

A large, semi-transparent topographic map of Samdrup Jongkhar serves as the background for the entire page. The map features intricate contour lines and shaded relief, highlighting the mountainous terrain of the region. It is oriented vertically, with the mountain peaks pointing towards the top of the page.

# **SAMDRUP JONGKHAR**

## **MUNICIPAL DEVELOPMENT CONTROL REGULATIONS**

### **2006**



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## PREAMBLE

The Bhutan Building Rules 2002 are basic guidelines applicable across the entire nation in a variety of settlements. On the other hand the Bhutan Municipal Act of 1999 enables Municipal Authorities to prepare plans for their respective urban settlements and adopt relevant development control regulations to direct development within their jurisdictions. The new Development Control Regulations 2004 for Thimphu was the first of such regulations tailored to the capital itself, which supersedes the Bhutan Building Rules. The notes below explain the relationship between The Bhutan Building Rules 2002, and such development control regulations, which accompany Structure Plans for urban areas.

- The Bhutan Building Rules, 2002 (BBR, 2002) are applicable to urban areas across the country, in the absence of any structure plan for the urban areas in question. The operation of the Bhutan Building Rules 2002 is thus imperative, in urban areas where no structure plan exists.
- Wherever a structure plan is sanctioned, the provisions of the accompanying Development Control Regulations, which are an intrinsic part of the concerned structure plan, will be applicable in that urban area. The provisions in the Bhutan Building Rules itself enable this. This is also enabled by Section 67 of the Bhutan Municipal Act, 1999, which specifically states that a “Municipal Corporation may adopt rules to carry out its functions specified in Sections 48 and 49 “ (which includes Planning and Land Use).
- Wherever a local area plan has been notified, its specific regulations, if any, shall be applicable within that local area alone. Generally, local area plans conform to the Development Control Regulations of the urban jurisdiction in which they fall.

Thus in the absence of Local Area Plans, the provisions of the Structure Plan for that urban settlement shall prevail. In the absence of a Structure Plan for any given settlement, the Bhutan Building Rules, 2002 shall prevail.

The DCR 2006 for Samdrup Jongkhar accompanies the Structure Plan for the town of Samdrup Jongkhar. It is based on and draws from the DCR 2004 of Thimphu. It also has additional sections for certain zones within the town; these regulations generally conform to the DCR for the town.

This tiered set of Regulations reflects the fundamental policy of the Royal Government of Bhutan to decentralize governance, administration and development, enabling and facilitating strong responses to local conditions and aspirations. It may be noted that the new Development Control Regulations 2006 for Samdrup Jongkhar supersedes the Bhutan Building Rules, 2002 in the town of Samdrup Jongkhar, by providing some additional directives needed in a larger urban context.

# **SAMDRUP JONGKHAR MUNICIPAL DEVELOPMENT CONTROL REGULATIONS - 2006**

## **SAMDRUP JONGKHAR STRUCTURE PLAN 2006 – 2025**

### **FOREWORD**

These Development Control Regulations have been formulated as part of the Samdrup Jongkhar Structure Plan (its related Local Area Plans and Urban Design Plans): 2006-2025. They support the aims of the Plan through the introduction of regulations and procedures. The jurisdiction of these Regulations include the area under the Samdrup Jongkhar Municipal Corporation (SJMC) as defined in the Samdrup Jongkhar Structure Plan. While the SJMC shall be the 'Implementing Authority' implementing these regulations within the SJMC area, the DUDES shall be the 'Implementing Authority' for the area outside the SJMC, which falls under the jurisdiction of these Regulations.

### **MAJOR PARTS**

The Samdrup Jongkhar Municipal 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: Procedures - is divided into two major sections. Section – 2 A deals with the procedures for obtaining development / building permissions. Section – 2 B deals with procedures during development / building construction. The first section is in turn divided into two sub-sections one concerning the layout and sub-division of land and the other concerning buildings. These sections contain the respective documents and particulars to be furnished along with the application, the fees to be paid, the validity of the approvals, liabilities and responsibilities of the applicant, and certain provisions for special cases. The second Section – 2 B that deals with the procedure during development/ construction contains provisions for the issue of various certificates, service connections, documents to be kept on the site, mandatory inspections, etc.
- Section – 3: Precinct Sanctions – contains the permissibility of various uses and activities in the designated precincts and the permissible plot coverage, and building height in the specified precincts. This part also contains sections relating to the special provisions regarding existing non-conforming uses.
- Section – 4: Land Development and Subdivision Regulations - This part contains requirements of access of the site to be developed, the standards for internal street widths, minimum plot sizes, required common areas, on-site physical infrastructure requirements and regulations related to tree plantation. Also there is a section on special regulations for low cost housing schemes.
- Section – 5: Building Regulations – The provisions in the Bhutan Building Rules, 2002 are to be adapted. Only those provisions that relate to plot coverage, minimum plot sizes, and the number of floors have been formulated specifically for Samdrup Jongkhar as part of the means to achieve the aims of the Samdrup Jongkhar Structure Plan. These are found in Section – 3 under Precinct Regulations. Three sections have been given in these regulations which may be considered as supplementary to the Bhutan Building Rules, 2002. These are:
- Guidelines specific to access of residential blocks to the winter sun,
  - The requirements of preventing soil erosion by specifying site slope and plot coverage, and
  - The minimum building standards that may be adopted in public housing schemes for the lower income group.

## **TWO-TIERED MODEL**

A two-tiered model is envisaged for the building permission procedure based on the following two contexts:

- a) Residential structures not more than two floors (ground plus one floor) on sites up to 1000 sq.m.
- b) More than two floors (ground plus two floors) on site more than 1000sq.m of land and / more than two floors / buildings for non-residential uses.

A mechanism for speedier approvals in the case of tier “a” as above is proposed through a Green Channel of accredited architects. All building applications shall enclose an “ultimate structural capability of the structure” statement from the architect/structural engineer, in terms of total number of floors.

## **HIGHLIGHTS OF THE PRECINCT SANCTIONS**

The highlights of the Precinct Sanctions are:

- Reserved Public Assets: The areas where development is highly restricted:
  - Areas under natural streams, waterways and hillsides with more than 30% (i.e. 1 in 3) slopes designated as ‘Environmental Conservation Precincts’ where little or no development is permitted.
  - Areas under Royal uses, military, etc. requiring high security, and areas immediately adjacent that may be used for similar uses in the future designated as R and M respectively.
- Core, Corridor and Hubs: The town zoned such that the discernable town structure wherein most of the services and tertiary sector employment would be located would be the Urban Core supported by urban Hubs at the Northern and Southern ends, an Urban Corridor that forms the central spine of the town (carrying the major commercial services/needs).

## **CAPABILITY OF APPLICANTS**

It is the sole duty and responsibility of the applicant/s (of various approvals under these rules) to ensure that all documents, information and data submitted as part of the application/s are true and correct. Submission of invalid documents, information and data may result in cancellation of an approval, even after being issued. Where such invalid documents, data, or information is false, it may compel the Samdrup Jongkhar Municipality to take action for legal prosecution, under relevant civil and / or criminal status related to fraud and misrepresentation.



**SAMDRUP JONGKHAR STRUCTURE PLAN 2006 - 2025**

**SAMDRUP JONGKHAR MUNICIPAL DEVELOPMENT CONTROL REGULATIONS**

**SECTION – 1: ADMINISTRATION**

**1.0 TITLE, COMMENCEMENT AND JURISDICTION**

These Regulations may be called the Samdrup Jongkhar Municipal Development Control Regulations, 2006 (Samdrup JongkharMDCR-2006). These Regulations shall come into force with effect from the date of their notification by the Royal Government of Bhutan. These Regulations shall apply to the Samdrup Jongkhar Municipal Area. The provision in the BBR, 2002 shall supplement the SJMDCR. This SJMDCR shall supersede the BBR 2002 and all other local rules and regulations.

**1.1 APPLICABILITY**

- 1.1.1 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 except those specifically mentioned in clause 1.1.2.
- 1.1.2 Except, as herein after otherwise provided, 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. However, where a part of a building layout or group-housing scheme is demolished, or altered, or reconstructed, these Regulations shall apply only to the extent of the new work involved.
- 1.1.3 Any action taken, or developments permitted, under the Regulations or Building Rules, existing prior to these Regulations coming into force, shall be deemed to be valid and continue to be so valid, unless otherwise specified.
- 1.1.4 In the case of development, for which the Commencement Certificate has been obtained prior to these Regulations coming into force, and where amendments to the sanctioned plan is proposed, these Regulations shall apply.
- 1.1.5 'Commencement Certificate' granted in the past shall be revalidated in conformity to these Regulations.
- 1.1.6 If there is a conflict between the requirements of these Regulations and those of any other rules or byelaws, these Regulations shall prevail.

**1.2 INTERPRETATION**

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

- 1) The Bhutan Municipal Act 1999
- 2) The Land Act 1979
- 3) Urban Area and Property Regulations 2003
- 4) National Housing Policy 2002
- 5) Building Code of Bhutan 2003
- 6) Bhutan Building Rules 2002

**1.3 DELEGATION OF POWER**

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

## **1.4 DISCRETIONARY POWERS**

1.4.1 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:

- a) 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.
- b) Interpret these regulations in various contexts or in situations where more clarity is required under such circumstances the Implementing Authority's decision shall be final and binding.
- c) 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 neighbourhood 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.
- d) No concessions in respect of the F.A.R., or additional floors, shall be given.
- e) Decide on the fine or compounding charges to be made applicable in cases of developments where non-adherence to these Regulations is detected.
- f) Modify the limit of a precinct where the boundary of a precinct divides a parcel of land or where a layout street or a survey number actually on the ground varies from its location shown on the Structure Plan.
- g) 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.
- h) Determine and establish the location of precinct boundaries in cases of doubts or controversies.

1.4.2 As regards the delegation of powers to exercise the discretion, all matters stated above shall be decided by a committee designated and authorized by the Implementing Authority.

1.4.3 When issues arise that are not covered within these Regulations, the Implementing Authority shall refer the matter to the Competent Authority.

## **1.5 ENFORCEMENT OF REGULATIONS THROUGH INVOLVEMENT OF ACCREDITED ARCHITECTS**

Enforcement of these Regulations may also be ensured through a mechanism of speedier approval of development proposals through Green Channel of accredited Architects as detailed out in these Regulations.

## **1.6 POWER TO CHANGE THE APPENDICES AND PROFORMAS**

The Implementing Authority shall have the powers to make amendments to the contents of Appendices 2 and 4, the proformas and the procedures for grant of development permission from time to time.

## **1.7 DEFINITIONS**

These Regulations, unless the context otherwise requires, the terms and expressions defined as follows shall have the meaning indicated against each of them.

The terms and expressions not defined in these Regulations shall have the same meanings as in the Bhutan Municipal Acts, 1999 and the rules framed there under or as mentioned in the Bhutan.

**ACT**

Shall mean the Bhutan Municipal Act, 1999

**ADDITIONS AND/OR ALTERATIONS**

Shall mean any change in an existing authorized building or approved plans of a building, or a change from one use to another use, or a structural change such as additions to the area or height, or the removal of part of a building, or a change to the structure, such as the construction or cutting into or removal of any wall or part of a wall, partition, column, beam, joist, or re-roofing, or re-construction of any kind, alterations to a floor, including a mezzanine floor, or any support, or a change to, or closing of any required means of ingress, or egress, or a change to fixtures, or equipment, as provided in these Regulations.

**ADVERTISING SIGN/HOARDING**

Shall mean any surface or a structure with any character, letter or illustration, applied there to and displayed in any manner whatsoever out of doors for the purpose of advertising, giving information regarding, or to attract the people to any place, cause, person, public performance, article or merchandise, and which surface or structure is attached to, forms part of, or is connected with any building, or is fixed to a tree or to the ground, or to any pole, screen, hoarding or displayed in any space, or in or over any water body included in the limits of the notified area of the Implementing Authority.

**AIR-CONDITIONING**

Shall mean the process of treating air to control simultaneously, or singly, its temperature, humidity, cleanliness and distribution to meet the requirement of an enclosed space.

**AMENITIES**

Shall mean roads, streets, open spaces, parks, recreational grounds, play-grounds, gardens, water supply, electric supply, street lighting, drainage, sewerage, public works and other utilities, communication network, etc. for the citizens' use and convenience.

**APARTMENT/FLATS**

Shall mean residential buildings constructed in a detached or semidetached manner being designed as ground floor plus one or more upper floors and constructed as separate dwelling units with common staircase and other building services.

**APPLICANT**

Shall mean the registered owner(s) of a property who applies in the prescribed form to construct/alter/extend a building.

**ARCHITECT**

Shall mean a person with degree or diploma in architecture from an Institute, College or University accredited by the respective country's accreditation board to impart professional degrees in architecture.

**ATTIC**

Shall mean the space within the confines of the roof structure, above the ceiling of the top floor which is constructed and adopted for storage purpose, lift machine room, water tanks etc.

**BASEMENT OR CELLAR**

Shall mean the lowest storey of a building more than 75% below the lowest ground level. Permitted only vehicular parking and other building services.

**BUILDING LINE**

Shall mean the plinth of the building running in line with the adjoining plinth of the building parallel to the road.

## **BUILDING SERVICES**

Building Services shall mean HVAC plant, power generator, underground sumps, pumps, boilers, sub-station, lift pits and related services, chutes, storages, laundry and other services related to building maintenance

## **BETTERMENT CHARGE**

Means a charge levied by the Implementing Authority for ensuring off-site services and amenities to the area by the Implementing Authority.

## **BUILDING**

Meaning 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".

- (a) **"Assembly building"** shall mean a building or part thereof where groups of people congregate or gather for amusement, recreation, social, religious, patriotic, civil, travel and similar purposes. Assembly buildings shall include theatres for drama and cinema, city halls, town halls, auditoria, exhibition halls, museums, "marriage halls", "skating rinks", gymnasia, stadia, restaurants, eating or boarding houses, places of worship, dance halls, clubs, road, air, or other public transportation stations.
- (b) **"Business building"** shall mean any building or part thereof used for transaction or record thereof. Offices, banks and all professional establishments are classified as business buildings if their principal function is transaction of business and/or keeping of books and records thereof.
- (c) **"Detached building"** shall mean a building with walls and roofs independent of any other building and with open spaces on all sides.
- (d) **"Semi Detached Building"** shall mean a building detached on three sides with open spaces as specified in these Regulations. A superficial connection via a beam, wall, balcony, corridor, Sky Bridge, or any other trivial connection will not qualify a building to be defined as "semi-detached"
- (e) **"Educational building"** shall mean a building exclusively used for a school or college, recognized by the appropriate Board or University, or any other Implementing Authority involving assembly for instruction, education or recreation incidental to educational use, and including a building for such other uses incidental thereto such as a library, laboratory, fine arts facility, or a research institution. It shall also include quarters for essential staff required to reside in the premises, and buildings used as hostels and boarding solely captive to an educational institution whether situated in its campus or not.
- (f) **"Hazardous building"** shall mean a building or part thereof used for, -
  - (i) Storage, handling, manufacture or processing of radio- active substances or of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and/or producing poisonous fumes or explosive emanations.
  - (ii) Storage, handling, manufacture or processing which involves highly corrosive, toxic obnoxious alkalis, acids, or other liquids, gases or chemicals producing flame, fumes, and explosive mixtures or which result in division of matter into fine particles capable of

spontaneous ignition.

- (iii) Storage, handling, manufacture, experimentation, research, or processing which could cause any danger to the public health, hygiene or safety, as certified by the competent health and safety officials of the Royal Government of Bhutan
- (g) **"Industrial building"** shall mean a building or part thereof wherein products or materials are fabricated, assembled or processed, such as assembly plants, laboratories, power plants, refineries, gas plants, mills, dairies and factories.
- (h) **"Institutional or public building"** shall mean a building constructed by the Royal Government, Semi-Government organizations, public sector undertakings, registered Charitable Trusts for their public activities, such as administration, education, medical, recreational and cultural, hostel for working women or men, or for an auditorium or complex or cultural and allied activities, or for an hospice, care of orphans, abandoned women, children and infants, convalescents, destitute or aged persons and for penal or correctional detention with restricted liberty of the inmates ordinarily providing sleeping accommodation, and includes dharamshalas, hospitals, sanatoria, custodian and penal institutions such as jails, prisons, mental hospitals, houses of correction, detention and reformatories, clubs, golf course, sports stadium, buildings and facilities constructed by the Royal Government for the promotion of tourism, such as inns, resorts, lodges, etc..
- (j) **"Commercial / Mercantile building"** shall mean 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. Mixed use buildings with commercial areas on the ground floor and residential above shall be construed as Commercial building for the purposes of this document.
- (k) **"Office building (premises)"**, shall mean a building or premises or part thereof whose sole or principal use is for an office or for office purposes or clerical work. "Office purposes" includes the purpose of administration, clerical work, handling money, telephone, telegraph and computer operation; and "clerical work" including writing, book-keeping, sorting papers, typing, filing, duplicating, punching cards, tapes or machines, calculations, drawing, of matter for publication and editorial preparation of matter of publication.
- (l) **"Residential Building"** shall mean a building in which sleeping accommodation is provided for normal residential purposes, with or without cooking or dining facilities, and includes one or more family dwellings, lodging or boarding houses, hostels, dormitories, apartment houses, flats and private garages of such buildings.
- (m) **"Special Building"** shall mean
  - (i) a building solely used for the purpose of a drama or cinema theater, motion picture, drive-in-theatre, an assembly hall or auditorium, town hall, lecture hall, an exhibition hall, theatre, museum, a stadium, a "community hall, marriage hall;
  - (ii) a hazardous building;
  - (iii) a building of a wholesale establishment;
  - (iv) centrally air-conditioned building which is more than three floors, (v) a building of more than two floors constructed on stilts,
  - (vi) a building of more than four floors.
- (n) **"Storage Building"** shall mean a building or part thereof used primarily for storage or shelter of goods, merchandise and includes a building used as a warehouse, cold storage,

freight depot, transit shed, store house, public garage, hangar, truck terminal, grain elevator, barn and stable.

- (o) **"Unsafe Building"** shall mean a building which,
- (i) is structurally unsafe, (ii) is unsanitary,
  - (iii) is not provided with adequate means of egress, (iv) constitutes a fire hazard,
  - (v) is dangerous to human life,
  - (vi) in relation to its existing use constitutes a hazard to safety or health or public welfare by reasons of inadequate maintenance, dilapidation or abandonment.

#### **BUILDING LAND PARCEL**

Shall mean a land/plot or part of a land/plot or combination of more than one land/plot over which a building is to be constructed as approved by the Implementing Authority.

#### **BUILT-UP AREA**

Shall mean the area covered by a building on all floors including cantilevered portions, if any, but except the areas excluded specifically under these Regulations.

#### **BUILDING INSPECTOR**

Shall mean a technical person authorized by the Implementing Authority to inspect buildings and their premises during construction / renovation / addition / alteration.

#### **CARPET AREA**

(Otherwise called "Net Internal Floor Area") shall mean the covered area on all floors, excluding the area of the walls.

#### **COMPETENT AUTHORITY**

Shall mean the authority as defined in the Municipal Act, 1999.

#### **IMPLEMENTING AUTHORITY**

Shall mean the Samdrup JongkharMunicipal Corporation to perform such functions as may be specified in these Regulations.

#### **CHIMNEY**

Shall mean a construction by means of which a flue is formed for the purpose of carrying products of combustion to the open air and includes a chimneystack and the flue pipe.

#### **COMMON WALL**

Shall mean a structure joining two or more properties.

#### **COMBUSTIBLE MATERIAL**

Shall mean that material which when burnt adds heat to a fire when tested for combustibility in accordance with the IS: 3808-1966 Method of Test for Combustibility of Building Material, National Building Code, India.

#### **CONVENIENCE SHOP**

Shall mean shops each with a carpet area not exceeding 20 sq.m and comprising those dealing with day-to-day requirements, as distinguished from wholesale trade or retail shopping. It includes

- (i) Food grain or ration shops
- (ii) Doma shops/kiosks
- (iii) Tobacconists
- (iv) Shops for collecting and distribution of clothes and other materials for cleaning and dyeing establishments
- (v) Tailor or darning shops
- (vi) Groceries, confectioneries, general provision shops

- (vii) Hair dressing saloons and beauty parlours
- (viii) Bicycle / scooter/ motorcycle hire shops
- (ix) Motorcar hire shops
- (x) Vegetable and fruits shops
- (xi) Milk and milk products shops
- (xii) Medical and dental practitioners' dispensaries or clinics, pathological or diagnostic clinics and pharmacies
- (xiii) Florists.
- (xiv) Shops dealing in ladies ornaments such as bangles, cosmetics, etc.
- (xv) Shops selling bakery products
- (xvi) Newspaper, magazine stalls and circulating libraries
- (xvii) Wood, coal and fuel shops
- (xviii) Books and stationery shops or stores
- (xix) Cloth and garment shops
- (xx) Plumbers, electricians, radio, television and video equipment repair shops and video libraries
- (xxi) Restaurants and eating houses
- (xxii) Shoes and sports shops
- (xxiii) Hardware shops
- (xxiv) Taxi stand office

With the approval of the Implementing Authority, this list may be added to, or altered, or amended from time to time.

#### **CORRIDOR**

Shall mean a common passage or circulation space including a common entrance hall.

#### **COURTYARD**

Shall mean a space permanently open to the sky within the site around a structure or surrounded either partially or completely by a structure.

#### **COMMON PLOT / LAND**

Shall mean a common open to sky space exclusive of setbacks, margins, parking spaces and approaches, at the ground level of the building unit to be used collectively by the joint owners.

#### **COVERED AREA**

Shall mean the area covered by a building on the ground floor.

#### **DEVELOPER**

Shall mean the person, who is legally empowered to construct or to execute work on a plot of land, building unit, building or structure, or where no person is empowered, the owner of the building unit, building or structure.

#### **DEVELOPMENT**

Means the carrying out of building construction, engineering, mining, or other operations, in, over, or under land or water or the making of any material or structural change including demolition of building or reclamation of land or any change in use of the premises and includes redevelopment and layout and sub-division of any land.

**Plotted Development:** Means the carrying out of development leading to the subdivision of land into plots.

**Flatted Development:** Means the carrying out of development on a site leading to the construction of flats.

#### **DEVELOPMENT CHARGE**

Means a charge levied by the Implementing Authority as per the provisions of the Bhutan Municipal Act, 1999 clause 95.

**DEVELOPMENT PERMISSION**

Means a valid permission, or authorization, in writing by the 'Implementing Authority' to carry out development, issued to a legally empowered developer, with due regard to the prevailing Act / Regulations in force at the time of issue.

**DEVELOPMENT RIGHT**

Means the right to carry out development of a building or land, and shall include the transferable development right in the form of right to utilize the FAR of land utilizable either on the remainder of the land partially reserved / directed to be reserved for a public purpose within the site of the reserved, or elsewhere.

**DEVIATION**

Shall mean carrying out or undertaking a building construction or land development activity in departure from the sanctioned / approved plans, permissions or orders, irrespective of the degree of change.

**DRAIN**

Shall mean a system or a line of pipes, with their fittings and accessories such as manholes, inspection chambers, traps, gullies, floor traps, used for drainage of buildings or yards appurtenant to the buildings within the same catchments. A drain includes an open channel for conveying surface water or a system for the removal of any liquid.

**DWELLING UNIT**

Shall mean a shelter consisting of residential accommodation for one household. Provided that the minimum accommodation in a dwelling unit shall be one habitable room of minimum carpet area of 9 sq.m. With a minimum side dimension of 2.5 m and a WC. It may not have more than one kitchen or cooking space.

**ENCLOSED STAIRCASE**

Shall mean a staircase separated by walls and doors from the rest of the building.

**ENGINEER**

Shall mean a person with a degree or diploma in civil and /or structural engineering from any recognized Institute, College, or University of Engineering accredited by the respective country's accreditation board to impart professional degrees in engineering.

**EXISTING BUILDING**

Shall mean a building or a structure existing before the commencement of these Regulations.

**EXISTING USE**

Shall mean use of a plot of land, a building, or a structure existing before the commencement of these Regulations.

**EXIT**

Shall mean a passage, channel of means of egress from any building, storey or floor area to a street or other open space of safety; horizontal exit, outside exit and vertical exit having meanings

at (i), (ii) and (iii) respectively as under:

- (i) "HORIZONTAL EXIT": - shall mean an exit which is a protected opening through or around at firewall or bridge connecting two or more buildings.
- (ii) "OUTSIDE EXIT": - shall mean an exit from a building to a public way, to an open area leading to a public way, or to an enclosed fire resistant passage leading to a public way.
- (iii) "VERTICAL EXIT": -shall mean an exit used for ascending or descending between two or more levels, including stairways, smoke-proof towers, ramps, escalators and fire escapes.

**EXTERNAL WALL**

Shall mean an outer wall of a building not being a party wall even though adjoining a wall of another building and also shall mean a wall abutting on an interior open space of any building.



**ESCAPE ROUTE**

Shall mean any well-ventilated corridor, staircase or other circulation space, or any combination of the same, by means of which a safe place in the open air at ground level can be reached.

**FIRE AND/OR EMERGENCY ALARM SYSTEM**

Shall mean an arrangement of call points or detectors, or sensors, or sounders, and other equipment for the transmission and indication of alarm signals working automatically or manually in the event of fire.

**FIRE PROOF DOOR**

Shall mean a door or shutter fitted to a wall opening, and constructed and erected with the requirement to check the transmission of heat and fire for a specified period. Fireproof doors for various purposes must conform to the specifications and performance standards as laid out in the Bhutan Building Code of Bhutan 2003, (BTS-015-2003, Part 2 Section 6 Fire Protection).

**FIRE PUMP**

Shall mean a machine, driven by external power for transmitting energy to fluids by coupling the pump to a suitable engine or motor, which may have varying outputs/capacity but shall be capable of having a pressure of 3.2kg/cm<sup>2</sup> at the topmost level of a multi-storied building.

**FIRE RESISTANCE**

Shall mean the time during which a fire resistant material, i.e. material having a certain degree of fire resistance, fulfils its function of contributing to the fire safety of a building when subjected to prescribed conditions of heat and load or restraint. The fire resistance test of structures shall be done in accordance with IS: 3809-1966 Fire Resistance Test of Structure.

**FIRE SEPARATION**

Shall mean the distance in meters measured from any other building on the site or from another site, or from the opposite side of a street or other public space to the building.

**FIRE SERVICE INLET / HYDRANT**

Shall mean a connection provided at the base of a building for pumping up water through-in-built fire-fighting arrangements by fire service pumps in accordance with the recommendation of the Chief Fire Officer.

**FIRE TOWER**

Shall mean an enclosed staircase, which can only be approached from the various floors through landings or lobbies separated from both the floor area and the staircase by fire resisting doors. The specifications and performance standards of the enclosing walls, materials and doors shall be as per those stated in I.S3809-1966 Fire Resistance Test of Structure.

**FLOOR**

Shall mean the lower surface in a storey on which one normally walks in a building, and does not include a mezzanine floor. The floor at ground level with a 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. ( In the estimation of floors, the actual areas or extent of the floors shall have no consideration ) The nomenclature of the other floors shall be as follows : the floor above the ground floor shall be termed as floor 1, with the next higher floor being termed as floor 2, and so on upwards.

**FLOOR AREA**

Shall mean the total area of the floor including the area of walls.

**“FAR” OR FLOOR AREA RATIO**

Shall mean the quotient obtained by dividing the sum of the floor areas on all floors excluding areas specifically exempted under these Regulations, by the total area of the plot.

$$\text{Floor Area Ratio} = \frac{\text{Total Floor Area}}{\text{Total Plot Area}}$$

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

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

**FRONT**

Front as applied to a plot; shall mean the portion facing the road and in case of plot abutting on more than one road the plot shall be deemed to front on all such roads / means of access.

**FOOTING**

Shall mean a foundation unit constructed in brickwork, stone masonry or concrete under the base of a wall or column for the purpose of distributing the load over a large area.

**FOUNDATION**

Shall mean that part of the structure, which is in direct contact with and transmitting loads to the ground.

**GARAGE/PARKING – PRIVATE**

Shall mean a building or a portion thereof designed and used for the parking of vehicles.

**GARAGE/PARKING – PUBLIC**

Shall mean a building or portion thereof, designed other than as a private garage, operated for gain, designed and/or used for parking motor-driven or other vehicles.

**GROUND LEVEL**

Shall mean the lowest ground level within the plot.

**GROUP HOUSING**

Shall mean a housing scheme wherein two or more independent dwelling units or buildings are constructed in an undivided parcel of land.

**HARDSHIP**

Shall relate to the hardship arising due to the internal operation of the rules and not to the economic, social or personal condition of the applicant.

**HOME OCCUPATION**

Shall mean customary home occupation other than the conduct of an eating or a drinking place offering services to the general public, customarily carried out by a member of the family residing on the premises without employing hired labour, and for which there is no display to indicate from the exterior of the building that it is being utilized in whole or in part for any purpose other than a residential or dwelling use and in connection with which no article or service is sold or exhibited for sale except that which is produced therein, which shall be non-hazardous and not affecting the hygiene or safety of the inhabitants of the building and the neighbourhood, and provided that no mechanical equipment is used except that as is customarily used for purely domestic or household purposes and /or employing licensable goods. If motive power is used, the total electricity load should not exceed 0.75 KW. "Home Occupation" may also include such similar occupations as may be specified by the Implementing Authority and subject to such terms and conditions as may be prescribed. Under no case should an economic activity, deemed as a "Home Occupation" if it generates nuisance by way of sound, water, or air pollution.

**HABITABLE ROOM**

Shall mean a room occupied or designed for occupancy for human habitation and uses incidental thereto, including a kitchen if used as a living room, but excluding a bath-room, water closet compartment, laundry, serving and storing, pantry, corridor, cellar, attic, store-room and spaces not frequently used.

**HAZARDOUS MATERIAL**

Shall mean: radio active substances and material which is highly combustible or explosive and/or which may produce poisonous fumes, explosive emanations, or storage, handling, processing or manufacturing of which may involve highly corrosive, toxic, obnoxious alkalis or acids or other liquids; other liquids or chemicals producing flame, fumes, explosive, poisonous, irritant or corrosive gases or which may produce explosive mixtures of dust or fine particles capable of spontaneous ignition. Biological substances causing viruses, infections or which could cause uncontrolled bacterial growth harmful to humans, livestock, or plant life.

**HEIGHT OF BUILDING**

Shall mean the vertical distance measured from the level of the lowest natural ground level, up to the top of the finished level of the top most floor slab in case of flat roofs and up to the midpoint of the height of the sloping roof. The height of the sloping roof shall be taken as an average height of the relevant floor. The number of floors specification includes the ground floor. However the aximum height of the attic shall be limited to that given in the Critical Dimensions (see Concerned section).

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.

**HEIGHT OF A ROOM**

Shall mean the vertical distance measured from the finished floor surface to the finished eiling/slab surface. The height of a room with a pitched roof shall mean the average height between the finished floor surface and the bottom of the eaves and the bottom of the ridge.

**KIOSK**

Shall mean any light open-fronted booth selling fast food, newspapers, tickets, telephone booth etc

**LAYOUT**

Shall mean laying out a parcel of land or lands into smaller plots for building on, with laying of roads / streets, including formation, levelling, metalling or blacktopping or paving of the roads and footpaths, etc. and laying of the services and amenities such as water supply, drainage, street lighting, open spaces, etc.

**LIFT**

Shall mean a mechanically guided car, platform or transport for persons and materials between two or more levels in a vertical or substantially vertical direction.

**LIGHT HOME WORKSHOP**

Means a workshop wherein the work done or the machinery installed is such as could be done or installed in any residential area without detriment to the neighbourhood by means of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit etc.

It will be subject to the following restrictions:

- a) Power used will be electrical.
- b) Maximum power used will be 1.5 KW.
- c) Maximum floor space occupied will be 20 sq.m.
- d) It will be worked by the members of the family.

Any part of the machinery including pulley, belt shafts etc. shall be attached to the walls or other parts of the building except the floor at which the same machinery is supported.

Such home workshop may be gold smithy, milk or curd churning, pills making, stitching embroidery, tailoring, vulcanizing, sewing machine, folding machine, and milk-separation.

## **LIGHT INDUSTRY**

Means an industry in which the processes are carried out without detriment to the neighbouring residential areas by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. It will be subject to the following restrictions:

- (i) Power used will be electrical
- (ii) Maximum power used will be 10 KW, which may be enhanced up to 25 KW by the Implementing Authority in special cases of genuine expansion of existing factory, which may have reached the maximum limit of power.
- (iii) Maximum floor space occupied shall not exceed 500 Sq.m.
- (iv) It will be housed in a building suitable for the purpose. However, it shall not include the following industries:

Manufacturing or refining of ammonia, bleaching powder, chlorine, asphalt, brick, terracotta, gypsum, lime, plaster of Paris, coke, creosote, glucose, starch, dye, explosive or fire works or storage thereof in excess of 50 Kg. fertilizers, gas (fuel or illuminating) in excess of three hundred cubic meters, gelatin or glue from fish or animal refuse, or offal, hydrochloric acid, nitric acid, sulphuric or sulphurous acid, lead black, linoleum or oil cloth, matches, pyrexilin or rubber or treatment thereof involving offensive odour, tar, turpentine or blast furnace, coal or junk yard, distillation of bores, coal weed or tar or manufacture of any of their distilled products, drop forages, fat grease lard of fallow manufactures, refining or rendering lout or grist mill, hot rolling mill, incineration, reduction, or dumping of dead animals, garbage or refuse except when accumulated and consumed on the same premises without the emission of odour, production or refining or storage above ground of petroleum or other inflammable liquids (except heating fuels), slaughtering of animals, tanning or curing or storage of raw hides and skins, tyre recapping.

## **LOFT**

An Intermediary floor between two floors on a residual space in a pitched roof, above normal floor level with a maximum height of 1.5 m and which is constructed or adopted for storage purpose.

## **MARGIN / SETBACK**

Shall mean space fully open to sky provided at the ground level from the edge of the building wherein built-up area shall not be permitted except specifically permitted projections under this regulation.

## **MEZZANINE FLOOR**

Shall mean an intermediate floor with height not more than 2.3 m., between two main floors overhanging or overlooking a floor beneath and accessible only from the lower floor. The total floor area of the Mezzanine floor should not exceed 1/3rd of the lower area. The floor area of the mezzanine floor shall be considered for calculating the total built up area of the building.

## **MUNICIPAL BOUNDARY**

Shall mean the boundary of Samdrup Jongkhar Town as defined by the Royal Government / Competent Authority.

## **NEIGHBOURHOOD CENTRE AND CIVIC CENTRE**

Neighbourhood Centre and Civic Centre shall include activities such as community shopping centre, market, office building, cinema, small hospital, playground, swimming pool, town hall, open air theatre, civic and cultural facilities, library, higher secondary school, parking plots, public utility and service buildings such as post office, fire station, police station, religious building and building of public uses.

## **NON-COMBUSTIBLE**

Shall mean not liable to burn or add heat to a fire when tested for combustibility in accordance with the IS: 3808-1966 Method of Test for Combustibility of Building Materials.

## **OBNOXIOUS and HAZARDOUS INDUSTRY**

Means industry, which will create nuisance to the surrounding development in the form of smell, smoke,

gas, dust, noise pollution, air pollution, water pollution and other unhygienic conditions.

**OCCUPANCY OR USE**

Shall mean the principal occupancy or use for which a building, or a part of it, is used or intended to be used, including contingent subsidiary occupancies; mixed occupancy building being those in which more than one occupancy are present in different portions of the building.

**OCCUPANCY CERTIFICATE**

Shall mean an official document issued by the Implementing Authority certifying that the building is safe and fit for occupation.

**OPEN SPACE**

Shall mean an area forming an integral part of the plot or an independent plot, left permanently open to sky.

**OWNER**

Shall mean person in whose name the land or property is registered as per the Land Records with the SJMC and who receives rent for the use of the land or building or would be entitled to do so if it were let.

**PARAPET**

Shall mean a low wall or railing built along the edge of roof or a floor.

**PARKING SPACE**

Shall mean an area, enclosed or unenclosed, covered or uncovered, sufficient in size to park vehicles with space for movement. Parking spaces shall be served by a driveway connecting them with a street or alley and permitting ingress or egress of vehicles.

**PARTITION**

Shall mean an interior non-load bearing divider wall not more than one storey or part thereof in height.

**PERMANENT OPEN AIR SPACE**

Shall mean air space permanently open if its freedom from encroachment is protected by any law or contract ensuring that the ground below it is either a street or is permanently and irrevocably appropriated as an open space.

**PERMISSION**

Shall mean a valid permission or authorization in writing by the Implementing Authority to carry out development or a work regulated by the Regulations.

**PLINTH**

Shall mean a portion of a building between the surface of the surrounding ground level and the finished floor surface immediately above the ground.

**PLINTH HEIGHT**

Shall mean the height of the finished floor of the lowest floor level above the natural ground level.

**PLINTH AREA**

Shall mean the built-up covered area measured at the floor level of the basement or of any storey, including the walls.

**PLOT**

Shall mean a piece of land enclosed by definite boundaries fixed by the Implementing Authority.

**PORCH**

Shall mean a covered surface supported on pillars or otherwise for the purpose of a pedestrian or vehicular approach to a building.

**PRECINCT PLAN**

Shall mean a geographical area designated in the approved Urban Development Plan/ Structure Plan for the purpose of regulating land uses within the approved municipal boundary.

**PUBLIC PURPOSE**

The expression "Public Purpose" includes-

- a) The provision of village sites, or the extension, planned development or improvement of existing village sites;
- b) The provision of land for town or rural planning;
- c) The provision of land for planned development of land from public funds in pursuance of any scheme or policy of Royal Government and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development as planned;
- d) The provision of land for a corporation owned or controlled by the Royal Government;
- e) The provision of land for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by the Royal Government, any local Authority or a corporation owned or controlled by the Royal Government;
- f) The provision of land for carrying out any educational, housing, health or slum /bagos improvement and/or clearance scheme sponsored by the Royal Government or by any Authority established by the Royal Government for carrying out any such scheme or with the prior approval of the Royal Government,
- g) The provision of land for any other scheme of development sponsored by the Royal Government or with the prior approval of the Royal Government, by a local Authority; The provision of any premises or building for locating a public office, but does not include acquisition of land for Companies.

**PUBLIC UTILITY NOTE:, PUBLIC FACILITY, SERVICES BUILDINGS**

shall include buildings or works developed or undertaken by the Govt./ Semi-Govt. or Public Undertaking only, such as sub-station, and receiving station of the Electricity Dept., Building for infrastructural facilities like bus service, water supply, drainage, sanitation, domestic garbage disposal, pumping station, electricity, purification plant, police building, post and telegraph and telecommunication, public urinals, milk supply, and public telephone booth, fire brigade station, ward and zonal offices of Implementing Authority, taxies, scooter and cycle stand and parking lot, garden, nursery, playground and open spaces, canal, communication network, first aid medical centre, primary health centre, dispensary, library, reading room and religious buildings/places of public worship.

**PROPERTY**

Shall mean either a business or industrial premise; a single domestic dwelling, e.g. a house or an apartment; or a building with multiple domestic dwellings, businesses or industries or empty lot.

**REGISTERED ARCHITECT / ENGINEER / STRUCTURAL DESIGNER/ URBAN PLANNER/DESIGNER/ DEVELOPER**

Shall mean respectively a person registered by the Implementing Authority or any other recognized institutions/ organizations for the purpose of these Regulations as an Architect, Engineer, Structural Designer, Urban Designer, Urban Planner or Developer, under these Regulations or any other Rules prevailing for the area.

**RECREATION and OPEN SPACES**

Shall mean an area primarily intended for active and passive recreational purposes.

**REFERRAL AUTHORITY**

Shall mean an Authority created by the RGoB 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 giving approval.

**RESIDENTIAL BUILDING**

Shall mean a building used for human habitation including garages and out houses.

### **RESIDENTIAL USE**

Shall mean a use of any building unit for the purpose of human habitation and includes similar activities like hotels, lodges, inns, guesthouses, and hostels.

### **RIGHT OF WAY**

(ROW) shall mean an area reserved for road carriageway, central verge, footpath, roadside drains, avenue plantations and utilities.

### **ROAD/STREET**

Shall mean any public expressway, highway, boulevard, street, lane, pathway, alley, stairway, passageway, carriageway, footway, square place or bridge, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a specified period, whether existing or proposed in any scheme, and includes all bunds, channels, ditches, storm-water drains, culverts, sidewalks, traffic islands, road-side trees and, hedges retaining walls, fences, barriers and railings within the street lines.

### **ROW HOUSES**

Shall mean a row of houses with only front and rear open spaces.

### **STREET-LEVEL OR GRADE**

Shall mean the officially established elevation or grade of the centre line of the street upon which a plot fronts, and if there is no officially established grade, the existing grade of the street at its mid-point.

### **SUB-DIVISION**

Shall mean the division of a single plot or building unit into two or more legal parts.

### **SANITARY INSPECTOR**

Shall mean a technical person authorized by the Implementing Authority to inspect and regulate water supply, drainage and sanitation.

### **SERVICE ESTABLISHMENT**

Is wherein the work done or the machinery installed in such as would render service to the local residents and would satisfy their day-to-day residential needs and which does not create nuisance to the surrounding development in terms of noise, dust, water and air pollution. It will be subject to the following restrictions:

- i. Power used will be electrical.
- ii. Maximum power used to be 10 KW for residential zone and not more than 25 KW in commercial zone.
- iii. Maximum floor space occupied will be 50 sq.m.
- iv. It shall be detached and housed in a shop or a building specially designed for the purpose. Such establishment may be a fuel filling and/or service station, flour mill, bakery, laundry, air compressor unit, electrical motor, optical repair and watch repair shop, repair of musical instrument, carpentry, book-binding, printing press, paper-cutting, water cooling, and juice extracting unit, black-smithy, vulcanising, motor winding, cutting and nut cutting unit etc.

### **SERVICE ROAD**

Shall mean a road/lane provided at the front, rear or side of a plot for service purposes and includes a road / lane provided along a major road or expressway to cater to local traffic.

### **SHOPPING CENTRE OR COMMERCIAL CENTRE**

Shall mean group of shops, offices and/or stalls designed to form market/office complex.

**SITE DEVELOPMENT**

Means the carrying out of engineering, mining, or other operations, in, over, or under land or water or the making of any material or structural change including demolition of building or reclamation of land or any change in use of the premises and includes redevelopment and layout and sub-division of any land.

**STAIR COVER**

Shall mean a structure with a covering roof over a staircase and its landing built to enclose only the stairs for the purpose of providing protection from the weather, and not to be used for human habitation.

**STOREY**

Shall mean the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

**TENEMENT**

Shall mean an independent dwelling unit with a kitchen, or a cooking space.

**TENEMENT BUILDING / OWNERSHIP FLATS**

Shall mean a residential building constructed in a detached manner, or in a semi-detached manner, or as ownership flats in a building unit, each being designed and constructed for separate occupation with independent provision of bath and WC.

**TRAVEL DISTANCE**

Shall mean the distance from the remotest point of a building to a place of safety, be it a vertical exit or a horizontal exit or an outside exit, measured along the line of travel.

**TRANSFERABLE DEVELOPMENT RIGHT**

Shall mean a development right to transfer the potential development on a site, designated for public purposes in a structure plan or local area plan. It is expressed in terms of total permissible built space, calculated on the basis of the 'Base FAR' allowable on that site / plot, and utilizable by the owner or transferred to someone else, from the present location to specified areas as per the structure plan or local area plan. It is allowable in lieu of compensation for the acquisition of the site / plot, free from all encumbrances, by the Implementing Authority.

**URBAN CONTROL ZONE**

Shall mean a defined peripheral area immediately outside the municipal boundary as fixed by the Competent Authority and restricted for development activities.

**URBAN PLANNER/DESIGNER**

Shall mean a person with degree or diploma in Urban Planning/Designing from an Institute, College or University accredited by the respective country's accreditation board to impart professional degrees in Urban Planning/Designing.

**UNAUTHORIZED BUILDING**

Shall mean a building or structure which was constructed without sanction from the Implementing Authority empowered to control building pattern and form, at the time the concerned construction took place.

**VENTILATOR**

Shall mean an appliance or an aperture which is usually used for the purpose of ventilating a room or space.

**WATER CLOSET (WC)**

Shall mean a privy with an arrangement for flushing the pan with water, but does not include a bathroom. It shall not be smaller in floor area than one square metre.



**WATER COURSE**

Shall mean a natural channel or an artificial channel formed by draining or diversion of a natural channel meant for carrying storm and wastewater.

**WAREHOUSE OR GODOWN**

Shall mean a public or private building, the whole or a substantial part of which is used or intended to be used for the storage of goods whether for storing or for sale or for any similar purpose.

**WHOLESALE TRADE**

Shall mean a business or enterprise, which operates on the basis of buying, receiving, transiting or taking goods from the producers and selling, trading, distributing such goods and products to retailers, convenience shops, etc., but not to the end users. Any trade where ninety percent of the premises used is for the storage of bulk goods, cartons and crates of goods, disassembled goods or goods to be passed on to retail units or direct sales outlets shall be deemed to be a Wholesale Trade use /activity.

**WINDOW**

Shall mean an opening, other than a door, to the outside of a building, which provides all or part of the required ventilation.

**INTERPRETATION AND MEANING OF EXPRESSION**

The use of present tense includes future tense, the masculine gender includes feminine gender and singular includes plural or vice versa.

## **SECTION 2A: LAND DEVELOPMENT/ SUBDIVISION/ CONSOLIDATION AND BUILDING PERMISSION**

### **2.0 PROCEDURE FOR OBTAINING DEVELOPMENT PERMISSION**

No person shall change the use of a land or carry out development without the written permission of the Implementing Authority.

Provided that no such development permission 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 permission. 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.
- (iii) excavation ( including ) wells made in the ordinary course of agricultural operation;( for the construction of a road intended to give access to land solely for agricultural purposes
- (iv) for an occasional use of land such as exhibitions, fairs, etc., but shall obtain temporary permission from the Implementing Authority.

### **2.1 PROCEDURE FOR LAND DEVELOPMENT/ SUBDIVISION/ CONSOLIDATION PERMISSION**

#### **2.1.1 APPLICATION FOR LAND DEVELOPMENT / SUBDIVISION / CONSOLIDATION PERMISSION**

A person or body intending to carry out layout development as defined in these Regulations in or over a land and /or subdivide and /or consolidate land or a building within the limits of the Samdrup Jongkhar Municipal Corporation shall obtain prior permission for the same from the Implementing Authority by applying on the prescribed form and furnishing all information in 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 as per clause 2.1.2 and pay the requisite scrutiny fees, development charges, betterment charges, and other charges and dues if any to be leviable under the Regulations.

### **2.1.2 DOCUMENTS AND PARTICULARS TO BE FURNISHED WITH THE APPLICATION**

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

- 1) Copy of the Land Ownership Certificate issued by the S.J.M.C.
- 2) Copy of the latest Site Plan certified / issued by the S.J.M.C.
- 3) Copy of Precinct Certificate substantiating "Use Conformity"
- 4) Three copies of proposed layout plan drawn to a scale of not less than 1:500 showing the details as listed in Appendix I, wherever applicable (in the case where plot is more than ten hectares, scale shall not be less than 1:1000)

Note: Drawings shall be prepared in S.I. system only.

Certificate of undertaking in the prescribed Form by the registered Architect/ Urban planner/Designer.

- 5). Full information should be furnished in the Form along with the plan.

The applicant shall also submit a copy of N.O.C. / clearance from relevant Authority as per wherever applicable.

### **2.1.3 PLANS / DRAWINGS AND SPECIFICATIONS TO BE PREPARED BY REGISTERED ARCHITECT/URBAN PLANNER/URBAN DESIGNER**

The plans and particulars prescribed under clause No.2.1.2 above shall be prepared by a registered **Architect, Urban Planner and Designer**.

### **2.1.4 COLOR CODES FOR PLANS/ DRAWINGS**

The colour code to be used for plans / drawings referred to in 2.1.2. shall be as laid down in Appendix 4

### **2.1.5 SCRUTINY FEE**

A person or body applying for permission for carrying out development shall with his/its application pay to the Implementing Authority the scrutiny fees as mentioned in Appendix-5 or as decided by the Town Committee from time to time.

### **2.1.6 APPROVAL OF LAYOUT FOR PLOT SUBDIVISION**

The approval of layout proposed to be developed and /or subdivided and /or consolidated will be given in two stages:

- I. Preliminary approval, and
- II. Final approval

### **2.1.7 PRELIMINARY APPROVAL**

The preliminary approval of the layout plan is the stage which approves the proposed layout plan enabling the commencement of work on the site to facilitate preliminary activity related to subdivision and transfer of land as per the relevant standards and as proposed in the layout plan submitted by the applicant.

### **2.1.8 FINAL APPROVAL**

The final approval for the layout and/or subdivision and/or consolidation shall be given only on the completion of all the requisite development on the site and after inspection and verification of the performance of the services and other common facilities / amenities provided as per the relevant standards. In case of any changes in the approved layout plan the proposal has to be revalidated by the SJMC.

### **2.1.9 REJECTION OF APPLICATION**

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

### **2.1.10 CANCELLATION / REVOCATION OF APPROVAL**

The development permission if secured by a person/body by misrepresentation or by producing invalid documents, such development permission will be cancelled.

## **2.2 PROCEDURE FOR OBTAINING BUILDING AND OCCUPANCY PERMISSION**

A person / firm / body or developer shall not erect a building or carry out additions and alterations or carry out civil construction activity without obtaining a building permit from the Implementing Authority. A building permit shall be issued only to the legal owner of the land /plot.

However applications for temporary permission involving erection/construction of temporary structures shall be permitted only in specific locations which would have to be approved beforehand upon the payment of fees specified in Appendix 5 by the SJMC.

The procedures for obtaining building permission and also those procedures that are to be followed during construction are different for the two classes of buildings / construction:

a) Residential structures not more than two floors (ground plus one floor) on sites up to 1000 sq.m.

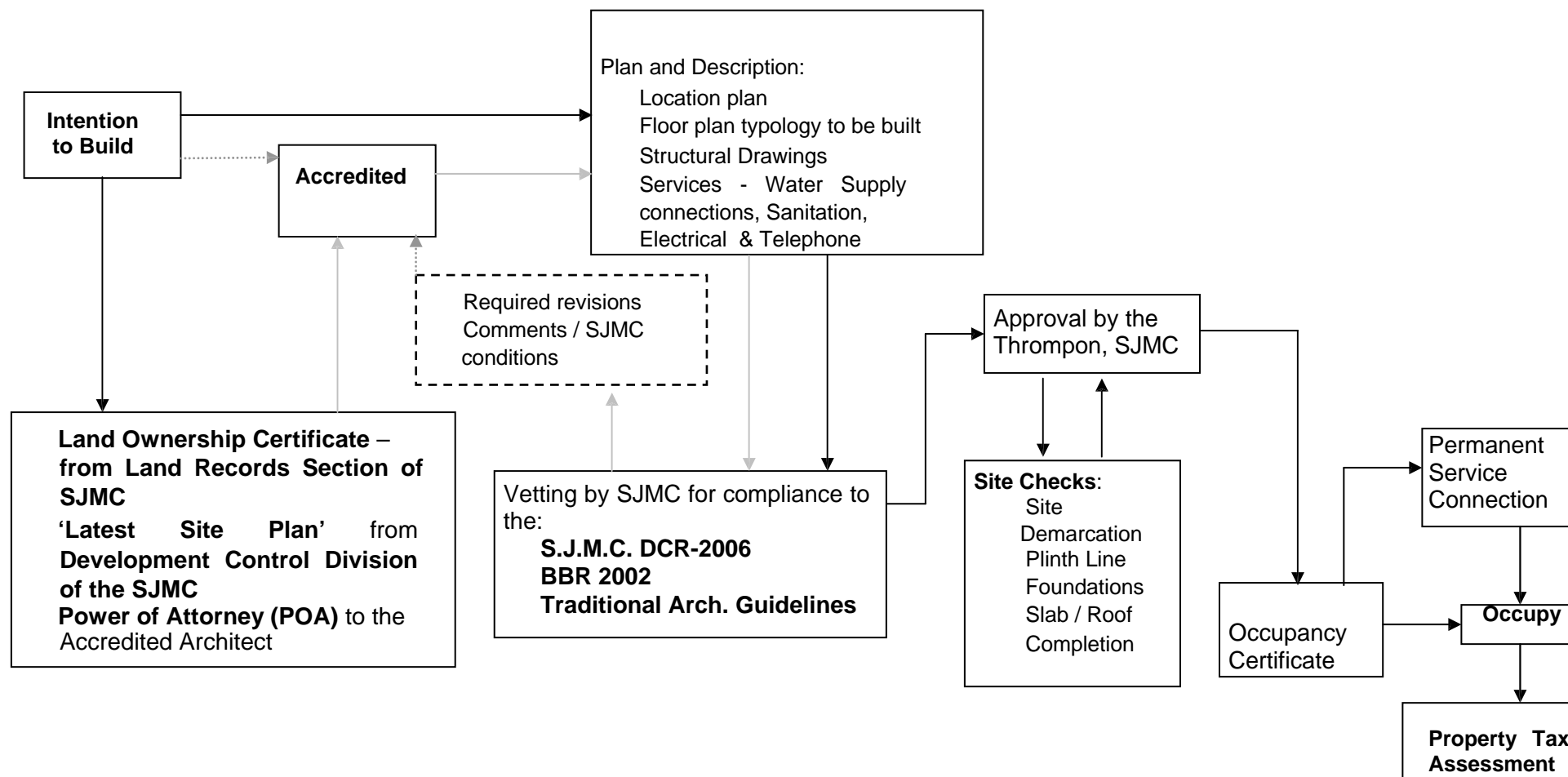
b) More than two floors (ground + two floors) on site more than 1000 sq.m. of land and / more than two floors / buildings for non-residential uses

A mechanism for speedier approvals in the case of tier “a” as above is proposed through a Green Channel of accredited architects / engineers. All building applications shall enclose an “ultimate structural capability of the structure” statement from the architect/ structural engineer, in terms of total number of floors.

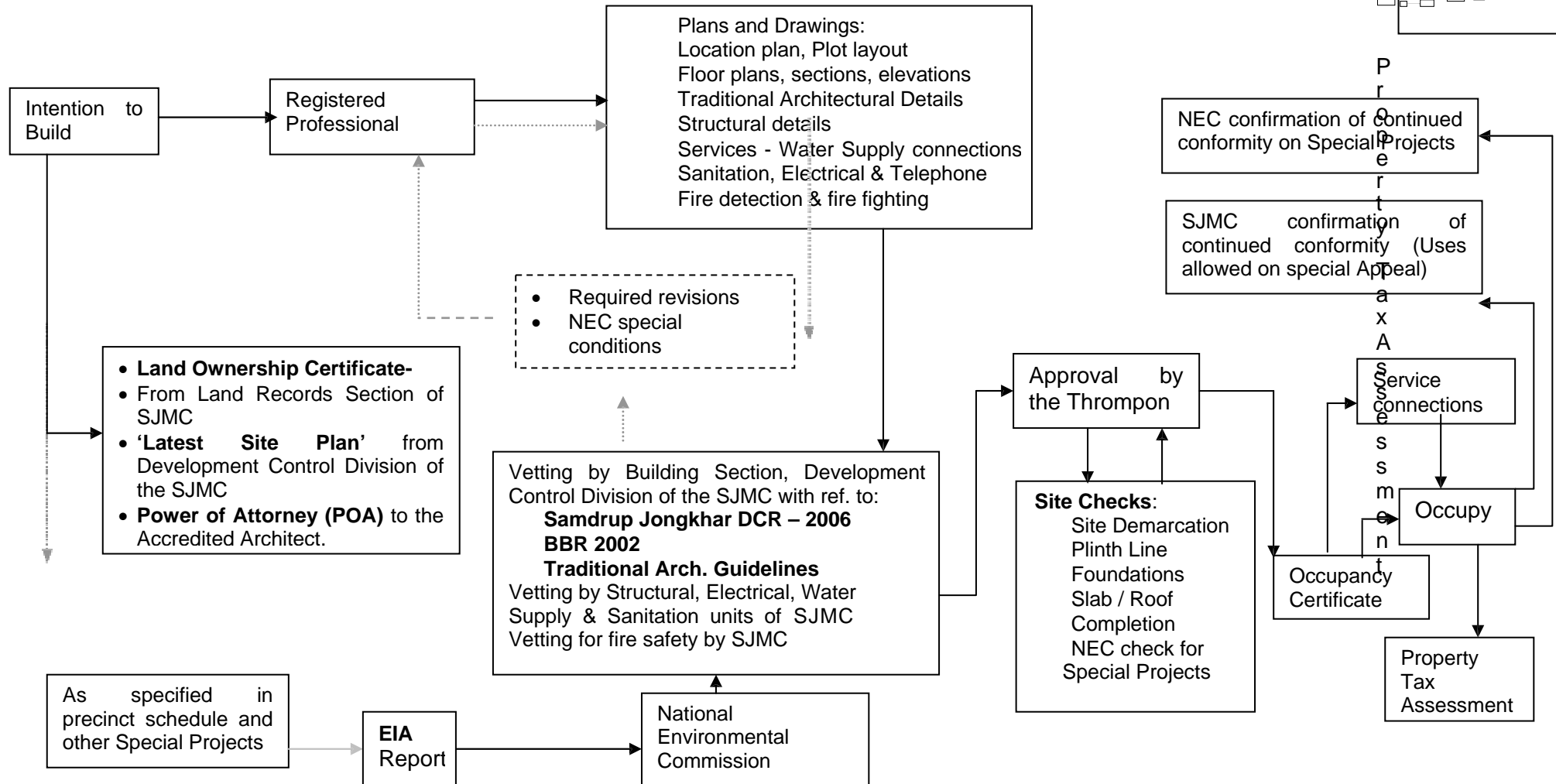
For details of temporary permission refer to clause no. 2.5

The procedures for the different classes of buildings / constructions are described in the following charts.

**CHART SHOWING PROCESS OF OBTAINING BUILDING PERMISSION. AND FOR COMPLETION OF BUILDING CONSTRUCTION OF RESIDENTIAL STRUCTURES NOT EXCEEDING TWO FLOORS ( ground plus one ) IN SITES UPTO 1000 SQ.M. (SPECIFICALLY FOR GREEN CHANNEL)**



**CHART SHOWING PROCESS OF OBTAINING BUILDING PERMISSION. AND FOR COMPLETION OF BUILDING CONSTRUCTION OF MORE THAN TWO RESIDENTIAL UNITS/BUILDINGS ON POLTS MORE THAN 1000 SQ. M./ MORE THAN TWO FLOORS/BUILDINGS FOR NON-RESIDENTIAL USES/ANY BUILDING MORE THAN FOUR FLOORS/**



### **2.2.1 APPLICATION FOR BUILDING PERMISSION**

A person or body intending to erect a building or carry out additions and alterations to a building or to carry out development as defined in these Regulations in or over land owned by him/it within the limits of the SJMC shall obtain prior permission for the same from the Implementing Authority by applying on the prescribed form and furnishing all information in the forms and format prescribed under these regulations and as may be amended from time to time by the Implementing Authority. The application shall be signed only by the legal owner of the plot or authorized signatory. The applicant shall submit signed drawings along with the application as per the clause 2.2.2 below and pay the requisite scrutiny fees, development charges, betterment charges, and other charges and dues if any to be leviable under the Regulations

### **2.2.2 DOCUMENTS AND PARTICULARS TO BE FURNISHED WITH THE APPLICATION**

- a) The applicant shall sign all forms, plans, sections or written particulars or cause them to be signed by him and his duly authorized registered Architect, Engineer, Developer etc. as the case may be. Such person or authorized registered Architect, Engineer, developer shall furnish documentary evidence of his authority. If such notice or other document is signed by such authorized registered Architect, Engineer, Developer it shall state the name and address of the person on whose behalf it has been furnished.
- b) The forms, plans, sections and descriptions to be furnished under these Regulations shall all be signed by each of the following persons:
  1. A person making application for development permission.
  2. A person who has prepared the plans and sections with descriptions, and must be a registered Architect.
  3. A person who is responsible for the structural design and supervision of the construction i.e. a registered structural designer or civil engineer.
  4. A developer
- c) A person who is engaged either to prepare plan or to prepare a structural design and structural report or to supervise the building shall give an undertaking (accepting full responsibility for all of the above and liability in case of direct or indirect damage or loss) in the prescribed form.
- d) A person/body who under the provisions of the relevant sections of these regulations is required to furnish to the Implementing Authority, plans or other documents, shall furnish THREE copies of such plans and other documents. One copy of each plan and document shall be returned, on approval, to the applicant duly signed by the Implementing Authority or authorized officer.
- e) It shall be incumbent on the person/body whose plans have been approved, to submit amended plans for deviation leading to increase in built-up area, F.A.R, 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 amended plans.
- f) Approval of drawings and acceptance of statements, documents, structural report, structural drawings, progress certificate, or building completion certificates shall not discharge the Owner, Engineer, Architect, Structural Designer, Developer, from their responsibilities, imposed under these Regulations and other local laws.
- g) A certificate of structural capability of the building in terms of ultimate number of floors it is designed for, and the soundness of the structural design from the licensed structural designer in regard to the proposed building shall be submitted in the format prescribed under these Regulations. He shall also submit the detailed design and plans for office record.

- h) Three copies of the proposed layout plan of the area proposed to be developed shall be submitted to a readable scale, as the case may be showing the details as listed in the Appendix - 1 wherever applicable.
- i) Three copies of the detailed drawings showing the plans, sections and elevations of the proposed building work to a scale of 1:100 showing the details as listed in Appendix – 2, wherever applicable, shall be submitted.

### **2.2.3 PLANS / BUILDING DRAWINGS AND SPECIFICATIONS TO BE PREPARED BY REGISTERED PROFESSIONALS**

The plans / building drawings and particulars prescribed under these Regulations shall be prepared by a registered Architect.

### **2.2.4 COLOUR CODE FOR PLANS/ DRAWINGS**

The colour code to be used for plans shall be as laid down in Appendix-4

### **2.2.5 SCRUTINY FEE**

The scrutiny fee payable at the time of application shall be as per the rates indicated in appendix–5 or as decided by the Town Committee from time to time.

### **2.2.6 SERVICES AND AMENITY FEES**

Permission for carrying out development shall be granted by the Implementing Authority only on payment of service and amenities fees as may be decided by the City Committee from time to time. These fees and maintenance charges shall be revised on review by Implementing Authority from time to time.

### **2.2.7 GRANT OF DEVELOPMENT PERMISSION**

Grant of Development Permission shall mean acceptance by the Implementing Authority of all the requirements of these Regulations excluding the following

- a) Easement rights.
- b) Variation in area from recorded areas of a plot or a building.
- c) Structural reports and structural drawings.
- d) Soundness of material specifications used in construction of the building.

### **2.2.8 VALIDITY OF APPROVALS**

The validity of the approved building plan shall be for two years from the date of approval. The construction should start within two years from issue of building permission.

### **2.2.9 REVALIDATION / RENEWAL**

Building permission granted under these regulations shall be deemed to have lapsed, if such development work has not commenced till the expiry of two Gregorian calendar years from the date of development permission, provided that, the Implementing Authority may on application made to it before the expiry of above period (two Gregorian calendar years) extend such period by a further period of one Gregorian calendar year at a time by charging an amount to be fixed by the Town Committee from time to time for renewal of the building permission.

### **2.2.10 PROCESS FOR REVALIDATION IN THE EVENT THAT THE DEVELOPER EXCEEDS THE VALIDITY PERIOD OF THE APPROVAL NEEDED:**

#### **APPROVAL OF LAYOUT**

The approval of building permission will be given in two stages:

- i. Preliminary approval, and
- ii. Final approval



### **PRELIMINARY APPROVAL**

The preliminary approval of the layout plan is the stage which approves the proposed layout plan enabling the commencement of work on the site to facilitate preliminary activity related to subdivision and transfer of land as per the relevant standards and as proposed in the layout plan submitted by the applicant.

### **FINAL APPROVAL**

The final approval of the building permission shall be given only on the completion of all the requisite development on the site and after inspection and verification of the performance of the services and other common facilities / amenities provided as per the relevant standards. In case of any changes in the approved layout plan the proposal has to be revalidated by the SJMC.

## **2.2.11 LIABILITIES AND RESPONSIBILITIES OF APPLICANT**

### **LIABILITIES OF THE APPLICANT**

Notwithstanding the development permission 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.

### **RESPONSIBILITIES OF THE APPLICANT**

Neither the grant of development permission 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.

## **2.2.12 REJECTION OF APPLICATION**

If the plans and information given as per these Regulations do not give all the particulars necessary to deal satisfactorily with the Building permission application, the application shall be rejected.

On receipt of the application for Building Permission, the Implementing Authority after making such inquiry as it thinks fit may communicate its decisions granting or refusing permission to the applicant as per the provisions of the Act. The Building permission shall be in the prescribed form and it should be issued by the Implementing Authority. Every order granting permission subject to conditions or refusing permission shall state the grounds for imposing such conditions or for such refusal.

## **2.2.13 CANCELLATION / REVOCATION OF APPROVAL**

The building permission if secured by a person/body by a misrepresentation or by producing false documents is not valid and such development permission will be treated as cancelled/revoked.

## **2.2.14 CHANGE OF OWNERSHIP**

Building permission 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.

### **2.3 No Objection Clearance (NOC) FROM REFERRAL AUTHORITIES FOR CERTAIN PROJECTS**

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:

- (a) The Department of Power's Electricity Grid Lines and the horizontal and vertical clear distances to be kept open to sky.
- (b) The provisions of Environmental Assessment Act, 2000.
- (c) The provisions of NEC Secretariat's, 'Regulations for the Environmental Clearance of Projects, 2001'.
- (d) The conservation/ preservation of monuments and cultural heritage.
- (e) The Department of Industry, Ministry of Trade and Industry, RGoB for the establishment of industries.
- (f) The Department of Trade, Ministry of Trade and Industry, RGoB for the setting up and operation of fuel stations.
- (g) The Department of Geology and Mines, Ministry of Trade and Industry, RGoB for the setting up and operation of:
  - a. Quarrying and mining activities on less than 3 hectares
  - b. Mineral exploration for verifying mineral deposits
  - c. Emergency responses to natural disasters/ hazards.
- (h) The Department of Forestry Services, Ministry of Agriculture, RGoB for:
  - a. Surface collection of sand and boulders,
  - b. All other activities governed by the Forest and Nature Conservation Act, 1995 and Rules, 2000, except sections that require NEC's clearance
- (i) The Department of Research and Development Services, Ministry of Agriculture, for:
  - a. Farm roads,
  - b. Irrigation channels,
  - c. Activities related to agriculture research and development

### **2.4 DEMOLITION AND/OR 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 owner 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.

### **2.5 TEMPORARY PERMISSION**

Applications for temporary permissions need not be submitted through the registered professional. A scrutiny fee shall be paid as specified in the Appendix 5. These temporary permissions 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.

### **2.6 GREEN CHANNEL FOR BUILDING APPROVALS**

2.6.1. This provision is devised to simplify and expedite the procedure of getting building permission for proposals of a modest scale through accredited architects. If all compliances as laid down in these Regulations are made permission shall be granted within 2 weeks, failing which construction may be commenced

2.6.2. The accredited architects themselves shall scrutinize and submit such proposals to the Implementing Authority.

2.6.3. The procedure will be applicable only for getting sanction of plan. The site inspections and subsequent certificates such as plinth completion, etc up to the occupancy certificate shall be obtained as a matter of routine followed in other cases.

- 2.6.4. Proposals for residential construction up to 2 floors, on plots upto 1000 sq.m, can be submitted to / through an accredited architect. The accredited architect will examine the proposal in light of these Regulations and obtain the necessary permission.
- 2.6.5. The owner shall remain fully liable for the work done by the professional selected by him/her.
- 2.6.6. The accreditation of professionals shall be done by the Implementing Authority or any other recognized institutions/ organizations on the basis of certain criteria laid down by it. Such professionals shall have to get their registration done with the Implementing Authority

## **2.7 DEVELOPMENT UNDERTAKEN ON BEHALF OF THE GOVERNMENT**

The Office-in-Charge of a Government Dept. 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.

- 1) All the development undertaken on behalf of the Government shall strictly confirm to these regulations.
- 2) Any Government proposal which is not in conformity with Samdrup Jongkhar Structure Plan (and its related Local Area Plans) and these regulations should have prior approval from the Competent Authority.

## **SECTION – 2 B: PROCEDURE DURING DEVELOPMENT / BUILDING**

### **2.8 PROCEDURE DURING DEVELOPMENT / CONSTRUCTION**

- (a) No applicant shall carry out any further work after any of the inspection stages (clause 2.8.6) without an inspection and clearance by the Implementing Authority.
- (b) The progress certificate shall not be necessary in the following cases:
  - i) Alteration in Building not involving the structural part of the building.
  - ii) Extension of existing residential building on the ground floor up to maximum 15 Sq.m in area provided it conforms to the set back rules and plot coverage.
- (c) 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.

#### **2.8.1 TEMPORARY SERVICE CONNECTIONS**

An applicant with a certified copy of building permit may apply to the respective agencies for temporary connection of services like electricity, water and sewerage

#### **2.8.2 LOADING AND UNLOADING AND STACKING OF MATERIALS AND EQUIPMENT**

The use of a public street / road or a public place for loading and unloading and stacking of materials of construction and construction equipment and excavated materials shall not be allowed, unless permitted by the Implementing Authority. Material or equipment found on public street/road or public land without prior approval is liable to be confiscated and the owner shall be liable for penal charges.

#### **2.8.3 DOCUMENTS AT SITE**

The person to whom development permission is issued shall during construction, keep -

- a. Posted in a conspicuous place, at the site for which permission has been issued a copy of the development permission and
- b. A copy of the approved drawings and specification on the site for which the permit was issued.

#### **2.8.4 CHILD LABOUR**

It is incumbent that the architect/engineer/site supervisor sees that no under age workers, or children, are present on the construction site, either as employees, guests, or as dependents of legal employees.

A construction activity of a built-up area of 5000 sq.m or more shall provide a crèche or day care centre for the laborer's children, where one, or more, women are employed on site.

#### **2.8.5 SAFETY ON SITE**

All construction sites must be organized in a manner that the safety of all persons (particularly laborers) on the site, at all times is assured. Every person on the construction site should be well equipped with helmet, boots, gloves, safety belts, first aid kit etc. On such sites safety barriers will be erected around all chutes, shafts, floor openings and slab edges, etc. All the workers at site should be insured.

#### **2.8.6 INSPECTIONS**

Building constructions shall be subject to routine / periodic inspections by the Implementing Authority or persons / bodies authorized by the Implementing Authority. In the event of deviation(s) from the approved plan and drawings or any of the conditions noted in this section, the Implementing Authority shall have the full authority to stop construction.

The Implementing Authority may, at any time during erection of a building or the execution of work or development, make an inspection there of without giving prior notice of his intention to do so.

- 1) Inspection at various stages: Following shall be the recognized stages for progress verification and checking in the erection of a building or the execution of a work:-
  - i) Site layout shall be verified and approved by the authorized Engineer / Building Inspector from the Implementing Authority,
  - ii) Foundation; before casting of footings
  - iii) Plinth ; in case of basement before the casting of basement slab, iv) Each storey shall be inspected before any casting,
  - v) Before roofing
- 2) 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. This progress certificate 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) The applicant / developer / owner shall permit authorized officers of the Implementing Authority to enter the plot for which the development permission has been sought/ granted for carrying out development, at any time for the purpose of enforcing these regulations.
- 4) The applicant shall keep a board at site of development mentioning the survey no., city survey no, block no, final plot no, sub plot no, etc name of owner, and name of architect/engineer/developer/owner, building permit no.
- 5) The building shall also be inspected for fire safety norms as per the fire safety regulations.

#### **2.8.7 DEVIATION DURING CONSTRUCTION**

Deviations during construction from the approved building plan shall require prior approval from the Implementing Authority and would be approved only if it is in conformity to these regulations. The procedure laid down for plans or other documents here to before shall apply to all such revised (amended) plans.

In case the approval for deviation (which is in conformity to these Regulations) is not sought from the Implementing Authority prior to deviation, penalty shall be paid to the Implementing Authority as per the following formula:

$\text{Amount} = \text{Excess area deviated} \times 1^*(\text{prevailing unit area cost of construction, based on current BSR})$
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Note:

1. Internal deviations which does not have structural implications and which are within the set back rules may be approved after resubmission of as-built drawings and upon payment of a lump sum penalty as may be fixed by the City Committee from time to time.
2. Any deviations which are not in conformity to these Regulations shall be demolished at the owner's own risks/costs.

### **2.8.8 ILLEGAL OCCUPATION OF BUILDING**

- (a) Notwithstanding the provision of other laws to the contrary the Implementing Authority may by written notice, order the whole building or part thereof to be vacated forthwith, or within the time specified in such notice:-
- (i) if such building or part thereof has been unlawfully occupied in contravention of these Regulations.
  - (ii) if a notice has been issued in respect of such building, or part thereof, requiring the alteration or reconstruction of works specified in such notice have not been commenced or completed.
  - (iii) if the building or part thereof is in a ruinous or dangerous condition, which are likely to fall and cause damage to persons occupying, restoring to or passing by such building/structures or any other structure or place in the neighbourhood thereof.
  - (iv) If the site is in danger of collapsing, due to land slide, or erosion, or flood, or if the site is in danger of stones, boulders, debris, earth falling on it from areas at a higher elevation
- (b) The reasons for requiring such building or portion thereof to be vacated shall be clearly specified in the notice.
- (c) The affixing of the written notice on the premises shall be deemed a sufficient intimation to the occupiers of the building or portion thereof.
- (d) On the issue of notice, a person occupying the building or portion thereof to which the notice relates shall vacate the building or portion as directed in the notice and no person shall so long as the notice is withdrawn, enter the building or portion thereof, except for the purpose of carrying out a work of reinstatement which be lawfully permitted to be carried out.
- (e) A person who acts in contravention of the above provisions or who obstructs the action taken under these regulations shall be removed from such building or part thereof by the police, which may also use such force as is reasonably necessary to affect entry in the said premises.
- (f) The cost of measures taken under this provision shall be recovered from the owners.

### **2.8.9 OCCUPANCY CERTIFICATE**

The applicant shall obtain occupancy certificate from the Implementing Authority prior to occupancy or use of development so completed.

The application for 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 two copies of the 'as built' drawings endorsed by the Architect / Engineer. It shall also be incumbent on every person who is engaged under these Development Control Regulations 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, all service connections shall be disconnected.

On receipt of the application, the building and its premises shall be inspected within 2 weeks by the Implementing Authority to verify that the work has been completed as per the approved building 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.

The Implementing Authority issuing occupancy certificate before doing so shall also inspect the building for the fire safety provisions (as per the norms) and issue a certificate that necessary requirements for the fire protection (wherever applicable) under these regulations have been fulfilled and if not, the applicant shall be asked to carry out necessary additions, alterations or rectifications to the satisfaction of the Implementing Authority before issuing occupancy certificate.

### **ISSUE OF OCCUPANCY CERTIFICATE**

The Authority issuing occupancy certificate shall ensure that

- a) Septic tank and soak-pit have been constructed as per standards and are located as per approved plan.
- b) Domestic drains (to collect the rainwater) have been constructed as per standards and are connected and as directed by the Municipal Corporation.
- c) The completed portion of the building/dwelling unit applied for occupation is fit and safe for occupancy.
- d) Construction debris around the building, and/or on the abutting road, and/or adjoining property is cleared by the applicant.
- e) The applicants have permanently displayed the full postal address (house number, street name and zone) outside the main entrance to the building and where appropriate, each dwelling unit, with unit number.
- f) The planned trees as per the section 4.3 are planted on site or ensure this by taking suitable deposits as decided from time to time for specific period by the Implementing Authority.
- g) Parking space is properly paved and the layout of parking space is provided as per the approved plans. Signboards indicating the entrance, exit and location of parking spaces for different types of vehicles shall be permanently erected and maintained at a prominent place of a building unit.
- h) Certificate of lift Inspector has been procured and submitted by the owner, regarding satisfactory erection of Lift.
- i) Proper arrangements are made for regular maintenance of lift as provided in Building Code of Bhutan 2003 and in these regulations
- j) The completion report endorsed by the Implementing Authority and certificate of fire safety for the building (as per the fire safety norms) has been procured and submitted by the owner.
- k) Proper arrangements are made for regular maintenance of fire protection services as provided in Building Code of Bhutan 2003 and in these regulations
- l) There shall be a percolating well at the lowest corner of the site in a building land parcel having area more than 1500 sq. m.
- m) In the case of buildings with three storeys or more, public gathering places, cinemas, auditoria, schools, colleges, government building and hospitals, a Certificate of Structural Stability shall be obtained from the site engineer.

The occupancy certificate shall not be issued unless the required information is furnished by the owner and the site engineer / Architect concerned, in the schedule as prescribed by the Implementing Authority from time to time. The occupancy certificate shall be issued within one week after the receipt of all the required information.

Permanent connection to services like water, sewerage, electricity and telephone to the building shall be given by the respective agencies after issue of occupancy certificate only.

## **2.9. REVOCATION / CANCELLATION OF APPROVAL**

If the construction is not as per the approved building drawings, the Implementing Authority shall, by written notice, direct the owner to stop further construction. The construction shall be resumed only after approved rectification is carried out to the satisfaction of the Implementing Authority. In case the owner fails to rectify the deviations which are not acceptable, the Implementing Authority shall cancel the building permit and disconnect the services.

## **2.10 DEVELOPMENT WITHOUT PRIOR WRITTEN APPROVAL**

**2.10.1** If the work requiring the written permission of the Implementing Authority under the provision of these Regulations or other rules, regulation or by-law is done by a person without obtaining written permission and not conforming to the provisions of these regulations 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.

The Owner of an unauthorized structure shall be served at least three notices by the Implementing Authority before the demolition of an unauthorized building:

1. First notice of 15 calendar days failing which
  - a. Reminder notice of 10 calendar days failing which
  - b. Final notice of 5 calendar days failing which the illegal/unauthorized building shall be demolished by the demolition squad. If the person carrying out such work is not the owner at the time of giving such notice, he shall be liable for carrying out the order of the Implementing Authority. A demolition squad shall consist of representatives from the Implementing Authority, Division of Power and Royal Bhutan Police or any other agencies as directed by the Competent Authority.
2. If such erection or execution is not stopped forthwith, the Implementing Authority shall remove the person who is directing or carrying on the erection or execution from the premises by the police and shall take necessary steps to prevent the re- entry of such person on the premises without permission.
3. If the requisitions contained in the order are not carried out by the person or owner within the given period, 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.
4. Take suitable action against the registered architect/ engineer, developer and rs as specified in the Regulations.

**2.10.2** In cases where development has already started/commenced on site for which development permission in writing is not obtained from the Implementing Authority, but where this development on site is in conformity to the provisions of these Regulations, the development permission for such work on site without the prior permission may be granted by the Implementing Authority on the merits of each individual case. For such development works the development shall be regularized by paying the penalty addition to the Scrutiny Fee and Service and Amenities Fees.



**Table 2.10.2: RATES OF REGULARIZATION FEE FOR DEVELOPMENT PRIOR TO WRITTEN PERMISSION**

1.For Construction/ development of Buildings without approval but in conformity to these Regulations. The penalty shall be paid to the Implementing Authority as per the following formula:

$\text{Amount} = \text{Total Built-up Area} \times 1 * (\text{prevailing unit area cost of construction, based on current BSR})$
--

2	All other “open uses” including layout and sub-division of land for which development approval has not been obtained	2 times of the regular fees / charges
---	--	---------------------------------------

Note: The above table is applicable only if the development without prior written approval is in conformity to these regulations.

#### **2.11. CHANGE OF BUILDING OR PREMISES USE**

The applicant shall apply in writing to the Implementing Authority for conversion of building or premises to other uses or activity. Permission for change of use shall be given only if the building use conforms to precinct use schedule, structural safety of the building and other relevant clauses of these regulations. Change of building use without written permission of the implementing authority shall be regularised on payment of fines only if it conforms to the land use schedule and safety standards. If the building use does not conform to the land use and safety standards it will revert to the original use and the defaulter shall still pay a fine. The fine shall be 20% of the cost of construction of misused floor area.

#### **2.12. CONFIRMATION INSPECTIONS BY NEC AND SJMC REGARDING SPECIAL PROJECTS SANCTIONED / APPEALS**

Developments sanctioned through special conditions / appeals as listed in the Precinct Sanctions (refer 3.0) shall be liable for inspections by the NEC or the Implementing Authority for revalidation of the development permission. (Refer to note 4 and 5 under the Precinct Schedule showing ‘Uses Permissible’ in designated precincts under 3.0.1).

## 2.13. PARKING REQUIREMENTS

**TABLE 2.13: PARKING REQUIREMENTS**

DESCRIPTION	NUMBER OF VEHICLE PARKING SPACE REQUIRED
1. Residential (one family houses and apartments)	Residential unit with total area less than 60sqm: 25% cars and 75% 2-wheelers. Residential unit with total area between 60-100sqm: 50% cars and 50% 2-wheelers. Residential unit with total area equal to or more than 100sqm: 1 car every 100sqm.
2. Public halls, community centers, non-residential clubs.	1 car for every 30sqm. Of public floor space or part thereof.
3. Restaurants, bars, and cafes.	1 car for every 15sqm. Of public space or part thereof.
4. Shops (up to 50 m2 clear retail floor space)	1car for every 5 shops
5. Shops (over 50m2 clear retail floor space)	1 car for each 40m2
6. Departmental Store or Shopping center (over 450 m2 clear retail floor space)	1 car for each 25 m2 clear retail floor space
7. Offices	1 car for each 30 m2 net usable office floor area or at least 5 per office
8.Theatres and cinema	1 car for every 10 fixed seats of public accommodation or part thereof. 25% 2-wheelers and 75% car space.
9.Hotels and Guest Houses	1 for every 30 m2 clear retail floor space
10.Hospitals	1 for each 10 beds
11.Industry and/or Workshops	1 for each 80 m2 usable floor space
12.Warehouses	1 for each 100m2 of usable floor space
13.Vehicles service and Repair Workshop	5 for each service and/or repair bay

\* % of total units.

**Note:**

1. No on-street parking will be allowed for streets identified by the Implementing Authority. Conversion of garages for other uses will not be allowed unless otherwise approved by the Implementing Authority in conformity to these regulations.
2. For the general Public Use the Municipality or private developers shall provide paid parking spaces according to local area plan for commercial zones. General parking spaces shall be charged as designated by the municipality and according to the charges fixed by the management.

## 2.14 PAINTING

Same as BBR 2002

## **2.15 MAXIMUM NUMBER OF STOREYS**

The maximum number of storeys of the building shall be as per the Precinct Regulations mentioned in table no. 3.0.1 and 3.0.2. In case of areas for which Local Area Plans are in place the maximum number of storeys will be governed by the respective Local Area Plans.

The number of storeys shall be counted from the lowest natural ground level.

## **2.16 ARCHITECTURAL CONTROL**

Same as BBR 2002

### **MINIMUM FLOOR SPACE OF ROOMS IN RESIDENTIAL BUILDINGS**

Same as BBR 2002

### **CIRCULATION SPACE REQUIREMENTS**

Same as BBR 2002

### **LIGHT AND VENTILATION REQUIREMENTS**

Same as BBR 2002

### **ARTIFICIAL LIGHTING AND MECHANICAL VENTILATION**

Same as BBR 2002

### **VENTILATION SHAFT**

Same as BBR 2002

### **PLINTH HEIGHT**

Same as BBR 2002

### **FIRE SAFETY**

Same as BBR 2002

### **ELEVATORS**

Same as BBR 2002

### **GARAGE CUM SERVANTS QUARTERS**

Same as BBR 2002

### **PORCH**

Same as BBR 2002

### **SEPTIC TANK & SOAK PIT**

Same as BBR 2002

### **ROOF AND SITE DRAINAGE**

Same as BBR 2002

## **2.17 ACCESS FOR THE DISABLED**

Same as BBR 2002

## **2.18 STRUCTURAL CONTROL**

Same as BBR 2002

**2.19 WATER SUPPLY AND SANITATION CONTROL**

Same as BBR 2002

**2.20 ELECTRICAL INSTALLATIONS CONTROL**

Same as BBR 2002

**2.21 TELEPHONE**

Same as BBR 2002

## **SECTION – 3: PRECINCT SANCTITY (REGULATIONS ON USE, BUILDING BULK AND HEIGHT)**

### **3.0 LIST OF PRECINCTS DESIGNATED IN THE SAMDRUP JONGKHAR STRUCTURE PLAN**

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. Just as favourable influences are carried over the city from prayer flags offering ritual protection, the sanctity of precincts offer spatial protection to the people of Thimphu.

With this principle in mind, the following precincts have been defined.

**UV-1 Urban Village Core**

High density, mixed use precinct

**UV-2 (MD) Urban Village Periphery**

Medium and mixed use precinct

**UV-2 (LD) Low Density**

Low density residential precinct

**UC Urban Core**

The Samdrup Jongkhar Town Centre, a precinct of trade and commerce

**I Institutional**

Local, National and International Institutions, with incidental residential

**D Dzong Precinct**

Precinct for the national icon, a symbol of His Majesty the King and His Holiness the Jey Khempo

**G-2 Green Space System**

Precincts of public assets like parks, gardens, sport facilities and recreation areas

**E-1 Environmental Conservation Precinct**

Enhancement and protection of Samdrup Jongkhar's fragile ecological legacy

**SP Services Precinct**

Precincts characterized by industrial, heavy maintenance, wholesaling and warehousing. These fall in the proposed "Regional Plan".

**M Military**

Precincts related to national security. These are proposed at the portals of the National Capital Region.

**R Royal Uses**

Precincts related to Royal uses

**EN Endowment for the Future**

Precincts of land whose use determination is deferred to future generations

The following is a list of Sub-Precincts for the Urban Core (UC) Precinct:

**UC Sub-Precinct I**

Social Amenities/ Offices with Commercial on ground floor

**UC Sub-Precinct II**

Mixed Use Residential with Commercial on ground floor

**UC Sub-Precinct III**

Commercial

**UC Sub-Precinct IV**

Cultural and Civic Institutions

**UC Sub-Precinct V – G2**

Green Space System

### 3.0.1 PERMISSIBLE USES

**TABLE 3.0.1 THE PRECINCT SCHEDULE SHOWING USES PERMISSIBLE IN DESIGNATED PRECINCTS**

The type of development in each precinct shall be regulated as per the following Table of the Precinct Schedule Showing Uses Permissible in the Designated Precincts.

SI. No	DESIGNATED URBAN PRECINCT	USES PERMISSIBLE	SPECIAL CONDITIONS AND RESTRICTIONS
1	<b>UV –1</b> Urban Village Core <b>High Density, Mixed use Precinct</b>	<p>Apartments, Low Income and group housing are permitted. Residential, local level retail shops and services, household economic activity and cottage industries not involving use of, or installation of, a machinery driven by more than 1 KW power and which do not create noise, vibrations, fumes, dust, etc. only in independent dwelling units (not in tenement dwellings or flats). Bagos Improvement Schemes All types of residential dwellings including apartments and group housing, professional services, commercial, Institutions etc</p> <p>a) 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).</p> <p>b) Play fields, gardens, gymnasium, swimming pool, public facilities and utilities, club house, local community hall, etc.</p> <p>c) L.P.G., Cylinder delivery center for the domestic consumption only if on a separate plot of at least 1000 sq.m. with no other use on the premises</p> <p>d) All uses permitted in sub-precinct 1 of the Urban Core shall be permitted; recreational uses like bars, discothèque, pool rooms and any other night time recreational centers shall not be permitted in buildings accommodating any residential uses.</p> <p>e) Spiritual and religious artifacts and places, Chortens, mar walls, lhakhangs, prayer wheels, statues, monasteries and activities related to enhancement/protection/ conservation of the heritage structures.</p>	<b>Min. Plot size – 223 sq.m</b>

2	<b>UV – 2 (MD)</b> <b>Urban Village</b> <b>Periphery</b> <b>Medium Density Mixed</b> <b>Use Precinct</b>	<p>Apartments and group housing are permitted.</p> <p>Residential, local level retail shops and services, household economic activity and cottage industries not involving use of, or installation of, a machinery driven by more than 1 KW power and which do not create noise, vibrations, fumes, dust, etc. only in independent dwelling units (not in tenement dwellings or flats). Bagos Improvement Schemes. Commercial uses like local level retail shops with floor area less than 40m.sqm or internet browsing centre, fast food outlets, canteens, snack bars not exceeding floor area of 30m.sq area will be permitted only on the ground floor per plot. Educational institutional buildings, day-care centers, dispensaries, clinics, public facilities and utilities, local community halls are allowed. Bars, discotheque, pool rooms and any other night time recreational centers and activities contradicting with residential uses would not be permitted.</p>	<p>Institutional uses in a minimum of 1000 sq.m plot may be permitted.</p> <p>Resorts, Hotels with boarding and lodging facilities in a minimum of 2500sq.m plot may be permitted.</p>
3	<b>UV – 2 (LD)</b> <b>Low Density Residential</b> <b>Precinct</b>	<p>Maximum plot coverage should be 25%. Only residential uses, resorts, professional services, office spaces, and educational institutes shall be permitted. Any commercial use including retail outlets, shops, ware house and recreational centers shall not be permitted.</p>	<p>a. Minimum plot size for uses like, educational institutions and office buildings shall be 1000sq.m.</p> <p>b. Resorts, Hotels with boarding and lodging facilities in a minimum of 2500sq.m plot may be permitted.</p>
4	<b>UC</b> <b>Urban Core</b>	<p><b>Town Center</b></p> <p>Refer Permissible Uses for Sub-Precincts of Urban Core in <b>table 3.0.1-A</b></p>	
5	<b>I</b> <b>Institutional</b>	<p>Local, National and International Institutions</p> <p>Educational, training, cultural and government institutions, public libraries, Museums, Art galleries, Diplomatic Enclave, government offices, with incidental residence.</p>	<p>Residential and other activities incidental to the main institutional use, provided not more than 50 % of the site shall be used for such activities.</p>

6	<b>D Dzong Precinct</b>	<b>Dzong complex</b> Only activities which enhance the image, use and iconography of the Dzong.	To be cleared by the Council of Ministers.
7	<b>G-2 Green Space System</b>	<b>Public Assets</b> Open Space Precincts of Public assets like Parks, Gardens, Community Level/Local Recreational and Sports Facilities including local/regional archery ranges etc.	
8	<b>E-1 Environmental Conservation Precincts</b>	<p>Natural reserve and sanctuary, the River Basin, Streams, Rivulets, avi-fauna, fauna breeding places, unique flora and bio-mass preserves. Activities related to environmental enhancement/ protection and permitted / undertaken by or on behalf of the National Environment Commission. Existing structures with an approval may be retained, but new development and extension to the old structure (except the above mentioned) is not permissible.</p> <p>Footpaths and cycle tracks, footbridges, vegetable and flower gardens, nurseries, landscape elements like lamp posts, benches, gazebos, children's play equipments and litter bins, shall be permitted only beyond 10 meters of the edge of the Dung Sam Chhu and major streams. Footpaths shall be permitted along then 5 meters boundary of the rivulets and other streams protection zone.</p> <p>Edge/Bank protection works for river and major streams shall be permitted under the clearance from the National Environment Commission and the Nature Conservation Division.</p> <p>Certain stretches, which are identified, as not ecologically sensitive will have recreational open spaces like parks, sports facilities and riverfronts, under the clearance from the National Environment Commission and the Nature Conservation Division.</p>	<p>NOC to be obtained from the NEC</p> <p>No access road or any service installations to private plots to be permitted through this zone.</p> <p>1.No development or construction shall be permitted within 20 meters of the edge of the watercourse or the edge of the gullies of Dung Sam Chhu and major stream or such distance as may be prescribed under any other general or specific orders of Royal government or any other authority.</p> <p>2. No development or building construction shall be permitted within 10 meters of the edge of all natural rivulets and natural drainage channels or such distance as may be prescribed under any other general or specific orders of Royal Government or any other authority.</p> <p>3. Natural landscape features of the river, major streams and rivulets, which includes the natural course of the water feature, banks/ edges, soil, vegetation (Trees, shrubs and ground covers), rocky outcrops, boulders and any feature or element which is part of the ecosystem or which is considered to be of scenic value should not be damaged or disturbed from its natural state of being.</p> <p>4. Construction of roads, laying of underground cables and other service</p>



			<p>networks, other structures like high - tension cable pylons, transmission towers and installations of electric substations shall not be permitted within the <b>20 meters</b> zones of the river and major streams, and the <b>10 meters</b> zone of the rivulets.</p> <p>5. Dumping of solid wastes, sewage disposal, washing of vehicles/automobiles or any action considered being as an action of polluting this zone shall not be permitted</p> <p>6. Existing structure can be retained and further development shall not be permitted</p> <p>7. Existing land use, which is considered not to cause impact on the ecosystem, can be retained under the clearance/No Objection Certificate from National Environment Commission.</p>
9	<b>SP Service Precinct</b>	Public utility, public facility, services buildings, Water treatment plant, sewage aerobic & mechanical plants, electric substations, incineration plants, cremation/burial grounds, abattoir/slaughter house, transportation hub, dry port etc.	
10	<b>M Military Uses</b>	Precincts related to national security.	
11	<b>R Royal Uses</b>	Precincts related to Royal uses Royal Uses	To be cleared by Royal Secretariat
12	<b>EN Endowment for the Future</b>	Precincts of land whose use determination is deferred to the future generations	Any development in the Endowment Precinct should have prior Government approval and shall be processed by Samdrup Jongkhar Municipal Corporation based on UV-2 (MD) precinct regulations

### 3.0.1-A THE SUB-PRECINCT SCHEDULE SHOWING USES PERMISSIBLE IN THE URBAN CORE PRECINCT

The type of development in each sub-precinct shall be regulated as per the following Table of the Sub-Precinct Schedule Showing Uses Permissible in the Urban Core (UC) Precinct.

Sl. No	DESIGNATED SUB-PRECINCT	USES PERMISSIBLE	SPECIAL CONDITIONS AND RESTRICTIONS
1	<b>Sub-Precinct I</b> Social Amenities/ Offices with Commercial on ground floor	Entertainment and Shopping Centers Cinema Hall, Multiplexes, Shopping Centers, Food Courts, Bowling Alleys, Pool and Billiard Halls, Lodging and Boarding Houses, Hotels, Tourism and Recreation based facilities. Commercial Center, Public Buildings, auditorium, transport terminal for passengers, pathological laboratories, Nursing Home, Hospitals, Office Buildings, Public Facilities, Public Utilities, banks, Professional Offices, Parks, Gardens, Playgrounds, Schools, Colleges, Educational Buildings, training institutes, research institutions, hostels, boarding houses, staff quarters, canteens, sports complex gymnasium, library, Assembly buildings including swimming pool, club, stadium, theatre, Open space proposed for party and marriage ceremony and amusement and recreation activities, Art Galleries, Exhibition Halls, Discotheques, Bars ( in association with eating establishments of 100 sq.m. and over).	Small printing press, Residential, incidental to and limited to 20 % of the area occupied by the educational/ training/ research institutions permissible in this precinct shall be permitted only on plots > 4000 sq.m.
2	<b>Sub-Precinct II</b> Mixed Use Residential with Commercial on ground floor	Apartments and group housing are permitted. Residential, retail shops and services, household economic activity and cottage industries not involving use of, or installation of, a machinery driven by more than 1 KW power and which do not create noise, vibrations, fumes, dust, etc. only in independent dwelling units (not in tenement dwellings or flats). Commercial uses like retail shops or internet browsing centre, fast food outlets, canteens, snack bars will be permitted only on the ground floor per plot. Bars, discotheque, pool rooms and any other night time recreational centers and activities contradicting with residential uses would not be permitted.	Resorts, hotels with boarding and lodging facilities in a minimum of 2500 sq. m plot may be permitted.

<b>3</b>	<b>Sub-Precinct III</b> Commercial Neighbourhood Node	<b>Convenience Shopping / Basic Amenities</b> Retail commercial use such as Retail shops, Restaurants, Hostels, Hotels, Clinics, Convenience Shopping, professional offices and establishments (of less than 15 employees), ATMs, pre-primary, educational facilities, dispensaries, Public facilities, Public Utilities, Public Transportation Stops, Gardens, etc , bakeries, local libraries, club houses, service stations with or without petrol pumps, Kiosks, taxi stands, vegetable vendors, display areas, Neighbourhood Pub, bars, Discotheques, Pool rooms, Outdoor cafes and Indoor games parlour.	LPG delivery centers and Fuel station can be permitted under the fulfillment of all relevant safety norms.
<b>4</b>	<b>Sub-Precinct IV</b> Cultural and Civic Institutions	Educational, training, cultural and government institutions, Diplomatic Enclave, government offices public libraries, Museums, Auditorium, Art galleries, Assembly buildings including swimming pool, Sports Complex,	Transport terminal for passengers may be allowed provided it does not only serve local use.
<b>5</b>	<b>Sub-Precinct V</b> Same as G-2 Precinct Green Space System	Refer Table 3.0.1: G-2 Precinct	Refer Table 3.0.1: G-2 Precinct
<b>6</b>	<b>Sub-Precinct VI</b> Same as SP Service Precinct	Refer Table 3.0.1: SP Precinct	

### **3.0.2 THE PRECINCT SCHEDULE FOR BUILDING REGULATIONS**

#### **NOTES:**

1. Sloping roof is mandatory for all buildings; maximum roof projection allowed is 1.5mts.
2. Balcony projections are allowed up to maximum of 1.2mts. No projections are allowed on the side of the building facing the road.
3. Plot Coverage: The maximum permissible plot coverage shall be within the set back rules as prescribed in this regulation, and balconies (not enclosed or roofed) projecting up to 1.2 m from the ground floor external wall face shall be permitted. Such projections/ structures shall not cover the septic tanks. In the case of commercial buildings cantilevered balconies shall be allowed only at the rear side.
4. The above-mentioned Precinct Schedule is framed for the overall Samdrup Jongkhar Structure Plan; however, for the detailed Precinct Schedule that addresses the local level issues please refer the Precinct Schedule framed under the respective Precinct Schedule, Sub Precinct Schedule and Urban Design Guidelines, given in the later tables.
5. All permitted proposals within the respective precincts should provide plot level parking spaces as per the parking standard mentioned in the Table No. 2.13 "Parking Requirements".

**TABLE 3.0.2A THE PRECINCT SCHEDULE SHOWING, MAXIMUM PLOT COVERAGE AND MAXIMUM PERMISSIBLE FAR BASED ON PLOT SIZE AND ROAD WIDTHS FOR DESIGNATED PRECINCTS**

The following table is for precincts UV-1, UV-2 (MD) and UV-2 (LD).

Plot Size	<225 sq.mts		225-499 sq.mts		500-799sq.mts		800-1199sq.mts		1200 sq.mts or more	
Road Width(mts)	Max. Plot Coverage (%)	Max. Permissible FAR	Max. Plot Coverage	Max. Permissible FAR	Max. Plot Coverage	Max. Permissible FAR	Max. Plot Coverage	Max. Permissible FAR	Max. Plot Coverage	Max. Permissible FAR
< 6.0	50	1.2	50	1.2	50	1.5	55	1.5	55	1.5
6.0-8.9	50	1.2	50	1.2	50	1.5	60	1.8	55	1.8
9.0-11.99	50	1.2	50	1.5	55	1.8	50	1.8	55	2.0
12.0-14.99	50	1.5	50	1.5	50	1.8	50	1.8	60	2.0
15.0-17.99	50	1.5	50	1.8	50	1.8	60	2.0	55	2.0
18 or more	55	1.5	55	1.8	55	1.8	60	2.0	60	2.0

Notes:

1. Front setbacks and maximum no. of floors allowed will be as per table 3.0.2-C
2. Rear setback will be min.4.5mts where there is a septic tank; otherwise it will be 1/3rd the building height or 3 mts, whichever is greater.
3. Side setbacks will be as per table 3.0.2-D
4. Maximum permissible FAR will supercede all other requirements.
5. Balcony and other projections will not be calculated in FAR calculations.

**TABLE 3.0.2-B THE PRECINCT SCHEDULE SHOWING, MAXIMUM PLOT COVERAGE AND MAXIMUM PERMISSIBLE FAR FOR DESIGNATED PRECINCTS**

The following table is for precincts I, D, G-2, E-1, SP, M, R and EN.

S No.	Precinct	Max Plot coverage (%)	FAR
1	UC Urban Core	Refer Table 3.0.5	
2	I Institutional	50	1.2
3	D Dzong Precinct	-	-
4	G-2 Green Space System	15 <sup>6</sup>	0.3
5	E-1 Environmental Conservation Precincts	-	-
6	SP Service Precinct	50	1.2
7	M Military Uses	-	-
8	R Royal Uses	-	-
9	EN Endowment for the future	-	-

**NOTES:**

1. Front setbacks and maximum no. of floors allowed will be as per table 3.0.2-C
2. Rear setback will be min.4.5mts where there is a septic tank; otherwise it will be 1/3rd the building height or 3 mts, whichever is greater.
3. Side setbacks will be as per table 3.0.2-D
4. Maximum permissible FAR will supercede all other requirements.
5. Balcony and other projections will not be calculated in FAR calculations.
6. Upto 30% plot coverage may be allowed, provided the slope does not exceed 30%.

TABLE: 3.0.2-C MAXIMUM BUILDING HEIGHTS and FRONT SET BACKS BASED ON ROAD WIDTHS

Road Width (mts)	Max. Building Height (floors)	Front Setback (mts)
< 6.0	3	2.0
6.0-8.9	3	2.5
9.0-11.99	3	3.0
12.0-14.99	4	3.5
15.0-17.99	4	4.0
18 or more	4	4.5

Notes:

- a). Front setback for the market area in Local Area 1 will be min. 2.0mts or adjacent building line, whichever is greater.
- b) Not applicable for UC precinct.

TABLE: 3.0.2-D MINIMUM SIDE SETBACKS BASED ON PLOT SIZES

Plot Size (sq.mts)	Minimum side setbacks (mts)
<225 sq.mts	0 mts
225-499 sq.mts	0 mts
500-799sq.mts	3.0 mts on one side
800-1199sq.mts	3.0 mts on one side
1200 sq.mts or more	3.0 mts on both sides

**NOTES:**

1. For individual building on a plot, minimum 1.5 meter side setback should be provided on both sides to accommodate roof projections. Refer figure 3.1.
2. For a continuous building extending over two or more consolidated plots, minimum 1.5 meter side setback should be provided on either ends of the building to accommodate roof projections. Refer figure 3.2.
3. Not applicable for UC precinct.

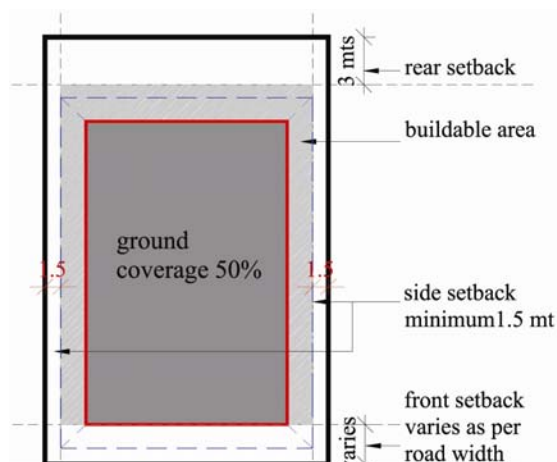


Figure 3.1: Individual building on a plot

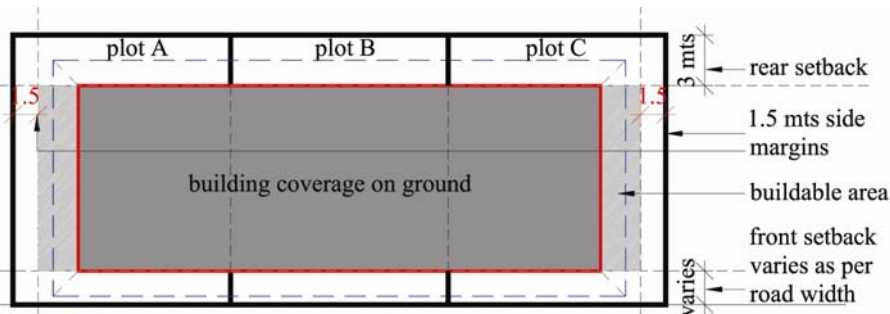


Figure 3.2: Demonstrating plot amalgamation

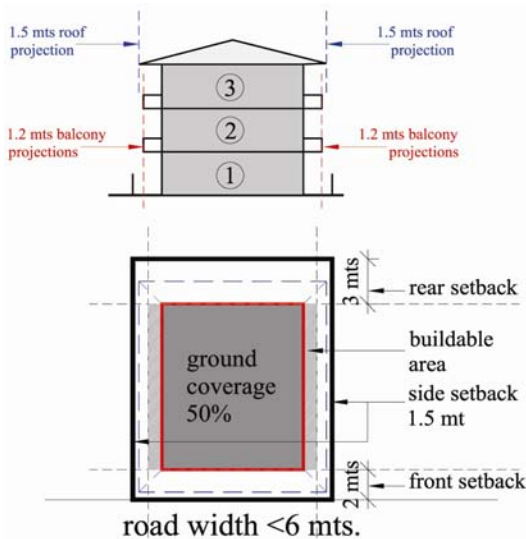
### 3.0.3 ADDITIONAL REQUIREMENTS FOR UV-1 PRECINCT

- Minimum plot area permitted for development after sub-division 225 sq. mts.
- Front set back may be used for parking, if required.

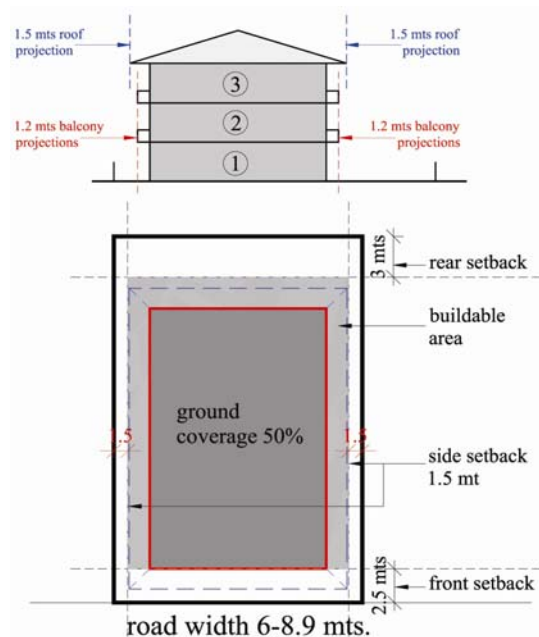
#### Plot Amalgamation

Most existing development in the UV-1 Precincts, especially the bazaar area, has plots that are smaller than the existing standards, i.e. 2400 sq. ft. for commercial plots. This set of Regulations requires that the minimum plot area be at least 225 sq.mts (which is nearly equal to 2400 sq.ft). Below is a set of diagrams that illustrates the allowable built area for different plot sizes based on these Regulations. It should be noted that the front set back varies according to the road width; more variations are possible based on different combinations of plot size and road width.

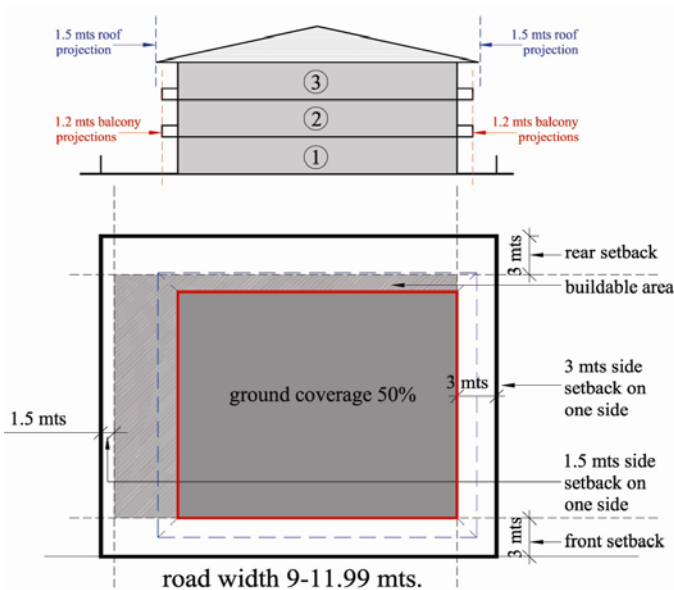
#### Allowable Built-up Area for different Plot Sizes for UV-1 Precinct



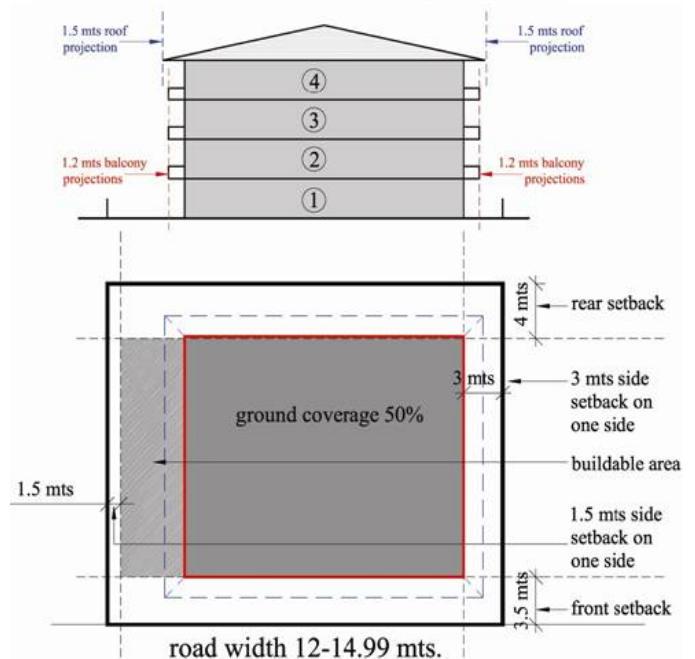
Plot size less than 225 sq. mts.



Plot size from 225 to 499 sq. mts.

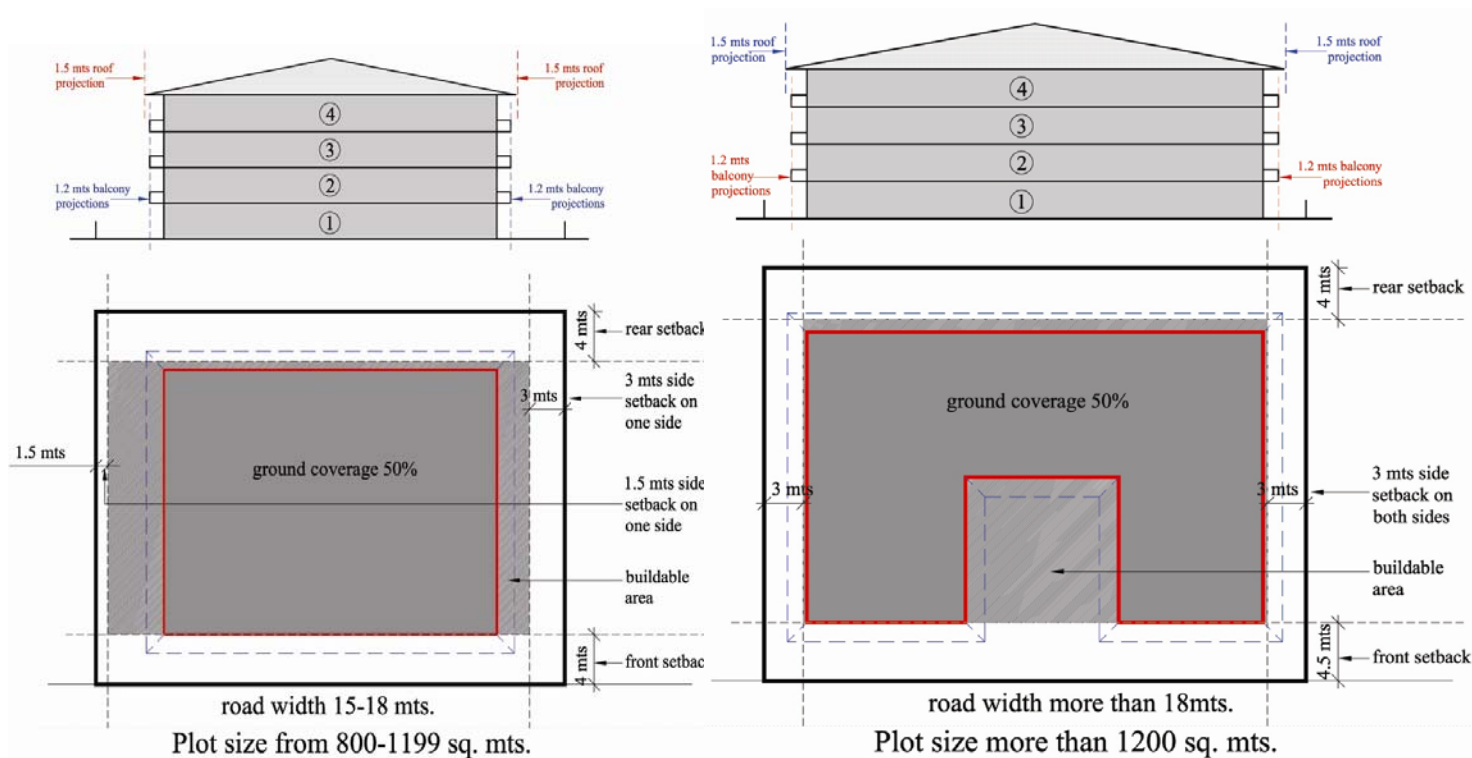


Plot size from 500-799 sq. mts.



Plot size from 500-799 sq. mts.

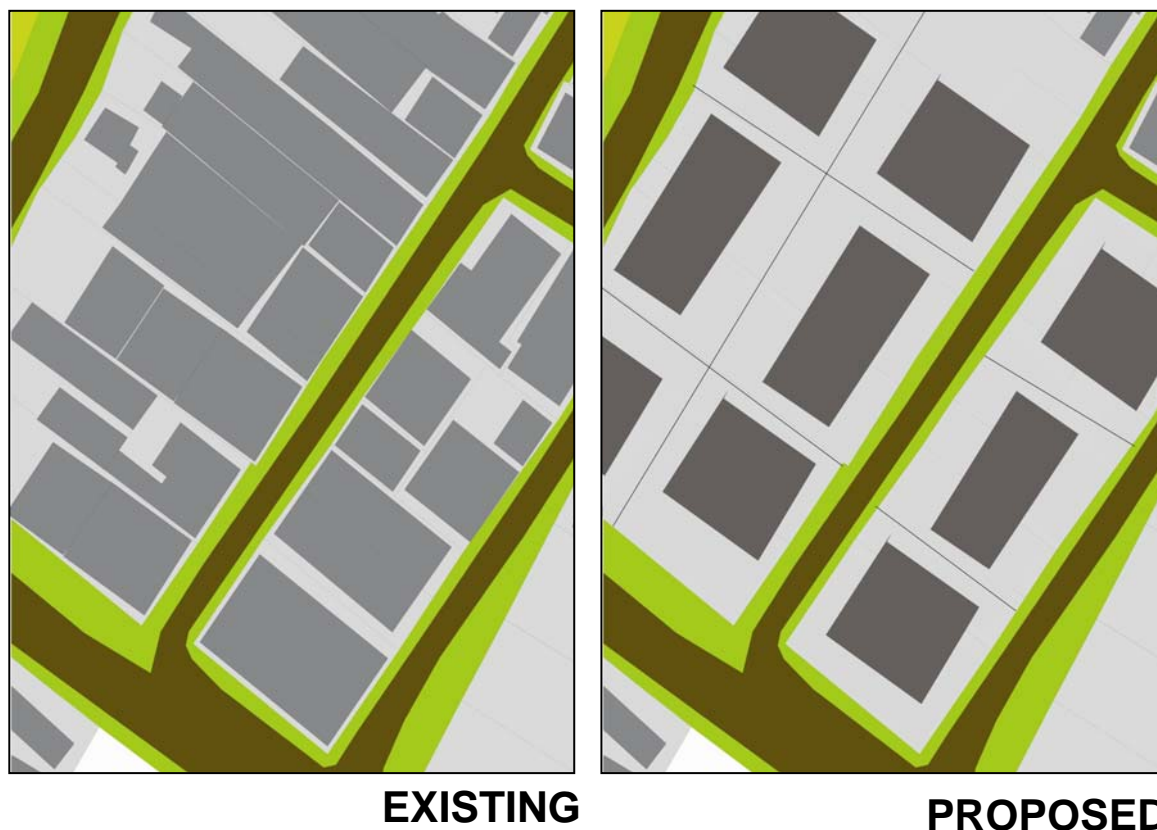




It is evident that bigger plot sizes allow higher built up areas. This is done with a view point to encourage plot amalgamation in the high density areas of Samdrup Jongkhar. The attempt is to provide better light, ventilation, open space and parking spaces, thereby enhancing the quality of life.

The following diagram illustrates how the overall built character and visual density would change if plot amalgamation is encouraged. The amount of open space available to residents of every building can increase substantially, while simultaneously allowing ample area for parking and provision of public utilities.

### Diagram illustrating Plot Amalgamation



### 3.0.4 ADDITIONAL REQUIREMENTS FOR UV-2 PRECINCT

- Minimum plot area permitted for development after sub-division 500 sq. mts.
- Front set back may be used for parking, if required.
- The side set back between two buildings (on separate plots) should add up to min. 3.0mts
- The distance between two buildings within a plot should be min. 3.0mts for two storey buildings, 4.5mts for three storey buildings and 6.0mts for buildings taller than that.
- For sub divided land, Common Open Plot (COP) should be provided, as per table 3.0.4

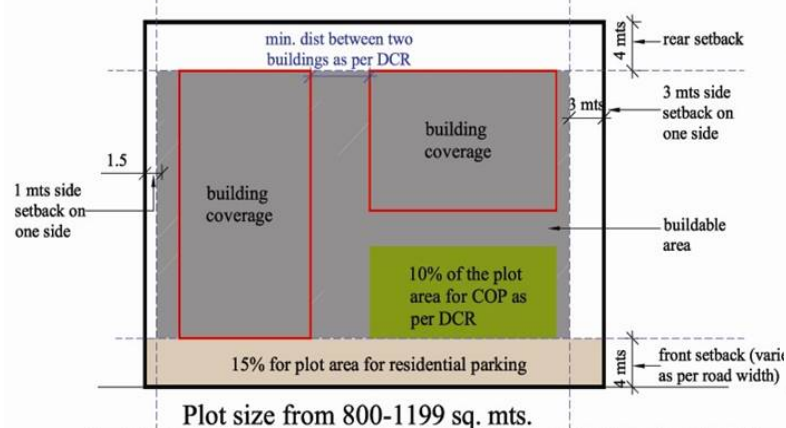


Figure: 3.3

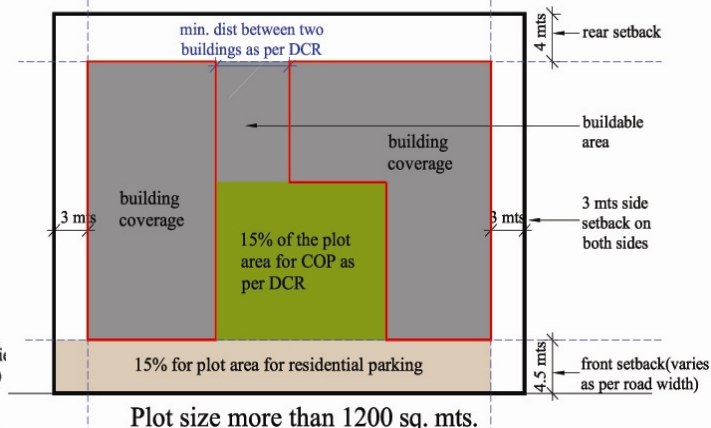


Figure: 3.4

Figure nos 3.4 and 3.5 illustrate the allowable built area for different plot sizes based on these Regulations. It should be noted that the front set back varies according to the road width; more variations are possible based on different combinations of plot size and road width.

**TABLE 3.0.4 COMMON OPEN PLOT AND PARKING REQUIREMENTS BASED ON PLOT SIZE**

Plot size (sq.mts)	COP Area*	Parking Requirements	
		Residential	Commercial
<500	-	10% of plot area	15% of plot area
500-799	-	10% of plot area	15% of plot area
800-1199	10% of plot area	15% of plot area	20% of plot area
1200 or more	15% of plot area	15% of plot area	25% of plot area
* For residential area, 30% of COP may be used for common facilities such as meeting hall, etc. * For commercial area, 50% of COP may be used for additional parking * Minimum width of the COP shall be 15mts.			

### **3.0.5 DEVELOPMENT AND URBAN DESIGN GUIDELINES FOR SUB PRECINCTS OF THE URBAN CORE PRECINCT**

#### **Additional Requirements for all Sub-Precincts of the Urban Core Precinct**

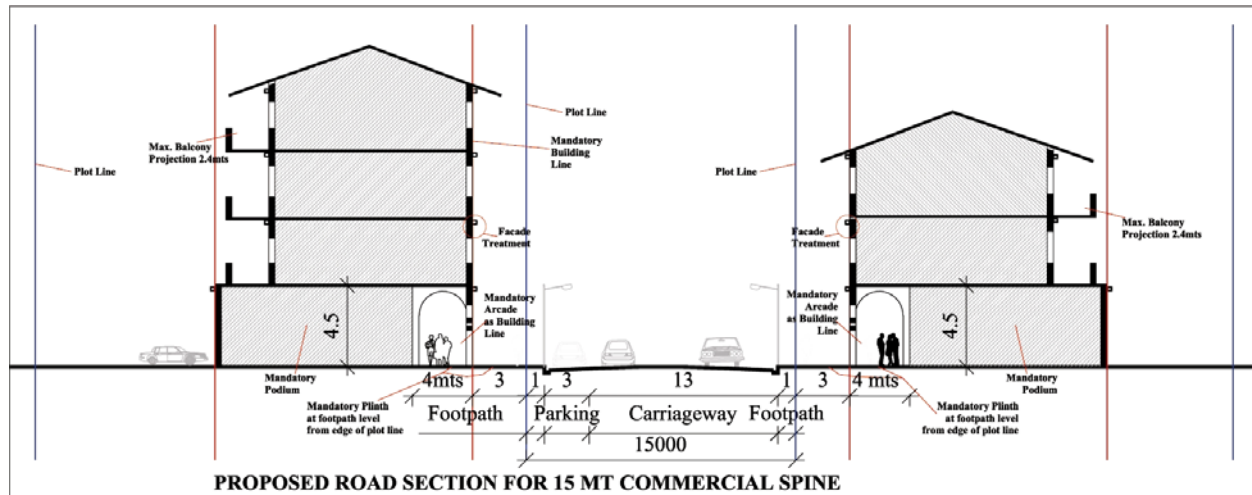
- Minimum plot area permitted for development after sub-division **800 sq.mts**.
- Minimum plot depth and minimum plot width (street frontage) shall be 20mts.
- No boundary walls will be allowed for demarcation of plots; plots may be demarcated using landscape elements or tree plantation.
- All buildings will have a mandatory building line at 3.0mts from the plot line.
- Front set back may be used for parking, if required.
- The distance between two buildings within a plot should be min. 3.0mts for two storey buildings, 4.5mts for three storey buildings and 6.0mts for buildings taller than that.
- All public buildings in the Urban Core Precinct will have traditional Bhutanese architecture style and elements, in conformance to the Bhutan Architectural Guidelines.
- Sloping roof is mandatory for all buildings; maximum roof projection allowed is 1.5mts.
- Balcony projections are allowed up to maximum of 1.2mts.
- Basements are allowed provided they are used only for parking purpose or providing building services.
- For sub divided land, Common Open Plot (COP) should be provided, as per table **3.0.4**

The following table shows the overall Sub Precinct schedule for the Urban Core Precinct. Additional requirements, especially for the commercial spine are explained separately.

Table: 3.0.5- The Sub-Precinct schedule showing plot sizes, maximum plot, coverage and Building heights allowable					
S No.	Precinct	Plot Area (sqm)	Max Plot coverage (%)	Max. Height (no. of Floors)	Maximum permissible FAR
1	Sub-Precinct I Social Amenities/ Offices with Commercial on ground floor	<799	40	3	1.2
		800-1499	45	4	1.5
		1500-2499	50	4	1.8
		2500 or more	50	4	2.0
2	Sub-Precinct II Mixed Use Residential with Commercial on ground floor	<799	40	3	1.2
		800-1499	45	4	1.5
		1500-2499	50	4	1.8
		2500 or more	50	4	2.0
3	Sub-Precinct III Commercial Neighbourhood Node	<799	40	3	1.2
		800-1499	45	4	1.8
		1500-2499	50	4	1.8
		2500 or more	50	4	2.0
4	Sub-Precinct IV Cultural and Civic Institutions	<799	35	2	0.7
		800-1499	40	3	1.0
		1500-2499	45	3	1.2
		2500 or more	50	3	1.2
5	Sub-Precinct V Same as G-2 Precinct: Green Space System	Refer Table No. 3.0.2- B			
6	Sub-Precinct VI Same as SP Precinct	Refer Table No. 3.0.2- B			
<b>Notes:</b>					
1. Plot Coverage: The maximum permissible plot coverage shall be within the set back rules as prescribed in this regulations. Any Balcony projections/ structures shall not cover the septic tanks. In the case of commercial buildings cantilevered balconies shall be allowed only at the rear side.					
2. Front set back in the entire Urban Core Precinct will be the mandatory building line at 3.0mts from plot line. For Plots abutting the bye pass, the front set back shall be 4.5mts.The rear set back for all buildings in the urban core precinct will be 4.5mts. The distance between two buildings within a plot should be min. 3.0mts for two storey buildings, 4.5mts for three storey buildings and 6.0mts for buildings taller than that.					
3. All permitted proposals within the respective Sub-Precincts should provide plot level parking spaces as per the parking standard mentioned in the Table No. 2.13 "Parking Requirements"					
4. Maximum permissible FAR will supercede all other requirements.					
5. Balcony and other projections will not be calculated in FAR calculations.					
6. The above mentioned schedule is framed for the overall Urban Core Precinct; however the plots abutting the main commercial spine will follow the additional urban design guidelines mentioned separately for the said streets.					

### 3.0.6 URBAN DESIGN GUIDELINES FOR THE COMMERCIAL SPINE

The section given below illustrates the additional development controls and urban design guidelines for the commercial spine of the Urban Core Precinct. This 15mts wide street forms the outer loop and has mixed uses on both edges. The street also forms the dividing line between the Sub Precinct I and Sub Precinct II. Both the sub precincts will have commercial uses on the ground floor.



- Ground floor of buildings should have colonnade along the façade facing the road, 3.0mts inside of the plot line. The width of the colonnade should be 4.0mts and the ground floor height should be 4.5mts. Mezzanine floor may be allowed.
- Building should have mandatory plinth at footpath level starting from the plot line up to the inner edge of the colonnade.
- The arcade should run along the entire width of the plot; no setbacks should be left. It should form a continuous element along the entire length of the street.
- Behind the Arcade will be a continuous 6.0-9.0 mts wide podium of 4.5mts height. This will also span the entire width of the plot, leaving no side setbacks.
- Side setbacks for the building (excluding arcade and podium) should be minimum 3 mts on one side.
- The upper floors of the buildings will follow the rear and side setback rules.
- The external edge of the arcade will be the mandatory building line for the first floor. Any floors above that may offset the building line, if so desired.
- The building façades will have joist projections and other architectural elements of the traditional Bhutanese style.
- Plot level parking is compulsory and the number of parking spaces should be as per parking requirements specified under these regulations.

#### 3.0.6.1 Uses permitted on the front set back space

- Front set back will act as a shop front space and as a buffer between footpath and building.
- Hard and soft paved surfaces, street furniture, prayer flags and planters with shrubs shall be permitted.
- Two wheeler parking shall be permitted.
- No building element other than traditional elements permitted in Traditional Architectural Guidelines should project into the setback space from the building façade.
- Soft landscaping with shrubs and trees shall be allowed.

### **3.0.6.2 Uses permitted on the other set back spaces**

- The rear set backs will act as a space for driveways and basement parking ramp.
- The set back spaces shall be used for landscaping with shrubs and trees.
- Two wheeler parking shall be allowed on the side set backs.
- Landscaping, parking, basement parking ramps, driveways, septic tanks and generator rooms shall be permitted in the rear set back space.
- Combining the side and/ or rear set back spaces of the adjacent plots can be used as plot level open space and children play area.

### 3.1 TREE PLANTATION

Tree plantation at the rate of one tree for every 100 sq.m. of land, shall have to be undertaken and maintained in all sites (Not compulsorily in Sub-Precinct 1A of Urban Core Precinct only).

### 3.2 COLLECTION AND DISCHARGE OF STORM WATER

Every site development should include:

- A) Channels at the lower elevation/ level of the site which discharges rainwater runoff into public storm water drains.
- B) There shall be an underground water collection cistern at the lower portion of the site to store rainwater. It shall have the capacity for every 50 sq.m. of land coverage of the site, a volume which can store 150 litres of water, collected from the site run-off. This water shall be used for landscaping, car washing and other non-potable uses.

### 3.3 VERTICAL EXTENSION:

Vertical Extension (addition of floors to an existing structure) of the existing building would be permitted only upon satisfying the following requirements.

- 1. The application for the vertical extension should include the Building Permit and the approved drawings of the existing building, submitted along with the proposed drawings for the vertical extension.
- 2. The application for vertical extension shall be processed only if the existing building was strictly constructed as per the approved drawings. If the attic of the existing building is currently being used as a habitable floor, the application shall be rejected.
- 3. The Total Built-up area (Plinth Area X Number of floors) of the building should be within the maximum permissible built-up area achieved by multiplying the maximum Plot Coverage and maximum number of floors permitted under the respective precincts mentioned for the respective plot sizes as per the 'Samdrup Jongkhar DCR'.
- 4. **The parking requirements** for the proposed additional built-up area should be fulfilled as per the parking standard mentioned in Table No. 2.13 "Parking Requirements".
- 5. Structural Stability of the existing structural system should be proven to be adequate to accommodate the proposed vertical extension or additional floors (while complying with the current Building Code of Bhutan).

### 3.4 BETTERMENT CHARGES

Betterment Charges would be collected for areas within the local area planning under land pooling but where physical pooling is not feasible totally. The charges would be equivalent to the land that would be contributed in correspondence to percentage of pooling of that particular LAP and if that particular area/plot does not have any direct vehicular access then the percentage of land contributed to access road shall be deducted from the overall pooling percentage. These charges would be applicable for areas within LAP which are partially pooled and the betterment charges shall be charged based on the remainder percentage of pooling.

**The rate considered for calculating betterment charges would be as per Land Compensation Rate, 1996.**

### **3.5 EXISTING NON-CONFORMING USES**

A lawful use of land existing prior to the notification of the Samdrup Jongkhar Structure Plan of which these Precinct Sanctions forms a part and which do not conform to the designated Precinct Sanctions, shall be permitted to continue, subject to the condition that no extension, modification of the buildings, nor extension, or intensification of the non-conforming use shall be permitted. The existing use (structures) will continue but once the structure is demolished no further development/ redevelopment shall be allowed. Uses like workshops, sawmills etc shall be allowed to continue operations for a minimum of five calendar years from the date these Precinct Sanctions become operational.

### **3.6 REDEVELOPMENT / RECONSTRUCTION OF DILAPIDATED / UNSAFE BUILDINGS**

In the case of proposals involving redevelopment / reconstruction of dilapidated / unsafe buildings, the maximum allowable Total Built-up Area shall be equal to the Total Built-up Area legitimately consumed or the base Total Built-up Area allowable under these Regulations, whichever is more. Buildings with uses that do not conform to those permissible in the Precinct shall be permitted to be reconstructed only if their intended future use is permitted by the Implementing Authority, according to the regulations of the precinct in which they fall.

If the structures are found to be unsafe, or not fit for habitation the Implementing Authority shall pull down the structure as per the BBR, at the cost of the owner.



**SECTION – 4      LAND DEVELOPMENT AND SUBDIVISION REGULATIONS**  
**(GENERAL PLANNING REQUIREMENTS)**

**4.0      DEVELOPMENT OF LAND**

For undertaking land development that includes layout /subdivision / consolidation of land/plots, and/or building activity, the application (refer Section 2.1 of these Regulations) shall comply with the following planning requirements of these Regulations. A preliminary approval will be given if the application complies with these requirements, on the basis of which the applicant may start the site development. Final Approval shall be given only on the fulfillment of the requirements under these Regulations on the site.

**4.1      REQUIREMENTS OF SITE**

**4.1.1      MEANS OF ACCESS**

Subdivision of a land into smaller parcels for developing a layout or for construction of building/s shall not be permitted unless it derives access from an authorized and developed street/means of access prescribed in these Regulations (Section 4.1.3, and 4.2.1). This implies that land locked / trapped sites shall not be sub-divided.

**4.1.2      ACCESS FROM HIGHWAYS / IMPORTANT ROADS**

In case the land proposed to be developed abuts a highway or an important primary road, the access to the land shall be regulated such that:

- i) it is located on the farthest point of the frontage from any junction,
- ii) it is combined with an adjoining access way leading to the adjoining land,
- iii) if possible, access the main road through a service road,
- iv) Provide the access in such a way that it is clearly visible from at least 60 m. away on the highway/road, from both directions, and
- v) when the access to the site has a gradient of more than 1 in 10, there shall be a minimum of six metres buffer space between the edge of the road and the gate to the site.

**4.1.3      APPROACH TO BUILDINGS**

For residential development with buildings up to two floors:

The width of the approach from the public street or means of access to a building shall not be less than:

- a) 1.8 m. wide provided its length is not more than 3 m. and /or the floor area of the building served does not exceed 100 sq.m. and /or the building consists of only one housing unit.
- b) 2.5 m. wide if its length is more than 3.0 m. and /or the floor area of the building served does not exceed 100 sq.m. and /or the building consists of only one on housing unit.
- c) 3.5 m. wide in all other cases.

Such approach way shall be paved and shall always be kept open to sky and no projection or overhang shall be permitted over such pathways.

Subdivision of property where buildings with more than two floors exist, or are proposed, (residential or non-residential buildings), shall be permissible only if the following additional provisions of means of access are ensured:

- 1. The width of the main street on which the building abuts shall not be less than 4.5 m. and one end of this street shall join another street not less than 6 m in width
- 2. Provision shall be made for one entrance to the plot, of adequate width to allow easy access to the fire engine.
- 3. The entrance gate shall fold back in the plot against the compound wall of the premises, thus leaving the exterior access to the plot free for movement of fire service vehicle.

#### **4.1.4 NO OBJECTION CERTIFICATE FROM REFERRAL AUTHORITIES**

In the Case of Use For Industrial Activity If the land is to be used for general industrial use, other than a service industry, the application has to be accompanied by a No Objection Certificate from the Department of Industry

In the Case of Development in Royal Precincts The application has to be accompanied by a No Objection Certificate from the Royal Secretariat.

In the Case of Development in Heritage Precincts The application has to be accompanied by a No Objection Certificate from the National Commission for Cultural Affairs (MH&CA)

In the Case of Development in E-1 ( Environmental Conservation), E-2 (Forest environments) Precincts and E-4 (Agri-based Environments) The application has to be accompanied by a No Objection Certificate from the National Environment Commission

In the Case of the Dzong Precinct and E-3 (Agricultural Environments) The application has to be accompanied by a No Objection Certificate from the Competent Authority.

#### **4.1.5 DISTANCE FROM RIVERS AND STREAMS**

##### **4.1.5.1 RIVERS AND MAJOR STREAMS**

No development or building construction shall be permitted within 20 m. of the edge of the water course/edge of the gullies/ banks of the Dungsam Chhu, or any other natural streams as may be prescribed under other general or specific orders of the Royal Government or other authority.

##### **4.1.5.2 RIVULETS / MINOR STREAMS**

No development or building construction shall be permitted within 15 m. of the edge of all natural rivulets/ gulleys and natural drainage channels or such distance as may be prescribed under other general or specific orders of Royal Government or other Authority.

##### **4.1.5.3 Development permissible on environmental clearance from the Relevant Authority**

1. Beyond 15 m. from the edge of the above rivers / streams and beyond 10 m. from the edge of the rivulets / minor streams: foot paths and cycle tracks, foot bridges, edge/bank protection works for river, vegetable and flower gardens, nurseries, street furniture like lamp posts, benches, gazebos/pavilions, basic children's play equipment and plot level litter bins,
2. Actions related to conservation of the precinct and enhancement of the environment under the guidance of Nature Conservation Division and the NEC.

##### **Addendum:**

- a) Natural landscape features of the rivers, major streams and rivulets, which includes the natural course of the water, banks/ edges, soil, vegetation (trees, shrubs and ground covers), rocky outcrops, boulders and other features or elements which are considered as part of the ecosystem or which are considered to be of scenic value shall not be damaged or disturbed from their natural state of being.
- b) Construction of roads, laying of underground cables and other service networks, structures like high-tension cable pylons, transmission towers and installations of electric substations shall not be permitted within the 30 m. zone of the rivers and major streams, and within the 15m. zone of the rivulets. Underground cables and service network shall be permitted within this buffer under special considerations with NOC from NEC.
- c) Dumping of solid wastes, sewage disposal, cleaning and servicing of vehicles/automobiles or other action considered as polluting shall not be permitted.

#### 4.1.6 GENERAL REQUIREMENT

The proposed development shall not have a detrimental impact on the ecology or be against the aesthetic sensibility within the environmental setting or be against public interest.

## 4.2 SUB-DIVISION / LAYOUT OF LAND

### 4.2.1 LAND UTILIZATION

In case of land development for the purpose of plotted development, or for group housing in the form of flatted development, the following land utilization indices shall be achieved.

Table 4.2.1 Land Utilization as Percentage of the Residential Layout Area

<i>Land utilization</i>	<b>For layouts of above one hectare area</b>	<b>For layouts of less than one hectare area</b>
	% of Total Land	% of Total Land
Residential *	60 to 65	65 to 70
Roads and footpaths	up to 27	20 to 25
Open space#	10	10
Public amenities (day care, school, health center, etc.)	2 to 4	-
Public Utilities (over head tank, septic tank garbage collection arrangement, electric substation, water supply reservoir / pumping station, etc	1	-

\* Within this, plots for commercial use (permissible on ground floor only) shall be limited to 5% of the total layout area. Such plots where commercial use is limited to the ground floor shall be allowed only along main roads within the layout and the building shall have a minimum setback of three metres.

# the area under open spaces should be planned in such a way that at least half of such an area is provided at a central location.

## **4.2.2 INTERNAL ROAD LAYOUT**

### **4.2.2.1 Minimum Width of Road**

The width of internal road right of ways in a layout for different purposes and the width of the internal approaches for tenements and ownership tenement flats shall be regulated as outlined in the LAP or as per Urban Road Standards.

### **4.2.2.2 PLOT CONSOLIDATION**

In the case of a site/plot with existing buildings, its sub-division or consolidation shall not be approved unless it fulfils all the requirements under these regulations.

### **APPROACH ROAD**

Consolidation of plots shall be allowed only if:

- a) The minimum width of the roads within the layout shall be a minimum of 6 metres for Development of Plots, Development of Flats / other non- residential development in UV2 (Medium Density) precinct and should not be less than 4.5 meters in UV2 (Low Density) precinct.
- b) The minimum specified road widths shall be developed completely up to the plot boundaries by providing all the required infrastructure networks: sidewalks, street lighting, trees, etc.

### **FOOTPATHS**

Where there is no motorable road access to individual plots, but only footpaths, the following shall apply.

The widths of paved pathways should be as follows:

Width of footpath (m)	Maximum Length (m)	Maximum No. of plots to be served
1.5	20	5
2.0	32	8
3.0	52	12

### **4.2.2.3 INTERNAL ARRANGEMENT OF A LAYOUT**

1. The arrangement of tenements, shopping centres, ownership tenements / flats in a plot, shall be approved by the Implementing Authority with due regard to internal approach roads, marginal open spaces/setbacks, common plot, water supply, drainage, and internal road lighting.
2. In the case of shopping centres and commercial or industrial development the minimum width of road/access to shops, stall/ complex entrance, or industrial factory shed shall be 7.5 m.
3. In the case of tenement type buildings such as ownership flats, row type, cluster type, group housing, semidetached buildings, 1.5 m. margin/setback will be necessary from internal approach roads, wherein no steps shall be permitted in the margin/setback.
4. The minimum clear distances between two detached structures shall be 6 metres. However, staircase open to sky shall be permitted.

### **4.2.3 MINIMUM PLOT SIZES**

#### **4.2.3.1 MINIMUM PLOT SIZES FOR DIFFERENT USES**

Unless otherwise stated specifically in these Regulations, the minimum building plot/ unit shall be as follows:

Table: 4.2.3.1: Minimum Plot Sizes for Different Uses

Category of Use /Occupancy	Minimum Plot Size ( sq.m. )
Educational Buildings	1000
Community / multi-purpose hall	2000
Petrol pump	500

### **4.3 TREE PLANTATION**

Tree plantation at the rate of one tree for every 100 sq.m. of land, shall have to be undertaken and maintained in all layouts. These trees shall preferably be planted at a spacing of between four to eight metres along the roads and streets, and along the edge of the common open spaces.

### **4.4 ON-SITE PHYSICAL INFRASTRUCTURE**

In all layouts larger than two hectares, or containing forty or more plots, an area of at least one percent of the site shall be provided for garbage collection arrangement, electric sub-station, water supply storage reservoir / pumping station, etc. This space shall be provided such that it is located on a major internal road of the layout and as per the directions of the SJMC and the Department of Power.

### **4.5 COLLECTION AND DISCHARGE OF WATER**

Every site development shall provide channels at the lower elevation/ level of the site which collects rainwater runoff over the site and discharges this runoff into public storm water drains. The lower plot shall provide an easement or allow / provide a right of way or channel for the discharge of storm water run off from natural sources or adjacent plots of higher elevation into the public storm water drains.

## 4.6 SPECIAL REGULATIONS FOR LOW INCOME GROUP HOUSING SCHEMES AND TEMPORARY SETTLEMENT REHABILITATION SCHEMES

### SCOPE:

These regulations shall be applicable to the development of residential schemes for the low-income groups or in Temporary Settlements rehabilitation schemes, undertaken by public agencies, co-operative societies, Government, or Semi-Government, Non-Governmental bodies. The housing scheme proposed using the following regulations shall be developed only within areas designated/declared by the Competent Authority as Temporary Settlement Areas at any point of time within the planned period.

### PLANNING GUIDELINES

- I. At every eight such continuous plots, a 4.0 m. wide space open to sky shall be provided as a footpath and firebreak.
- II. Common plot at the rate of 10 percent of the area of the plot / land developed shall be provided for open space / community open space which shall be exclusive of approach roads, path ways or margins, 1/6th of the area of such an open space / community open space shall be allowed to build over with ground floor structure for community facilities like library, school, community hall and other public utility services.

### Residential Development for Low Income Group:

Regulation	Sites and services or independent dwelling units (incl. row housing)	Group Housing
Max. Density (D.U /Ha)	N.A	22
Max. Land Area under Res. Use	70 %	70 %
Min. Open Space	10 %	10 %
Min. Land for Common Amenities	5 %	5 %
Min. Width of Approach Road (m.)	3	6
Min. Width of Motorable Street ( m. )	6	9
Min. Width of Footpath (m.)	1.2	1.
Min. Plot Size (sq.m.)	50	N.A.
Max. Plot Size (sq.m.)	200	N.A.
Max. Coverage ( % )	70	7
Max. No. of Floors	2	2
Min. Width of Plot (m.)	7.5	N.A.
Min. Front Setback (m.)	1.5	3 (From the road/foot
Min. Rear Setback (m.)	1.5	3 (Between
Min. Side Setback (m.)	-	3 (Between

A minimum setback of 5 m should be maintained to the side where the common septic tank is accommodated

**Note:** Low Income Group Housing Schemes or Rehabilitation Schemes is also permissible in UV -1 and UV – 2 (MD) as per the respective Precinct Regulations.

## APPROACH ROAD

Minimum widths of approach roads should be as follows:

Type of Development	Distance from Proposed Road or Other Main Road (m)		
	Up to 10	10 to 20	Above 20
Up to 11 plotted units	3.0	3.0	4.5
More than 11 plotted units	4.5	5.5	6.0
Plotted development	5.5	6.5	8.0

## ROADS AND FOOTPATHS

- I. The area under roads and pathways in such housing project shall normally not exceed 20 percent of the total area of the area.
- II. Access to the dwelling units where motorized vehicles are not normally expected, shall be through a right of way of at least 4.5 m. with a paved footpath of at least 1.0 m. wide. The right of way shall be adequate to allow for plying of emergency vehicles and also for side drains and plantation. Such access ways shall not exceed 50 m. in length.
- III. Where motorable access is to be provided, the widths of the streets not longer than 50 m. shall be at least 6m. and if longer than 50 m shall be at least 7.5 m. wide. However if the site area to be developed is more than 2500 sq.m. there shall be at least one major road with a minimum width of 9 m.

### 4.6.1 SIZE OF ROOMS

- a. Habitable room
  - minimum 6.25 square metres in plotted development
  - minimum 9.5 square metres in case of flatted development
  - minimum clear width of 2.5 metres in both the cases.
- b. Cooking alcove
  - square metres minimum clear usable area with a width of 1.25 metres.
- c. Water-closet
  - 1.10 square metres as minimum clear usable area with 7 metres clear width;
  - and, WC pan of a minimum of 46 centimetres in length.
  - Shared WCs for up to a maximum of four tenements should be allowed.
  - In the case of plotted development, a WC without flushing cistern should be permitted if a septic tank is provided.
- d. Bathroom
  - 1.2 square metres with a minimum clear width of 1 metre as individual bathing space.
- e. Combined toilet
  - Combined WC and bathroom should have clear usable area of 1.85 square metres with a minimum clear width of 1 metre.
- f. Lighting and Ventilation
  - Total opening area through windows, ventilators, grills etc. should be one- eighth of the room floor area.

- g. Minimum Heights
- a. Plinth : 30 cms. From surrounding ground level and in any case above the high-flood level.
  - b. Habitable Rooms :
    - with flat roof : 2.6 metres clear height
    - with sloping roof : 2.5 metres average height with minimum 2.0 metres at eaves.
  - c. Kitchen/cooking alcove : 2.4 metres clear or average height
  - d. WC/bath : 2.2 metres clear height
  - e. Corridor/passage : 2.1 metres clear height
- h. Staircase  
Common circulation area including staircase should not exceed two square metres per tenement on any floor  
Minimum dimensions for staircases should be as follows:

<u>Number of Floors</u>	<u>Two</u>		<u>Three</u>	
<u>Type of Stairway</u>	<u>Straight</u> <u>Winding</u>		<u>Straight</u> <u>Winding</u>	
Clear usable width	600 mm	750 mm	750mm	900mm
Tread	225 mm; also 200 mm clear between perpend if open riser, nosing or inclined riser is provided to have effectivegoing of 225 mm		250 mm	250 mm
Riser	200 mm	maximum	125 mm	minimum
Head room	2100 mm clear			

- i. External Walls  
115 millimetres thick external walls without plaster should be permitted.
- j. Septic Tank  
Septic tank should be provided where the municipal sewerage system is not available and the water table in the area permits. Per capita liquid capacities of the specific tanks should be provided as given in Table A-1.



Table A-1: PER CAPITA LIQUID CAPACITIES FOR SEPTIC –TANK

No. of users per Septic Tank	No. of Dwelling Units	No. of WCs per Septic Tank	Per Capita Liquid Capacity in litres*
5	1	1	130
10	2	1	90
200	40	40	70

## 5.0 SECTION V - BUILDING REGULATIONS

### 5.1 SITE SLOPE AND PLOT COVERAGE

The Samdrup Jongkhar Municipal Corporation, out of concern for future erosion of soils in the town, silting and flooding of the river, percolation of ground water and for recharging the underground aquifer systems requires the following measures:

#### (1) MEANING OF SLOPE

That the highest level and the lowest level of the site be stated, along with the horizontal level distance between these two points. That the slope be calculated as per  $H$  (highest level) minus  $L$  (lowest level) equals  $E$  (elevation distance) between the two  $H$  and  $L$  points

#### (2) MEANING OF OPEN GROUND / GROUND COVERAGE

Open Ground means areas of the ground not covered by

- i) building plinths including plinth protection
- ii) walls
- iii) paved areas ( footpaths, driveways, terraces, parking areas, etc. )
- iv) security structures
- v) servant's quarters
- vi) storage structures
- vii) septic tank, overhead or underground tanks
- viii) any other structure which stops bio-mass from growing or natural water from percolating into the ground

Where large rocks (over 10 sq.m. in exposed surface area) are on the site, or other natural stone surfaces which prohibit ground water percolation, these shall be included as ground coverage and not as open land.

#### (3) Slope and Ground Coverage Ratio

As the slope of a site increases, the ground coverage allowed decreases (applicable only for sites with slopes of above 40 %)

Slope	Ground Coverage
above 60 %	No structure allowed
45 % up to 60 %	five percent allowed
40 % up to 44 %	ten percent allowed

#### (4) Exemptions from Ground Coverage

*Subject to clearance by  
NEC*

Where it does not conflict with any other rule, limitation or regulation (like setbacks, etc), up to ten percent of a site may be added to the allowed ground coverage if the structure is built on columns / stilts which are at least 2.5 m. clear distance from the ground, which shall be confirmed at the time of issuing Occupancy Certificate and any other date. These areas shall never be enclosed/used for storage of wood, materials, parking, or for any habitation, or occupation. The natural ground profile should not be disturbed. This clause will be applicable only for plots with slopes above 40 %.

**APPENDIX 1: LIST OF DETAILS TO BE SHOWN ON PROPOSED LAND DEVELOPMENT PLAN / SUBDIVISION PLAN (WHEREVER APPLICABLE)**

- I. The boundaries of the plot and plot level in relation to neighbouring road level.
- II. The highest and lowest levels of the plot and average slope with direction thereof.
- III. The position of the plot in relation to neighbouring streets and name of the streets
- IV. Width of the proposed streets and internal roads.
- V. Sub-division of the land or plot or building unit with dimension and area of each of the proposed sub-divisions and their use in conformity with these regulations.
- VI. Dimensions and areas of open space and common amenities plots provided for under these regulations.
- VII. All the existing buildings and other development standing on or under the site.
- VIII. The position of buildings and of all other buildings and construction which the applicant intends to erect.
- IX. The means of access from the street to the buildings or the site and all other building and constructions which the applicant intends to subdivide.
- X. Yards and open spaces to be left around the subdivided buildings to secure free circulation of air, admission of light and access.
- XI. The width of street in front and of the street at the side or rear of the subdivided building.
- XII. The direction of north point relative to the plan of the site or the buildings.
- XIII. Any physical feature such as trees, wells, drains, pipelines, high-tension lines etc.
- XIV. Existing streets on all sides indicating clearly the regular line for streets if any prescribed under the Structure Plan and passing through the building units
- XV. The location of the building in the plot with complete dimensions.
- XVI. A plan indicating parking spaces, with egress and ingress if required under these regulations
- XVII. The positions of the building units immediately adjoining the proposed development.
- XVIII. The position of every water closet, privy, urinal, bathrooms, cess pool, well or cistern in connection with the building other than those shown in the detailed plan.
- XIX. The lines of sewers on the site and/or building, the size, depth and inclination of every sewer and the means to be provided for the ventilation of the sewers.
- XX. The position and level of the outfall of the sewer.
- XXI. The position of sewer, where the sewerage is intended to be connected to sewer.
- XXII. Tree plantation required under regulation No.4.3.

## **APPENDIX 2: LIST OF DETAILS TO BE SHOWN IN DRAWINGS / PLANS FOR OBTAINING BUILDING PERMISSION**

### **DRAWING GUIDELINES**

Drawings with complete design information and details, but not limited to the following, shall be submitted to the Implementing Authority for scrutiny and approval.

#### **A) ARCHITECTURAL DRAWINGS**

- a) Site plan shall be drawn to scale and shall include the position of the proposed building in the plot showing the dimensions of the plot boundaries, set back lines and showing the approach road, location of septic tanks, soak pit, roof drainage, and drainage plan. The site plan shall clearly show any proposed widening right of way, no build line where a 30 m. or a 15 m. clearance is required from rivers, major streams, minor streams, cliffs, ledges, etc. are required as indicate by the latest official site plan issued by SJMC (for safety and environmental protection)
- b) Site plan shall include a schematic drawing showing information on adjacent plot like building line, permanent features, drainage, access road, septic tank and soak pit location.
- c) Layout plan of each floor, elevations of all sides of the building, sections through toilets and staircases, details of doors, windows, traditional cornices, railing/parapet, opening and other methods of ventilation, details of toilet and kitchen.
- d) Proposed parking layout as prescribed under this regulation e) A digital copy of the drawings for reference, if available.
- f) Drawings shall have proper title block indicating name and signature of owner, Architect, type and number of storey, location, date, revision number and date, scale, and north direction.
- g) The following minimum scales shall be followed:

Site Plan	1:500
Elevation/plan/section	1:100
Stair case/toilet/kitchen details	1:50
Door/windows/cornice details	1:25

#### **B) STRUCTURAL DRAWINGS**

- a) A copy of design calculation notes.
- b) Design codes used shall be listed on the drawing.
- c) Loads (assumed or actual) shall be listed on the drawing.
- d) Material properties shall be listed on the drawing.
- e) Assumed soil bearing capacity or soil investigation report shall be attached.
- f) Foundation plan, truss layout plan showing truss and purlin spacing, beam and slab layout plan for each floor showing clearly the staircase opening, shaft opening and any other openings and depressions.
- g) Concrete and reinforcement details for foundation, beams, slab, staircase, lintel, cornice, projections, zhu and rabsey, wall, etc.
- h) Truss elevations and connection details showing the holding down details.
- i) Details of separation gap indicating the location of such gap on the plan wherever required
- j) Details of splice locations and splice length for beams, columns, slab and staircase.
- k) For Load bearing walls, details of plinth band, lintel band, roof band including vertical bars at corners, opening jambs, wall junctions to be shown.
- l) Foundation details indicating depth of foundation and plinth level.
- m) Dimensions shall be clearly indicated for all structural members
  - Anchorage of beam bars in an external beam – column junction
  - Column ties and Beam stirrups details
  - Retaining details in case of foundation founded on different levels

- n) Drawings shall bear proper title block indicating name and signature of owner, Structural Engineer, type and number of storey, location, drawing title, date, revision number.

**C) ELECTRICAL CONNECTIONS**

- a) Single line diagram of total electrical system showing incoming terminal point and distribution network.
- b) Electrical layout plan showing positions of light points, power points, any other outlets, switches and wiring diagram.
- c) Tapping off junctions, switchboards, and distribution circuits for power and lighting from SDB and phase distribution (in the case of multiphase installations) shall be indicated clearly on the wiring layout plan.
- d) Sub distribution boards showing circuits and respective loads and protection devices.
- e) Power distribution boards for large multi-storey buildings showing floor- wise distribution from main control board and incoming power line.
- f) For multi-storied / complex buildings, design calculations shall be submitted.
- g) Drawings shall bear proper title block indicating name and signature of owner, Electrical Engineer, type and number of storey, location, drawing title, date, and revision number.

**ADDITIONS AND/OR ALTERATIONS TO EXISTING INSTALLATIONS**

The following information shall be submitted for additions and/or alterations to existing Installation:

- a) Polarity test results
- b) Insulation test results
- c) Earth continuity test results d) Earthing test results
- e) Capacity, condition and specification of existing spare circuits
- f) Rating, specification and condition of existing incoming mains control gear
- g) Composite (existing and proposed) layout plans for all floors

Note: For factories, relevant by laws shall be followed as per Bhutan factory, electricity rules or relevant international standards.

**LEGEND SHALL SHOW**

- a) Type and wattage of fixtures
- b) Type of SDBs
- c) Type of PCBs and connected load
- d) Type of MCBs
- e) Switches and Switchboards
- f) Junction boards

**COMPOUND ELECTRIFICATION WORK**

- a) Fixture and fitting specification
- b) Foundation details for support poles etc.
- c) Terminal box details.
- d) Size and type of cable proposed to be used.
- e) Single line diagram showing
  - (i) Connections
  - (ii) Phase distribution
  - (iii) Circuitry

**TELEPHONE CONNECTIONS**

Submitted drawings shall indicate symbols and legend. All points, junctions, routes ducts, telephone terminal cabinet are to be clearly indicated.

Drawings shall bear proper title block indicating name and signature of owner, Concerned Engineer, type and number of storey, location, drawing title, date, and revision number.

**D) DRAINAGE AND SANITATION**

- a) Plan showing Kitchen, bathroom and WC outlets.
- b) Plan showing location of septic tank and soak-pit or sanitary pipe lay out to the nearest sewer line, including manholes, wherever it exists.
- c) Drainage layout plan connecting to the nearest storm water drain.
- d) Sewer design shall be in accordance with plumbing code of practice.
- e) Materials and sizes of pipeline.

**E) WATER SUPPLY**

- a) Layout plan of internal plumbing system of each floor with details of pipe sizes and material.
- b) Water meters shall be provided for each dwelling unit.
- c) Plumbing design shall be in accordance with plumbing code of practice.
- d) Materials and sizes of pipe line
- e) Drawings shall bear proper title block indicating name and signature of owner, Engineer, type and number of storey, location, drawing title, date, and revision number.

## **APPENDIX 3: REGISTRATION OF ARCHITECT, ENGINEER, STRUCTURAL DESIGNER, DEVELOPER**

### **APPLICATION FOR REGISTRATION**

The Implementing Authority shall register Architect, Engineer, Structural Designer, and Developer. The registration may also be done by an Institute/Organization recognized by the Royal Government of Bhutan. Application for registration as Architect, Engineer, Structural Designer, Developer, shall be in the prescribed form. Registration shall be valid for the period of five years or part thereof and shall be renewable or part thereof.

### **REVOCATION OF REGISTRATION**

A registration shall be liable to be revoked temporarily or permanently by the Implementing Authority or the recognized Institute/Organization. If the registered person is found guilty of negligence or default in discharge of his responsibilities and duties or of any breach of any of these Regulations, it would lead to cancellation of his/her registration unless the Implementing Authority is satisfied with the justification/show cause.

### **GENERAL DUTIES AND RESPONSIBILITIES APPLICABLE TO ALL:**

- I. They shall study and be conversant with the provisions of the Bhutan Municipal Act, 1999; the rules made there under; the Samdrup Jongkhar Development Control Regulations - 2006, and the other instructions circulated by the Implementing Authority and the provisions in force from time to time along with the instructions printed/mentioned on prescribed application forms and permission letter.
- II. They shall inform the Implementing Authority of their employment/assignment / resignation for any work within 7 days of the date of such employment / assignment / resignation.
- III. They shall prepare and submit all plans either new or revised when necessary, required documents and other details they are required to do so in a neat, clean and legible manner and on a durable paper properly arranged and folded in accordance with the provisions prevailing time to time.
- IV. They shall submit plans, documents and details without any scratches or corrections. Minor corrections will be permitted with proper initials. They shall correctly represent all the site conditions including grown up trees.
- V. They shall personally comply with all requisitions/ queries received from the Implementing Authority in connection with the work under their charge, promptly expeditiously and fully at one-time. Where they do not agree with requisitions/ queries, they shall state objections in writing; otherwise for non-compliance of any requisition/query within stipulated time, the plans and applications shall be filed forthwith, and shall not be re-opened.
- VI. They shall immediately intimate to the owners the corrections and other changes they make on the plans, documents and details as per requisitions/queries from the Implementing Authority.
- VII. They shall clearly indicate on every plan, document and submission, the details of their designation such as registered Architect, registered Engineer, registered Structural Designer, etc. with registration number, date, full name and their address below the signature for identification.
- VIII. They or their authorized agent or employee, shall not accept the employment for preparation and submission of plans-documents and supervision of any work if the same is intended or proposed to be or being executed or already executed in contravention of these Regulations and any orders made there under and any Regulations or rules for the time being in force.
- IX. The registered person shall apply for undertaking the responsibility for the particular work in the forms prescribed by the Implementing Authority.
- X. The registered person shall provide the information and undertaking for the work undertaken by him in the forms prescribed by the Implementing Authority from time to time.

## **ARCHITECT**

### **(A) QUALIFICATION AND EXPERIENCE**

A person holding a Bachelors Degree in Architecture/Diploma in Architecture (Equivalent to Bachelors of Architecture) with 2 years of work experience.

### **(B) SCOPE WORK and COMPETENCE**

- I. Preparation and planning of all types of layouts and submission drawings and to submit certificate of supervision and completion for all types of buildings.
- II. Supervision and execution of construction work as per specifications and drawings prepared by authorized registered structural designer and engineer.

### **(C) DUTIES AND RESPONSIBILITIES**

- a) He/she shall be responsible for making adequate arrangements to ensure not only that the work is executed as per the approved plans but also in confirmation with the stipulations of the National Building Code (Building Code of Bhutan 2003) standards for safe and sound construction and non-hazardous, functioning of the services incorporated in the building and for making adequate provisions for services and equipment for protection from fire hazards as per the stipulations of the Building Code of Bhutan 2003 in the buildings and shall obtain N.O.C. from the Chief Fire Officer (in case of special buildings) or concerned designated Authority/consultant before applying for occupation certificate.
- b) He or she shall, on behalf of the owner, apply for the progress certificates, completion certificates and the occupation certificate and obtain the same as required under the regulations.
- c) If the services of the registered architect are terminated, he shall immediately inform the Implementing Authority about his termination and the stage of work at which his services have been terminated. The registered architect appointed as replacement of the preceding architect shall inform about his appointment on the job, and inform the Implementing Authority of any deviation that might have occurred on the site with reference to the approved drawings and the stage at which he is taking over the charge. After Implementing Authority has inspected the site for his report, the newly appointed architect shall allow the work to proceed under his direction.
- d) The registered architect appointed on the work shall inform the Implementing Authority immediately on discontinuation of the services of the registered/structural designer, construction contractor, clerk of works, site supervisor, plumber or electrician and shall not allow the work to continue till the vacancy is filled by appointment of another person and the certificate of appointment of such person is submitted in the office of the Implementing Authority.
- e) He or she shall instruct the relevant agency that adequate provisions are made for ensuring the safety of workers and others during excavation, construction and erection.

### **(D) REGISTRATION:**

- a) The registration fee if any shall be payable as prescribed by the Implementing Authority or the recognized Institute/Organization from time to time.
- b) The Implementing Authority may black-list an architect in case of serious defaults or repeated defaults and shall inform The Royal Institute of Bhutanese Architects (RBIA) to take suitable action against such person under the provisions of The Royal Civil Service Commission. The registration shall be liable to be revoked temporarily or permanently by the Implementing Authority in such cases of negligence or default.



## **ENGINEER**

### **(A) QUALIFICATION AND EXPERIENCE**

A degree in Civil Engineering or any equivalent qualification, recognized by The Royal Civil Service Commission. In addition to the qualifications stated above, the applicant should have at least five years experience in professional work if he is a holder of a Diploma in Civil Engineering/or equivalent.

### **(B) SCOPE OF WORK AND COMPETENCE**

- a) Preparation and planning of all types of layouts and submission drawings and to submit certificate of supervision and completion for all types of buildings.
- b) Supervision and excavation of construction work as per specifications and drawings prepared by authorized registered structural designer.
- c) He/she can prepare and submit structural details and calculations for buildings of load bearing structures.

### **(C) DUTIES AND RESPONSIBILITIES**

As per the duties and responsibilities as specified for architect, with reference to engineer in place of Architect.

### **(D) REGISTRATION**

- I. The registration fees if any shall be payable as prescribed by the Implementing Authority or the recognized institute or organization from time to time.
- II. If he/she is found negligent in his/her duties and responsibilities. The Implementing Authority may black-list an Engineer in case of serious defaults or repeated defaults and shall inform The Royal Institute of Bhutanese Engineers, to take suitable action against such person. The registration shall be liable to be revoked temporarily or permanently by the Implementing Authority in such cases of negligence or default.

## **STRUCTURAL DESIGNER**

### **(A) QUALIFICATION AND EXPERIENCE**

A Degree in Civil Engineering or any equivalent recognized by The Royal Civil Service Commission. In addition to above qualification, the applicant should have at least five years experience in structural design, two years of which must be in a responsible capacity in form of structural designer.

**OR**

A Master's degree in structural engineering from a recognized institute and at least two years experience in structural design work.

**OR**

A Doctor's degree in structural design from a recognized institute and at least one year experience in structural design work.

### **(B) SCOPE OF WORK AND COMPETENCE**

To prepare and submit structural details for –

- i) All types of Buildings.
- ii) Special structures.

**(C) DUTIES AND RESPONSIBILITIES**

- a) To prepare a report of the structural design
- b) To prepare detailed structural design and to prescribe the method and technique of its execution strictly on the basis of the Building Code of Bhutan 2003 or relevant international standards.
- c) To prepare detailed structural drawings and specifications for execution indicating thereon, design live loads, safe soil bearing capacity, specifications of material, assumptions made in design, special precautions to be taken by contractor to suit the design assumptions etc. whatever applicable.
- d) To supply two copies of structural drawings to the site supervisor.
- e) To inspect the works at all-important stages and certify that the work being executed is up to the satisfaction of the Architect/Engineer.
- f) To certify the structural safety and overall structural soundness of the building to the Architect/Engineer.
- g) To advise the Owner/Architect/Engineer for arranging for tests and their reports for soil, building material etc. for his evaluation and design consideration.
- h) S/he shall prepare the revised calculations and drawings in case of any revision with reference to the earlier submission of drawing and design in a particular case.
- i) To submit the certificate of structural safety and over all structural soundness of building to Implementing Authority.

**(D) REGISTRATION**

As specified for architect, with reference to structural designer place of Architect.

**DEVELOPER**

**(A) QUALIFICATION AND EXPERIENCE: -**

The person/firm acting as Developer shall be of proven merits and experience.

**(B) DUTIES AND RESPONSIBILITIES.**

- I. Any person acting, in the capacity of the owner shall be the bonafide owner or authorized agent of the owner for developmental work proposed. S/he shall satisfy the Implementing Authority that s/he is the actual owner of the property of the authorized agent of the actual owner to undertake total responsibility as the owner, employer and manager of the property and its development and of all the assets and liabilities of the property and the project.
- II. S/he shall appoint a registered Architect/Engineer to plan, design, prepare drawings and specifications and to direct the execution of the work in accordance with the requirements of these regulations.
- III. The appointment of the registered Architect/ Engineer shall mean that he has authorized the Architect/Engineer to do all things necessary and to take all adequate measures for preparing the design, drawings and specifications for the project and to appoint on his behalf appropriate persons to act as registered, clerk of works site supervisor, required for the proper execution of the project and to retain on behalf of the owner any other specialist or expert required on the work of the project.
- IV. S/he/Architect/Engineer shall give written information to the Implementing Authority about the commencement of the execution work. He shall see that the registered Architect/ Engineer fulfill all requirements of Implementing Authority.
- V. S/he shall not cause or allow any deviations from the approved drawings in the course of the execution of the project against the instruction the instruction of Architect /Engineer /Site Supervisor/Clerk of Works/Structural Designer and shall bear all responsibility for any irregularity committed in the use and function of the building or its parts for which the approval has been obtained.
- I. S/he shall inform the Implementing Authority immediately if the services of the Architect/ Engineer appointed on the project are terminated or has ceased to function due to any reason and shall not allow any work to proceed till another Architect/Engineer is appointed on the project.
- VII. When no registered construction contractor or site supervisor is required to be appointed and not appointed he shall be responsible for their duties and responsibilities under

the Regulations.

- VIII. S/he shall not commence the use of building or shall not give the possession to occupy the building to any one before pertaining to the occupancy certificate from the Implementing Authority.
- IX. S/he shall provide adequate safety measures for structural stability and protection against fire hazards likely from installation of services like electrical installation, plumbing, drainage, sanitation, water supply etc. wherever required under the regulations.
- X. S/he shall exhibit the names of registered persons only, on site and no additional names will be exhibited/displayed.
- XI. S/he shall explain the construction design and its intended use as per approved plan only, to the prospective purchaser of the premises under construction.

**APPENDIX 4: COLOUR CODES TO BE USED IN PLANS / DRAWINGS**

<b>Sr. No.</b>	<b>Item</b>	<b>Site Plan</b>	<b>Bldg. Plan</b>
01.	Plot line	Thick black	Thick black
02.	Existing street	Green	-----
03.	Future street if any	Green dotted	-----
04.	Permissible lines	Thick black dotted	-----
05.	Open space	No colour	No colour
06.	Existing work	Blue	Blue
07.	Work proposed to be demolished	Yellow Hatched	Yellow Hatched
08.	Proposed work	Red	Red
09.	Work without permission if started on site	Gray	Gray
10.	Drainage and sewerage work	Red dotted	Red dotted
11.	Water supply work	Black dotted	Black dotted

## APPENDIX 5: SCRUTINY FEES AND SERVICE AND AMENITY FEE PAYABLE AT THE TIME OF APPLICATION FOR LAND DEVELOPMENT / BUILDING PERMISSION

### Service and Amenity Fee:

Sl.No.	Category	Service and Amenity Fee (Nu per Sqm of Built up area)
1	Residential /Intuitional Building use	Nu30/Sqm
2	Commercial/ Industrial uses	Nu50/Sqm

### 75% concession for land pooled areas and areas with Betterment Charges.

**Scrutiny Fee:** The minimum scrutiny fee for land development / building permission shall be NU 3000.00 or Nu. 16.14/sqm whichever is more. Fee for renewal of development / building permission shall be Nu. 500.00.

Sl.No	Category	Fee
1	Issuance of Official Site plan	As approved City Committee .

## APPENDIX 6: SUMMARY OF CRITICAL DIMENSIONS

### MAXIMUM CARPET AREA (sq.m) OF SHOPS IN CONVENIENCE SHOPPING CENTRES

General	20
Food grain or ration shops	50
Groceries, confectioneries, general provision shops	50
Medical and dental practitioners' dispensaries or Clinics, pathological or diagnostic clinics and pharmacies	50
Wood, coal and fuel shops	30
Cloth and garment shops	50
Restaurants and eating houses	50
Shoes and sports shops	75
Taxi stand office	10

### DWELLING UNIT

At least one room of minimum carpet area of 9 sq.m. with a minimum side dimension of 2.5 m and a WC.

### HABITABLE ROOM

Minimum height:	2.7 m measured from finished floor to finished ceiling.
Minimum width:	2.5 m.

### LIGHT HOME WORKSHOP

Maximum floor space :	20 sq.m.
-----------------------	----------

### LIGHT INDUSTRY

Maximum floor space : 500 sq.m.

**LOFT / ATTIC**

Maximum height : 1.2 m.

Maximum area : 30% of the floor area of the room.

**MEZZANINE FLOOR**

Maximum height : 2.3 m.

**SERVICE ESTABLISHMENT**

Maximum floor space : 50 sq.m.

**WATER CLOSET (WC)**

Minimum floor area : one square metre.

**TEMPORARY KIOSKS**

Maximum dimensions for “temporary” public telephone booths, milk booths, and newspaper stalls- 2 m. X 2.5 m.

**NO DEVELOPMENT ZONES**

All areas within 30 m. from the edge of a major stream or gulley and within 15 m. from a minor stream or gulley more than 3m. in depth, or on within 30 m. of the edge of a cliff, or under a cliff or precipice ( within 30 m. ).

**CRÈCHE**

Any construction site with minimum built-up area - 5000 sq.m (shall provide a crèche or day care centre for the laborer’s children, should even one, or more, women be employed on site

## **APPENDIX 7: TRANSFER OF DEVELOPMENT RIGHTS (TDR)**

In the Samdrup Jongkhar Structure Plan certain areas are to be used in the public interest for a public purpose. Transfer of Development Rights or TDR is a mechanism to protect the development rights of the owners of Reserved Land, while facilitating the SJMC in acquiring lands needed to implement the Structure Plan.

In cases where the government has to acquire land for the public good, the owners may choose to be compensated, or their land “traded” for an equal size of Floor Area Ratio (FAR) or “Development Rights”, which can be used elsewhere in Samdrup Jongkhar. The compensation is in the form of FAR which can be transferred and used elsewhere.

The award of Transferable Development Rights (TDRs) in the form of FAR entitles the owner of the land to Floor Area Ratio in the form of a Development Rights Certificate (DRC) which he may use himself, or transfer to another person. The owner is eligible for Development Rights (DR's) after the land is surrendered free of cost to a designated Authority. Development Rights (DRs) could be granted to an owner only for land reserved in the Structure Plan for public purposes.

The built-up area for the purpose of FAR credit in the form of a DRC should be equal to the gross area of the reserved plot to be surrendered and will proportionately increase or decrease according to the permissible FAR of the zone from where the TDR has originated. When an owner also develops or constructs the public amenity on the surrendered plot at his own cost, as may be prescribed by the Implementing Authority, and hands it over to the Implementing Authority, free of cost, he may be granted a further DR in the form of FAR equivalent to the area of the construction / development done by him.

A DRC shall be valid for use only in similar use zones or from a commercial/ industrial zone to a residential use zone and not vice-versa, subject to the condition that the total FAR achieved shall in no case exceed the maximum permissible FAR specified in the receiving zone as per these Regulations. DRCs may be used on one or more plots of land, whether vacant or already developed, by erection of additional storeys, or in any other manner consistent with these Regulations, but not so as to exceed a total built-up FAR higher than that prescribed in these Regulations.

DRs can be granted and DRCs issued only after the reserved land is surrendered to the Implementing Authority, or to the Government as the case may be, free of cost and free of encumbrances. A DRC can be issued by the Implementing Authority as a printed certificate. Such a certificate is a transferable “negotiable instrument” after due authentication. The Implementing Authority shall maintain a Register of all TDR Transactions, etc. relating to grant of and utilization of DRs.

The extra FAR in the form of Transfer of Development Rights (TDR) can be sold by the land owners and purchased by anybody and use it to achieve a higher dwelling density on a given piece of land, particularly to construct dwellings of a particular size affordable to the lower and/or middle income groups.

And finally the “Maximum FAR” may also be allowed using transfer of development rights. The funds collected by the SJMC while increasing from the “Base FAR” to the “Maximum FAR” will become part of a Development Fund, which is essential to provide the capital expenditure on infrastructure to service new buildings. The land obtained by the SJMC through the Transfer of Development Rights creates a mechanism for the SJMC to implement the purchase of reserved lands. It also protects the owner of a Reserved Plot from his land being acquired at price far below the market value.

Note: The Transfer of Development Rights was initially a part of the clause to be implemented. But since the FAR is done away with, the text is retained here in Appendix for future reference and information. The working committee felt that this idea could not be implemented but may be done so in future.



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

Urban Centre .....

- Signature:

## Remarks (if any):

## APPLICATION FOR OCCUPANCY CERTIFICATE

To:  
The Thrompon/Chairman,  
City/Municipal Corporation,  
.....

Sir,

I hereby certify that the addition/ alteration/ construction of building on Plot/Thram No. .... in ..... 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 Bhutan Building Rules, conditions or orders issued there under 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:

## OCCUPANCY CERTIFICATE

To,

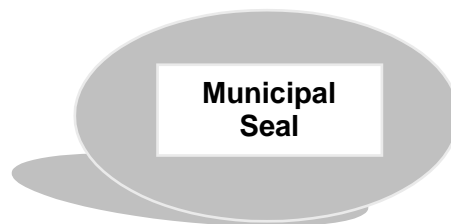
.....  
.....  
.....  
.....

Sir/Madam,

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

Instruction / Remarks (if any):

Thrompon/Chairman  
City/Municipal Corporation  
Dated:



**Samdrup Jongkhar Municipal Development Control Regulations -2006**





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Note: While first two section of DCR remains unchanged, **SECTION 3** of DCR have been revised according to the newly defined precinct ad need to be amended as follows:

SL.No	Precinct	Description	Plot Area(s qm)	Coverage	FAR	max height	Use
0	Road						
1	INST	Public use building	>=500	35%	1	3	Local, National and International Institutions Educational and health facilities, training, government institutions, government offices, police, jail with incidental residences.
		Institutional Residential					
2	DZONG	Dzong	NA	NA	NA	NA	Only activities which enhance the image, use and iconography of the Dzong.
3	EV - 2	Vegetated slopes with low density development permissible. Limited development zones	>=400	50%	1	2	Limited development of low density tourism resorts and residences on suitable slopes within orchard and vegetated areas
4	EV - 1	Environmental Conservation precincts. No development zones	NA	NA	NA	NA	Flood plains and high slopes with dense forest cover where no development is permitted
5	IND & SERV	Small and medium industrial units, repair garages, workshops, utility zones. (Maximum height of structure may be decided on the basis of nature of industry and permitted on case to case basis)	>=500	35%	0.75	2	Water treatment plants, settling tanks, sewage treatment plant, electric substation, small scale industries, vehicle garages and workshops. Dairy Farm, Poultry Farm, Agro based industry, weaving, carpentry workshops.



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**THROMDE ADMINISTRATION**  
**SAMDRUP JONGKHAR**



6	UC - 2 (Urban Core 2)	Mixed use (Residential with retail use)	200-500	50%	1.5 (2 for Dewat hang)	4	Private residences with shops and commercial activities at lower floors. Government Housing and Group Housing Apartment Blocks. Residential, local level retail shops and services, Entertainment and Cultural Centers, Restaurants and Food Courts, Lodging and Boarding Houses, Hotels, Games Parlours, Commercial Center, Public Buildings, pathological laboratories, Dispensaries and Nursing Home, Office Buildings, Public Facilities, Public Utilities, Banks, Professional Offices. Open spaces at local level
			>500	50%	1.5 (2 for Dewat hang)	4	
		Hotels	>=2000	50%	2	5	
		Cultural Centre*	7500-10000	25%	0.5	2	
		Group Housing**	not less than 5000	35%	0.75	3	
7	UC - 1 (Urban Core 1)	Mix of Residential and commercial	125-200	50%	2	5	Private residences with shops and commercial activities at lower floors. Apartments, Low Income and group housing are permitted. a) Household economic activity, light home workshops, and cottage industries not involving use of, or installation of, any machinery which 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. b) Entertainment and Shopping Centers, Cinema Hall, Restaurants and Food Courts, Games Parlours, Lodging and Boarding Houses, Hotels, Tourism
			200-500	50%	2	5	
			>500	50%	2	5	
		Mix of Residential and household industry	125-200	40%	2	5	
			200-500	40%	2	5	
			>500	40%	2	5	
		Commercial use premise (non residential use)	200-500	50%	2	5	
			>500	30%	0.75	3	



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		Social Amenities	>500	30%	0.75	3	and Recreation based facilities. c) Commercial Center, Public Buildings, pathological laboratories, Dispensaries and Satellite Clinics, Office Buildings, Public Facilities, Public Utilities, Banks, Professional Offices, d) Parks, Gardens, Playgrounds for surrounding residential areae) Spiritual and religious artifacts and places, Chortens, lhakhangs, prayer wheels, statues, temples and other heritage structures.
8	RECREATIONAL	Recreational,City level recreational facilities including open grounds and built premises	NA	NA	NA	NA	Open Space Precincts of Public assets like Parks, Gardens, Community Level/Local Recreational and Sports, Facilities including archery ranges, football/cricket grounds, indoor sports stadiums, swimming pools.
9	NN (Neighbourhood Node)	Commercial	200-500	40%	1.25	4	Convenience Shopping and Basic Amenities Precincts for Urban Core, Town Extension and Residential areas.  Components to be included: Departmental Stores, vegetable vendors, milk booths, outdoor cafes, bakeries, restaurants, banks, ATMs, offices, nursery school and day care centre, satellite clinic/dispensary, library, club house, community hall, community parking in lot/multi level parking, public toilets.
		Hotels	>=1000	50%	2	5	
		Nursery School	>=500	35%	0.6	2	
		Satellite Clinic/Dispensary	200-500	40%	0.6	2	
		Library	>=500	35%	0.5	2	
		Community Hall	>=1000	25%	0.5	2	
		Parking	1 ECS per 100sqm of NN				



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10	R - 1 (Inner Town Residential)	Mixed use with retail only on corner plots of major streets (road width 9 m and above) Maximum of 25% of built up area may be used for convenience shopping eat.	200-500	50%	1.25	3	High Density, Residential Precinct, with corner plots on main roads having retail activities permitted.  Predominantly existing Residential areas consisting of both private and institutional housing. Redensification permitted in plots if maximum permissible development norms not achieved yet.
		plotted Residential development	200-500	40%	1.25	4	
		Group Housing*	>=5000	35%	1.5	5	
11	R-2 (Periphery Residential)	Mixed use with retail only on corner plots on major streets (road width 6 m and above) Maximum of 25% built up area may be used for housing convenient shopping etc.	200-500	50%	1.25	3	
		plotted Residential development	300-500	40%	0.75	2	
			>=500	40%	1	3	
12	UPE (Urban Periphery Enclave)	Mixed use with retail only on corner plots on major streets (road width 9 m and above) Maximum of 25% of built up area may be used for housing convenient shopping etc.	400-499	50%	1.75	4	New Areas of development away from the main town core having a mix of activities including residential of varying densities, recreational, commercial and having a neighbourhood node.
		plotted Residential development	500-600	40%	0.75	2	
		Group Housing*	>=5000	35%	0.75	3	





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\* Cultural Centre to provide for parking of 50 cars in open space within premises only in S/J town.

\*\* Parking should be provided for at least 75% of total number of dwelling units (DU) within the plot area, only in S/J town UC-2. Not applicable for UC-2 of Dewathang.

**Note:**

1. The front set back, rear set back and side set back can be followed as in the present Samdrup Jongkhar Municipal Development Control Regulations-2006.
2. Parking-Residential Plots greater than 400 sqm would be required to provide for minimum of one car parking space per dwelling unit within the premises.