

# Nganglam Development Control Regulations 2019



Department of Human Settlement  
Ministry of Works and Human Settlement

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The Nganglam Development Control Regulations have been divided into five major parts:

**Section 1: Administration.**

Contains the applicability of these regulations, the definitions of terms and expressions used in the regulations, and the provisions related to interpretation, discretionary powers, delegation of powers, etc.

**Section 2: Procedure for obtaining development Permit.**

Contains the procedure for obtaining development permit including sections on documents and particulars to be furnished along with the applications, the fees to be paid, the validity of the approvals, liabilities and responsibilities of the applicant.

**Section 3: Procedures during development / building construction.**

Contains provisions for the issue of various certificates, service connections, documents to be kept on site, mandatory inspections, etc.

**Section 4: Planning regulations.**

Contains the permissibility of various uses and activities in the designated precincts and the permissible plot coverage, minimum plot sizes and building heights in the specified zones.

**Section 5: Building regulations.**

The provisions of the Bhutan Building Rules 2018 are to be read in conjunction with the NDCR. Only those provisions that relate to the plot coverage, minimum plot sizes and the number of floors have been prepared specifically for Nganglam.

# SECTION 1: ADMINISTRATION

## 1.1 Title and Commencement

This regulation shall be called the Nganglam Development Control Regulations 2019 (NDCR-2019). These regulations shall come into force with effect from the date of their notification by the Royal Government of Bhutan.

## 1.2 Jurisdiction

This NDCR-2019 applies to the areas including Druk Satair in the North, Gasharbali, DCCL Area, Nganglam Higher Secondary School, Old Town, RBP and RBA, Drungkhag Area falling within Norbugang and Dechhenling Gewog.

## 1.3 Applicability

- i. These regulations shall be applicable from the date of their notification by the Royal Government of Bhutan. The regulations shall be applicable to all development in the listed jurisdiction unless otherwise stated.
- ii. Except, as otherwise stated, these regulations shall apply to all development, redevelopment, erection or re-erection of a building, change of use, etc., as well as to the design, construction, reconstruction of, and making material additions and alterations to a building.
- iii. Planning permit should always precede building permit.
- iv. If there is a conflict between the requirements of these regulations and those of any other rules or bylaws, these regulations shall prevail.

## 1.4 Interpretation

Unless the context otherwise requires, the terms and expressions not defined herein shall have the same meaning as indicated in the following legislations:

- i. The Local Government Act 2014 (Amendment)
- ii. The Land Act 2007
- iii. National Housing Policy 2002
- iv. Building Code of Bhutan 2018
- v.
- vi. Bhutan Building Regulation 2018

## 1.5 Delegation of Power

The implementing authority may delegate any of the powers, duties or functions conferred or implemented upon or vested in the implementing authority to its officers or designated committee of officers generally or specifically in writing and may impose certain conditions and limitations on the exercise of such powers as it may deem fit.

## **1.6 Discretionary Powers**

The implementing authority may exercise its discretion in conformity with the intent and spirit of these regulations, in order to mitigate any demonstrable hardship or to sub-serve public interest in the following ways:

- i. Decide on matters where it is alleged that there is an error in any order, requirement, decision and determination, interpretation made by it under delegation of powers, while applying these regulations.
- ii. Interpret these regulations in various contexts of or in situations where more clarity is required. Under such circumstances the implementing authority's decision shall be final and binding.
- iii. Decide upon the nature and the extent of concessions in respect of marginal distances, room heights, etc. that can be granted in cases of proven hardship for reasons which are to be recorded in writing. However, such relaxation shall not affect the health, safety and hygiene of the inhabitants of the building and the neighborhood and the structural stability of the building. Provided further that while granting such relaxation, as above, the authority may impose conditions as may be necessary. These may include a payment of deposit and its forfeiture for non-compliance, payment of a premium amount and other obligations, etc.
- iv. No concessions shall ever be made in respect to lot coverage or additional floors.
- v. Decide on the fine or compounding charges to be made applicable in cases of developments where non-adherence to these regulations is detected.
- vi. Authorize the erection of a building or the use of premises for a public services undertaking or a public utility purpose where such an authorization is reasonably necessary for the convenience and the welfare of the public, even if such erection or use is not permitted as per these regulations.
- vii. Determine and establish the location of zoning boundaries in cases of doubts or controversies.

All matters stated above may be decided by a committee designated and authorized by the implementing authority. When issues arise that are not covered within these regulations, the implementing authority shall refer the matter to the competent authority.

## **1.7 Relations to other plans or regulations**

The NDCR-2019 should be read in conjunction with the provisions of the Master plan and the BBR 2018. If there is any inconsistency between this NDCR-2019 and other regulations, the NDCR-2019 prevails.

## 1.8 Definitions

**Accessory Use** - A structure that is not the main use on a plot. A garage is an accessory use to a house and a storage shed is an accessory use to a commercial building.

**Attic** - The space within the confines of the roof structure, above the ceiling or the top floor which is constructed and adopted for storage purposes, lift machine room, water tanks etc.

**Basement** - The story of a building below the ground floor.

**Building**- Any structure for whatsoever purpose, and of whatsoever materials constructed and every part thereof, whether used as human habitation or not including foundations, plinths, walls, columns, floors, roofs, chimneys, plumbing and building services, fixed platforms, verandas, balconies, cornices or projections, part of a building or anything affixed thereto. However, structures of a temporary nature like tents, hutments, etc. erected for temporary purposes or for ceremonial occasions, with the permission of the Implementing Authority, shall not be considered to be "buildings".

**Building Height** - The permissible number of floors. This is inclusive of the ground floor and will be determined from the ground floor level. In addition to the precinct regulations, the height of buildings shall be governed by the “Guidelines on Traditional Architecture of Bhutan” and by the overall allowable building heights.

**Commercial Building** - A building or part thereof primarily used for commercial purposes such as shops, stores, departmental stores or markets, for display and sale of goods or merchandise, including office, storage and service facilities incidental thereto located in the same building.

**Community** - The people living in a particular place and usually linked by common interests.

**Community Facilities/Services** - Facilities/services used in common by a number of people, including schools, health, recreation, police, fire, public transportation, community center, etc.

**Demarcation** - The marking of the site plan at the actual location, on the ground, by the implementing authority in the presence of the owner and adjacent plot owners, if any.

**Density** - A measure of the intensity of occupants or use and measured in units per area. Units are commonly referenced in plots, dwellings, rooms or people per area.

**Development** - Carrying out of subdivision (division of land) or building construction on a plot of land. This also includes structural changes, demolition of buildings, excavation of land, and/or any change in use.

**Development Permit**- Permit issued for authorizing demolition, construction or alteration of part or the whole of a structure.

**Existing Use** - Authorized use of a plot of land, a building, or a structure existing before the commencement of these regulations.



**Floor** - The lower surface in a story on which one normally walks in a building. This does not include a mezzanine floor. The floor at ground level with direct access to a street or open ground/ land shall be called the ground floor. The ground floor shall also be counted as a floor in defining the number of floors and referred to as the ground floor. All additional floors shall be numbered sequentially starting with 1.

**Floor area** - Shall mean the total area of the floor including the area of walls.

**FAR or Floor Area Ratio**- Shall mean the quotient obtained by dividing the sum of the floor areas on all floors excluding areas specifically exempted under these regulations, by the total area of the plot.

$$\text{Total floor area Floor Area Ratio} = \text{Total floor area} \div \text{Total plot area}$$

Provided that the following shall not be counted towards computation of F.A.R.

- a) Areas covered by porches, canopies, weather shields, arcades, atria, passages connecting two streets, balconies and verandahs etc.
- b) Parking spaces
- c) Basements if used for parking, services and utilities

**Front** - The area of land or side of building facing the primary road.

**Household** - The socioeconomic unit which often coincides with the basic kinship unit of a society. Usually several related persons living together in a form of shelter and sharing food and other basic resources.

**Implementing Authority** - The government body responsible for governance, implementation and additions/corrections of these regulations.

**Infrastructure** - The basic physical networks, including water supply, sewage disposal, electricity, circulation, street lighting, storm drainage, and telephone.

**Plot Coverage** - The percentage of building area to the total area of the plot. If half of the lot is covered by a building the lot coverage will be 50%.

**Occupancy Certificate** - An official document issued by the implementing authority certifying that the building is safe and fit for occupancy.

**Open Space** - A parcel of public land set aside to retain land, water, flora, fauna, historic or aesthetic features in their natural state; scenic or open condition; parcel size to be based on the surface area necessary to maintain the integrity of the unique site characteristics. Public use to be based on the preservation of the unique site characteristics and the scope of facility development to be based on the evaluated carrying capacity of the site.

**Parking Space** - An area, enclosed or unenclosed, covered or uncovered, sufficient in size to park vehicles with space for their movement. Parking spaces may be served by a driveway connecting them with a street, or alley, and permitting ingress or egress of vehicles.

**Permit** - A valid authorization in writing by the implementing authority to carry out development or a work regulated by the regulations.

**Precinct plan**-A geographical area designated in the approved urban development plan/structure plan for the purpose of regulating land uses within the approved planning boundary

**Referral Authority**-An authority created by the government to which certain aspects of a proposed development may be required to be referred to, and a no objection certificate obtained from, before the implementing authority scrutinizes/examines the proposal for approval.

**Right of Way** - An area reserved for road carriageway, central verge, footpath, roadside drains, avenue plantations and utilities.

**Road/Street** - Any expressway, highway, boulevard, street, lane, pathway, alley, stairway, passageway, carriageway, footway or bridge, whether a thoroughfare or not, over which the public has the right of passage or access or have passed and had access uninterruptedly for a specified period, whether existing or proposed in any scheme.

**Setbacks** - The distance between the plot boundary and the building outer edge, or the distance between buildings within a plot.

**Site Plan** - The up-to-date legal plan of the plot showing all boundaries, their dimensions, the total plot area, angles in degrees of corners, abutting legal roads and required set-backs issued by the competent authority.

**Sub-division**-The division of a single plot or building unit into two or more legal parts.

## SECTION 2: PROCEDURES FOR OBTAINING DEVELOPMENT PERMIT

### 2.1 Development Permit

No person shall change the use of a land or carry out development or erect a building or carry out additions and alterations or carry out civil construction activity without obtaining a written permit from the implementing authority. Development permit shall be issued only to the legal owner of the land/plot. Provided that no such development permit shall be necessary for the following:

- i. Carrying out works for the maintenance, improvement or alteration of a building, being works which affect only the interior of the building without altering the structural members of the building or which do not materially affect the external appearance thereof – such as providing or closing of a window or a door or ventilator not opening towards other's property, providing intercommunication door, white washing / painting, retiling, plastering and patch work, re-flooring and replacement of flooring. Provided further that no built-up area shall be added to the existing work without seeking the implementing authority's permit. Provided however that no such exemption shall be available in the case of heritage buildings / structures in heritage precincts.
- ii. Carrying out the following works by / in compliance with an order or direction made by an authority under a law for the time being in force:
  - a. Required for the maintenance or improvement of highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street including repairs, extensions, modifications to existing service installations, culverts, bridges, tunnels, drains, foot over bridges, subways, pavements, pedestrian railings along pavements, medians, etc.,
  - b. For the purpose of constructing, laying, inspecting, repairing or renewing drains, sewers, mains, pipes, cable, telephone or other apparatus including breaking open of a street or other land for that purpose,
  - c. Falling in the purview of the operational constructions by government departments/ bodies, such as water tanks—over head or underground, pumping stations, sub stations, traffic signals, bus stop shelters, overhead electrical equipment for electrification, etc.

## 2.2 Procedure for Obtaining Development Permit

A person or body intending to carry out layout development as defined in these regulations in or over a land and/or subdivide land or to erect a building or carry out additions and alterations to a building or to carry out development within the limits of the jurisdiction shall obtain prior permit for the same from the implementing authority by providing all the required information in the prescribed forms, formats and plans prescribed under these regulations and as may be amended from time to time by the implementing authority.

The application shall be signed by the legal owner of the plot or authorized signatory. The applicant shall submit signed plans and drawings along with the application and pay the requisite scrutiny fees, development charges, betterment charges, and other charges and dues if any to be levied under these regulations.

## 2.3 Documents and particulars to be furnished with the application

The following particulars and documents shall be submitted along with the application.

**Table 1: List of Documents and Particulars to be furnished with the Application.**

	<b>Land Development</b>	<b>Building Development</b>
1	Copy of the land ownership certificate issued by the implementing authority.	Copy of the land ownership certificate issued by the implementing authority.
2	Copy of the site plan certified / issued by the implementing authority.	Copy of the site plan certified / issued by the implementing authority.
3	Copy of Ordinance Certificate substantiating “Use Conformity”.	Copy of Ordinance Certificate substantiating “Use Conformity”.
4	Three copies of proposed layout plan drawn to a readable scale showing all the details of the development.	Three copies of proposed layout plan drawn to a readable scale showing all the details of the development.
		Three copies of the detailed drawings showing the plans, sections and elevations of the proposed building to a scale of 1:100 showing all the details.
5	Certificate of architect or planner who prepared the plans and drawings.	Certificates of architect and engineers who prepared the plans and drawings.
6	Copy of No Objection Clearance from relevant authority wherever applicable.	Copy of No Objection Clearance from relevant Authority wherever applicable.
<b>Notes:</b> <ol style="list-style-type: none"><li>1. All the drawings shall be prepared in metric system only.</li><li>2. The applicant shall sign all forms, plans, sections or written particulars or cause them to be signed by his authorized signatory and registered Architect and Engineers.</li><li>3. One copy of each plans and documents shall be returned, on approval, to the applicant duly signed by the implementing authority or authorized officer.</li></ol>		

It shall be incumbent on the person/body whose plans have been approved, to submit any modified plans with variation such as increase in built-up area, building height or change in plans he proposes to make during the course of construction of his building work, and the procedure laid down for plans or other documents hereto before, shall be applicable to all such modified plans.

#### **2.4 Scrutiny, Services and Amenity Fees**

The permit for carrying out the development will be granted by the implementing authority only on the payment of scrutiny fees for processing the submitted application, service and amenities fees for execution of works as decided by the implementing authority. These fees and maintenance charges are liable for revision by the implementing authority from time to time.

#### **2.5 Grant of Development Permit**

On receipt of the application for development permit, the implementing authority will either grant or refuse the development permit in accordance to the provisions of the regulations and further inquiries. The permit may be granted with or without conditions or subject to general or special orders. The development permit shall be in the prescribed form and it should be issued by an officer authorized by the implementing authority. Every order granting permit subject of conditions or refusing permission shall state the grounds for imposing such conditions or for such refusal.

Granting development permit shall mean acceptance by the implementing authority of all the requirements of these regulations excluding the following:

- i. Easement rights.
- ii. Soil bearing capacity of the respective plot
- iii. Variation in area from recorded areas of a plot or a building.
- iv. Structural reports and structural drawings.
- v. Soundness of material specifications used in construction of the building.

#### **2.6 Security Deposit.**

To ensure compliance with these regulations and the directions given in the sanctioned plan and other conditions, a security deposit shall be charged at the rates prescribed by the implementing authority from time to time for the due observance and performance of the conditions of the development permit. The amount shall be deposited on request before issue of "Development Permit".

- i. The amount of security deposit shall be paid only in the form of a demand draft.
- ii. The security deposit shall be refunded without interest within one year after grant of the occupancy certificate, on written request from the applicant.
- iii. The security deposit shall be forfeited either in whole, or in part, at the absolute discretion of the implementing authority for breach of any of the provisions of these regulations and conditions of the "Development Permit". Such forfeiture shall be without prejudice to any other right of the implementing authority.

## **2.7 Rejection of Application**

If the plans and information given do not contain all the particulars necessary to deal satisfactorily with the development permit application, the application shall be rejected.

## **2.8 Validity of Approval**

The validity of the approved plan shall be for one year from the date of approval. The development should start within 365 Gregorian calendar days from issue of development permit.

## **2.9 Revalidation/ Renewal**

Development permit granted under these regulations shall be deemed to have lapsed, if such development work has not commenced till the expiry, of 365 Gregorian calendar days from the date of granting the development permit. However, the implementing authority may on application made to it before the expiry of above period, grant an extension of 365 Gregorian calendar days at a time, on the payment of revalidation/renewal charges as decided by the implementing authority.

## **2.10 Cancellation / Revocation of Approval**

If a person/ body has secured a development permit through misrepresentation or production of false documents, then the development permit will be canceled/revoked.

## **2.11 Suspended/Cancelled/Revoked due to Change of Ownership**

Development permit granted under these regulations shall be deemed to be suspended/cancelled/ revoked, in cases of change of ownership, unless the 'original' owner who applied for, and obtained the development approval submits a letter to the implementing authority about the change in ownership giving details of the transaction and the new owner submits an application duly attaching copies of all the official records of such a transaction and an undertaking that he accepts the transfer to himself, of all the responsibilities and liabilities of the previous owner that relate to the development on the site.

## **2.12 Liabilities and Responsibility of the Applicant**

Notwithstanding the development permit granted under these regulations, a person/body undertaking any development work shall continue to be wholly and solely liable for any injury or damage (direct or indirect) or loss whatsoever that may be caused to anyone in or around the area during such construction and no liability whatsoever in this regard shall be cast on the implementing authority. Neither the grant of development permit nor the approval of the plans, drawings and specifications shall in any way absolve the applicant of the responsibility for carrying out the development in accordance with the requirement of these regulations.

### **2.13 Demolition / Reconstruction of Dangerous/ Unsafe/ Dilapidated Buildings**

Wherever it is necessary to demolish a dilapidated/unsafe structure in the interest of public safety, such demolition shall be carried out by the applicant wherever so directed by the implementing authority. However, if the same is to be reconstructed, it shall be done in conformity with these regulations with due approval from the implementing authority.

### **2.14 Temporary Permit**

Applications for temporary permit need not be submitted through the registered professional and will be applicable only in the developable area as earmarked in BVMP. A scrutiny fee shall be paid as decided by the implementing authority. The maximum validity of the temporary structures is 1 year after the implementing authority accord development permit. The proponent can apply for the renewal of the temporary permit on the expiration of its validity which will be verified by the implementing authority. This temporary permit shall be permitted only for:

- i. In the case of private premises - temporary sheds to be used for storing construction material / as watchmen's cabin during construction phase,
- ii. On public roads, highways - temporary sheds to be used for storing construction material/as watchmen's cabin/ workmen's shelter during construction/ repairs/ maintenance of public roads.

### **2.15 No Objection Clearance from Referral Authorities**

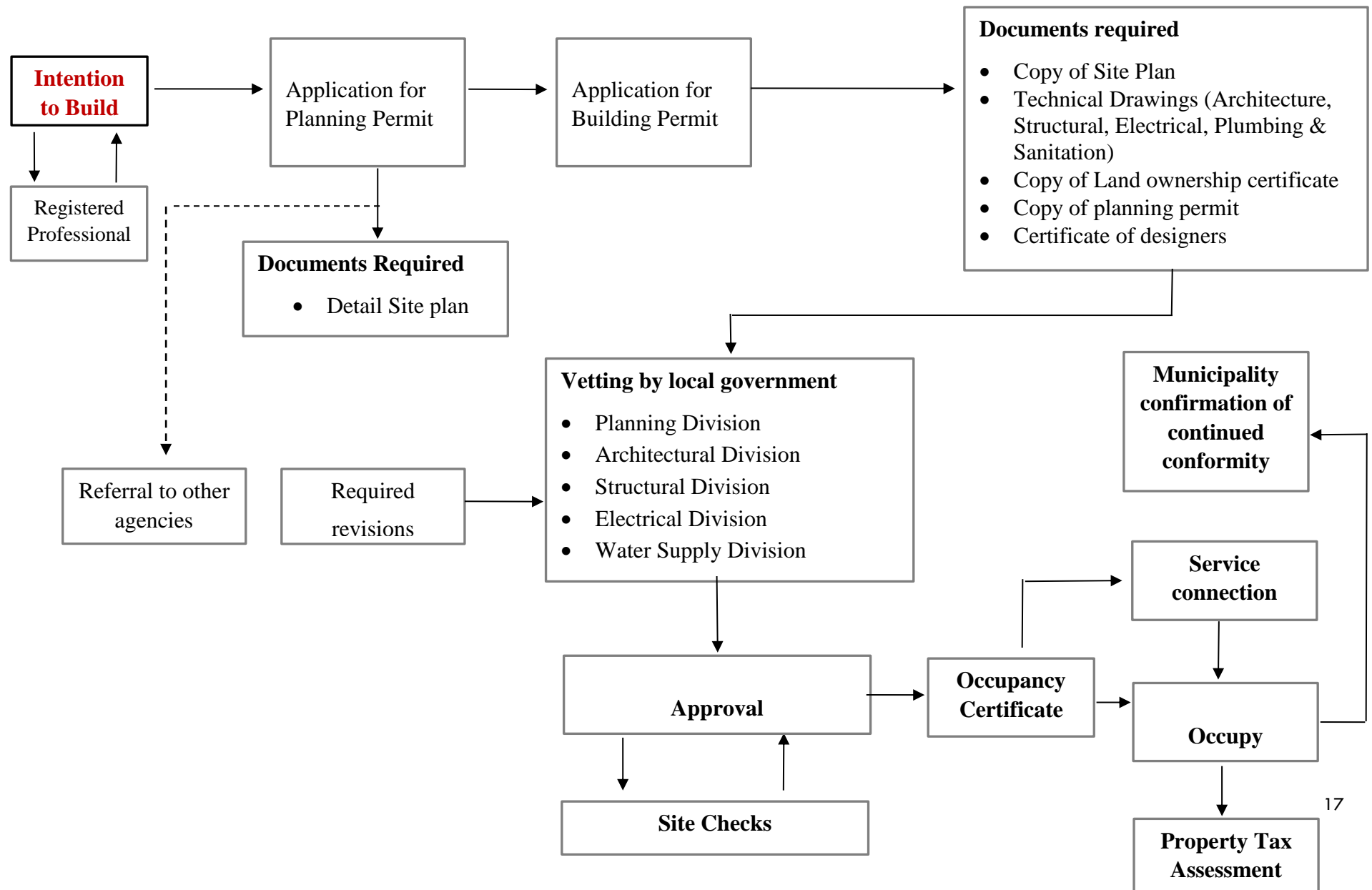
The proposal submitted shall be in conformity with other acts/regulations and shall, wherever applicable submit the NOC, from the respective authorities for conformity with their regulation and standards.

### **2.16 Development Undertaken on Behalf of the Government**

The Office-in-Charge of a government department shall inform in writing to the implementing authority of the intention to carry out development for its purpose along with the plans of proposed development or construction.

- i. All the development undertaken on behalf of the government shall strictly conform to these regulations.
- ii. Any government proposal which is not in conformity with the Nganglam Local Area Plan and these regulations should have prior approval from the competent authority.

**Chart 1: Chart showing procedure for obtaining building permit and completion of building construction**





## **SECTION 3: PROCEDURE DURING DEVELOPMENT/ BUILDING CONSTRUCTION**

### **3.1 Temporary Service Connections**

An applicant with a certified copy of development permit may apply to the respective agencies for temporary connection of services like electricity, water and sewerage. The use of a public street/road or a public place for loading and unloading and stacking of materials of construction and construction equipment shall not be allowed.

### **3.2 Documents at Site**

The applicant shall keep the issued development permit (planning and building permit) along with the necessary documents such as a copy of the approved drawings and specification on the site during construction.

### **3.3 Commencement Certificate**

No applicant shall carry out any further work after any of the inspection stages without an inspection and clearance by the implementing authority. On receipt of the progress report certifying that the work has been executed as per the approved plan, it shall be the duty of the implementing authority to inspect, verify and endorse the report.

### **3.4 Inspections**

Developments shall be subject to routine/periodic inspections by the implementing authority or persons/bodies authorized by the implementing authority. The implementing authority may, at any time during erection of a building or the execution of work or development, make an inspection without giving prior notice of its intention to do so. In the event of deviation(s) from the approved plan, including quality control or any of the conditions noted in this section, the implementing authority shall have the full authority to stop construction.

#### **Inspections at Various Stages**

The following shall be the recognized stages for progress verification in the erection of a building or the execution of a work which shall be verified and approved by the authorized engineer/ building inspector from the implementing authority for carrying out further construction work as per the sanctioned plan:

- i. Site layout
- ii. Foundation
- iii. Plinth
- iv. Ground story
- v. First story
- vi. Before roofing

A person/body who is empowered/responsible under these regulations shall give to the designated officer of the implementing authority at least four working days' notice in writing of the time at which the work will be ready for inspection. This shall be called the progress certificate which shall be duly filled-in and kept with the owner/architect and produced at the time of each inspection to be scrutinized and signed/endorsed by the building inspector, before the commencement of the next stage of construction.

### **3.5 Deviations during Construction**

Alteration in the approved development and/or building plan shall require prior approval from the implementing authority. Notwithstanding anything stated in the above regulations it shall be incumbent on the person whose plans have been approved to submit revised plans for deviations he/she proposes to make during the course of construction of his/her building work and the procedure laid down for plans or other documents here to before shall apply to all such revised plans.

### **3.6 Occupancy Certificate for Buildings**

The applicant shall obtain occupancy certificate from the implementing authority prior to occupancy or use of the completed development/building. Occupancy certificate should be renewed after every three years.

The application for the occupancy certificate shall include:

- i. In case of any change from the approved plans, (which is permissible within these regulations), a completion report in the prescribed form along with three copies of the 'as built' drawings endorsed by the registered architect/engineer. It shall also be incumbent on every person who is engaged under this NDCR to supervise the erection or re-erection of the building, to endorse this completion report. One copy of the 'as built' drawings shall be stamped and returned to the applicant after inspection and approval by the implementing authority.
- ii. A copy of the progress certificate containing all the comments and endorsements of the building inspector at every stage of inspection. In case of occupying the building or part thereof without obtaining occupancy certificate, the security deposit shall be forfeited. On receipt of the application, the building and its premises shall be inspected by the implementing authority to verify that the work has been completed as per the approved drawings, or if there is a change, permissible within the regulations, approve and endorse the 'as built' drawings submitted along with the completion report. The inspection team shall consist of authorized architect and engineer from the implementing authority. Based on this inspection report, the occupancy certificate shall be issued.

### **3.7 Issue of Occupancy Certificate**

The authority issuing occupancy certificate shall ensure that:

- i. Proper hygienic and sanitation facilities have been provided as per standards and are located as per approved plan.
- ii. Domestic drains (to collect the rainwater) have been constructed as per standards and as per the design directions approved.
- iii. The completed portion of the building/dwelling unit applied for occupancy is fit and safe for such.
- iv. Construction debris around the building, and/or on the abutting road, and/or adjoining property is cleared by the applicant.
- v. The applicant has permanently displayed the full postal address (house number, street name and zone) outside the main entrance to the building and each unit has been given an individual number or letter.
- vi. The trees as per the design are planted on site or a suitable deposit has been collected by the implementing authority.
- vii. The parking spaces are properly developed and the layout of parking is provided as per the approved plans. Signboards indicating the entrance, exit and location of parking spaces for different types of vehicles is permanently erected and maintained at an appropriate prominent location.
- viii. The completion report endorsed by the implementing authority procured and submitted by the owner.

### **3.8 Permanent Service Connections**

The occupancy certificate shall not be issued unless the required information is furnished by the owner and the structural designer/architect concerned. Permanent connections will only be given to services like water, sewerage, electricity and telephone by the respective agencies after the occupancy certificate has been issued.

### **3.9 Change of Building or Premises Uses**

The applicant shall apply in writing to the implementing authority for conversion of approved building or premises uses to other uses or activities. Permission for change of use shall be given only if the building use conforms to the zoning category schedule, structural safety of the building and other relevant clauses of the regulations.

### **3.10 Confirmation Inspections by Referral Authorities**

Developments sanctioned through special conditions/appeals shall be liable for inspections by the special authorities or the implementing authority for revalidation of the development permit.

### **3.11 Safety on Site**

All construction sites must be organized in a manner that the safety of all persons, on the site, at all times is assured. Special care must be taken that no person is electrocuted, that no one falls, or that no one is burnt, or that no material falls on a person.

### **3.11 Child Labour**

It is incumbent that the applicant or his site in-charge sees that no underage workers, or children, are present on the construction site, either as employees, guests, or as dependents of legal employees.

### **3.12 Protection of Adjoining Public Properties**

No construction activity in any site shall damage any of the public properties located adjoining the site, or use these properties for activities like storing of construction materials.

### **3.13 Development without Prior Approval**

If a development requiring the written permit of the implementing authority under the provision of these regulations or other rule, regulation or by-law is done by a person without obtaining written permit, it shall be deemed to be unauthorized. The implementing authority shall at any time, by written notice, order the same to be removed, pulled down or undone.

If the requisitions contained in the order are not carried out by the person or owner within the given period of time, the implementing authority shall remove or alter such work and the expenses thereof shall be paid by the person or owner as the case may be.

In cases where development has already started/commenced on site for which development permit in writing is not obtained from the implementing authority, but where this development on site is in accordance with the provisions of these regulations, the development permit for such work on site without the prior permit may be granted by the implementing authority on the merits of each individual case. For such development works, an additional amount shall be charged on the entire land area or total built up area as per the following rates, over and above the regular charges / fees.

### **Regularization Fees for Developments without Prior Approval**

- a) Payment of 100% of the cost of the deviated construction and regularization of the deviation, if no application was made but the construction is as per the Rules.
- b) Payment of 50% of the cost of construction and removal of the deviation, if no application was made and the construction is not as per the Rules.
- c) Payment of 50% of the cost of the deviated construction and regularization of the deviation, if an application was made and the construction is as per the Rules.
- d) Payment of 25% of the cost of the deviated construction and removal of the deviation, if an application was made but the construction is not as per the Rules.

# SECTION 4: PLANNING REGULATIONS



The Nganglam Development Control Regulations-2019 (NDCR-2019) are applicable within the red boundary line consisting of Druk satair in the North, Gashaarbali, DCCL Area, Nganglam Higher Secondary School, Old Town, RBP and RBA,

Drungkhag Area. Apart from the planning regulations provided hereunder, all other provisions remain as per the Bhutan Building Regulations 2018.

#### **4.1 List of Precincts Designated in the Nganglam Local Area Plan.**

The Precinct Schedule has been formed to facilitate an easier functioning city. Different precincts have different land uses, in an attempt to prevent conflict in land uses. The following list of Precinct categories has been formed so that the city can function in harmony. Each precinct protects a group of human activities from the interfering, or destructive aspects of other human activities. The definition of Precincts maintains an ecological balance between nature's order and an order of human activities. Thus each precinct reflects a sphere of human, or natural, conduct. By defining and separating these spheres, the optimum meaning and functionality of each sphere is protected. With this principle in mind, the following precincts have been defined.

**1. Urban Core (UC):**

Town center, A precinct of trade and commerce

**2. Urban Village 1 (UV-1 MD):**

Medium Density, Mixed Use Precinct Along the Primary Road

**3. Urban Village 1 (UV-1 LD):**

Low Density, Mixed Use (Kidu Plots)

**4. Urban Village 2 (UV-2):**

Low Density, Predominantly residential use

**5. Institutional (I):**

Local, National & International Institutions



**6. Service Precinct 1 (S-1):**

Service infrastructure and industry establishment.

**7. Service Precinct 2 (S-2):**

Heavy maintenance industry which has adverse impact on land, water & air.

**8. Open Space 1 (OS-1):**

National important open space

**9. Open Space 2 (OS-2):**

Public Assets, open space within settlement areas

**10. Environmental Precinct (E-1):**

Environmental conservations, River Landscape

**11. Environmental Precinct (E-2):**

Forest Environment Conservation

**12. Environmental Precinct (E-4):**

Precincts with 30% and above slopes characterized by orchards, green houses, on-farm food processing & research.

**13. Heritage Precinct (H):**

Cultural & Religious Heritage

**Table 2: Permissible uses for settlement areas.**

<b>Precinct</b>	<b>Uses Permissible</b>	<b>Special conditions and restrictions</b>
Urban Core (UC)	<ul style="list-style-type: none"> <li>Entertainment, cultural and shopping centers, cinema hall, restaurants and food courts, game parlours, lodging and boarding houses, hotels, tourism and recreational based facilities.</li> <li>Commercial center, public buildings, pathological laboratories, dispensaries and satellite clinics, office buildings, public facilities, public utilities, banks, professional offices, supermarkets, etc.</li> <li>Local level retail shops and services establishments.</li> <li>Household economic activity, light home workshops, and cottage industries not involving use of, or installation of, any machinery driven by more than 10 Kw power and which do not create noise, vibrations fumes, dust, etc., only in independent dwelling units (not in tenement dwellings or flats). Eg. Bakery, tailoring units, beauty parlours etc. as part of residential units.</li> </ul>	<ol style="list-style-type: none"> <li>1) Predominantly commercial &amp; institutional uses</li> <li>2) Residences are not permitted on the ground floor;</li> </ol>
Urban Village 1 (UV-1 MD)	<ul style="list-style-type: none"> <li>Entertainment and cultural centers, cinema hall, hotels, restaurants and food courts, games parlours,</li> <li>Public buildings, pathological laboratories, dispensaries and satellite clinics, office buildings, public facilities, public utilities, banks, professional offices, supermarkets, etc.</li> <li>Household economic activity, light home workshops, and cottage industries not involving use of, or installation of, any machinery driven by more than 10 Kw power and which do not create noise, vibrations fumes, dust, etc., only in independent dwelling units (not in tenement dwellings or flats). E.g. Bakery, tailoring units, beauty parlours etc. as part of residential units.</li> <li>Private residences with shops and commercial activities at lower floors, local level retail shops and services.</li> </ul>	<ol style="list-style-type: none"> <li>1) Residences are not permitted on the ground floor</li> </ol>
Urban Village 1 (UV-1 LD)	<ul style="list-style-type: none"> <li>Predominantly residential</li> <li>Hotels, restaurants and food courts, games parlours,</li> </ul>	<ol style="list-style-type: none"> <li>1) Predominantly residential</li> <li>2) Commercial activity is permitted only on the</li> </ol>

	<ul style="list-style-type: none"> <li>• Private residences with shops and commercial activities at ground floor, local level retail shops and services,</li> <li>• Household economic activity, light home workshops, etc., only in independent dwelling units (not in tenement dwellings or flats). E.g. Bakery, tailoring units, beauty parlours etc. as a part of residential units.</li> </ul>	<p>ground floor.</p> <p>3) Bars &amp; night entertainments are strictly prohibited.</p>
Urban Village 2 (UV-2)	<ul style="list-style-type: none"> <li>• Predominantly residential &amp; Agricultural use</li> <li>• Household economic activity, light home workshops, and cottage industries not involving use of, or installation of, any machinery driven by more than 10KW power and which do not create noise, vibrations fumes, dust, etc., only in independent dwelling units (not in tenement dwellings or flats). E.g. Cheese factory, milk processing unit, honey manufacturing, as part of residential units.</li> </ul>	<p>1) Bars &amp; night entertainment are strictly prohibited.</p>
Institutional (I)	<ul style="list-style-type: none"> <li>• Educational, training, cultural &amp; government institutions, public libraries, Museums, art galleries, exhibition halls, diplomatic enclave, government offices.</li> </ul>	<p>1) Residential &amp; other activities incidental to the main institutional uses shall be permitted within the permissible coverage and setback provisions not more than 20% of the ground coverage</p> <p>2) Bars &amp; night entertainment are strictly prohibited.</p>
Service Precinct 1 (S-1)	<ul style="list-style-type: none"> <li>• Services: Water treatment plants, sewage treatment plants, electric substation, incineration plants, crematorium ground, abattoir/slaughter house, etc.</li> <li>• Industrial: Small scale industries, agro based industry, weaving, and carpentry workshops</li> </ul>	<p>1) Environment clearance to be obtained from relevant agency.</p>
Service Precinct 2 (S-2)	<ul style="list-style-type: none"> <li>• Heavy maintenance industry, wholesaling and warehousing, automobile workshop, car wash, vehicle garages and workshops. (environment clearance is required)</li> </ul>	<p>1) Environment clearance to be obtained from relevant agency.</p>

**Table 3: Permissible uses for landscape areas.**

<b>Precinct</b>	<b>Uses Permissible</b>	<b>Special conditions and restrictions</b>
Open Space 1 <b>(OS-1)</b>	<ul style="list-style-type: none"> <li>National sports complex, aquarium, race track, shooting range, zoo, nursery, stadium, botanical garden, planetarium, amusement park, swimming pool, exhibition hall &amp; fair, restaurants, recreational use of water, drive-in-cinema.</li> </ul>	NOC to be obtained from relevant agencies
Open Space 2 <b>(OS-2)</b>	<ul style="list-style-type: none"> <li>Public facility such as: parks, gardens, playground &amp; recreation of any type for surrounding residential areas</li> <li>Spiritual and religious structure such as chortens &amp; prayer wheels.</li> </ul>	NOC to be obtained from relevant agencies
Environmental Precinct <b>(E-1)</b>	<ul style="list-style-type: none"> <li>Natural reserve &amp; sanctuary, the river basin, streams, rivulets, fauna breeding places, unique flora, &amp; bio-mass preserves.</li> <li>Activities related to environment enhancement/protection &amp; permitted/ undertaken by or on behalf of the National Environment Commission.</li> </ul>	<ol style="list-style-type: none"> <li>1) Natural landscape features of the river, major streams and rivulets, which includes the natural course of the water feature, banks/ edges, soil, vegetation (Trees, shrubs and ground covers), rocky outcrops, boulders and any feature or element which is part of the ecosystem or which is considered to be of scenic value should not be damaged or disturbed from its natural state of being</li> <li>2) Dumping of solid wastes, sewage disposal, washing of vehicles/automobiles or any action considered being as an action of polluting this zone shall not be permitted</li> <li>3) Existing structure can be retained and further development shall not be permitted</li> <li>4) Existing land use, which is considered not to cause impact on the ecosystem, can be retained under the clearance/No Objection Certificate from National Environment Commission.</li> </ol>
Environmental Precinct <b>(E-2)</b>	<ul style="list-style-type: none"> <li>Natural reserve &amp; sanctuary, the River Basin, streams, Rivulets, fauna breeding places, unique flora, &amp; bio-mass preserves.</li> <li>Activities related to environment enhancement/protection &amp; permitted/ undertaken by or on behalf of the Forest Department.</li> </ul>	

Environmental Precinct (E-4)	<ul style="list-style-type: none"> <li>• Agriculture, Horticulture, Orchards, Floriculture, Vegetable Gardens, Facilities for Plant Tissue-culture, Mushroom Culture, Green Houses, Cold Storage incidental to Agriculture and related uses, Dairy Farms, Poultry Farms, nursery.</li> </ul>	
Heritage Precinct (H)	<ul style="list-style-type: none"> <li>• Spiritual &amp; religious structures &amp; places. Chortens, Mani Walls, Lhakhangs, Prayer Wheels, Monasteries &amp; activities related to enhancement/protection/conservation of heritage structures and/or precincts and permitted/undertaken by appropriate authority on behalf of the National Commission for Cultural Affairs.</li> </ul>	1) NOC to be obtained from the National a. Commission for Cultural Affairs

**Table 4: Permissible development control schedule.**

<b>Precinct</b>	<b>Categories of plot area (sq.m)</b>	<b>Permissible Floor Area Ratio</b>	<b>Max. Permissible No. of Floors</b>	<b>Minimum setbacks (meters)</b>	<b>Remarks</b>
Urban Core (UC)	378- 500 500-1250	2 1.6	4 4	3m, 3m, 3m, 5m (side accommodating Septic Tank)	
Urban Village 1 (UV-1 MD)	378- 500 500-1000 Above 1000	1.5 1.2 1	3 3 3	3m, 3m, 3m, 5m (side accommodating Septic Tank)	
Urban Village 1 (UV-1 LD)	185.8 (2000 Sq. Ft.)	50% coverage	2	1.5m, 1.5 m, 1.5 m, 2m	Common Septic tank FAR not applicable for the Kidu Plots
Urban Village 2 (UV-2)	378-500 500-1000 Above 1000	1 .8 .6	2 2 2	2m, 2m, 2m, 5m (side accommodating Septic Tank)	
Environmental Precinct (E-4)	378-500 500-1000 Above 1000	.5 .4 .2	1 1 1	3m, 3m, 3m, 5m (side accommodating Septic Tank)	
Institutional Precinct (I)	378-500 500-1000 Above 1000	1.2 .9 .6	3 3 3	3m, 3m, 3m, 5m (side accommodating Septic Tank)	Residential component not to exceed 20%
Service Precinct 2 (S-2)	378-500 500-1000 Above 1000	.5 .4 .2	2	3m, 3m, 3 m, 5m (side accommodating Septic Tank)	Industrial, Workshop, Warehousing land use
Service Precinct 1 (S-1)	378-500 500-1000 Above 1000	.5 .4 .2	1	2m, 2 m, 2 m, 5m (side accommodating Septic Tank)	Public Utility, facility & service Precinct

**Table 5: Parking requirements standards**

DESCRIPTION OF USE IN THE BUILDING	NUMBER OF VEHICLE PARKING SPACE REQUIRED
Residential space	<ol style="list-style-type: none"> <li>1. Residential unit with total area less than 60 sqm: 25% cars &amp; 75% 2 wheelers.</li> <li>2. Residential unit with total area between than 60 -90 sqm: 50% cars &amp; 50% 2 wheelers.</li> <li>3. Residential unit with total area equal to or more than 90 sqm: 1 car space for every 90 sqm.</li> </ol>
Public Halls, Community Centers, Exhibition centers	One car space for every 30 sqm of public floor space or part thereof.
Restaurant, bars, café & eateries	One car space for every 15 sqm of public floor space or part thereof.
Shopping centre(over 450 sqm clear retail floor space)	One car space for every 20 sqm of clear retail floor space or part thereof.
Commercial use	One car space for every 30 sqm of clear retail floor space or part thereof.
Offices	One car space for every 30 sqm net usable office floor area.
Theatres & Cinemas	One car space for every 10 fixed seat for public accommodation or part thereof.
Hotels & Guest House	One car space for every 30 sqm of clear retail floor space or part thereof.
Warehouses	One car space for every 100 sqm usable floor area
Vehicle services & repair workshop	Five car space per service/repair bay

# **SECTION 5: BUILDING REGULATIONS**

## **5.1 Architectural Design**

Same as BBR 2018

## **5.2 Circulations Space Requirements**

Same as BBR 2018 and BC 2018

## **5.3 Light and Ventilations Requirements**

Same as BBR 2018 and BC 2018

## **5.4 Artificial Lighting and Mechanical Ventilation**

Same as BBR 2018 and BC 2018

## **5.5 Ventilation Shaft**

Same as BBR 2018 and BC 2018

## **5.6 Fire Safety**

Same as BBR 2018 and BC 2018

## **5.7 Porch**

Same as BBR 2018 and BC 2018

## **5.8 Septic Tank**

Same as BBR 2018 and BC 2018

## **5.9 Roof and Site Drainage**

Same as BBR 2018

## **5.10 Access for the Disabled**

Same as BBR 2018 and BC 2018

## **5.11 Structural Control**

Same as BBR 2018 and BC 2018

## **5.12 Water Supply and Sanitation Control**



Same as BBR 2018 and BC 2018

### **5.13 Electrical Installations Control**

Same as BBR 2018 and BC 2018

### **5.14 Telephone**

Same as BBR 2018 and BC 2018

### **5.15 Minimum Floor Space of Rooms in Residential Buildings**

Same as BBR 2018 and BC 2018

### **5.16 Painting**

Same as BBR 2018

## 5.17 Water Requirement

**Table 6: Water for Institutional Needs (as per IS: 1172-1963)**

S.No	Institutions	Water requirements (Litres per head per day)
1	Hospitals(including laundry)	
	a)No. of beds exceeding 100	450 (per bed)
	b)No. of beds not exceeding 100	340 (per bed)
2	Hotels	180 (per bed)
3	Hostels	135
4	Nurse homes & medical quarters	135
5	Boarding schools/colleges	135
6	Restaurants	70 per seat
7	Airports	70
8	Bus stations	70(could be reduced to 25 where bathing facilities are not provided)
9	Day School/Colleges	45
10	Offices	45
11	Factories	45(could be reduced to 30 where no bathing rooms are required)
12	Cinema, Concert halls & theatres	15
13	Garden, Sports ground	3.5 per sq.m
14	Animal/Vehicles	45

**Table 7: Water Requirements for Domestic Purpose (as per IS: 1172-1963)**

S.No	Description	Amount of water in litres per head per day
1	Bathing	55
2	Washing of Clothes	20
3	Flushing of W.C.	30
4	Washing of House	10
5	Washing of utensils	10
6	Cooking	5
7	Drinking	5
<b>Total</b>		<b>135</b>

## ANNEX 1: APPLICATION FOR PLANNING PERMIT

(Please type or write in clear block letters, use additional sheet if necessary)

1. **Date Filed:** .....  
2. **Name of applicant:** .....  
3. **Sex:** Male ( ) Female: ( )  
4. **Citizenship Identity Card No.:** .....  
5. **Address:** .....  
6. **Contact details:** Phone No.: .....  
E-mail address: .....

Passport Size  
Photo

**7. Following documents shall be submitted:**

- i. Copy of the latest Lag Thram/ Land Ownership Certificate
- ii. Copy of Planning Certificate (only in planned areas)
- iii. 2 sets (A3/A4) site plan showing the (one set referral to the other agencies):
  - a) The boundaries and dimensions of the plot, set-back lines and the access road
  - b) Levels of the plot, and the location of drains, septic tank and soak pit
  - c) Location and dimensions of existing buildings, trees and car parking spaces.
- iv. Certificate of the designer.

**8. Declaration to be signed by the applicant:**

The information supplied in this application form is correct to the best of my knowledge and if there are any discrepancies, I shall be personally responsible for the same and I am prepared to face any disciplinary or legal action against me.

Date: ..... Signature: .....

---

**For official use only**

Noting of the dealing officer with regard to land holdings, building construction, etc.  
Recommended ( ) Not recommended ( )

Permit No.: .....Date

Issued.....

(Note: Permit expires if the work is not started within two years after the issuance of the permit or two years from last inspection)

Name & Signature of the Dealing Officer:

.....

Name & Signature of approving authority

.....

## ANNEX 2: APPLICATION FOR CONSTRUCTION OF BUILDING

(Please type or write in clear block letters, use additional sheet if necessary)

1. **Date Filed:** .....  
2. **Name of applicant:** .....  
3. **Sex:** Male ( ) Female: ( )  
4. **Citizenship Identity Card No.:** .....  
5. **Address:** .....  
6. **Contact details:** Phone No.: .....  
E-mail address: .....  
7. **Construction Type/Building use:** .....  
8. **No. of Floor/floors:** .....  
9. **Following documents shall be submitted:**  
i. 2 sets (A3/A4) of architectural, structural, electrical, water supply and sanitation drawings duly signed by the designers.  
ii. Copy of the latest Lag Thram/ Land Ownership Certificate  
iii. Copy of latest site plan  
iv. Copy of planning permit  
v. Certificate of the designers

Passport Size  
Photo

### 10. Declaration to be signed by the applicant:

The information supplied in this application form is correct to the best of my knowledge and if there are any discrepancies, I shall be personally responsible for the same and I am prepared to face any disciplinary or legal action against me.

Date: ..... Signature: .....  
.....

---

### For official use only

Noting of the dealing officer with regard to land holdings, building construction, etc.

Recommended (...) Not recommended (...)

**Permit No. :..... Date Issued.....**

(Note: Permit expires if the work is not started within two years after the issuance of the permit or two years from last inspection)

Name & Signature of the Dealing Officer:

.....  
**Name & Signature of approving authority**

.....

### ANNEX 3: APPLICATION FOR OCCUPANCY CERTIFICATE

To

.....  
.....  
.....

Sir/Madam,

I hereby certify that the addition/ alteration/ construction of building on Plot/Thram

No. ....on.....Lam in.....town has been  
completed on ....., according to the approved building plan/ drawings, vide  
permit no. .... dated.....

The work has been completed to our best satisfaction. Workmanship and all the materials  
(type and grade) have been used strictly in accordance with the approved documents/  
drawings and relevant standards, codes of practice and specifications, relevant rules and  
regulations.

The building is fit for use for which it has been added /altered/ constructed. The necessary  
'Occupancy Certificate' may be issued.

Signature of the Owner: .....

Name & Address: .....

Contact No. ....

E-mail address: .....

Dated: .....

#### ANNEX 4: ACCEPTANCE / REFUSAL OF OCCUPANCY CERTIFICATE

To

.....  
.....  
.....  
.....

Sir/Madam,

With reference to the application dated....., regarding the addition/  
alteration/ construction of building on plot/Thram no.....  
on.....Lam, in .....town has been inspected on  
..... and found that the building is **fit** / **not fit** for occupation.

Instruction / Remarks (if any):

Signature of the approving authority  
Seal

Official

Dated:

## ANNEX 5: OCCUPANCY CERTIFICATE

This is to certify that the structure has been built in accordance with the approved drawings.  
The structure is therefore deemed fit for occupancy for the specified approved use only.

Name of the owner: Plot no.: Thram no.: Designated precinct: Location:	Building type: No. of floors: Plot coverage: Registered Area:
Flat type	No. of units/floors
Date of final inspection:	
Remarks (if any):	

No changes of use or occupancy shall be made unless a new amended certificate is obtained.  
The certificate is valid only for 3 years from the date of issue and must be renewed every three years.

Signature of Dealing Officer  
Authority

Signature of Approving



**MoWHS**