DRAFT SCHEME.

The detailed Town Planning Scheme in Ramanthali Panchayat around Naval Academy, Ezhimala.

Title :

1. This scheme may be cited as the detailed Town Planning Scheme in Ramanthali Panchayat around Naval Academy, Ezhimala.

DEFINITION :

2. In this scheme unless there is anything repugnant in the subject or context.

a) "Act" means the Madras Town Planning Act, 1920.

b) 'Municipal Act' means the Kerala Municipalities Act, 1960.

c) "Authority means the Ramanthali Panchayat.

d) "Executive Authority" means the Exicutive Officer of Ramanthali Panchsyat.

e) "Chief Town Planner" means the Schief Town Planner to Government of Kerala.

f) "Scheme" means the Detailed Town Planning in Ramanthali Panchayat around Naval Academy, Ezhimala.

g) "Arbitrator" means the arbitrator appointed for the scheme under section 27 of the Act.

h) "Schedule" means a schedule appended to the Schemes.

i) "Map" means a map annexed to the Scheme.

j) "Street" includes roads street and lanes.

k) "Date of Scheme" means the date of notification of the scheme under section 14 of the Act in the Kerala Government Gazette.

l) "Rules" means the rules made under section 44 of the Act.

m) "Government" means the Government of Kerala.

n) "Building line" means a line which is in the rear of the street alignment and to which the main wall of the building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as prescribed in the Kerala Municipal Building Rules in force.

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RESPONSIBLE AUTHORITY.

3. The Executive Officer shall be the responsible authority for the purpose of the scheme and shall function as such for a period of 20 years from the date of the scheme unless the Government order otherwise.

AREA OF SCHEME:

4. The area to which the scheme applies shall be that within the inner edge of the boundary lines (dot and dash) marked in the map.

Nothing in this clauses shall be deemed to restrict or otherwise affect the powers of the Panchayat to claim or levy betterment contribution from the owner of any property not included within the area which will come under purview of sections 23 and 24 of the Act and Clause 21(1) of the Scheme.

OWNERSHIP & EXTENT:

5. The ownership of all lands in the area with extent as per the registers maintained in the Ramanthali Panchayat and or the Revenue Office as on the date of publication of the notification, under section 9 of the Act is given in Schedule-I.

ESTIMATE OF THE COST.

6. 1. An estimate of the total and net cost of thescheme is given in form No.II, Schedule II. The net cost is proposed to be financed as therein stated. The estimate is liable to such revisions as the responsible Authority may consider necessary.

2. The execution of any works which under the schemes are to be executed by the reponsible authority or any other agency may be undertaken in such order and at such time as the Ramanthali Panchayat may determine and complete within the period of 20 years. Unless the Government for financial or other reasons, order otherwise.

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3. The responsible authority shall have power to specify any date or period within which the execution of any works which under the scheme are to be executed by any authority, owner or other person as the responsible authority thinks necessary and expedient for the purpose of securing the development of the area without delay and ensuring the efficient operaton of the scheme.

STREETS:

7. 1. Subject to the provisions of the cheme all streets mentioned in schedule III (form No.3) shall be arranged to be constructed by the responsible authority on the lines shown in the map DSN/2 provided that reasonable modifications in the alignment of streets or in the layout of any portion of the area may be made by the responsible authority with the approval of the Chief Town Planner.

2. The streets mentioned in schedule III and shown in the map DSN/2 shall be demarcated, formed and constructed by the responsible authority and/or arranged to be formed or constructed in such manner as he thinks necessary for the proper development of the area or expedient for the safety or convenience of the public, provided that two third of the entire cost of acquisition of lands an of metalling, surfacing, draining and lighting of thestreets, may be recovered from the owners or occupiers of lands and buildings abutting the treets in such proportion as may be decided by the responsible authority.

Provided also that whemever the owner has been required to pay or has paid the proportionate cost under the above provision or has been required to leave or has left lands freely for the treets, the Panchayat shall levy only such portion of the betterment contribution payable under the scheme or it may forge the contribution entirely.

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3. Any other private street that may be permitted in the scheme area with the permission of the responsible authority and in conformity with the proposed development of the area shall also comply with section 14 (5a) of Kerala Building Rules 1984 issued under section 222 of Kerala Municipalities Act, 1960, & Section 367 of Kerala Municipal Corporation Act, 1961 unless otherwise ~~apporived~~ approved by the Chief Town Planner.

4. The responsible authority may, with the sanction of the Chief Town Planner, undertake to carry out any private street work or widening of any existing private street (not included in the scheme) whether with the consent of owners or occupiers of building or lands fronting or abutting on such streets, or byacquiring the land covered by the street, provided that, the expenses incurred shall be paid by the owner or occupiers according to the frontage of their respective lanes or in such proportions or may settled by the responsible authority.

5. The responsible authority may ~~not withstand~~ notwithstanding anything contained in sub clause (2) and (3) above, with the approval of the Chief Town Planner and subject to any agreement with the owners or occupiers as to the cost of construction, undertake to construct any new street within the areas, when the owners of the lands through which the street may pass, have surrendered lands free of cost for the street, and agreedto contribute the cost of constructing the streets, provided that if 50% of the owners or occupiers abutting on any new street have surrended lands free of cost for the streets and paid the cost of construction the responsible authority shall undertake to construct the street without delay, and recover the balance from the remaining owners or occupiers.

6. No person shall build any wall or effect any fence or other construction or projection or make any encroachment in or over any land intended for use as a street or lane.

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7. The responsible authority, shall so far as the funds at his disposal may permit provide or cause to provide a sufficient and satisfactory system of drains along the public streets in the area affected.

SUBMISSION OF LAYOUT PLANS:

8. 1) If any owner of land within the area intends or proposes to layout a street, lane or pathway or sub-divide utilise lease or otherwise dispose of any land as a site or sites for building purposes, he shall submit for the approval of the responsible authority a site or layout plan showing the land and the site or sites intended or proposed for building purposes and thestreet or the streets either existing already or intended to be laid out and made by the owners for giving access to the site or sites.

2. Save in such cases as the site or sites intended for building purposes may abut on any existing public street or an existing private street the owner of the land shall layout and make thestreet or streets giving access to the site or sites and connecting with an existing street in compliance with the provisions of the scheme.

3. The owner of the land shall not proceed to sub-divide, utilise, sell, lease or otherwise dispose of the site or sites intended for building purposes unless he has carried out or otherwise made arrangements to carry out the street works in the compliance with provisions of the scheme.

4. If the street or streets, have not been made as required by sub-caluses (1), (2) and (3) above the responsible authority may order the street works to be carried out or carry out the works himself in the manner prescribed in the scheme, in which case the cost of such works will be recovered from the owner or occupier.

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5. For the purpose of adjusting the boundary of any street the responsible authority may with the approval of the Chief Town Planner make an exchange of land forming part or any street that it may require, with or without paying or receiving any money for equally (equality) of exchange or otherwise.

APPROVAL OF LAYOUT PLANS:

9. 1) (a) No owner or other person shall layout a street, lane or pathway or sub-divide, utilise, sell lease or otherwise dispose of his land portion or portions of the same as site or sites for building purposes until a site or layout plan or plan of sub division has been approved by the responsible authority, provided, that the concurrence of the Chief Town Planner is obtained for the layout plan or plans prepared for laying out of a street, lane or pathway or for sub diving the lands.

b) The application for approval of a site or layout plan or plan of a subdivision shall be submitted to the responsible authority in the prescribed form.

The responsible authority may in the interest of the schemes impose reasonable restrictions and conditions and also insist on such modiciation and ~~xixx~~ of the plan as he thinks fit or cause to be made such modifications of the plan as the Chief Town Planner may consider necessary according the to clause 9(1)(a).

c) The restrictions and conditions as laid down by the responsible authority or as decided by the Chief Town Planner shall be adopted by the owner or other person and shall be enforceable.

2. (a) No owner or other person shall construct or reconstruct or in any way alter or add to a building, Without conforming in every particular with the requirements of the scheme, and unless he has applied for and obtained permission of the responsible

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authority under section 17 of the Act and in compliance with the requirements of caluse 5(a) below. No building shall be constructed or reconstructed in any land in which building is expressly forbidden or which is reserved in the scheme for any purpose incompatible with building.

b) The responsible authority may for the purpose of the scheme demolish or cause to be demolished or alter or cause to be altered any building in the area so far as may be necessary for carrying out the objectives of the scheme ~~into effect~~.

3. The responsible authority shall, before granting permission under section 17 of the Act, for any site plan or layout plan or plan of sub division or for construction or reconstruction of a building in a site in the area take into consideration the desirability of reconstitution of boundaries of any land or plot or plots or site or sites under clause 18 of the scheme as he thinks fit and may impose any restrictions or conditions or pass such orders as may be necessary to secure such reconstitution or redistribution of boundaries of the land, plot or plots or site or sites. The restrictions or conditions imposes or the orders passed by the responsible authority shall be complied with by the owner or owners or the persons or persons concerned and shall be enforceable.

4. Notwithstanding anything contained in the scheme, the responsible authority may with the approval of the Chief Town Planner prepare a layout plan for any portion of the area to determine the lines on which the detailed development of such area shall take place and the manner in which the streets subdivisions of lands into sites for building purposes and the reservation of any lands for community or public purposes shall be laid out and same shall be read as part of the scheme, and shall be enforceable.

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5. (a) Subject to the provisions of section 17 of the Act every application for permission required to be obtained under caluse 2(a) above, shall be submitted to the reponsible authority in the form specified in the building rules made under section 222 of Kerala Municipalities Act 1960 with such variations as circumstances may require and shall be accompanied by a site plan and plans of each floor, elevation and section of the existing building or buildings and also a specification or specifications in regard to the design, materials, architecture, drainage, water supply, use of building and other details of building construction.

(b) The responsible authority shall have power to impose reasonable restrictions and conditions while granting permission and to make reasonable modification or alteration in the location, structural or design or materials of the building or buildings as he thinks fit, or shall cause to be make such modifications or alterations as the Chief Town Planner may consider necessary. The restrictions and conditions as laid down by the responsible author ty shall be complied with and the plans and specifications approved or modified or altered by the responsible authority or as decided by the Chief Town Planner shall be adopted by the applicant owner or other persons concerned and shall be enforceable. If the responsible authority fails to give a reply or pass any orders within 3 months from the date of receipt of the application, the application shall be deemed to be sanctioned, if not otherwise inconsistent with the provision of the scheme.

RESERVATION OF LAND AND ZONING:

10.(a) A list of lands reserved for streets and other non-residentail purposes is given in Schedule IV (Form No.10). For the purpose of the scheme the streets or foot paths which may be approved or made in accordance with the provisons of the scheme which are not mentioned in Schedule IV shall also be deemed to be included under lands reserved for the purpose of the scheme.

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(b) The Ramanthali Panchayat may from time to time to meet the demand, declare any part of the area with the approval of the Chief Town Planner or and subject to such conditions and restrictions as he may think fit, to be reserved for commercial activity or for such other purposes which can be prescribed under sub sections (k) of Section 4 of the Act. Any part of the area so declared shall be included under lands reserved under the scheme and treated as such.

(c) All future developments in respect of land within the scheme area shall conform to the zoning regulations given below: (Any uses not mentioned therein shall be prohibited).

RESIDENTIAL ZONE:- (R1)

(1) Uses permitted:-

All residences, clinics, convenient shops, such as vegetable shops, groceries, pan shop will be normally permitted.

(ii) Uses Restricted:-

The following shall be permitted by the responsible authority with the approval of the Chief Town Planner. Parks and play grounds, public utility building such as water supply drainage and electric installations of a minor nature, reading room, police and fire stations and small post offices.

(iii) Uses Prohibited:-

All other uses not mentioned above.

RESIDENTIAL ZONE: (R2)

(i) Uses Permitted:

All residences, community halls, clubs, parks and play grounds insidential to residential uses, clinics dispensaries, public utility building such as water supply drainage and electric installations of a minor nature ans small service industries of a non nuisance character engaging not more than 3 workers with power limited to 3 HP or 6 workers without power.

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Convenient shop such as vegitable shops, groceries, pan shops etc. will be normally permitted.

(ii) Uses Restricted:

The following shall be permitted by the responsible authority with the approval of the Chief Town Planner.

Minor educational buildings, library and reading room, police and fire stations small post offices, petrol filling stations small auto garages, engaging not more than 5 workers and other non-nuisance type of service industries engaging not more than 10 workers with power limited to 10 HP or 20 workers without power and new areas or buildings for religious uses.

(iii) Uses Prohibited:

All other uses not mentioned above.

(iv) Coverage and F.A.R.:

Minimum plot area	=	400 M^2
Coverage	=	40 percent
F.A.R.	=	1.2.

2. PUBLIC AND SEMI PUBLIC USES ZONES

(i) Uses Permitted:

Government establishments, religious, social amd cultural establishments, community facilities including clinics dispensaries, educational institutions, public utilities and related buildings and open spaces incidental to the main uses.

(ii) Uses Restricted:

The following uses shall be permitted by the responsible authority with the approval of the Chief Town Planner.

Residential uses incidental to the main use, coming under 2(i) above and religious uses.

(iii) Uses Prohibited:

All other uses not mentioned above.

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3. COMMERCIAL ZONE.

(i) Uses permitted:

Whole sale and retail shops, godowns attached to wholesale business, professional offices studies , commercial offices, financial institutions, hostels, hotels, lodging houses, restaurants, cart stand, taxi stand, bus stops, cinema theatres, libraries and reading rooms, clinics, dispensary, non nuisance types of service and small insdustries employing not more than 10 workers and installations not exceeding to 15 HP motors and existing residential uses.

(ii) Uses Restricted:

The following uses shall be permitted by the responsible authority with the approval of the Chief Town Planner.

Social wlfare institutions, printing presses, service garages, industrial uses of non-nuisance character employing not more than 20 workers and power not exceeding 30 HP petrol filling stations, areas and buildings for religious uses residential buildings not exceeding 50 sq.m plinth area.

(iii) Uses Prohobited:

All other uses not mentioned above.

(iv) Coverage and F.A.R:

Coverage = 60%
F.A.R = 2.00

4.MIXED USE ZONE: (Residential-cum-commercial)

(i) Uses permitted:-

All types of uses permissible under residential and commercial use zones.

(ii) Uses restricted:-

All the restricted uses prescribed under commercial and residential uses with the concurrence of the Chief Town Planner.

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(iii) Uses prohibited:-

All other uses not mentioned above.

(iv) Coverage and F.A.R.:-

Coverage	50%
F.A.R	1.5

5. AGRICULTURAL & GARDEN LAND USE ZONE:

(i) Uses permitted:-

Wet and dry creps and pump houses and small huts of Kutcha or semi permanent natre with plinth area less than 35 sq.m.

(ii) Uses Restricted:-

The following shall be permitted by the responsible authority with the approval of the Chief Town Planner.

Poultry or animal sheds of minor nature and existing religious uses.

(iii) Uses Prohibited:

All other uses not mentioned above.

11. ACQUISITION OF LAND:

Any land required for the purpose of the scheme may be acquired by purchase, exchange or otherwise by the Panchayat at any time subject to the provisions of the Kerala Land Aquisistion Act and without prejudice to the interests of the Scheme.

12. DISPOSAL OF LAND:

The responsible authority may with the approval of the Panchayat dispose of any land belonging to the authority or acquired under the scheme by sale, auction, exchange, lease, or otherwise, subject to rules framed for the purpose by the authority and those rules shall be binding on the purchaser transferors heirs, assignee and their successors.

13. (i) Every building site unless it abuts on an existing private street in conformity with the scheme be made to abut to its full width in front on a street laid down and made in accordance with the provisions of this scheme.

(ii) The building lines in respect of all the streets shall be as shown in map No.DSN/2 and specified in Schedule III.

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(iii) Boundary wall or fences alone shall be erected in the space between the building line and the edge of the adjecent street.

(iv) No boundary wall or fence erected between the building line and edge of the adjacent street shall be of a greater height than 1.5 m. measured from the level at the centre line of such street. Provided also where the level of the compound is higher than that of the road this height may be exceeded so at to have a height of 1m. above the level of the ground of the plot.

(v) Open space requirements of a building shall be in conformity with the Municipal Building rules in force unless otherwise provided for in the scheme.

(vi) Minimum of street parking spaces for motor vehicles shall be provided for various types of buildings as per Rules 20 (1 to 7) of Kerala Building Rules 1984.

(vii) The responsible authority in consultation with the Chief Town Planner shall have power to fix the height of the storeys of the shops; business and commercial buildings and the ultimate height of the whole building or line of buildings according to their individual archietctural requirements and to insist that any other architectural details may be incorporated in the design provided that the individual architectural requirement of any part shall be viewed in consideration of the general appearance.

14. PROHIBITION OF BUILDING IN UNHEALTHY SITES:

With a view to prevent contamination of water sources and channels due to existance of burning grounds, sewage tanks and stations, power plants or insanitary or lowlying lands, the responsible authority may refugee to sanction any building within portions of the area, in the vicinity of which in his opinion the creation of building would be objectionable.

15. DRAINAGES:

Sufficient means of effectual drainage and discharge or sewage shall be provided in every private street by the owners or occupiers of sites abutting thereof and every site and building shall be provided with suitable drains leading therefrom to the nearest street drain. All the sullage water shall be disposed of in such a

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way as to prevent if from running on to or stagnating on adjacent streets. It may be used for watering gardens and compounds if no nuisance is created thereby or allowed to flow into drains or channels on it having previously been treated sanitarily in the manner required by the responsible authority.

16. HOUSING SCHEME:

(a) Housing schemes may be undertaken inconformity with the provisions of the scheme by the authority or the authority may enter contract with co-operative housing societies or other housing agencies, to make up housing schemes with the previous sanction of the Government.

(b) when acquiring land for housing development the sites of existing pucca and moderate dwelling houses with appurtenant area may be exempted from acquisition of lands to a reasonable extent, as decided by the responsible authority.

17. RECONSTITUTION OF BOUNDARIES:

(a). Where necessary, boundaries of sites or lands shall be redistributed and plots reconstituted in the manner prescribed in the Act (i) to suit the alignments of the proposed streets (ii) to provide frontate on streets (iii) to alter or improve the size and shape of any site or plot in order to render it more suitable for building purposes, (iv) to procure the transference of ownership of land or portion of land from one persons to another.

(b) Proposals for redistribution or alteration of boundaries of lands or for reconstitution of plots or sites in the area shall be made by the owner or owners concerned by the responsible authority as the case may be, to the Arbitrator in accordance with the rules at any time unless the Arbitrator or by notification specified any particular time or period when such proposals should be made to him.

18. ADVERTISEMENT:

No form of advertisement other than that of the traders name and business exhibited on shops or notice exhibited in public buildings shall be permitted within

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the area unless otherwise approved by the authority.

19. CLAIM FOR COMPENSATION:

Any person whose property is injurisouly affected by an refusal to grand the permission applied for under section 17 of the act and or by making of the scheme shall if he wants to make a claim for the purpose under section 20 of the Act submit such claim within 12 months of the date of the scheme.

20. CLAIM FOR BETTERMENT:

Claims for betterment contribution under Section 23 of the Act in respect of all properties which have increased or are likely to increase in value by the making of the scheme shall be made by the authority to the Arbitrator in accordance with the rules, within 36 months of the date of the scheme . The betterment contribution shall be levied, and recovered in accordance with the provisions of Section 23 and 24 of the Act every year at 10% of the increase in value for a period of 20 years.

2) Notwithstanding anything contained in the above sub clause, the authority may with the previous approval of the Government, agree with any owner to receive a fixed payment either in a lump-sum or by instalments in lieu of the betterment contribution.

21. POWER OF THE RESPONSIBLE AUTHORITY TO MAKE AGREEMENTS:

Subject to the provisions of section 36 of the Act, the responsible authority may make any agreement with any person or body in furtherance of carrying out of the scheme or any matter in connection therewith provided that such agreement is not in consistent with the scheme.

22. REGULATION OF SCHEME RULES:

(1) The responsible authority, may, if it thinks necessary in particular case and subject to any conditions as he may impose, dispense with or modify with the concurrence of the Chief Town Planner, any of the requirements of the scheme other than the requirements ~~of the~~ made obligatory by any law, provided that it is satisfied that there are circumstances warranting such dispensation or modificatio

2) Government may in any particular case and subject to any condition as they may impose and in consultation wi the Chief Town Planner dispense with or modify any of t

requirement of the scheme other than the requirement made obligatory by any law and their decision shall be final.

23. EXECUTION OF THE SCHEME PROPOSALS:

(a) The responsible authority may on the sanction of the scheme from Government, execute the scheme proposals in a phased manner. The authority may co-ordinate with the government departments an d other agencies in the execution of the scheme proposals and may cause the cost of implementation of the scheme by various agencies to be included in the annual budgets of those agencies on a priority criteria.

(b) Pending sanction of the scheme by Government, the responsible authority may, after publication of the scheme and approval by the Authority, take up priority projects and necessary land acquisition after obtaining sanction for the same from the Chief Town Planner and the Secretary to Government.

(c) After sanctioning of the scheme by Government, the scheme will be in operation till such time the scheme as revoked or another Scheme is notified and published for the same area or part of the area included in this Scheme.

(d) After sanction of the Scheme by Government, the responsible Authority may allow reasonable time to any owner or person to carry out or execute any works or to fulfil his obligation under the scheme.

24. PENALTY:

Any person who commits or knowingly permits a breach of any office the provisions of the scheme or who neglects or fails to comply with any of the provisions of the scheme or any orders, conditions, proceedings, restrictions, limitations of terms made or imposed under or in pursuance of any of the provisions of the scheme the rules or the Act shall on conviction be punished in accordance with Section 44-B of the Act.

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SCHEDULES.

1. Ownership and extent of land included in the scheme in form No.7.

ii. Estimate cost of the scheme in form No.II.

iii. List of new streets and widening of Existing Streets in form No.8.

iv. Lands proposed to be reserved in Form No.10.

v. Lands proposed to be acquired for the scheme in FormNo.9.

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