



Rural Construction Rules 2013

Department of Human Settlement
Ministry of Works and Human Settlement
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Foreword

Bhutan's rich natural environment and landscape provide a unique backdrop for a distinct system of traditional architecture. The creativity of the master craftsmen and artisans, with their knowledge of the cultural beliefs and the natural systems, also helped enhance the aesthetics of our cultural landscape. The magnificent Dzongs, serene Lhakhangs and beautiful farm houses together with the surrounding environment produce impressive settlement patterns and systems.

However, the introduction of the 'modern' system of development also has adverse impacts on our natural and built environment. Emerging issues include plot fragmentation, incompatible land uses, new methods and materials of construction, excessive use of resources and disturbance of the sanctity of the sacred sites. Many development also lack in terms of safety, sanitation and the basic comfort facilities. This situation is aggravated by the fact that the rural areas do not have specific development regulations and guidelines. The challenges of development regulation are also in the semi- and peri-urban areas that lie immediately outside the declared municipal boundaries.

These Rules have been framed with the objective to promote settlements that are safe, functional and accessible; to enhance the living standards and the quality of lives of our people and to preserve the natural and cultural landscapes. They underwent a number of consultative deliberations and the draft copies were also circulated to the local governments for their review and comments. I am very confident of the relevance of these Rules. We must also recognize that these Rules will require periodic review and update to keep up with the emerging trends. Therefore, observations from the implementation of these Rules and suggestions for their future revisions and improvement are welcome.



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Zhabtog Lyonpo

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SECTION 1

PRELIMINARY

In exercise of the power granted by the Local Government Act of the Kingdom of Bhutan 2009, the Ministry of Works and Human Settlement hereby frames the rules for guiding the constructions in the rural areas and settlements of Bhutan as follows:

Title, extent and commencement

1. These Rules shall:
 - (a) Be called the Rural Construction Rules 2013.
 - (b) Extend to all rural areas, as defined in these Rules, in Bhutan where there are no approved human settlement plans or Local Area Plans.
 - (c) Come into force from the day of notification by the Government.

Objective of these Rules

2. The objective of these Rules is to facilitate planned and harmonious development of settlements in Bhutan.
3. These Rules shall complement the provisions of the Bhutan Building Rules. However if there are conflicts between the two, the provisions of these Rules shall prevail.

Construction permits

4. All constructions, including development of sites and change of land use, shall require prior written approval of the Dzongkhag Administration which shall be processed through the respective Gewog Administrations. However, no such permit may be necessary for temporary or semi-permanent farm related structures like cattle sheds and farm produce storage facilities.

5. No construction permit shall be necessary for the maintenance, improvement or alteration of a building which:
 - (a) Affect only the interior of the building without altering the structural members of the building.
 - (b) Do not affect the external appearance of the building.
 - (c) Do not add built up area to the existing building.However, there shall be no such exemptions in the case of heritage buildings or structures in heritage precincts.
6. All applications for construction shall be made along with the supporting documents including:
 - (a) A copy of the Lagthram or the ownership certificate.
 - (b) A copy of the Citizenship Identity Card of the Applicant who shall be the registered landowner.
 - (c) Clearances from relevant agencies where necessary.

Enforcement and administration

7. The Local Governments shall be responsible for the enforcement and administration of these Rules in their respective juristic areas. The Dzongkhag Administration shall be the Implementing Authority as defined in these Rules.

Delegation of power

8. The Dzongkhag Administration may delegate some of its powers, duties or functions vested in it under these Rules to the Gewog Administration in writing clearly stating the scope and limitations of the delegated powers, duties or functions. No power, duty or function that requires referral to or the concurrence of the Competent Authority shall be delegated.

Referral of specific applications

9. The Dzongkhag Administration shall seek advice of the Competent Authority if:
- (a) The proposed use differs from uses already permitted in the area.
 - (b) Group housing is proposed.
 - (c) The basic infrastructure and service requirements, in terms of water supply, waste water, solid waste, parking areas, would be more than the requirements of a standard house in that particular area.

Authority for amendment and interpretation

10. The authority for amendment and interpretation of these Rules shall vest with the Competent Authority as defined in these Rules and the Competent Authority's interpretation shall be final and binding.

Definitions

11. Unless the context clearly requires otherwise:
- (a) ***Building Plinth*** means the footprint of a structure or the ground cover occupied by a structure.
 - (b) ***Clustered Village*** means an existing village settlement with traditional houses constructed in close proximity to one another with distinct form and character.
 - (c) ***Competent Authority*** means the Department of Human Settlement, Ministry of Works and Human Settlement.
 - (d) ***Construction*** means any erection and/ or alteration of any building or structure.
 - (e) ***Dwelling Unit*** means a shelter consisting of residential accommodations for one household.

- (f) **Group Housing** means a housing scheme wherein two or more independent dwelling units or buildings are constructed in an undivided parcel of land.
- (g) **Implementing Authority** means a Dzongkhag Administration. It may also refer to a Gewog Administration to the extent that powers, duties or functions under these Rules are delegated to it in writing.
- (h) **Land Development** means any change to the use of land, subdivision of land or development of sites including excavations.
- (i) **Mixed-Use Development** means use of a building primarily for residential purposes with parts of it used for commercial activities.
- (j) **Parking Space** means an area, enclosed or unenclosed, covered or uncovered, sufficient in size to park vehicles with space for their movement.
- (k) **Rural Area** means any area or settlement outside the declared municipal boundary. It includes the semi- and peri-urban areas that lie immediately outside the municipal boundary.
- (l) **RCC** means Reinforced Cement Construction.
- (m) **Setback** means the distance between the plot boundary and the outer edge of the building or the distance between buildings within a plot.
- (n) **Subdivision** means the division of a single plot or building unit into two or more legal parts.
- (o) **Water Course** means a natural channel or an artificial channel formed by draining or diversion of a natural channel meant for carrying storm and waste water.

SECTION 2

PLANNING

Land use planning

12. The predominant land use permitted shall be residential and mixed-use development. Proposal for any other use, irrespective of the ownership or the proponent, shall require special approval of the Dzongkhag Administration who may decide on its own or refer to the Competent Authority, depending on the nature of the proposal.
13. Hotels, resorts, offices, group housing, hostels, etc shall not be permitted within an existing clustered village. However, home-stay facilities with a limited number of beds may be permitted provided such facilities do not exert undue pressure on the resources or the sanctity of the local community.
14. No construction shall be permitted:
 - (a) In an environmentally sensitive area or along and/or obstructing water courses or natural drainage.
 - (b) Within 15 metres of the edge of a major stream and within 30 metres of the bank or edge of a river, measured from the highest water level recorded.
 - (c) If it would have adverse impact on the scenic views, historic and cultural significances of the area or the overall ambience of the traditional settlement.
15. If the slope of the site or the plot proposed for construction is greater than 30%, only single storey construction may be permitted provided there is no excavation beyond 1.5 metres and appropriate mitigation measures are adopted.

16. Restrictions and special requirements shall be placed for constructions and site developments proposed next to or in the vicinity of sacred sites and structures like Lhakhangs and Chhoetens. Specific issues to be considered in assessing such proposals include:

- (a) Nature of existing and proposed land uses.
- (b) Plot and building layout, access and orientation.
- (c) Building scale, proportion and the architecture.
- (d) Materials and modes of construction.
- (e) Location of septic tanks, soak-away pits and drainage system.

Minimum plot area

17. The area of any plot designated or used for construction, transacted or marked for subdivision shall not be less than the minimum area prescribed in the relevant legislation and regulations.

Building orientation

18. Layout of all new building constructions shall follow the orientation of the existing houses. In new street developments the houses shall face the primary access road or be as prescribed in the specific development guidelines.

Provision of access

19. Any plot being earmarked, formed, planned, designated or transacted shall have an access connecting the proposed plot to a road, footpath or walkway clearly marked irrespective of the nature of transaction.
20. Where the provision of vehicular access to a plot is not feasible, the plot shall be connected by a pedestrian access.

SECTION 3

CONSTRUCTION

Plot coverage

21. The maximum plot coverage permissible shall be 50% provided all constructions are within the minimum setback requirements prescribed in Rule 23. Exception to this rule may be granted for new constructions:
 - (a) In a clustered village where the customary and/ or existing construction rules shall apply.
 - (b) On the same building plinth as an existing structure that is being removed and re-built upon.
22. The plinth area of a house or building shall be limited to a maximum of 200 sqm or 2150 sqft and any proposal with greater plinth area shall require concurrence of the Dzongkhag Administration and the Competent Authority.

Setback requirements

23. All constructions shall maintain a minimum setback of 3 metres on all sides including 5 metres on the side accommodating septic tank and soak-away pit, measured from the plot boundary. If there are two or more buildings on a plot, the minimum distance between any two buildings shall be at least 6 metres. However, exceptions under Rule 21 shall apply to this Rule as well.
24. Traditional *rabsey* projections and balconies and verandas, not extending beyond 1.5 metres from the face of the building wall, may be permitted within the setback areas.
25. All roof projections, including those over projected balconies and verandas, shall be within the registered plot boundary.

Number of floors

26. The maximum number of floors permitted shall be two. However, reconstruction of the existing 3-storeyed traditional houses shall be permitted provided the construction is on the same plinth and carried out with the traditional materials and in the traditional style.
27. Construction of traditional style roof features including *shambarnang*, *jamthog* and *lungo* may be permitted over the number of floors allowed in Rule 26.

Site excavations

28. Site excavations shall be avoided to the extent possible. On sloping sites environment sensitive construction technique, like split level constructions, are to be encouraged. Where excavation is unavoidable, no single stretch of drop or vertical cut shall exceed 3 metres.

Building standards

29. All constructions shall meet the basic standards of health, hygiene and safety including earthquake resilience and fire and wind safety measures as prescribed in the Bhutan Building Rules and the Building Codes of Bhutan.

Use of local materials

30. All construction, to the extent possible, shall use the local and locally produced construction materials.

Promotion of traditional architecture

31. All constructions shall have pitched roofs with roof angles between a minimum of 12 degrees and a maximum of 15 degrees. No exposed water storage tanks shall be permitted above the roof.

32. All external doors, windows and building elements shall incorporate the traditional features as prescribed in the relevant regulations and guidelines.
33. The top most floors of constructions more than one storey high shall have traditional *rabsey* features.
34. If Reinforced Cement Concrete (RCC) constructions are proposed in rural areas, the applicants shall not be eligible for subsidized timber available for rural house constructions. However, exception may be granted for minor RCC works in wet areas, for example RCC slabs in kitchen and toilet.

Construction along highways and Dzongkhag roads

35. All constructions along the national highways and other roads shall maintain the prescribed setback for the road right of ways and other requirements as per the Road Act and other relevant regulations and guidelines.
36. Exposed toilets, plumbing and waste disposal fixtures shall not be permitted on side of the building facing the main or the primary access road.

Reinforced Cement Concrete constructions

37. Construction of Reinforced Cement Concrete shall be discouraged in the rural areas. If RCC constructions are proposed in the rural areas:
 - (a) The building shall be designed by qualified architects and engineers in proof of which copies of registration and degree certificates shall be submitted with the building permit application form.

- (b) The proposals shall be reviewed for the fulfillment of the design requirements for RCC constructions by the Implementing Authority.
 - (c) The external façade shall be compatible with the existing settlement patterns.
38. RCC or any other structure that do not blend with or that are not consistent with the existing village settlement pattern or houses in a clustered village shall not be permitted.

Renovation and/or extension to existing structures

39. All proposals for renovation of or extension to the existing structures, with the exception of those listed under Rule 5 (a), (b) and (c), shall require approval as for new constructions. The Implementing Authority shall ensure that the renovation or the extension works do not adversely affect structural safety, aesthetics and overall ambience of the existing structure or the settlements around it.

SECTION 4

AMENITIES & SERVICES

Water supply and use

40. Any proposal for development or construction which require the use of water shall be considered only if preliminary assessment has been made for existence, feasibility and adequacy of water supply.
41. Proposals for hotels, resorts, offices, group housing, hostels, etc shall identify their own water sources. Such proposal shall not tap water from an existing village water supply scheme/system. Proposals for the use of the surplus water, if any, shall be endorsed by the community.

Waste collection and disposal

42. Preliminary studies for waste collection and disposal including the storm water drainage system shall be carried out prior to accord of development and construction approval.
43. All habitable constructions shall have septic tank and soak-away pit. No effluent or overflow shall be discharged into the open private or public grounds or into roadside drains.
44. Proposals for hotels, resorts, offices, group housing, hostels, etc shall identify appropriate system and sites for disposal of the solid wastes generated by the proposed land uses and constructions.

Parking

45. Provision of parking spaces shall be mandatory for all constructions serviced by vehicular roads and/ or construction and land uses that generate parking requirements.
46. Parking on the road carriage way shall not be permitted and parking spaces shall not be constructed within the road right of way.

47. If constructions and/or land uses that generate parking requirements are not directly serviced by vehicular road, they shall make suitable parking arrangements by purchase or leasing of roadside plots or other alternatives.

Recreational facilities

48. The Implementing Authority shall ensure that the existing recreational or open spaces are protected and considerations shall be made for provision of recreational and leisure facilities which may be proposed on government, community or private land in consultation with the authorities and the parties concerned.

SECTION 5

DEVIATIONS & PENALTIES

Control & monitoring

49. Gewog Administrations shall control and monitor all constructions and site developments within the respective jurisdictions in coordination with the Dzongkhag Administration. The Competent Authority may, from time to time, review selected settlements for their overall alignment with the broad policy objectives and need for system and process review.

Deviations during construction

50. Deviations from the approved construction plan shall require prior approval from the Implementing Authority.

Unauthorized construction

51. Any construction carried out without obtaining prior written approval of the Implementing Authority, including deviations requiring construction permit, shall be considered unauthorized construction.

Work stop and rectification order

52. Immediately upon discovery of an unauthorized construction, the Implementing Authority shall issue a work stop order and shall, by written notice, order the same to be removed or rectified including payment of a penalty within a specified time.

Penalty for unauthorized constructions

53. Where construction has commenced on site without obtaining construction permit, penalties shall be charged as stated hereunder based on the cost of the deviated construction:

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

Payment of penalty

- 54. A one-time non-extendable period of 30 calendar days from the date of issue of order shall be given to the applicant or the owner for payment of penalties listed under Rules 53.

Removal of deviations

- 55. Any deviated construction that is not or cannot be regularized shall be removed by the applicant or the owner within the time specified in the rectification order issued by the Implementing Authority.
- 56. Rectification or removal of a deviation shall commence within 30 calendar days from the date of issue of the order. The Implementing Authority shall carry out site inspections every 15 calendar days or earlier from the date of issue of the order till the completion of the rectification work to review and monitor the progress and compliance.

Referral to the Court of Law

57. If the applicant or the owner of an unauthorized construction fails or refuses to either rectify a deviation or to pay the penalty within the prescribed time, the case shall be forwarded to the Court of Law that has jurisdiction over the area.