

NAINA TOWN PLANNING SCHEME NO. 4

SPECIAL DEVELOPMENT CONTROL REGULATIONS

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 6th January 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.-4. 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 DCPRs 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 Interim Development Plan and shall be eligible for development for uses prescribed in Regulation No. 31 of the sanctioned DCPRs of NAINA.

Provided that the final plots fronting on roads having width of 12.0m or more shall be permissible for development either under regulation of predominantly residential zone or under Mixed use zone of sanctioned DCPR irrespective of the actual zonal boundaries of the IDP.

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 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 upto 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 provisions of sanctioned DCPRs of NAINA.
7. The 10 % Recreational Open Space prescribed under regulation No. 20.3.1 of the sanctioned DCPRs of NAINA 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 and open spaces in the scheme in addition to those reserved in the Development Plan for which owners of the original plots have shared their lands.

The above regulation shall be applicable subject to suspension of regulation no. 20.3 of sanctioned DCPR of NAINA by Govt. of Maharashtra'

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 original plots have shared their lands.

The above regulation shall be applicable subject to suspension of regulation no. 20.3 of sanctioned DCPR of NAINA by Govt. of Maharashtra'

9. The provision of 20 % plots/tenements for EWS / LIG as inclusive housing prescribed under Regulation No. 20.6 of the DCPRs of NAINA 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. 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 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 lands included 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:

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

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 lands eligible of 1.00 FSI as per sanctioned DCPRs of NAINA (*i.e* within 200 m of Gaathan), 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 standalone plot or amalgamated with other land parcels.

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 restriction / firefighting requirements or any such statutory restrictions, 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 of NAINA shall be applicable.
 - ii. Such transfer of development right from a final plot to another Final Plot shall be permitted once only.
 - iii. The aggregate FSI in a receiving Final Plot shall not exceed 4.00.
 - iv. The owner transferring the FSI shall not develop his Final Plot at any time to consume FSI more than 1.00.
 - 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, Primary health center shall be 2.5.
15. The permissible FSI in respect of Final Plots designated to Electric Sub-Station, Daily Bazaar, ESR/GSR 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 upto 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 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 or ground plus one floor. Such structure shall be at one corner of respective final plot and shall be used for any use complementary to the designated use.

Provided that area of such plots shall not be less than 1000 sq.m

19. 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 M ² to less than 150 M ²	Row houses type	Upto 15 M	0.0	1.5
*Pls refer Special Note	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 M ² to less than 450 M ²	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	H/5	H/5
450 M ² to the less than 1000 M ²	Detached type	Upto 15 M	3.00	3.00
		Above 15 M upto 24.0 M	H/5	H/5
		Above 24.0M upto 37.5 M	6.00	6.00
1000 M ² and above	Detached type	Upto 15 M	3.00	3.00
		Above 15 M upto 24.0 M	H/5	H/5
		Above 24.0M upto 37.5 M	6.00	6.00
		Above 37.5 M upto 60.0 M	H/5 or 9.00m whichever is less	H/5 or 9.00m whichever is less
		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.
- d) 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.
- e) 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.
- f) 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 / multi-storeyed 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 upto 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 and national highways 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 both the 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.
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.

Vice Chairman and
Managing Director, CIDCO.