

# Haa Development Control Regulations

Dzongkhag Administration  
Haa

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The Haa 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 2002 are to be read in conjunction with the HDCR. Only those provisions that relate to the plot coverage, minimum plot sizes and the number of floors have been prepared specifically for Haa.

# **SECTION 1: ADMINISTRATION**

## **1.1 Title and Commencement**

This regulation shall be called the Haa Development Control Regulations 2017 (HDCR). These regulations shall come into force with effect from the date of their notification by the Royal Government of Bhutan.

## **1.2 Jurisdiction**

This HDCR applies to the areas within the proposed LAP boundary only.

## **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. National Housing Policy 2002
- iv. Building Code of Bhutan 2003
- v. Bhutan Building Rules 2002

## **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.

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

The HDCR should be read in conjunction with the provisions of the Structure plan and the BBR 2002. If there is any inconsistency between this HDCR and other regulations, the HDCR 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 whose construction was necessary to bring the ground floor level to the street level.

**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.

**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 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.

**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.

## **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. Government, semi-government, local authorities are exempted from this provision.
- iii. The security deposit shall be refunded without interest within one year after grant of the occupancy certificate, on written request from the applicant.
- iv. 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**

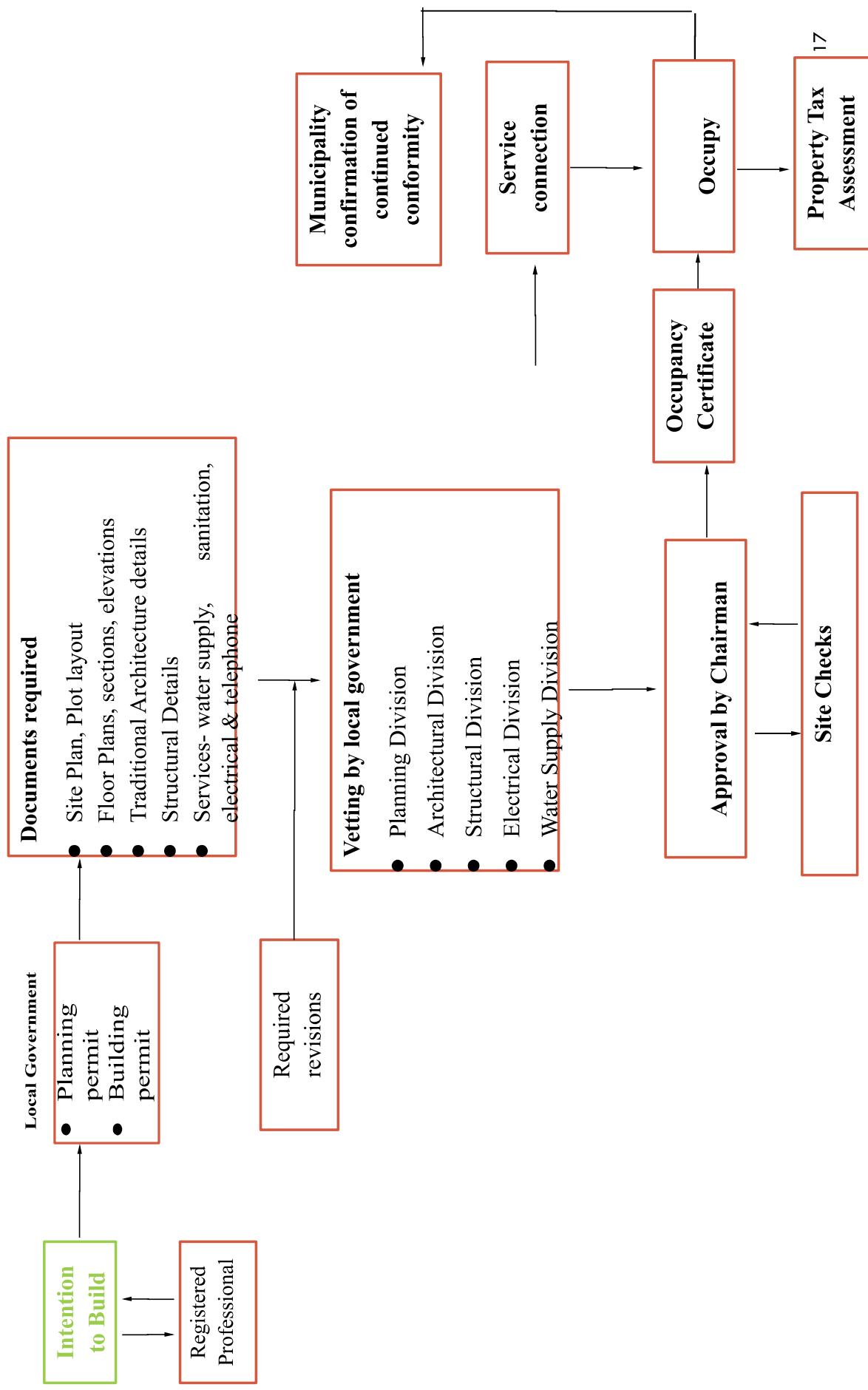
The proposal submitted shall be in conformity with other acts/regulations and shall, wherever applicable submit the NOC, from the respective authorities for conformity with their regulation and standards.

## **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 Haa Valley Master 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**

## **3.1Temporary 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.

## **3.3Commencement 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.

## **3.5Inspections 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.

### **3.6Deviations 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 year.

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 BDCR 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 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.

### **3.11 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.

### **3.12Safety 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.

### **3.13Child 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.

### **3.14Protection 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.

### **3.15Development 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.

**Table 2: Regularization Fees for Developments without Prior Approval**

| Nature of unauthorized Development                                 | Whether Development would have been Approved | Rate of Regularization and/ or Penalty                                    |
|--|--|---|
| Application for development not made                               | Yes  | 20 times the regular fees */ charges #                                    |
|  | No   | 10 times the regular fees & removal of the deviations at the owner's cost |
| Application made but development commenced before grant of permit. | Yes  | 10 times the regular fees/ charges  |
|  | No   | Removal of the deviations at the owner's cost                             |

- \* **Regular fees** refer to the fees that the implementing authority charges for scrutiny and approval of development applications.
- # **Charges** refer to the charges and levies that the implementing authority may impose for its services and facilities.

# SECTION: PLANNING REGULATIONS

**Table 1: Permissible uses for settlement areas.**

| Precinct Categories Designated | Definition of the Precinct   | Uses Permissible   |
|--------------------------------|--|--|
| <b>UV1</b><br>Urban Village    | <b>UV1- Urban Village Sub Category 1 Mixed Use Precinct Along the Primary Road</b> | <ol style="list-style-type: none"> <li>1. Predominantly mixed use.</li> <li>2. Entertainment, cultural and shopping centers, cinema hall, restaurants and food courts, game parlors, lodging and boarding houses, hotels, tourism and recreational based facilities.</li> <li>3. Commercial center, public buildings, dispensaries and satellite clinics, office buildings, public facilities, public utilities, banks, professional offices, etc.</li> <li>4. Local level retail shops and services establishments.</li> <li>5. 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). Eg. Bakery, tailoring units, beauty parlours etc. as part of residential units.</li> <li>6. Resorts, restaurants &amp; tourist home stays will be considered under restricted ground coverage not more than 25% and height not more than 3 floors. The Parking requirement must be met within the plot boundary as per this document.</li> <li>7. Minimum plot size for uses like, educational institutions and office buildings shall be 1,000sqm.</li> <li>8. Resorts, hotels with boarding and lodging facilities in a minimum of 2,500sqm plot may be permitted.</li> <li>9. Commercial activity is permitted only on the ground floor.</li> </ol> |
| <b>I</b> Institutional         | Local, National & International Institutions                                       | <ol style="list-style-type: none"> <li>1) Educational, training, cultural &amp; government institutions, public libraries, Museums, art galleries, exhibition halls, Government offices.</li> </ol>  |

|   |  |  |
|---|--|--|
|   |  | 2) Residential & other activities incidental to the main institutional uses shall be permitted but not more than 20% from the allowable built up area.   |
| <b>S-1</b><br>Services &<br>Industry            | Service infrastructure<br>and industry<br>establishment.                           | <ul style="list-style-type: none"> <li>1) Services: Water treatment plants, sewage treatment plants, electric substation, incineration plants, crematorium ground, weekly market, etc.</li> <li>2) Industrial: Small scale industries, agro based industry, weaving, carpentry workshops</li> <li>3) Environment clearance to be obtained from relevant agency.</li> </ul> |
| <b>S-2</b><br>Heavy<br>maintenance<br>industry, | Heavy maintenance<br>industry which has<br>adverse impact on<br>land, water & air. | <ul style="list-style-type: none"> <li>1) Heavy maintenance industry, sawmill industry, wholesaling and warehousing, automobile workshop, car wash, vehicle garages and workshops. (environment clearance is required)</li> <li>2) Environment clearance to be obtained from relevant agency.</li> </ul>   |

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

| Precinct Categories Designated           | Definition of the Precinct                         | Uses Permissible  |
|--|--|---|
| <b>OS-1 Dzongkhag Open Space green 1</b> | Dzongkhag important open space                     | <ul style="list-style-type: none"> <li>1) Public playground/Tendrelhang, 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> <li>2) NOC to be obtained from relevant agencies</li> <li>3) Residential and other activities incidental to the main institutional uses shall be permitted within the permissible FAR but not more than 20% of the ground coverage.</li> </ul>              |
| <b>OS-2 Green Space System</b>           | Public Assets, open space within settlement areas. | <ul style="list-style-type: none"> <li>1) Public facility such as: parks, gardens, playground &amp; recreation of any type for surrounding residential areas</li> <li>2) Spiritual and religious structure such as chortens&amp; prayer wheels.</li> <li>3) NOC to be obtained from relevant agencies</li> </ul>  |
| <b>E-1 Environmental conservation</b>    | Environmental conservations , River Landscape      | <ul style="list-style-type: none"> <li>1) Natural reserve &amp; sanctuary, the river basin, streams, rivulets, avi-fauna fauna breeding, places, unique flora, &amp; bio-mass preserves.</li> <li>2) Activities related to environment enhancement/protection &amp; permitted/ undertaken by or on behalf of the National Environment Commission.</li> <li>1) NOC to be obtained from the relevant agencies.</li> <li>3) No access road or any services installations to private lots to be permitted through this zone.</li> </ul> |

|            |  |  |
|------------|--|--|
| <b>E-2</b> | Forest Environment<br>Conservation               | <p>1) Natural reserve &amp; sanctuary, the River Basin, streams, Rivulets, avi-fauna fauna breeding, places, unique flora, &amp; bio-mass preserves.</p> <p>2) Activities related to environment enhancement/protection &amp; permitted/ undertaken by or on behalf of the Forest Department.</p> <p>3) As per the Forest Conservation Act. 1995</p>   |
| <b>H</b>   | Heritage<br><br>Cultural & Religious<br>Heritage | <p>1) Spiritual &amp; religious structures &amp; places. Chortens, Mani Walls, Ihakkhangs, 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.</p> <p>2) NOC to be obtained from relevant agencies</p> |

| Settlement Typologies as per the Local Area Plan of Haa and Designated Precinct | Categories of plot area (sq.m) | Max. Permissible Plot coverage range (%) | Permissible Floor Area Ratio | Max. Permissible No. of Floors | Minimum setbacks required on all side (meter)                 |
|---|--------------------------------|--|------------------------------|--------------------------------|---|
| UV<br>Urban Village-Medium Density  | 1) 298-1000                    | 1) 50                                    | 1) 1.35                      | 4) 3                           | 2m in the front<br>3m in the sides and<br>3 or 5m at the rear |
|   | 2) 1001-3000                   | 2) 45                                    | 2) 1.2                       | 5) 3                           |   |
|   | 3) Above 3001                  | 3) 40                                    | 3) 1.05                      | 6) 3                           |   |
| S-1<br>Services and Industry  | 1) Below 298                   | 1) 30                                    | 1) NA                        | 3) 1                           | 1) 2<br>2) 3  |
|   | 2) Above 298                   | 2) 20                                    | 2) 0.3                       | 4) 2                           |   |
| S-2<br>Heavy maintenance Industry   | 1) Below 298                   | 1) 30                                    | 1) NA                        | 3) 1                           | 1) 2<br>2) 3  |
|   | 2) Above 298                   | 2) 20                                    | 2) 0.3                       | 4) 2                           |   |
| I<br>Institutional  | NA                             | 30                                       | 0.75                         | 3                              | 3   |
| OS-1<br>National Open Space Green 1   | NA                             | 20                                       | 0.45                         | 3                              | 3   |
| <b>Special DCR</b>  |                                |  |                              |                                |   |
| Both for UC and UV  | 1) Below 223                   | 1) 50                                    | 1) NA                        | 1) 2                           | Front and Sides: 1.5<br>Rear :2                               |
|   | 2) 224-298                     | 2) 45                                    | 2) NA                        | 2) 2                           |   |

Table 5: Permissible development control schedule.

**Table 9: 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 2002

### **5.2 Circulations Space Requirements**

Same as BBR 2002

### **5.3 Light and Ventilations Requirements**

Same as BBR 2002

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

Same as BBR 2002

### **5.5 Ventilation Shaft**

Same as BBR 2002

### **5.6 Fire Safety**

Same as BBR 2002

### **5.7 Garage cum Servants Quarters**

Same as BBR 2002

### **5.8 Porch**

Same as BBR 2002

### **5.9 Septic Tank**

Same as BBR 2002

### **5.10 Roof and Site Drainage**

Same as BBR 2002

### **5.11 Access for the Disabled**

Same as BBR 2002

## **5.12 Structural Control**

Same as BBR 2002

## **5.13 Water Supply and Sanitation Control**

Same as BBR 2002

## **5.14 Electrical Installations Control**

Same as BBR 2002

## **5.15 Telephone**

Same as BBR 2002

## **5.16 Attic**

Human occupancy of the attic spaces shall not be permitted.

## **5.17 Basement**

Excavation of ground for construction of basement shall not be permitted, provided, partial basements which become necessary to bring the building plinth level to the street level may be permitted. However, human occupancy of such basements shall not be permitted.

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

Same as BBR 2002

## **5.19 Painting**

Same as BBR 2002

## **5.20 Water Requirement**

**Table 10: Water for Institutional Needs (as per IS: 1172-1963)**

| S.No | Institutions                    | Water requirements<br>(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 11: 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 2: APPLICATION FOR CONSTRUCTION OF BUILDING**

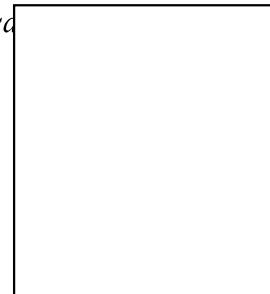
*(Please type or write in clear block letters, use additional sheet if necessary)*

To

The Chairperson

Dzongkhag Administration

Haa



1. Name of applicant: ..... Passport Size Photo

2. Sex: Male ( ) Female ( )

3. Date of Birth: .....(dd/dd/yyyy)

4. Citizenship Identity Card No. ....

5. Permanent Address: .....

6. Present Address: .....

7. Postal Address:.....

8. Contact details: Telephone No. (residence):.....

Telephone No. (office):.....

Fax No.:.....

E-mail address:.....

9. Land ownership:

- Government Allotment (Allotment order no & date) .....
- Purchased from the openmarket (Registration no & date) .....
- Allotted under Kasho (Copy of Kasho to be attached) .....
- Inherited/exchanged/gifted (Details of previous owner to be attached)
- Subdivided (Approval letter no & date) .....

10. Plot details: Plot No.:..... Area:.....sqm Dimensions:.....

**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: ..... Place: .....

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:

.....Signature of Chairman:

Remarks (if any):

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**ANNEX 3: APPLICATION FOR OCCUPANCY CERTIFICATE**

To

The Chairperson,  
Dzongkhag Administration  
Haa

Sir,

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. Provisions of the BDCR 2017 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:.....

Telephone No. (residence): .....

Telephone No. (office): .....

Fax No.: .....

E-mail address: .....

Dated: .....

#### **ANNEX 4 : 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):

Chairman

Dated: