

Denchhi Development Control Regulation_2019



**Department of Human Settlement
Ministry of Works and Human Settlement
Thimphu**

&

**Dzongkhag Administration
Pema Gatshel**

FOREWORD

Denchhi Structure Plan was approved by the **National Consultative Committee for Human Settlement** on 18th March 2013. With the plan ready for implementation, the Dzongkhag Administration in coordination with DHS, MoWHS initiated the formulation of the Development Control Regulations (DCR) for Denchhi. This DCR was formulated in line with the Structure Plan. They support to realize the vision of the Structure Plan through the introduction of regulations and procedures.

However, with the adoption of **Bhutan Building Rules 2018**, which permits maximum of three floors in rural areas, the 20th NCCHS held on 9th October 2018, directed MoWHS to review and revise the maximum permissible building heights in planned areas which permitted maximum of two floors.

Therefore, the **Denchhi Development Control Regulation 2017**, was jointly reviewed by MoWHS and Pema Gatshel Dzongkhag Administration after the directive of the **20th NCCHS** held on 9th October 2018.

The Structure plan provide clear direction for the growth and development of Denchhi township. The revised DCR is designed to support and facilitate the realization of the goals and objectives envisioned in the plan. Therefore, MOWHS would like to urge all the stakeholders and land owners to extend their wholehearted cooperation and support in smooth implementation and realization of the plan and to promote planned and proper growth of the Denchhi.



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The Denchhi Development Control Regulations 2019 have been divided into five major parts:

Section 1: Administration.

Contains the applicability of these regulations, the definitions of terms and expressions used, 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 2017 are to be read in conjunction with the DDCR. Only those provisions that relate to the plot coverage, minimum plot sizes and the number of floors have been prepared specifically for Denchhi.

SECTION 1: ADMINISTRATION

1.1 TITLE AND COMMENCEMENT

This regulation shall be called the Denchhi Development Control Regulations 2019 (DDCR 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 DDCR 2019 applies to the areas inside the Thromde boundary of Denchhi falling within Shumar 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 byelaws, 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. Building Code of Bhutan 2018
- iv. Bhutan Building Rules 2018
- v. Urban Area and Property Regulations, 2003

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 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 DDCR should be read in conjunction with the provisions of the Structure plan and the BBR 2018. If there is any inconsistency between this DDCR and other regulations, the DDCR 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. A basement may be permitted based on the site conditions but shall not be for any purpose other than parking and services. The basement shall cover same size as the building above and the height shall be maximum of 2.5 meters.
- **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.
- **Building line** – Shall mean the plinth of a building running in line with the adjoining plinth of another building parallel to the road.
- **Building services** – Building services shall mean HVAC plant, power generator, underground sumps, pumps, boilers, sub-station, lift pits and services related to it, chutes, storages, laundry and other services related to building maintenance and other utilities.
- **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.
- **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 of 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.

Total floor area Floor Area Ratio = Total floor area ÷ 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 kindship 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 is safe and fit for occupancy.
 - ***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**—(ROW)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**- Shall mean 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 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.

	Land Development	Building Development
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.

Notes:

1. All the drawings shall be prepared in metric system only.
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.
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.

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 building works shall commence within two years after the issue of the permit, and are to be completed within two years after commencement.

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 730 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 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 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 Denchhi Structure Plan 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

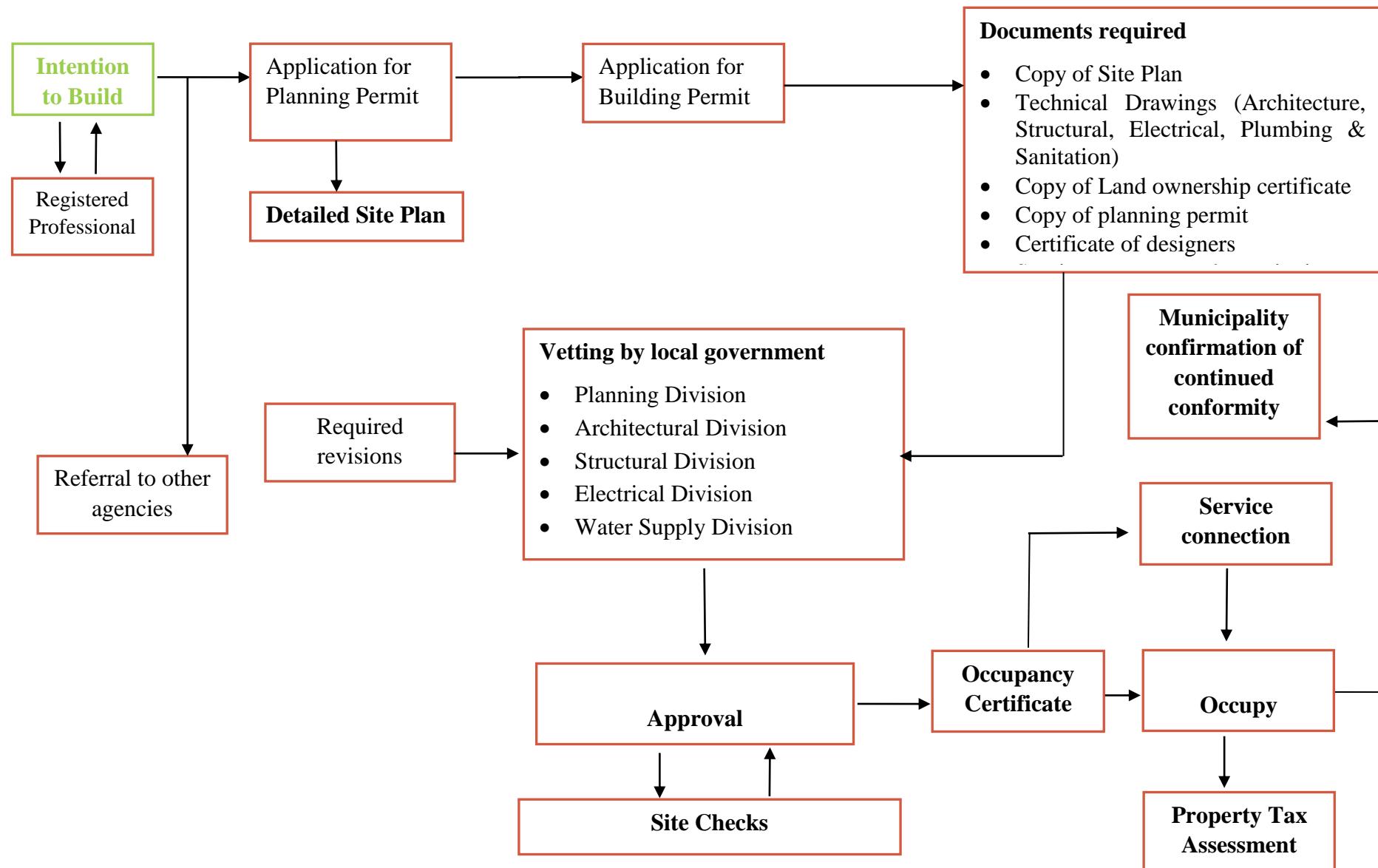
The proposal submitted shall be in conformity with other acts/regulations and shall, wherever applicable submit the NOC, from the respective authorities for conformity with their regulation and standards.

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 Denchhi Structure 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.

3.5 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 officer/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 storey
- v. First storey
- 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.

3.6 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.

3.7 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 DDCR 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.

3.8 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.

3.9 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.

3.10 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 activity. Permission for change of use shall be given only if the building use conforms to provision of zoning schedule, structural safety of the building and other relevant clauses of the regulations.

3.11 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.

3.12 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.

3.13 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.

3.14 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.

3.15 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.

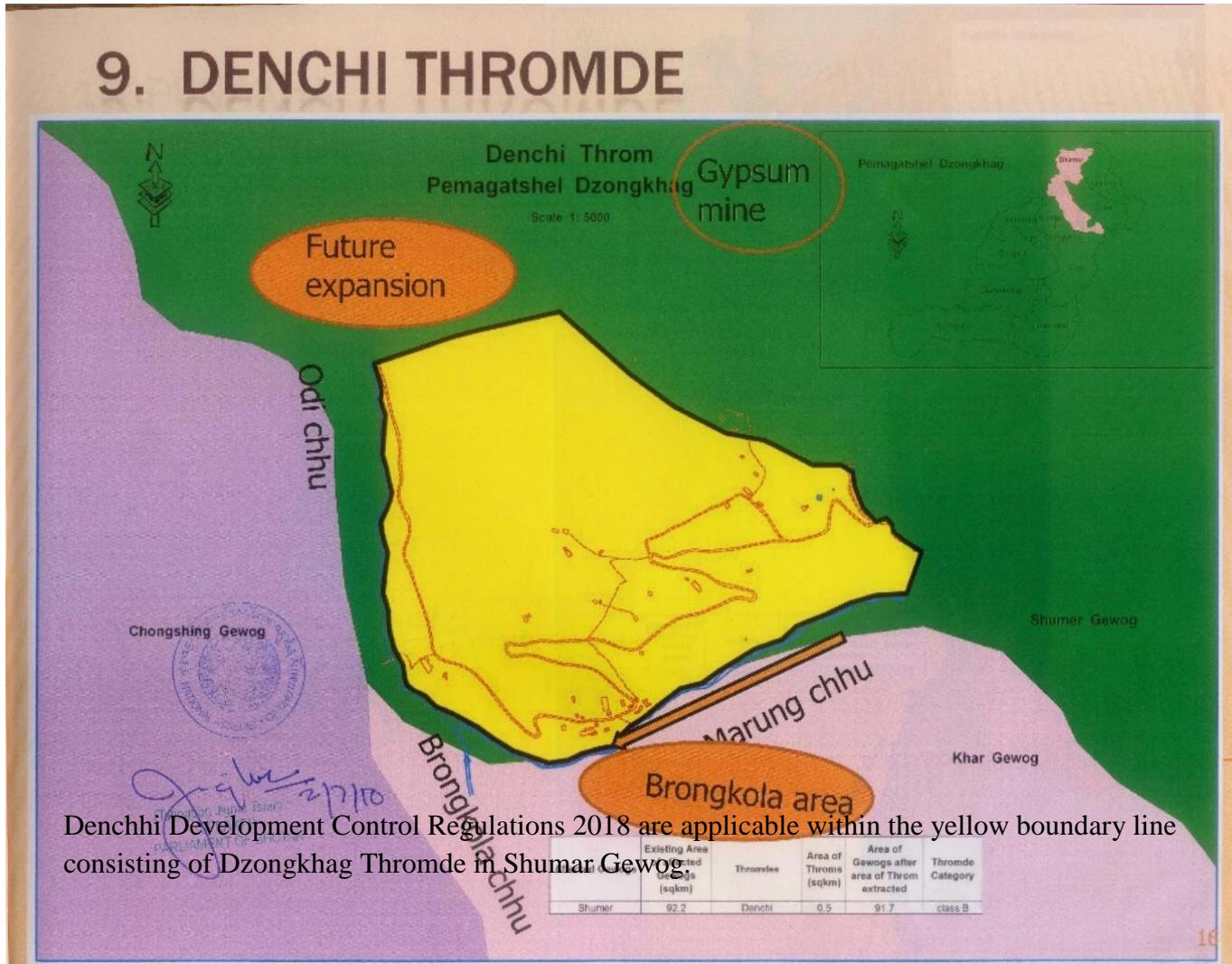
In cases where development has already started/commenced on site for which development permit in writing is not obtained from the implementing authority, but where this development on site is in accordance with the provisions of these regulations, the development permit for such work on site without 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.

3.16 Regularization Fees for Developments without Prior Approval

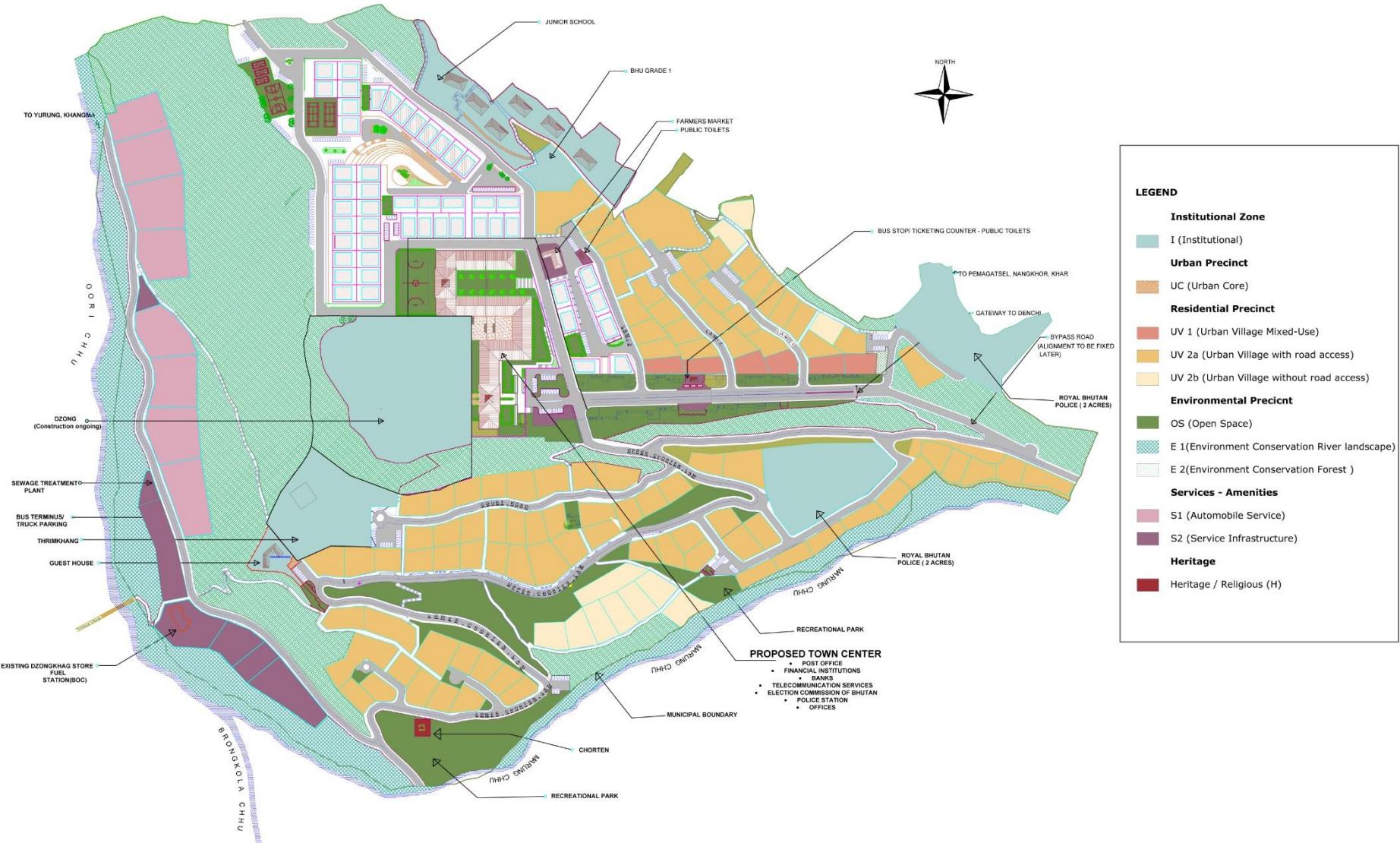
- a) Payment of 100% of the cost of the deviated construction and regularization of the deviation, if no application was made but the construction is as per the Rules.
- b) Payment of 50% of the cost of construction and removal of the deviation, if no application was made and the construction is not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

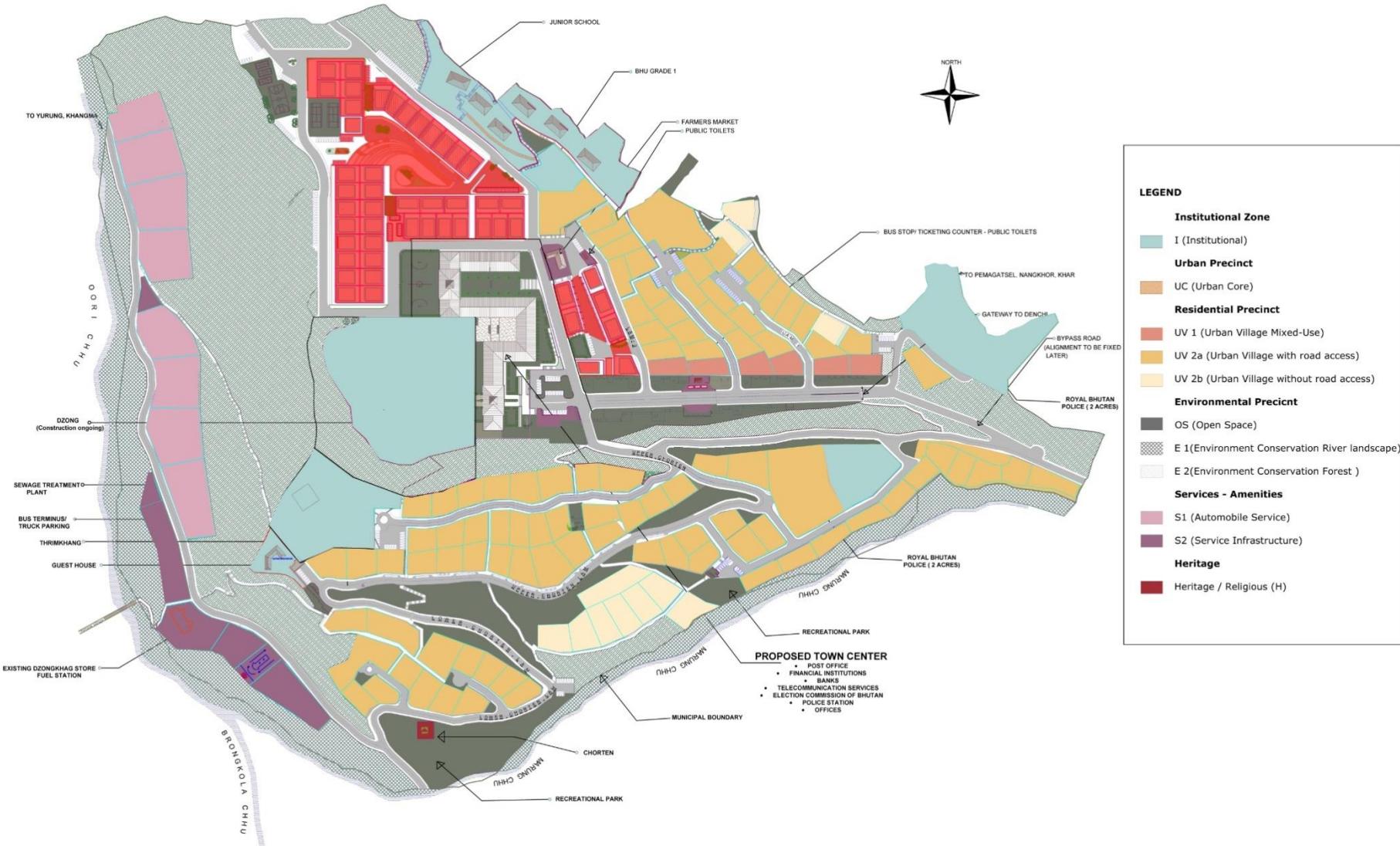
DENCHHI APPROVED THROMDE BOUNDARY



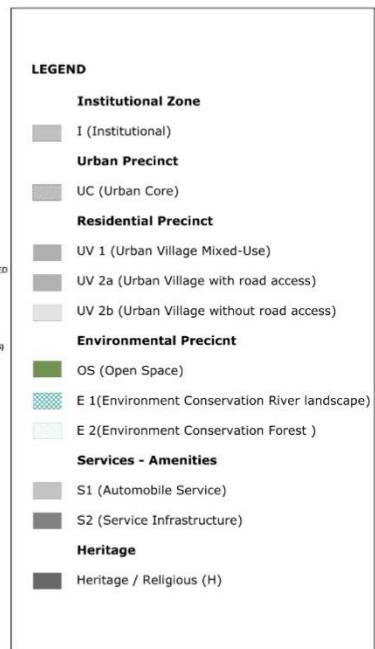
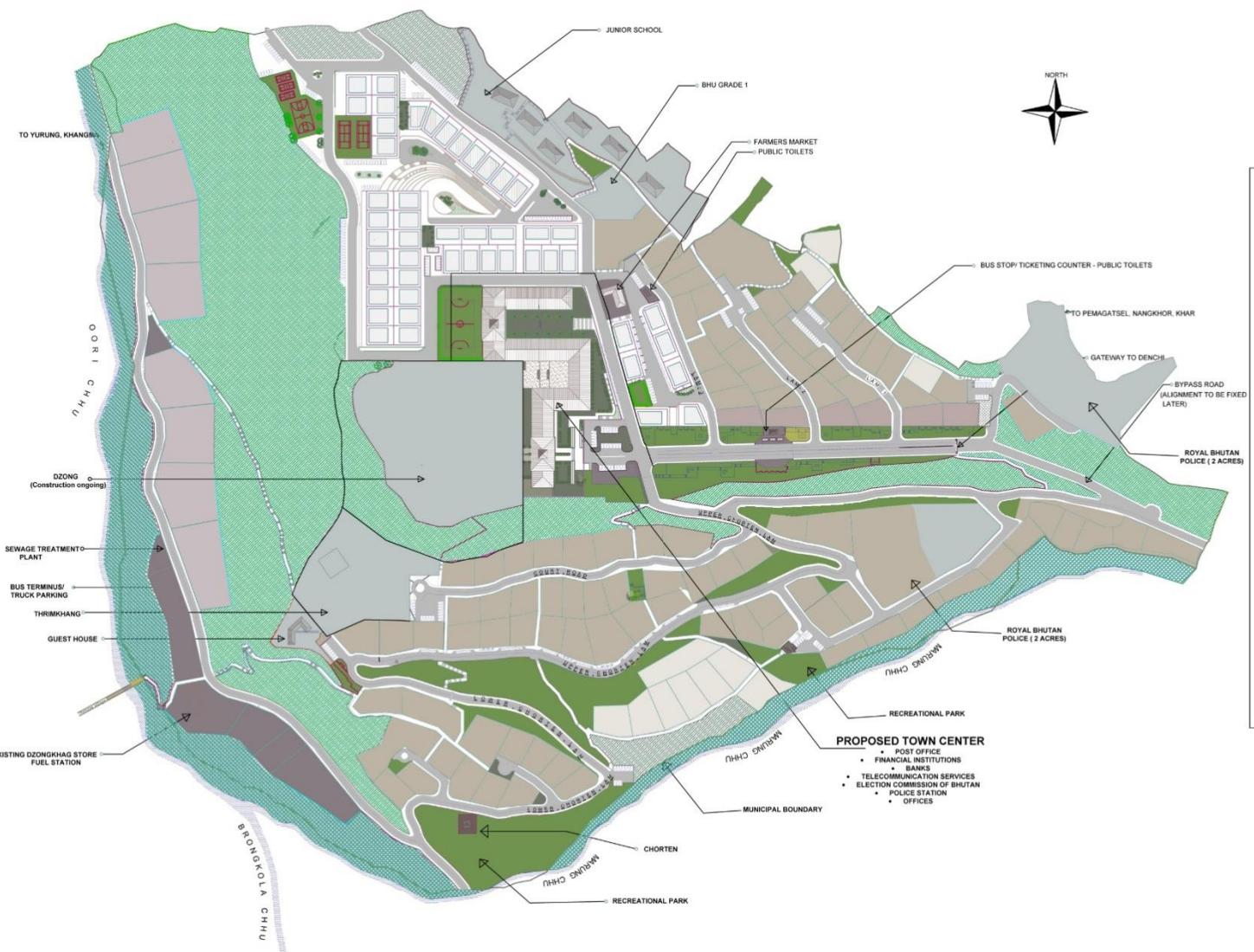
DENCCHI STRUCTURE PLAN



Denchhi Structure Plan.



Settlement Precincts



4.1. List of Precincts Designated in the Denchhi Structure 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. Predominately commercial with option of residential on top floor.

2. Urban Village 1 (UV-1):

Mixed-use Residential Medium Density, Mixed Use Precinct Along the Primary Road Commercial uses permitted along ground floor only.

3. Urban Village 2 (UV-2a):

Urban village with road access

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

Medium and Low Density Residential Precinct (Plots with predominant slope less than 30 Degree), Plots with only pedestrian access.

5. Institutional (I):

Local, National & International Institutions

6. Service Precinct 1 (S-1):

Service infrastructure.

7. Service Precinct 2 (S-2):

Automobile and Light Industries.

8. Open Space 1 (OS-1):

Public Assets, open space within settlement areas.

9. Environmental Precinct (E-1):

Riparian Flood Protection Zone

10. Environmental Precinct (E-2):

Forest Environment Conservation Zone

11. Heritage Precinct (H):

Cultural & Religious Heritage

Table 2: Permissible uses for settlement areas.

Precinct	Uses Permissible	Special conditions and restrictions
Urban Core (UC)	<ul style="list-style-type: none"> 1) Entertainment, cultural and shopping centers, cinema hall, restaurants and food courts, game parlours, lodging and boarding houses, hotels, tourism and recreational based facilities. 2) Commercial center, public buildings, pathological laboratories, dispensaries and satellite clinics, office buildings, public facilities, public utilities, banks, professional offices, supermarkets, etc. 3) Local level retail shops and services establishments. 4) 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. 	<ul style="list-style-type: none"> 1) Predominantly commercial & institutional uses 2) Residences are not permitted on the ground floor;
Urban Village 1 (UV-1)	<ul style="list-style-type: none"> 1) 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. 2) Commercial activities at lower floors, local level retail shops and services, 	<ul style="list-style-type: none"> 1) Residences are not permitted on the ground floor 2) Bars & night entertainments are strictly prohibited.
Urban Village 2 (UV-2a)	<p>All types of residential dwellings including apartments and group housing, professional services, Play fields gardens, gymnasium, swimming pool, children's play areas, creche, pre-primary school, playgrounds etc. are allowed.</p> <p>Bars & night entertainments are strictly prohibited.</p>	<ul style="list-style-type: none"> 1) Predominantly residential 2) Bars & night entertainments are strictly prohibited.

Urban Village 2 (UV-2)	Residential dwellings, play fields gardens, children's play areas are allowed. Bars & night entertainment are strictly prohibited.	1) Bars & night entertainment are strictly prohibited.
Institutional (I)	Educational, training, cultural & government institutions, public libraries, Museums, art galleries, exhibition halls, diplomatic enclave, government offices.	1) Residential & 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 2) Bars & night entertainment are strictly prohibited.
Service Precinct 1 (S-1)	1) Services: Water treatment plants, sewage treatment plants, electric substation, incineration plants, crematorium ground, abattoir/slaughter house, etc.	1) Environment clearance to be obtained from relevant agency.
Service Precinct 2 (S-2)	Industrial: Small scale industries, agro based industry, weaving, and carpentry workshops Light industry, wholesaling and warehousing, automobile workshop, car wash, vehicle garages and workshops.	1) Environment clearance to be obtained from relevant agency.

Table 3: Permissible uses for landscape areas.

Categories as per the Structure Plan	Precinct Categories Designated	Definition of the Precinct	Uses Permissible
Open space within settlements areas	OS	Public Assets, open space within settlement areas.	Public facility such as: parks, gardens, playground & recreation of any type for surrounding residential areas Spiritual and religious structure such as chortens & prayer wheels are permissible upon permit undertaken on behalf of relevant agencies.
Environmental conservations, River Landscape	E1	Riparian Flood Protection Zone	Natural reserve & sanctuary, the river basin, streams, rivulets, avi-fauna fauna breeding, places, unique flora, & bio-mass preserves Activities related to environment enhancement/protection & permitted/ undertaken by or on behalf of relevant agencies.
Environment Conservation - Forest	E2	Forest Environment Conservation Zone	Natural reserve & sanctuary, avi-fauna fauna breeding, places, unique flora, & bio-mass preserves Activities related to environment enhancement/protection & permitted/ undertaken by or on behalf of relevant agencies.

Table 4: Permissible development control schedule

Settlement Typologies as per the Structure Plan of Denchhi and Designated Precinct	Floor Area Ratio	Max. Permissible No. of Floors	Minimum setbacks required on all side (meter)
I - 1 Institutional Precinct	0.6	B+G+2	<ul style="list-style-type: none"> • 3m on 3 sides and 5m (side accommodating Septic Tank)
UC Urban Core	1.65	B+G+2	<ul style="list-style-type: none"> • 2m on all other sides • 3m in back and should accommodate the Septic Tank
UV 1 Urban Village	1.5	B+G+2	<ul style="list-style-type: none"> • 3m on all other sides • 5m (side accommodating the Septic Tank)
UV 2 a Urban Village 2 Sub-category a	1.2	B+G+2	<ul style="list-style-type: none"> • 5m (side accommodating the Septic Tank) • 3m on all other sides
UV 2 b Urban Village 2 Sub-category b	0.9	B+G+2	<ul style="list-style-type: none"> • 5m in the side accommodating the Septic Tank • 3m on all other sides

Note:

H Heritage Precinct			Standards to be framed after Discussion with the NCCA & Department of Culture, RGoB
S1 Service Infrastructure	20	B+G+1	3m min. on all sides 5m on side accommodating septic tank
S2 Automobile services and Light industries	20	B+G+1	3m min. on all sides 5m on side accommodating septic tank

1. Institution plots falling in fragile areas shall follow minimum 5m setbacks on all sides and maximum permissible building height will be 1.
2. Maximum Building height in S1 and S2 till roof beam shall be 9m, however maximum permissible number of floors will be G+1.
3. Cantilevered construction: Building may have cantilevered staircases and balconies projecting up to 1.5 meters from the external face of the ground floor, however these will not be allowed in:
 - a. Side facing the main road.
 - b. On sides with 2m setback.

4.2 Parking requirements standards

Parking requirement will be as per Building Code of Bhutan 2018, However communal parking will be provided by the municipality for Urban Core and Urban Village 2 b.

SECTION 5: BUILDING REGULATIONS

5.1 Architectural Design

- Same as BBR 2018and BCB 2018
- Hip roofs are discouraged.
- Building facing the main road should have minimum of 75% Rabsey
- Building line should be consistent in UC and UV 1.
- Plinth height of buildings along the UC and UV1 should be consistent to the footpath.
- Recessed balconies with traditional elements on the road facing façade shall be allowed in UV2 a.

5.2 Circulations Space Requirements

Same as BBR 2018 and BCB 2018

5.3 Light and Ventilations Requirements

Same as BBR 2018 and BCB 2018

5.4 Artificial Lighting and Mechanical Ventilation

Same as BBR 2018 and BCB 2018

5.5 Ventilation Shaft

Same as BBR 2018and BCB 2018

5.6 Fire Safety

Same as BBR 2018 and BCB 2018

5.7 Garage cum Servants Quarters

Same as BBR 2018and BCB 2018

5.8 Porch

Same as BBR 2018and BCB 2018

5.9 Septic Tank

Same as BBR 2018and BCB 2018

5.10 Roof and Site Drainage

Same as BBR 2018and BCB 2018

5.11 Access for the Disabled

Same as BBR 2018and BCB 2018

5.12 Structural Control

Same as BBR 2018and BCB 2018

5.13 Water Supply and Sanitation Control

Same as BBR 2018and BCB 2018

5.14 Electrical Installations Control

Same as BBR 2018and BCB 2018

5.15 Telephone

Same as BBR 2018and BCB 2018

5.16 Attic

Attic will not be permitted under any conditions.

5.17 Basement

Excavation of ground for construction of basement shall be permitted as per case basis, provided, the basement is 75% below the natural lowest ground level on all four sides. Usage of basement will only be permitted for storage and parking purpose. Human occupancy of such basements shall not be permitted. Height of the basement will be as per BBR 2018.

5.18 Minimum Floor Space of Rooms in Residential Buildings

Same as BBR 2018 and BCB 2018

5.19 Painting

Same as BBR 2018 and BCB 2018

5.20 Water Requirement

Table 5: Water for Institutional Needs (as per IS: 1172-1963)

Sl. 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 6: Water Requirements for Domestic Purpose (as per IS: 1172-1963)

Sl. 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
Total		135

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 applicants:

3. Sex: Male Female

4. Citizenship Identity Card No.:

5. Address:

6. Contact details: Phone No: E-mail
address:

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: 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

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 applicants:

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

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:

.....

Passport Size
Photo

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 Denchhi Throm 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. Provisions of the DDCR 2018 and BBR 2002, conditions or orders issued thereunder have not been transgressed/ violated in the course of the work.

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.:

Fax 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, intown has been inspected on
..... and found that the building is **fit / not fit** for occupation.

Instruction / Remarks (if any):

Signature of the approving authority Official Seal

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:	Building type:
Plot no:	No. of floors:
Thram no:	Plot coverage:
Designated precinct:	Registered Area:
Location:	
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

Signature of Approving Authority

Official Seal

