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Government of Kerala
2019



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കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA

Local Self Government (RD) Department

NOTIFICATION

G. O. (Ms.) No. 1/2019/LSGD.

*Dated, Thiruvananthapuram, 3rd January, 2019
19th Dhanu, 1194.*

S. R. O. No. 39/2019.—WHEREAS, the Government, as per the notification issued under G.O. (Ms.) No.131/2017/LSGD dated 7th July, 2017 and published in Part I of the Kerala Gazette No.32 dated 8th August, 2017, have sanctioned the Master Plan for Kozhikode Urban Area 2035 under sub-section (8) of section 36 of the Kerala Town and Country Planning Act, 2016 (Act 9 of 2016);

AND WHEREAS, as it is required to vary the said Master Plan for the purpose of making the zoning regulations compatible to the present development scenario to the extent possible as an immediate measure, until the Plan is further varied after

detailed studies, the Government of Kerala, as per notification issued under G. O. (Ms.) No. 135/2018/LSGD dated 22nd September, 2018 and published in the Kerala Gazette Extraordinary No. 2429 dated 24th September, 2018, have published a draft for variation of the said Master Plan inviting objections and suggestions from any person or authority concerned with or affected thereby;

Now, THEREFORE, in exercise of powers conferred by sub-section (3) of section 50 of the Kerala Town and Country Planning Act, 2016 (9 of 2016), the Government of Kerala hereby vary the sanctioned Master Plan for Kozhikode Urban Area 2035, to the extent required, after considering all the objections and suggestions received on the draft of the notification issued under G. O. (Ms.) No. 135/2018/LSGD dated 22nd September, 2018 and published in the Kerala Gazette Extraordinary No.2429 dated 24th September, 2018 as required under the proviso to sub-section (3) of section 50 of the Kerala Town and Country Planning Act, 2016 (9 of 2016).

ORDER

In exercise of the powers conferred by sub-section (3) of section 50 of the Kerala Town and Country Planning Act, 2016 (9 of 2016), the Government of Kerala hereby vary the Master Plan for Kozhikode Urban Area 2035, sanctioned under sub-section (8) of section 36 of the Kerala Town and Country Planning Act, 2016 as per notification issued under G. O. (Ms.) No. 131/2017/LSGD dated 7th July, 2017 and published in Part I of the Kerala Gazette No. 32 dated 8th August, 2017, to the extent as indicated below, namely:—

VARIATION

In the said Master Plan.—

(1) in the "Chapter 25—Development Controls", under the heading '25. Zoning Regulations',—

(1) in paragraph 7, after the existing sentences, the following sentences shall be inserted, namely:—

"In cases where the proposed new roads or road widening as per the Master Plan abuts/affects a water body, regulation of constructions and/or land developments on the sides of such roads shall be

governed by the distance from the nearest boundary of the water body, unless otherwise specified in the Detailed Town Planning Schemes or any detailed road alignments approved by Chief Town Planner concerned. Also, in case of the road abutting Canoli canal, the road widening should be governed by the distance from boundary of the canal”;

(2) under the heading “GENERAL NOTES”, after 10, the following shall be inserted, namely:—

“11. In land up to a depth of 200 meter on both sides of the roads having an existing or proposed width of 24 meter or more (as per the Master Plan for Kozhikode Urban Area 2035) in Residential Zone I, Residential Zone II, Public and Semi Public Zone and Small Industrial Zone, ‘Uses Permitted’ in Residential Zone I, Commercial Zone and Public and Semi Public Zone may also be permitted by the Secretary of the Local Self Government Institution concerned, if not allowable otherwise as per the zoning regulations mentioned above.

12. Subject to the provisions as applicable to the Kerala Conservation of Paddy land and Wetland Act, 2008, CRZ Notification, 2011 and their subsequent amendments, other applicable Acts, Rules and Government Orders in force in the State, the Secretary of the Local Self Government Institution concerned, with the concurrence of the District Officer of the Department of the Town and Country Planning having jurisdiction over the area, shall:—

(a) permit in privately owned land which is zoned for Public and Semi Public Use, such uses that are permissible in adjacent land use zone, if there is no records available with the Local Self Government Institution concerned regarding any proposal for acquiring that particular privately owned land for any public use at the time of application for building construction or land development;

(b) permit in Wet Agriculture or Water Body, such uses that are permissible in adjacent land use zone, if that particular land in the Wet Agriculture or Water Body is not classified as Paddy land or Wetland as per revenue records;

(c) permit single family residences up to a floor area of 300 square meter in Environmentally Sensitive Zones.

13. The Secretary, Olavanna Grama Panchayat, with the concurrence of the District Officer of the Town and Country Planning Department having jurisdiction over the area, may permit single family residential building up to 300 sq.m and commercial buildings up to 200 square meter in land zoned as Industrial Promotion Zone in Olavanna Grama Panchayat, subject to the provisions as applicable of the Kerala Conservation of Paddy land and Wetland Act, 2008, Coastal Regulation Zone Notification 2011 and their subsequent amendments, other applicable Acts, Rules and Government Orders in force in the State.

14. Transmission towers, Wireless stations and Telecommunication towers may be permitted in the master plan area, in all zones other than Recreational Zone, Water Body, Wet Agriculture, Environmentally Sensitive Zone, and Green Belt".

By order of the Governor,

T. K. JOSE,

Additional Chief Secretary to Government.

Explanatory Note

(This does not form the part of the notification, but is intended to indicate its general purport.)

The Government, as per notification issued under G.O. (Ms.) No. 131/2017/LSGD dated 7th July, 2017, and published in the Part I of the Kerala Gazette No. 32 dated 8th August, 2017 have sanctioned the Master Plan for Kozhikode Urban Area 2035, under sub-section (8) of section 36 of the Kerala Town and Country Planning Act, 2016 (9 of 2016).

The Government have decided to vary the said Master Plan for the purpose of making certain provisions of the Plan compatible to the present development scenario to the extent possible as an immediate measure, until the plan is further varied after detailed studies.

Government have issued draft notification as per G. O. (Ms.) No.135/2018/LSGD dated 22nd September, 2018 and published in the Kerala Gazette Extraordinary No. 2429 dated 24th September, 2018 for varying the said Master Plan and considered all the objections and suggestions received thereon. The Government have now, decided to accord sanction for the same and to vary the said plan accordingly.

The notification is intended to achieve the above object.