

[To be published in the Gazette of India Extraordinary Part-II Section 3(ii)]

Ministry of Urban Development
(Delhi Division)

NOTIFICATION

New Delhi, the 28th March, 2006

S.O. 425 (E) Whereas extensive modifications which the Central Government proposed to make in the Master Plan for Delhi-2001 keeping in view the perspective for Delhi 2021 and growing new dimensions in urban development, were published vide Public Notice in the Gazette of India Extraordinary S.O. No. 318(E) dated 16th March, 2005 by the Delhi Development Authority in accordance with the provisions of Section 44 of the Delhi Development Act, 1956 (61 of 1957) inviting objections/ suggestions as required by sub-section (3) of Section 11-A of the said Act, within ninety days from the date of the said notice.

2. Whereas the said public notice included chapter entitled Mixed Use Regulations at page 382 to page 384,

3. Whereas objections/suggestions received with regard to the said chapter have been considered by a Board of Enquiry set up by the Delhi Development Authority and also by the Delhi Development Authority, and whereas the Central Government has, after carefully considering all aspects of the matter, decided to modify the Master Plan for Delhi 2001 in so far as the Chapter on Mixed Use is concerned.

4. Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modifications in the said Master Plan for Delhi- 2001, with effect from the date of Publication of this Notification in the Gazette of India.

Modifications:

In Gazette of India, Part II section 3, sub-section (ii) dated 1.8.90 the following shall be incorporated:-

(i) On page 165(RHS) under CLAUSE 10.0 MIXED USE REGULATIONS, the existing provisions shall be substituted by the following:-

“10.1 PROVISIONS OF MIXED USE

Mixed use essentially means provision of non-residential activity in residential Premises. In the given situation of Delhi, where in a number of residential areas, commercial activity has already intruded, formulation of a balanced policy of mixed use considering its environmental impact and the socio-economic needs of the society is of utmost importance.

In an area, mixed use has positive and negative environmental and socio-economic impacts. It suits the socio-economic needs of a large section of the society and reduces the transportation needs and traffic movement considerably. However, unless properly regulated, it could have an adverse effect in terms of congestion, pollution and general inconvenience to the people of the area.

In view of the above, the following approach is suggested:-

- 1) Non-residential activity on residential premises should be permitted selectively and carefully, taking into consideration community needs, environmental impact and provision for safe and easy traffic circulation and adequate parking;
- 2) In case of new developments, planned mixed residential and non-residential activity should be introduced right at the time of the preparation of the layout plans along with the planning of Commercial Centres for which appropriate provision of parking, circulation and services be kept in view;
- 3) Notified provisions made in the earlier plan may be continued within the overall framework of the approved plan.

Mixed Use streets shall be identified based on traffic/parking studies. On the basis of identification of mixed use streets in Zonal or Local plans, mixed use may be permitted on ground floor, in residential plots facing streets/road of minimum 18.0 mtr. ROW in regular residential plotted development, 13.5 mtr in Rehabilitation Colonies and 9 mtr (or as prescribed in approved Zonal Plan) in Special Area and villages. All the mixed use streets identified/notified in the respective zonal plans shall continue. Further Mixed Use streets could also be identified and notified by the concerned Local Body/DDA.

In post Master Plan (1962) Residential Plotted Schemes, mixed land use shall be permissible on the basis of Local Area Plans to be prepared by the Local Body, in consultation with the Residents Societies/ Residents Welfare Association where mixed use may be restricted only on roads/ streets which are external to the Colony/ Residential Scheme.

Bungalow Areas of Lutyens' Delhi and Civil Lines, government housing, institutional/staff housing and areas of heritage and national importance shall not be covered under the Mixed Use Policy

10.2 NON-PERMISSIBLE USES

Any trade or activity involving any kind of obnoxious, hazardous, inflammable, non-compatible and polluted substance or process shall not be permitted.

10.3 PERMISSIBLE USES

Mixed use covers Retail Shops, Professional Activity and specific other uses as indicated here after:

10.4 RETAIL SHOPS

The following activities shall not be allowed under Mixed Use:

1. Retail shops of building materials (timber, marble, iron and steel and sand), firewood, coal and any fire hazardous and other bulky materials.
2. Repair shops of automobiles repair and workshop (except for minor repair shops abutting 30mtr. and Road ROW), cycle rickshaw repair, tyre resorting and retreading, and battery charging.
3. Storage, godown and warehousing.
4. Junk shop
5. Liquor shop
6. Printing, dyeing and varnishing
7. Any other activity which may be notified from time to time.

For other retail shops, Mixed use in notified streets shall be subject to the following conditions:-

- (i) Mixed use shops only on ground floor upto the maximum permissible ground floor coverage.
- (ii) The front setback should not have boundary wall.
- (iii) Parking @ 2.0 ECS per 100 sqr.mtr. shall be provided within the premises. Where this is not available, cost of development of parking shall be payable to the concerned local body.
- (iv) For Master Plan Roads (30mtr ROW and above), the premises/ activities should be approached from service road in the front and not directly from the main carriageway.
- (v) Mixed Use shall be subject to payment of conversion charges.
- (vi) No encroachment shall be permitted on the streets.

10.5 PROFESSIONAL ACTIVITY

Professional activity includes non-hazardous and non-nuisance kind of activity based on professional skills where the professional like a Doctor, Lawyer, Architect, Engineer, Chartered Accountant, Designer etc. may render such services from their residential premise. Professional activity shall be permissible on any floor subject to a maximum of 25% of the floor area of the dwelling unit or not exceeding one floor in case of plotted development.

10.6 OTHER ACTIVITIES

One of the following activities may be permitted in a residential premise on plot of a minimum of size of 200 sqm. (160 sqm. in Special Area, villages and Rehabilitation Colonies) facing a minimum road width of 18 mtrs ROW (13.5 mtrs. in Rehabilitation Colonies and 9 mtrs. in 'Special Area' and villages).

- (a) Pre-primary school (Nursery/Montessori School, Creche etc.)
- (b) Nursing home
- (c) Guest house
- (d) Bank
- (e) Fitness Centre (Gymnasium, yoga, meditation centre)

Further, the permission of residential land and building for the above activities shall be governed by the provisions of Notified Regulations in this regard (along with the above modification) except that pre-primary school and fitness centre shall be restricted only on ground floor equivalent to the permissible ground coverage.

Banquet Hall

Banquet Halls can be permitted under mixed use in residential use zone, subject to the following conditions:

Banquet hall shall be permitted in residential plot of size of 330 sq.m, facing minimum 18 mtrs. ROW roads (13.5 mtrs. in Rehabilitation Colonies and 9 mtrs. in Special Area). The ground coverage, FAR, height and basement etc. shall be applicable as per the Master Plan norms, subject to the conditions in respect of parking and sanitation facilities, hygienic disposal of waste and payment of appropriate levies/charges laid down by the concerned authority from time to time.

10.7 INTENDED MIXED USE

- (i) The quantum of Mixed Use Area and its allocation/distribution for various categories of Residential areas shall be specified in the layout Plans.
- (ii) The layout plans would clearly earmark areas for Mixed Use, preferably located opposite/adjoining designated commercial areas.
- (iii) Mixed Use on residential plots should be located on 18 mtrs. ROW roads and above with common Parking areas to be earmarked, along with mandatory parking to be provided within the premise.

10.8 CONVERSION CHARGES

Because of conversion of use/activity the conversion fee shall be charged from the beneficiary as decided by the concerned Authority from time to time.

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To

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