it is dangerous to construct a building on it.
- (b) if the site is not drained properly or is incapable of being well drained.
- (c) if the building is proposed on any area filled up with careasses. exeteta. filthy and offensive matter. till the production of a certificate from the Competent Authority to the effect that it is fit to be built upon from the health and sanitary point of view:
- (d) if the use of the said site is for a purpose which in the Competent Authority's opinion may be a source of danger to the health and safety of the inhabitants of the neighbourhood.
- (e) if the Competent Authority is not satisfied that the owner of the building has taken the required measures to safeguard the construction from constantly getting damp.
- (f) if the level of the site is lower than the Datum Level prescribed by the Competent Authority depending on topography and drainage aspects.
- (g) for assembly use. for cinemas theatres. places of public worship. residential hptels. lodging and boarding houses. unless the site has been previously approved by the Competent Authority and the Commissioner of Police:
- (h) unless it derives access from an authorised street means of access described in these Regulations:
- (i) for industrial use other than a service industry unless the application is accompanied by a no objection certificate from the appropriate officer of the Industrial Location Policy.
- (j) if the proposed development is likely to involve damage to or have deleterious impact on or is against urban acstheic of environment or ecology and or on historical architectural esthetical buildings and precinets or is not in the public interest.
- (k) If the site is found to be liable to liquefaction by the Competent Authority under the earthquake intensity of the area except where appropriate protection measures are taken to prevent the liquefaction.
- (l) If the Competent Authority finds that the proposed development falls in the area liable to storm surge during cyclone. except where protection measures are adopted to prevent storm surge damage.

4.3 DEVELOPMENT WORK TO BE IN CONFORMITY WITH THE REGULATIONS

- a) All development work shall confirm to the Development Plan proposals and the provisions made under these regulations. If there is a conflict between the requirements of these regulations and Town Planning Schemes Regulations. if any, in force the requirement of these regulations shall prevail.

Provided relxation/special provisions mentioned against respective final plots shall

prevail above these regulations.

Provide in case of proposed road town planning scheme road shall prevail.

- b) Change of use : No building or premises should be changed or converted to a use other than the sanctioned use without prior permission of the Authority in writing Change of use not in conformity with these regulations shall not be permissible.

4.4 DOCUMENT AT SITE

- (i) Development Permission : The person to whom a development permission is issued shall during construction. keep -
 - (a) posted in a conspicuous place. on the site for which permission has been issued a copy of the development permission and
 - (b) a copy of the approved drawing and specification referred to in Regulation No. 25 on the site for which the permission was issued.

4.5 INSPECTION

(1) Inspection at various stages :-

The Competent Authority at any time during erection of a building or the execution of any work or development. make an inspection thereof without giving prior notice of his intention to do so.

(2) Inspection by Fire Department :-

For all multi-storied. high-rise and special building the work shall also be subject to inspection by the Chief Fire Officer. or Competent Authority shall issue the occupancy certificate only after clearance by the said Chief Fire Officer Competent Authority.

(3) Unsafe building :-

All unsafe building shall be considered to constitute danger to public safety hygiene and sanitation and shall be restored by repairs or demolished or dealt with as otherwise directed by the Competent Authority as prescribed in regulation 18.4(4)

(4) Unauthorised development :-

In case of unauthorised development the Competent Authority shall

- (a) take suitable action which may include demolition of unauthorised works as provided in The Gujarat Town Planning & Urban Development Act-1976 and the relevant provisions of the Bombay Provincial Municipal Corporation Act-1947.
- (b) take suitable action against the registered architect engineer. developer and other as mentioned in Regulation no. 2.77.

4.6 GENERAL

(1) KABRASTAN BURIAL GROUND ETC

The land occupied by the graveyards. kabrastans. burial grounds. crematoria and allied actions which are marked with green verge in the plan shall not be allowed to be built upon and shall be kept permanently open.

(2) EDUCATIONAL INSTITUTION

No educational except K.G. primary secondary schools and higher secondary school shall be permitted within the area of Gamtal.

(3) IMPROVEMENT SCHEME

No development permission shall be issued for development of area designated for improvement scheme until such scheme is prepared and finalised by the Competent Appropriate Authority.

(4) CO-OWNERS CONSENT

In cases where the building construction is as per regulation but the co-owners are not giving consent either at the time of building permission or at the time of occupation permission the Competent Authority may issue permission after giving opportunity of hearing to the co-owners and considering the merits and demerits of individual case.

(5) WIDTH OF APPROACH AT BRIDGE

Width of the approach of over-bridge or under bridge shall not be considered to wards Width of the road at the time of permitting the height use development of buildings near the over bridge the over or under bridge.