

Development Plan Simpson Bay

2014





**Ministerie van Volkshuisvesting,
Ruimtelijke Ordening, Milieu
en Infrastructuur**

Ministry of Public Housing, Spatial Planning,
Environment and Infrastructure

Status: Draft

Date February 2014

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

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Part I

Development Plan: Elaboration

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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 is tasked with preparing spatial development plans for all of Sint Maarten in accordance with the National Ordinance on Spatial Development Plannings. 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 buildings and the use that may be made of these buildings and land. This development plan concerns the Simpson Bay region.

Conservation and Reservation

Many parts of the Country Sint Maarten will be more or less designated as conservation (in other words, existing functions and building opportunities will be maintained). The zoning 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.

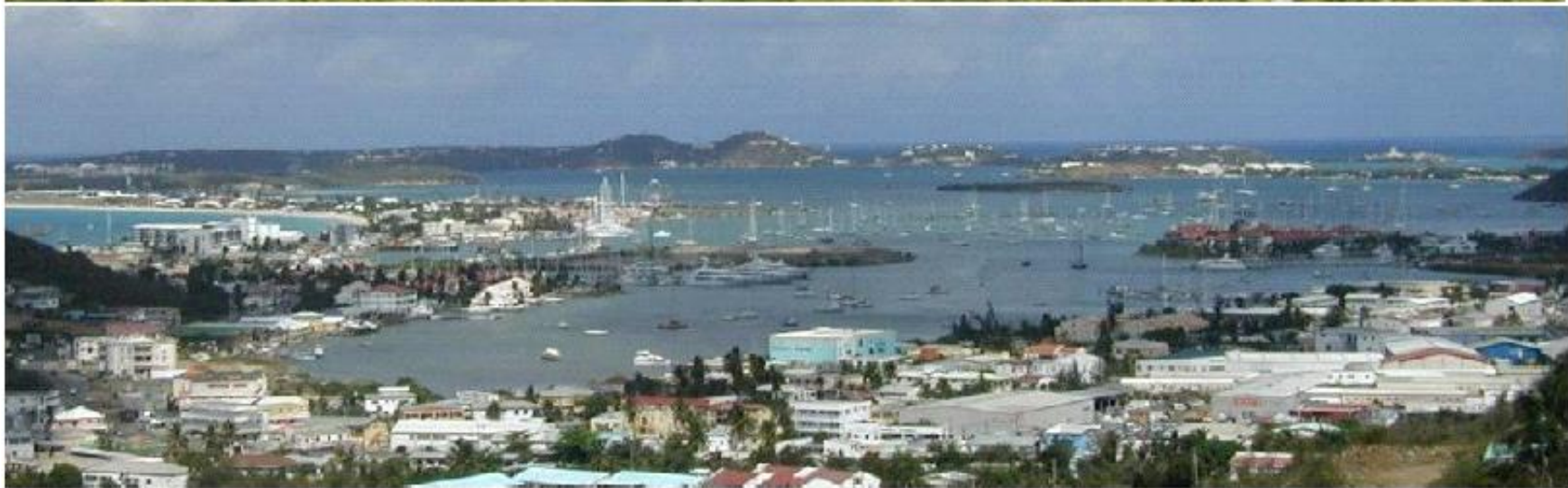
The plan does not represent an obligation to actually realize something; a development plan is not an implementation plan. It is therefore possible that the explanatory notes describe an idea, that space is reserved for it on the Plan map, but that in 10 years' time the idea still has not been implemented. 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:
 - Infrastructure;
 - Princess Juliana International Airport;
 - tourism and recreation;
 - commercial, industrial and public functions;
 - residential area;
 - Nature and Landscape;
 - 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.



Photos: Development of the Simpson Bay Lagoon in the 1970s (top) compared to the 21st century (below) (Source: A. Caballero, Jay Haviser)

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 Subdivision Plans / Planning Permits

The development plans replace the approach with subdivision 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, building height and building density. An integral assessment framework has been missing, however, up to the present day. The planning permit approach is no longer in effect since 7 January 2012, because the legal possibility to apply this approach was eliminated effective on that date. A key principle adhered to 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 Preparation of the development plans

Procedure

In 1993 (last updated in 2013), 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 preparation and adoption.

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

Process

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

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 on 8 March 2012, in the Simpson Bay Community Centre. Based on this preparation 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 Preliminary Draft of the Development Plan was subsequently prepared and was presented to the public during a public hearing on February 25, 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 8 March and 6 September 2012 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 during the period 2011-2013. This includes the Simpson Bay Lagoon Authority (SLAC), the Princess Juliana International Airport (PJIA), the Department of Civil Aviation, Shipping & Maritime Affairs, and the Nature Foundation. 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 Syn-
- ergy, Cross Border Relations, November 2008;
- Hotspots (incl. Simpson Bay), 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;
- Development perspective St. Maarten West, July 2007.

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





Photo: Princess Juliana International Airport Terminal

2 PART I B: SUMMARY OF OBJECTIVES

2.1 Introduction

This chapter briefly describes the planned objectives for Simpson Bay in summary form.

Simpson Bay Plan Area

The planning area is located in the western part of Sint Maarten and comprises:

- The Simpson Bay Lagoon in the north (up to the French border);
- Simpson Bay Village (up to and including the Lejuez drawbridge);
- Princess Juliana International Airport (PJIA);
- Beacon Hill in the south-west of the planning area.

Simpson Bay Main Features

The planning area plays an important role in Sint Maarten's economy, particularly due to the presence of the airport and the lagoon. It is a highly diverse area, with a high variety of landscapes and functions within a short distance. The objective is to maintain, and where possible strengthen, its role in the country's economy, and at the same time retain, and where necessary protect, the variety of landscapes.

2.2 Infrastructure

The Airport Road is the main road connecting the planning area with the rest of the island. Mostly commercial facilities and hospitality establishments are located along this road. Aside from a connecting function, the road also provides an access function: the shops, businesses and restaurants are directly connected to it, as are many parking spaces. The result is that the Airport Road often suffers from traffic jams. The fact that the Lejuez drawbridge between the bay and the lagoon is open for part of the day further exacerbates the situation. Reducing congestion is the most important objective for the Airport Road.

Since the end of 2013, additional infrastructure to supplement Airport Road has been present in the form of the Causeway (Link 9).

In addition, there are plans for improving the drawbridge, as well as for possibly constructing an additional shore link at the south-east point of the lagoon (Link 8).

2.3 Princess Juliana International Airport

The international airport forms an important link with the rest of the world. There are plans to expand the airport in order to accommodate the increased capacity required in the future for passengers, as well as for private and goods transport. For example, a new taxiway will contribute to this increased capacity.

To optimize the airport's services, there are ideas for convention and hotel facilities, among other things.



Photo: Airport Road street scene

2.4 Tourism and Recreation

Key tourist attractions (aside from the predominantly beautiful weather) include the white beaches, the lagoon and the green hills of Sint Maarten.

The shores of the lagoon are inaccessible to the public in many places due to the fact that parcels were granted right up to the shoreline.

Retaining and enhancing public access to the beaches and wharves is one of the basic principles underlying this development plan.

The lagoon is one of the island's key tourist attractions, with marinas for pleasure boats and ecological values in, for example, the Mullet Pond. New land reclamations and marinas have been constructed in the Lagoon in recent years. Finding a balance between ecological and scenic values on the one hand and tourism demands on the other hand is the most important objective for this area.

A concentration of resorts and hotels can be found on the west side of Beacon Hill. This area will be reserved for this purpose in the future as well.

2.5 Commercial, industrial and public functions

Simpson Bay Village contains a mix of commercial functions, shops and hospitality establishments, particularly along Airport Road. This area has evolved into one of the more important entertainment centers of the entire island.

This area also accommodates a number of public functions, such as a school, the community center, a police station and a cemetery. The intent is for this area to continue to fulfill this role in the future. Developments that will reinforce the accommodation function of this area will be facilitated. What comes to mind here for example includes jogging and bicycle paths, tourist-recreation routes along the coasts and cultural historical heritage, as well as an additional pier along the Lejuez drawbridge to accommodate smaller cruise ships and/or mega yachts.

2.6 Residential area

The area of Simpson Bay Village to the south-west of Airport Road is primarily a traditional residential area, mainly low-rise (two floors with a gabled roof) with a few apartment buildings (primarily approximately three floors with a gabled roof) in medium high rises along the beach. The quality of the public spaces in this neighborhood leaves something to be desired (such as potholes in streets and a lack of sidewalks). The objective for this area is to retain the authentic living atmosphere, with space for apartment buildings along the coast.

The residential area in Beacon Hill consists of villas on spacious lots. This area is zoned in a conservative manner.



Photo: Simpson Bay Beach

2.7 Nature and landscape

The planning area comprises large scenic as well as natural values. These primarily comprise:

- The large inland waters of the Simpson Bay Lagoon, with major natural values in Mullet Pond, Little Key and along the shores with mangroves;
- The Simpson Bay beaches;
- The green hills of Sint Maarten in the background (that indeed fall outside the planning area, but play a major role in terms of experiencing the planning area).

As indicated earlier, the objective for the waters is to seek a balance between the tourism-recreational pressures on the one hand and the natural values on the other.

In terms of the beach, the existing policy will continue to be pursued, whereby public accessibility is a priority and needs to be improved.

2.8 Cultural history and archaeology

The old Simpson Bay Village contains a concentration of historical buildings that keeps the memories of the old fishing village alive. These historical buildings are generally barely maintained any more. The objective of the development plan is to accommodate the conservation of these historical buildings, possibly with a function other than living, so that revenues can be generated for maintaining their authentic atmosphere.

A large part of the planning area has a high expected archaeological value, which results from the fact that this area has been inhabited for a long period of time. The objective is to protect the potentially present artifacts by conducting a preliminary research in the areas with a high 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

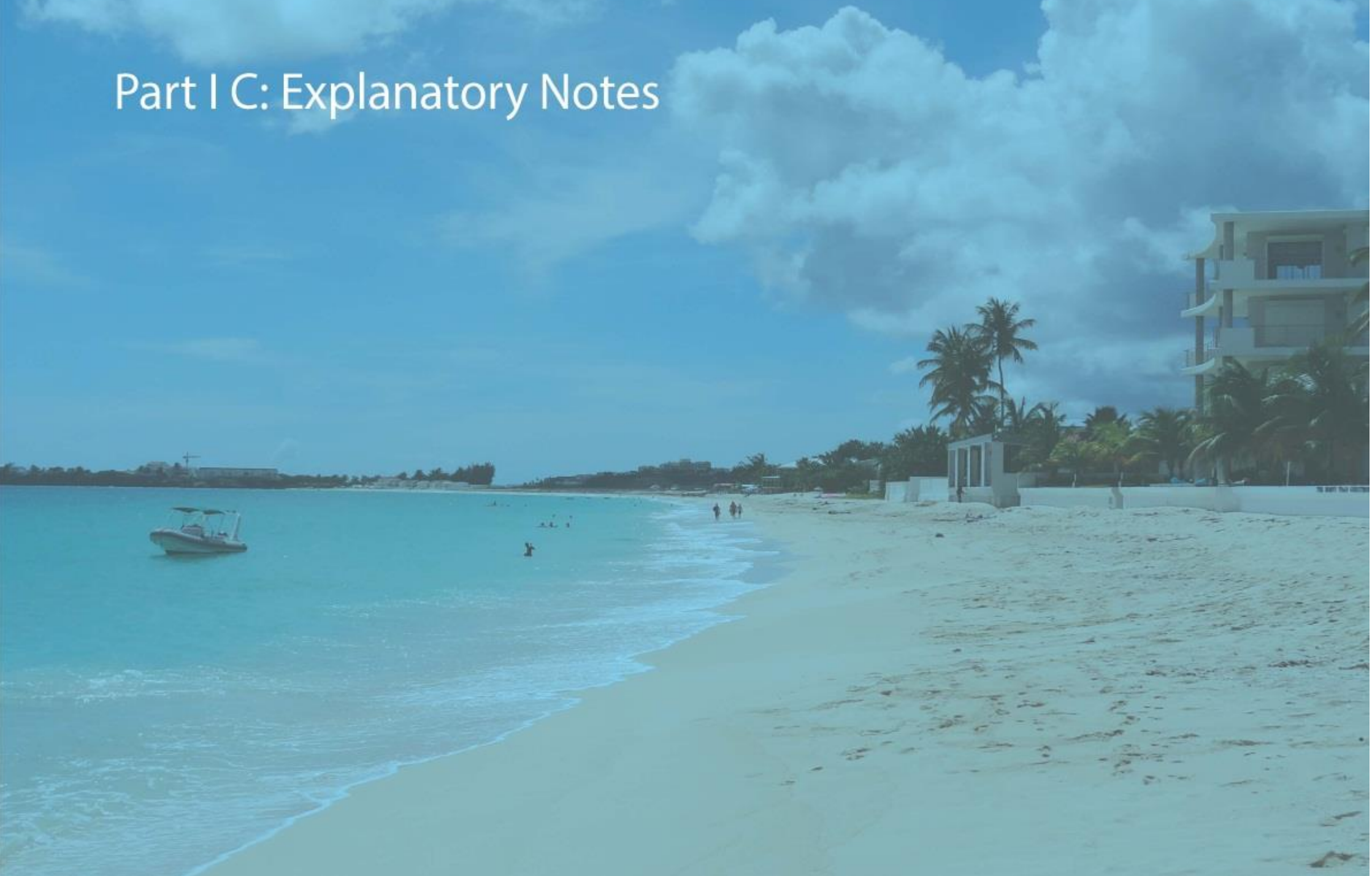
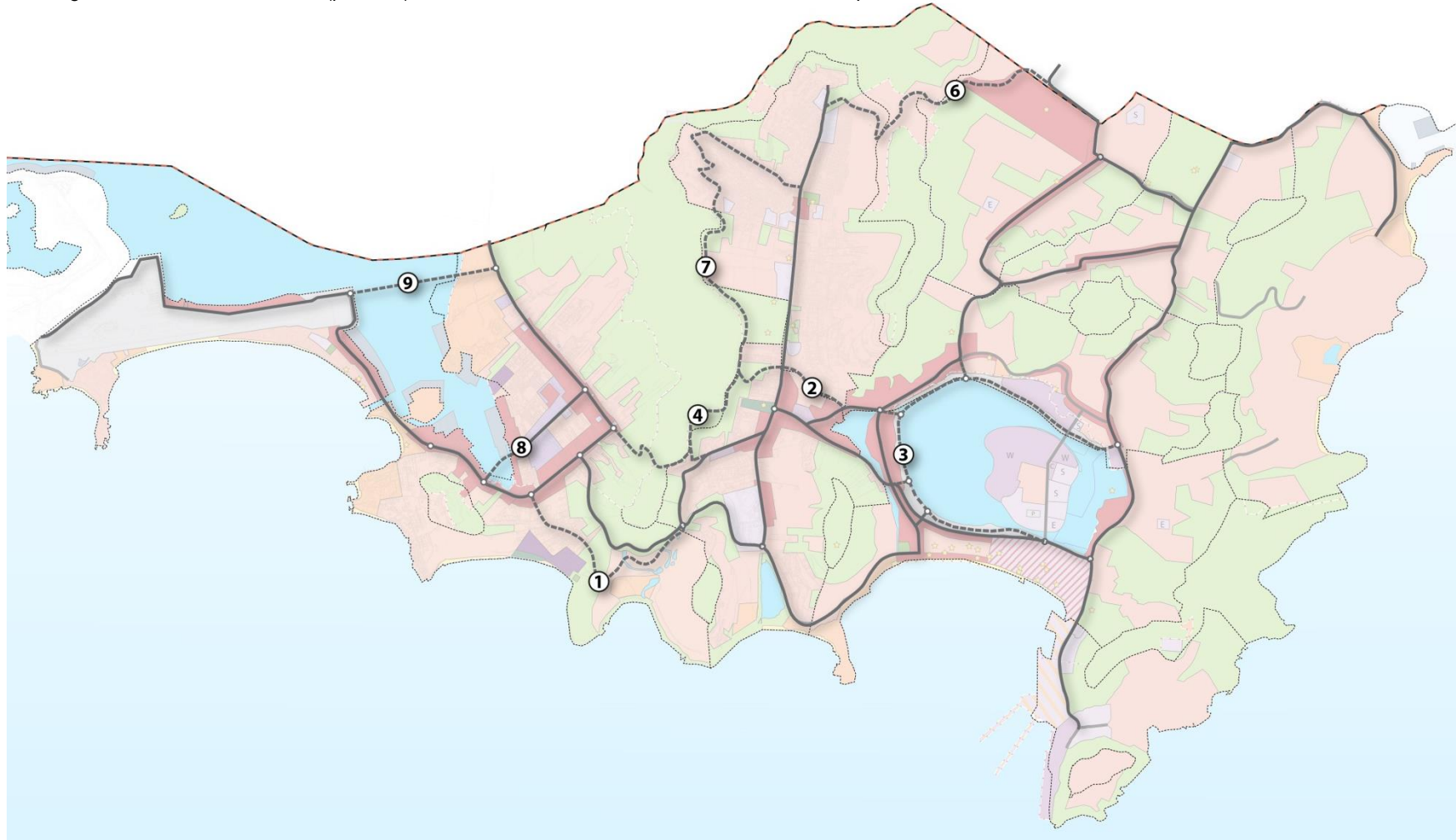


Figure 2: Location Plan for the (planned) links in Sint Maarten. Links 8 and 9 are within the plan area under consideration here.



3 PART I C: EXPLANATORY NOTES

3.1 Introduction

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

- Infrastructure;
- Princess Juliana International Airport;
- Tourism and recreation;
- Commercial, industrial and public functions;
- Residential area;
- Nature and Landscape;
- Cultural history and archaeology.

3.2 Infrastructure

Transport – key areas for attention

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

Issues and plans

The continuing Airport Road route forms part of Sint Maarten's primary road network and connects the airport with the rest of the island. This road simultaneously functions as the main connection and through-route, as well as an access road for functions located along the road. The road has two lanes, no sidewalks and predominantly unpaved shoulders that are used for right-angled parking. Circulation comes to a standstill for large parts of the day. The cause of this is the large traffic flow, the incessant moving in and out of parking spaces, the poor local quality of the road surface, water drainage problems, buses stopping on the road and the drawbridge which is regularly open.

Traffic back ups are a major issue for the economy and the spatial development of Sint Maarten and Simpson Bay. The following solutions to this problem have been conceived²:

- Additional road connections: Links 8 and 9;³
- Reprofiting of the Airport Road's road profile;

²Comprehensive Road Network Plan, Ministry of Housing, Spatial Planning and the Environment (VROM), 1993;

³ East-West Connection and Road Plans, VROM, March 2012

- Improving the Lejuez drawbridge.

New road connections

Work is underway to create a better connection between the airport and the rest of Sint Maarten (see Figure 2):

- Link 9: the Causeway: a bridge across the Lagoon from (approximately) the runway to Union Road. This road has since been constructed.
- Link 8: in the south-eastern part of the Lagoon; an optional connection between Welfare Road and Orange Grove Road/Union Road. This road may be constructed in the future.

The construction, reservation of space and any restrictions for these additional roads are included on the Plan map and in the regulations.

Reprofiling the Airport Road

Cars park along long stretches immediately adjacent to Airport Road. 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. However, the required space is not available everywhere for this purpose. This is why the development plan reserves space for this. See Figure 3.

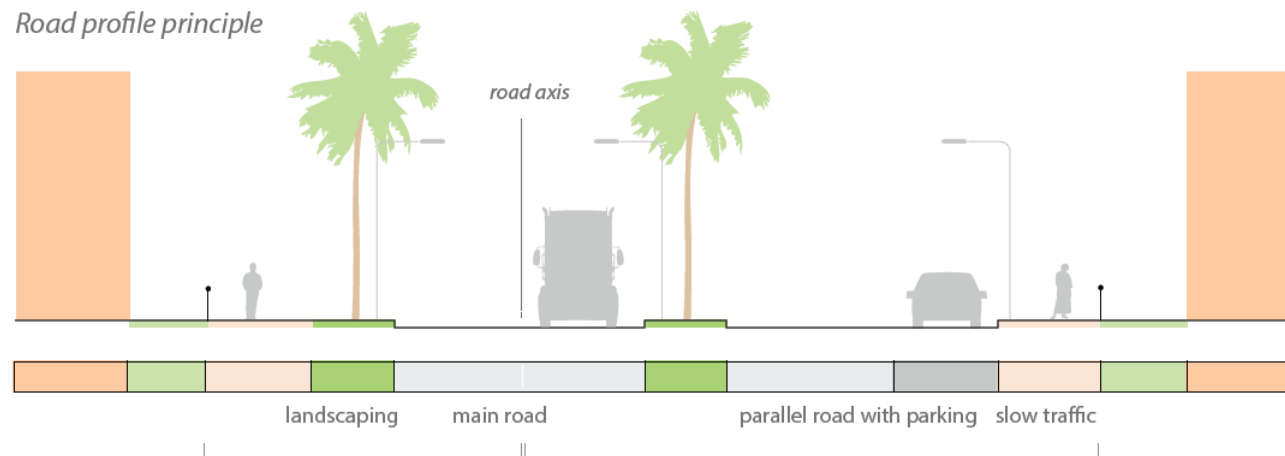


Figure 3: Potential profile for highways: parallel road for local traffic and parking, greenscape and room for pedestrians and cyclists. Approximately 18 to 22 meters of space has been reserved for this purpose.

Improving the Lejuez Drawbridge

The Lejuez drawbridge allows ships to transit from the sea into the Simpson Bay Lagoon. This is why the bridge has to open regularly, which impedes automotive traffic.

Furthermore, the bridge has reached the end of its life span and therefore requires replacement.

Aside from replacing the bridge, some thought is also being given to the possibility of constructing a tunnel/aqueduct.

It is not yet clear which solution will be selected. The development plan therefore accommodates both solutions.

In addition, the current access canal to the Lagoon is too small and not well aligned with the navigation channel for mega-yachts. The plans for the bridge are combined with the widening and straightening of the canal.

Parking

Various areas on Sint Maarten are evolving into urban centers with the associated busy traffic and shortage of parking space. One of the examples of this is Simpson Bay Village in the area of Airport Road. The shortage of parking space also creates a lot of traffic searching for space, which in turn impedes through flow. As a solution to this problem, this development plan reserves space for parking in the new profile for the Airport Road and the regulations stipulate that personnel, residents and/or visitors must park on their own property. In addition, the focus must be on constructing new central parking facilities. The precise location of these facilities is still the focus of further study. These parking facilities therefore do not require separate zoning, but are feasible within the underlying zonings.

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 ad-measurement/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 zoning);
- 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 2004⁴, 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 in Appendix 4, 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 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.

The many alleyways along the bay

One of the characteristics of the Simpson Bay Village is its many alleyways that directly connect the village with the beach and the Simpson Bay. The visual and physical relationship is protected by designating these alleyways as a traffic zone. This prevents these alleyways from being closed off in the future.

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 bus stations with synchronized transfer times, can give the use of the public transportation system a boost.⁵⁶ 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.

⁴ASVV 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).

⁵Public Transport system improvement in Sint Maarten, KrzysztofSchütz, July 2011

⁶ Public Transportation Policy, 2007

Quality of the roads

The quality of the roads leaves something to be desired in many places. Proper drainage and sewers are generally lacking, drainage gutters are lacking or are very narrow, a solid foundation is lacking and road markings do not last very long. As indicated earlier, a development plan only reserves space and provides guidelines concerning the use of space and the degree of development. In short, elements that have nothing to do with this (such as the quality of the permitted function, for example) do not belong in it. The solutions to these problems therefore only partly belong in a development plan. Examples of this are the aspects related to water management (sewers, gutters along roads and the like). This is further dealt with in section 3.7. Other aspects (foundations, road markings and the like) are primarily infrastructure management-oriented in nature and are not addressed in a development plan.

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.

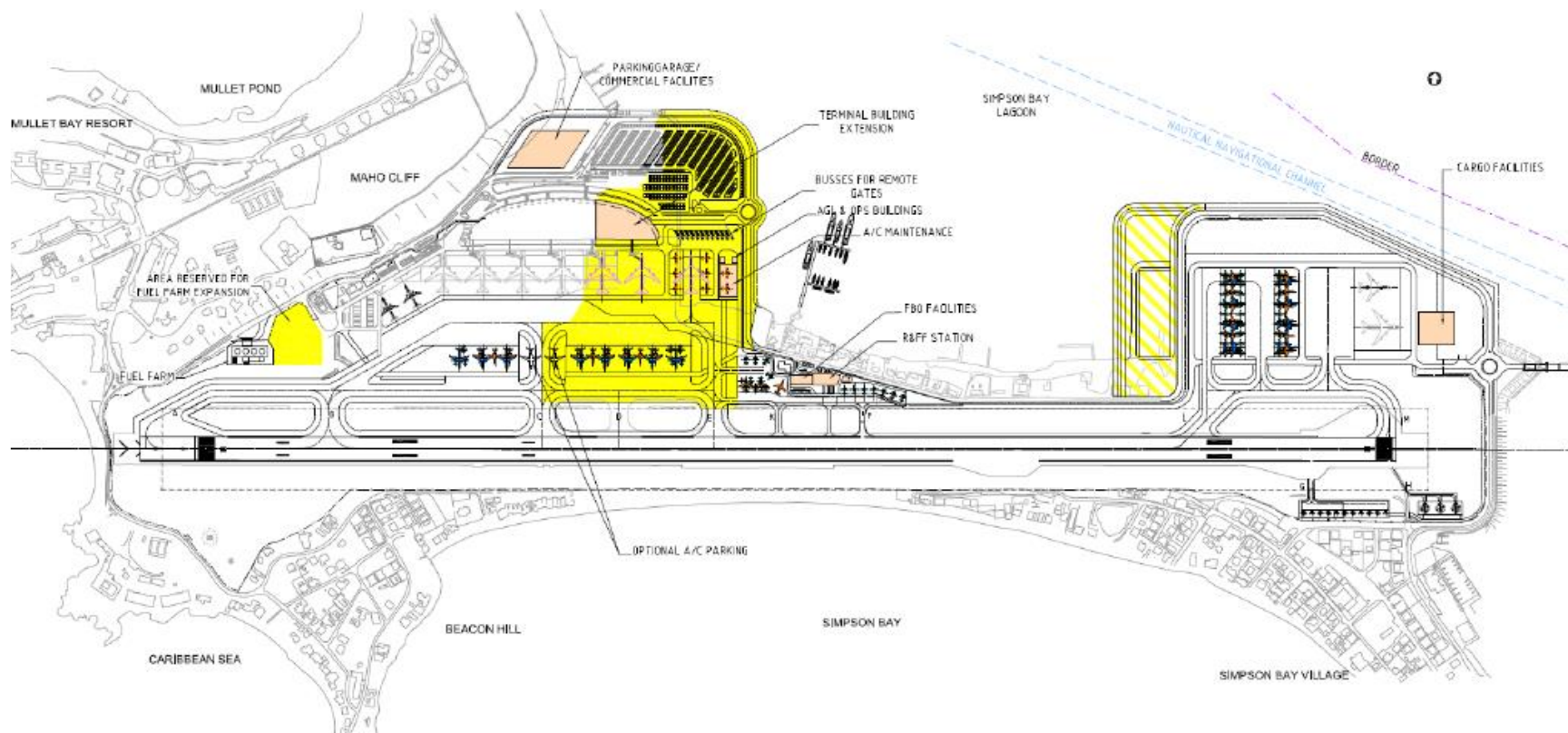


Figure 4: Phase 2 from the Princess Juliana International Airport Master Plan (Source: Master Plan Update PJIA Sint Maarten, NACO, November 2012)

3.3 Princess Juliana International Airport

Improvement and expansion of the PJIA

The Princess Juliana International Airport plays a crucial role in Sint Maarten's accessibility. The number of passengers that each year passes through the airport (arriving and departing) is approximately 1.7 million. This is projected to increase to 2 million in 10 years and to as many as 2.3 million in 20 years.

A number of things currently are not optimally organized at and around the airport. For example, current capacity is limited because the runway must also be used for taxiing, there is too little room to park the airplanes, the terminal will have to be expanded over time, the 'obstacle-free zone' requirement is not met, and part of the buildings alongside the runway are too high.

To be able to meet needs over time as well, the airport will be improved and expanded over the coming years. The PJIA Operating Company N.V.⁷ has set out its plans for the coming years in the Master Plan Update. These plans are described in this section, as well as the way in which these aspects have been incorporated into this development plan.

Master Plan – Phase 1 and 2

The Master Plan comprises three planning phases. Phases 1 and 2 provide the basis for the development plan (see Figure 4). This is because these phases contain the most essential elements for improving and expanding the capacity of the airport. In addition, Phase 1 and 2 have approximately the same time horizon as the development plan.

The key elements in the Master Plan Phase 1 and 2 are as follows:

- Land reclamation in the Simpson Bay Lagoon to the north-east of the runway to make space for:
 - Part of the new taxiway;
 - The apron, the parking space for airplanes;
 - Airport-related activity.
 - A second land reclamation in the Simpson Bay Lagoon to the north-east of the existing terminal to make space for:
 - Commercial facilities (for example, a convention space);
 - Expansion of the terminal;
 - A parking garage/expansion of the parking area;
 - Expansion of the apron.
 - Construction of a helipad for three helicopters, to the north of Simpson Bay Village;
 - Relocation and capacity expansion of the fuel storage facility; further away from the runway and taxiway;
 - Relocation of the catering facilities (to make room for the fuel storage facilities) to outside the airport terrain;
 - Construction of a marina, for the target group of private planes (who can access their private yachts from here).
- Part of the existing buildings along this part of the Lagoon's shores must be demolished for this purpose.

⁷ Master Plan Update Princess Juliana International Airport Sint Maarten, NACO, Final Draft November 2012

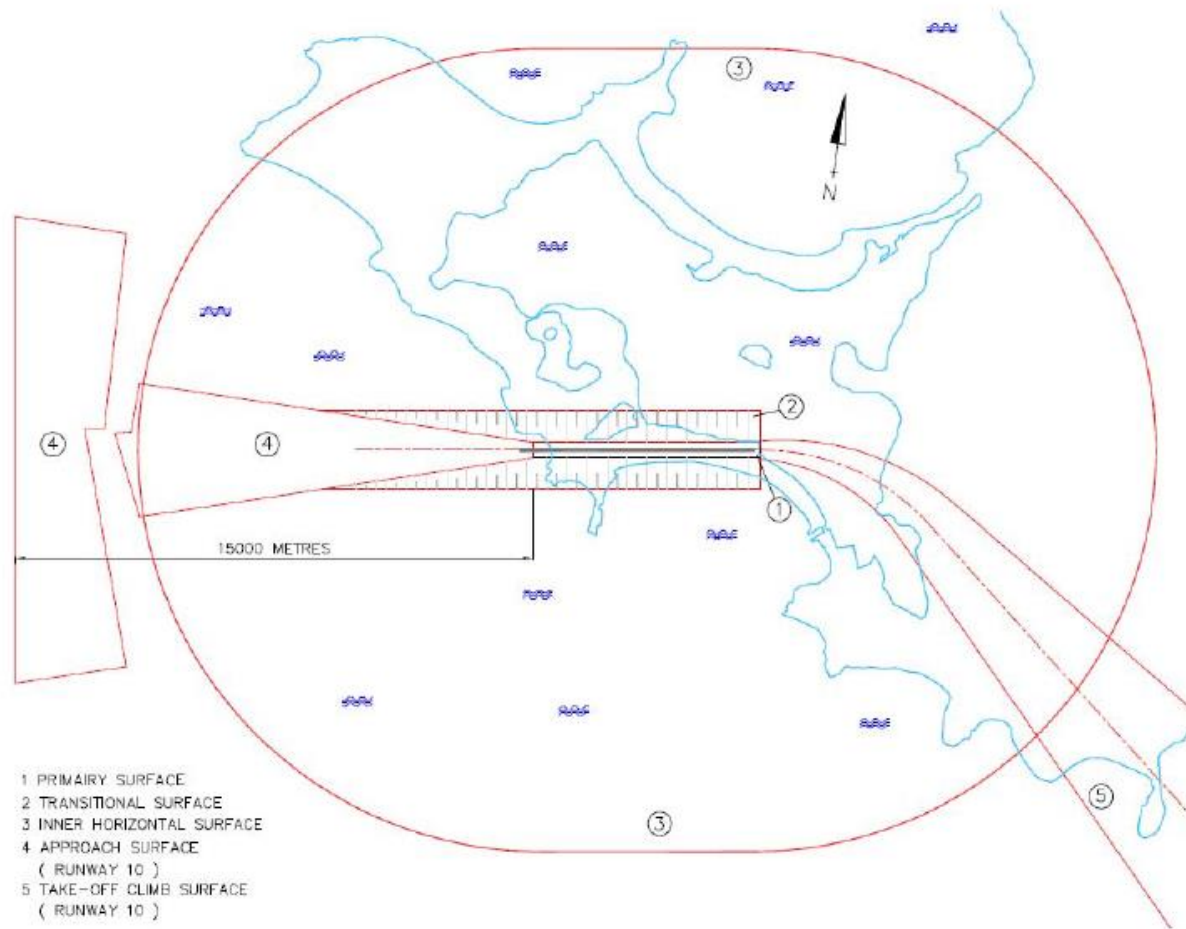


Figure 5: Use restrictions around the airport: obstacle-free zone, funnel, approach path (Source: Master Plan PJIA, NACO) (see next page for numbering)

Free space for the airport

Aside from the physical space occupied by an airport, an airport naturally also requires free airspace. This space consists of five sub-areas (Fig. 5).

1:Primary Surface:obstacle-free zone

= at the site of the runway

To be able to safely take off and land, an obstacle-free zone of a width of $2 \times 75 = 150$ m is required adjacent to the immediate runway. (ideally this zone would have a width of $2 \times 150 = 300$ m; however, this is not considered feasible. The reason is that this would require many (airport and private) buildings to be demolished and rebuilt, part of the hills adjacent to the airport would have to be removed and additional land reclamation would be required in the Simpson Bay Lagoon, as well as in the Simpson Bay).

2:Transitional Surface: the Funnel

= an unobstructed funnel adjacent to the strip. Adjacent to the strip, up to a height of 45 m above the top of the strip (49 m above water level), a V-shaped space must be kept free from obstacles, such as buildings, structures (the Causeway) and ship masts. The incline of the sides of the V runs at an angle of 1:7. This is reflected on the Plan map. Not all development currently meets this requirement. While existing building may remain, any new building plans that are submitted will be reviewed against these funnel criteria. This also has implications for the ship masts that may be located in the funnel space.

3:Inner Horizontal Surface

= area with restrictions within 4 km from the strip

Ideally there must not be any obstacles in this area above 45 m (above the strip = 49 m above sea level). In view of Sint Maarten's natural relief (as well as that of Saint Martin), this is not applicable here. However, it does mean vigilance to ensure no new obstacles are created. This can be an issue in terms of high ship masts or the construction of high buildings or structures on hilltops and along hill edges. This has implications for the present planning area and the development plan consequently contains restrictive regulations for this purpose.

4:Approach Surface

= unobstructed approach path

Given its location, the approach path is outside the planning area and does not have any implications for this development plan.

5:Take-off Climb Surface:Departure path

= unobstructed departure path

Due to the prevailing winds, airplanes fly from west to east 95% of the time.

In view of the height, particularly Sentry Hill (340 m) and other hilltops on the French side of the island, airplanes, particular large airplanes, quickly veer to the south to subsequently pass over Fort Amsterdam towards the Caribbean Sea. As a result there are restrictions here for high structures such as transmission towers and potential wind turbines.



Photo: Simpson Bay beach apartment complex, the height of the four stories in relation to the height of the palm trees is visible

3.4 Tourism and recreation

Development of tourism on Sint Maarten

Sint Maarten is a popular destination among tourists. This applies to long-term tourists as well as to cruise passengers who only visit the island for a single day⁸. Sint Maarten has just under 7,000 rooms (in hotels, condos, timeshare apartments or guesthouses). However, the occupancy rate has declined from almost 70% in 1994 to 55% in 2010⁹. Due to the construction of the second cruise pier a few years ago, however, the number of cruise tourists has risen.

The objectives formulated in the Tourism Master Plan are as follows:

- Focus on a broader, higher-quality market segment;
- Attract more stop-off visitors (for example cruise ships) and more long-term tourists;
- Move away from seasonal tourism; aim for year-round tourism;
- Longer stay per tourist;
- Increase the number of tourists originating from the Caribbean area and from Latin America;
- Increase the quality and quantity of attractions and accommodations;
- Anticipate trends well ahead of time.

A number of conditions must be met in order to realize this. What comes to mind here is the construction of sufficient residential accommodations, nurture Sint Maarten's existing qualities, such as its green landscape and the white beaches, reduce congestion, offer a wider palette of recreation facilities and the like. Part of this has implications for the Simpson Bay planning area.

Strength of the Simpson Bay

Sint Maarten in general, and the area around the Simpson Bay Lagoon in particular, has a number of strong characteristics that support the development of tourism and recreation:

1. The coastal strip with its white beaches;
2. The lagoon, with panoramic views across the water and marinas;
3. The sea, which offers opportunities for taking a journey by ship;
4. Simpson Bay Village and the entertainment area along Airport Road;
5. Hotels and resorts at attractive locations.

While these qualities currently are in ample supply, they must be carefully protected and developed.

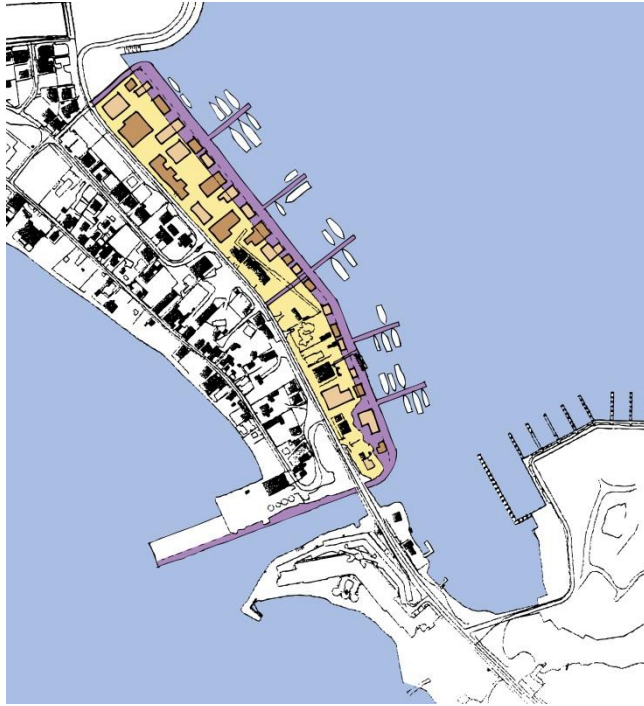
The green hills in Sint Maarten's landscape play an important role in the background. However, these are located outside the planning area and are not considered any further here.

⁸ Limits to growth: How much tourism can St Maarten sustain?

⁹Sint Maarten Tourism Master Plan – TourMap (Source: Tourism & Transport Consult International Ltd, 29 July 2005)



Left: Figure 6: Artist Impression of the planned Boardwalk between Simpson Bay Village and the Lagoon



Right: Figure 7: Conceptual sketch of the Boardwalk and redevelopment of the area between Airport Road and the Lagoon

1: The coastal strip

The location along the white beaches of Simpson Bay and the proximity to the airport makes this an attractive location for apartments that can be rented to tourists, especially in Simpson Bay Village and Beacon Hill. It is important for the beaches to continue to be publicly accessible. For example, this means that a resort or an apartment does not continue all the way down to the sea, but to the public beach. In Simpson Bay there is a gradual displacement of freestanding single-family homes by apartment buildings. This area requires a certain mix of functions, supplemented by residential sites, tourism functions and hospitality. The same could possibly apply to Beacon Hill over time. During the public consultation it became clear that residents do not see any benefit in the large-scale development of Simpson Bay Village, with large-scale hotels and resorts and hospitality establishments along the beach. Their preference is to maintain the residential functions and the small-scale, calm character. When there are new tourism functions, they must fit into the residential function. Small-scale guest-houses/boutique hotels are planned in this respect focused on a high market segment for which there still is demand (Ecorys, 2012, Economic Outlook Sint Maarten 2012-2013). It is important that the beach remains an enjoyable place for residents and tourists alike. This is why this development plan contains regulations for the beach and its immediate surroundings that control function and maximum building height, as well as public access.

2: The Simpson Bay Lagoon

Marinas and land reclamation

The Lagoon has an important recreational value for pleasure boating. In addition to the existing marinas, several marinas are under construction or in the planning stage. However, it often takes a long time before the reclaimed land is readied for use. This is why the realization of new land reclamation projects will be halted to prevent land reclamations located here and there from lying unused for long periods of time, while the Lagoon shrinks due to the many land reclamations. The only locations where marinas will still be permitted are the locations with the R-MR identifier on the Plan map. This comprises the following:

- Already existing marinas;
- Existing rights for the construction of a marina which is positively zoned;
- A limited area for expansion.

Two locations have been designated where a significant new marina can still be constructed:

- Near the Airport Road as part of the airport's master plan (also see section 3.3);
- To the north of the airport, bordering on the location zoned as Recreation – Overnight Recreation (R-OR), where a hotel/convention center could be built as well;
- At the Eastern shore of the lagoon, south of the Causeway, adjacent to the existing resort.



Photo: Example of mooring jetties near homes along the shores of the Simpson Bay Lagoon (Source: VROMI)

Boardwalks

The ability to experience the Lagoon is also important. This dimension can be increased by constructing Boardwalks at several locations¹⁰. Also see figures 6 and 7. An uninterrupted path or jetty along the waterfront, flanked by hospitality establishments at the land side and a marina with publicly accessible piers at the Lagoon side, offer a view of the Simpson Bay Lagoon and allow it to be experienced. This also benefits public accessibility to the water's edge. Space will be reserved for such a development at the height of Simpson Bay Village and along the side of Cole Bay (at the height of Waterfront Road).

Mooring jetties

There also are several homes along the shores of the Lagoon whose residents own a boat. The development plan permits a mooring jetty to be constructed for each home. The relevant locations are marked on the Plan map. To prevent the entire coastline from becoming clogged with boats, the length of a mooring jetty is limited to 20 m (reaching into the water).

3: Cruising

There have been plans for some time for constructing a pier where cruise ships can moor. Not the large cruise ships, like the ones arriving in Philipsburg, nor the smaller ships that continue on into the Lagoon, but a size in between (for example, mega yachts). The concept not only calls for providing a boarding point, but also for tourism facilities on or near the pier. This development would give Simpson Bay Village and the island an economic boost. This would also provide recreational facilities for the residents of this area. Public accessibility to the pier is therefore considered important.

4: Simpson Bay and Entertainment Area

Simpson Bay is increasingly becoming the entertainment center of Sint Maarten. In and around the village there are many tourism and recreationally attractive elements: a beautiful beach, old buildings, the Lagoon, the canal leading to the sea, the moored ships, and the many restaurants and bars, all within walking distance from the hotels. This may possibly be complemented by a new pier for smaller cruise ships and/or mega yachts in the future. At the moment, walking, let alone jogging or cycling, is virtually impossible here and in fact even dangerous due to the lack of sidewalks and safe crossings.

¹⁰Also see SXM West, Island Design (2005) and Sint Maarten Tourism Master Plan – Tour Map, Tourism & Transport Consult, July 2005



Photo: Airport Road at the height of Simpson Bay Village is an important entertainment area and commercial center within the planning area. Redevelopment would enable even more of its potential to be realized: redevelopment of the road and public space, construction of walking routes, beautifying the building and structures, etc.

From the Philipsburg

beach boulevard it is evident that there definitely is a need for walking space¹¹. Many people can be seen jogging here in the morning or at night, alone or with the family. The tourists parade themselves here during the day.

¹¹ Source: Sint Maarten Tourism Master Plan – TourMap (Source: Tourism & Transport Consult, July 2005)

This can be supplemented with a walking, jogging and cycling route. This route can connect the planned boardwalk, the hospitality establishments along Airport Road and the beach, run along the many historic buildings, and continue on to the possible new pier. By making sufficient cross connections between the main routes, the area can be cross-sectioned in various ways.

5:Hotels and resorts

There are several locations zoned 'Recreation – Overnight Recreation' within the planning area.

The first location is the large-scale Beacon Hill tourism complex. Hotel accommodations and tourism facilities, such as shops and a casino, are located here at a spectacularly short distance from the airport. The maximum building height here is determined by the airport funnel (see section 3.3). Another location is an existing resort in Simpson village close to the airport runway.

The third location is the location to the north of the airport terminal; space is reserved here for a convention space and/or hotel in accordance with recommendations in the previously mentioned 'Economic Outlook Sint Maarten 2012 – 2013' report.

3.5 Commercial, industrial and public functions

Three core activities

The activities in the present planning area are of major importance to Sint Maarten: the airport, the facilities and entertainment area along the Airport Road ("The Strip") with hospitality establishments as the main public attraction and the marinas with their auxiliary facilities. The airport has already been covered in section 3.3. The accent there is on expanding the present facilities with a convention center and airport-related companies. The marinas were dealt with in the previous section.

This section deals with the area along Airport Road and devotes attention to the outer appearance of the various business areas.

Airport Road facilities and entertainment area

Along Airport Road, between the runway and the drawbridge, there are many facilities and commercial functions: many shops, banks, a gas station, the fish market, bars and restaurants and the like. Aside from the traffic congestion, this area functions well (see section 3.2). The future development opportunities are related to the solution to that congestion problem with sustainable parking solutions.

Better use of the available areas (many plots are not optimally used) and permitting a four-story building height offer sufficient development space for this area for the coming decade.

The planning area represents the most important entrance to the island. Many visitors first become acquainted with Sint Maarten in the area of the airport. The immediate environment of the terminal building projects the right appearance, but this image changes rapidly further up along Airport Road. Higher-quality development along this entrance area to Sint Maarten is required. The airport's expansion plans provide a good opportunity for this.



Photo: Aerial photo: Beacon Hill point (Source: Development Perspective Sint Maarten – West, Island Design, 2007)



Photos: Simpson Bay Village. The low freestanding single-family homes in the heart of Simpson Bay are in foreground. The higher apartment complexes along the beach are in the background.

3.6 Residential area

Housing needs

A study into the need for housing on Sint Maarten was conducted in 2012: SXM Housing Vision Building Book ¹². 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.

Simpson Bay village

Simpson Bay today (for the most part) is a quiet residential area with a small-scale layout and a traditional "village" atmosphere. A few apartment buildings have appeared along the beach that are not consistent with this atmosphere due to their appearance, scale and height. Old, sometimes historic buildings are located on a strip parallel to the beach. In particular in the area to the east of the Williams Drive/Regina Road line there are small enterprises and undeveloped lands. Retail, hospitality establishments and commercial functions are concentrated along the Airport Road. In the center of the area there is the Sister Regina School, and adjacent to that the Simpson Bay Community Center, a public playing field and a cemetery. The condition of the public road is moderate to poor. There are no sidewalks and people park everywhere. During the rainy season the streets are covered by water. See photos on previous page.

¹² SXM Housing Vision Building Book (KAW and Bout Overes, 2012)



Figure 8: Artist impression of the beach at Simpson Bay with the building height limited to the height of the palm trees, being approximately 9 m for the gutter and 12 m for the ridge (or three floors with a

gabled roof)

Beacon Hill

Beacon Hill partially consists of a resort with villas, a hotel and facilities, and partially of a residential area with villas.

Priority for the residential function

To properly guide the development of both areas and to optimally exploit the area's value for the future it is important to manage the tourism and commercial development.

The decision is to give the residential function priority over the coming 10 years in the larger part of Simpson Bay Village and Beacon Hill. These areas are zoned "Residential" on the Plan map.

The building height is limited: the maximum building height in the central area of Simpson Bay Village is 6 m to the gutter and 9 m to the ridge. The existing apartment buildings along the beach will be used to set the building height: 12 m. See Figure 8.

The social functions (such as the school, the community center, sports facilities and the cemetery) are zoned as such and are identified on the Plan map.

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).

Urban functions

Particularly along Airport Road there is a wide range of urban functions. 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.

In view of the desired development of the Boardwalk along the Lagoon, and the new pier near the Lejuez drawbridge, these types of functions will be facilitated there as well, with the emphasis on hospitality establishments.



Picture of the Causeway with mangrove reforestation
(Source: Website Dutch Caribbean Nature Alliance)



Picture: Mangroves in Mullet Pond (Source: Simpson Bay Lagoon Ecological Important Area Monitoring, Nature Foundation)

3.7 Nature and landscape

Natural values

The Simpson Bay planning area is of significant importance for Sint Maarten's ecosystem¹³. Special natural values can be found:

- In the Lagoon¹⁴, particularly in the Mullet Pond¹⁵ and on and nearby Little Key. In the Mullet Pond this primarily concerns the mangroves that are found here. Little Key's importance primarily stems from its birds and flora, as well as from the sea grass fields that surround it.
- Near the mangroves along some of the shores of the Lagoon;
- On the Simpson Bay beach for the sea turtles.

The Lagoon's water quality is moderate to poor¹⁶, particularly in the south-east corner: Cole Bay Corner¹⁷. The shores as well as the water surface are heavily used, which has consequences for flora and fauna.

Mullet Pond's natural values

The mangroves, primarily found in Mullet Pond, are identified in relation to their high natural values (see Source 12). This includes:

- Soil preparation because waste is held fast;

¹³ Provisional Plan for Terrestrial Protected Areas on St. Maarten, Nature Foundation St. Maarten, 2009

¹⁴ Inventory of marine natural values in the Eastern part of the Simpson Bay Lagoon, EcoVision, 21 April 2010

¹⁵ The Ponds of Sint Maarten, Ecovision N.V., January 1996

¹⁶ Pollutions study of the Simpson Bay Lagoon, Island of St. Martin (Guadeloupe), CAREX Environnement, September 1997

¹⁷ Simpson Bay Lagoon Ecological Important Area Monitoring, Nature Foundation

- Filtering and catchment of organic materials that wash into the Lagoon;
- Maintenance of the water quality;
- Shore protection by reducing the impact of storms, the impact of waves and flooding damage;
- Breeding chambers for fish;
- Important habitats and foraging areas for many other sea animals.

The birds that are then drawn to these areas also contribute to Mullet Pond's natural values. Altogether, Mullet Pond significantly contributes to the natural values of the Simpson Bay Lagoon.

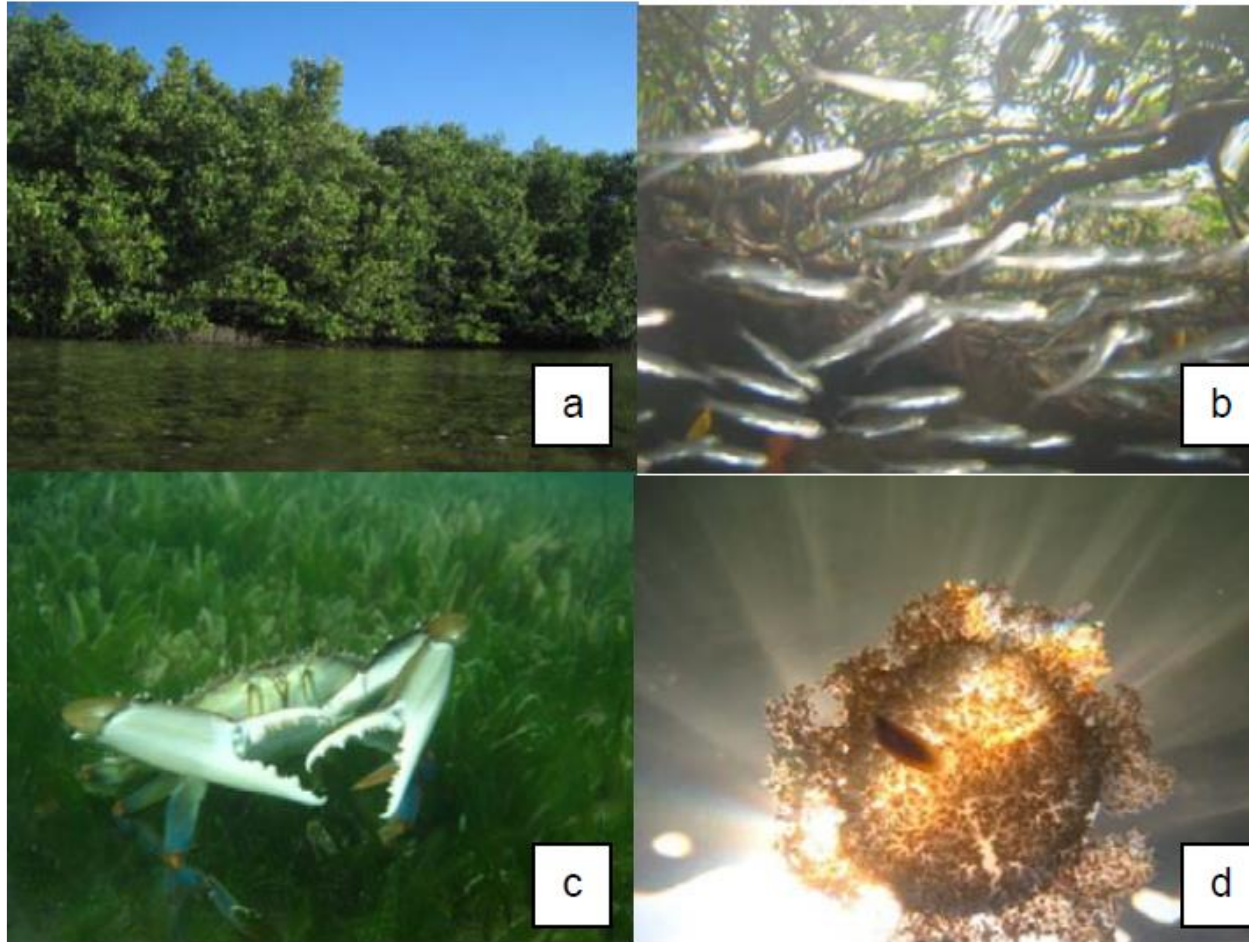
And this overall package contributes to the tourism value of the island. Eco-tours could be organized in Mullet Pond, for example for snorkeling, diving, fishing (limited scale), kayaking, and bird and reptile watching.

Scenic values

From a scenic perspective, the Simpson Bay planning area is special due to its location between the Simpson Bay with its beach and the Simpson Bay Lagoon with the green hills of Sint Maarten in the background.

Natural values under pressure

The valuable areas described above all are under significant pressure from tourism.



Photos: Valuable nature at the east side of the Simpson Bay Lagoon:

a: Mangrove

b: Young fish near the mangrove

c: Crab

d: Upside down jellyfish

(Source: Inventory of marine natural values in the Eastern part of the Simpson Bay Lagoon, EcoVision)

For example, the surface area of the

Simpson Bay Lagoon has decreased by almost a quarter over the last 20 years due to land reclamation in support of tourism. The quality of the water, flora and fauna has significantly deteriorated. The causes for this include:

- The many boats in the Lagoon with their maintenance activities and fuel leakages;
- The lack of good sewerage of the surrounding areas that drain into the Lagoon;
- The shipwrecks that are still there as a result of Hurricane Luis (1995);
- The removal of mangroves, which stabilize the shores, have a damping effect in the event of storms, are breeding grounds a food source for many species of fish, sea animals, birds and other animals, and have a filtering effect on sediment flowing in from the surrounding hills;
- The dredging activities, which disturb the bottom;
- Major over-fishing.

It is recommended that a study be conducted to identify the maximum use of the overall Lagoon that would still leave the existing natural values intact, or indeed strengthen them.

Protecting the natural values

In view of the development pressure it is necessary to protect the remaining natural values against further deterioration in terms of scope as well as quality. A key instrument in this respect is the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region ("Cartagena Convention", 1986, legally binding). In addition, Mullet Pond is proposed as an "internationally recognized wetland" in the context of compliance with the Ramsar Convention (Iran, 1971).

Limits of land reclamations and marinas

One of the ways to protect the natural and scenic values is to limit land reclamations and marinas. The existing marinas are positively zoned in this development plan. In addition, space has also been reserved for several new marinas (see section 3.4).

Use of natural areas

Another way to protect the natural and scenic values is to limit the use of Mullet Pond and the area immediately surrounding Little Key. This has been incorporated into the Plan map and the regulations. An exception is made for hurricanes; when the SLAC gives the go-ahead, boats are permitted to use the security of Mullet Pond for shelter. This then only applies to those particular days.

Protecting and expanding the mangroves

The existing mangroves are protected by reflecting them on the Plan map and zoning them as a water- natural area, or indirectly through the water zoning. In addition to this, new ecosystems can be set up for the mangroves, for example by creating shallow zones along and parallel to the Lagoon's shore. When large or small projects are undertaken along the shores, the creation of new mangrove shores may be mandated as a mandatory element by way of "compensation" so to speak. Such work is relatively inexpensive and offers opportunities for "dressing up" the landscape along the Lagoon's shores. Less-beautiful areas can be hidden from sight this way. This strengthens the Lagoon's and Sint Maarten's ecosystem and at the same time it beautifies the landscape around the Lagoon. This is illustrated in Figure 9.

Improving water quality

The water quality, particularly at the southern point of the Lagoon, is poor. This is due to the fact that food-rich and polluted water directly flows into the Lagoon from land. The poor circulation in this area of the Lagoon furthermore exacerbates the situation.

A solution to draining the polluted water largely lies in the adjacent Cole Bay and Billy Folly – Cay Bay planning areas. Sanitation facilities are required¹⁸ in the area near the southern point of the Simpson Bay Lagoon (sewerage or waste) to prevent polluted water from being discharged in the Lagoon in the future. The most suitable locations for this are identified in Figure 10. Some options are as follows:

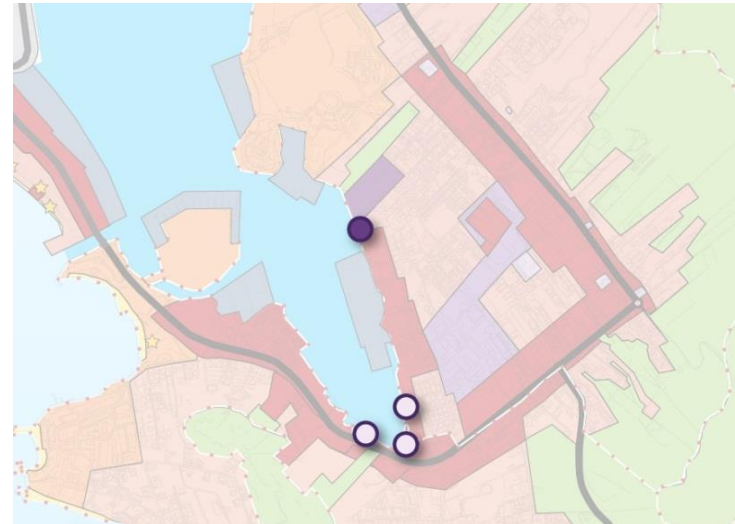
¹⁸Feasibility Study Sewage Treatment Cole Bay (Royal HaskoningDHV / ICE)

- Within the Cole Bay planning area, near the Lagoon: within the timeframe of this development plan: two small modular systems designed to solve the worst issues in Cole Bay.
- Within the Billy Folly – Cay Bay planning area near the other industries along Cole Bay: a larger plant could be constructed here over the longer term.

As a solution to the lack of circulation, thought is being given to a way of allowing clean effluent water to flow into the Lagoon as a means of improving circulation.

Figure 10: (Potential) sites for sanitation plants within / near the planning area:

- Location 1st sanitation plant
- Three possible locations 2nd sanitation plant



Beaches

In addition to their tourism-recreation function, Sint Maarten's beaches also function as a breeding ground for sea turtles¹⁹. This is why the use of the beach is restricted²⁰ to daytime recreation without development (note that this is currently the case as well). And to prevent development from moving towards the sea, the beach has been given a separate zoning, namely "Beach". Building within this zone is not permitted. This safeguards public accessibility.

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 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 anywhere, provided they are installed on the roof.



Photo: Example of small-scale wind energy generation

¹⁹ Towards a policy for the beaches of Sint Maarten, VROM, November 1996)

²⁰ Beach Policy, Setback line Simpson Bay Village, Island Territory of St. Maarten Netherlands Antilles



Photo: Historic building in Simpson Bay Village, in a state of deterioration

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 values²¹. The policy is focused on "tangible, moveable or immoveable property created by people 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 Simpson Bay Village and Philipsburg, the forts and fortifications, plantations and country estates, industrial historic buildings, several residential homes in the outlying areas, cemeteries, water wells, prehistoric sites and 'dry walls'. Whether something will become a historic monument depends on its historical-cultural value, its integrity and its uniqueness. See Figure 11.

The rich history of Simpson Bay Village

Simpson Bay village is an authentic historic fishing village dating back to the 15th century, and even as far back as prehistoric times. This area therefore contains a number of historical monuments and a large part of the area has a medium-high to high expected archaeological value²². In addition, the pattern of the alleys in Simpson Bay Village largely determines the street scene. The urban pressure on Simpson Bay Village is however intense, particularly due to the apartment complexes.

Protection of monuments and historic buildings

The registered monuments and historic buildings within the planning area are identified on the Plan map and are already under the Treaty of Malta (1992) and the National Monuments Ordinance²³. This concerns:

- Two traditional wooden houses: Simpson Bay Road 11 and 44;
- The St. Petrus Gonzales Chapel (Simpson Bay Rd 28);
- A large cistern, the Government Cistern, the only and key source of drinking water for the village in the 19th century and at the beginning of the 20th century.

The historic Old Simpson Bay Bridge is located outside the plan area.

Preservation-driven development

The monuments and historic buildings create a historic atmosphere and awareness of the past for the old village. At the same time, the question is how long this can continue since many monuments and historic buildings are empty and are not always well maintained.

²¹Long-term Historical Monuments and Buildings Policy Plan Sint Maarten, PREAM Consultants/Architects, July 2009

²²Map of expected values, VROMI – Sint Maarten ArcheologicCenter, March 2011

²³National Ordinance Netherlands Antilles, New rules concerning the basic principles for preserving monuments and historic buildings, 13 September 1989

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 11: Map Ministry VROMI – Sint Maarten Archaeological Center / Office of Monuments and Historic Buildings & Archaeology municipality of Amsterdam

Heirs sometimes take years to agree on the use and maintenance of buildings with the threatened deterioration and loss of cultural-historical heritage as a possible consequence. A good method for preserving old buildings for the future is to give them a new function, which may require adjustments to the building structures²⁴.

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 upper 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 or prehistoric populations. For knowledge concerning the life of this later groups, 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. This concerns areas where already back in 1919 there was a cluster of buildings (on land) worthy of conservation, or where shipwrecks are likely to be found (along the coast). The required investigation starts with a preliminary investigation and consultation with VROMI. Depending on the outcome a further investigation may be required.

This policy has been prepared in accordance 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 required archaeological activities.

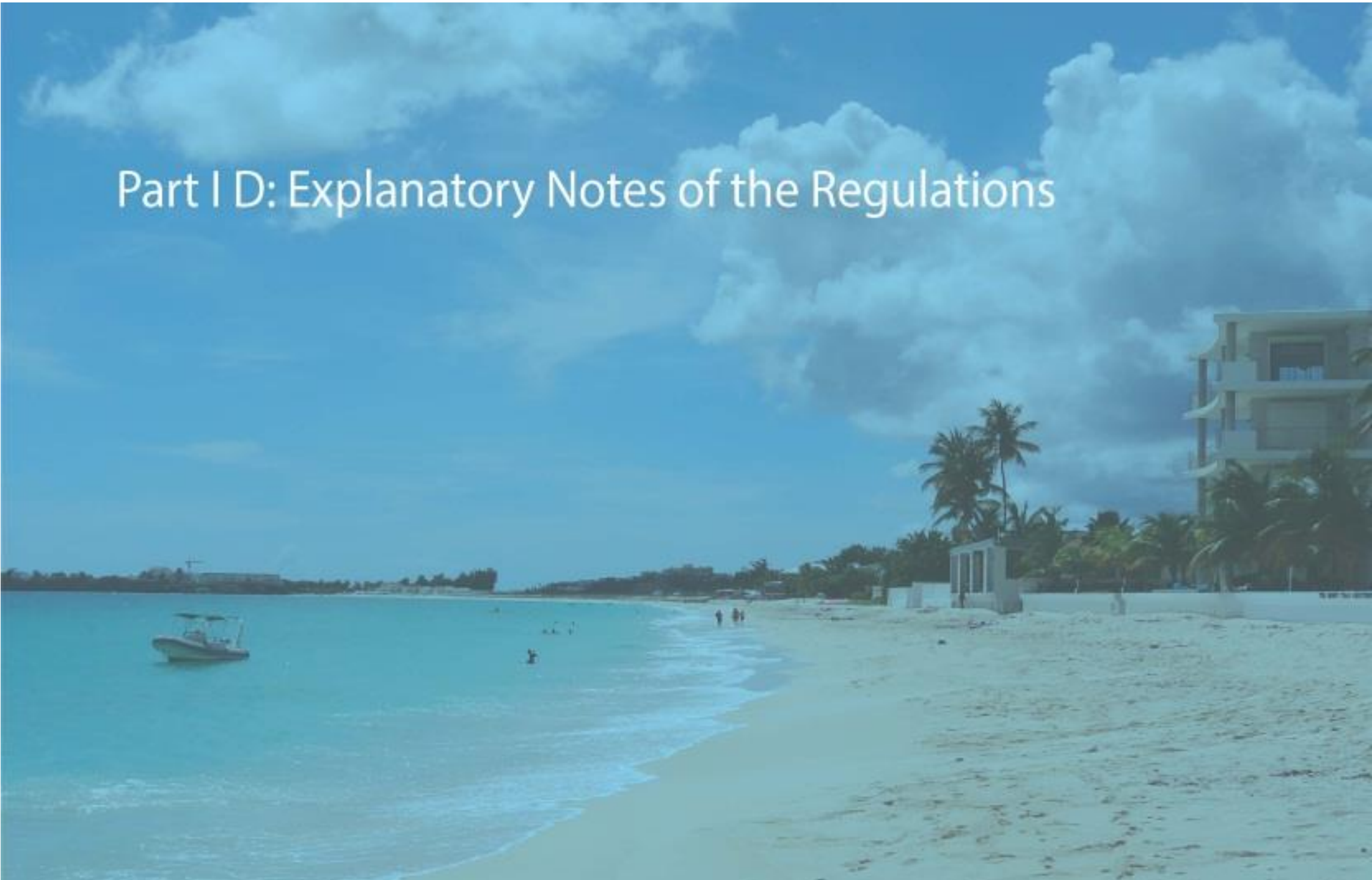
Street pattern and alleys

A characteristic of the street pattern of Simpson Bay Village is the many streets between the Simpson Bay Road and the beach. The sea is always visible from the village via these small streets. This contributes to the atmosphere and orientation of the village.

Conserving these alleyways has been provided for in the development plan by zoning them as Traffic Zone (without the possibility of development) (also see section 3.2).

²⁴Heritage VisionSXM, Monuments Use Plan, Suggestions for St. Maarten, ROB-VROM, Dr Jay Havisser, 14 June 2007

Part I D: Explanatory Notes of the Regulations



4 PART I D: EXPLANATORY NOTES TO THE REGULATIONS

4.1 Introduction

Legal portion of the development plan

The regulations, together with the Plan map and the appendices, form 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 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 Plans (SVBP 2012) applied in the Netherlands. The Unified Comparable Zoning Plans contain the standards that apply to the design and layout of the zoning plans, government-imposed zoning plan amendments and government zoning 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 Regulations

4.3.1 General

Existing situations

It is decided 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.

The foregoing, for example, means that an existing structure that, at the time the draft development plan is placed for public review, has a building height of 8 m is permitted, even though the development plan's regulations specify a maximum building height of 6.5 m. Furthermore the structure may be rebuilt and changed, provided that the existing variance of 1.5 m in terms of its nature and size is not enlarged.

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 zonings. The original or primary use of the parcel can be reinstated at all times. The zonings within which these allotment gardens may be realized are as follows: Center, Traffic (along the edges, for example) and the three Residential zoning destinations.

There are not very many vacant parcels in this planning area, but the realization of allotment gardens is nevertheless made possible from a planning-legal perspective.

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 zonings, 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 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' zoning 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, unless the property borders on the beach or the Simpson Bay Lagoon. In that case a minimum distance of 3 meters to the property's rear boundary must be maintained.

Alphabetic sequence

The zoning regulations are discussed below in alphabetic sequence.

4.3.2 Article 3 Center

Large mix of functions along main road network

The "Center" zoning applies to the areas with a large mix of functions: especially the strip along Airport Road and in vicinity of Sr. Modesta Road and Sr. Patentia Road. This is where, generally at ground level, there are shops/retail, restaurants, repair shops, small offices and companies, with living accommodation on the upper floor(s). The companies that are permitted to locate in this area are the companies 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.

Continuing road within this zoning

The Airport Road and the Causeway have a through-traffic function. These therefore have a different zoning, i.e. 'Traffic'. Because the planned layout of the Airport Road takes up more space than is currently the case (also see section 3.2), part of the current center area is sometimes located within the 'Traffic' zoning. This makes it possible to shift the area somewhat over time, so that the Airport Road can be reshaped to give it the desired profile (with space for slow traffic, parking, etc.).

Center area boundaries

The boundaries for the areas with this zoning is determined by:

- The south-west along the Simpson Bay Lagoon;
- Sr. Modesta Road in the middle;
- The terrain around the police station in the south;
- The back of the parcels to the south-west of Airport Road;
- The airport to the north.

Subordinate facilities

This zoning also provides space for a number of subordinated facilities, which serve the main zoning. This was done to enable optimal use to be made of this area. For example, this includes parking spaces, civil-works infrastructure and the like.

4.3.3 Article 4 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.

Separate identifier for the number of facilities

A number of these facilities can be exchanged for other facilities without any problem, but this does not apply to all facilities. The functions to which this does not apply were given a separate identifier on the Plan map. For example, in the planning area this concerns the cemetery in the Simpson Bay Village.

4.3.4 Article 5 Natural Area

Sustainable preservation of natural values

In relation to the ecological, 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 extensive recreation (hiking on unpaved hiking and cycling trails).

Little Key

Only the island Little Key in the Simpson Bay Lagoon falls within the "Natural Area" zoning in this planning area. The "Natural Area" zoning protects Little Key, because it does not permit buildings to be constructed, for example. In addition, a civil works permit is required when someone wants to carry out any work that potentially could affect the natural values (for example by raising or excavating lands).

Natural areas in water: separate designation

Natural values in water, such as Mullet Pond and the mangroves, fall within the zoning "Water – Natural Values". The addition "Natural Area" means that the use of these areas can be subjected to stricter use conditions in line with the planned natural function.

4.3.5 Article 6 Recreation – Marina

Marinas

There are a large number of marinas within the Lagoon. The relevant locations are marked on the Plan map. No marinas may therefore be constructed outside these designated areas. The marinas may contain various functions that make their operation feasible.

4.3.6 Article 7 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.

Undeveloped and unpaved beach

The present Beach Policy has protected this 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. The fact that this has already happened in a number of areas does not mean that this was the intent (however, the situation may be maintained provided that it was legally established). Development and pavement consequently do not form part of the uses attributed to "Beach" zoning.

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" zoning 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.

It is possible that development measured from the land side comes closer to the coastline than permitted under the Beach Policy. The zoning on this side is also clearly displayed on the Plan map and consequently clearly bounded for the future.

How to deal with the cliffs?

Not all of the coast within the planning area is lined with beaches. In some areas the coast consists of cliffs or rocks. These require protection as well. Not so much due to public accessibility (after all, in most places it is not safe to walk close to the edge), but rather to preserve the vulnerable edge, which could crumble if excavation and/or development activities were to occur too close to the edge. To prevent this, a no-building zone has been identified on the Plan map (within the zonings where development is permitted) within which excavation or building is prohibited.

4.3.7 Article 8 Recreation – Stay-Over Recreation

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 Recreation". This zoning includes resorts and hotels, for example, as well as guesthouses, apartment complexes and associated facilities. The resort in Beacon Hill and in Simpson Bay have this zoning.

Stay-Over recreation within other zonings

Part of these functions can also occur within other zonings. For example, a hotel can also occur within the "Center" zoning and guesthouses can also occur within the "Residential-1" zoning.

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

Hotel and convention facilities for the airport

The area to the north of the airport terminal, where the airport master plan designates a convention center/hotel, is also zoned "Recreation – Stay-Over Recreation".

4.3.8 Article 9 Traffic

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

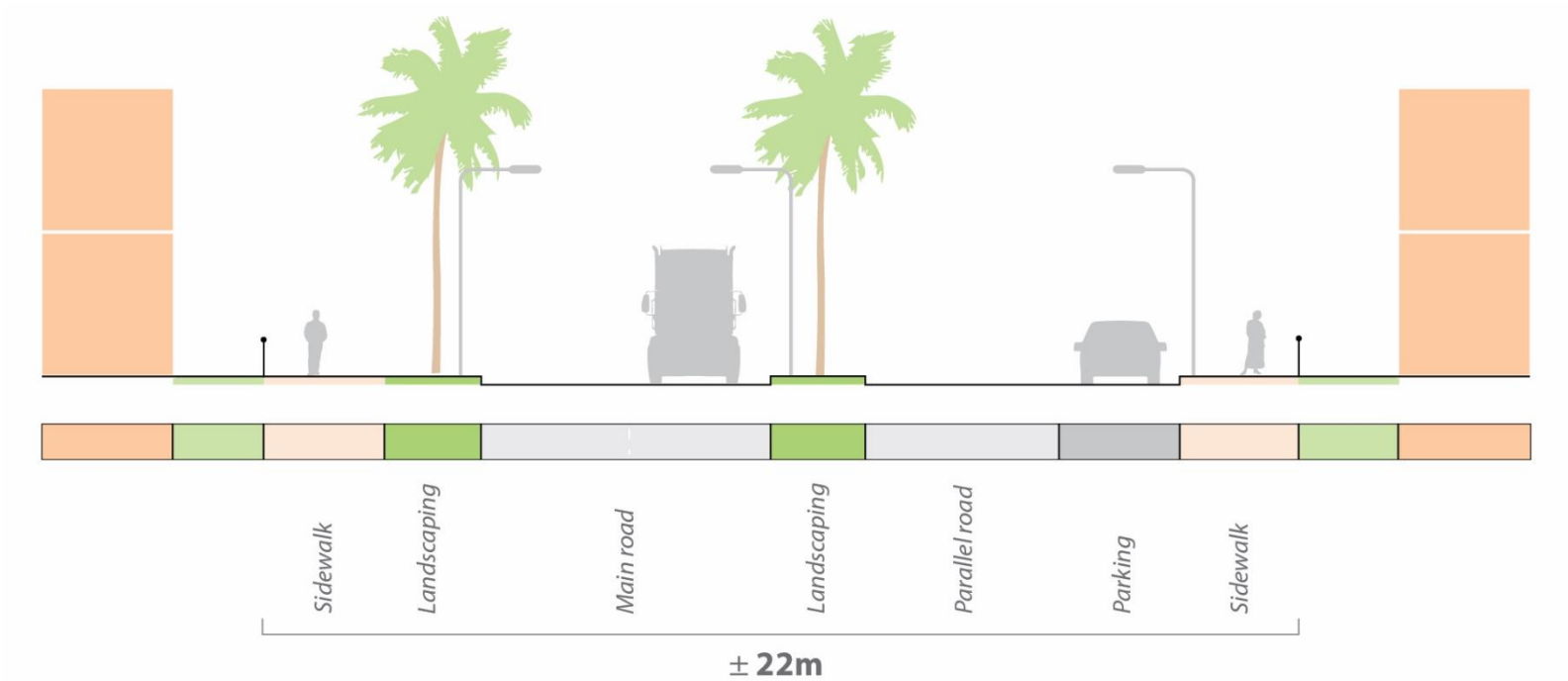
- Primary roads: Airport Road;
- Secondary roads: for example, Simpson Bay Road;
- The alleyways of Simpson Bay Village.

Primary roads: the main infrastructure;

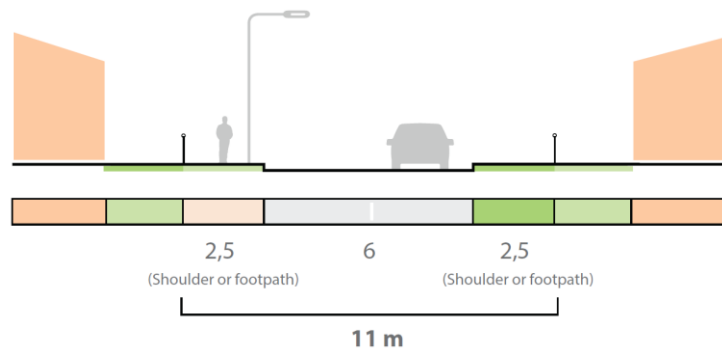
The main infrastructure comprises the roads that connect the different parts of the island; in other words the major continuing roads.

Existing main infrastructure

These roads are zoned as "Traffic". 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. This is the case along major sections of Airport Road as well. To improve this over time, the space reserved for the road has been expanded to 22 m on the Plan map. See Figure 12 for the profile currently being proposed. Within this profile, space has been reserved for the main roadway for through-traffic, green structure for drainage space, a parallel structure for access traffic, public transportation and parking, and facilities for slow traffic (cyclists, joggers, pedestrians).



Top: Figure 12: Suggested Airport Road road profile



Bottom right: Figure 13: Planned road profile for secondary roads

New main infrastructure: the Links

The present plan area reserves space for the potential construction of Link 8, which will provide an additional connection to the shore on the south side of the Lagoon (see map in the Chapter 'Explanatory Notes - Infrastructure' for the location of the Links). Because it is not yet exactly clear whether, when and where Link 8 is to be precisely constructed, the present development plan uses an "Amendment" for this purpose and the planned route has been zoned "Water", but with the "Amendment" identifier (no. 4). When sufficient certainty is obtained that the road will be constructed, the amendment procedure must be followed to convert the "Water" zoning to "Traffic".

Underlying road system

The underlying road system (secondary roads) comprise the roads that could play a key role in connecting the different districts. These roads have not been explicitly designated for traffic purposes, because only the primary roads are in principle specifically zoned. This approach protects the main road network 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 zoning (generally residential).

However, there are preferences concerning the width and layout of these roads. Figure 13 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.

The alleyways of Simpson Bay Village

The many alleyways are a key determining factor in the view of the sea and consequently for the atmosphere of the Simpson Bay village. To make sure that these alleyways will also be conserved as alleyways in the future, they are separately identified on the Plan map.

Entranceways and Exits

To limit disruption to the road network, the number and width of the entranceways for each business have been / should be maximized. However, this is not regulated in the development plan.

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" zoning. This maintains flexibility in terms of their placement.

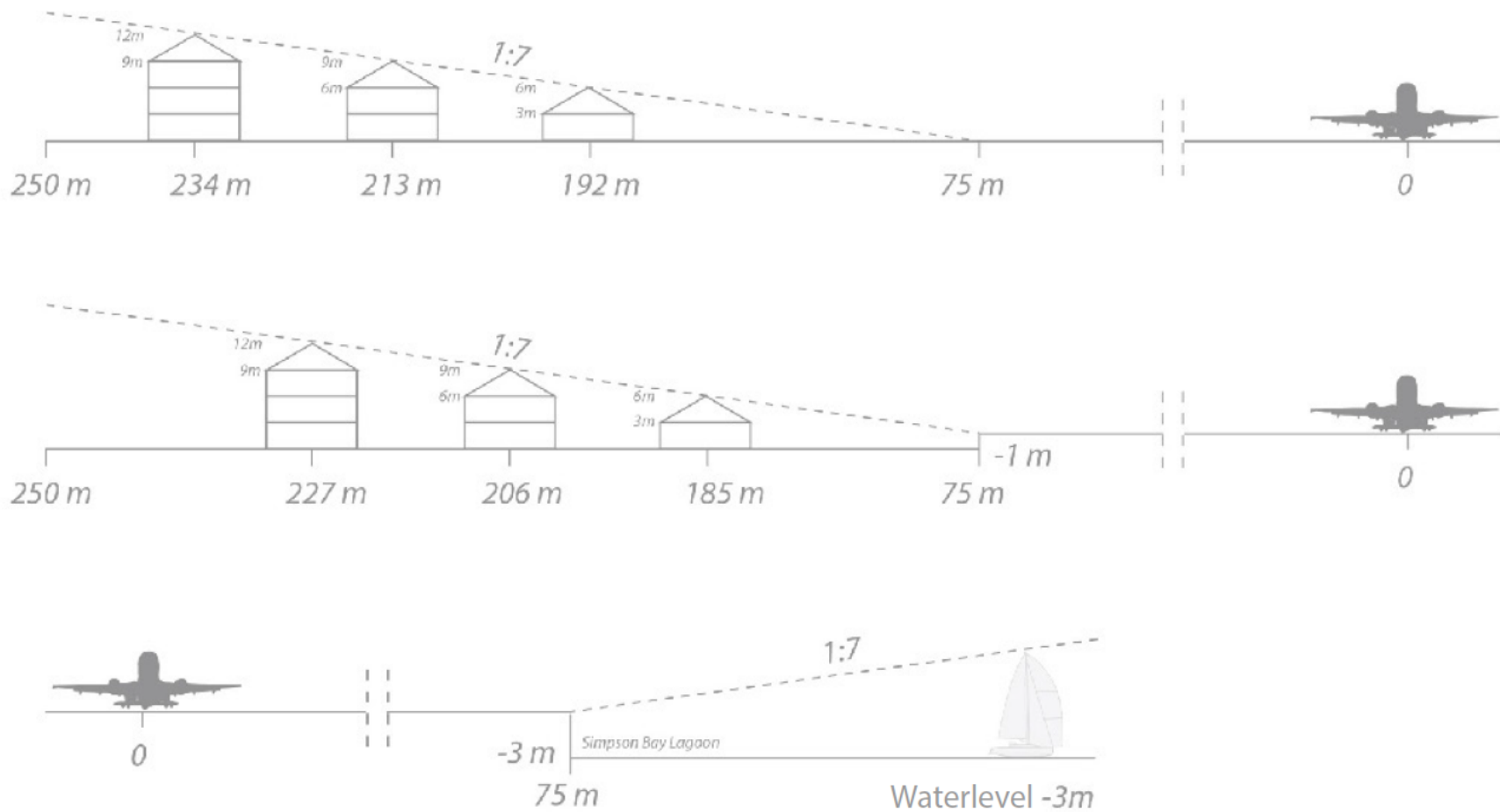


Figure 14: Illustration of the Funnel ("Air Traffic Zone") with 1:7 incline on land and water. The incline starts at the height of the top of the runway's asphalt. If the local ground level happens to be lower, this must be taken into account in determining the maximum building height.

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.

4.3.9 Article 10 Traffic – Airport

Expansion of the airport

An expansion of the Princess Juliana International Airport (PJIA) is under preparation. The expansion will likely be realized in phases. In view of its schedule and the term of the present development plan, this section deals with the realization of Phase 1 and 2. The chapter "Explanatory Notes – Princess Juliana International Airport" includes the map for Phase 2.

Zoning amendment

Because it is currently not exactly clear what precisely Phase 1 and 2 will be like, the relevant area has been designated as "Amendment" (no. 1). This gives the airport authority, in consultation with the government of Sint Maarten, the flexibility to optimally design the terrain, within certain limits.

Existing situation

The existing situation is identified on the Plan map. A few elements have been marked on the map with an identifier, so that their location cannot be changed. The amendment procedure may only be initiated for the areas designated as "Amendment" which means that their location can therefore be adjusted. The elements without this identifier are therefore fixed.

One of the elements that is fixed is the runway. The runway therefore cannot be shifted or extended (within the present development plan).

Funnel/air traffic zone

From a safety perspective, it is important that there is sufficient free space around the runway for landings and take-offs. This means that building within this space is prohibited and furthermore, that it must not contain any structures (such as cranes, transmission towers and the like) or ship's masts.

This space is sub-divided into three parts:

- On both sides of the runway: in a V-shaped area, with the point of the V being the runway itself. The base of the V is $2 \times 75 = 150$ m wide. The incline of the sides of the V runs at an angle of 1:7 (see Figure 14).
- At the ends of the runway: just like on the sides, but at a much lower angle of incline;
- Above this and outside of this (applies to the entire planning area): the maximum height that applies here is 49 m (measured from the top of the water level, or 45 m above the top of the runway).

The current situation does not match the required situation in all places. Developments that do not meet these criteria do not need to be removed. When new initiatives are developed, they will have to meet these requirements, however.

Furthermore, the plan map at a number of locations specifies a lower maximum building height (in a circle). The lowest height is always indicative.

4.3.10 Article 11 Water

Simpson Bay Lagoon

The Lagoon is zoned as "Water". The Lagoon plays an important tourism-recreational role for Sint Maarten. Intensive use is therefore permitted. This includes navigation routes for boats and jet skis and possibilities for mooring of boat to buoys.

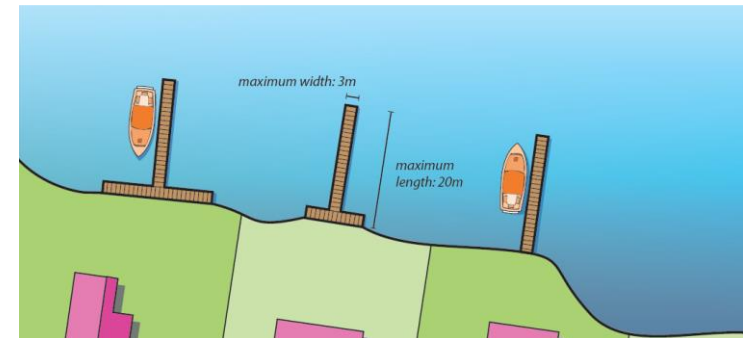
Airport funnel mast height restrictions

The same height restrictions that apply in terms of development on land also apply to mast heights of boats. The maximum height is identified on the Plan map.

New pier

Space has been reserved for a new pier, just outside the Lagoon, adjacent to the Lejeuz drawbridge. This pier might provide space for mega yachts and small cruise ships. The objective is to be able to accommodate more day tourists at this location as well. Mega yachts are currently too big to be able to enter the Lagoon and therefore do not, or barely, have an opportunity to berth at Sint Maarten. In view of the major role of tourism in the economy of Sint Maarten, the public authorities would like to accommodate this size ship as a means of optimizing the additional potential.

Aside from mooring these ships, the pier itself can be equipped with supporting facilities, such as a few shops, a small administrative office and attractions. Building size, height and density are restricted by the identifiers on the map.



Private mooring jetties

Where the Lagoon's waters border on residential parcels, boats may be moored. The relevant locations are marked on the Plan map. To prevent the entire coastline from becoming clogged with boats, the maximum number of jetties for each plot is set at 1, and the length of a mooring jetty is limited to 20 m (reaching into the water), with a width of 3 m (see Figure 15).

Figure 15: Illustration of the maximum length and width of a mooring jetty

Boardwalk for Simpson Bay Village

Ideas are being developed for the area to the east of Simpson Bay Village in the Lagoon, for the construction of a boardwalk, in conjunction with the redesign of the area between Airport Road and the Lagoon. The objective of this development is to improve the atmosphere of this

area. By constructing walking routes, a boardwalk along the water and accommodating facilities such as hospitality establishments, it is possible to give the area a positive boost.

The exact definition of these plans is not yet clear, so that it was decided to designate this area as "Amendment" (no. 2). The substantive conditions that this amendment is expected to meet concern things such as the accessibility of the boardwalk, its width (max. 6 m) and the construction of a continuing route for slow traffic.

Boardwalk Southern part of the lagoon

The planned boardwalk for Simpson Bay Village can subsequently be continued at the level of the adjacent Billy Folly/Cay Bay development plan. The plans for these areas are more modest; a continuing walking route should primarily be constructed here, just like the one currently located on the east side of the Lagoon, at the level of Cole Bay/Wellington Road.

For these boardwalks it is also not yet precisely clear how and where they will be constructed, and these ideas therefore also have been incorporated with an "Amendment" (no. 3) designation.

4.3.11 Article 12 Water – Natural Values

Natural water areas in Simpson Bay

Water with a high natural value occurs in the planning area. This is the case:

- In Mullet Pond;
- Around Little Key;
- Along a number of shores, near mangroves.

Only extensive recreation is permitted

These areas play an important role in Sint Maarten's ecosystem and therefore require 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.

Hurricane hole

An exception to non-motorized traffic is made during the hurricane season. When the SLAC issues the relevant signal, a maximum of 25 boats may seek shelter in the security of Mullet Pond. To prevent damage to the bottom, the boats may only be moored to buoys.

4.3.12 Article 13 Residential – 1

Different residential environments

The (sub-)zoning designation "Residential" occurs at various locations within the planning area:

- In the "Residential – 1" zone;
- In the "Center" zone (along Airport Road);
- In the "Social" zone (subordinate).

This section deals with the "Residential – 1" zone;

Residential with home-based occupations

Certain occupations may be exercised anywhere within the "Residential – 1" zoning, 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 Simpson Bay Village to the east of Williams Drive and Regina Road, small enterprises are located between the homes. 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 Category 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 fences bordering on public space may be no more than 1.5 m high;
- The fences between plots and at the rear of the property may be no more than 2.0 m high.
- Along the beaches (within the 'Recreation - Beach' zone), the Simpson Bay and Lagoon, the maximum height is 1.5 m and 75% of the fences must be transparent (for example, brick buttresses with open railings in between), so that the view from the beaches and the public waters is not dictated by high solid walls.

4.3.13 Article 14 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. This concerns the following within the planning area:

- Historic buildings in Simpson Bay Village;
- The authentic street pattern of Simpson Bay Village;
- Areas with a high expected archaeological value.

Monuments and historic buildings

There are three historic buildings and a historic cistern within the planning area that are identified as designated monuments. These are marked on the Plan map. All are located in Simpson Bay Village.

Monuments and Historic Buildings Ordinance

The designated monuments are identified on the plan map in order to promote their visibility. They are all located within Simpson Bay Village. It is possible that after the development plan has been adopted, additional objects within the planning area will be designated as monuments or historic buildings on the basis of the Monuments and Historic Buildings Ordinance. However, these have not been identified on the Plan map.

Reuse of protected monuments is possible

The principle that applies to the protected monuments is that their use/joint use by other functions is permitted provided this does not affect the value of these monuments and insofar as this is necessary for obtaining the required financial resources for their sustainable preservation. This is referred to as "development-based conservation". The function must be consistent with the underlying zoning designation. The actual protection of the monument or historic building is effected via the Monuments and Historic Buildings Ordinance and not via the development plan.

Authentic street pattern

The authentic Drives of Simpson Bay Village were already discussed in Article 9.

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 here provided that a field research has been carried out 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 survey 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 designates 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.

4.4 General regulations

4.4.1 Article 15 Double planning prohibition

When certain buildings are not permitted to cover more than a certain portion of a plot according to a zoning 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 16 General building regulations

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

- Parking;
- Underground construction.

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

Parking standard

Parking facilities are subject to certain criteria in all areas where people can reside, work or stay overnight.

To keep parking pressures within limits in public spaces, the construction of homes must include a provision for parking places on property, 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.

No building zone

When a zoning designation that allows development is located along the coast, a strip has been included on the Plan map within which building is prohibited. This is to prevent development from encroaching too close on the coast. This measure prevents development from occurring so close to the coast that it causes the rocks to crumble. This also helps preserve a calmer picture of the coastline.

4.4.3 Article 17 General use regulations

General prohibition and grant of exemption

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

4.4.4 Article 18 General identifier regulation

This article concerns the "Air Traffic Zone"; the area with height restrictions alongside the airport's runway. Also see the explanations provided in Articles 10 and 11.

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

4.4.5 Articles 19, 20 and 21 General procedural rules

These articles specify the procedures pertaining to exemptions and amendments.

Category-1 and -2 hospitality establishments

The present development plan makes a distinction between various hospitality establishment categories. Three lists are used, with increasing impact on the environment (see Article 1 "Definitions").

Hospitality lists 1 and 2 occur in the following zonings:

- "Residential – 1", at the site of the "Industries List 1 (SIC 1 and 2)" identifier: Hospitality List 1;
- Center: Hospitality Lists 1, 2 and 3.

Category-3 hospitality establishments

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

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

A hospitality establishment of this nature is possible at the location of the identifier at the resort on Beacon Hill. Aside from this location, a Category-3 hospitality establishment may only be vested within the "Recreation – Overnight Recreation" zone pursuant to an exemption granted by the Minister.

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 Enterprise

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 22 Other

Building and Housing Ordinance

This article stipulates that if the zoning regulations of the development plan vary from the provisions of the Building and Housing Ordinance, or any regulations that replace it, the zoning 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 23 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 24 Concluding regulation

The concluding regulation is the last provision. It contains the plan's title: Development Plan Simpson Bay

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: 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' 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 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 zoning. 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: 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.

A tropical beach scene with a boat in the water, palm trees, and a modern building on the right. The sky is blue with white clouds. The water is clear and blue. The sand is light-colored. A small boat is in the water on the left. Palm trees are scattered along the beach. A modern building is on the right side of the image.

Part II

Development Plan: Regulations

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Part II A: Regulations



PART II A: REGULATIONS

INTRODUCTORY REGULATIONS

5 ARTICLE 1 DEFINITIONS

The following definitions apply to these regulations:

1.1. Plan

The Development Plan Simpson Bay.

1.2. Development Plan

The plan as embodied in the Simpson Bay 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 constructing 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. Mooring jetty

A structure, not being a building, for mooring and/or tying up a vessel.

1.7. Rear plot boundary

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

1.8. Development

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

1.9. Building density

A percentage specified on a planning map or in the regulations which indicates the maximum area of a plot that can be used for building and constructing.

1.10. 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 for public review.

1.11. Existing structures

An existing structure is:

- a. a structure that was constructed pursuant to an irrevocable permit at the time that the draft development plan is placed for public review;
- b. a structure that may be constructed pursuant to an irrevocable permit at the time that the draft development plan is placed for public review;

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

1.12. Existing use

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

1.13. Zoning boundary

Boundary of the area of the zoning designation.

1.14. Zoning area

An area with one single use.

1.15. Boardwalk

A civil structure over or adjacent to the water, designed for slow traffic.

1.16. Building or constructing

Erecting or entirely or partially renovating buildings or other structures.

1.17. Building or construction boundary

Boundary of the building or constructing area.

1.18. Story

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

1.19. Building or construction area

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

1.20. 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.

1.21. Camping grounds

Lands with spaces for camping facilities, such as tents, collapsible trailers, campers and mobile homes in support of overnight recreation with the attendant facilities.

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.

1.22. 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.

1.23. 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.

1.24. 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 parcel on which a building is situated.

1.25. Events

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

1.26. Building

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

1.27. Homeporting

Mooring of a ship in the port in which it is registered or permanently based.

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 hotel, guesthouse or hospitality establishment that generally does not cause any inconvenience to the social climate and that is primarily focused on providing meals and/or (alcoholic) drinks 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 a hotel comprises 200 or more bedrooms, the operation of 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. Engineering structure

A civil engineering structure, such as lock gates, weirs, dams, aqueducts and the like.

1.38. Scenic values

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

1.39. Agricultural farm

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

1.40. Berth

A place in the water occupied by a company, recreational or commercial vessel for a longer period of time for the purpose of its on-site use or where the vessel is (normally) stored during the period that it is not used for navigation.

1.41. Airport-related activity

Companies that are functionally related to the airport due to the fact that a substantial part of their goods are transported by air, and products and/or services are provided that are directly related to the operation of the airport.

1.42. Airport terminal

A building for the departure and arrival of passengers and for handling baggage and cargo.

1.43. 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.

1.44. 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.

1.45. Minister

Minister of Public Housing, Spatial Planning, Environment and Infrastructure

1.46. Natural values

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

1.47. 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.

1.48. Subordinate

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.

1.49. 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.

1.50. Pier

A long, narrow civil structure that projects out into the sea or into inland waters and that can be used to moor ships.

1.51. Pleasure cruising

Recreation using pleasure crafts.

1.52. Pleasure craft

A vessel that is primarily used and designed for non-commercial boating recreation.

1.53. 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.

1.54. 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.

1.55. 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.

1.56. Runway

A strip of land from which an airplane or a helicopter can take off or on which it can land.

1.57. Jetty

A structure, not being a building, for mooring and/or tying up a vessel.

1.58. 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.

1.59. Timeshare complex

Terrain with timeshare accommodations.

1.60. Livestock farms

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

1.61. Overnight recreation

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

1.62. Permit

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

1.63. Allotment garden

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

1.64. Front plot boundary

The building boundary facing the road.

1.65. Dwelling

A complex of rooms and buildings whose purpose is to accommodate households.

1.18. Side plot boundary

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

6 ARTICLE 2 MEASUREMENTS

6.1 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 terrain on site of the structure.
- e. The height of a wind turbine:
From grade to the (blade) shaft of the wind turbine.

6.2 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.

6.3 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 5 contains a sample case study that illustrates this principle.

ZONING REGULATIONS

7 ARTICLE 3 CENTER

7.1 Zoning 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. Housing;
- c. Establishments that are classified as Category 1 and 2 in Industries List 1, which pertains 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, terraces, gardens, parking facilities, utilities, facilities for the purpose of generating sustainable energy, and facilities to prevent erosion.

7.2 Building regulations

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

7.2.1 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 plot boundary when there are windows in the side walls;
 4. Not be built less than 3 m from the rear plot boundary if it borders on the Simpson Bay lagoon or on the beach.
- 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.

7.2.2 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;
 3. May have a maximum height of 1.5 m if it borders on the beach or on the Simpson Bay Lagoon.
- 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. Any other structure, not being a building, other than fencing, must be limited to a maximum building height of 20 m.

7.2.3 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.

7.3 Specific use regulations

7.3.1 General

Fences are only permitted on plots bordering on the beach or on the Simpson Bay Lagoon, provided that at least 75% of these fences are transparent.

7.3.2 Existing variances

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

7.4 Exempted companies

7.4.1 Unlisted companies

The Minister may grant an exemption to the provisions under 3.1 sub c and permit a company 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 company on the environment is equivalent to the environmental impact of the companies that are listed in Industries List 1.

7.4.2 Companies classified in a higher category

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

8 ARTICLE 4 SOCIAL

8.1 Zoning 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;
- c. Home-based occupation or business;
- d. Companies that are classified as Category 1 and 2 in Industries List 1, which belongs to these regulations;
- e. Subordinate office and retail;
- f. A cemetery at the location of the "cemetery" identifier;
- g. 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.

8.2 Building regulations

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

8.2.1 Buildings

- a. A building may:
 1. Not have a gutter height that is higher than the "maximum gutter height (m)" identifier specified on the plan map;
 2. Not have a ridge that is higher than the "maximum ridge height (m)" identifier specified on the plan map;
 3. Not be built less than 3 m from the sidelong and rear plot boundaries;
 4. Not be built less than 5 m from the front plot boundary;
 5. Not be built less than 5 m from another building.
- 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 size.

8.2.2 Structures, not being buildings

- a. A fence may:
 1. Have maximum building height of 1.5 m if it is located at the front plot boundary;
 2. Have a maximum building 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. Any other structure, not being a building, must be limited to a maximum building height of 20 m.

8.2.3 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.

8.3 Specific use regulations

8.3.1 Existing variances

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

8.4 Exempted companies

8.4.1 Unlisted companies

The Minister may grant an exemption to the provisions under 4.1 sub c and permit a company that is not listed in Categories 1 and 2 in Industries List 1, which pertains to these regulations, provided that the impact of the relevant company on the environment is equivalent to the environmental impact of the companies that are listed in Industries List 1.

8.4.2 Companies classified in a higher category

The Minister may grant an exemption to the provisions under Article 4.1 sub c and permit a company 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 company's way of working, production processes, other work methods and facilities is equivalent to the environmental impact of the companies that are listed in Industries List 1.

9 ARTICLE 5 NATURAL AREA

9.1 Zoning 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.

9.2 Building regulations

Building on lands zoned as "Natural Area" is restricted by certain regulations:

9.2.1 Buildings

Buildings are not permitted.

9.2.2 Structures, not being buildings

A 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 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.

9.3 Further requirements

The Minister may impose further requirements on the location and dimension of utilities. 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.

9.4 Specific use regulations

9.4.1 General

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

9.4.2 Existing variances

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

9.5 Civil works permit

9.5.1 Activities

The following activities are prohibited on or in the areas zoned as "Natural Area" without or in deviation from a written permit issued by the Minister:

- a. Raising or excavating lands;
- b. Constructing hardened surfaces;
- c. Performing activities that could potentially impact the water management;
- d. Clearing trees or clear cutting of other growth;
- e. Performing activities that could cause erosion.

9.5.2 Conditions

The Minister may grant a permit when the ecological, scenic, natural and water management values of the area are not affected.

9.5.3 Exemptions to the prohibition

The prohibition under 5.4.1 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 a civil works permit.

10 ARTICLE 6 RECREATION – MARINA

10.1 Zoning definition

The areas zoned as "Recreation – Marina" are designated for:

- a. Marina;
- b. Port office;
- c. Boat sheds for repairing and storing vessels;
- d. Wave breakers;
- e. Jetties, provided that 75% of the total surface area remains uncovered;
- f. Water;
- g. Berthing, mooring and permanently mooring vessels;
- h. Water sports;
- i. Category-1 and -2 hospitality establishments;
- j. Subordinate vessel rental and/or sales businesses, with office;
- k. Subordinate businesses for the purpose of selling motor fuels and other necessities for recreational vessels;
- l. Associated facilities, such as roads, piers, pontoons, boat cranes, boat lifts, recreational facilities, sanitary facilities, access and maintenance roads, paths, green areas, water management facilities, play facilities, parking facilities, sanitary facilities, utilities, facilities for the purpose of generating sustainable energy, and facilities to prevent erosion.

10.2 Building regulations

Building on areas zoned as "Recreation – Marina" 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 3 m from the plot boundaries;
- 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 size.

10.2.2 Structures, not being buildings

- a. 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.
- b. Any other structure, not being a building, must be limited to a maximum building height of 10 m.

10.3 Specific use regulations

10.3.1 Existing variances

Existing use that does not comply with the provisions under 6.1 is permitted.

10.4 Civil works permit

10.4.1 Activities

The following activities are prohibited on or in waters zoned as "Recreation – Marina" without or in deviation from a written permit issued by the Minister:

- a. Performing land reclamation activities.

10.4.2 Conditions

The Minister may grant a permit when:

- a. The land reclamation activity consists of straightening the coastline. The situation existing at the time of the draft development plan qualifies as the starting point in this respect;
- b. The land reclamation concerns a maximum of 2% of the plot's surface area.

10.4.3 Exemptions to the prohibition

The prohibition under 6.4.1 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 a civil works permit.

11 ARTICLE 7 RECREATION – BEACH

11.1 Zoning 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.

11.2 Building regulations

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

11.2.1 Buildings

Buildings are not permitted.

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 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.

11.3 Specific use regulations

11.3.1 General

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

11.3.2 Existing variances

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

12 ARTICLE 8 RECREATION – STAY-OVER RECREATION

12.1 Zoning definition

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

- a. Overnight recreation and the associated amenities, such as resorts, hotels, apartment complexes, timeshare complexes, camping grounds and shops;
- b. Category-1 and -2 hospitality establishments;
- c. Category-3 hospitality establishments at the location of the "hospitality category 3" identifier;
- d. Rental companies of goods used for recreation, with a subordinate office;
- e. Subordinate retail;
- f. 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.

12.2 Building regulations

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

12.2.1 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 3 m from the sidelong and rear plot boundaries;
 - 3. Not be built less than 5 m from the front plot boundary;
 - 4. Not be built less than 5 m from another building.
- 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 size.

12.2.2 Structures, not being buildings

- a. 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.
- b. Any other structure, not being a building, must be limited to a maximum height of 20 m.

12.2.3 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.

12.3 Specific use regulations

12.3.1 General

Fences are only permitted on plots bordering on the beach or on the Simpson Bay Lagoon, provided that at least 75% of these fences are transparent.

12.3.2 Existing variances

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

13 ARTICLE 9 TRAFFIC

13.1 Zoning definition

The areas zoned as "Traffic" are designated for:

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

13.2 Building regulations

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

13.2.1 Buildings

A building may:

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

13.2.2 Structures, not being buildings

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

13.2.3 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.

13.3 Specific use regulations

13.3.1 Existing variances

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

13.4 Amendment authority

Amendment area 1

The Minister may, at the location of the "Amendment area 1" identifier, change the "Traffic" zoning to "Traffic – Airport" zoning, with the associated functions and facilities, with due consideration to the following regulations:

- a. The amendment is exclusively applied within the area that on the plan map is associated with the "Amendment area 1" identifier;
- b. The provisions of Article 18.1 pertaining to the air traffic zone.

14 ARTICLE 10 TRAFFIC – AIRPORT

14.1 Zoning definition

The areas zoned as "Traffic – Airport" are designated for:

- a. Traffic purposes related to air traffic;
- b. A runway at the location of the "runway" identifier;
- c. Airport terminal with associated facilities, such as offices, Category-1 hospitality establishments, retail and shops, at the location of the "airport terminal" identifier;
- d. Airport-related activities classified as Category 1 up to and including 4 in Industries Lists 1 and 2, which belong to these regulations, at the location of the "airport-related activities" identifier;
- e. Airplane and helicopter parking spaces;
- f. The storage of fuels at the location of the "fuel storage" identifier;
- g. Special structures in relation to the airport's operation and air traffic such as a traffic control tower and light and antenna structures;
- h. Associated facilities, such as roads, paths, platforms, green areas, watercourses, water bodies, water storage facilities, pavements, noise barriers, parking facilities, utilities, and facilities to prevent erosion.

14.2 Building regulations

Building on areas zoned as "Traffic – Airport" is restricted by certain regulations:

14.2.1 Buildings

A building may:

- a. Only be constructed within a building area;
- b. May not be higher than specified by the 'maximum building height (m)' identifier on the plan map.

14.2.2 Structures, not being buildings

- a. A lamp standard may not exceed a height of a maximum of 20 m;
- b. Any other structure, not being a building, must be limited to a maximum height of 20 m.

14.2.3 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.

14.3 Specific use regulations

14.3.1 Existing variances

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

14.4 Amendment authority

Amendment area 1

The Minister may, at the location of the "Amendment area 1" identifier change the "Traffic – Airport" zoning such that the airport can be expanded or restructured, with due consideration to the following regulations:

- a. The amendment is exclusively applied within the area that on the plan map is associated with the "Amendment area 1" identifier;
- b. The provisions of Article 18.1 pertaining to the air traffic zone.

15 ARTICLE 11 WATER

15.1 Zoning definition

The areas zoned as "Water" are designated for:

- a. Water, water management and water storage facilities;
- b. The preservation, restoration, development and management of scenic and natural values;
- c. A mooring jetty for pleasure crafts at the location of the "berth for pleasure craft" identifier;
- d. A pier at the location of the "pier" identifier;
- e. Recreational activities such as homeporting, swimming, snorkeling, diving, boating, fishing and surfing;
- f. A waterway at the location of the "waterway" identifier;
- g. Associated facilities, such as inclines, a boardwalk, mooring jetties, buoys, engineering works for water management purposes, walking bridges, shores, maintenance roads, green areas, watercourses, water bodies, water facilities, and utilities such as pipelines.

15.2 Building regulations

Building on areas zoned as "Water" is restricted by certain regulations:

15.2.1 Buildings

A building may only be constructed at the location of the "pier" identifier, and:

- a. May not be higher than specified by the "maximum building height (m)" identifier;

- b. May not have a surface area greater than that specified by the 'maximum building density (%)' identifier.

15.2.2 Structures, not being buildings

- a. A mooring jetty may have a maximum length of 20 m and a maximum width of 3 m;
- b. A boardwalk may have a maximum width of 6 m;
- c. Any other structure, not being a building, may not be higher than specified by the "maximum building height (m)" identifier.

15.2.3 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.

15.3 Specific use regulations

15.3.1 Existing variances

Existing use that does not comply with the provisions under 11.1 is permitted.

15.4 Amendment Authority

15.4.1 Amendment area 2

The Minister may, at the location of the "Amendment area 2" identifier, change the "Water" zoning into the "Center" zoning, with due consideration to the following regulations:

- a. The amendment is exclusively applied within the area that on the plan map is associated with the "Amendment area 2" identifier;
- b. The land reclamation may make up a maximum of 25% of the amendment area;
- c. A publicly accessible boardwalk must be constructed;
- d. A walking circuit from Airport Road to the boardwalk must be constructed;
- e. The provisions of Article 18.1 concerning the air traffic zone.

15.4.2 Amendment area 3

The Minister may, at the location of the "Amendment area 3" identifiers, change the "Water" zoning into the "Traffic – Boardwalk" zoning, with due consideration to the following regulations:

- a. The amendment is exclusively applied within the areas that on the planning map are associated with the "Amendment area 3" identifier;
- b. The land reclamation may make up a maximum of 25% of the amendment area;
- c. A publicly accessible boardwalk must be constructed;

- d. The provisions of Article 18.1 concerning the air traffic zone.

15.4.3 Amendment area 4

The Minister may, at the location of the "Amendment area 4" identifiers, change the "Water" zoning into the "Traffic" zoning on the premise that the amendment is exclusively applied within the areas that on the planning map are associated with the "Amendment area 4" identifier.

16 ARTICLE 12 WATER – NATURAL VALUES

16.1 Zoning 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;
- c. The mooring of a maximum of 25 ships during a hurricane, at the location of the "ship mooring" identifier;
- d. Recreational activities such as swimming, snorkeling, and non-motorized boating;
- e. Associated facilities, such as inclines, existing jetties, green areas, watercourses, water bodies and water facilities.

16.2 Building regulations

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

16.2.1 Buildings

Buildings are not permitted.

16.2.2 Structures, not being buildings

Structures, not being buildings are not permitted.

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.

16.3 Specific use regulations

16.3.1 Existing variances

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

16.4 Civil works permit

16.4.1 Activities

The following activities are prohibited on or in the lands zoned as "Water – Natural Values" without or in deviation from a written permit issued by the Minister:

- a. Performing activities that could potentially impact the water management and water quality;
- b. The placing of buoys.

16.4.2 Conditions

The Minister may grant a permit when the natural and ecological values of the area are not affected.

16.4.3 Exemptions to the prohibition

The prohibition under 12.4.1 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 a civil works permit.

17 ARTICLE 13 RESIDENTIAL – 1

17.1 Zoning definition

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

- a. Housing;
- b. Home-based occupation or business;
- c. Companies listed in Category 1 and 2 in Industries List 1, which pertains to these regulations at the location of the "Business category 1 and 2 (List 1)" identifier with exception of category-3 hospitality establishments;
- d. Hotel with a maximum of 15 hotel rooms;
- e. Religious establishments;
- f. 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.

17.2 Building regulations

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

17.2.1 Buildings

- a. A building's gutter or ridge may not be higher than the "maximum ridge height (m)" identifier specified on the planning map;
- b. A building may:

- 1. Not be built less than 3 m from the sidelong and rear plot boundaries;
- 2. Not be built less than 5 m from the front plot boundary;
- 3. Not be built less than 5 m from another building.
- c. 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 size;
- d. A building may have a gabled roof, whereby the roof's slope must be between 20 and 45 degrees.

17.2.2 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;
 - 3. May have a maximum height of 1.5 m if it borders on the beach or on the Simpson Bay Lagoon.
- 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. Any other structure, not being a building, must be limited to a maximum height of 12 m.

17.2.3 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.

17.3 Specific use regulations

17.3.1 Beach of Simpson Bay Lagoon property partitions

Fences are only permitted on plots bordering on the beach or on the Simpson Bay Lagoon, provided that at least 75% of these fences are transparent.

17.3.2 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.

17.3.3 Existing variances

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

17.4 Exempted companies

17.4.1 Unlisted companies

The Minister may grant an exemption to the provisions under 13.1 sub b and permit a company that is not listed in Categories 1 and 2 in Industries List 1, which pertains to these regulations, provided that the impact of the relevant company on the environment is equivalent to the environmental impact of the companies that are listed in Industries List 1.

17.4.2 Companies classified in a higher category

The Minister may grant an exemption to the provisions under 13.1 sub b and permit a company that is listed in Categories 3 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 company's way of working, production processes, other work methods and facilities is equivalent to the environmental impact of the companies that are listed in Industries List 1.

18 ARTICLE 14 VALUE – ARCHAEOLOGY

18.1 Zoning definition

Areas zoned as "Value – Archaeology" are, in addition to their other designated uses, designated for the conservation, restoration and expansion of the archaeological values.

18.2 Building regulations

18.2.1 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.

18.2.2 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.

18.3 Civil works permit

18.3.1 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. Constructing, widening, relocating or paving roads and paths;
- b. Constructing other paving works;
- c. Raising and/or excavating lands;
- d. Performing activities and constructing works that may impact the water management;
- e. Performing activities that may affect archaeological and cultural-historical remains and foundations;
- f. The demolition of structures.

18.3.2 Conditions

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

18.3.3 Exemptions to the prohibition

The prohibition under 14.3.1 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 a civil works permit.

18.4 Amendment of lands zoned as "Value – Archaeology"

The Minister may amend the "Value – Archaeology" zoning 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.

GENERAL REGULATIONS

19 ARTICLE 15 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.

20 ARTICLE 16 GENERAL BUILDING REGULATIONS

20.1 Parking

The Minister may only issue a building permit if the application 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 can grant an exemption to the construction of the required number of parking spaces if a sufficient number of parking spaces is present nearby.

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 main buildings and annexes 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 main building or annex, provided that this does not disproportionately affect the values present in the area.

20.3 No building zone

The construction of buildings and/or structures is not permitted at locations with a "no building zone" identifier.

21 ARTICLE 17 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 zoning and the regulations.

22 ARTICLE 18 GENERAL IDENTIFIER REGULATION

22.1 Air traffic zone

For reasons of air traffic safety, the following additional regulations apply at locations with the "air traffic zone" identifier in relation to the building height of structures and the masts of ships:

- a. The building height of structures and the masts of ships may not be higher than that specified by the "air traffic zone (m)" identifier specified on the plan map;
- b. The building height at the location of the "air traffic zone (m)" identifier replaces the maximum building height for buildings and structures identified in the underlying zoning when the building height at the location of the "air traffic zone height (m)" identifier is lower than the maximum building height permitted pursuant to the underlying zoning.

23 ARTICLE 19 GENERAL EXEMPTION REGULATION

23.1 Category 3 hospitality establishments

The Minister can grant an exemption from the provisions in Article 8 (Recreation - Overnight Recreation) 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.

23.2 Livestock or agricultural farm

The Minister can grant an exemption from the provisions in the 'Zoning Regulations' section for a livestock and/or agricultural enterprise, 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, as defined in Article 33.1.a, 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.

24 ARTICLE 20 GENERAL AMENDMENT REGULATION

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

25 ARTICLE 21 GENERAL PROCEDURE REGULATIONS

25.1 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.

25.2 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.

25.3 Amendment

The following procedure applies to an amendment to be made by the Minister to the development plan as defined in Articles 9 ("Traffic"), 10 ("Traffic – Airport") and 11 ("Water").

25.3.1 Draft amendment plan

- a. The Minister submits the draft of the amendment plan, with the relevant documents that can reasonably be expected to be required to assess the draft, for inspection by the Ministry of Housing, Spatial Planning, the Environment and Infrastructure (VROMI);
- b. The draft of the amendment plan will be placed for public review for the term specified in Article 21.3.1 sub h;
- c. Prior to submitting the draft detailed 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 notice specifies the following:
 1. Where and when the draft 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 amendment plan is intended for one or more stakeholders, the Minister, in advance of making the draft available for public review, will send the draft

and the information specified under 21.3.1 sub d, to the stakeholders, including the requester;

- f. Stakeholders have the option of submitting their views on the draft amendment plan to the Minister in writing or verbally;
- g. If the draft amendment plan was prepared on request, the Minister will, if necessary, give the applicant an opportunity to respond to the submitted views;
- h. The term for submitting views is six weeks;
- i. The term commences on the day that the draft 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;
- 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.

25.3.2 Approval of amendment plan

- 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, can

extend the term as defined in Article 21.3.2 sub a by a reasonable period;

- c. Before the Minister decides on an extension as defined in Article 21.3.2 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 21.3.2 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.

In variance to the provisions of Article 21.3.2 sub a, b, c and d, the Minister will, no later than four weeks after the expiry 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.

26

ARTICLE 22 OTHER REGULATIONS

26.1

Coordination with Building and Housing Ordinance

Insofar as the zoning 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 regulations contained in this development plan prevail.

26.2 Variances between the Dutch and 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.

26.3 Variances between digital and paper versions

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

27 ARTICLE 23 TRANSITIONAL REGIME

27.1 Transitional regime for structures

- a. A structure that is present, under construction or may be constructed pursuant to a 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.

27.2 Transitional regime for use

- a. The use of areas and structures that were present at the time that the draft development plan is available for inspection and that is in conflict with it may be continued.
- b. Changing a use that is in 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 variance 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.

28 ARTICLE 24 CONCLUDING REGULATIONS

The regulations are cited as the "Development Plan Simpson Bay Regulations".

Part II B: Appendices to the Regulations



PART II B: APPENDICES TO THE REGULATIONS

APPENDIX 1: INDUSTRIES LIST 1

SBI-2008	Number	Description	Distances in meters				LONGEST DISTANCE	CATEGORY
			ODOUR	DUST	NOISE	DANGER		
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

SBI-2008		Description	Distances in meters					
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

SBI-2008		Description	Distances in meters					
35	PnH1	- < 10 MVA	0	0	30	10	30	2
35	V3	- gas: reduction, compression, metering and control systems Cat. PA	0	0	10	10	10	1
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

SBI-2008		Description	Distances in meters					
4676		Wholesale of other intermediary goods	10	10	30	10	30	2
466, 469		Other wholesale (business furniture, packaging, professional supplies, etc.)	0	0	30	0	30	2
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

SBI-2008		Description	Distances in meters					
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 day-centers	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

SBI-2008		Description	Distances in meters					
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
021, 022, 024	Forestry companies	10	10	50	0	50	3.1

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
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
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

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
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 (pick- ling 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 facto- ries	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 water	300	100	200 C	30	300	4.2
1091	- compound feed: prod. cap. < 100 T/hr	200	50	200 C	30	200	4.1

SBI-2008	DESCRIPTION	DISTANCES IN METERS						
1091	- compound feed: prod. cap. >= 100 T/hr	300	100	300 C Z	50 R	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 R	300		4.2
10821	- sugar factories without sugar burning: prod. area > 200 m ²	100	30	50	30 R	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 R	200		4.1
1089	- without drying powders	100	10	50	10	100		3.2
1089	- with drying powders	300	50	50	50 R	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 R	200		4.1
110102	- prod. cap. >= 5,000 T/yr	300	50	300 C	50 R	300		4.2
1105	Beer breweries	300	30	100 C	50 R	300		4.2
1106	Malting plants	300	50	100 C	30	300		4.2
1107	Mineral water and soft drink factories	10	0	100	50 R	100		3.2
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

SBI-2008	DESCRIPTION	DISTANCES IN METERS								
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	
1712	- prod. cap. < 3 T/hr	50	30	50	C	30	R	50	3.1	
1712	- Prod. cap. 3 - 15 T/hr	100	50	200	C	Z	50	R	200	4.1
1712	- prod. cap. >= 15 T/hr	200	100	300	C	Z	100	R	300	4.2
172	Paper and carton products factories	30	30	100	C	30	R	100	3.2	

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
17212	- prod. cap. < 3 T/hr	30	30	100 C	30 R	100	3.2
17212	- prod. cap. >= 3 T/hr	50	30	200 C Z	30 R	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 R	100	3.2
19202	Spent oil recycling companies	300	0	100	50 R	300	4.2
19202	Petroleum products factories n.e.c.	300	0	200	50 R	300 V	4.2
2012	Dye and pigment factories	200	0	200 C	200 R	200 V	4.1
2012	- not subject to the "Post-Seveso" Directive	100	30	300 C	300 R	300 V	4.2
20141	- not subject to the "Post-Seveso" Directive	300	10	200 C	300 R	300 V	4.2
20141	- prod. cap. < 100,000 T/yr	100	0	200 C	100 R	200	4.1
20141	- prod. cap. >= 100,000 T/yr	200	0	300 C Z	200 R	300	4.2
20149	- prod. cap. < 50,000 T/yr	300	0	200 C	100 R	300	4.2
203	Paint, lacquer and varnish factories	300	30	200 C	300 R	300 V	4.2
2110	- prod. cap. < 1,000 T/yr	200	10	200 C	300 R	300	4.2
2120	- formulation and filling of medicines	50	10	50	50 R	50	3.1
2041	Soaps, detergents and cleaning agents factories	300	100	200 C	100 R	300	4.2
2042	Perfume and cosmetics factories	300	30	50 C	50 R	300	4.2
2052	- without animal products	100	10	100	50	100	3.2
205902	Photo-chemical products factories	50	10	100	50 R	100	3.2
205903	Chemical office consumables factories	50	10	50	50 R	50	3.1
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

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
221102	- floor surface area < 100 m ²	50	10	30	30	50	3.1
221102	- floor surface area >= 100 m ²	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
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

SBI-2008	DESCRIPTION	DISTANCES IN METERS						
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
251, 331	- enclosed building	30	30	100		30	100	3.2
251, 331	- enclosed building: prod. area < 200 m ²	30	30	50		10	50	3.1
251, 331	- open air: prod. area < 2,000 m ²	30	50	200		30	200	4.1
251, 331	- open air: prod. area >= 2,000 m ²	50	200	300	Z	30	300	4.2

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
2529, 3311	- prod. area < 2,000 m2	30	50	300	30 R	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 R	100 V	3.2
2561, 3311	- schooping (zinc spraying)	50	50	100	30 R	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
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

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
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
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

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
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 from the food industry	100	50	100	30 R	100	3.2
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

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
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
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

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
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 D	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
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

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
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 R	100 V	3.2
491, 492	- switchyards, transfer stations (without classification yard)	30	30	300 C	300 R	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 R	300 V	4.2
52241	- tanker cleaning	300	10	100 C	200 R	300	4.2
52242	- containers	0	10	300	50 R	300	4.2
52242	- tanker cleaning	300	10	100	200 R	300	4.2
52242	- general cargo	0	10	100	50 R	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 R	300	4.2
52242	- black coal: stor. area < 2,000 m ²	50	300	300	50	300	4.2
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

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
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
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

SBI-2008	DESCRIPTION	DISTANCES IN METERS					
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	p 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

SBI-2008	DESCRIPTION	DISTANCES IN METERS						
931	- open outdoor ranges: target trees	0	0	500	1500	1500	6	
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	Part of Zoning	Parking places per unit
Labor-extensive and visitor-extensive companies	Warehousing shed, storage, transport, rental	Center, Residential-1 with Business Category 1 identifier, Business-1 and Business-2	0.5 per 100 m ² GFA ²⁵ with a minimum of 2
Labor-intensive and visitor-extensive companies	Garages, various types of industry	Center, Business-2	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	Center, Recreation – Stay over recreation, Residential-1 with Hospitality 1 identifier	8 per 100 m ² GFA with a minimum of 4
Hospitality: provision of accommodation	Hotel, resort, guesthouse, bed and breakfast	Center, Recreation – Stay over recreation	1.2 for every 2 rooms
Office	Lawyer's office, insurance company, banks, ministries, etc.	Center, Social	2.5 per 100 m ² GFA with a minimum of 4
Education: day-care center	Day-care and after-school care/nursery	Center, Social	1.5 per 100 m ² GFA with a minimum of 3
Education: school	Primary school/school	Center, Social,	1.5 per classroom
Sports: sports center, canteen, hall, fitness, dance studio and comparable	Simpson Bay Village Community Center	Center, Recreation – Stay over recreation	2 per 100 m ² GFA with a minimum of 4

²⁵GFA = 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.

Function	Example/Clarification	Part of Zoning	Parking places per unit
Dwelling	All types of dwellings	Center, Residential-1	1 per dwelling plus 1 for every two bedrooms
Function	Example/Clarification	Part of Zoning	Parking places per unit
Healthcare and religion	Hospital, family doctor's/doctor's practice, pharmacy, dentist, beautician, barber and comparable, religious building	Center, Social, Residential with the Business Category 1 identifier	2.5 per 100 m ² GFA

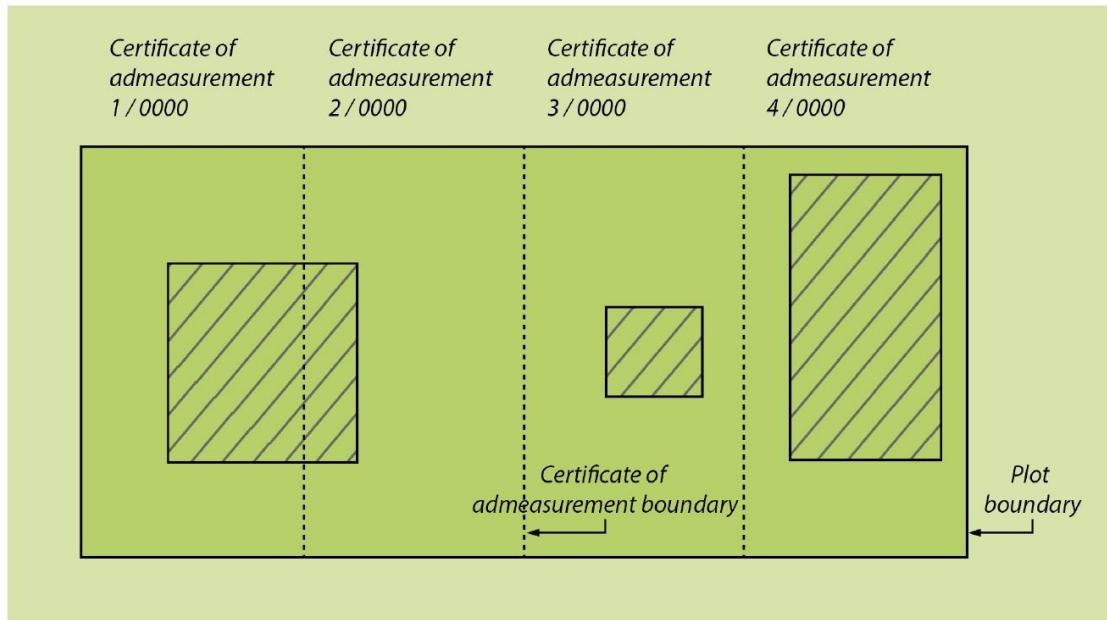
APPENDIX 5: CERTIFICATE OF ADMEASUREMENT VERSUS PLOT SAMPLE CASE


A single building permit is requested for three buildings within the zoning 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.

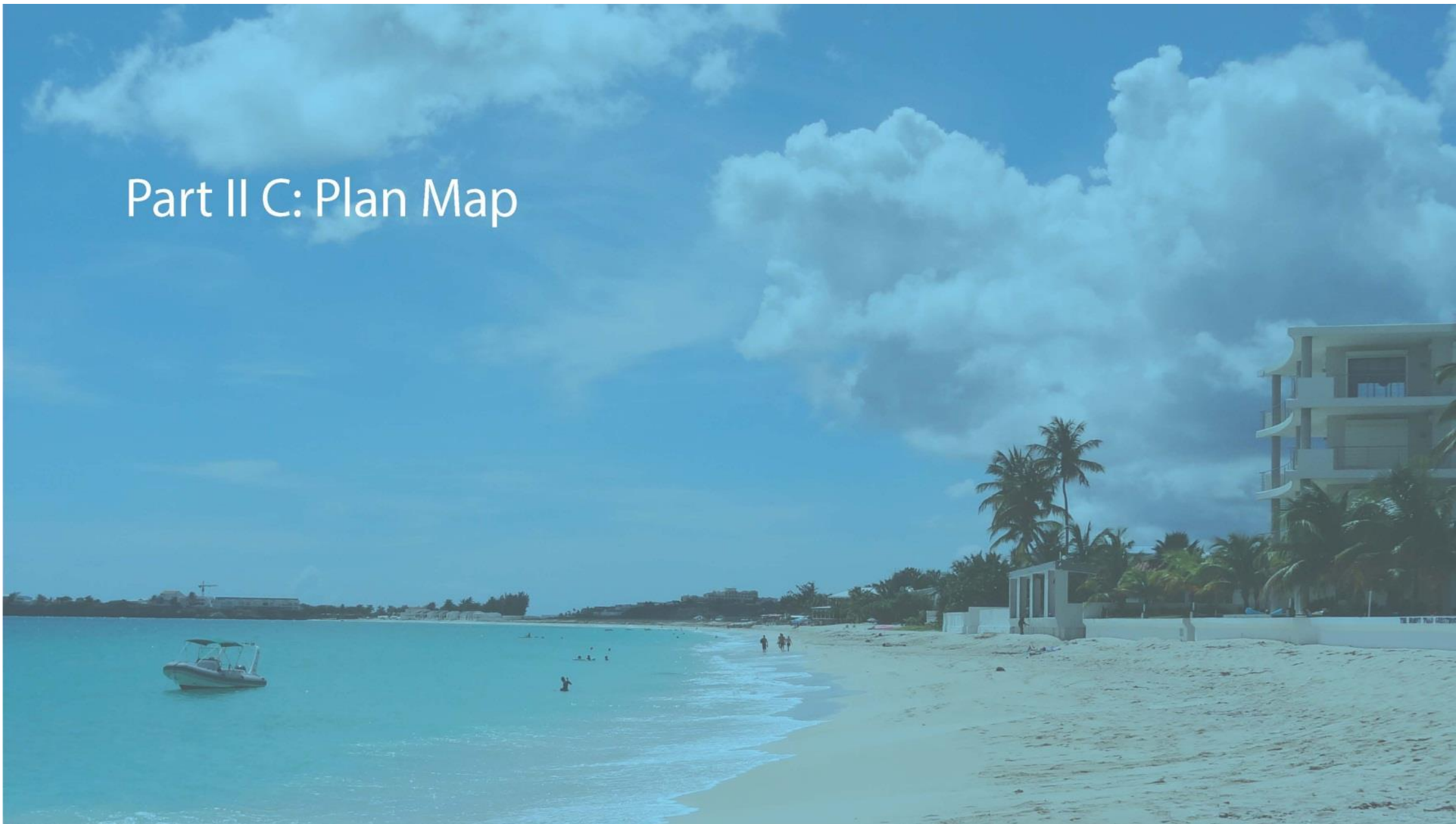
If a separate building permit were to be requested for

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.



 Area to be developed

Part II C: Plan Map



PART II C: PLAN MAP