



Development Plan

Cay Hill - Little Bay

2014





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Client Ministry of Public Housing, Spatial Planning,
Environment and Infrastructure



**Ministerie van Volkshuisvesting,
Ruimtelijke Ordening, Milieu
en Infrastructuur**
Ministry of Public Housing, Spatial Planning,
Environment and Infrastructure

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Part I A: Introduction



1 PART I A: INTRODUCTION

1.1 Development Plans for Sint Maarten

Spatial Development Plans

The Ministry of Public Housing, Spatial Planning, Environment and Infrastructure was tasked with preparing spatial development plans for all of Sint Maarten in accordance with the National Ordinance on Spatial Development Planning. These development plans are related to the spatial development of the country Sint Maarten for the next 10 years. They specify where building is and is not permitted, the size of the buildings and the use that may be made of buildings and lands. This development plan concerns the Cay Hill – Little Bay region.

Conservation and Reservation

Many parts of Country Sint Maarten will be more or less designated as conservation (in other words, existing functions and building opportunities will be maintained). The zoning designation of other areas will be changed. The latter applies when new development is expected or desired. In that case the existing functions can simply continue to exist (provided their presence is legal). However, if subsequently there are changes to their use or layout, then the conditions of this development plan apply. The zones in a development plan are sometimes used to identify areas reserved for future development. The plan does not represent an obligation to actually realize something; a development plan is not an implementation

plan. It is therefore possible that the explanatory notes describe an idea, that space is reserved for it on the plan map, but that in 10 years' time the idea still has not been implemented.

A number of subject areas do not make any claim on space, but are nevertheless included in these explanatory notes because they are substantively relevant to the development of the planning area.

Content of the Development Plan

This development plan comprises the following elements:

- Part I: Background. This part comprises:
 - Part I A: This Introduction;
 - Part I B: Program Summary;
 - Part I C: Explanatory notes, comprising:
 - Mobility;
 - Tourism and recreation;
 - Business activities and Public facilities;
 - Living environment;
 - Natural areas, Landscape and Water;
 - Cultural History and Archaeology.
 - Part I D: Explanatory notes to the regulations.
- Part II: The legally binding component. This part comprises:
 - Part II A: The regulations;
 - Part II B: Appendices to the regulations;
 - Part II C: Plan map.



Photo: View of Sentry Hill from
L. van Beethoven Road

Relationship to the National Ordinance

The National Ordinance on Spatial Development Planning¹ specifies the minimum elements to be included in a development plan. This concerns the following elements:

1. Program Summary;
2. Maps;
3. Regulations;
4. Explanatory notes to the regulations.

These elements are contained in:

1. -> Part I B (Program Summary);
2. -> Part I C (Explanatory Maps), Part II A and B (maps for clarification of the regulations), and Part II C (Plan Map);
3. -> Part II A (Regulations);
4. -> Part I D (Explanatory Notes to the Regulations).

Replacement of the Planning Permits / Subdivision plan

The development plans replace the approach with sub division plans, the planning permits, that were used in the past to help regulate spatial planning on Sint Maarten. These permits specified the requirements to be met by each location, for example, its function and building density. An integral assessment framework has been missing, however, up to the present day. The sub division planning approach was abandoned effective 7 January 2012, because the legal possibility to apply this approach

¹ LRO, formerly the Island Ordinance on Spatial Development Planning (EROP), consolidated version adopted on 21 February 2013

expired effective on that date. A key principle in the preparation of the development plans is that existing rights (for example, originating from the planning permits) are as much as possible respected and therefore have been as much as possible incorporated into the development plans.

1.2 Formation of the development plans

Procedure

In 1993, the Government of Sint Maarten adopted the National Ordinance on Spatial Development Planning. The ordinance regulates the system of development plans for the country of Sint Maarten. The ordinance regulates a number of aspects, such as the elements to be included in a development plan and the procedure to be used for its formation and adoption.

Figure 1 illustrates the steps that were followed in the formation of this development plan.

Process

The first step in the preparation of this development plan consisted of the identification of the basic starting points through means of a public meeting. This meeting took place in the Bel Air Community Centre on Welgelegen Road on 18 September 2012. See Figure 1.

Based on this information a Memorandum of points of departure was prepared, which also includes an investigation into the existing situation and the desired developments.

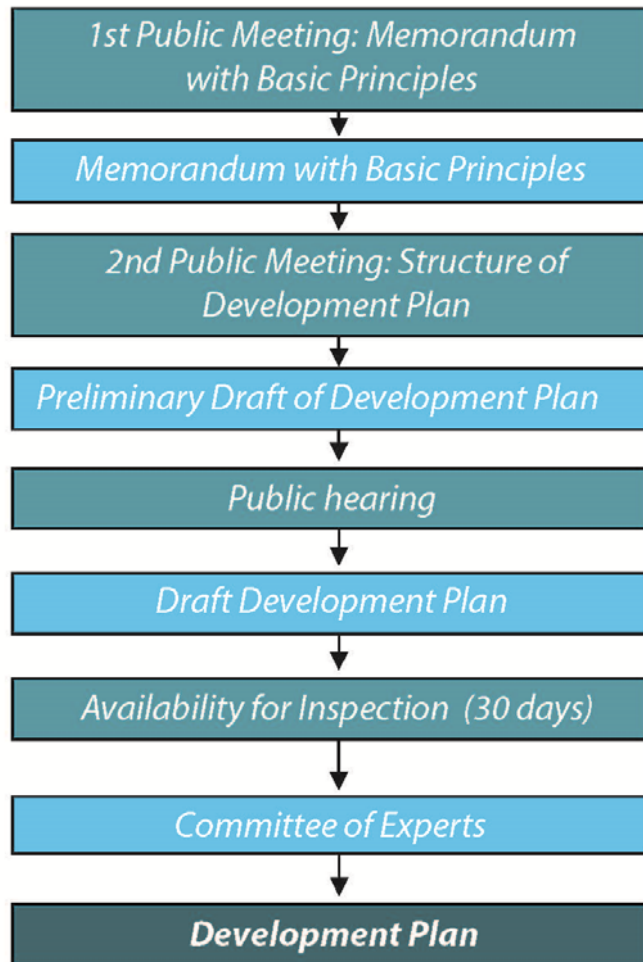


Figure 1: Steps in the preparation of the development plan

The development plan's structure was subsequently discussed and presented to the population on 25 February 2013. The Preliminary Draft of the Development Plan was subsequently prepared and was presented to the public during a public hearing the 9th of September 2014 whereby everyone was invited to express their opinion. The public hearing is the first step of the legally required process as prescribed by the National Ordinance on Spatial Development Planning. Subsequently the draft Development Plan has to be put on public review for a period of 30 days. The general public will have the opportunity to submit written objections during the period of public review, on which the committee of experts will advise. The development plan will be tabled to Parliament for decision making.

1.3

Research and data used

A wide range of information was used to prepare this development plan. For example, the public meetings held on 18 September 2012 and 25 February 2013 contributed current local knowledge. The population expressed its opinions after these dates as well, by providing feedback on specific documents. In addition, various meetings were held with stakeholders. This includes the Nature Foundation and the related ministries. These meetings produced information about the future plans currently being pursued by these parties. Aside from this, frequently used information originates from the spatial ideas and visions that have been developed in recent years.

This includes the following (due to the integral character of these studies):

- SXMosaic, the world's island, Sustainable Strategies for St Maarten, Delft University of Technology, The Hague University, Sint Maarten Government, Urban Synergy, Cross Border Relations, November 2008;
- Hotspots, DRO Amsterdam, January 2011;
- Comprehensive Economic Development Plan 2004-2007, February 2004;
- Economic Outlook Sint Maarten 2012-2013, Ecorys;
- Island Territory of St. Maarten Netherlands Antilles, Economic Diversification Study, SQW economic development consultants, September 2006;
- Air & Sound, Water & Waste Water, Waste, Final Report on Environmental Standards for the Netherlands Antilles, Netherlands Antilles Environmental Standards Work Group, June 2007;
- Nature and Environment as assets, Evaluation of the NEPP 2004-2007, DHV, February 2008.

The sections that follow will in addition refer to specific sources where relevant.

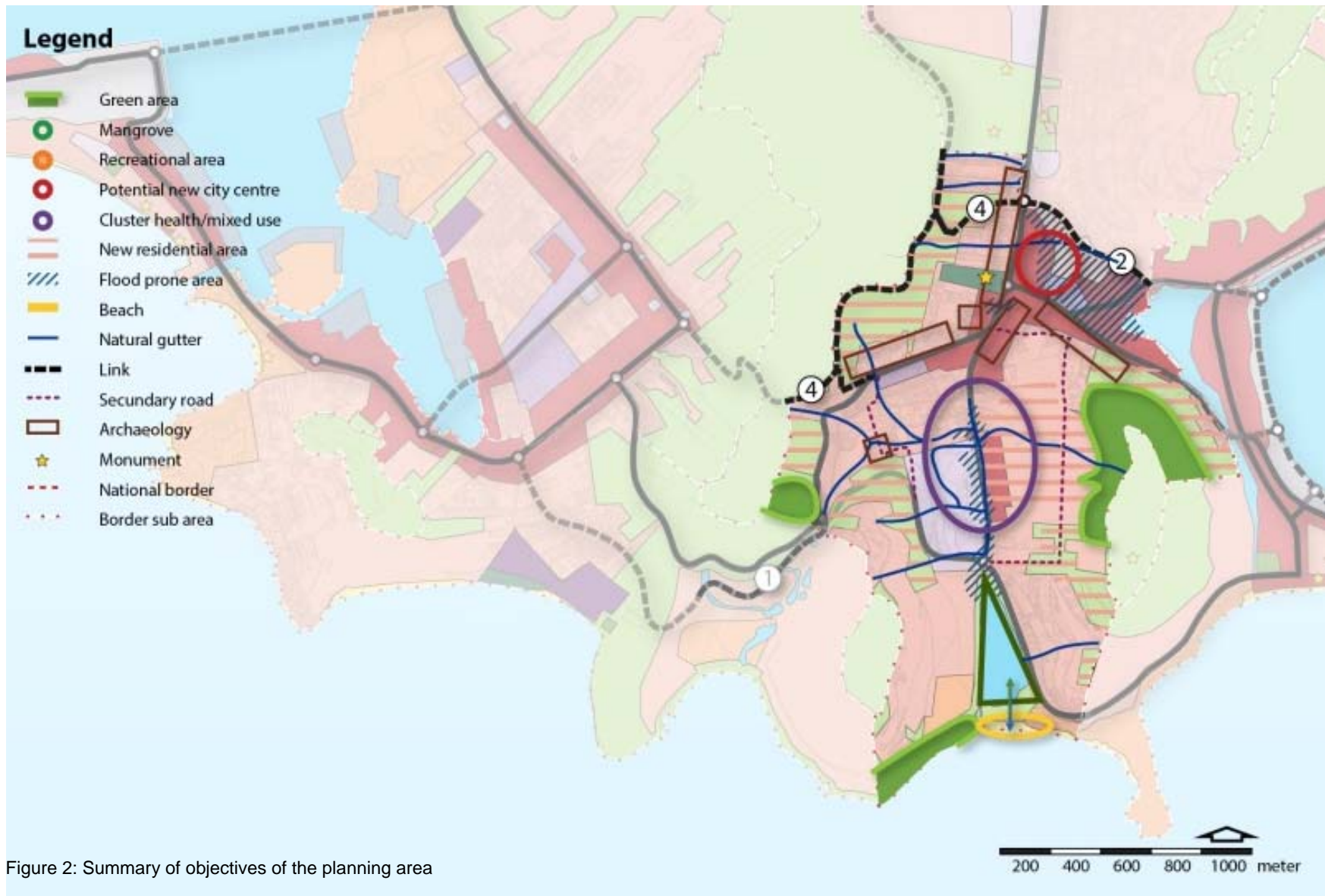
The photographic materials were provided by Royal HaskoningDHV unless otherwise indicated.

1.4 Planning Horizon

The explanatory notes to this development plan address the existing situation and problems, as well as the plans and ideas for the future. The plan in principle extends over a 10-year horizon. In addition, whenever possible, the plan provides due consideration to possible developments following that period.

Part I B: Summary of Objectives





2 PART I B: SUMMARY OF OBJECTIVES

2.1 Introduction

This chapter briefly describes the planned objectives for Cay Hill – Little Bay in summary form. See Figure 2.

Cay Hill – Little Bay Planning Area

The planning area is bordered by:

- To the north: the Cul-de-Sac planning area;
- To the east: Greater Phillipsburg planning area and Hillside Conservation Areas;
- To the south: the sea;
- To the west: the Billy Folly – Cay Bay and Hillside Conservation Areas planning areas.

Cay Hill – Little Bay Features

Cay Hill – Little Bay is to a large extent a residential area. Some of these dwellings are on the slopes, and can only be accessed by steep roads.

The area has good access through various main roads which connect directly to Phillipsburg in the east and Cay Bay and Cole Bay in the west. Welgelegen Road runs through the central valley, while the other main roads run through the hills. In rush hour especially there are traffic jams on the main road. There are possible plans to extend the main road network with proposed new roads: the 'links'.

Cay Hill – Little Bay has relatively little significance for tourism; the tourism that exists, is concentrated along the beach of Little Bay.

Facilities in centers are also located along the main infrastructure, as well as public facilities such as schools and sports fields, shops and also businesses. Striking in this respect is:

- The cluster of public/social facilities, centrally located in the planning area. The businesses and facilities have a mostly local function (for this planning area and its immediate surroundings). Important exceptions are the hospital, schools and sports fields;
- The cluster of facilities in centers/shops, around the Bush Road – A.J.C. Brouwer Road – L.B. Scott Road junction.

As a residential area located in a valley, with hills on each side and with an inadequate drainage system, Cay Hill – Little Bay regularly suffers flooding. Little Bay Pond, surrounded by mangroves, is important due to its natural values. The impressive nature of the green hills is always in view. The hills on the western side form a ridge with as its peaks Cay Bay Hill (178 m) and Sentry Hill (341 m). The ridge on the east side is lower, with Fort Hill (216 m) as its peak.

2.2 Mobility

The main roads in the planning area, Bush Road, A.J.C. Brouwer Road, L.B. Scott Road and G.A. Arnell Boulevard (Link 1), connect Cay Hill – Little Bay to the rest of Sint Maarten. In the north especially, in the ‘Industry’ neighborhood, many secondary roads connect directly on to the main road. Many vehicles park along the main roads. A (continuous) sidewalk is missing along considerable sections; there are inadequate facilities for cyclists. The design of this (main) road network is inadequate for accommodating the traffic flow. The combination of a large traffic flow and nuisance from the circulation causes traffic jams daily.

There are possible plans to extend the main road network for the whole of Sint Maarten with proposed new roads: the ‘links’.

The most important objectives for traffic are:

- Reducing the congestion;
- Reserving space for new main roads: the ‘links’;
- Reserving space for re-profiling the main roads, with space for parking (access via a parallel structure), and facilities for slow traffic (cyclists and pedestrians);
- Attention to secondary road structure: focus on fewer connections to the main road network.

2.3 Tourism and recreation

Tourism is a subordinate function in the Cay Hill – Little Bay planning area. The Little Bay Beach on the south side of the island is one of the few underdeveloped beaches. A tourism-recreational development is permissible on the west side of the beach, in line with the current subdivision plan. Furthermore, a tourism-recreational development might be allowed south of Little Bay pond adjacent to the existing hotel, provided that the actual beach will remain unbuilt and accessible to the general public. The most important objectives for tourism and recreation are:

- Preservation of (public access to) the beach;
- Development of tourism facilities east and south of Little Bay Pond.



Photo: Beach of Little Bay

2.4 Business activities and public facilities

Two areas are defined in the planning area where business activities and public facilities are clustered:

- The commercial center around the traffic circle in the northeast of the planning area. The appearance of this area, certainly in comparison with the importance of this area (not only for Cay Hill – Little Bay but also for the rest of Sint Maarten), leaves something to be desired;

- The area with a ‘care center’ on Welgelegen Road.

There is a cemetery south of the Industry neighborhood. It is no longer large enough.

The most important objectives for business activities and public facilities are:

- Reserving space for commercial functions and development in an urban setting in the area around the Bush Road – A.J.C. Brouwer Road – L.B. Scott Road traffic circle;
- ‘Beautification’ plan for the surroundings of the traffic circle L.B. Scott Road - Bush Road;
- Reserving space for public (care) facilities (possibly also a cemetery), residential and commercial functions in a mixed, spacious and green built-up environment, on either side of Welgelegen Road.

2.5 Living environment

This planning area has significant differences in residential areas: from spacious villa neighborhoods on the slope of Rabbit Hill to shanty towns in the Industry neighborhood and the district to its south. Some residential neighborhoods in the area are in bad condition. There is a lot of underdeveloped land.



Photo: View of Cay Hill -
Little Bay

The roads are sometimes unpaved and very narrow and there are few public facilities such as playgrounds and public green areas. The planning area still has space available for adding different types of dwellings.

Many facilities are spread along the main road, so that there is no facilities center, or 'village center'.

The most important objectives for residential areas are:

- Maintaining the mix of types of dwellings, while imposing requirements for height, density and suchlike;
- Processing approved 'planning permits' in the development plan;
- Attention to improving the public space.

2.6 Small-scale agriculture

Undeveloped plots are found on the whole island, where development is not (yet) under discussion. At the same time, there is a need to beautify these spaces (and public space in general). Currently almost all of the food on Sint Maarten is supplied through import. Agriculture is technically possible on Sint Maarten. In view of the remaining space this will not happen on a large scale, but it could be possible to supply some of the food requirements here. Temporary use is an example, in order to avoid frustrating possible different final use. The most important objectives for small-scale agriculture are:

- Permitting initiatives for small-scale agriculture in all residential areas;

- Organizing these to be temporary, so that the (original) residential function can always be implemented again.

2.7 Natural areas, Landscape and Water

For the Cay Hill – Little Bay planning area, the following issues are important for this chapter:

- The green slopes;
- Drainage and risk of flooding;
- The valuable mangroves at Little Bay Pond.

Cay Hill – Little Bay is surrounded by green hills to a large extent. These hills, with the peaks of Cay Bay Hill, Cole Bay Hill and Fort Hill, have great scenic value. These green slopes are located for the most part in the adjacent Hillside Conservation Areas planning area, and will have a predominantly green zoning designation. A second important area for nature is Little Bay Pond, with its mangrove-lined shores.

The location of the urban area of Cay Hill – Little Bay at the foot of the surrounding hills and the increasing pavement of that area exacerbate the risk of flooding. The green hills also play a major role in the green appearance of the island, which is one of the attractions of the most important economic pillar of Sint Maarten: tourism².

The most important objectives for natural areas, landscape and water are:

² Source: St. Maarten Tourism Master Plan – Tour Map, Tourism & Transport Consult, 29 July 2005

- Keeping the green hills green, insofar as they are not under urban pressure;
- Protecting the 'natural gutters';
- Identifying areas which are susceptible to flooding, so that it is clear where they are, and attaching building regulations to them.

2.8 Cultural history and archaeology

A small part of the planning area has a high expected archaeological value. The most important objectives for cultural history and archaeology are protecting the potentially present artifacts by conducting a preliminary research in the areas with an expected archaeological value, prior to undertaking any construction. Based on the results of this preliminary research further archaeological research can be conducted if necessary and protective measures can be implemented.

Part I C: Explanatory Notes





Photo: Bush Road with parking space on both sides of the road. No (continuous) sidewalk is available for pedestrians. The cars moving

in and out of parking spaces cause delays and dangerous situations.

3 PART I C: EXPLANATORY NOTES

3.1 Introduction

This part provides the explanatory notes for the following subject areas:

- Mobility;
- Tourism and recreation;
- Business activities and Public facilities;
- Living environment;
- Small-scale agriculture;
- Natural areas, Landscape and Water;
- Cultural History and Archaeology.

3.2 Mobility

Mobility – key areas for attention

- Congestion on main roads;
- New road connections ('links');
- Public transportation;
- Many side-roads;
- Parking;
- Lack of facilities for slow traffic;
- Re-profiling of main roads;

Congestion

The structure of the main road network of Sint Maarten has not changed for centuries. Residential and work areas have gradually developed along these roads.

Intensification of car traffic has also gradually created the problem of congestion on the main roads (also see Figure

3). There are various types of causes and the solutions are possibly even more complex. A package of measures is under consideration³: constructing extra road links, improving and increasing the capacity of existing roads and constructing a secondary road network in existing residential areas.

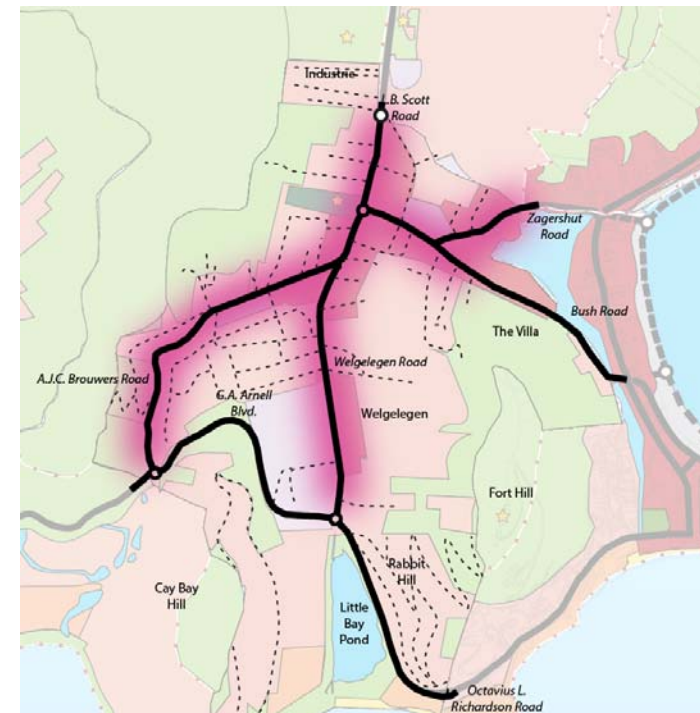


Figure 3: Congestion in and close to the planning area

³ Comprehensive Road Network Plan, Ministry of Housing, Spatial Planning and the Environment (VROM), 1993;



Figure 4: Location Plan for the planned links on Sint Maarten. Links 2 and 4 / 7 are within or close to the planning area

New road connections

In order to construct a better connection between the different parts of Sint Maarten, new traffic connections are under preparation. In and close to the planning area this concerns (also see Figure 4):

- Link 2: In the northeast, Zagersgut Road connects to L.B. Scott Road, to relieve the junction of Bush Road, L.B. Scott Road and A.J.C. Brouwer Road;
- Links 4/7: On the northwest side of the planning area. Link 4 bends around to the west, towards Cole Bay, and relieves A.J.C. Brouwer Road. Link 7 bends around to the north, and runs parallel to L.B. Scott Road and relieves it.

It is expected that these links will contribute to a reduction in the heavy traffic on the existing main road network. The construction, reservation of space and any restrictions for the links are included on the plan map and in the regulations.

Re-profiling of main roads

Cars park along long stretches of (parts of) the main roads. Through traffic is continuously impeded due to the traffic turning in and out. Because there are no sidewalks and drains, the road is not well-suited for pedestrians and cyclists. This problem can be remedied by adjusting the road's cross section, for example by adding service roads, drains and sidewalks. Space is reserved for this in the development plan. See Figure 5 for the planned profile in principle.

Public transportation

In addition to constructing additional infrastructure, congestion can also be reduced by improving the public transportation system. More buses, more regular schedules, the construction of bus stops with shelters, and synchronized transfer times can give the use of the public transportation system a boost^{4 5}. However, these measures require barely any space as a result of which this does not require specific measures to be incorporated into the development plan.

⁴ Public Transport system improvement in Sint Maarten, Krzysztof Schütz, July 2011

⁵ Public Transportation Policy, 2007

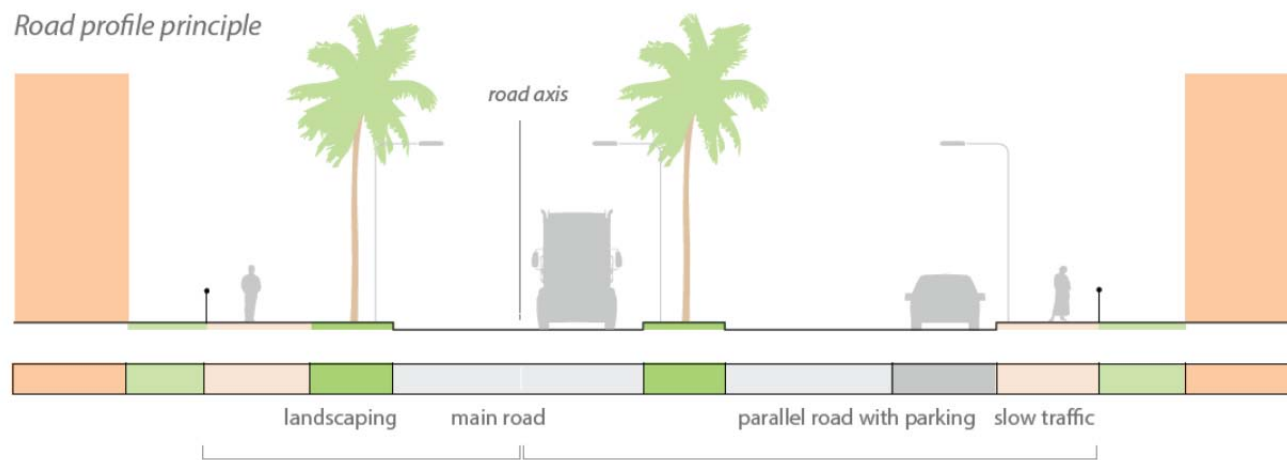


Figure 5: Potential profile for highways: parallel road for local traffic and parking, greenscape and room for pedestrians and cyclists. Space reservation approximately 18 meters.

Construction of a secondary road system

The secondary road pattern in the planning area, supplementary to the main roads, differs per sub-area. The part west of Welgelegen Road is already fairly complete, although it is not easily recognizable as a secondary route. By making a number of roads uniform and sufficiently wide, it will be possible to construct this route. Figure 6 shows a possible route for it. This route can give access to the residential area and the recently constructed school.

The part east of Welgelegen Road is expected to be developed further in the coming years. Access to this area is currently provided by a number of roads which join Welgelegen Road at right angles. If the development gathers speed, it is preferable to construct a secondary route. Figure 6 shows a possible route for this.

The northwestern part of the planning area consists of an extremely finely subdivided area. By connecting the 'backs' of several streets with each other a secondary route can likewise be made here.

With the construction of link 2, supplementary to Bush Road, among others, the northeastern part is given a new layout. This must be integrated with the planned development of a center there. One concern is the fact that currently very many buildings each have their own access roads to the main road, which delays traffic. In order to determine and build the exact desired secondary road system, separate research is required which involves aspects of use, necessity and desirability, traffic, space, property and costs. Such research falls outside the scope of this development plan. The

construction of a secondary road is made possible in the development plan in the regulations of the underlying zone.

Figure 7 shows a possible planned profile in principle of the secondary road system.

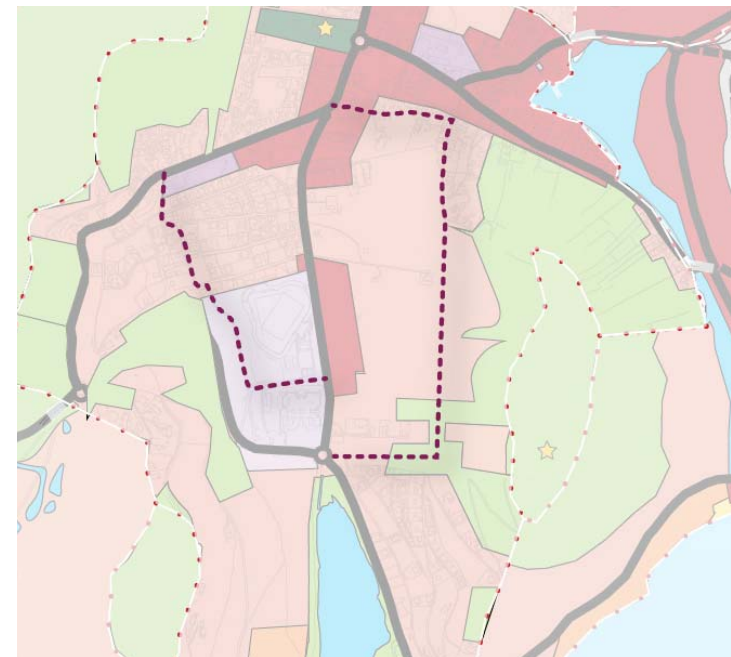
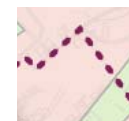


Figure 6: A proposal (the principle) of the secondary road system that could be made: dotted red:



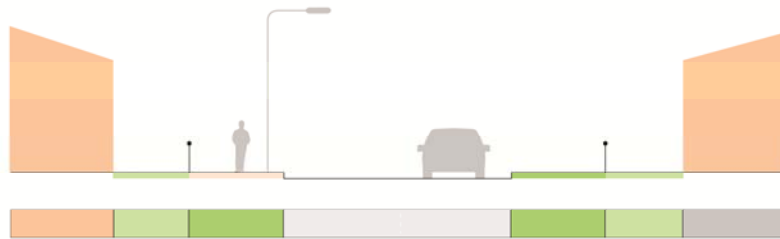


Figure 7: Sample cross section of secondary road

Parking standard

Motivation

Additional need for parking is created when, for example, homes, shops and offices are constructed. When proper parking facilities are not provided for, this creates parking pressure on the nearby environment, generally the public space. This parking pressure leads to cars looking for parking space and people parking their cars in areas not intended for this purpose. All of this is at the expense of the quality of public spaces and contributes significantly to traffic congestion on Sint Maarten.

Parking standard by function

This is why the development plan suggests parking standards. The basic principle that applies in this regard is that every developer of a building plan is responsible for and obliged to provide the required number of parking spaces and must provide for them on his own premises. In this regard 'own premises' is defined as the area subject to development; this does not necessarily have to be limited to a certificate of admeasurement/plot. The parking

standard for each function forms part of the legally binding part of this development plan.

Basic principles

The following basic principles were applied in defining the parking standards:

- Parking standards will be established by function (and not by zone);
- The parking standards must be sufficiently specific (not too high-level and not too detailed);
- The level of the standards is based on parking standards used previously in Sint Maarten's planning permits, parking figures in accordance with the ASVV 2004⁶, an analysis of the current situation, and the expert judgment of the different government departments involved. If justified, the list can be updated (by invoking a change procedure via the Minister).

If a certain function is not included in the table shown in Appendix 4: 'Parking standards', the first step is to look for the parking standard associated with the function that is closest to it. If this proves to be impossible, the Minister can set a new standard for the function or, subject to conditions, grant exemption from the parking standards. The standards are minimum standards; the construction of

⁶ ASVV 2004: Aanbevelingen voor verkeersvoorzieningen binnen de bebouwde kom (Recommendations for Traffic Facilities in Built-up Areas), CROW. Updated version available at <http://collecties.crow.nl> (search date 27-07-2012).

a higher number of parking spaces is in principle permitted.

Exceptions

In a number of situations having parking spaces on one's own premises does not enhance the quality of the public space or reduce traffic congestion. This applies to areas where the plan calls for central parking spaces or garages. In such situations, also subject to conditions, exemption from the standards is possible.

Congestion and unsafe situations: parking next to the road

Along the main roads, vehicles park directly next to the road. Moving in and out of parking spaces causes many delays on the road and is also dangerous. Partly as a result of this parking 'solution' there are no sidewalks, so that pedestrians have to move between the cars or walk on the road, which is undesirable. The basic principle for all main roads is that parking directly next to the main road is not permitted and will be dissolved.

It is highly desirable to re-profile the main roads so that space is created for continuous sidewalks, preferably on both sides. In the flatter areas especially it is desirable to fit in a cycle path. The street furniture, such as lighting and waste bins, can be upgraded ('Beautification') at the same time as the re-profiling.

Traffic and Transportation Master Plan

It is recommended that a master plan be prepared with a total package of measures designed to improve traffic and

transportation on Sint Maarten. Such a plan can incorporate and detail all aspects that cannot or can only partly be addressed in a development plan.

Top photo: Along Welgelegen Road, vehicles park directly next to the road and there are no sidewalks



Bottom photo: Example of the planned solution (Union Road in Cole Bay) (Source: Development Perspective Sint Maarten – West, Island Design, 2007)



Photo: Example of extensive recreation: nature observation hut

3.3 Tourism and recreation

Tourism is currently a subordinate function in the Cay Hill – Little Bay planning area. There are only a hotel and a resort along the beach of the eastern part of Little Bay Beach. Only the hotel is within the Cay Hill - Little Bay planning area and will be zoned positively. The adjacent resort is in the Greater Phillipsburg planning area.

Tourism can potentially play a more important role in the Cay Hill-Little Bay planning area. Two areas are zoned for additional touristic-recreational development:

- In line with the existing subdivision plan, a new tourism - recreation development is permitted on the western side of the beach and Little Bay Pond;
- There are also plans for development for the strip of land south and west of Little Bay Pond, adjacent to the existing hotel.

A touristic-recreational development in these areas could serve as an incentive for the overall beautification of the Little Bay Beach area. It is however important that the actual beach and public accessibility of the beach will be preserved, as well as the natural (seasonal) connection between the pond and the ocean.

The Beach and Little Bay Pond

Low impact recreation can be developed further around Little Bay Pond, as has already happened in the form of a bird watching hut. Little Bay beach has an important recreational function in particular for residents, since it is easy accessible. The beach will be preserved as undeveloped in the development plan, and new

developments adjacent to the beach have to take the accessibility of the beach into account.



Photo left: Bush Road Roundabout in the north of the planning area



Photo right: Reference image commercial facilities

3.4 Business activities and public facilities

Key areas for attention

Important points for business activity and public facilities are:

- The commercial center in the north of the planning area;
- The development of a social cluster/care center on Welgelegen Road.

Commercial center

The area around Bush Road Roundabout, including the area north of it (as far as the planned link 2) in the north of the planning area has good potential for playing a major part as commercial center (especially for daily shopping) on the scale of Sint Maarten, and also as a new urban heart of the island. Many main roads come together here, and its central location on Sint Maarten is also a point in its favor.

While the upper floors are generally used for residential purposes, at street level there is a mix of, for example, shops, small businesses, offices and hospitality establishments. Due to the large number of facilities located here, these areas are zoned as 'Center'. For the Cay Hill - Little Bay plan map this means a center cluster around Bush Road Roundabout, A.J.C. Brouwer Road and link 2. Many commercial businesses have already located there, and they in turn attract other businesses. The cricket ground currently present in the planned center area will eventually have to disappear in connection with the construction of link 2.

This will not only reduce congestion, but will also create space for intensification through the establishment of new commercial functions, as well as space for a central public space, for which there is a need in the planning area. A study in 2009⁷ already identified where these kinds of functions are located (in outline and on the whole of Sint Maarten). The planned coming of link 2 means that the area which qualifies for center development will expand somewhat to the north.

Besides private development, control from the government is also desirable to develop this area. This is possible, for example, by not allowing a development of similar size everywhere. In this way the government can stimulate concentration. Other possibilities for control include requirements for (covered) parking on private terrain, and requirements for the height of buildings. The government itself can also stimulate the desired development, for example by improving the road system around this hub actively and making it a priority, and by redesigning the public space, including the traffic circle.

A plan for the future spatial development is necessary. That plan has not yet been detailed, but this development plan does make this further development possible. The area may obtain a relatively high density, so that a real feeling of a center can be created.

⁷ Residential Economic Policy (REP), November 2009



Top photo: Existing situation at Bush Roundabout



Photos below: Reference images of redesign of traffic circle

Social cluster

Along Welgelegen Road a cluster of social functions is already developing, such as care, sport, education and business services. This has been as good as completed on the western side, while on the eastern side there is still development space available.

This is a spacious area with a more built-up and green character than the area around the traffic circle. It is desirable to extend this difference, both in functions and in space. The area around Welgelegen Road has good access and is relatively flat. Possible new functions which can be added include a cemetery, judicial institution and business activities related to care.

A number of subdivision plans apply in the area, which mostly prescribe a residential zoning designation (and center facilities to a certain extent). In order to respect existing rights as much as possible, the zone designated in the subdivision plans is retained as zone via the regulations, with the possibility of changing to a social function.



Photos: Diverse residential environments in Cay Hill – Little Bay

3.5 Residential area

Key areas for attention

Important points for the residential area are:

- Residential building needs for the coming 10 years;
- The mix of residential areas and types of dwellings;
- Home-based occupation or business;
- Boundary between residential and green;
- Affordable dwellings;
- Quality of public space.

Housing needs

A study into the need for housing on Sint Maarten was conducted in 2012: SXM Housing Vision Building Book⁸. The key conclusions of this study are briefly highlighted below. Up until the present time, residential building has mostly occurred at the initiative of the private sector. However, the government could assume a greater coordinating role in this respect. Reasons for doing so include:

- Certain target groups otherwise receive too little attention. For example, the elderly, the disabled, starters on the housing market, and people with low to middle incomes. Aside from this, there must be a proper spatial distribution of affordable homes in Country Sint Maarten;
- The growth of the disadvantaged districts ('shanties'), where there are more than average problems in the area of health, sewerage, fire safety and criminality;

- The promotion of employment in the construction industry, while simultaneously improving the living standard;
- The construction of more affordable homes is good for the economy of Sint Maarten.

The study identified the need for housing over the period leading up to 2020. Extrapolated to the planning horizon of this development plan (10 years), there is a need for approximately 7,000 homes for all of Sint Maarten. These new homes then provide for:

- New development for autonomous growth;
- New development for invisible housing needs (for example, young adults who continue to reside with their parents longer than they ideally would like to);
- Replacement of homes of insufficient quality.

The space available for residential building in the total of all development plans is more than sufficient to meet these housing needs.

Mix of dwellings and types of dwellings

Cay Hill - Little Bay consists of a mix of different residential areas, varying from luxury villas to groups of small houses on unpaved roads, with few or no facilities (also see Figure 9). The more luxurious dwellings are usually on the green slopes.

⁸ SXM Housing Vision Building Book (KAW and Bout Overes, 2012)

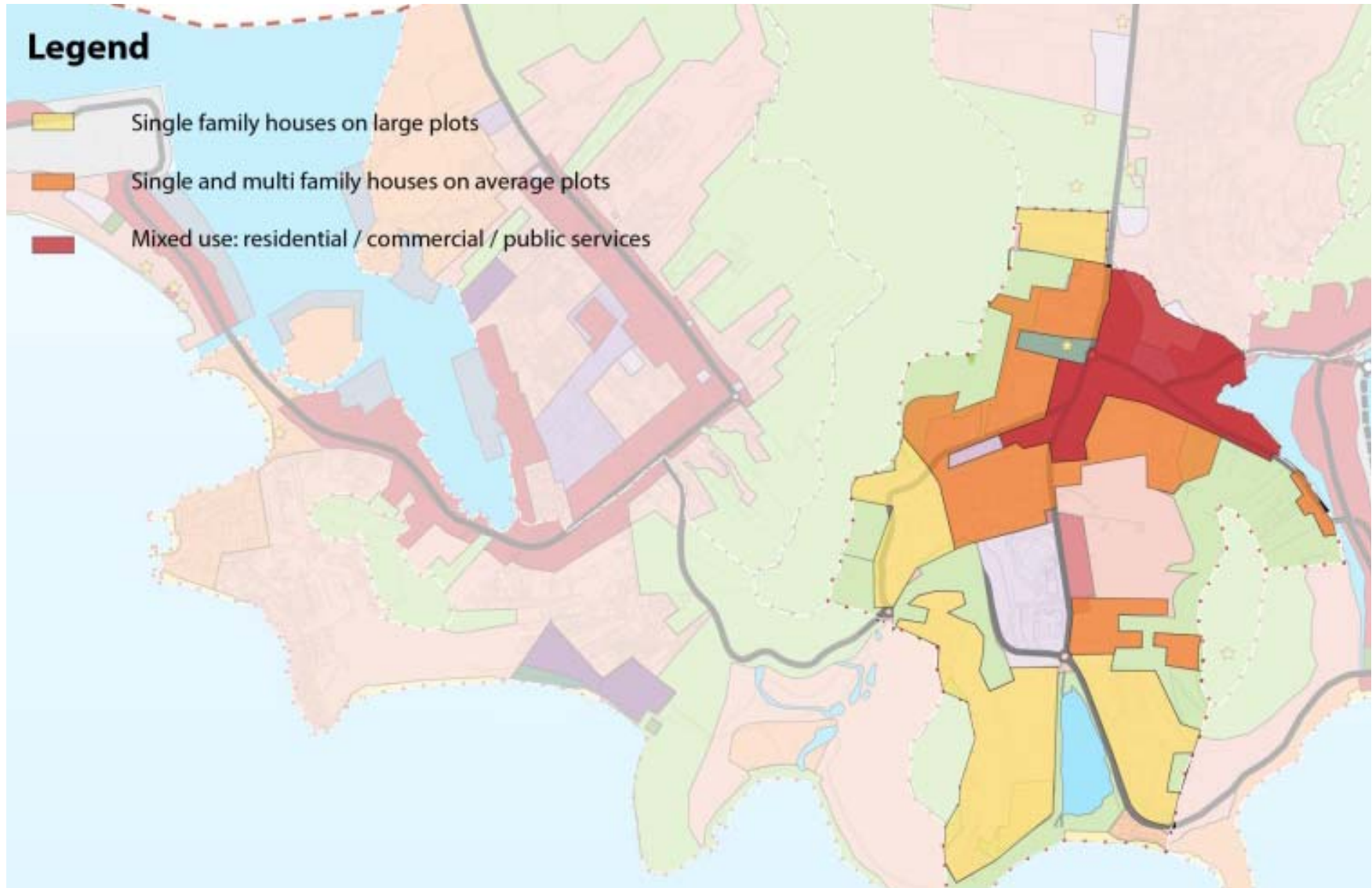


Figure 9: Outline representation of existing residential environments in the planning area

The higher density of residential building is found mainly in the area around the A.J.C. Brouwer Road – Bush Road – L.B. Scott Road junction. One exception is the neighborhood bordered by Anise Drive – A.J.C. Brouwer Road – Cinnamon Drive. While it is in the green hills, its quality leaves something to be desired. The rich variety of residential environments on Sint Maarten is positive in itself, even though the contrast is sometimes very large. Figure 9 shows the location of the different residential environments, and on page 28 two photos show two differing types of dwelling. The basic principle for the future is to improve the living conditions, where applicable, in Cay Hill - Little Bay. This section discusses the ways this is being achieved in more detail.

Home-based occupation or business

Many people have a small business in or attached to their home. The development plan provides for this possibility for every home. The condition is that the business activities in terms of their nature, size and appearance must be such that the activities can be exercised within the home, while maintaining the on-site residential function. In addition, the surrounding environment must not be inconvenienced (in terms of noise, light, odor, parking and the like). Business activities such as garages are not permitted in the residential areas, such as the residential area west of Welgelegen Road. This ties in with the wishes of the residents, who indicated during the public consultation evenings that they were very inconvenienced by such functions.

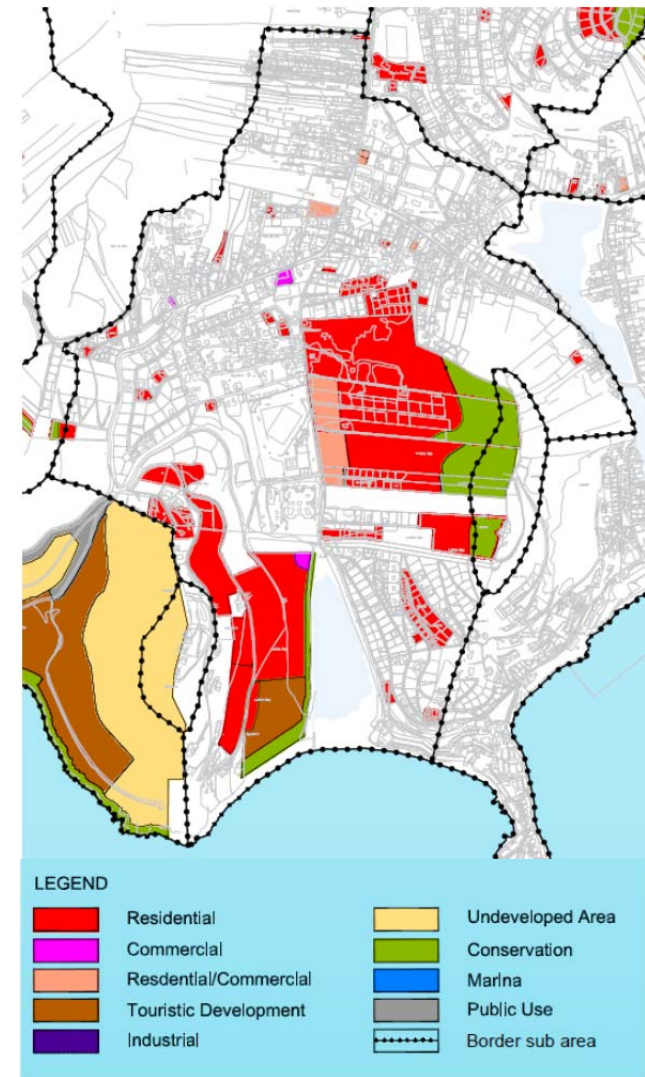


Figure 10: Overview of 'planning permits' within the planning area.

Boundary between Green and Residential

This section describes the basic principles used in determining the precise boundary between 'Natural Area' and 'Residential'.

Housing

The areas that in any event are zoned as 'Residential' are as follows:

- Existing residential areas;
- Areas designated as 'Residential' in planning permits (see Figure 10).

Natural areas

Areas zoned as 'Natural areas' in any case are:

- In accordance with the Hillside Policy:
 - Areas above the 200-m elevation line;
 - Areas within 50 m from the top or the ridge of important peaks and ridges;
 - Areas steeper than 40 degrees.
- And all areas that were zoned as 'Conservation Area' in a planning permit (see Figure 10).

In case of conflicts

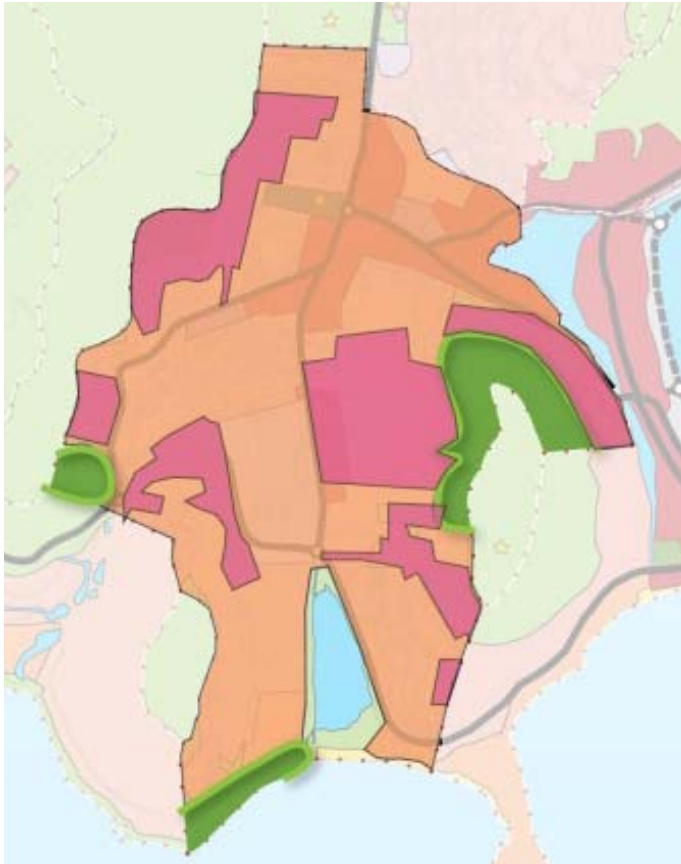
In cases where there are development rights in areas that in accordance with the above principles should have been zoned as 'Natural Area', the development rights will be positively zoned. This way the development plan as much as possible respects the rights of citizens.

Other areas

For a large number of areas the principle that applies is that while these areas are 'green', they do not need to be zoned as 'Natural Area' in accordance with the Hillside Policy (because they fall outside the applicable criteria for this purpose) and furthermore there is no existing development nor are there any existing development rights. The premise is that these areas will be zoned 'Natural Area' if they concern large contiguous areas bordering on other already existing green areas.

However, to zone all existing green areas in accordance with the present situation as 'Natural Area' is undesirable where this concerns fragmented areas, interwoven with residential functions, as a result of which a consistent scenic image in fact already no longer exists. Indeed, this would create a fragmented situation and offer little room for additional housing.

To zone everything as 'Residential' would also defeat its purpose. After all, the need for land to build on over the next ten years probably is not that large (and this still leaves the issue of how much of the growth in population wants to/can facilitate building on the land out of consideration) and this is also not the preferred option in relation to landscape, nature and water management. For these remaining areas an objective assessment needs to be made to determine the boundaries of the green areas and the residential areas.



Legend

- Existing urban area
- Additional possible future urban area
- Keep the hills green

The boundary between green and residential areas is determined as follows:

- Look for the highest possible consistency with the existing development picture at the 'neighborhood level'. This is accomplished by selecting an elevation line as the boundary between residential areas and natural areas that is closest to the highest situated boundaries of existing development;
- The boundary between green and residential areas (the elevation line to be used) can change if there is a clear transition in the existing development picture or because some areas need to be zoned as Residential anyway because the area is subject to an existing development right (see above);
- In addition, if a residential planning permit has been issued higher up the hill, the lower-lying area is also given a residential function.

Figure 11 shows how all this works out for the planning area. The built area is shown in orange. The areas for which urban 'planning permits' have been issued or where building on green ridges is permitted are shown in pink.

Figure 11: Residential and green areas in the planning area

The pink area is estimated to provide sufficient space for the number of dwellings to grow by 30 to 50% in the coming 10 years, and through that, the population. There is therefore more than enough building space present in the planning area. This observation, among other things, was a reason for zoning the existing green slopes which connect to the Hillside Conservation Areas as 'Natural areas'. These areas are shown in green.

Affordable dwellings

There is a need for affordable dwellings on Sint Maarten. Part of Cay Hill - Little Bay is highly suitable for including such dwellings. There is space for them, also see Figure 11, there is relatively flat terrain available and there are many public facilities in the nearby environment. The existing residential area west of Welgelegen Road in particular has space for intensification. A trend can already be seen here towards building several residential layers and apartment buildings. This development is facilitated (within certain limits) by the development plan.

Quality of public space

The quality of public space in Cay Hill - Little Bay leaves something to be desired locally, due to the traffic and the sometimes messy public space. This is particularly the case in the Industry neighborhood, and in the area north of A.J.C. Brouwer Road.

No public green area of adequate size is available (there are green areas, but they are not public), there are no playgrounds and/or sports grounds (except for the Raoul

Illidge Sports Complex), the roads are sometimes too narrow and often without sidewalks, and their quality is mediocre to bad.

Concrete improvement plans for the quality of life and the quality of the public space do not come under the scope of the development plan. The development plan does allow such plans to be made.

Livestock farming or agriculture

Initiatives have arisen lately for permanent (and by no means small-scale) developments in livestock farming and agriculture. Such businesses can also find a place within the planning area, on condition that there is space for them. Furthermore, they must not disproportionately affect the residential and living environment of the adjacent lands.

3.6 Small-scale agriculture

Key areas for attention

- Available space;
- Critical success factors.

Own vegetables and fruit

Currently almost all of the food (both fresh and nonperishable) on Sint Maarten is supplied through import. Agriculture is technically possible on Sint Maarten. In view of the remaining space this will not happen on a large scale, but it could be possible to supply some of the local food requirements. A number of hotels and restaurants could also use it, to stand out from other restaurants.

Available space

The street scene on Sint Maarten is not only determined by the great variety of multicolored buildings, but also by the many larger and small empty plots between those buildings. On the odd occasion this space is used for recreation; however, the predominant picture is that of undeveloped parcels, which does not make a positive contribution to the street scene. One of the causes of this is the fact that it can take years before heirs agree on how to deal with an undivided estate. Regardless of the cause, it can be concluded that a lot of development space is still available within the urban area of Sint Maarten, and also in the Billy Folly – Cay Bay planning area. Besides the possibility of building, this land can also be used for a greener purpose, for example for

small-scale agriculture such as allotment gardens. This is illustrated in Figure 12.

An initiative that fits in well on Sint Maarten itself is the initiative of Aquaponics systems, a sustainable fish farm.

Citizens' initiative with the help of the government

The 'Economic Diversification Study' (2006) report indicated that for this idea to succeed, the following matters are necessary: political support, attention for the idea at schools and universities (both in the agricultural and culinary sectors), provision of space, and organization of example locations.

Space being sought for the small-scale agriculture includes the use of private terrains. The owner or owners could make them available for (possibly temporary) community use.

This could be compensated in various ways; the best solution depends on the specific situation.

The role of the government can be as follows. The government can offer practical help, for instance by leveling the parcel, providing seed, and placing or providing fences.

The government can also help in the organization of setting up this initiative. The government can come to agreements with the landowners, and can help to organize the community. Continuity is very important in this; it should go further than an initial discussion, and the matter has to be tackled. However, concrete implementation plans do not come under the scope of a development plan.



Figure 12: Artist Impression of allotment gardens in a residential district

Continuity does not necessarily mean that a parcel has to be used as an allotment garden for the coming decades at all costs; the allotment gardens can easily be shifted to a different location after a few years, if the owner wants to build on the land, for example.

Livestock farming or agriculture

Initiatives have arisen lately for permanent (and by no means small-scale) developments in livestock farming and agriculture. Such businesses can also find a place within the planning area, on condition that there is space for them. In addition, they must not disproportionately affect the residential and living environment of the adjacent lands.



Photo: Panoramic photo of the hills from the sea: on the left, Cay Bay Hill, on the right, Fort Hill (and Sentry Hill in between) (Source: Development Perspective Sint Maarten – West, Island Design, 2007)

3.7 Natural areas, Landscape and Water

Key areas for attention

- The green slopes around Cay Hill - Little Bay;
- General-purpose facilities;
- Drainage and risk of flooding;
- Valuable mangroves along the shores of Little Bay Pond.

The green slopes

Together with the sea and the beaches, the green hills determine Sint Maarten's scenic character. This character is of vital economic importance because it determines the tourism appeal of the island⁹. Protecting this character is therefore also decisive for the prosperity on Sint Maarten. The protection of the green hilltops in the Hillside Conservation Areas sub-area has been organized. But the green slopes in the other sub-areas, including those in Cay Hill - Little Bay, also contribute to the scenic character of Sint Maarten.

The green slopes of Cay Bay Hill and Fort Hill and the green environment of Little Bay Pond also determine the image of Sint Maarten, as seen from the tourist beaches in the south and from the sea to the south of Sint Maarten, the sailing route of the cruise ships. That is why it is desirable to preserve the green character of these slopes permanently.

⁹ Source: St. Maarten Tourism Master Plan – Tour Map, Tourism & Transport Consult, 29 July 2005

The green hilltops and slopes are similarly very important to nature. Cay Hill - Little Bay is surrounded for the most part by slopes, which, together with the large green areas on each side of Cul-de-Sac, form an area where nature still plays a major role. The natural values in the green hills of Sint Maarten originate from the large area of undisturbed land with great biodiversity. Rich vegetation; trees, shrubs, and ground covers and rock plants form a valuable breeding ground for birds, reptiles and insects.

The slopes also play an important role in the water management of the area and prevention of erosion; for the hills themselves as well as for the areas located down from the hills. The vegetation on the hills slows down the rainwater runoff speed, and it maintains the quality of the Little Bay pond. The increase in hardened surfaces (in the form of development or roads) goes hand in hand with the disappearance of vegetation, increases the volume and speed of rainwater runoff, and increases the problems caused by erosion materials. Furthermore, the (public) costs for maintenance of infrastructure on the higher hill tops and slopes are relatively high.

Since Cay Hill - Little Bay has sufficient space for residential building in the coming 10 years, development for residential building on the higher parts of the green slopes is not necessary.



Figure 13: Area at risk of flooding

The above observations result in the insight that the higher parts of the green slopes in Cay Hill - Little Bay should be zoned as Natural areas/Green and not for residential building or other urban developments. The lower parts of the slopes can be developed into residential area.

General-purpose facilities

General-purpose facilities are present at some locations in the natural areas. For example, this includes transmission towers and water reservoirs. It will be possible to construct such facilities here in the future as well. However, due consideration must be given to the applicable requirements. These can be imposed due to the scenic and natural situation, access and traffic safety, aviation, and the potential use of adjacent lands.

Drainage and risk of flooding

During heavy downpours it becomes clear that the drainage in Cay Hill - Little Bay does not function optimally. The rainwater from the hills, roofs and streets flows downhill, causes erosion of the slopes and collects in low areas, flooding them. With extreme rainfall there is considerable damage, especially in the northern part which also catches water from Cul-de-Sac. Unesco¹⁰ has identified the water system and the areas at risk of flooding in Cay Hill - Little Bay. The areas with the highest risk of flooding are shown in Figure 13.

¹⁰ Unesco, Flood Risk and Drainage Assessment, Final report June 2009



Figure 14: The existing 'natural gutters', which now go partly through built-up areas

The drainage channels along Welgelegen Road and L.B. Scott Road have now been improved significantly, as has the pumping capacity of the Great Salt Pond. This can hopefully prevent serious flooding in the further future. The water management is organized as follows for the Cay Hill - Little Bay Development Plan:

- The areas susceptible to flooding pertain to a situation which occurs on average once every 100 years and are shown as such on the plan map. The plan map also indicates the obligatory minimum height of inhabited rooms of houses. This way, if there is a sudden flood, safety is not an issue.
- The 'natural gutters' are shown on the plan map if they have not yet been constructed in concrete (and are part of the infrastructure) (also see Figure 14 for the location of the 'gutters'). In the urban area, the reserved space is 10 m wide, because the leeway within which the gutter runs is often a lot smaller here, due to the surrounding buildings. In the as yet undeveloped areas, the reserved space is 30 m wide; here there is still more space available to fit the gutter in as optimally as possible. The gutters are indicated on the map as double-zoned. This means that building is only permitted in the relevant zones provided that it can be demonstrated that the drainage is not jeopardized.
- Open drainage channels such as watercourses which come out in the Fresh Pond are designated only for water. This prevents development of this area, in the future as well.

- In the 'Residential – To be detailed' zone, rules are also included for water management; see section 4.3.12 in the next chapter for a detailed explanation of this part.

The mangroves of Little Bay Pond

Little Bay Pond, with its shores richly covered with mangroves, represents an important ecological value. The special thing about this 'pond' is that it still has a natural relationship with the sea, which is an important quality for water management and visual experience as well. Modest recreational facilities are possible along the shores, such as a bird watching hut and a terrace with a view. The shores and the pond itself deserve to be protected. The shore should not be interpreted too narrowly. That is why the shore around the pond, where possible, is designated as part of 'Natural areas'. The pond itself has a 'Natural areas – Water' zoning designation, also to protect the natural values.

Sustainable energy

The government of Sint Maarten's aim is to reduce its dependence on oil and gas imports in the future, and to make greater use of sustainable renewable energy sources. Such sources are readily available on the island in the form of solar and wind energy, for example. However, the large-scale application of wind turbines and solar collectors generally has a significant impact on the environment. This why the aim for the time being is on low-threshold small-scale and practical applications at the parcel level.

'Helix-shaped' wind turbines with a maximum height of 12 m (tree-top level) may be installed on individual properties, provided they are placed 10 m away from the property's boundaries.

Solar collectors may be installed on buildings.



Photo: Example of small-scale wind energy generation

Legend

- Prehistorical: Archaic Period
- Prehistorical: Ceramic Period
- Prehistorical Period / Historical Period
- Historical Period
- Natural
- ◆ Tanki or waterhole
- Road
- Stone wall
- Foot path
- Cluster of buildings
- Beach bay

Intangible Cultural Heritage

- a. Oral traditions and expressions
- b. Performing arts
- c. Social practices, rituals and festive events
- d. Knowledge and practices concerning nature and the universe
- e. Traditional craftsmanship

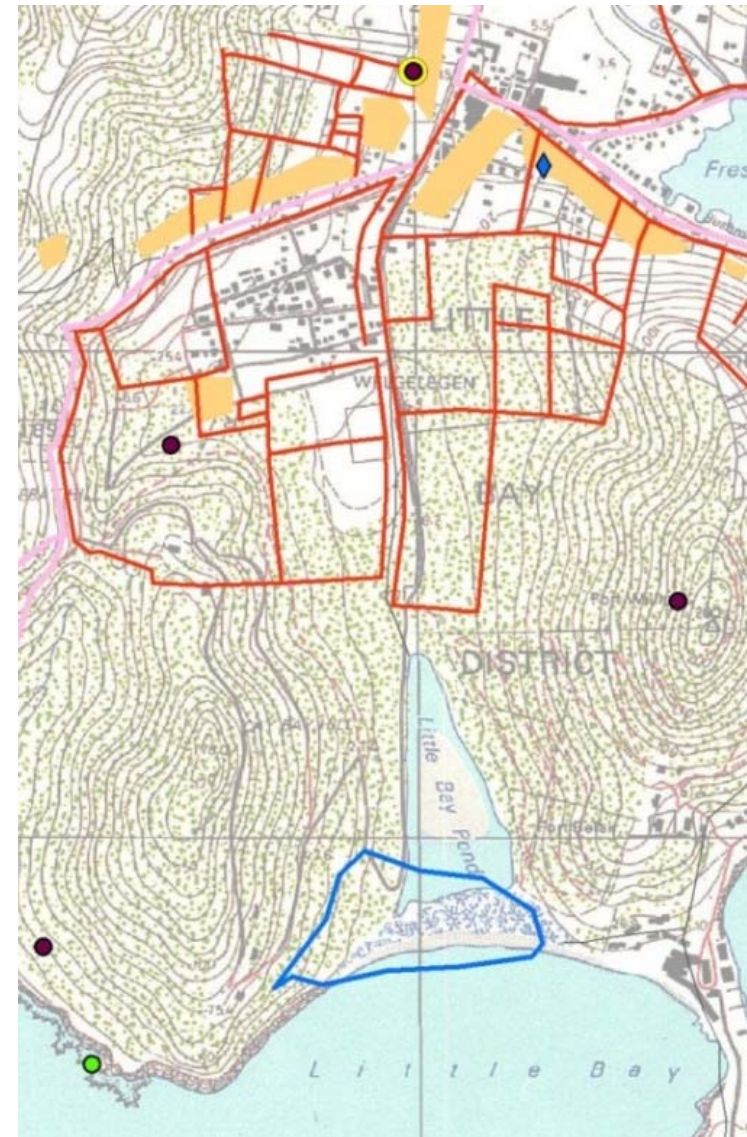


Figure 15: Detail of map from Ministry VROMI – Sint Maarten Archaeological Center/Office of Monuments and Historic Buildings & Archaeology municipality of Amsterdam with locations and elements of cultural-historical and archaeological importance

3.8 Cultural history and archaeology

Cultural-historical elements

The history of the island is a contributing factor in Sint Maarten's identity and culture. Due to the rapid development of the island in the last decade, there is a danger that the cultural-historical heritage and historical buildings will disappear. To prevent this, the government of Sint Maarten has developed a policy designed to protect these values¹¹. The policy is focused on 'tangible, moveable or immovable man-made property at least 50 years ago, and that is considered of general interest due to its beauty, artistic value, its significance to science, the history of the land or the ethnological value'. These concern the historic buildings in the old villages Simpson Bay Village and Philipsburg, the forts, plantations and country estates, the industrial historic buildings, several residential homes in the outlying areas, cemeteries, water wells and 'dry walls'. Whether something will become a protected historic monument depends on its historical-cultural value, its integrity and its uniqueness. The actual protection of the monuments is organized via the Monuments and Historic Buildings Ordinance. For the sake of clarity, the monuments in the development plan are indicated on the plan map. There is one designated monument within the planning area: the cemetery at the Bush Road – L.B. Scott Road junction. The oldest village

¹¹Long-term Historical Monuments and Buildings Policy Plan Sint Maarten, PREAM Consultants/Architects, July 2009

of the island was located here, as well as the foundations of the first Reformed Church, with the grave of John Philips on them.

Archaeological values

Due to the centuries-old use of the planning area, there are archaeological remains in the subsoil (on land and in the sea). While the higher classes were able to afford durable building materials, as a result of which these are still visible here and there in the form of monuments and historical buildings, this does not hold true for the less fortunate. For knowledge concerning the life of this last group, we are largely dependent on archaeological sources. These sources are vulnerable and the slightest disturbance of such sites may make these sources useless for interpretation. Protection against excavation and development activities consequently is of the utmost importance. This is why an archaeological investigation must first take place for sites where such remains can be expected to be found. The required investigation starts with a preliminary research and consultation with VROMI. Depending on the outcome a further investigation may be required. The relevant locations have been identified by VROMI, SIAMRC and BAM on the basis of the Werbata topographical map from 1919 (see Figure 15). On the plan map of the development plan these areas have been given a double zone 'Value – Archaeology'. This policy is in line with the Treaty of Malta of 1998, which was signed by the Netherlands Antilles. The essence of this treaty is two-fold:

- To preserve and protect archaeological values;
- To implement the principle that the developer pays for the archaeological activities.

Part I D: Explanatory Notes to the Regulations



4 PART I D: EXPLANATORY NOTES TO THE REGULATIONS

4.1 Introduction

Legal portion of the development plan

The regulations form, together with the plan map and the appendices, the legally binding part of the development plan. Part II A: Regulations contains the legal text of the regulations. The explanatory notes to these regulations are contained in this chapter: the rationale for selecting these regulations and what the regulations provide for and why and how.

Structure of the regulations

The regulations are structured as follows:

- Introductory regulations;
- Zoning designation regulations;
- General regulations;
- Transitional and concluding regulations

SVBP 2012 as the basis

The regulations for the country of Sint Maarten are based on the Unified Comparable Zoning Designation Plans (SVBP 2012) applied in the Netherlands. The Unified Comparable Zoning Designation Plans contain the standards that apply to the design and layout of the zoning designation plans, government-imposed zoning designation plan amendments and government zoning designation plans. The objective of the SVBP is to ensure that these plans are structured in comparable ways, which

benefits the clarity and legibility of these plans. This methodology was used for Sint Maarten's development plans, where possible and desirable, although deviations were made where necessary or desirable in view of the local situation.

4.2 Introductory Regulations

The introductory regulations cover the following subject areas:

- Article 1: 'Definitions': this Article describes the concepts used in the development plan that are key to explaining the plan as well as for its legibility.
- Article 2: 'Measurements': this Article explains how heights and other dimensions must be measured.

4.3 Zoning Designation Regulations

4.3.1 General

Existing situations

Point of departure is that the situations that are present at the time that the draft development plan is placed for public review, but that vary from the regulations in the development plan, will be respected in the development plan. A so-called 'existing situation regulation' is included in the development plan for existing structures and for existing use for this purpose.

This regulation specifies that existing structures that vary from the regulations in the development plan are permitted and may be rebuilt and changed, provided that the

existing variance in terms of its nature and size is not enlarged.

An existing structure is defined as follows:

- A structure that was constructed pursuant to an irrevocable permit at the time that the draft development plan is placed for public review;
- A structure that may be constructed pursuant to an irrevocable permit at the time that the draft development plan is placed for public review;
- A structure for which an application was submitted prior to the time the draft development plan is placed for public review and that furthermore can be constructed pursuant to an irrevocable permit;

Existing use is defined as follows:

- Use of lands and buildings and/or structures that are present at the time that the draft development plan is placed for public review.

In terms of existing use, the existing situation regulation means that any use that varies from the use permitted under the development plan may be continued.

For example, this is the case if a building at the time that the draft development plan is placed for public review is in use as a Category-2 hospitality establishment, while the development plan's regulations only permit a Category-1 hospitality establishment. The Category-2 hospitality establishment in this case continues to be permitted.

Stimulating allotment gardens

The government wants to stimulate the use of (temporarily) empty parcels as home gardens, by making such use acceptable in many zones. The original or

primary use of the parcel can be reinstated at all times. The zones within which these allotment gardens may be realized are as follows: Center, Retail and Wholesale, Recreation – Stay-over Tourism, and the three Residential zoning designations.

Restriction of building height and building density

Restrictions in terms of building height and the percentage development of plots (building density) apply to the following zones, which permit building. These are marked on the plan map.

The restrictions are imposed to prevent buildings from being built at greater heights or density than is considered desirable. 'Desirable' in relation to spatial aspects, air safety, traffic circulation (the surrounding road pattern must be able to properly handle the traffic), parking needs or from a programming perspective.

The following principles were applied in this respect:

- Leave room for a certain degree of intensification in relation to the efficient use of space. This means that height or the developed surface area can increase somewhat. At the same time due consideration was given to the desired atmosphere in a certain area (more or less urban) and the traffic-increasing effect (after all, higher density means increased traffic and greater parking pressures).
- Stimulate spatial accents or key locations (intersecting infrastructure, for example).

Position of building on a plot

To prevent a building from being constructed too close to the street or too close to the plot's boundary with the neighboring plot, minimum dimensions between the building and the plot's boundaries have been incorporated (5 m to the front boundary and 3 m to the other plot boundaries).

Furthermore, in order to create a certain distance between the buildings themselves (for example in relation to any nuisance and the danger of the spread of fire or fire extinguishing options, adequate ventilation and natural sunlight) the development plan also specifies a minimum dimension (5 m) between the buildings themselves. This applies to most of the zoning designations.

The building density in areas within the 'Center' zone is already such that in the event of a solid wall, building is permitted up to the property's side boundary by default. The same applies to the property's rear boundary.

4.3.2 Article 3 Center

Large mix of functions along main road network

The 'Center' zone applies predominantly to the area around the Bush Road Roundabout and the area north of it. This is the area where a large of mix of functions is located, or the area that is planned for the future. It concerns, generally at ground level, shops/retail, restaurants, repair shops, small offices and companies, with living accommodation on the upper floor(s). The businesses that are permitted to locate in this

area are the businesses listed on the Industries List 1 (see Appendix 1 of the regulations).

Possible exemptions

If a company is not contained on this list, but in terms of its environmental impacts is consistent with the companies that are included on this list, the company may still establish in this area via an exemption procedure. A company in a higher environmental category is also permitted, subject to certain conditions. An exemption procedure must also be completed for this purpose.

4.3.3 Article 4 Retail and Wholesale

The planning area also contains some areas with extremely large shop premises. Because these premises are often so large that they actually do not belong in a center or residential area, the locations for such functions are limited to the areas with this zoning designation.

4.3.4 Article 5 Mixed

This article is a combination of the zones 'Residential – 1' and 'Social'. This combination was chosen in view of the rights already granted via the planning permit on the one hand, in which 'Residential' was granted, and the forthcoming development of the area with possible social functions. Both kinds of functions are possible this way.

4.3.5 Article 6 Social

Supporting facilities

Social facilities are essential to well-functioning communities. For example, this includes a school, a community center, a police station, a church or a cemetery. In this planning area, this concerns two areas:

- A large area located centrally in the planning area. The hospital currently occupies a prominent place. Other care-related functions can be added here, but other social functions are also possible;
- The cemetery on the west side of the Bush Road Roundabout.

4.3.6 Article 7 Natural Area

Sustainable preservation of natural values

In relation to the nature, scenic and recreational values, only those functions that are not in conflict with the sustainable conservation, restoration, development and management of natural values are permitted in areas zoned as 'Natural Area'. The permitted use includes low-impact recreational use (hiking on unpaved hiking and cycling trails).

This concerns:

- Parts of Cay Bay Hill;
- Part of Fort Hill;
- The area around Little Bay Pond.

Additional requirements for utilities

The green hills contain utilities such as transmission towers and water tanks. New facilities may be added to this in the future. The Minister may impose further requirements on these facilities in terms of their location, size, design, access and integration into the landscape. The scenic and natural situation, access and traffic safety, aviation-related requirements, and the potential use of adjacent lands will be reviewed for this purpose.

4.3.7 Article 8 Recreation – Beach

Public accessibility to the beach

The beach determines to an important extent the charm, tourism value and the natural value (due to the sea turtle breeding areas) of Sint Maarten. The beach therefore must remain accessible to the public at all times. The same applies to the beach of this planning area: the beach south of Little Bay Pond.

Undeveloped and unpaved beach

The present Beach Policy has protected these valuable areas for some time already: within a strip of 50 m from the waterline land inwards (insofar as it consists of sand) the beach may not be developed and/or paved. Development and pavement consequently do not form part of the uses attributed to 'Beach' zone.

Recreational use

The beaches may be used for recreation. Any facilities, such as reclining chairs and canoes, may be present on the beach.

Beach boundaries

The rising sea level may be reducing the size of the beach. By displaying the 'Recreation – Beach' zone on the plan map, the location of the beach (in 2012) has been identified. This is the basic starting point for enforcing this development plan.

4.3.8 Article 9 Recreation – Stay-over Tourism

Resorts and hotels

Sint Maarten's economy is largely kept afloat by tourism, including overnight stays in resorts and hotels. These areas are zoned as 'Recreation – Stay-Over Tourism'. This zone includes resorts and hotels, for example, as well as guesthouses and apartment complexes. Within the planning area, the two areas west and south of Little Bay Pond close to the coast are zoned as such.

By imposing additional requirements on the way in which various elements are detailed, the local scenic values and the quality and the public accessibility of the area and the Little Bay beach are least affected and in fact are even reinforced.

Stay-Over tourism within other zones

Part of these functions can also occur within other zones. For example, a hotel can also occur within the 'Center'

zone and guesthouses can also occur within the 'Residential' zone.

This prevents the possibility of having a different zone apply at the level of an individual building. Indeed, this would not be desirable in terms of the restrictions this entails.

4.3.9 Article 10 Sport

The area of the stadium of Cay Hill is zoned as 'Sport', and has been given the identifier 'Stadium'. This area can therefore only be used for these purposes.

4.3.10 Article 11 Traffic

Different methodologies were selected for the roads within this development plan, depending on the situation and road type. The following distinctions are made:

- The primary/through roads;
- The new links (the outline of whose routes is fixed);
- The underlying road system.

Primary roads: the main infrastructure;

The main infrastructure comprises the roads that connect the different parts of the island; in other words the major continuing roads. These roads are of major importance for accommodating the high and increasing level of traffic on Sint Maarten. The current layout is not always a good fit for this purpose.

For example, people often park immediately adjacent to the main road, which impedes through-traffic. To improve this over time, space has been reserved for the road with a width of up to 18 meters (see Figure 16). The width is determined by the space available physically.

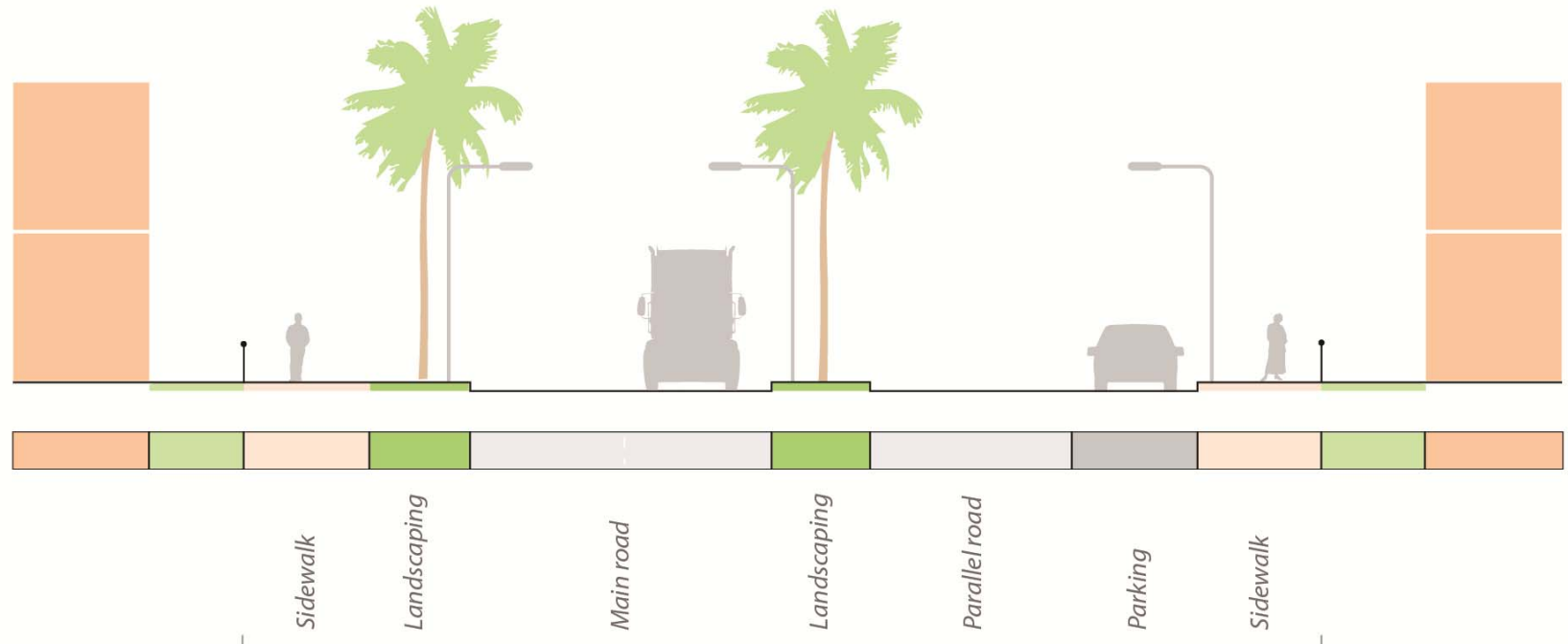
New main infrastructure: Links 1, 2 and 4

The preparation of new roads to supplement the existing main road network is also underway. Within the planning

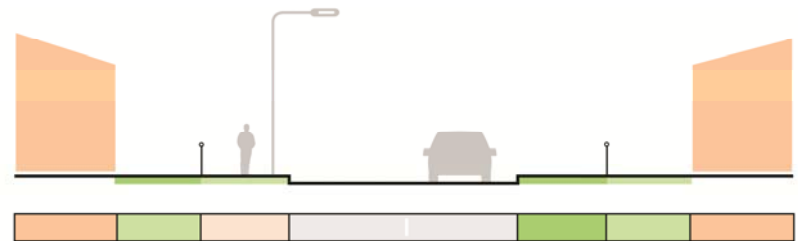
area this concerns (a small part of) link 1, link 2 and link 4. The routes are almost known for these roads, but the implementation will require some leeway. The plan map therefore contains 30-meter-wide strips for these links identified by the zone 'Traffic', supplemented by an 'Amendment'. The width of the road will probably be approximately 12 m. The space left will be converted through the amendment into the adjacent zone.

Underlying road system

The underlying road system (secondary roads) comprise the roads that play a key role (or could play a key role) in connecting the different districts. These roads have not been explicitly designated for traffic purpose. This approach protects the main structure, while at the same time maintaining sufficient flexibility. The traffic function of these secondary roads is simply facilitated on the basis of the locally applicable zone (generally residential). However, there are preferences concerning the width and layout of these roads. Figure 17 displays a possible profile corresponding to this with space for the road (two directions) without parking, and in addition space for the road shoulders/landscaping as well as for slow traffic.



Top: Figure 16: Suggested road profile for main roads



Bottom right: Figure 17: Planned road profile for secondary roads

Entranceways and Exits

In order not to interfere too much with the through-traffic function of the road network, new entranceways are regulated by means of the civil works permit.

Public transportation

To better accommodate public transportation, it is necessary to reserve space for various amenities, such as bus stops. These are not separately designated and instead form part of the 'Traffic' zone. This maintains flexibility in terms of their placement.

Supporting laws and regulations

Matters regulated in other laws and regulations rather than the development plan are as follows:

- Maximum driving speed;
- The detailed layout of the roads, lighting, magnitude of tree size, cables and pipelines, slopes, gutters/ditches for drainage and the like.

4.3.11 Article 12 Water – Natural Values

Natural areas in water in Cay Hill – Little Bay

Water with a high natural value occurs in the planning area. This is the case with Little Bay Pond, with mangroves lining the shores. The watercourses which direct the rainwater flowing down to the Fresh Pond have also been zoned as 'Water – Natural values'.

Only extensive recreation is permitted

This area plays an important role in Sint Maarten's ecosystem and therefore requires proper protection. For this reason, only extensive forms of recreation are permitted here, such as swimming and non-motorized boating. However, the boats may not be moored along the shore because this can affect the mangrove vegetation. In addition, they may not use their own anchor to anchor the boat because this may damage the vegetation at the bottom of the lagoon.

4.3.12 Articles 13, 14 and 15 Residential – 1, 2 and To be detailed

Different residential environments

The residential function occurs in different zones in the planning area. This section deals with the zones 'Residential – 1', 'Residential – 2' and 'Residential – To be detailed'.

'Residential' is divided into three categories:

- 'Residential – 1'; For the existing residential areas up to the 50-m elevation line;
- 'Residential – 2'; For the existing higher-lying residential areas;
- 'Residential – To be detailed', for the new residential areas to be developed.

The aspects which are the same for all three residential zones are discussed first below. Then the differences are explained.

Similarities between residential zones

Residential with home-based occupations

Certain occupations may be exercised anywhere within all three 'Residential' zones, namely the type of occupations that do not have any or too great an impact on the enjoyment of residing: the home-based occupations. Article 1 of 'Definitions' explains what this includes.

Residential mixed with small-scale business activity

In the part of the planning area small businesses are also located between dwellings. These companies are generally owned by the people living nearby. The two functions (residing and working) appear to be a perfect fit; there are no complaints about any inconvenience – after all, they put bread on the table. However, the condition is that these must truly be small-scale enterprises without any hazards or nuisance to the surrounding environment. Examples include small shops, repair shops, sewing shops and the like. Appendix 1 to the regulations contains a list of permissible industries. This specifically excludes restaurants and nightclubs; after all, these do cause a nuisance, particularly during hours that people in residential districts want quiet. This area is identified as 'Business Categories 1 and 2 (Industries List 1)'.

Possible exemptions

If a company is not contained on this list, but in terms of its environmental impacts is consistent with the companies

that are included on this list, the company may still establish in this area via an exemption procedure. A company in a higher environmental category is also permitted, subject to certain conditions. An exemption procedure must also be completed for this purpose.

Height of fencing

Due to the perception of public spaces, the height of fencing is also subject to certain conditions:

- The fence bordering on public space may be no more than 1.5 m high;
- The fence between parcels and at the rear of the property may be no more than 2.0 m high.

Differences between residential zones

4.3.13 Article 13 Residential – 1

In these areas, besides a number of conditions which are described in the zoning designation, only a maximum building height and maximum building density apply; the minimum plot size has been left free.

4.3.14 Articles 14 and 15 'Residential – 2' and 'Residential – To be detailed'

Lower density at greater elevation

In these zones, besides the maximum building height and the maximum building density, a minimum plot size is also specified.

The plots must be larger the higher and steeper the slopes are. At the same time, the permitted building density decreases. This way the density becomes lower as the land becomes higher and steeper.

The maximum building density depends on:

- The plot's elevation;
- The plot's average slope angle.

To prevent a higher building density from occurring, a maximum of one building may be constructed on each plot with a maximum building surface area of 250 m².

The following tables (Figure 18) display the various figures. These figures are the general rules. Exceptions have been made, if irrevocable permits have already been granted, that deviated from the table shown below.

Regulations for plots located on an elevation of between 50-100 m

| Average plot slope angle | 0 - 10° | 10 - 20° | 20 - 30° | 30 - 40° |
|----------------------------|--------------------|--------------------|----------------------|----------------------|
| Minimum plot size | 400 m ² | 800 m ² | 1,200 m ² | 2,000 m ² |
| Maximum plot ratio | 35% | 30% | 25% | 15% |
| Max. building surface area | 250 m ² | | | |

Regulations for plots located on an elevation of between 100-200 m

| Average plot slope angle | 0 - 10° | 10 - 20° | 20 - 30° | 30 - 40° |
|----------------------------|--------------------|----------------------|----------------------|----------------------|
| Minimum plot size | 800 m ² | 1,200 m ² | 2,000 m ² | 3,000 m ² |
| Maximum plot ratio | 30% | 25% | 15% | 10% |
| Max. building surface area | 250 m ² | | | |

Regulations for plots at an elevation of > 200 m

| Average plot slope angle | 0 - 10° | 10 - 20° | 20 - 30° | 30 - 40° |
|----------------------------|----------------------|----------------------|----------------------|----------------------|
| Minimum plot size | 1,200 m ² | 2,000 m ² | 2,500 m ² | 3,500 m ² |
| Maximum plot ratio | 25% | 15% | 10% | 7.5% |
| Max. building surface area | 250 m ² | | | |

Figure 18: Overview of plot size and developed surface area for different plot elevations

Determining building height on slopes

While the lands in the lower-lying areas (Residential – 1) are usually relatively flat, in 'Residential – 2' and 'Residential - To be detailed' this is different. To provide clarity about determining the maximum building height, a so-called 'building envelope' is used for 'Residential – 2' and 'Residential – To be detailed'. Figure 19 explains how this works. In the example drawing, a maximum building height of 6.5 m is specified, but 10 m also occurs. The

maximum building height depends on the location of the parcel: below (maximum 10 m building height) or above the 50-m elevation line (maximum 6.5 m building height). Generally the terrains below the 50-meter elevation line are flatter, so that greater height can be permitted without the green slope being disturbed excessively. The maximum building heights are shown on the plan map.

Immediate final zone (R-2) or via 'To be detailed'?

The decision to apply the final zone or a zone that first requires the development to be 'detailed' depends on the need for wanting to have more or less control over the manner of subdividing of lands. Reasons for wanting to have control (through means of detailing) can be as follows:

- Creating access to the area (connection to the road network) in relation to its traffic-attracting effect and accessibility of the planned development;
- Preventing flooding and land erosion;
- Assuring proper scenic integration in relation to the view of the development, particularly going uphill.

A zone with detailing will be selected if:

- The area is of a size that would normally be subdivided up into multiple plots;
- The plot subdivision of the area has not yet been established (for example, on the basis of certificates of admeasurement); or
- There is reason to review the current or planned land subdivision (for the above-mentioned reasons).

Cistern

A cistern must be constructed for homes above the 50-m elevation line. The primary objective of this obligation is to have access to alternative water supply during emergencies.

Indeed, in terms of water, the homes in the hills are often supplied from tanks located higher up in the hills. This water is transported to these tanks from lower-lying areas via pumps. In the event of hurricanes, for example, it is possible for the island to be without power for a considerable period of time. The pumps used to transport tap water to the tanks often are without backup facilities, which may cause homes that are dependent on them to be without water.

Making a cistern mandatory does not mean that the cisterns are assumed to be the only drinking water supply under normal circumstances, but rather that they must provide sufficient backup to be able to serve as a water supply facility in emergency situations.

The minimum size of the cistern is linked to the number of bedrooms in the dwelling, because the water consumption in a larger house (with more bedrooms) is generally higher (family size) and, in addition, because more water can be recovered.

Additional benefits of the use of cisterns are as follows:

- Less water runoff (which means less flooding for the lower-lying areas);
- More sustainable (because it is not necessary to use energy to desalinate seawater to produce drinking water and to transport this water).

Exemption from ground lease deed or deed of sale between private parties

If a ground lease deed or a deed of sale specifies a deviating plot size and/or building density, an exemption can be requested for these two aspects. Requirements, for example concerning parking and the distances to be maintained to the plot boundaries, must be taken into consideration. If you adhere to these rules, then instead of a 'one family dwelling' (as often specified in the ground lease conditions) it is permitted to construct an apartment within the specified building option.

4.3.15 Article 15 Residential – to be detailed

Because these areas are often on the green slopes, extra requirements are made of the layout of these areas. In order to have extra grip on the exact design of the areas, a so-called 'Detailing' is used: first a detailed plan must be submitted which must go through the prescribed procedure, before building can commence. The extra conditions are explained below.

Access

It is important to prevent unsafe situations from arising. Unsafe situations are, for example, related to traffic safety, water management and the danger of erosion. For example the road hierarchy (in principle homes are not directly connected to a through-road), the road width and the gradient all are subject to certain requirements. In this respect the developer of the detailed plan must consult the competent authorities in preparing the detailed plan.

Green image

To ensure that the green hills stay sufficiently green in spite of any development, at least 40% of the plot must be kept green.

Water management

To ensure that the plots, as well as lower-lying areas are protected against flooding, the design and the finishing of the plots must meet the following requirements:

- For plans for two or more plots, a Water management plan must be enclosed in accordance with the requirements specified in Appendix 6;
- If more than 500 m² is surfaced (developed or paved), a Water management master plan must be enclosed in accordance with the requirements specified in Appendix 1.

Provisional building prohibition

This Article stipulates that preparations for residential building and actual construction may only commence once there is an approved and irrevocable detailed plan. This includes activities such as cutting trees, leveling and excavating of terrain, or constructing roads.

Detailed Plan and Water management plan

Development within areas zoned as 'Residential – to be detailed' must be supported by a rationale demonstrating that the development will take place in a responsible way.

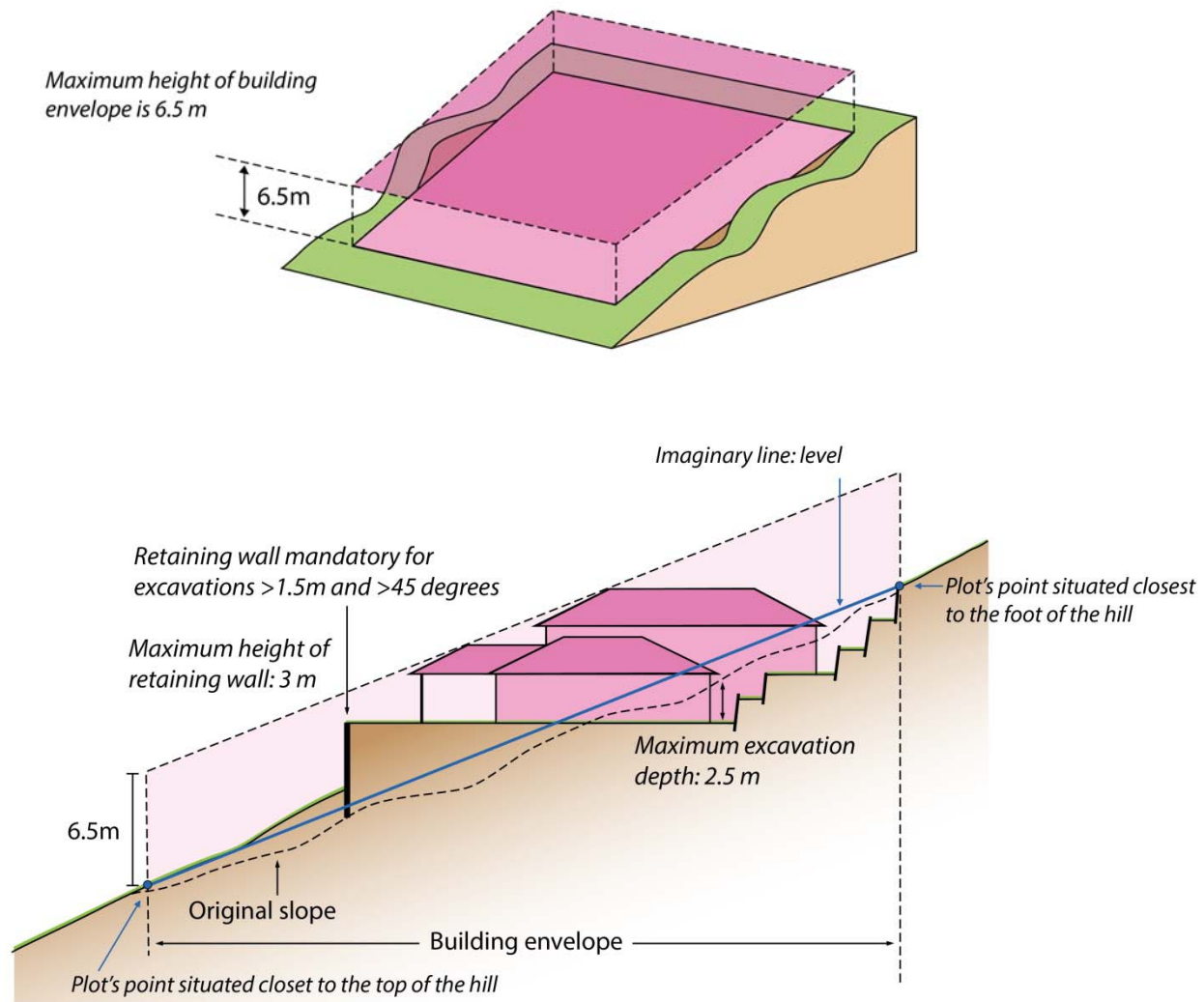


Figure 19:
Principle for measuring height in areas zoned Residential – to be detailed:

- Maximum height of building envelope 6.5m;
- Maximum excavation depth: 2.5 m;
- Maximum height of retaining wall: 2.5 m;
- Retaining wall is mandatory for excavations > 1.5 m and > 45°.

And:

- Principle for establishing grade on a slope

There are two possible situations:

- The development of a single building (provided it is paired with a total paved surface area of a maximum of 500 m²). In that case the requirements of the Detailed Plan apply;
- The development of two or more buildings, or the development of a single building, with a total paved surface area of more than 500 m². In that case the requirements of the Detailed Plan and the requirements of the Water management plan apply.

4.3.16 Article 16 Value – Archaeology

Rich variety of cultural-historical heritage

The many cultural-historical elements form an important part of the characteristic Sint Maarten. For this reason a great deal of importance is attached to their sustainable conservation.

High expected archaeological value

Part of the planning area has a high expected archaeological value. This area is shown on the plan map with a 'double zone'. Building is only permitted in these areas provided that a field research has been submitted that in the judgment of the Minister provides sufficient insight into the archaeological value of the relevant site, unless it is evident from a preliminary research that no further archaeological field research is required. A civil works permit is mandatory for excavation and the like. Further archaeological research may identify other locations with a high archaeological value. In such

instances, it is not necessary to replace the plan map. Instead it is sufficient to add an additional appendix which identifies the new lands with a high expected archaeological value to this development plan. The same rules then apply to these lands as those currently included in this development plan for lands with a high expected archaeological value. The Minister of VROMI must approve this appendix.

4.3.17 Article 17 Public Works - Water Management

Part of the planning area is double-zoned for water management. This is the case where the natural gutters occur. Building is permitted here provided that it can be demonstrated that drainage is not jeopardized. A civil works permit is required for this purpose. If an investigation shows that construction does have an adverse effect on drainage, mitigating measures may be required, for example moving the boundaries of the building plans so that the natural gutter remains intact.

4.4 General regulations

4.4.1 Article 18 Double planning prohibition

When certain buildings are not permitted to cover more than a certain portion of a plot according to a zoning designation plan, the purpose of this provision is to prevent the leftover part of the terrain from once again being considered in permitting another building that is subject to a similar requirement.

4.4.2 Article 19 Civil works permit

Civil works permit

For all zones it is necessary to acquire a civil works permit before building or excavating. This system was chosen so that a number of important values and interests can be protected, namely:

- Natural values (for example through the destruction of important flora and/or fauna species);
- Scenic values (for example through the disturbance of scenic continuity, such as the green slopes);
- Cultural-historical values (for example through harming old walls);
- Water management values (for example through the removal of green areas, which increases erosion);
- The accessibility (for example when a number of side streets connect additionally to the main route);
- Traffic safety (for example if a large parking area is opened on a main road).

The requirement of a civil works permit allows testing in advance to see whether these values and interests will be affected.

4.4.3 Article 20 General building regulations

Similar regulations apply to a number of zones. This is the case for:

- Parking;
- Underground construction.

In order not to have to repeat these regulations in every zone (which hardly improves legibility), they are only contained in Article 16.

Parking standard

For all areas where people can reside, work or stay, parking facilities are subject to certain criteria. To keep parking pressures within limits in public spaces, the construction of homes must include a provision for parking spaces on the home's property itself, for example. The standards that apply to the different zones are contained in Appendix 4 of the development plan.

Deviation from the parking standard on own property

Various situations are conceivable that would make it impossible to meet the required parking standard on one's own property. For example, consider an existing building and area in which a new shop is to be established. It is possible that the property does not provide sufficient space for the required parking spaces to be built; and because the building already exists, the construction of a built or underground facility may not be financially feasible. In that case it is possible to resort to, for example, the construction (or co-financing) of parking facilities elsewhere in the neighborhood. In such instances, the Minister may grant an exemption from the parking standard contained in the appendix. Other possible reasons for deviating from the standards may include the following:

- When there are sufficient parking spaces present in the immediate vicinity (free or paid). The immediate vicinity here is defined as 100 m for residential and care purposes (visitors) and 250 m for other functions.
- When the developer is able to demonstrate that part of the parking spaces are not necessary. In this case the developer must at a minimum be able to provide insight into which reasonable alternatives are being provided.

When developments warrant this, the Minister may amend the list of parking standards by function.

Underground construction

This article stipulates that where building is permitted, underground construction is permitted as well.

If someone wants to construct underground elsewhere as well, this requires an exemption from the Minister. A condition for obtaining this exemption is that the values present at that location are not disproportionately affected by the construction.

4.4.4 Article 21 General use regulations

General prohibition and grant of exemption

This article contains a general prohibition of use that is in conflict with the zones.

4.4.5 Article 22 General exemption regulation

Category-3 hospitality establishments

Hospitality List 3 contains the most extreme category, for example:

- Discotheques;
- Casinos (separate from a hotel);
- Sex establishments.

Exemption is required to establish a business in this category.

In addition, casinos can also occur as part of a hotel; the hotel in this case must include at least 200 hotel rooms. These casinos do not require an exemption.

Livestock and/or agricultural farm

To increase the degree of Sint Maarten's self-sufficiency in terms of food production, it is possible to establish an agricultural or livestock farm within the planning area on the basis of an exemption. Before such exemption can be granted, the farm must meet a number of conditions. One of the requirements is that the farm must not disproportionately affect the residential and living environment of the adjacent lands. Policy rules will be developed over time that will further define the above-referenced 'disproportionate effects' criteria. These rules can then be used to more specifically test whether the farm disproportionately affects the residential and living environment of the adjacent lands. For example, these rules could be related to the animal species to be kept, the storage of manure, the crops to be planted, the herbicides and related techniques to be used, fencing, and distances

to be maintained from environmentally sensitive objects, such as nearby homes.

4.4.6 Article 23 General amendment regulation

Two kinds of amendment are provided for in this article. Both are explained here in brief.

1: General

The Minister may amend the zoning designations included in the development plan in relation to a minor shift in the zone boundaries if it is demonstrated that this minor shift is desirable or necessary due to the actual condition of the terrain.

2: Identified amendment areas

This article provides for the possibility of changing the zoning designation of certain areas. There are two amendment areas on the plan map:

- One for a part of Link 1;
- One for Links 2 and 4.

Here the amendment applies to the 'Traffic' zone. If no amendment procedure is followed, the relevant land can be used normally as 'Traffic'. In view of the width of 30 m of these zones, while only approximately 12 m is required for the road itself, the remaining area can be converted later into the adjacent Residential zones through the amendment procedure.

4.4.7 Article 24 General procedural rules

This Article prescribes the procedures for exemptions, further requirements, the amendments, and the detailing.

4.4.8 Article 25 Other Regulations

Building and Housing Ordinance

This article stipulates that if the zoning designation regulations of the development plan vary from the provisions of the Building and Housing Ordinance, or any regulations that replace it, the zoning designation regulations prevail.

Dutch versus English version

Should the English version of this development plan vary from the Dutch version, the Dutch version prevails.

Digital versus paper version

Should the digital version of this development plan vary from the paper version, then the paper version prevails.

4.5 Transitional regime and concluding regulations

4.5.1 Article 26 Transitional regime

Existing structures and existing use

The use of land or a building may vary from what is permitted on the basis of the development plan. The transition rules stipulate the extent to which such variances are permitted.

4.5.2 Article 27 Concluding regulation

The concluding regulation is the last provision. It contains the plan's title: Cay Hill – Little Bay Development Plan.

4.6 Appendices

Appendices to this Development Plan

The following appendices form part of the development plan:

- Appendices 1-3: Industries Lists 1-3;
- Appendix 4: Parking standards;
- Appendix 5: Detailed Plan requirements.
- Appendix 6: Water management plan requirements.
- Appendix 7: Certificate of admeasurement versus plot Case Study.

Appendices 1-3: Industries Lists

Appendices 1-3 identify the economic activities that are permitted in the relevant areas, or that pursuant to an exemption and subject to conditions can also be included

as one of the options. These lists are based on the 'Standard Industrial Classification (SIC)' of the 'Industrial and Environmental Zoning Designation' publication of the Association of Netherlands Municipalities (VNG, Publication no. 9 dated 1999).

In general it can be assumed that proper environmental protection can be achieved by properly situating companies in relation to environmentally sensitive functions (such as dwellings). Two routes can be pursued to achieve this:

- Influencing the available options through means of spatial planning; in other words via the present development plans;
- Implementing environmental protection measures.

The spatial planning in this respect operates as the policy framework and provides a 'coarse filter', which attempts to situate the proper function in the proper area. In spatial planning, maintaining distance (zoning) between a nuisance source and a sensitive object (for example, a dwelling) and function designation (the zones) are the most important tools.

Environmental protection measures subsequently ensure that, if necessary, measures are taken for the activity to prevent or restrict any nuisance to the surrounding area.

The Industrial Lists enclosed with the present development plan, from left to right consist of the following:

- 'SBI-2008' (SIC-2008) and 'Number': The numbering of the activities (three digits for the main categories and four or five digits for the sub-categories). This numbering in any correspondence then clearly identifies the activity concerned;
- Description: Brief description of the activity;
- Four columns with environmental distances: odor, dust, noise and hazard. This is an indicative distance (in meters) that must be maintained between the parcel's boundary of the economic activity and the front of an environmentally sensitive zone. A quiet residential district with little traffic was taken as the starting point in this respect;
- 'Greatest Distance': The greatest distance is subsequently indicated (also in meters);
- 'Category': The last column displays the category to which the activity belongs. There are six main categories (1 is the least severe and 6 is the most severe). These six categories in the present development plan are clustered in pairs (Industries List 1 contains SIC categories 1 and 2; Industries List 2 contains SIC categories 3 and 4; Industries List 3 contains SIC categories 5 and 6).

Appendix 4: Parking standards

The parking standards that apply to the present development plan are explained in this appendix. This is a global overview for all possible functions for all of Sint

Maarten. However, not every function may occur within the current planning area.

A condition for the construction of a parking space is that it must be accessible to arriving and departing traffic. Parking two or three rows deep is therefore precluded, because not all parking spaces are in fact available for use this way and practice shows that in such cases people look for alternative locations.

Appendix 5: Detailed Plan requirements

The purpose of the Detailed Plan is to ensure that access to the plot and the plot's layout are well designed so that development does not result in an increase in traffic problems and erosion.

Appendix 6: Water management plan requirements

The purpose of the Water management plan is to ensure that the catchment and drainage of rainwater is well organized as a result of which development does not result in flooding or a worsening of flooding further downstream. The basic principle consists of 'water-neutral building'. This means that after the planning area has been developed, the water runoff may not be greater or faster than it was prior to the development of the planning area. When it is impossible to realize enough water management facilities at the site itself, due to the location or size, these facilities may be realized downstream as well. How this will be done needs to be worked out in the Water management plan.

The baseline rainfall intensity used for this purpose consists of a precipitation intensity categorized as an average re-occurrence interval of once every one hundred years during which 100 mm falls within a period of one hour. The minimum dimension of the retention facility is determined on the basis of this baseline rainfall intensity and the plot's paved surfaced area. A sample calculation:

- 300 m² of paved surface is constructed on a plot;
- This means that a minimum retention facility of 300 m² x 0.1 m = 30 m³ must be constructed to catch the water falling on this plot.

Appendix 7: Certificate of admeasurement versus plot Case Study

This appendix contains a sample calculation/example that demonstrates how multiple certificates of admeasurement collectively must be counted as a single plot when a combined building permit is requested.



Part II Development Plan: Regulations

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Part II A: Regulations



PART II A: REGULATIONS

INTRODUCTORY REGULATIONS

1 ARTICLE 1 DEFINITIONS

1.1. Plan

The Cay Hill – Little Bay Development Plan.

1.2. Development Plan

The plan as embodied in the Cay Hill – Little Bay Development Plan map and these regulations and associated appendices.

1.3. Identifier

An area or shape used to identify the areas where, in accordance with the regulations, regulations are imposed governing the use and/or building and construction on these areas.

1.4. Identifier boundary

The boundary of an identifier where it concerns an area.

1.5. Home-based occupation or business

An occupation or business that can be conducted in or adjacent to a dwelling and which is focused on providing professional or commercial services in the fields of administration, architecture, art, legal, medical, paramedical, therapeutic or similar fields.

1.6. Rear plot boundary

The boundary of a plot that is opposite to the road.

1.7. Development

One or more buildings and/or other structures, not being buildings.

1.8. Building density

A percentage specified on a plan map or in the regulations which indicates the maximum area of a plot that can be used for construction of buildings.

1.9. Existing distance, height, volume and surface measurements

Distance, height, volume and surface measurements that are present at the time that the draft development plan is placed on public review.

1.10. Existing structures

Existing buildings and/or structures:

- a. A structure that was constructed pursuant to an irrevocable permit at the time that the draft development plan is placed on public review;
- b. A structure that may be constructed pursuant to an irrevocable permit at the time that the draft development plan is placed on public review;
- c. A structure for which an application was submitted prior to the time that the draft development plan is placed on public review and that furthermore can be constructed pursuant to an irrevocable permit.

1.11. Existing use

Use of lands and buildings and/or structures that are present at the time that the draft development plan is placed on public review.

1.12. Zoning boundary

Boundary of the area of the zoning designation.

1.13. Zoning area

An area with one single use.

1.14. Building or constructing

Erecting or entirely or partially renovating buildings or other structures.

1.15. Building or construction boundary

Boundary of the building or construction area.

1.16. Story

A continuous part of a building that is bounded by floors or joisting constructed at equal or approximately equal height.

1.17. Building or construction area

An area that identifies lands where, pursuant to the regulations, certain buildings and structures, not being buildings, are permitted.

1.18. Structure

Any construction made of wood, stone, metal or other materials, either connected directly or indirectly to the

ground, or finding direct or indirect support on the ground.

1.19. Cistern

Underground container or pool, intended for catching and storing rainwater.

1.20. Retail

To offer goods for sale in a commercial capacity, including the display for sale, the sale and/or delivery of goods to individuals who purchase these goods for use, consumption or application, other than for conducting a professional or commercial activity.

1.21. Service

To provide economic and social services to a third party in a commercial capacity, including a hairdresser's salon or a barbershop, a beauty parlor, photo studios and equivalent businesses and institutions, with the exception of car repair garages and sex establishments.

1.22. Ecological values

The values attributed to an area related to the relationship between flora and fauna and their living environment and/or the interrelationship between flora and fauna.

1.23. Plot and property partition

A partition, such as a wall, a concrete or wooden fence, a woven screen and other ready-made partitions of a plot on which a building is situated.

1.24. Events

Any entertainment accessible to the public, such as a meeting, a performance, an exhibition and a thematic market.

1.25. Building

Any covered contiguous building envelope or structure accessible for persons and forming a space partially or entirely enclosed by walls.

1.26. Earth-retaining structure

A civil structure designed to overcome the height differential between ground level on both sides; for example a concrete retaining wall.

1.27. Wholesale

To offer goods for sale in a commercial capacity, including the display for sale, the sale and/or delivery of goods to resellers, or to institutions or persons for use in another business activity.

1.28. Hospitality establishment

A business that in a commercial capacity provides drinks and/or food for on-site consumption and/or that in a commercial capacity provides on-site accommodation and/or rents on-site halls, possibly in combination with an entertainment function.

1.29. Category-1 hospitality establishment

A hospitality establishment that generally does not cause any inconvenience to the social climate and that is

primarily focused on providing (non-alcoholic or low-alcohol) drinks and simple meals and foods during the day and evenings, such as a snack bar, a coffee shop, an ice cream parlor and/or an equivalent hospitality establishment in terms of its nature, business hours and impact on its surroundings.

1.30. Category-2 hospitality establishment

A hospitality establishment that generally can cause inconvenience to the social climate and that is primarily focused on providing meals and/or (alcoholic) drinks mainly during evenings, such as a café, cafeteria/snack bar, conference center, meeting center, restaurant and/or an equivalent hospitality establishment in terms of its nature and impact on its surroundings.

1.31. Category-3 hospitality establishment

A hospitality establishment that generally can cause inconvenience to the social climate, that puts major pressure on public order, and that is primarily focused on providing (alcoholic) drinks during evenings and/or at night and that also offers facilities for dancing or similar entertainment, such as a discotheque, casino, hall complex, sex establishment and/or an equivalent hospitality establishment in terms of its nature and impact on its surroundings.

1.32. Hotel

A hospitality establishment focused on providing accommodation, with or without a restaurant and/or meeting rooms.

If the hotel comprises 200 or more bedrooms, a casino is permitted.

1.33. Emergency services

Emergency services, such as ambulances, fire department and the police.

1.34. Gabled roof

An entire or partially non-horizontal roof structure formed by at least two inclined roof planes.

1.35. Plot

One single piece of land and/or water, on which according to the regulations, an independent and related building or structure is permitted.

1.36. Plot boundary

Boundary of a plot.

1.37. Agricultural farm

A large-scale farm primarily focused on cultivating vegetables, fruits and plants. The minimum size is 3,000 m².

1.38. Scenic values

The value attributed to an area related to the observable appearance of that area.

1.39. Social facilities

Facilities such as educational, social-medical, social-cultural, ideological facilities (such as a church), facilities

for providing public services, judicial facilities (such as a prison), daycare centers, daycare facilities and pre-school playgroup nurseries.

1.40. Certificate of admeasurement

A written designation prepared by or on behalf of the Land Registry Office in which the surface area is measured and that serves to differentiate a surface area of land and/or water from a larger surface area of land and/or water.

1.41. Minister

Minister of Public Housing, Spatial Planning, Environment and Infrastructure

1.42. Natural values

The value attributed to an area characterized by geological, geomorphologic, soil and biological elements, independently as well as in an interrelated context.

1.43. Regular maintenance

Maintenance that, with due consideration to the zoning designation, must be carried out to ensure the proper management and use of the lands and buildings associated with the zoning designation.

1.44. Subordinate function

A dependent function that will be or is realized within another main function and that is subordinate to it in terms of surface area and spatial appearance.

1.45. Access road

A road which is exclusively intended to provide access to parcels located on that road. An access road is not designed for through traffic.

1.46. Grade

- a. For a structure: the average height of the adjacent finished ground level.
- b. In variance to the above, for a structure on a slope: the imaginary line between the point of the plot situated closest to the foot of the hill and the point of the plot situated closest to the top of the hill.

1.47. Religious establishment

An establishment for the purpose of conducting religious and/or philosophical activities and meetings, such as houses of worship, churches and/or religious buildings.

1.48. Resort

Holiday accommodation or a conference retreat that provides accommodation such as a hotel, holiday homes, bungalows, apartments and the associated amenities, such as tennis courts, swimming pools, wellness centers and fitness centers.

1.49. Adult entertainment establishment

An enclosed area accessible to the public in which in a commercial capacity or to an extent that is considered commercial, sexual acts are performed or in which exhibitions of an erotic/pornographic nature take place. A sex establishment at a minimum includes: a prostitution

establishment, as well as an erotic massage parlor, a sex cinema, a sex video hall, a sex theatre or a swingers club, either standalone or in combination with each other.

1.50. Timeshare

Real estate (inheritable) for which its owner purchases ownership rights for a certain fixed period of the year (other periods are owned by other owners). Owners can trade periods among themselves.

1.51. Timeshare complex

Terrain with timeshare accommodations.

1.52. Livestock farms

A company whose primary purpose is the breeding and keeping of all kinds of poultry, livestock as well as dogs and cats.

1.53. Stay-over Tourism

The total of opportunities and facilities for recreation at a specific location, whereby overnight recreational accommodation is a central feature.

1.54. Permit

A permit is non-exclusively defined as a building or construction permit or a subdivision/planning permit.

1.55. Paved surfaces

All surfaces, such as roofs, terraces, roads and parking places that are impervious to rainwater or that cause the discharge of rainwater to be accelerated.

1.56. Allotment garden

A plot for the small-scale cultivation of plants, vegetables and fruits.

1.57. Voluminous retail

Voluminous retail is:

- a. Retail of voluminous goods which require a large surface area for display for sale due to the size of the items carried, such as the sale of cars, boats, caravans, garden design items, heavy construction materials, kitchens and sanitary fittings, and;
- b. Of which the gross floor area is at least 1,500 m² per shop.

1.58. Front plot boundary

The plot boundary facing the road.

1.59. Dwelling

A complex of rooms and buildings whose purpose is to accommodate a single household.

1.60. Side plot boundary

The boundary between two plots that connects the front and the rear of a plot.

2 ARTICLE 2 MEASUREMENTS

2.1 Measurement regulations

Under the regulations, measurements are performed as follows:

- a. The slope of a roof:
Along the roof plane in relation to the horizontal plane.
- b. A structure's gutter height:
From grade to the top of the gutter or a structural element at equal level.
- c. The building height of a structure (ridge height):
From grade to the roof ridge of a building or other structure with the exception of minor building elements, such as chimneys, aerials, and building elements of a similar nature.
- d. The surface area of a structure:
Between the exterior frontage and/or the heart of the division walls, projected downwards on the average grade of the finished building area on site of the structure.
- e. The height of a wind turbine:
From grade to the (blade) shaft of the wind turbine.

2.2 Components not to be taken into consideration

The following building components are not taken into consideration when taking measurements:

- a. The sidewalks, steps, stairs, stairwells, galleries, inclines, foundations, balconies, bay windows, sun

- b. porches and entrance porches belonging to a building, provided the overlap is not more than 1.5 m;
- b. Other minor parts of buildings, provided the overlap is not more than 1 m.

2.3 Maximum building density and distances to the property boundary in relation to the plot

A plot in practice often, although not by definition, consists of a surveyed parcel described in a single certificate of admeasurement. It is possible for a building permit to be requested for a plot that consists of multiple certificates of admeasurement. In this case the review of a building permit must not take the individual certificates of admeasurement into consideration, but rather the total plot for which a building permit is requested. Appendix 7 contains a sample case study that illustrates this principle.

ZONING DESIGNATION REGULATIONS

3 ARTICLE 3 CENTER

3.1 Zoning designation definition

The areas zoned as 'Center' are designated for:

- a. Facilities in centers, such as shops, hotels, timeshares, retail, offices, social facilities, public administration, public services and services related to public order, safety and healthcare;
- b. Residential, on the premise that at the location of the 'area susceptible to flooding' identifier on the plan map the first story for housing is only permitted at a level which is not lower than the 'residential story building height (m)' identifier on the plan map;
- c. Businesses or establishments that are classified as Category 1 and 2 in Industries List 1, which belong to these regulations;
- d. Category-1, -2 and -3 hospitality establishments;
- e. Markets and events;
- f. Associated facilities, such as roads, paths, green areas, allotment gardens, play facilities, watercourses, water bodies, water storage facilities, pavements, terrains, gardens, parking facilities, utilities, facilities for the purpose of generating sustainable energy, and facilities to prevent erosion.

3.2 Building regulations

Building in areas zoned as 'Center' is restricted by certain regulations:

3.2.1 Buildings

- a. A building may:
 1. Not be higher than the 'maximum building height (m)' identifier specified on the plan map;
 2. Not be built less than 5 m from the front plot boundary;
 3. Not be built less than 2 m from the side and rear plot boundaries, when there are windows in the side walls;
 4. Not be built less than 3 m from another building, if that other building is located on the same plot;
- b. The total surface area of the buildings may not be more than the 'maximum building density (%)' identifier specified on the plan map as a percentage of the plot.

3.2.2 Structures, not being buildings

- a. A fence may:
 1. Have a maximum height of 1 m if it is located at the front plot boundary;
 2. Have a maximum height of 2 m if it is located at the sidelong or rear plot boundary;

- b. A wind turbine may:
 - 1. Not exceed a height of 12 m;
 - 2. Not be built less than 10 m from the plot boundary;
- c. Any other structure, not being a building, must be limited to a maximum height of 12 m.

the activities and establishments that are listed in Industries List 1.

3.4.2 Activities and establishments classified in a higher category

The Minister may grant an exemption to the provisions under Article 3.1 sub c and permit an activity and establishment that is listed in Categories 3.1 up to and including 6 in Industries Lists 2 and 3, which pertain to these regulations, provided that an investigation has demonstrated that the impact on the environment of the relevant activity's or establishment's way of working, production processes, other work methods and facilities is equivalent to the environmental impact of the activities and establishments that are listed in Industries List 1.

3.2.3 Existing variances

Existing structures that do not comply with the provisions under 3.2.1 and 3.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

3.3 Specific use regulations

3.3.1 Existing variances

Existing use that does not comply with the provisions under 3.1 is permitted.

3.4 Exempted activities and establishments

3.4.1 Unlisted activities and establishments

The Minister may grant an exemption to the provisions under 3.1 sub c and permit an activity and establishment that is not listed in categories 1 and 2 in Industries List 1, which belongs to these regulations, provided that the impact of the relevant activity and establishment on the environment is equivalent to the environmental impact of

4 ARTICLE 4 RETAIL AND WHOLESALE

4.1 Zoning designation definition

The areas zoned as 'Retail and Wholesale' are designated for:

- a. (Voluminous) Retail;
- b. Wholesale;
- c. Storage of goods;
- d. Showrooms and offices;
- e. Subordinate housing, on the premise that at the location of the 'area susceptible to flooding' identifier on the plan map the first story for housing is only permitted at a level which is not lower than the 'residential story building height (m)' identifier on the plan map;
- f. Home-based occupation or business;
- g. Associated facilities, such as roads, paths, green areas, allotment gardens, watercourses, water bodies, water storage facilities, pavements, terrains, parking facilities, utilities, facilities for the purpose of generating sustainable energy, and facilities to prevent erosion.

4.2 Building regulations

Building on areas zoned as 'Retail and Wholesale' is restricted by certain regulations:

4.2.1 Buildings

- a. A building may:
 1. Not be higher than the 'maximum building height (m)' identifier specified on the plan map;
 2. Not be built less than 5 m from the front plot boundary;
 3. Not be built less than 2 m from the side and rear plot boundaries when there are windows in the side walls;
 4. Not be built less than 5 m from another building, if that other building is located on the same plot;
- b. The total surface area of the buildings may not be more than the 'maximum building density (%)' identifier specified on the plan map as a percentage of the plot.

4.2.2 Structures, not being buildings

- a. A wind turbine may:
 1. Not exceed a height of 12 m;
 2. Not be built less than 10 m from the plot boundary.
- b. Any other structure, not being a building, must be limited to a maximum height of 12 m.

4.2.3 Existing variances

Existing structures that do not comply with the provisions under 4.2.1 and 4.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

4.3 Specific use regulations

4.3.1 Existing variances

Existing use that does not comply with the provisions under 4.1 is permitted.

5 ARTICLE 5 MIXED

5.1 Zoning designation definition

The areas zoned as 'Mixed (Residential – 1 + Social)' are designated for a combination of the 'Residential – 1' and 'Social' zones:

- a. Housing;
- b. Social facilities, public administration, public services and services related to public order, safety and healthcare;
- c. Home-based occupation or business;
- d. Guesthouses and boutique hotels;
- e. Businesses or establishments that are classified as Category 1 and 2 in Industries List 1, which belong to these regulations;
- f. Subordinate office and retail;
- g. Religious establishments;
- h. Associated facilities, such as roads, paths, green areas, allotment gardens, play facilities, watercourses, water bodies, water storage facilities, pavements, gardens, terrains, parking facilities, utilities, facilities for the purpose of generating sustainable energy, and facilities to prevent erosion.

5.2 Building regulations

Building on areas zoned as 'Mixed' is restricted by certain regulations:

5.2.1 Buildings

- a. A building may:
 1. Not be higher than the 'maximum building height (m)' identifier specified on the plan map;
 2. Not be built less than 5 m from the front plot boundary;
 3. Not be built less than 2 m from the side and rear plot boundaries when there are windows in the side walls;
 4. Not be built less than 3 m from another building, if that other building is located on the same plot;
- b. The total surface area of the buildings may not be more than the 'maximum building density (%)' identifier specified on the plan map as a percentage of the plot.

5.2.2 Structures, not being buildings

- a. A fence may:
 1. Have maximum height of 1.5 m if it is located at the front plot boundary;
 2. Have a maximum height of 2 m if it is located at the sidelong or rear plot boundary;
- b. A wind turbine may:
 1. Not exceed a height of more than 12 m;
 2. Not be built less than 10 m from the plot boundary;
- c. A prison wall may have a maximum building height of 5 m;
- d. Any other structure, not being a building, must be limited to a maximum height of 12 m.

5.2.3 Existing variances

Existing structures that do not comply with the provisions under 5.2.1 and 5.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

5.3 Specific use regulations

5.3.1 Existing variances

Existing use that does not comply with the provisions under 5.1 is permitted.

5.4 Exempted activities and establishments

5.4.1 Unlisted activities and establishments

The Minister may grant an exemption to the provisions under 5.1 sub c and permit an activity and establishment that is not listed in categories 1 and 2 in Industries List 1, which belongs to these regulations, provided that the impact of the relevant activity and establishment on the environment is equivalent to the environmental impact of the activities and establishments that are listed in Industries List 1.

5.4.2 Activities and establishments classified in a higher category

The Minister may grant an exemption to the provisions under Article 5.1 sub c and permit an activity and establishment that is listed in Categories 3.1 up to and including 6 in Industries Lists 2 and 3, which pertain to these regulations, provided that an investigation has demonstrated that the impact on the environment of the relevant activity's or establishment's way of working, production processes, other work methods and facilities is equivalent to the environmental impact of the activities and establishments that are listed in Industries List 1.

6 ARTICLE 6 SOCIAL

6.1 Zoning designation definition

The areas zoned as 'Social' are designated for:

- a. Social facilities, public administration, public services and services related to public order, safety and healthcare;
- b. Subordinate housing, on the premise that at the location of the 'area susceptible to flooding' identifier on the plan map the first story for housing is only permitted at a level which is not lower than the 'residential story building height (m)' identifier on the plan map;
- c. Home-based occupation or business;
- d. Businesses or establishments that are classified as Category 1 and 2 in Industries List 1, which belong to these regulations;
- e. Subordinate office and retail;
- f. A cemetery at the location of the 'cemetery' identifier on the plan map;
- g. Education establishments, at the location of the 'education establishment' identifier on the plan map;
- h. A hospital, at the location of the 'hospital' identifier on the plan map;
- i. Associated facilities, such as roads, paths, green areas, play facilities, watercourses, water bodies, water storage facilities, pavements, allotment gardens, gardens, parking facilities, terrains, utilities, facilities for the purpose of generating sustainable energy, and facilities to prevent erosion.

6.2 Building regulations

Building on areas zoned as 'Social' is restricted by certain regulations:

6.2.1 Buildings

- a. A building may:
 1. Not be higher than the 'maximum building height (m)' identifier specified on the plan map;
 2. Not be built less than 5 m from the front plot boundary;
 3. Not be built less than 2 m from the side and rear plot boundaries when there are windows in the side walls;
 4. Not be built less than 5 m from another building, if that other building is located on the same plot.
- b. The total surface area of the buildings may not be more than the 'maximum building density (%)' identifier specified on the plan map as a percentage of the plot.

6.2.2 Structures, not being buildings

- a. A fence may:
 1. Have maximum height of 1.5 m if it is located at the front plot boundary;
 2. Have a maximum height of 2 m if it is located at the sidelong or rear plot boundary;
- b. A wind turbine may:
 1. Not exceed a height of 12 m;

- 2. Not be built less than 10 m from the plot boundary.
- c. A prison wall may have a maximum building height of 5 m;
- d. Any other structure, not being a building, must be limited to a maximum height of 12 m.

6.2.3 Existing variances

Existing structures that do not comply with the provisions under 6.2.1 and 6.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

6.3 Specific use regulations

6.3.1 Existing variances

Existing use that does not comply with the provisions under 5.1 is permitted.

6.4 Exempted activities and establishments

6.4.1 Unlisted activities and establishments

The Minister may grant an exemption to the provisions under 6.1 sub c and permit an activity and establishment that is not listed in categories 1 and 2 in Industries List 1, which belongs to these regulations, provided that the impact of the relevant activity and establishment on the environment is equivalent to the environmental impact of

the activities and establishments that are listed in Industries List 1.

6.4.2 Activities and establishments classified in a higher category

The Minister may grant an exemption to the provisions under Article 6.1 sub c and permit an activity and establishment that is listed in Categories 3.1 up to and including 6 in Industries Lists 2 and 3, which pertain to these regulations, provided that an investigation has demonstrated that the impact on the environment of the relevant activity's or establishment's way of working, production processes, other work methods and facilities is equivalent to the environmental impact of the activities and establishments that are listed in Industries List 1.

7 ARTICLE 7 NATURAL AREA

7.1 Zoning designation definition

The areas zoned as 'Natural Area' are designated for:

- a. The preservation, restoration, development and management of ecological, scenic and natural values;
- b. Recreational activities;
- c. Existing roads and paved/unpaved paths;
- d. Associated facilities, such as inclines, green areas, watercourses, water bodies, water facilities, and facilities to prevent erosion;
- e. Utilities, provided they are integrated into the landscape.

7.2 Building regulations

Building on lands zoned as 'Natural areas' is restricted by certain regulations:

7.2.1 Buildings

Buildings are not permitted.

7.2.2 Structures, not being buildings

A structure, not being a building, must be limited to a maximum building height of 50 m.

7.2.3 Existing variances

Existing structures that do not comply with the provisions under 7.2.1 and 7.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

7.3 Additional requirements

The Minister may impose further requirements on the location, dimension, design, access and integration into the landscape of structures. Such further requirements may only be imposed in relation to:

- a. The scenic, ecological and natural situation;
- b. Access and traffic safety;
- c. Aviation;
- d. The potential use of adjacent lands.

7.4 Specific use regulations

7.4.1 General

The extraction of sand and/or other minerals within areas zoned as 'Natural Area' is not permitted.

7.4.2 Existing variances

Existing use that does not comply with the provisions under 7.1 is permitted.

8 ARTICLE 8 RECREATION – BEACH

8.1 Zoning designation definition

The areas zoned as 'Recreation – Beach' are designated for:

- a. Beaches;
- b. The preservation, restoration, development and management of ecological and natural values;
- c. Associated facilities, such as recreational facilities, access and maintenance roads, paths, green areas, water courses, water bodies, water storage facilities, play facilities, sanitary facilities, utilities, and facilities to prevent erosion.

8.2 Building regulations

Building on lands zoned as 'Recreation – Beach' is restricted by certain regulations:

8.2.1 Buildings

Buildings are not permitted.

8.2.2 Structures, not being buildings

A structure, not being a building, must be limited to a maximum building height of 12 m.

8.2.3 Existing variances

Existing structures that do not comply with the provisions under 8.2.1 and 8.2.2 are permitted and may be rebuilt and changed, provided that the existing deviation in terms of its nature and size is not enlarged.

8.3 Specific use regulations

8.3.1 General

Motorized vehicles are not permitted within the 'Recreation – Beach' zone, with the exception of emergency services.

8.3.2 Existing variances

Existing use that does not comply with the provisions under 8.1 is permitted.

9 ARTICLE 9 RECREATION – STAY-OVER RECREATION

9.1 Zoning designation definition

The areas zoned as 'Recreation – Stay-over Recreation' are designated for:

- a. Stay-over tourism and the associated amenities, such as resorts, hotels, apartment complexes, timeshare complexes, camping grounds and shops;
- b. Category-1 and -2 hospitality establishments;
- c. Rental companies of goods used for recreation, with a subordinate office;
- d. Subordinate retail;
- e. Associated facilities, such as roads, paths, green areas, allotment gardens, play facilities, watercourses, water bodies, water storage facilities, pavements, gardens, parking facilities, utilities, facilities for the purpose of generating sustainable energy, and facilities to prevent erosion.

9.2 Building regulations

Building on areas zoned as 'Recreation – Stay-over Recreation' is restricted by certain regulations:

9.2.1 Buildings

- a. A building may:
 - 1. Not be higher than the 'maximum building height (m)' identifier specified on the plan map;

- 2. Not be built less than 5 m from the front plot boundary;
- 3. Not be built less than 3 m from the side and rear plot boundaries;
- 4. Not be built less than 5 m from another building, if that other building is located on the same plot;
- b. The total surface area of the buildings may not be more than the 'maximum building density (%)' identifier specified on the plan map as a percentage of the plot.

9.2.2 Structures, not being buildings

- a. A wind turbine may:
 - 1. Not exceed a height of 12 m;
 - 2. Not be built less than 10 m from the plot boundary;
- b. Any other structure, not being a building, must be limited to a maximum height of 12 m.

9.2.3 Existing variances

Existing structures that do not comply with the provisions under 9.2.1 and 9.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

9.3 Further requirements

The Minister may impose further requirements on the location, the size and design of a building. Such further requirements may only be imposed in relation to the

benefit of the scenery, the quality and the public accessibility of the recreational area, including the adjacent beach.

9.4 Specific use regulations

9.4.1 Existing variances

Existing use that does not comply with the provisions under 9.1 is permitted.

10 ARTICLE 10 SPORT

10.1 Zoning designation definition

The areas zoned as 'Sport' are designated for:

- a. Sports activities, sports halls, gyms, sports fields, changing rooms, clubhouses and sports canteens;
- b. A stadium, at the location of the 'stadium' identifier;
- c. Associated facilities, such as roads, paths, green areas, play facilities, watercourses, water bodies, water storage facilities, pavements, allotment gardens, parking facilities, utilities, facilities for the purpose of generating sustainable energy, and facilities to prevent erosion.

10.2 Building regulations

Building on areas zoned as 'Sport' is restricted by certain regulations:

10.2.1 Buildings

- a. A building may:
 1. Not be higher than the 'maximum building height (m)' identifier specified on the plan map;
 2. Not be built less than 5 m from the front plot boundary;
 3. Not be built less than 3 m from the side and rear plot boundaries;
 4. Not be built less than 5 m from another building, if that other building is located on the same plot;

- b. The total surface area of the buildings may not be more than the 'maximum building density (%)' identifier specified on the plan map as a percentage of the plot.

10.2.2 Structures, not being buildings

- a. A wind turbine may:
 1. Not exceed a height of 12 m;
 2. Not be built less than 10 m from the plot boundary;
- b. A fence or netting for stopping balls may not exceed a height of a maximum of 12 m;
- c. Any other structure, not being a building, must be limited to a maximum height of 30 m.

10.2.3 Existing variances

Existing structures that do not comply with the provisions under 10.2.1 and 10.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

10.3 Specific use regulations

10.3.1 Existing variances

Existing use that does not comply with the provisions under 10.1 is permitted.

11 ARTICLE 11 TRAFFIC

11.1 Zone definition

The areas zoned as 'Traffic' are designated for:

- a. Traffic, roads, streets, bicycle paths and sidewalks;
- b. Associated facilities, such as paths, taxi stands, bus stops, bridges, culverts, green areas, road shoulders, watercourses, water bodies, pavements, parking facilities, walking paths, bicycling paths, traffic control facilities, lighting, utilities, and facilities to prevent erosion.

11.2 Building regulations

Building on areas zoned as 'Traffic' is restricted by certain regulations:

11.2.1 Buildings

A building may:

- a. Have a maximum building height of 3 m;
- b. Have a maximum surface area of 12 m².

11.2.2 Structures, not being buildings

A structure, not being a building, must be limited to a maximum building height of 12 m.

11.2.3 Existing variances

Existing structures that do not comply with the provisions under 11.2.1 and 11.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

11.3 Specific use regulations

11.3.1 Existing variances

Existing use that does not comply with the provisions under 10.1 is permitted.

11.4 Amendment authority

11.4.1 Amendment area 1

The Minister may, at the location of the 'Amendment area 1' identifier, change the 'Traffic' zone into the 'Residential - To be detailed' zone, on the understanding that:

- a. The amendment is exclusively applied within the areas that on the plan map are associated with the 'Amendment area 1' identifier;
- b. After application of the amendment, the regulations of the 'Residential - To be detailed' zones apply.

12 ARTICLE 12 WATER – NATURAL VALUES

12.1 Zone definition

The areas zoned as 'Water – Natural Values' are designated for:

- a. (Inland) water;
- b. The preservation, restoration, development and management of natural and ecological values such as mangroves and the bottoms beneath water;
- c. Recreational activities such as swimming, snorkeling and non-motorized boating;
- d. Associated facilities, such as inclines, existing jetties, green areas, watercourses, water bodies and water facilities.

12.2 Building regulations

Building on lands zoned as 'Water – Natural Values' is restricted by certain regulations:

12.2.1 Buildings

Buildings are not permitted.

12.2.2 Structures, not being buildings

Structures, not being buildings are not permitted.

12.2.3 Existing variances

Existing structures that do not comply with the provisions under 12.2.1 and 12.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

12.3 Specific use regulations

12.3.1 Existing variances

Existing use that does not comply with the provisions under 12.1 is permitted.

13 ARTICLE 13 RESIDENTIAL – 1

13.1 Zoning designation definition

The areas zoned as 'Residential – 1' are designated for:

- a. Residential, on the premise that at the location of the 'area susceptible to flooding' identifier on the plan map the first story for housing is only permitted at a level which is not lower than the 'residential story building height (m)' identifier on the plan map;
- b. Activities and establishments listed in Category 1 and 2 in Industries List 1, which pertain to these regulations at the location of the 'Business category 1 and 2 (List 1)' identifier on the plan map, with exception of category-3 hospitality establishments;
- c. Home-based occupation or business;
- d. Hotel with a maximum of 15 hotel rooms;
- e. Religious establishments;
- f. Recreational activities such as hiking, cycling and swimming;
- g. Associated facilities, such as roads, paths, green areas, allotment gardens, play facilities, watercourses, water bodies, water storage facilities, pavements, gardens, terrains, parking facilities, utilities, facilities for the purpose of generating sustainable energy, and facilities to prevent erosion.

13.2 Building regulations

Building on areas zoned as 'Residential 1' is restricted by certain regulations:

13.2.1 Buildings

- a. A building may:
 1. Not be higher than the 'maximum building height (m)' identifier specified on the plan map;
 2. Not be built less than 5 m from the front plot boundary;
 3. Not be built less than 3 m from the side and rear plot boundaries;
 4. Not be built less than 3 m from another dwelling, if that other dwelling is located on the same plot;
- b. The total surface area of the buildings may not be more than the 'maximum building density (%)' identifier specified on the plan map as a percentage of the plot.

13.2.2 Structures, not being buildings

- a. A fence may:
 1. Have maximum height of 1.5 m if it is located at the front plot boundary;
 2. Have a maximum height of 2 m if it is located at the sidelong or rear plot boundary;

- b. A wind turbine may:
 - 1. Not exceed a height of 12 m;
 - 2. Not be built less than 10 m from the plot boundary;
- c. Any other structure, not being a building, must be limited to a maximum height of 12 m;
- d. A retaining wall must be constructed when lands are excavated to a depth of more than 1.5 m and at an angle exceeding 45°.

Industries List 1, which pertains to these regulations, are permitted;

13.2.3 Existing variances

Existing structures that do not comply with the provisions under 13.2.1 and 13.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

- c. These activities, in terms of their nature as well as the visual aspects, may not denigrate the character of the dwelling nor that of the living environment;
- d. The activities may not have any adverse impact on normal traffic flows and may not cause any disproportionate parking pressures.

13.3.2 Existing variances

Existing use that does not comply with the provisions under 13.1 is permitted.

13.3 Specific use regulations

13.4 Exempted activities and establishments

13.3.1 Home-based occupation or business

13.4.1 Unlisted activities and establishments

A home-based occupation or business is permitted in a dwelling subject to the following conditions:

- a. The home-based occupation or business must not denigrate the residential function and must be subordinate to it in the sense that the residential function must remain the primary function. A maximum of 30% of the dwelling's floor area may be used for the home-based occupation or business;
- b. The activities may not hinder the living situation. Only the business activities classified as Category 1 in

The Minister may grant an exemption to the provisions under 13.1 sub c and permit an activity and establishment that is not listed in categories 1 and 2 in Industries List 1, which belongs to these regulations, provided that the impact of the relevant activity and establishment on the environment is equivalent to the environmental impact of the activities and establishments that are listed in Industries List 1.

13.4.2 Activities and establishments classified in a higher category

The Minister may grant an exemption to the provisions under Article 13.1 sub c and permit an activity and establishment that is listed in Categories 3.1 up to and including 6 in Industries Lists 2 and 3, which pertain to these regulations, provided that an investigation has demonstrated that the impact on the environment of the relevant activity's or establishment's way of working, production processes, other work methods and facilities is equivalent to the environmental impact of the activities and establishments that are listed in Industries List 1.

14 ARTICLE 14 RESIDENTIAL – 2

14.1 Zoning designation definition

The areas zoned as 'Residential – 2' are designated for:

- a. Housing;
- b. Home-based occupation or business;
- c. Hotel with a maximum of 15 hotel rooms;
- d. Religious establishments;
- e. Associated facilities, such as roads, paths, green areas, allotment gardens, play facilities, watercourses, water bodies, water storage facilities, pavements, gardens, terrains, parking facilities, utilities, facilities for the purpose of generating sustainable energy, and facilities to prevent erosion.

14.2 Building regulations

Building on areas zoned as 'Residential 2' is restricted by certain regulations:

14.2.1 Buildings on hills

- a. The maximum building height may not exceed the 'maximum building height (m)' identifier specified on the plan map and the minimum size of each plot may not be less than the 'minimum plot size (m²)' identifier specified on the plan map;
- b. A maximum of 1 dwelling may be constructed on each plot;

- c. The total surface area of the building may not be more than the percentage of the plot's area specified in the 'maximum building density (%)' identifier on the plan map, up to a maximum surface area of 250 m² for each plot.
- d. A building may:
 1. Not be built less than 5 m from the front plot boundary;
 2. Not be built less than 3 m from the side and rear plot boundaries;
 3. The roof's slope must be at least 20 degrees and no more than 45 degrees.

14.2.2 Cistern

The construction of a cistern on the plot is mandatory. The cistern must have a minimum volume of 3 m³ per bedroom.

14.2.3 Structures, not being buildings

- a. A fence may:
 1. Have maximum height of 1.5 m if it is located at the front plot boundary;
 2. Have a maximum height of 2 m if it is located at the sidelong or rear plot boundary;
- b. A wind turbine may:
 1. Not exceed a height of 12 m;
 2. Not be built less than 10 m from the plot boundary;
- c. An earth-retaining structure may be no more than 3 m vertically;

- d. Any other structure, not being a building, must be limited to a maximum height of 12 m.

14.2.4 Making preparations for residential building

The preparations for residential building must adhere to the following rules:

- a. The maximum excavation depth must not be more than 2.5 m;
- b. A retaining wall must be constructed when lands are excavated to a depth of more than 1.5 m and at an angle exceeding 45°;
- c. The maximum height of a retaining wall must not be more than 3 m;
- d. The distance between two retaining walls must be at least 1 m, whereby the 1st m on both sides of the retaining wall must be planted.

14.2.5 Existing variances

Existing structures that do not comply with the provisions under 14.2.1 and 14.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

14.3 Specific use regulations

14.3.1 Home-based occupation or business

A home-based occupation or business is permitted in a dwelling subject to the following conditions:

- a. The home-based occupation or business must not denigrate the residential function and must be subordinate to it in the sense that the residential function must remain the primary function. A maximum of 30% of the dwelling's floor area may be used for the home-based occupation or business;
- b. The activities may not hinder the living situation. Only the business activities classified as Category 1 in Industries List 1, which pertains to these regulations, are permitted;
- c. These activities, in terms of their nature as well as the visual aspects, may not denigrate the character of the dwelling nor that of the living environment;
- d. The activities may not have any adverse impact on normal traffic flows and may not cause any disproportionate parking pressures.

14.3.2 Existing variances

Existing use that does not comply with the provisions under 14.1 is permitted.

15 ARTICLE 15 RESIDENTIAL – TO BE DETAILED

15.1 Zoning designation definition

The areas zoned as 'Residential – to be detailed' are designated for:

- a. Housing;
- b. Home-based occupation or business;
- c. Hotel with a maximum of 15 hotel rooms;
- d. Religious establishments;
- e. Associated facilities, such as roads, paths, green areas, allotment gardens, play facilities, watercourses, water bodies, water storage facilities, pavements, gardens, terrains, parking facilities, utilities, facilities for the purpose of generating sustainable energy, and facilities to prevent erosion.

15.2 Detailing regulations (Generic)

The Minister can detail the 'Residential – to be detailed' zone in support of the following:

- a. The construction of a single building, whereby the paved surface may not exceed a maximum of 500 m²;
- b. The construction of two or more buildings, whereby the paved surface may exceed 500 m².

Due consideration will be provided to Articles 15.2.1 through 15.2.8 inclusive in detailing the 'Residential – to be detailed' zone.

15.2.1 Buildings

- a. A maximum of 1 dwelling may be constructed on each plot;
- b. A building may not be higher than the 'maximum building height (m)' identifier specified on the planning map;
- c. A building may:
 1. Not be built less than 5 m from the front plot boundary;
 2. Not be built less than 3 m from the side and rear plot boundaries.
- d. The total surface area of the building may not be more than the percentage of the plot's area specified in the 'maximum building density (%)' identifier on the plan map, up to a maximum surface area of the building of 250 m² for each housing plot.

15.2.2 Plot and property partition

A plot and property partition:

- a. May have a height of maximum 1.5 m if it is located at the front plot boundary;
- b. May have a maximum building height of 2 m if it is located at the sidelong and rear plot boundary.

15.2.3 Plot

- a. The minimum size of each plot may not be less than the 'minimum plot size (m²)' identifier specified on the planning map;

- b. A minimum of 40% of each plot must be landscaped (green) or used for water management;
- c. A wind turbine may:
 - 1. Not exceed a height of 12 m;
 - 2. Not be built less than 10 m from the plot boundary.

15.2.4 Existing variances

Existing structures that do not comply with the provisions under 15.2.1 and 15.2.2 are permitted and may be rebuilt and changed, provided that the existing variance in terms of its nature and size is not enlarged.

15.2.5 Cistern

The construction of a cistern on the plot is mandatory. The cistern must have a minimum volume of 3 m³ per bedroom.

15.2.6 Water supply for fire fighting

An adequate water supply for fire-fighting must be provided, in line with the guidelines of the Fire Department.

15.2.7 Making preparations for residential building

The detailing must adhere to the following rules for making preparations for residential building:

- a. The maximum excavation depth must not be more than 2.5 m;

- b. A retaining wall must be constructed when lands are excavated to a depth of more than 1.5 m and at an angle exceeding 45°;
- c. The maximum height of a retaining wall must not be more than 3 m;
- d. The distance between two retaining walls must be at least 1 m, whereby the 1st m on both sides of the retaining wall must be planted.

15.2.8 Access

- a. Access to the area must as much as possible be provided via an indirect connection to the main road;
- b. The minimum width of an access road must be at least 6 m;
- c. The construction of the access must not create a disproportionate danger in terms of traffic inconvenience and erosion.

15.2.9 Detailed plan requirements

A detailed plan must be prepared that in accordance with the requirements of Appendix 5 provides sufficient insight into the extent to which the requirements specified in Articles 15.2.1 through 15.2.8 have been taken into consideration.

15.3 Detailing regulations (supplementary – for two or more buildings)

In addition to the provisions of Articles 15.2.1 through 15.2.8, due consideration must be provided to the provisions of Article 15.3.1 in detailing the 'Residential – to be detailed' zone in support of two or more buildings.

15.3.1 Water management

- a. If a detailed plan facilitates construction on at least 2 plots, sufficient insight must be provided on the basis of a water management master plan, prepared in accordance with the requirements of Appendix 6, into the extent to which due consideration has been provided for the risk of flooding, prior to the approval of the detailed plan;
- b. If a detailed plan allows for an increase in paved surface of more than 500 m² due to building and/or paving, sufficient insight must be provided on the basis of a water management master plan, prepared in accordance with the requirements of Appendix 6, into the extent to which due consideration has been provided for the risk of flooding, prior to the approval of the detailed plan.

15.4 Provisional building prohibition

Building on lands zoned as 'Residential – to be detailed' is only permitted in accordance with a detailed plan that is

approved by the Minister and that has become irrevocable.

15.5 Exemption

15.5.1 Exemption from the building regulations

The Minister may grant an exception for the construction of structures prior to the date that the detailed plan referred to under 15.3 has become irrevocable, provided that the building plan is in accordance with the draft detailed plan placed for public review.

16 ARTICLE 16 VALUE – ARCHAEOLOGY

16.1 Zoning designation definition

Areas zoned as 'Value – Archaeology' are, in addition to their other designated uses, designated for the protection and preservation of the archaeological values.

16.2 Building regulations

16.2.1 General

Construction is only permitted provided that, prior to construction, a field survey has been submitted that in the judgment of the Minister provides sufficient insight into the archaeological value of the relevant site, unless it is evident from additional desk research that the site is one with low archaeological expectation and no further archaeological investigation is required.

16.2.2 Building or constructing

If the field research demonstrates that the planned building activities will disturb the archaeological values, the Minister may attach the following provisions to the building permit:

- a. The obligation to take technical measures designed to ensure that the archaeological values are preserved within the ground;
- b. The obligation to undertake archaeological excavations.

16.3 Civil works permit

16.3.1 Activities

The following activities are prohibited on or in the lands zoned as 'Value – Archaeology' without or in deviation from a written permit issued by the Minister:

- a. Performing activities that may affect archaeological and cultural-historical remains and foundations;
- b. The demolition of structures.

16.3.2 Conditions

The Minister may grant a permit when the archaeological values are not affected.

16.3.3 Exemptions to the prohibition

The prohibition under 16.3.1 does not apply if the activities:

- a. Concern regular maintenance;
- b. Are already in progress on the date that the development plan goes into effect;
- c. Are allowed to be carried out pursuant to an irrevocable civil works permit.

16.4 Amendment of areas zoned as 'Value – Archaeology'

The Minister may amend the 'Value – Archaeology' zone by entirely or partly removing the zoning designation from the plan map if, on the basis of on-site archaeological

investigation, no archaeological values were found to be present.

17 ARTICLE 17 PUBLIC WORKS - WATER MANAGEMENT

17.1 Zone definition

Areas zoned as 'Public Works - Water Management' are, in addition to their other designated uses, designated for the catchment, drainage and/or storage of water.

17.2 Building regulations

17.2.1 General

In terms of building in support of the other prevalent designated uses on these lands, building is only permitted provided that prior to any construction an assessment has been submitted that in the judgment of the Minister provided sufficient insight into the water management function of the relevant site.

17.2.2 Building or constructing

If the investigation demonstrates that the water management function will be disturbed due to the planned building activities, the Minister may attach mitigating provisions to the building permit.

17.3 Civil works permit

17.3.1 Activities

The following activities are prohibited on or in the areas zoned as 'Public Works - Water Management ' without or in deviation from a written permit issued by the Minister:

- a. Constructing, widening, relocating or paving roads and paths;
- b. Constructing other paving works;
- c. Raising or excavating lands;
- d. Changing the profile layout of roads and paths;
- e. Other activities that adversely affect the area's water management capacity.

17.3.2 Conditions

The Minister may grant a permit when the water management function is not affected and is adequately addressed.

17.3.3 Exemptions to the prohibition

The prohibition under 17.3.1 does not apply if the activities:

- a. Concern regular maintenance;
- b. Are already in progress on the date that the development plan goes into effect;
- c. Are allowed to be carried out pursuant to an irrevocable civil works permit.

GENERAL REGULATIONS

18 ARTICLE 18 DOUBLE PLANNING PROHIBITION

Land that has once been considered for a building plan that is either executed or to be executed will not be considered in later building plans without due consideration to the permitted use and construction based on the previous permit.

19 ARTICLE 19 CIVIL WORKS PERMIT

19.1.1 Activities

The following activities are prohibited without or in deviation from a written civil works permit issued by the Minister:

- a. Constructing, widening, relocating or paving roads;
- b. Connecting roads to main roads;
- c. Raising and excavating lands by more than 2m in height or depth, locally measured at the excavating site;
- d. Performing activities and constructing works that may impact the water management (such as [but not limited to] dredging activities, filling in water, and land reclamation);
- e. Installing cables and pipelines (larger than individual house connections);
- f. Installing drainage gutters (larger than individual house connections).

19.1.2 Conditions

The Minister may grant the civil works permit when the ecological, scenic, natural, cultural-historical and water management values, the accessibility and the traffic safety of the area are not affected disproportionately.

19.1.3 Exemptions to the prohibition

The prohibition under 19.1.1 does not apply if the activities:

- a. Concern regular maintenance;
- b. Are already in progress on the date that the development plan goes into effect;
- c. Are allowed to be carried out pursuant to an irrevocable civil works permit.

20 ARTICLE 20 GENERAL BUILDING REGULATIONS

20.1 Parking

The Minister may only issue a building permit if the application for a building permit clearly demonstrates that the provisions of the parking standard as referred to in Appendix 4 of these regulations are met.

20.1.1 Exemption from parking standards

The Minister may grant an exemption to the construction of the required number of parking spaces if a sufficient

number of parking spaces is present in the immediate vicinity and/or if there is no space to fit in the parking spaces. In the latter case, a sufficient number of parking spaces must be constructed as part of the building plan elsewhere, but within reasonable walking distance.

20.1.2 Amendment of parking standards

The Minister may amend the parking standards contained in Appendix 4 to create new parking standards if the referenced parking standards turn out to be no longer current.

20.2 Underground construction

Underground construction is permitted where buildings have been or are being constructed.

20.2.1 Underground construction exemption

The Minister may grant an exemption for the construction of underground structures at locations other than below a building, provided that this does not disproportionately affect the values present in the area.

21 ARTICLE 21 GENERAL USE REGULATIONS

21.1 General

It is prohibited to use the buildings, structures not being buildings, and terrains, or to allow them to be used, in conflict with the zone and the regulations.

22 ARTICLE 22 GENERAL EXEMPTION REGULATION

22.1 Exemption for Category-3 hospitality establishments

The Minister may grant an exemption from the provisions in Article 9 (Recreation – Stay-over Tourism) for a Category-3 hospitality establishment, provided that an assessment is conducted that demonstrates that there is no disproportionate impact on the residential and living environment of the adjacent lands, and that sufficient parking facilities are provided.

22.2 Livestock or agricultural farm

The Minister may grant an exemption from the provisions in Chapter 2 for a livestock and/or agricultural farm provided that an assessment is conducted that demonstrates that there is no disproportionate impact on the residential and living environment of the adjacent lands, with due consideration of the following:

- a. A building designated for use by a livestock or agricultural enterprise may:
 - 1. Not have a building height that exceeds 6 m;
 - 2. Not be built less than 5 m from the front plot boundary;
 - 3. Not be built less than 3 m from the side and rear plot boundaries;
 - 4. Not be built less than 5 m from another building;
- b. Not have a total building surface area that exceeds 25% of the plot's size;
- c. The height of a plot and property partition for a livestock and/or agricultural farm may not exceed a maximum of 2m;
- d. The height of any other structure, not being a building, for a livestock and/or agricultural farm may not exceed a maximum of 12m;
- e. The potential use of adjacent lands may not be disproportionately restricted;
- f. Traffic safety, social safety and the street and development appearance may not be disproportionately affected.

23 ARTICLE 23 GENERAL AMENDMENT REGULATION

23.1 General

The Minister may amend the zoning designations included in the development plan in relation to a minor shift in the zone boundaries if it is demonstrated that this minor shift

is desirable or necessary due to the actual condition of the terrain.

24 ARTICLE 24 GENERAL PROCEDURE REGULATIONS

24.1 Exemption

The following procedure applies to exemptions granted by the Minister:

- a. A request for an exemption must be submitted to the Minister in writing;
- b. The Minister will take a decision within sixty days following receipt of the request;
- c. The decision will be communicated to the applicant in writing.

24.2 Further requirements

The following procedure applies to any further requirements imposed by the Minister, whereby a decision by the Minister to impose a further requirement will be provided in writing with a supporting rationale.

24.3 Detailing and Amendment

The following procedure applies to a development plan to be detailed, as referred to in Article 15 ('Residential – To be detailed'), or amended, as referred to in Article 11 ('Traffic'), by the Minister.

24.3.1 Draft Detailed and Amendment Plans

- a. The Minister places the draft of the detailed or amendment plan, with the relevant documents that can reasonably be expected to be required to assess the draft, for public review by the Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI);
- b. The draft of the detailed or amendment plan will be placed for public review for the term specified in Article 24.3.1 sub h;
- c. Prior to submitting the draft detailed or amendment plan for public review, the Minister announces the availability of the draft, in Dutch and English, in one or more local newspapers, and furthermore in the usual way for the publication of official announcements; in this respect it is sufficient to report the substantive content;
- d. The following will be included in the notification referred to in Article 24.3.1 sub c:
 1. Where and when the draft detailed or amendment plan will be made available for public review;
 2. Who will be given an opportunity to express their views;
 3. The manner in which this can be effected;
- e. If the draft detailed or amendment plan is intended for one or more stakeholders, the Minister, in advance of placing the draft available on public review, will send the draft and the information specified under 24.3.1 sub d, to the stakeholders, including the requester;

- f. Stakeholders have the option of submitting their views on the draft detailed or amendment plan to the Minister in writing or verbally;
- g. If the draft detailed or amendment plan was prepared on request, the Minister will, if necessary, give the requester an opportunity to respond to the submitted views;
- h. The term for public review is six weeks;
- i. The term commences on the day that the draft detailed or amendment plan is made available for public review;
- j. Views are considered as having been submitted on time if they are received prior to the end of the term for public review;
- k. Views submitted by mail are considered as having been submitted prior to the end of the term if they are received no later than one week after the expiry of the term;
- l. In return for a fee of at most the applicable costs, the Minister will provide a copy of the documents made available for public review.

24.3.2 Approval of the detailed and amendment plans

- a. If the detailed or amendment plan was prepared on request, the Minister will, no later than six months following receipt of the request, make a decision concerning the approval of the detailed or amendment plan;
- b. If a requested detailed or amendment plan concerns a highly complex or contentious subject, the Minister can, before the draft is placed for public review, and

- within eight weeks following receipt of the request, extend the term as defined in Article 24.3.2 sub a by a reasonable period;
- c. Before the Minister decides on an extension as defined in Article 24.3.2 sub b, he will give the requester of the detailed or amendment plan an opportunity to express his views on this;
- d. In deviation from the provisions of article 24.3.2 sub a, b and c, the Minister will, no later than within twelve weeks following the date on which the draft detailed or amendment plan is placed for public review, decide on the following:
 - 1. The approval of the detailed or amendment plan;
 - 2. The withdrawal of a decision;
 - 3. The amendment of a decision and the request is effected by someone other than the party to whom the amended decision is addressed.
- e. In deviation from the provisions of Article 24.3.2 sub a, b, c and d, the Minister will, no later than four weeks after the expiration of the term during which views can be submitted, and in the event that no views have been brought forward, decide on the approval of the detailed or amendment plan.

...

25 ARTICLE 25 OTHERREGULATIONS

25.1 Coordination with Building and Housing Ordinance

Insofar as the zoning designation regulations specified in this development plan conflict with the provisions of the Building and Housing Ordinance or any regulations that might replace the Building and Housing Ordinance, the zoning designation regulations contained in this development plan prevail.

25.2 Dutch versus English regulations

If the content of the Dutch version of the regulations leads to a different interpretation than the English version of the regulations, the Dutch version of the regulations prevails.

25.3 Digital versus paper regulations

If the content of the digital version of the regulations leads to a different interpretation than the paper version of the regulations, the paper version of the regulations prevails.

TRANSITIONAL REGIME AND CONCLUDING REGULATIONS

26 ARTICLE 26 TRANSITIONAL REGIME

26.1 Transitional regime for structures

- a. A structure that is present, under construction or may be constructed pursuant to an irrevocable permit at the time that the draft development plan is available for public review, but that varies from the plan, may, provided this variance is not enlarged in terms of its nature and size:
 - 1. Be partially renovated or changed;
 - 2. Be entirely renovated or changed following its destruction as a result of a disaster, provided that the permit application is submitted within two years following the day on which the structure was destroyed.
- b. The Minister may grant a one-time exemption from the provisions in sub a to allow the envelope of a building or structure as defined in sub a to be increased by a maximum of 10%.
- c. The provisions of sub a do not apply to structures that, while they are in fact present at the time that the draft development plan is available for public review, were constructed without a permit.

26.2 Transitional regime for use

- a. The use of lands and structures that were present at the time that the draft development plan is placed for public review and that is in conflict with the development plan may be continued.
- b. Changing a use that is conflict with the draft development plan as defined in sub a, or replacing such use with another use that is in conflict with that plan is prohibited, unless the change reduces the deviation in terms of its nature and scope.
- c. If the use as defined in sub a is interrupted for a period longer than one year following the date on which the draft development plan is available for public review, then it is prohibited to resume such use or to have it resumed.

27 ARTICLE 27 CONCLUDING REGULATIONS

The regulations are cited as the 'Development Plan Cay Hill – Little Bay Regulations.

Part II B: Regulations



PART II B: APPENDICES TO THE REGULATIONS

APPENDIX 1: INDUSTRIES LIST 1

| SBI-2008 | Number | Description | Distances in meters | | | | | CATEGORY |
|---------------|--------|--|---------------------|------|-------|--------|------------------|----------|
| | | | ODOUR | DUST | NOISE | DANGER | LONGEST DISTANCE | |
| - | | | | | | | | |
| 011, 012, 013 | | Arable farming and fruit cultivation (company buildings) | 10 | 10 | 30 | 10 30 | 2 | |
| 011, 012, 013 | 1 | - company buildings | 10 | 10 | 30 | 10 30 | 2 | |
| 011, 012, 013 | 2 | - unheated greenhouses | 10 | 10 | 30 | 10 30 | 2 | |
| 011, 012, 013 | 3 | - gas-heated greenhouses | 10 | 10 | 30 | 10 30 | 2 | |
| 0113 | 4 | - mushroom cultivation farms (general) | 30 | 10 | 30 | 10 30 | 2 | |
| 0163 | 6 | - bulb-drying and -preparation companies | 30 | 10 | 30 | 10 30 | 2 | |
| 011 | 7 | - Belgian endive cultivation farms (general) | 30 | 10 | 30 | 10 30 | 2 | |
| 0149 | 5 | - bees | 10 | 0 | 30 | 10 30 | 2 | |
| 0149 | 6 | - other animals | 30 | 10 | 30 | 0 30 | 2 | |
| 016 | 2 | - general (incl. contracting firms): ops. area <= 500 m ² | 30 | 10 | 30 | 10 30 | 2 | |
| 016 | 4 | - parks and garden services and horticultural farms: ops. area <= 500 m ² | 30 | 10 | 30 | 10 30 | 2 | |
| 0162 | | AI stations | 30 | 10 | 30 | 0 30 | 2 | |
| 1052 | 2 | - ice cream factories: prod. area <= 200 m ² | 10 | 0 | 30 | 0 30 | 2 | |

| | | | | | | | | |
|-------------|------|---|----|----|----|----|----|---|
| 1071 | 1 | - proc. cap. < 7,500 kg flour/week when charge ovens are used | 30 | 10 | 30 | 10 | 30 | 2 |
| 10821 | 3 | - cocoa and chocolate factories; manufacture of chocolate: prod. area <= 200 m ² | 30 | 10 | 30 | 10 | 30 | 2 |
| 10821 | 6 | - sugar factories without sugar burning: prod. area <= 200 m ² | 30 | 10 | 30 | 10 | 30 | 2 |
| 1102 - 1104 | | Manufacture of wine, cider, etc. | 10 | 0 | 30 | 0 | 30 | 2 |
| 141 | | Manufacture of clothing and accessories (excl. leather) | 10 | 10 | 30 | 10 | 30 | 2 |
| 162902 | | Cork, straw and plaiting factories | 10 | 10 | 30 | 0 | 30 | 2 |
| 581 | | Publishers (offices) | 0 | 0 | 10 | 0 | 10 | 1 |
| 18129 | | Small printers and reproduction firms | 10 | 0 | 30 | 0 | 30 | 2 |
| 1814 | PA | Graphic finishing | 0 | 0 | 10 | 0 | 10 | 1 |
| 1814 | PS | Binderies | 30 | 0 | 30 | 0 | 30 | 2 |
| 1813 | | Graphic reproduction and typesetting | 30 | 0 | 10 | 10 | 30 | 2 |
| 1814 | | Other graphic activities | 30 | 0 | 30 | 10 | 30 | 2 |
| 182 | | Reproduction of recorded media companies | 0 | 0 | 10 | 0 | 10 | 1 |
| 2120 | 2 | - factories for the manufacture of bandages | 10 | 10 | 30 | 10 | 30 | 2 |
| 232, 234 | 1 | - total capacity of electric ovens < 40 kW | 10 | 10 | 30 | 10 | 30 | 2 |
| 26, 28, 33 | PA | Office equipment and computer factories incl. repair | 30 | 10 | 30 | 10 | 30 | 2 |
| 293 | | Electrical industry n.e.c. | 30 | 10 | 30 | 10 | 30 | 2 |
| 26, 32, 33 | PA | Factories for medical and optical equipment and instruments and the like, incl. repair | 30 | 0 | 30 | 0 | 30 | 2 |
| 9524 | 2 | Furniture upholstery firms: ops. area < 200 m ² | 0 | 10 | 10 | 0 | 10 | 1 |
| 321 | | Manufacture of coins, jewelry, etc | 30 | 10 | 10 | 10 | 30 | 2 |
| 322 | | Factories for the manufacture of musical instruments | 30 | 10 | 30 | 10 | 30 | 2 |
| 32991 | | Sheltered workshops | 0 | 30 | 30 | 0 | 30 | 2 |
| 35 | PnH1 | - < 10 MVA | 0 | 0 | 30 | 10 | 30 | 2 |
| 35 | V3 | - gas: reduction, compression, | 0 | 0 | 10 | 10 | 10 | 1 |

| | | | | | | | | |
|---------------|-----|---|----|----|----|----|----|---|
| | | metering and control systems Cat. PA | | | | | | |
| 35 | V4 | - gas pressure regulation and metering areas (cabinets and buildings), Cat. S and C | 0 | 0 | 30 | 10 | 30 | 2 |
| 35 | E2 | - central apartment heating | 10 | 0 | 30 | 10 | 30 | 2 |
| 36 | PS1 | - < 1 MW | 0 | 0 | 30 | 10 | 30 | 2 |
| 41, 42, 43 | 3 | - contracting firms with a workshop: ops. area < 1,000 m ² | 0 | 10 | 30 | 10 | 30 | 2 |
| 451, 452, 454 | | Trade in cars and motorcycles; repair and service companies | 10 | 0 | 30 | 10 | 30 | 2 |
| 45204 | PS | Bodywork repair companies | 0 | 0 | 10 | 10 | 10 | 1 |
| 45205 | | Car washers | 10 | 0 | 30 | 0 | 30 | 2 |
| 453 | | Trade in car and motorcycle parts and accessories | 0 | 0 | 30 | 10 | 30 | 2 |
| 473 | 3 | - without LPG | 30 | 0 | 30 | 10 | 30 | 2 |
| 461 | | Trade brokerage (offices) | 0 | 0 | 10 | 0 | 10 | 1 |
| 4622 | | Wholesale of flowers and plants | 10 | 10 | 30 | 0 | 30 | 2 |
| 4634 | | Wholesale of beverages | 0 | 0 | 30 | 0 | 30 | 2 |
| 4635 | | Wholesale of tobacco products | 10 | 0 | 30 | 0 | 30 | 2 |
| 4636 | | Wholesale of sugar, chocolate and sugar confectionery | 10 | 10 | 30 | 0 | 30 | 2 |
| 4637 | | Wholesale of coffee, tea, cocoa and spices | 30 | 10 | 30 | 0 | 30 | 2 |
| 4638, 4639 | | Wholesale of other food, beverages and tobacco | 10 | 10 | 30 | 10 | 30 | 2 |
| 464, 46733 | | Wholesale of other consumer products | 10 | 10 | 30 | 10 | 30 | 2 |
| 46499 | 1 | - consumer fireworks, packaged, storage < 10 tonnes | 10 | 0 | 30 | 10 | 30 | 2 |
| 46499 | 5 | - ammunition | 0 | 0 | 30 | 30 | 30 | 2 |
| 4673 | 2 | - general: ops. area <= 2,000 m ² | 0 | 10 | 30 | 10 | 30 | 2 |
| 46735 | 6 | - general: ops. area <= 200 m ² | 0 | 10 | 30 | 0 | 30 | 2 |
| 4674 | 2 | - general: ops. area <= 2,000 m ² | 0 | 0 | 30 | 0 | 30 | 2 |
| 46752 | | Wholesale of fertilizers | 30 | 30 | 30 | 30 | 30 | 2 |
| 4676 | | Wholesale of other intermediary goods | 10 | 10 | 30 | 10 | 30 | 2 |
| 466, | | Other wholesale (business furniture, | 0 | 0 | 30 | 0 | 30 | 2 |

| | | | | | | | | |
|------------|-----|---|----|----|----|----|----|---|
| 469 | | packaging, professional supplies, etc.) | | | | | | |
| 47 | PA | Retail as far as n.e.c. | 0 | 0 | 10 | 0 | 10 | 1 |
| 471 | | Supermarkets, warehouses | 0 | 0 | 10 | 10 | 10 | 1 |
| 4722, 4723 | | Retail of meat, game, fowl; smoked, cooked or baked | 10 | 0 | 10 | 10 | 10 | 1 |
| 4724 | | Retail of bread and confectionery; with baking for own shop | 10 | 10 | 10 | 10 | 10 | 1 |
| 4773, 4774 | | Pharmacies and drugstores | 0 | 0 | 0 | 10 | 10 | 1 |
| 4752 | | Do-it-yourself centers, garden centers, hypermarkets | 0 | 0 | 30 | 10 | 30 | 2 |
| 4778 | | Retail of fireworks packaged in units up to 10 tonnes | 0 | 0 | 10 | 10 | 10 | 1 |
| 952 | | Repair of consumer goods (excl. cars and motorcycles) | 0 | 0 | 10 | 10 | 10 | 1 |
| 493 | | Taxi companies | 0 | 0 | 30 | 0 | 30 | 2 |
| 495 | | Pipeline pumping and compressor stations | 0 | 0 | 30 | 10 | 30 | 2 |
| 50, 51 | PA | Transport companies (offices only) | 0 | 0 | 10 | 0 | 10 | 1 |
| 52109 | PS | Storage buildings (rental of storage space) | 0 | 0 | 30 | 10 | 30 | 2 |
| 5221 | 1 | Car parking lots, parking garages | 10 | 0 | 30 | 0 | 30 | 2 |
| 5222 | | Support activities for transport (offices) | 0 | 0 | 10 | 0 | 10 | 1 |
| 791 | | Travel agencies | 0 | 0 | 10 | 0 | 10 | 1 |
| 5229 | | Forwarding agencies, ship brokers (offices) | 0 | 0 | 10 | 0 | 10 | 1 |
| 531, 532 | | Postal and courier services | 0 | 0 | 30 | 0 | 30 | 2 |
| 61 | PA | Telecommunication firms | 0 | 0 | 10 | 0 | 10 | 1 |
| 61 | PS2 | - FM and TV | 0 | 0 | 0 | 10 | 10 | 1 |
| 61 | PS3 | - GSM and UTMS relay stations (if subject to a permit) | 0 | 0 | 0 | 10 | 10 | 1 |
| 64, 65, 66 | PA | Banks, insurance companies, stock exchanges | 0 | 0 | 10 | 0 | 10 | 1 |
| 41, 68 | PA | Rental of and trade in real estate | 0 | 0 | 10 | 0 | 10 | 1 |
| 7711 | | Passenger car rental companies | 10 | 0 | 30 | 10 | 30 | 2 |
| 772 | | Rental companies of moveable property n.e.c. | 10 | 10 | 30 | 10 | 30 | 2 |

| | | | | | | | | |
|----------------------------------|----|--|----|----|----|----|----|---|
| 62 | PA | Computer service and information technology firms and the like | 0 | 0 | 10 | 0 | 10 | 1 |
| 58, 63 | PS | Data centers | 0 | 0 | 30 | 0 | 30 | 2 |
| 721 | | Research and development on natural sciences | 30 | 10 | 30 | 30 | 30 | 2 |
| 722 | | Research on social sciences and humanities | 0 | 0 | 10 | 0 | 10 | 1 |
| 63, 69-71, 73, 74, 77, 78, 80-82 | PA | Other business services: offices | 0 | 0 | 10 | 0 | 10 | 1 |
| 74203 | | Photo- and film-developing laboratories | 10 | 0 | 30 | 10 | 30 | 2 |
| 82992 | | Auctions for household goods, art, etc. | 0 | 0 | 10 | 0 | 10 | 1 |
| 84 | PA | Public administration (offices, etc.) | 0 | 0 | 10 | 0 | 10 | 1 |
| 852, 8531 | | Schools for primary and general secondary education | 0 | 0 | 30 | 0 | 30 | 2 |
| 8532, 854, 855 | | Schools for vocational, higher and other education | 10 | 0 | 30 | 10 | 30 | 2 |
| 8610 | | Hospitals | 10 | 0 | 30 | 10 | 30 | 2 |
| 8621, 8622, 8623 | | Medical practices, clinics and daycenters | 0 | 0 | 10 | 0 | 10 | 1 |
| 8691, 8692 | | Health centers | 0 | 0 | 10 | 0 | 10 | 1 |
| 871 | 1 | Nursing homes | 10 | 0 | 30 | 0 | 30 | 2 |
| 8891 | 2 | Daycare | 0 | 0 | 30 | 0 | 30 | 2 |
| 3700 | PS | sewage pumping stations | 30 | 0 | 10 | 0 | 30 | 2 |
| 382 | A7 | - processing of photochemical and electrotpe waste | 10 | 10 | 30 | 30 | 30 | 2 |
| 941, 942 | | Business and employee organizations (offices) | 0 | 0 | 10 | 0 | 10 | 1 |
| 9491 | | Churches and the like | 0 | 0 | 30 | 0 | 30 | 2 |
| 94991 | PA | Community centers and clubhouses | 0 | 0 | 30 | 0 | 30 | 2 |
| 591, 592, 601, 602 | | Studios (film, TV, radio, sound) | 0 | 0 | 30 | 10 | 30 | 2 |

| | | | | | | | | |
|---------------|----|--|----|----|----|----|----|---|
| 5914 | | Cinemas | 0 | 0 | 30 | 0 | 30 | 2 |
| 9004 | | Theaters, concert halls, event halls | 0 | 0 | 30 | 0 | 30 | 2 |
| 8552 | | Music and ballet schools | 0 | 0 | 30 | 0 | 30 | 2 |
| 85521 | | Dance schools | 0 | 0 | 30 | 0 | 30 | 2 |
| 9101, 9102 | | Libraries, museums, ateliers, etc. | 0 | 0 | 10 | 0 | 10 | 1 |
| 91041 | | Children's farms | 30 | 10 | 30 | 0 | 30 | 2 |
| 931 | PS | Bowling alleys | 0 | 0 | 30 | 0 | 30 | 2 |
| 931 | H | Golf courses | 0 | 0 | 10 | 0 | 10 | 1 |
| 931 | 11 | - outdoor ranges with amenities: archery ranges | 0 | 0 | 30 | 30 | 30 | 2 |
| 931 | 2 | - indoor ranges: archery ranges | 0 | 0 | 10 | 10 | 10 | 1 |
| 931 | F | Sports schools, gymnasiums | 0 | 0 | 30 | 0 | 30 | 2 |
| 96012 | | Chemical dry cleaning and dyeing | 30 | 0 | 30 | 30 | 30 | 2 |
| 96013 | PA | Laundry collection and delivery companies | 0 | 0 | 30 | 0 | 30 | 2 |
| 96013 | PS | Laundromats | 0 | 0 | 10 | 0 | 10 | 1 |
| 9602 | | Barbershops and beauty parlors | 0 | 0 | 10 | 0 | 10 | 1 |
| 9603 | 1 | - funeral homes | 0 | 0 | 10 | 0 | 10 | 1 |
| 96031 | 2 | - cemeteries | 0 | 0 | 10 | 0 | 10 | 1 |
| 9313, 9604 | | Fitness centers, bathhouses and sauna baths | 10 | 0 | 30 | 0 | 30 | 2 |
| 9609 | PS | Personal services n.e.c. | 0 | 0 | 10 | 0 | 10 | 1 |

APPENDIX 2: INDUSTRIES LIST 2

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | CATEGORY |
|------------|---|---------------------|------|-------|--------|------------------|----------|
| | | ODOUR | DUST | NOISE | DANGER | LONGEST DISTANCE | |
| - | | | | | | | |
| 0113 | - mushroom cultivation farms with manure fermentation | 100 | 10 | 30 C | 10 | 100 | 3.2 |
| 0141, 0142 | Breeding and raising cattle | 100 | 30 | 30 C | 0 | 100 | 3.2 |
| 0143 | - horse breeding | 50 | 30 | 30 C | 0 | 50 | 3.1 |
| 0145 | - other grazing animals | 50 | 30 | 30 C | 0 | 50 | 3.1 |
| 0146 | Breeding and raising pigs | 200 | 30 | 50 C | 0 | 200 V | 4.1 |
| 0147 | - laying hens | 200 | 30 | 50 C | 0 | 200 V | 4.1 |
| 0147 | - breeding hens and spring chickens | 200 | 30 | 50 C | 0 | 200 | 4.1 |
| 0147 | - ducks and geese | 200 | 50 | 50 C | 0 | 200 | 4.1 |
| 0147 | - other poultry | 100 | 30 | 50 C | 0 | 100 V | 3.2 |
| 0149 | - minks and foxes | 200 | 30 | 30 C | 0 | 200 | 4.1 |
| 0149 | - rabbits | 100 | 30 | 30 C | 0 | 100 | 3.2 |
| 0149 | - pets | 30 | 0 | 50 C | 10 | 50 | 3.1 |
| 0149 | - grubs, worms, etc. | 100 | 0 | 30 C | 10 | 100 | 3.2 |
| 0150 | Arable farming and/or horticulture combined with breeding and raising animals (non-intensive) | 100 | 30 | 30 C | 0 | 100 | 3.2 |
| 016 | - general (incl. contracting firms): ops. area > 500 m ² | 30 | 10 | 50 | 10 | 50 V | 3.1 |
| 016 | - parks and garden services and horticultural farms: ops. area > 500 m ² | 30 | 10 | 50 | 10 | 50 | 3.1 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | |
|---------------------|---|---------------------|-----|-----|---|-----|---------|-----|
| | | | | | | | | |
| 021, 022, 024 | Forestry companies | 10 | 10 | 50 | | 0 | 50 | 3.1 |
| 0311 | Offshore fisheries | 100 | 0 | 100 | C | 50 | R 100 | 3.2 |
| 0312 | Inland fisheries | 50 | 0 | 50 | C | 10 | 50 | 3.1 |
| 032 | - oyster, mussel and shellfish cultivation companies | 100 | 30 | 50 | C | 0 | 100 | 3.2 |
| 032 | - aquaculture farms | 50 | 0 | 50 | C | 0 | 50 | 3.1 |
| 089 | Peat extraction companies | 50 | 50 | 100 | C | 10 | 100 | 3.2 |
| 061 | - oil wells | 100 | 0 | 200 | C | 200 | R 200 | 4.1 |
| 0812 | - general | 10 | 100 | 200 | | 10 | 200 V | 4.1 |
| 0893 | Salt extraction companies | 50 | 10 | 100 | C | 30 | 100 | 3.2 |
| 101, 102 | - slaughterhouses and poultry slaughterhouses | 100 | 0 | 100 | C | 50 | R 100 V | 3.2 |
| 101 | - intestine and meat scraps processing plants | 300 | 0 | 100 | C | 50 | R 300 | 4.2 |
| 101 | - meats and canned meat factories: prod. area > 1,000 m ² | 100 | 0 | 100 | C | 50 | R 100 | 3.2 |
| 101 | - meats and canned meat factories: prod. area <= 1,000 m ² | 50 | 0 | 50 | C | 30 | 50 | 3.1 |
| 101 | - meats and canned meat factories: prod. area <= 200 m ² | 30 | 0 | 50 | | 10 | 50 | 3.1 |
| 101, 102 | - contract slaughterhouses | 50 | 0 | 50 | | 10 | 50 | 3.1 |
| 108 | - manufacture of snacks and prepared meals: prod. area < 2,000 m ² | 50 | 0 | 50 | | 10 | 50 | 3.1 |
| 102 | - canning | 200 | 0 | 100 | C | 30 | 200 | 4.1 |
| 102 | - smoking | 300 | 0 | 50 | C | 0 | 300 | 4.2 |
| 102 | - other processing means: prod. area > 1,000 m ² | 300 | 10 | 50 | C | 30 | 300 V | 4.2 |
| 102 | - other processing means: prod. area <= 1,000 m ² | 100 | 10 | 50 | | 30 | 100 | 3.2 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | |
|---------------|--|---------------------|-----|-----|-----|-----|-------|-----|
| | | | | | | | | |
| 102 | - other processing means: prod. area <= 300 m ² | 50 | 10 | 30 | | 10 | 50 | 3.1 |
| 1031 | - manufacture of potato products | 300 | 30 | 200 | C | 50 | R 300 | 4.2 |
| 1031 | - manufacture of snacks: prod. area < 2,000 m ² | 50 | 10 | 50 | | 50 | R 50 | 3.1 |
| 1032, 1039 | - jams | 50 | 10 | 100 | C | 10 | 100 | 3.2 |
| 1032, 1039 | - vegetables, general | 50 | 10 | 100 | C | 10 | 100 | 3.2 |
| 1032, 1039 | - with cabbage types | 100 | 10 | 100 | C | 10 | 100 | 3.2 |
| 1032, 1039 | - with drying facilities | 300 | 10 | 200 | C | 30 | 300 | 4.2 |
| 1032, 1039 | - with onion canning (pickling salt cannery) | 300 | 10 | 100 | C | 10 | 300 | 4.2 |
| 104101 | - prod. cap. < 250,000 T/yr | 200 | 30 | 100 | C | 30 | R 200 | 4.1 |
| 104101 | - prod. cap. >= 250,000 T/yr | 300 | 50 | 300 | C Z | 50 | R 300 | 4.2 |
| 104102 | - prod. cap. < 250,000 T/yr | 200 | 10 | 100 | C | 100 | R 200 | 4.1 |
| 104102 | - prod. cap. >= 250,000 T/yr | 300 | 10 | 300 | C Z | 200 | R 300 | 4.2 |
| 1042 | - prod. cap. < 250,000 T/yr | 100 | 10 | 200 | C | 30 | R 200 | 4.1 |
| 1042 | - prod. cap. >= 250,000 T/yr | 200 | 10 | 300 | C Z | 50 | R 300 | 4.2 |
| 1051 | - dairy product factories: proc. cap. < 55,000 T/yr | 50 | 0 | 100 | C | 50 | R 100 | 3.2 |
| 1051 | - dairy product factories: proc. cap. >= 55,000 T/yr | 100 | 0 | 300 | C Z | 50 | R 300 | 4.2 |
| 1051 | - other dairy product factories | 50 | 50 | 300 | C | 50 | R 300 | 4.2 |
| 1052 | Ice cream factories: prod. area > 200 m ² | 50 | 0 | 100 | C | 50 | R 100 | 3.2 |
| 1061 | - prod. cap. >= 500 T/hr | 200 | 100 | 300 | C Z | 100 | R 300 | 4.2 |
| 1061 | - prod. cap. < 500 T/hr | 100 | 50 | 200 | C | 50 | R 200 | 4.1 |
| 1061 | Dry food factories | 50 | 100 | 200 | C | 50 | 200 V | 4.1 |
| 1062 | - prod. cap. < 10 T/hr | 200 | 50 | 200 | C | 30 | R 200 | 4.1 |
| 1062 | - prod. cap. >= 10 T/hr | 300 | 100 | 300 | C Z | 50 | R 300 | 4.2 |
| 1091 | - drying plants (grass, pulp, green crops, livestock feed): capacity < 10 T/hr | 300 | 100 | 200 | C | 30 | 300 | 4.2 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | |
|----------|--|---------------------|-----|-----|-----|------|-------|-----|
| | | | | | | | | |
| | water | | | | | | | |
| 1091 | - compound feed: prod. cap. < 100 T/hr | 200 | 50 | 200 | C | 30 | 200 | 4.1 |
| 1091 | - compound feed: prod. cap. >= 100 T/hr | 300 | 100 | 300 | C Z | 50 F | 300 | 4.2 |
| 1092 | Manufacture of pet food | 200 | 100 | 200 | C | 30 | 200 | 4.1 |
| 1071 | - proc. cap. >= 7,500 kg flour/week | 100 | 30 | 100 | C | 30 | 100 | 3.2 |
| 1072 | Confectionery, biscuits and gingerbread factories | 100 | 10 | 100 | C | 30 | 100 | 3.2 |
| 10821 | - cocoa and chocolate factories; manufacture of chocolate: prod. area < 2,000 m ² | 100 | 30 | 50 | | 30 | 100 | 3.2 |
| 10821 | - sugar confectionery factories with sugar burning | 300 | 30 | 50 | | 30 F | 300 | 4.2 |
| 10821 | - sugar factories without sugar burning: prod. area > 200 m ² | 100 | 30 | 50 | | 30 F | 100 | 3.2 |
| 1073 | Pasta factories | 50 | 30 | 10 | | 10 | 50 | 3.1 |
| 1083 | - tea packaging companies | 100 | 10 | 30 | | 10 | 100 | 3.2 |
| 108401 | Manufacture of vinegar, spices and herbs | 200 | 30 | 50 | | 10 | 200 | 4.1 |
| 1089 | Manufacture of other foods | 200 | 30 | 50 | | 30 | 200 V | 4.1 |
| 1089 | Manufacture of raw materials for bakeries | 200 | 50 | 50 | | 50 F | 200 | 4.1 |
| 1089 | - without drying powders | 100 | 10 | 50 | | 10 | 100 | 3.2 |
| 1089 | - with drying powders | 300 | 50 | 50 | | 50 F | 300 | 4.2 |
| 1089 | Self-rising flour and pudding powder factories | 200 | 50 | 50 | | 30 | 200 | 4.1 |
| 110101 | Distilleries and liqueur distilleries | 300 | 30 | 200 | C | 30 | 300 | 4.2 |
| 110102 | - prod. cap. < 5,000 T/yr | 200 | 30 | 200 | C | 30 F | 200 | 4.1 |
| 110102 | - prod. cap. >= 5,000 T/yr | 300 | 50 | 300 | C | 50 F | 300 | 4.2 |
| 1105 | Beer breweries | 300 | 30 | 100 | C | 50 F | 300 | 4.2 |
| 1106 | Malting plants | 300 | 50 | 100 | C | 30 | 300 | 4.2 |
| 1107 | Mineral water and soft drink | 10 | 0 | 100 | | 50 F | 100 | 3.2 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | |
|----------|---|---------------------|-----|-----|---|----|-------|-------|
| | | | | | | | | |
| | factories | | | | | | | |
| 120 | Tobacco-processing industry | 200 | 30 | 50 | C | 30 | 200 | 4.1 |
| 131 | Treatment and spinning of textile fibers | 10 | 50 | 100 | | 30 | 100 | 3.2 |
| 132 | - number of looms < 50 | 10 | 10 | 100 | | 0 | 100 | 3.2 |
| 132 | - number of looms >= 50 | 10 | 30 | 300 | Z | 50 | 300 | 4.2 |
| 133 | Finishing of textiles companies | 50 | 0 | 50 | | 10 | 50 | 3.1 |
| 139 | Manufacture of textile products | 10 | 0 | 50 | | 10 | 50 | 3.1 |
| 1393 | Carpet, coconut and floor mat factories | 100 | 30 | 200 | | 10 | 200 | 4.1 |
| 139, 143 | Manufacture of knitted and crocheted fabrics and articles | 0 | 10 | 50 | | 10 | 50 | 3.1 |
| 141 | Manufacture of leather clothing | 30 | 0 | 50 | | 0 | 50 | 3.1 |
| 142, 151 | Preparing and dyeing fur; manufacture of fur articles | 50 | 10 | 10 | | 10 | 50 | 3.1 |
| 151, 152 | Leather factories | 300 | 30 | 100 | | 10 | 300 | 4.2 |
| 151 | Leather goods factories (excl. clothing and footwear) | 50 | 10 | 30 | | 10 | 50 | V 3.1 |
| 152 | Shoe factories | 50 | 10 | 50 | | 10 | 50 | 3.1 |
| 16101 | Saw mills | 0 | 50 | 100 | | 50 | R 100 | 3.2 |
| 16102 | - with creosote | 200 | 30 | 50 | | 10 | 200 | 4.1 |
| 16102 | - with salt solutions | 10 | 30 | 50 | | 10 | 50 | 3.1 |
| 1621 | Veneer sheets and paneling factories | 100 | 30 | 100 | | 10 | 100 | 3.2 |
| 162 | Woodwork factories; manufacture of other wood products | 0 | 30 | 100 | | 0 | 100 | 3.2 |
| 162 | Woodwork factories; manufacture of other wood products: prod. area < 200 m2 | 0 | 30 | 50 | | 0 | 50 | 3.1 |
| 1711 | Manufacture of pulp | 200 | 100 | 200 | C | 50 | R 200 | 4.1 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | | | | |
|----------|---|---------------------|-----|-----|---|----|-----|----|-----|-----|-----|
| | | | | | | | | | | | |
| 1712 | - prod. cap. < 3 T/hr | 50 | 30 | 50 | C | 30 | F | 50 | 3.1 | | |
| 1712 | - Prod. cap. 3 - 15 T/hr | 100 | 50 | 200 | C | Z | 50 | F | 200 | 4.1 | |
| 1712 | - prod. cap. >= 15 T/hr | 200 | 100 | 300 | C | Z | 100 | F | 300 | 4.2 | |
| 172 | Paper and carton products factories | 30 | 30 | 100 | C | | 30 | F | 100 | 3.2 | |
| 17212 | - prod. cap. < 3 T/hr | 30 | 30 | 100 | C | | 30 | F | 100 | 3.2 | |
| 17212 | - prod. cap. >= 3 T/hr | 50 | 30 | 200 | C | Z | 30 | F | 200 | 4.1 | |
| 1811 | Newspaper printers | 30 | 0 | 100 | C | | 10 | | 100 | 3.2 | |
| 1812 | Printers (flat and rotation depth printers) | 30 | 0 | 100 | | | 10 | | 100 | 3.2 | |
| 19202 | Lubrication and grease factories | 50 | 0 | 100 | | | 30 | F | 100 | 3.2 | |
| 19202 | Spent oil recycling companies | 300 | 0 | 100 | | | 50 | F | 300 | 4.2 | |
| 19202 | Petroleum products factories n.e.c. | 300 | 0 | 200 | | | 50 | F | 300 | V | 4.2 |
| 2012 | Dye and pigment factories | 200 | 0 | 200 | C | | 200 | F | 200 | V | 4.1 |
| 2012 | - not subject to the 'Post-Seveso' Directive | 100 | 30 | 300 | C | | 300 | F | 300 | V | 4.2 |
| 20141 | - not subject to the 'Post-Seveso' Directive | 300 | 10 | 200 | C | | 300 | F | 300 | V | 4.2 |
| 20141 | - prod. cap. < 100,000 T/yr | 100 | 0 | 200 | C | | 100 | F | 200 | | 4.1 |
| 20141 | - prod. cap. >= 100,000 T/yr | 200 | 0 | 300 | C | Z | 200 | F | 300 | | 4.2 |
| 20149 | - prod. cap. < 50,000 T/yr | 300 | 0 | 200 | C | | 100 | F | 300 | | 4.2 |
| 203 | Paint, lacquer and varnish factories | 300 | 30 | 200 | C | | 300 | F | 300 | V | 4.2 |
| 2110 | - prod. cap. < 1,000 T/yr | 200 | 10 | 200 | C | | 300 | F | 300 | | 4.2 |
| 2120 | - formulation and filling of medicines | 50 | 10 | 50 | | | 50 | F | 50 | | 3.1 |
| 2041 | Soaps, detergents and cleaning agents factories | 300 | 100 | 200 | C | | 100 | F | 300 | | 4.2 |
| 2042 | Perfume and cosmetics factories | 300 | 30 | 50 | C | | 50 | F | 300 | | 4.2 |
| 2052 | - without animal products | 100 | 10 | 100 | | | 50 | | 100 | | 3.2 |
| 205902 | Photo-chemical products factories | 50 | 10 | 100 | | | 50 | F | 100 | | 3.2 |
| 205903 | Chemical office | 50 | 10 | 50 | | | 50 | F | 50 | | 3.1 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | |
|----------|--|---------------------|-----|-----|-----|-----|-------|-------|
| | | | | | | | | |
| | consumables factories | | | | | | | |
| 205903 | Other chemical product factories n.e.c. | 200 | 30 | 100 | C | 200 | R 200 | V 4.1 |
| 2060 | Synthetic thread and fiber factories | 300 | 30 | 300 | C | 200 | R 300 | 4.2 |
| 221101 | Rubber tire factories | 300 | 50 | 300 | C | 100 | R 300 | 4.2 |
| 221102 | - floor surface area < 100 m2 | 50 | 10 | 30 | | 30 | 50 | 3.1 |
| 221102 | - floor surface area >= 100 m2 | 200 | 50 | 100 | | 50 | R 200 | 4.1 |
| 2219 | Rubber product factories | 100 | 10 | 50 | | 50 | R 100 | V 3.2 |
| 222 | - without phenolic resins | 200 | 50 | 100 | | 100 | R 200 | 4.1 |
| 222 | - with phenolic resins | 300 | 50 | 100 | | 200 | R 300 | 4.2 |
| 222 | - production of packaging materials and assembly of plastic building materials | 50 | 30 | 50 | | 30 | 50 | 3.1 |
| 231 | - glass and glass products: prod. cap. < 5,000 T/yr | 30 | 30 | 100 | | 30 | 100 | 3.2 |
| 231 | - glass and glass products: prod. cap. >= 5,000 T/yr | 30 | 100 | 300 | C Z | 50 | R 300 | 4.2 |
| 231 | - glass wool and glass fibers: prod. cap. < 5,000 T/yr | 300 | 100 | 100 | | 30 | 300 | 4.2 |
| 231 | Glazing companies | 10 | 30 | 50 | | 10 | 50 | 3.1 |
| 232, 234 | - total capacity of electric ovens >= 40 kW | 30 | 50 | 100 | | 30 | 100 | 3.2 |
| 233 | Brick and brick element factories | 30 | 200 | 200 | | 30 | 200 | 4.1 |
| 233 | Roof tile factories | 50 | 200 | 200 | | 100 | R 200 | 4.1 |
| 235201 | - prod. cap. < 100,000 T/yr | 30 | 200 | 200 | | 30 | R 200 | 4.1 |
| 235202 | - prod. cap. < 100,000 T/yr | 30 | 200 | 200 | | 30 | R 200 | 4.1 |
| 23611 | - without presses, vibrator tables and formwork vibrators | 10 | 100 | 200 | | 30 | 200 | 4.1 |
| 23611 | - with presses, vibrator tables and formwork vibrators: prod. cap. < 100 T/day | 10 | 100 | 300 | | 30 | 300 | 4.2 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | | |
|------------|--|---------------------|-----|-----|--|--------|-------|-------|-----|
| | | | | | | | | | |
| 23612 | - prod. cap. < 100,000 T/yr | 10 | 50 | 100 | | 30 | 100 | 3.2 | |
| 23612 | - prod. cap. >= 100,000 T/yr | 30 | 200 | 300 | | Z 30 | 300 | 4.2 | |
| 2362 | Mineral-bound building board factories | 50 | 50 | 100 | | 30 | 100 | 3.2 | |
| 2363, 2364 | - prod. cap. < 100 T/hr | 10 | 50 | 100 | | 10 | 100 | 3.2 | |
| 2363, 2364 | - prod. cap. >= 100 T/hr | 30 | 200 | 300 | | Z 10 | 300 | 4.2 | |
| 2365, 2369 | - prod. cap. < 100 T/day | 10 | 50 | 100 | | 50 | R 100 | 3.2 | |
| 2365, 2369 | - prod. cap. >= 100 T/day | 30 | 200 | 300 | | Z 200 | R 300 | 4.2 | |
| 237 | - without breaking, sieving and drying: prod. area > 2,000 m ² | 10 | 30 | 100 | | 0 | 100 | V 3.2 | |
| 237 | - without breaking, sieving and drying: prod. area <= 2,000 m ² | 10 | 30 | 50 | | 0 | 50 | 3.1 | |
| 237 | - with breaking, sieving or drying: proc. cap. < 100,000 T/yr | 10 | 100 | 300 | | 10 | 300 | 4.2 | |
| 2391 | Abrasives and polishing agent factories | 10 | 30 | 50 | | 10 | 50 | V 3.1 | |
| 2399 | - prod. cap. < 100 T/hr | 300 | 100 | 100 | | 30 | 300 | 4.2 | |
| 2399 | - rock wool: prod. cap. >= 5,000 T/yr | 100 | 200 | 300 | | C Z 30 | 300 | 4.2 | |
| 2399 | - other insulation materials | 200 | 100 | 100 | | C | 50 | 200 | 4.1 |
| 2399 | Mineral product factories n.e.c. | 50 | 50 | 100 | | 50 | 100 | V 3.2 | |
| 2399 | Asphalt plants: prod. cap. < 100 T/hr | 100 | 50 | 200 | | 30 | 200 | 4.1 | |
| 2399 | - Asphalt plants: prod. cap. >= 100 T/hr | 200 | 100 | 300 | | Z 50 | 300 | 4.2 | |
| 243 | - prod. area < 2,000 m ² | 30 | 30 | 300 | | 30 | 300 | 4.2 | |
| 244 | - prod. cap. < 1,000 T/yr | 100 | 100 | 300 | | 30 | R 300 | 4.2 | |
| 2451, 2452 | - prod. cap. < 4,000 T/yr | 100 | 50 | 300 | | C | 30 | R 300 | 4.2 |
| 2453, 2454 | - prod. cap. < 4,000 T/yr | 100 | 50 | 300 | | C | 30 | R 300 | 4.2 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | |
|------------------|--|---------------------|-----|-----|----|-------|-----|
| | | | | | | | |
| 251, 331 | - enclosed building | 30 | 30 | 100 | 30 | 100 | 3.2 |
| 251, 331 | - enclosed building: prod. area < 200 m2 | 30 | 30 | 50 | 10 | 50 | 3.1 |
| 251, 331 | - open air: prod. area < 2,000 m2 | 30 | 50 | 200 | 30 | 200 | 4.1 |
| 251, 331 | - open air: prod. area >= 2,000 m2 | 50 | 200 | 300 | 30 | 300 | 4.2 |
| 2529, 3311 | - prod. area < 2,000 m2 | 30 | 50 | 300 | 30 | 300 | 4.2 |
| 2521, 2530, 3311 | Manufacture of boilers, radiators and steam boilers | 30 | 30 | 200 | 30 | 200 | 4.1 |
| 255, 331 | Stamping, pressing, deep drawing and spinning workshops | 10 | 30 | 200 | 30 | 200 | 4.1 |
| 255, 331 | Forging, welding, locksmith's shops, etc. | 50 | 30 | 100 | 30 | 100 V | 3.2 |
| 255, 331 | Forging, welding, locksmith's shops, etc.: prod. area < 200 m2 | 30 | 30 | 50 | 10 | 50 V | 3.1 |
| 2561, 3311 | - general | 50 | 50 | 100 | 50 | 100 | 3.2 |
| 2561, 3311 | - sand blasting | 30 | 200 | 200 | 30 | 200 V | 4.1 |
| 2561, 3311 | - metal hardening | 30 | 50 | 100 | 50 | 100 V | 3.2 |
| 2561, 3311 | - lacquer spraying and enameling | 100 | 30 | 100 | 50 | 100 V | 3.2 |
| 2561, 3311 | - schooping (zinc spraying) | 50 | 50 | 100 | 30 | 100 V | 3.2 |
| 2561, 3311 | - thermal galvanizing | 100 | 50 | 100 | 50 | 100 | 3.2 |
| 2561, 3311 | - thermal tinning | 100 | 50 | 100 | 50 | 100 | 3.2 |
| 2561, 3311 | - mechanical surface treatment (grinding, polishing) | 30 | 50 | 100 | 30 | 100 | 3.2 |
| 2561, 3311 | - anodizing | 50 | 10 | 100 | 30 | 100 | 3.2 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | |
|--------------------|--|---------------------|----|-----|------|-------|-------|
| | | | | | | | |
| 2561, 3311 | - chemical surface treatment | 50 | 10 | 100 | 30 | 100 | 3.2 |
| 2561, 3311 | - enameling | 100 | 50 | 100 | 50 | R 100 | 3.2 |
| 2561, 3311 | - galvanizing (nickel-plating, chromium-plating, zinc-plating, copper-plating, etc.) | 30 | 30 | 100 | 50 | 100 | 3.2 |
| 2562, 3311 | Other metal treatment industries | 10 | 30 | 100 | 30 | 100 | V 3.2 |
| 2562, 3311 | Other metal treatment industries, indoors: prod. area < 200 m2 | 10 | 30 | 50 | 10 | 50 | V 3.1 |
| 259, 331 | - prod. area < 2,000 m2 | 30 | 50 | 200 | 30 | 200 | 4.1 |
| 259, 331 | Other metal product factories n.e.c. | 30 | 30 | 100 | 30 | 100 | 3.2 |
| 259, 331 | Other metal product factories n.e.c.; indoors: prod. area < 200 m2 | 30 | 30 | 50 | 10 | 50 | 3.1 |
| 27, 28, 33 | - prod. area < 2,000 m2 | 30 | 30 | 100 | 30 | 100 | V 3.2 |
| 27, 28, 33 | - prod. area >= 2,000 m2 | 50 | 30 | 200 | 30 | 200 | V 4.1 |
| 28, 33 | - with test runs of internal combustion engines >= 1 MW | 50 | 30 | 300 | Z 30 | 300 | V 4.2 |
| 271, 331 | Electric motor and generator factories, incl. repair | 200 | 30 | 30 | 50 | 200 | 4.1 |
| 271, 273 | Switching and electric fittings factories | 200 | 10 | 30 | 50 | 200 | 4.1 |
| 273 | Electric wire and cable factories | 100 | 10 | 200 | 100 | R 200 | V 4.1 |
| 272 | Accumulators and battery factories | 100 | 30 | 100 | 50 | 100 | 3.2 |
| 274 | Electric lighting factories | 200 | 30 | 30 | 300 | R 300 | 4.2 |
| 261, 263, 264, 331 | Manufacture of audio, video and telecom equipment and the like, incl. repair | 30 | 0 | 50 | 30 | 50 | V 3.1 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | |
|-----------|--|---------------------|-----|-----|------|-------|-------|
| | | | | | | | |
| 2612 | Printed wiring board factories | 50 | 10 | 50 | 30 | 50 | 3.1 |
| 291 | - prod. area < 10,000 m2 | 100 | 10 | 200 | C 30 | R 200 | V 4.1 |
| 291 | - prod. area >= 10,000 m2 | 200 | 30 | 300 | Z 50 | R 300 | 4.2 |
| 29201 | Motor vehicle body factories | 100 | 10 | 200 | 30 | R 200 | 4.1 |
| 29202 | Trailers and semi-trailer factories | 30 | 10 | 200 | 30 | 200 | 4.1 |
| 293 | Auto parts factories | 30 | 10 | 100 | 30 | R 100 | 3.2 |
| 301, 3315 | - wooden ships | 30 | 30 | 50 | 10 | 50 | 3.1 |
| 301, 3315 | - fiberglass ships | 100 | 50 | 100 | 50 | R 100 | 3.2 |
| 301, 3315 | - metal ships < 25 m | 50 | 100 | 200 | 30 | 200 | 4.1 |
| 302, 317 | - general | 50 | 30 | 100 | 30 | 100 | 3.2 |
| 302, 317 | - with test runs of internal combustion engines >= 1 MW | 50 | 30 | 300 | Z 30 | R 300 | 4.2 |
| 303, 3316 | - without engine test runs | 50 | 30 | 200 | 30 | 200 | 4.1 |
| 309 | Bicycle and motorcycle factories | 30 | 10 | 100 | 30 | R 100 | 3.2 |
| 3099 | Transportation equipment industry n.e.c. | 30 | 30 | 100 | 30 | 100 | V 3.2 |
| 310 | Furniture factories | 50 | 50 | 100 | 30 | 100 | V 3.2 |
| 323 | Sports product factories | 30 | 10 | 50 | 30 | 50 | 3.1 |
| 324 | Toy factories | 30 | 10 | 50 | 30 | 50 | 3.1 |
| 32999 | Manufacture of other goods n.e.c. | 30 | 10 | 50 | 30 | 50 | V 3.1 |
| 383202 | - proc. cap. < 100,000 T/yr | 30 | 100 | 300 | 10 | 300 | 4.2 |
| 383202 | Rubber regeneration factories | 300 | 50 | 100 | 50 | R 300 | 4.2 |
| 383202 | Waste separation plants | 200 | 200 | 300 | C 50 | 300 | 4.2 |
| 35 | - co-fermentation, incineration and gasification of manure, sludge, GFT waste and residual waste | 100 | 50 | 100 | 30 | R 100 | 3.2 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | |
|------------|---|---------------------|----|-----|-----|-----|-------|-----|
| | | | | | | | | |
| | from the food industry | | | | | | | |
| 35 | - co-fermentation, incineration and gasification of other biomass | 50 | 50 | 100 | | 30 | R 100 | 3.2 |
| 35 | - 10-100 MVA | 0 | 0 | 50 | C | 30 | 50 | 3.1 |
| 35 | - 100-200 MVA | 0 | 0 | 100 | C | 50 | 100 | 3.2 |
| 35 | - 200-1000 MVA | 0 | 0 | 300 | C Z | 50 | 300 | 4.2 |
| 35 | - gas compressor stations: capacity < 100 MW | 0 | 0 | 300 | C | 100 | 300 | 4.2 |
| 35 | - gas receiving and distribution stations, Cat. V | 0 | 0 | 50 | C | 50 | R 50 | 3.1 |
| 35 | - district heating | 30 | 10 | 100 | C | 50 | 100 | 3.2 |
| 35 | - blade diameter 20 m | 0 | 0 | 100 | C | 30 | 100 | 3.2 |
| 35 | - blade diameter 30 m | 0 | 0 | 200 | C | 50 | 200 | 4.1 |
| 35 | - blade diameter 50 m | 0 | 0 | 300 | C | 50 | 300 | 4.2 |
| 36 | - preparation using caustic chlorine bleach and the like and/or sand blasting | 10 | 0 | 50 | C | 30 | 50 | 3.1 |
| 36 | - 1-15 MW | 0 | 0 | 100 | C | 10 | 100 | 3.2 |
| 36 | - >= 15 MW | 0 | 0 | 300 | C | 10 | 300 | 4.2 |
| 41, 42, 43 | Construction companies – general: ops. area > 2,000 m ² | 10 | 30 | 100 | | 10 | 100 | 3.2 |
| 41, 42, 43 | - construction companies – general: ops. area <= 2,000 m ² | 10 | 30 | 50 | | 10 | 50 | 3.1 |
| 41, 42, 43 | Contracting firms with a workshop: ops. area > 1,000 m ² | 10 | 30 | 50 | | 10 | 50 | 3.1 |
| 451 | Trade in trucks (incl. import and repair) | 10 | 10 | 100 | | 10 | 100 | 3.2 |
| 45204 | Car body workshops | 10 | 30 | 100 | | 10 | 100 | 3.2 |
| 45204 | Car spraying workshops | 50 | 30 | 30 | | 30 | R 50 | 3.1 |
| 473 | - with LPG > 1,000 m ³ /year | 30 | 0 | 30 | | 200 | R 200 | 4.1 |
| 473 | - with LPG < 1,000 m ³ /year | 30 | 0 | 30 | | 50 | R 50 | 3.1 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | |
|--------------|---|---------------------|-----|-----|------|---------|-----|
| | | | | | | | |
| 4621 | Wholesale of arable farm products and livestock feeds | 30 | 30 | 50 | 30 | R 50 | 3.1 |
| 4621 | Wholesale of arable farm products and livestock feeds: proc. cap. >= 500 T/hr | 100 | 100 | 300 | Z 50 | R 300 | 4.2 |
| 4623 | Wholesale of live animals | 50 | 10 | 100 | C 0 | 100 | 3.2 |
| 4624 | Wholesale of hides, skins and leather | 50 | 0 | 30 | 0 | 50 | 3.1 |
| 46217, 4631 | Wholesale of raw tobacco, vegetables, fruit and consumer potatoes | 30 | 10 | 30 | 50 | R 50 | 3.1 |
| 4632, 4633 | Wholesale of meat, meat products, dairy products, eggs, cooking oils | 10 | 0 | 30 | 50 | R 50 | 3.1 |
| 46499 | - Consumer fireworks, packaged: storage 10-50 tonnes | 10 | 0 | 30 | 50 | F 50 | 3.1 |
| 46711 | - small, local service area | 10 | 50 | 50 | 30 | 50 | 3.1 |
| 46712 | - liquids: stor. cap. < 100,000 m3 | 50 | 0 | 50 | 200 | R 200 V | 4.1 |
| 46712 | - liquefied gases | 50 | 0 | 50 | 300 | R 300 V | 4.2 |
| 46713 | Wholesale of mineral oil products (excl. fuels) | 100 | 0 | 30 | 50 | 100 | 3.2 |
| 46721 | - stor. area < 2,000 m2 | 30 | 300 | 300 | 10 | 300 | 4.2 |
| 46722, 46723 | Wholesale of metals and semi-finished goods | 0 | 10 | 100 | 10 | 100 | 3.2 |
| 4673 | - general: ops. area > 2,000 m ² | 0 | 10 | 50 | 10 | 50 | 3.1 |
| 46735 | - general: ops. area > 200 m ² | 0 | 30 | 100 | 0 | 100 | 3.2 |
| 4674 | - general: ops. area > 2,000 m ² | 0 | 0 | 50 | 10 | 50 | 3.1 |
| 46751 | Wholesale of chemical products | 50 | 10 | 30 | 100 | R 100 V | 3.2 |
| 4677 | - Car wrecker's yards: ops. area > 1,000 m ² | 10 | 30 | 100 | 30 | 100 | 3.2 |
| 4677 | - Car wrecker's yards: ops. area <= 1,000 m ² | 10 | 10 | 50 | 10 | 50 | 3.1 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | | |
|----------|--|---------------------|-----|-----|---|-----|-----|---|-----|
| | | | | | | | | | |
| 4677 | Other wholesale of waste and scrap: ops. area > 1,000 m ² | 10 | 30 | 100 | | 10 | 100 | V | 3.2 |
| 4677 | - other wholesale of waste and scrap: ops. area <= 1,000 m ² | 10 | 10 | 50 | | 10 | 50 | | 3.1 |
| 466 | - machines for the construction industry | 0 | 10 | 100 | | 10 | 100 | | 3.2 |
| 466 | - other | 0 | 10 | 50 | | 0 | 50 | | 3.1 |
| 4791 | Mail-order firms | 0 | 0 | 50 | | 0 | 50 | | 3.1 |
| 553, 552 | Camping grounds, holiday centers, etc. (with kitchen) | 30 | 0 | 50 | C | 30 | 50 | | 3.1 |
| 491, 492 | - stations | 0 | 0 | 100 | C | 50 | 100 | V | 3.2 |
| 491, 492 | - switchyards, transfer stations (without classification yard) | 30 | 30 | 300 | C | 300 | 300 | V | 4.2 |
| 493 | Bus, tram and metro stations and garages | 0 | 10 | 100 | C | 0 | 100 | V | 3.2 |
| 493 | Motor coach companies | 10 | 0 | 100 | C | 0 | 100 | | 3.2 |
| 494 | Companies that transport freight by road (without cleaning of tanks): ops. area > 1,000 m ² | 0 | 0 | 100 | C | 30 | 100 | | 3.2 |
| 494 | - Freight transport by road (without cleaning of tanks): ops. area <= 1,000 m ² | 0 | 0 | 50 | C | 30 | 50 | | 3.1 |
| 52241 | - general cargo | 0 | 30 | 300 | C | 100 | 300 | V | 4.2 |
| 52241 | - tanker cleaning | 300 | 10 | 100 | C | 200 | 300 | | 4.2 |
| 52242 | - containers | 0 | 10 | 300 | | 50 | 300 | | 4.2 |
| 52242 | - tanker cleaning | 300 | 10 | 100 | | 200 | 300 | | 4.2 |
| 52242 | - general cargo | 0 | 10 | 100 | | 50 | 100 | V | 3.2 |
| 52242 | - ores, minerals, etc.: stor. area < 2,000 m ² | 30 | 200 | 300 | | 30 | 300 | | 4.2 |
| 52242 | - grains or flour varieties: proc. cap. < 500 T/hr | 50 | 300 | 200 | | 50 | 300 | | 4.2 |
| 52242 | - black coal: stor. area < 2,000 m ² | 50 | 300 | 300 | | 50 | 300 | | 4.2 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | | |
|--------------|---|---------------------|-----|-----|-----|-----|-------|---|-----|
| | | | | | | | | | |
| 52102, 52109 | Distribution centers, warehouses and cold stores | 30 | 10 | 50 | C | 50 | R 50 | V | 3.1 |
| 5221 | Garaging of trucks (with refrigeration units) | 10 | 0 | 100 | C | 30 | 100 | | 3.2 |
| 61 | - LW and MW: transmission capacity < 100 kW (at greater capacity: investigate!) | 0 | 0 | 0 | C | 100 | 100 | | 3.2 |
| 7712, 7739 | Rental companies of transport equipment (excl. passenger cars) | 10 | 0 | 50 | | 10 | 50 | V | 3.1 |
| 773 | Rental companies of machines and implements | 10 | 0 | 50 | | 10 | 50 | V | 3.1 |
| 812 | Cleaning companies for buildings | 50 | 10 | 30 | | 30 | 50 | V | 3.1 |
| 82991 | Auctions for agricultural and fisheries products | 50 | 30 | 200 | C | 50 | R 200 | | 4.1 |
| 8422 | Defense establishments | 30 | 30 | 200 | C | 100 | 200 | V | 4.1 |
| 8425 | Fire stations | 0 | 0 | 50 | C | 0 | 50 | | 3.1 |
| 3700 | - < 100,000 PE | 200 | 10 | 100 | C | 10 | 200 | | 4.1 |
| 3700 | - 100,000-300,000 PE | 300 | 10 | 200 | C Z | 10 | 300 | | 4.2 |
| 381 | Waste collection, street cleaning companies, etc. | 50 | 30 | 50 | | 10 | 50 | | 3.1 |
| 381 | Civic amenity sites (waste collection depots) | 30 | 30 | 50 | | 30 | R 50 | | 3.1 |
| 381 | Waste transshipment stations | 200 | 200 | 300 | | 30 | 300 | | 4.2 |
| 382 | - cable burning operations | 100 | 50 | 30 | | 10 | 100 | | 3.2 |
| 382 | - pathogen waste incineration (for hospitals) | 50 | 10 | 30 | | 10 | 50 | | 3.1 |
| 382 | - solvent reclamation | 100 | 0 | 10 | | 30 | R 100 | V | 3.2 |
| 382 | - waste incineration plants; thermal capacity > 75 MW | 300 | 200 | 300 | C Z | 50 | 300 | V | 4.2 |
| 382 | Waste dumps | 300 | 200 | 300 | | 10 | 300 | | 4.2 |
| 382 | - not aerated: proc. cap. < 5,000 T/yr | 300 | 100 | 50 | | 10 | 300 | | 4.2 |
| 382 | - aerated: proc. cap. < 20,000 T/yr | 100 | 100 | 100 | | 10 | 100 | | 3.2 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | |
|----------|--|---------------------|-----|-----|---|-------|-------|-----|
| | | | | | | | | |
| 382 | - aerated: proc. cap. > 20,000 T/yr | 200 | 200 | 100 | | 30 | 200 | 4.1 |
| 382 | - GFT waste in enclosed building | 200 | 50 | 100 | | 100 R | 200 | 4.1 |
| 94991 | Dog dressage terrains | 0 | 0 | 50 | | 0 | 50 | 3.1 |
| 9321 | Recreation centers, permanent fairs, etc. | 30 | 10 | 300 | | 10 | 300 V | 4.2 |
| 91041 | Zoos | 100 | 10 | 50 | C | 0 | 100 | 3.2 |
| 931 | - covered | 10 | 0 | 50 | C | 10 | 50 | 3.1 |
| 931 | - not covered | 30 | 0 | 200 | | 10 | 200 | 4.1 |
| 931 | Sports halls | 0 | 0 | 50 | C | 0 | 50 | 3.1 |
| 931 | Covered skating rinks | 0 | 0 | 100 | C | 50 R | 100 | 3.2 |
| 931 | Stadiums and open-air skating rinks | 0 | 0 | 300 | C | 50 R | 300 | 4.2 |
| 931 | Riding schools | 50 | 30 | 30 | | 0 | 50 | 3.1 |
| 931 | Tennis courts (with lighting) | 0 | 0 | 50 | C | 0 | 50 | 3.1 |
| 931 | Outdoor sports complex (with lighting) | 0 | 0 | 50 | C | 0 | 50 | 3.1 |
| 931 | Artificial ski slopes | 0 | 0 | 30 | C | 50 R | 50 | 3.1 |
| 931 | - indoor ranges: rifle and handgun shooting ranges | 0 | 0 | 200 | C | 10 | 200 | 4.1 |
| 931 | - open outdoor ranges: clay pigeons | 0 | 0 | 200 | | 300 | 300 | 4.2 |
| 931 | - open outdoor ranges: archery ranges | 0 | 0 | 10 | | 200 | 200 | 4.1 |
| 931 | Go-karts and kart circuits, in a hall | 10 | 0 | 50 | | 10 | 50 | 3.1 |
| 932 | Marinas with various facilities | 10 | 10 | 50 | C | 30 | 50 | 3.1 |
| 93299 | Model plane fields | 10 | 0 | 300 | | 100 | 300 | 4.2 |
| 96011 | Laundries and pressing services | 30 | 0 | 50 | C | 30 | 50 | 3.1 |
| 96011 | Carpet cleaning companies | 30 | 0 | 50 | | 30 | 50 | 3.1 |
| 96032 | - crematoriums | 100 | 10 | 30 | | 10 | 100 | 3.2 |
| 9609 | Animal shelters and boarding kennels | 30 | 0 | 100 | C | 0 | 100 | 3.2 |

APPENDIX 3: INDUSTRIES LIST 3

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | CATEGORY |
|----------|---|---------------------|------|----------|--------|------------------|---|----------|
| | | ODOUR | DUST | NOISE | DANGER | LONGEST DISTANCE | | |
| - | | | | | | | | |
| 062 | - natural gas extraction incl. gas treatment plant: < 10,000,000 N m3/day | 30 | 0 | 500 C | 200 R | 500 | | 5.1 |
| 062 | - natural gas extraction incl. gas treatment plant: >= 10,000,000 N m3/day | 50 | 0 | 700 C Z | 200 R | 700 | | 5.2 |
| 0812 | - stone crushing plants | 10 | 200 | 700 Z | 10 | 700 | | 5.2 |
| 0899 | Marl and other mineral extraction companies | 10 | 200 | 500 C | 50 | 500 | | 5.1 |
| 101 | - fat rendering plant | 700 | 0 | 100 C | 30 | 700 | | 5.2 |
| 102 | - drying | 700 | 100 | 200 C | 30 | 700 | | 5.2 |
| 1051 | - dried products: prod. cap. >= 1.5 T/hr | 200 | 100 | 500 C Z | 50 R | 500 | | 5.1 |
| 1051 | - concentrated products: evaporation capacity >= 20 T/hr | 200 | 30 | 500 C Z | 50 R | 500 | | 5.1 |
| 1091 | - carcass destructor plants | 700 | 30 | 200 C | 50 | 700 | V | 5.2 |
| 1091 | - bone, feather, fish and meat meal factory | 700 | 100 | 100 C | 30 R | 700 | V | 5.2 |
| 1091 | - drying plants (grass, pulp, green crops, livestock feed): capacity >= 10 T/hr water | 700 | 200 | 300 C Z | 50 | 700 | | 5.2 |
| 1081 | - proc. cap. < 2,500 T/yr | 500 | 100 | 300 C | 100 R | 500 | | 5.1 |
| 1081 | - proc. cap. >= 2,500 T/yr | 1000 | 200 | 700 C Z | 200 R | 1000 | | 5.3 |
| 10821 | - cocoa and chocolate factories: prod. area > 2,000 m ² | 500 | 50 | 100 | 50 R | 500 | | 5.1 |
| 1083 | - coffee roasting plants | 500 | 30 | 200 C | 10 | 500 | V | 5.1 |
| 191 | Coke factories | 1000 | 700 | 1000 C Z | 100 R | 1000 | | 5.3 |
| 19201 | Oil refineries | 1500 | 100 | 1500 C Z | 1500 R | 1500 | | 6 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | |
|---------------|--|---------------------|------|----------|---------|--------|--------|-----|
| | | | | | | | | |
| 201, 212, 244 | Fissile and fertile material processing plants | 10 | 10 | 100 | | 1500 | 1500 V | 6 |
| 2011 | - air separation plants: proc. cap. >= 10 T/day air | 10 | 0 | 700 C Z | 100 R | 700 | | 5.2 |
| 2011 | - other gas factories; non-explosive | 100 | 0 | 500 C | 100 R | 500 | | 5.1 |
| 2011 | - other gas factories; explosive | 100 | 0 | 500 C | 300 R | 500 | | 5.1 |
| 2012 | - subject to the 'Post-Seveso directive' | 300 | 50 | 500 C | 700 R | 700 V | | 5.2 |
| 20141 | - subject to the 'Post-Seveso directive' | 1000 | 30 | 500 C | 700 R | 1000 V | | 5.3 |
| 20149 | - prod. cap. >= 50,000 T/yr | 500 | 0 | 300 C Z | 200 R | 500 | | 5.1 |
| 2015 | Fertilizer production factories | 500 | 300 | 500 C | 500 R | 500 | | 5.1 |
| 2016 | Synthetic resins factories and the like | 700 | 30 | 300 C | 500 R | 700 | | 5.2 |
| 202 | - manufacturing | 300 | 50 | 100 C | 1000 R | 1000 | | 5.3 |
| 202 | - formulation and replenishing | 100 | 10 | 30 C | 500 R | 500 V | | 5.1 |
| 2110 | - prod. cap. >= 1,000 T/yr | 300 | 10 | 300 C | 500 R | 500 | | 5.1 |
| 2051 | Gun powder, fireworks and explosives factories | 30 | 10 | 50 | 1000 FD | 1000 | | 5.3 |
| 2052 | - with animal products | 500 | 30 | 100 | 50 | 500 | | 5.1 |
| 231 | - glass wool and glass fibers: production capacity >= 5,000 T/yr | 500 | 200 | 300 C Z | 50 R | 500 | | 5.1 |
| 2351 | - prod. cap. < 100,000 T/yr | 10 | 300 | 500 C | 30 R | 500 | | 5.1 |
| 2351 | - prod. cap. >= 100,000 T/yr | 30 | 500 | 1000 C Z | 50 R | 1000 | | 5.3 |
| 235201 | - prod. cap. >= 100,000 T/yr | 50 | 500 | 300 Z | 50 R | 500 | | 5.1 |
| 235202 | - prod. cap. >= 100,000 T/yr | 50 | 500 | 300 Z | 50 R | 500 | | 5.1 |
| 23611 | - with presses, vibrator tables and formwork vibrators: production capacity >= 100 T/day | 30 | 200 | 700 Z | 30 | 700 | | 5.2 |
| 237 | - with breaking, sieving or drying: proc. cap. >= 100,000 T/yr | 30 | 200 | 700 Z | 10 | 700 | | 5.2 |
| 2399 | - prod. cap. >= 100 T/hr | 500 | 200 | 200 Z | 50 | 500 | | 5.1 |
| 241 | - prod. cap. < 1,000 T/yr | 700 | 500 | 700 | 200 R | 700 | | 5.2 |
| 241 | - prod. cap. >= 1,000 T/yr | 1500 | 1000 | 1500 C Z | 300 R | 1500 | | 6 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | |
|---------------|--|---------------------|-----|------|-----|------|----------|-----|
| | | | | | | | | |
| 245 | - prod. area < 2,000 m2 | 30 | 30 | 500 | | 30 | 500 | 5.1 |
| 245 | - prod. area >= 2,000 m2 | 50 | 100 | 1000 | Z | 50 | R 1000 | 5.3 |
| 243 | - prod. area >= 2,000 m2 | 50 | 50 | 700 | Z | 50 | R 700 | 5.2 |
| 244 | - prod. cap. >= 1,000 T/yr | 200 | 300 | 700 | Z | 50 | R 700 | 5.2 |
| 244 | - prod. area < 2,000 m2 | 50 | 50 | 500 | | 50 | R 500 | 5.1 |
| 244 | - prod. area >= 2,000 m2 | 200 | 100 | 1000 | Z | 100 | R 1000 | 5.3 |
| 2451, 2452 | - prod. cap. >= 4,000 T/yr | 200 | 100 | 500 | C Z | 50 | R 500 | 5.1 |
| 2453, 2454 | - prod. cap. >= 4,000 T/yr | 200 | 100 | 500 | C Z | 50 | R 500 | 5.1 |
| 2529, 3311 | - prod. area >= 2,000 m2 | 50 | 100 | 500 | Z | 50 | R 500 | 5.1 |
| 259, 331 | - prod. area >= 2,000 m2 | 50 | 100 | 500 | Z | 30 | 500 | 5.1 |
| 2790 | Carbon electrodes factories | 1500 | 300 | 1000 | C Z | 200 | R 1500 | 6 |
| 301, 3315 | - metal ships >= 25 m and/or engine test runs >= 1 MW | 100 | 100 | 500 | C Z | 50 | 500 | 5.1 |
| 3831 | Ship-breakers | 100 | 200 | 700 | | 100 | R 700 | 5.2 |
| 303, 3316 | - with engine test runs | 100 | 30 | 1000 | Z | 100 | R 1000 | 5.3 |
| 383201 | Metal and car shredders | 30 | 100 | 500 | Z | 30 | 500 | 5.1 |
| 383202 | - proc. cap. >= 100,000 T/yr | 30 | 200 | 700 | | 10 | 700 | 5.2 |
| 35 | - coal-fired (incl. co-fired biomass); thermal capacity > 75 MWth | 100 | 700 | 700 | C Z | 200 | 700 | 5.2 |
| 35 | - oil-fired; thermal capacity > 75 MWth | 100 | 100 | 500 | C Z | 100 | 500 | 5.1 |
| 35 | - gas-fired (incl. co-fired biomass); thermal capacity > 75 MWth, in | 100 | 100 | 500 | C Z | 100 | R 500 | 5.1 |
| 35 | - nuclear power stations with cooling towers | 10 | 10 | 500 | C | 1500 | 1500 V | 6 |
| 35 | - thermal power plants (gas); thermal capacity > 75 MWth | 30 | 30 | 500 | C Z | 100 | R 500 | 5.1 |
| 35 | - >= 1000 MVA | 0 | 0 | 500 | C Z | 50 | 500 | 5.1 |
| 35 | - gas compressor stations: capacity >= 100 MW | 0 | 0 | 500 | C | 200 | R 500 | 5.1 |
| 36 | - with chlorine gas | 50 | 0 | 50 | C | 1000 | R 1000 V | 5.3 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | | |
|----------|--|---------------------|-----|------|-----|---------|--------|-----|
| | | | | | | | | |
| 46499 | - professional fireworks; net explosive mass per storage location < 750 kg (and > 25 kg display fireworks) | 10 | 0 | 30 | | 500 FD | 500 | 5.1 |
| 46499 | - professional fireworks; net explosive mass per storage location 750 kg to 6 tonnes | 10 | 0 | 30 | | 1000 FD | 1000 | 5.3 |
| 46711 | - coal terminal: stor. area >= 2,000 m2 | 50 | 500 | 500 | Z | 100 | 500 | 5.1 |
| 46712 | - liquids: stor. cap. >= 100,000 m3 | 100 | 0 | 50 | | 500 R | 500 V | 5.1 |
| 46721 | - stor. area >= 2,000 m2 | 50 | 500 | 700 | Z | 10 | 700 | 5.2 |
| 52241 | - containers | 0 | 10 | 500 | C | 100 R | 500 | 5.1 |
| 52241 | - ores, minerals, etc.: stor. area >= 2,000 m2 | 50 | 700 | 1000 | C Z | 50 | 1000 | 5.3 |
| 52241 | - grains or flour varieties: proc. cap. >= 500 T/hr | 100 | 500 | 500 | C Z | 100 R | 500 | 5.1 |
| 52241 | - black coal: stor. area >= 2,000 m2 | 50 | 700 | 700 | C Z | 100 | 700 | 5.2 |
| 52241 | - oil, LPG, etc. | 300 | 0 | 100 | C | 1000 R | 1000 | 5.3 |
| 52242 | - ores, minerals, etc.: stor. area >= 2,000 m2 | 50 | 500 | 700 | Z | 50 | 700 | 5.2 |
| 52242 | - grains or flour varieties: proc. cap. >= 500 T/hr | 100 | 500 | 300 | Z | 100 R | 500 | 5.1 |
| 52242 | - black coal: stor. area >= 2,000 m2 | 50 | 500 | 500 | Z | 100 | 500 | 5.1 |
| 52242 | - oil, LPG, etc. | 100 | 0 | 50 | | 700 R | 700 | 5.2 |
| 5223 | Airports | 200 | 50 | 1500 | C | 500 R | 1500 V | 6 |
| 5223 | Helicopter pads | 0 | 50 | 500 | | 50 | 500 | 5.1 |
| 3700 | - >= 300,000 PE | 500 | 10 | 300 | C Z | 10 | 500 | 5.1 |
| 382 | - manure processing/pellet factories | 500 | 10 | 100 | C | 10 | 500 | 5.1 |
| 382 | - processing of radioactive waste | 0 | 10 | 200 | C | 1500 | 1500 | 6 |
| 382 | - not aerated: proc. cap. 5,000 - 20,000 T/yr | 700 | 300 | 100 | | 30 | 700 | 5.2 |
| 931 | - outdoor ranges with amenities: handgun shooting range | 10 | 0 | 1000 | | 200 | 1000 | 5.3 |
| 931 | - open outdoor ranges: target | 0 | 0 | 500 | | 1500 | 1500 | 6 |

| SBI-2008 | DESCRIPTION | DISTANCES IN METERS | | | | | |
|----------|---|---------------------|-----|--------|------|------|-----|
| | | | | | | | |
| | trees | | | | | | |
| 931 | - open outdoor ranges: rifle ranges | 10 | 0 | 1500 | 1500 | 1500 | 6 |
| 931 | - open outdoor ranges: handgun ranges | 10 | 0 | 1500 | 1500 | 1500 | 6 |
| 931 | - outdoor ranges with amenities: target trees | 10 | 0 | 300 | 500 | 500 | 5.1 |
| 931 | - outdoor ranges with amenities: rifle shooting ranges | 10 | 0 | 1000 | 1500 | 1500 | 6 |
| 931 | Open air go-karts and kart circuits; < 8 hours/week in use | 50 | 30 | 500 | 30 | 500 | 5.1 |
| 931 | Open air go-karts and kart circuits; >= 8 hours/week in use | 50 | 50 | 1000 Z | 30 | 1000 | 5.3 |
| 931 | Racing circuits, motocross terrains, etc.; < 8 hours/week in use | 100 | 50 | 700 | 50 | 700 | 5.2 |
| 931 | Racing circuits, motocross terrains, etc.; >= 8 hours/week in use | 100 | 100 | 1500 Z | 50 | 1500 | 6 |

APPENDIX 4: PARKING STANDARDS

The table below provides an overview of the parking standards by function. This is a global overview for all

possible functions for all of Sint Maarten. However, not every function may occur within the current planning area.

| Function | Example/Clarification | Parking places per unit |
|---|---|---|
| Labor-extensive and visitor-extensive companies | Warehousing shed, storage, transport | 0.5 per 100 m ² GFA ¹ with a minimum of 2 |
| Labor-intensive and visitor-extensive companies | Garages, various types of industrial functions | 1.2 per 100 m ² GFA with a minimum of 3 |
| Hospitality: no accommodations | Café, bar, restaurant, discotheque, cinema, casino, theater, multi-purpose hall and other functions focused on entertainment and providing food and/or drinks | 8 per 100 m ² GFA with a minimum of 4 |
| Hospitality: provision of accommodation | Hotel, resort, guesthouse, bed and breakfast | 1.2 for every 2 rooms |
| Office | Lawyer's office, insurance company, banks, ministries, etc. | 2.5 per 100 m ² GFA with a minimum of 4 |
| Education: day-care center | Day-care and after-school care/nursery | 1.5 per 100 m ² GFA with a minimum of 3 |
| Education: school | Elementary school, high school and college | 1.5 per classroom |
| Sports: sports center, canteen, hall, fitness, dance studio and comparable | Melford Hazel Sports Complex, Belair Health and Fitness | 2 per 100 m ² GFA with a minimum of 4 |
| Sport: stadium | sports field surrounded by bleachers | 0.15 per seat |
| Shop: supermarket and other retail | Large supermarket, neighborhood supermarkets, clothing shop, kitchenware shop | 5 per 100 m ² GFA with a minimum of 4 |
| Shop: department store, wholesale and similar shops larger than 50 m ² GFA | Hardware store, building materials store | 2.5 per 100 m ² GFA |
| Residential | All types of dwellings | 1 per dwelling plus 1 for every two bedrooms |
| Healthcare | Hospital, family doctor's/doctor's practice, pharmacy, dentist, beautician, barber and comparable | 3 per 100 m ² GFA with a minimum of 3 |
| Religious establishment | Church, house of worship | 3 per 100 m ² GFA |

¹ GFA = Gross Floor Area and is defined as the sum of all of the building's interior spaces plus the sum of all of the building's (semi) covered exterior spaces. All spaces are added up together. In other words, a 100-m² building with three floors has a GFA of 300 m².

APPENDIX 5: DETAILED PLAN REQUIREMENTS

A development plan shall include the following information at least drawings situation:

- Overview maps: scale of 1: 500, supplemented with details where necessary;
- Scale and north arrow;
- Important topographic features (existing plots, ['meetbrieven'], height lines at least per 10 meter (depending on the local relief: each 5 m), height markings, large trees, water, etc.);
- Adjacent land including buildings and infrastructure, with an area of at least 50 meters (or as much as is needed to show key elements in the vicinity of the development area);
- Existing infrastructure and buildings;

- Proposed subdivision of the parcels within the project area, including the expected plot sizes and height markings;
- Location of existing and planned infrastructure, such as roads, driveways, parking lots;
- Plan map.

An elaboration must explain:

- The proposed development;
- Some pictures of the location and surroundings;
- Elaboration to the relevant regulations.

The reporting may be combined with the water-household plan, if this is also required.

The report should be submitted in triplicate.

APPENDIX 6 WATER MANAGEMENT PLAN REQUIREMENTS

The water management plan must demonstrate the following:

- That the water management system for the entire area to be detailed can accommodate a precipitation intensity of 100 mm per hour for a period of one hour. Which should be a time of emptying the water management system on existing pipelines and conduits downstream of up to 1 day account. This should take into account the time of emptying of the water management system on existing pipelines and gutters downstream, of up to 1 day;
- That as a result of the total paved surface area that can be realized on the basis of the detailed plan, not more additional rainwater (or a faster runoff) can flow onto adjacent parcels and infrastructure at a precipitation intensity of 100 mm per hour for a period of one hour, by providing facilities for catching the rainwater in the area subject to development;
- How facilities for catching the rainwater will be provided downstream, if it is technically not possible to provide these facilities in the area subject to development.

The water management plan at a minimum must contain the following information for this purpose:

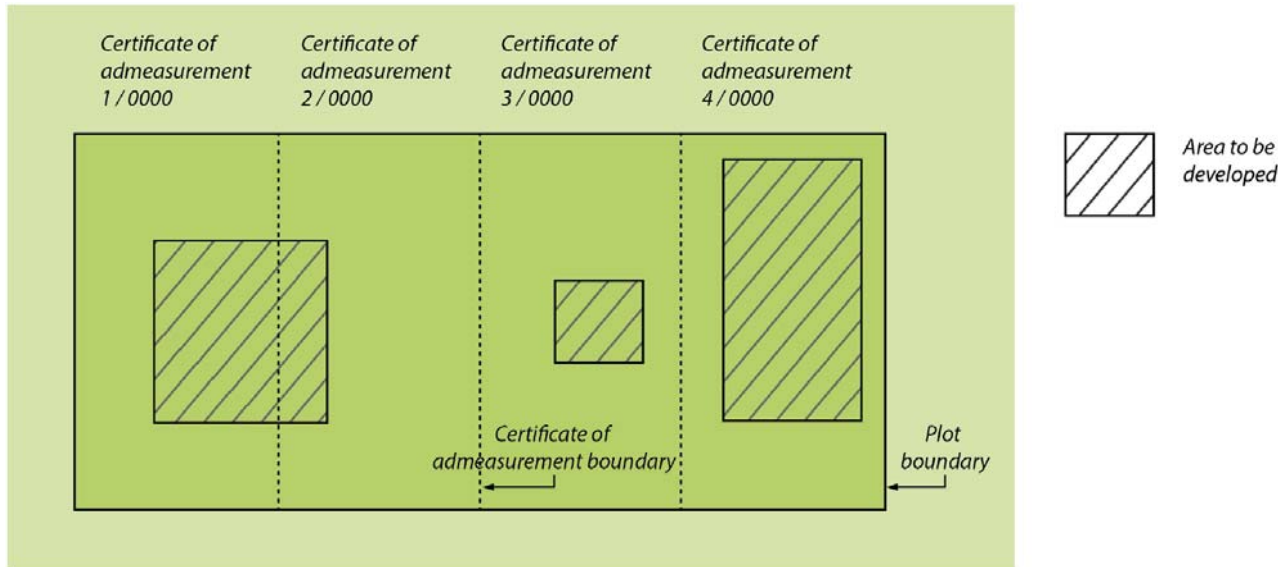
- Calculation of the total paved surface area in m²;
- Calculation of the total required volume of the facilities designed to catch the rainwater in m³, to be determined as follows: paved surfaced area x 0.1 m = total required volume in m³ (the 0.1 m comes from the shower that in one hour's time will deposit 100 mm of precipitation);
- Only 25% of the volume of the cistern only can be calculated for the water management facilities;
- Location, type and dimensions of the proposed facilities for catching the rainwater, such as cisterns, infiltration provisions and retention lakes;
- Location, type and dimensions of existing and proposed channels, gutters and similar facilities for discharging rainwater from the area to be detailed and the connection to/discharge on adjacent parcels and/or infrastructure, if applicable;
- Site plan with arrows that indicate the water's direction of flow before and after development.

The report may be combined with the Detailed Plan. The report should be submitted in triplicate.

APPENDIX 7: CERTIFICATE OF ADMEASUREMENT VERSUS PLOT SAMPLE CASE

A single building permit is requested for three buildings within the zone Residential-1 that are to be constructed on four different land registry parcels (fictitious certificates of admeasurement 1/0000, 2/0000, 3/0000 and 4/0000). See diagram below. The plan map identifies a maximum building density of 50% for this plot, and it also specifies a minimum distance to the side plot boundary. A building permit requested for the entire plot consisting of all four certificates of admeasurement complies with the building regulations and can be approved. If a separate building permit were to be requested for

parcel 4/0000 it would not comply with the building regulations, because the building density is exceeded. This is not the case for the total plot, however, because much less than 50% of parcel 3/0000 is being developed. A separate request for a building permit for parcel 1/0000 or 2/0000 also does not comply with the building regulations, because there is zero distance to the plot boundaries. If a request were to be submitted for both these parcels the distance would be sufficient because both certificates of admeasurement must then be considered as a single plot.



Part II C: Plan Map



PART II C: PLAN MAP