

**NAINA TOWN PLANNING SCHEME No. 12**

(Part of Villages Chinchavali tarfe Waje, Kondale, Mahalungi, Morbe, Ritghar, Umroli, Usarli Bk. and Vakadi of Taluka Panvel, District Raigad)

*DRAFT SCHEME*

**SPECIAL DEVELOPMENT CONTROL REGULATIONS**

**Part B**

**1. DEVELOPMENT CONTROL IN THE SCHEME AREA :**

As per the provisions of sub-section (2) of section 159 of the said Act, the State Government may, by notification in the *Official Gazette*, make Special Development Control Regulations consistent with this Act and the rules made thereunder, for the purpose of implementing any Scheme, Project, Program or Policy, of the Central or the State Government, in the whole or a part of the State.

To enable the land owner to consume the assigned FSI, it is necessary to give certain relaxations in the sanctioned DCPR of DP to ensure consumption of FSI. This concern has been raised by Architects and land owners at various forums including land owners' meet. Such relaxation would probably make the land owners to accept the schemes.

Since the powers of sanctioned of Draft Scheme u/s 68(2) of the Act are delegated to Managing Director, CIDCO *vide* Notification No. TPS-1817/973/CR-103/17/UD-13, dated 13/09/2017, it is proposed to formulate Special Development Control Regulations for TPS-1 consistent with sanctioned DCPRs of DP as per sub-section (2) of section 159 of the said Act. A separate note was initiated by this office *vide* No. CIDCO/NAINA/PLNG/SP(DP)/2021/E-73050, dated 23rd Sept. 2021, for modifications in special DCR of TPS on request of CREDAI-MCHI and other architects to utilize full potential of final plot. Meanwhile Preliminary Scheme TPS 02 is approved by Government dated 03/11/2021 with Special DCPR.

The State Government has sanctioned the Preliminary TPS 03 along with Special DCR *vide* Urban Development Department Notification No. TPS-1222/2186/CR-15/12/UD-12, dated 29th November 2022 under sub-section (1) of section 86 of the said Act.

Now for all the 12 Town Planning Schemes, it is proposed that uniform Special DCR shall be made applicable. Accordingly in Preliminary scheme submission of TPS 06, the modification is proposed in special DCR of TPS-6 by Arbitrator by preparing a comparison statement of Special DCR sanctioned by the Govt. for TPS 03 with Special DCR sanctioned in Draft TPS 06 and the modifications as communicated by SPA-NAINA to Arbitrator dated 02/11/2023 in the Special DCR for each regulations.

Accordingly, the Special DCR of TPS 12 is modified considering Special DCPR of preliminary TPS 03, modification proposed in special DCR of Preliminary scheme TPS 06 and as suggested by Director, Town Planning, Pune in 2nd Consultation.

**2. SPECIAL DEVELOPMENT CONTROL REGULATIONS FOR TPS-12**

In addition to the Development Control and Promotion Regulations, which are made applicable to the 23 Revenue villages of NAINA *vide* directives given by Government *vide* No. TPS-1717/ 2750/ C.R.91/ 19/ UD-12, dated 06/01/2020 (hereinafter called as 'sanctioned DCPRs of NAINA') under section 37(1AA) read with section 154 of the Maharashtra Regional and Town Planning Act, 1966, the following special Regulations shall be applicable to the development of any sort to be carried out in the final plots of the Town Planning Scheme, NAINA No.10. Rest of the provisions of prevailing sanctioned DCPRs of NAINA as amended from time to time shall be applicable.

In case of any conflict between the regulations in sanctioned NAINA DCPR -2019 and these special regulations prescribed below arises, then these special regulations shall prevail.

1. The Final Plots allotted to the owners in lieu of their Original Plots shall be considered as included in the Predominantly Residential Zone of the sanctioned Development Plan and shall be eligible for development for uses prescribed in Regulation No. 31 of the DCPRs -2019 irrespective of the actual zonal boundaries of the DP.

2. Boundaries of the Final Plots shall not be changed, modified, or altered during development.

3. Amalgamation of two or more Final plots shall not be permitted to form a new Final Plot. However, integrated development in two or more adjoining Final Plots of within the scheme or of adjacent schemes shall be permitted considering sum of their areas as one unit for development.

4. Temporary/ short term development proposals on any ground shall not be permitted within the portions of original plots which are merged during the reconstitution to form a Final Plots not allotted to the holders / owners of such original plots.

5. Development Permission in a Final Plot shall be granted only after ascertaining that the amount mentioned in column 15 of Form No. 1 of the Final Scheme under Rule No. 6(v) of the Maharashtra Town Planning Schemes Rules, 1974 is fully recovered. However, the Special Planning Authority, NAINA (CIDCO) may allow such amount to be recovered in suitable installments within a period up to the issuance of Occupancy Certificate. This amount is in addition to the Development Charges prescribed under Chapter VI-A of the Maharashtra Regional and Town Planning Act, 1966.

6. Internal Sub-division/ partition of a Final Plot shall be permissible subject to strictly adhering to the boundaries of respective Final Plot and subject to sanctioned DCPR- 2019.

7. The 10% Recreational Open Space prescribed under regulation No. 20.3.1 of the sanctioned DCPR-2019 shall not be enforced in developing Final Plot admeasuring 0.40 ha or more considering that such open spaces are provided in the form of Playground, Parks and Open spaces in the scheme in addition to those reserved in the Development Plan for which owners of the final plots have shared their lands from their original plots.

8. The 5% Amenity Space prescribed under regulation No. 20.3.11 of the sanctioned DCPRs of NAINA shall not be enforced in developing Final Plot admeasuring 2.00 ha or more considering that such Amenity spaces are provided separately in the scheme in addition to those reserved in the Development Plan for which owners of the final plots have shared their lands from their original plots.

9. The provision of 20% plots/tenements for EWS / LIG as inclusive housing prescribed under Regulation No. 20.6 of the DCPR-2019 read with Annexure- 4 shall not be made applicable for a sub-division or layout of a Final Plot as the Scheme provides dedicated plots for EWS/ LIG housing for which the owners of final plots have shared the lands from their original plot.

**Notes:**

i. The regulations at serial number 7, 8 and 9 above shall not be applicable for Final Plots having area more than 50% of the original plots. For such plots the provisions of sanctioned DCPRs of NAINA in force shall be applicable.

ii. In cases wherein CC is already granted (before declaration of TPS), if the final plot is given by reducing land area under Recreational Open Space (RG), Amenity and layout road, then while processing Amended CC or OC of such final plots, land area as per CC for such Open Space, Amenity may not be insisted upon. However, location and land area of remaining Open Space and Amenity inside the final plot shall be maintained as per CC.

10. The owners of Final Plots are entitled for monetary compensation as recorded in form No. 1 of the Final Scheme as per Rule 6(v) of the Maharashtra Town Planning Schemes Rules, 1974. However, the owners may opt for FSI or TDR in lieu of monetary compensation as provided under section 100 of the Maharashtra Regional and Town Planning Act, 1966. Such Compensation partially in terms of FSI / TDR and partially in amount shall not be permissible.

11. The base FSI applicable to the Final Plots allotted under the Town Planning Scheme shall be 1.00. However, if the owners of final plots opt compensation in the form of FSI as provided under section 100 of the Act, then the FSI permissible in a final plot shall be computed as below:

$$\text{FSI of Final Plot} = \frac{\text{Area of Original Plot}}{\text{Area of Respective Final Plot}}$$

*Provided that such FSI computed as above shall be permissible to those who have opted to avail the compensation in terms of FSI instead of monetary compensation worked out in Form No. 1 of the Final Scheme.*

*Provided further that, the land parcel eligible of 1.00 FSI as per provisions of sanctioned DCPRs of NAINA (i.e. within 200 m of Gaothan), if included in TPS shall be permitted 25% additional incentive FSI in lieu of their 60% land contribution to the project. The FSI of the final plot (whether anchored at its original location or otherwise) against such land parcels shall be increased in proportion to its area, irrespective of whether the final plot is a stand-alone plot or amalgamated with other land parcels.*

$$\text{FSI of Final Plot} = \frac{\text{Area of OP}}{\text{Area of Respective FP}} + \left[ \frac{\left( \frac{\text{Area of OP} - \text{Area of Respective FP}}{\text{Area of OP}} \right) \times 0.25}{\frac{\text{Area of OP}}{\text{Area of OP}}} \right] \times \left[ \frac{\text{Area of OP}}{\text{Area of OP}} \right] \times \text{eligible for benefit within 200 M from Gaothan}$$

12. The permissible FSI in respect of Final Plots, whose owners have been awarded monetary compensation as per Form No. 1 of the Final Scheme prescribed under Rule No. 6(v) of the Maharashtra Town Planning Schemes Rules, 1974 shall be 1.00.

13. If the FSI mentioned in the Special regulation No. 11 above permissible in a Final Plot becomes unable to be consumed for maintaining prescribed marginal distances/ height restrictions /fire-fighting requirements or any such statutory restriction, in such cases, the balance FSI over and above FSI consumed may be permitted to be transferred as TDR to any Final Plot situated in this scheme subject to –

- i. The provision of Regulations No. 43 of the sanctioned DCPR -2019 shall be applicable.
- ii. Such transfer of development right from a Final Plot to another Final Plot situated in the adjoining sanctioned preliminary scheme shall be permitted once only and only with prior approval of the Managing Director of the CIDCO and upon his satisfaction that the concerned owner is unable to transfer his development right within the scheme where the TDR has generated.
- iii. The aggregate FSI in a receiving Final Plot shall not exceed 4.00
- iv. The owner transferring the FSI as TDR shall not develop his Final Plot at any time to consume FSI more than that already consumed at the time of issuing the DRC.
- v. The Final Plot, after such transfer, shall not be eligible for any additional FSI/TDR in future.
- vi. The owner of such Final Plot shall not ask for monetary compensation for balance FSI if any after partially transferring the FSI received in lieu of monetary compensation as TDR.

14. The permissible FSI in respect of Final Plots designated to Amenity Plots or to Schools, College, Education Purpose, Fire Station, Police Station, Community Centre, Hospital, Primary Health Centre and Town Hall shall be 2.5.

15. The permissible FSI in respect of Final Plots designated to Electric Sub-Station, Daily Bazaar, ESR/GSR, Burial ground and Crematorium in the scheme shall be 1.00

16. The permissible FSI in respect of Final Plots designated to EWS/LIG Housing or Housing of the dispossessed persons or Final Plots reserved as sale plots in this scheme shall be 4.0

17. The permissible FSI in respect of Final plots designated to Growth center in this scheme shall be 2.5

Provided that the aforesaid FSI may be increases maximum up to 4.0 on payment of FSI linked premium (FLP) for over and above 2.5 FSI as prescribed in the sanctioned DCPR of NAINA for every increase of FSI of 0.30

18. The Final Plots designated for Open Spaces, Parks, Green Belts or Play-Grounds are permissible to built-up area equal to 15% of the respective final plot area subject to ground coverage up to 10% of the respective final plot and structures shall be only of ground floor or ground plus one upper floor. Such structure shall be at one corner of respective final plot and shall be used for any use complementary to the designated use of such Final Plot.

19. The set-backs from the roads and the side/ rear marginal distances from the boundary of the plot in respect of all structures shall be as follows;

#### Side and Rear Marginal Spaces

Area of Plot	Category of building	Maximum permissible height of the building	Min Marginal Open Spaces (in M.)	
			side	rear
40 M2 to less than 150 M2 *Pls refer Special Note	Row houses type	Upto 15 M	0.0	1.5
	Semi-detached type	Upto 15 M	1.5	1.5
*Special Note: Irrespective of the road width on which these plots abuts, the maximum front margin shall be 3.00 M.				
150 M2 to less than 450 M2	Semi-detached type	Upto 15 M	1.5	2.25
	Detached type	Upto 15 M	2.25	2.25
		Above 15 M Upto 24.0 M	<b>H/5</b>	<b>H/5</b>
450 M2 to the less than 1000 M2	Detached type	Upto 15 M	3.00	3.00
		Above 15 M Upto 24.0 M	<b>H/5</b>	<b>H/5</b>
		Above 24.0M upto 37.5 M	6.00	6.00

Area of Plot	Category of building	Maximum permissible height of the building	Min Marginal Open Spaces (in M.)	
			side	rear
1000 M <sup>2</sup> and above	Detached type	Upto 15 M	3.00	3.00
		Above 15 M Upto 24.0 M	<b>H/5</b>	<b>H/5</b>
		Above 24.0M Upto 37.5 M	6.00	6.00
		Above 37.5 M upto 60.0 M	<b>H/5 or 9.00m whichever is less</b>	<b>H/5 or 9.00m whichever is less</b>
		Above 60.00 M	12.00	12.00

(Where H = Height of the building above ground level).

(a) Irrespective of height and length of the buildings, the marginal open spaces more than 12.0 M shall not be insisted upon. Long length factor for buildings above 40 meter length shall not be applicable.

(b) The provision of dead wall mentioned in sanctioned DCPRs of NAINA shall be applicable.

(c) For special building use No projections of any sort shall be permissible in the side and rear marginal open spaces mentioned above.

Provided that projections required for firefighting and chajja or weather shed upto 0.75 m over openings shall be permitted after clearance from CFO, CIDCO along with the minimum height at which it is to be provided.

(d) Provision of front open spaces shall be in accordance with sanctioned DCPRs of NAINA. However, Front open space for residential use and predominantly residential use (in case of mixed use) buildings of height more than 15m upto 24 m shall be 4.5m and for above 24 m building height front open space shall be 6.0 m.

(e) The building height for the purposes of light and ventilation regulation and for calculating the marginal distances shall be exclusive of height of parking floors. In case of part parking floor such provision shall be applicable only to the part where parking is provided.

20. Mechanical/Hydraulic / Stack parking / multistoried parking with or without car lift may be allowed to meet the requirement.

21. If the basement is proposed flushing to average surrounding ground level, then such basement can be extended in side and rear margins up to 1.5 m. from the plot boundary and beyond the building lines at ground level subject to a clear minimum front margin of 4.5 m and further subject to non-habitable uses and provision for mechanical ventilation and all safety provisions and drainage. However, it is essential that the basement top slab below the external circulation at ground level should be designed for firefighting vehicular loads as per NBC 2016.

Provided that the above provision shall be permissible after the clearance from the Chief Fire Officer, CIDCO.

22. Every building or group of buildings together shall be either connected to a Drainage system or be provided with sub-soil dispersion system in the form of septic tank of suitable size and technical specifications, modern methods of disposals, shall be permitted at the discretion of the Authority.

23. The service road of the State highways, National highways and Multi Modal Corridor (MMC) shall be considered for the access to the plot.

Further the plots along the other categorized roads such as Major District roads/ Village roads shall be directly accessible from these roads.

In all the above cases for final plots in Town Planning scheme Ribbon development rules shall not be applicable.

24. The distance between two main buildings in a final plot shall be that required to be provided for a taller building amongst them subject to 12.0m as maximum. This distance shall also be treated as means of access /driveway and no separate setback/marginal distances shall be insisted from such driveway.

25. Construction within River and blue line: Construction within River and Blue line may be permitted at a height of 0.60 m. above red flood line level. Provided that necessary mitigation measures are followed along with clearance from Irrigation department.

26. Grant of Development Permission does not constitute acceptance of correctness, confirmation, approval or endorsement of and shall not bind or render the competent authority liable in any way in regard to;

- a. Title Ownership and easement right of the plot on which building is proposed.
- b. Workmanship, soundness of material and structure safety of building.
- c. Variation in area from recorded areas of building unit.
- d. Location and boundary of building unit.
- e. Safety of the user of the building.
- f. NOC from appropriate authority.
- g. Structural reports and Structural drawing.

VIJAY SINGHAL,

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