



DEVELOPMENT STANDARDS

PROLOGUE

The building of your home on Prima Vista Estate will not only be an exciting event but above all else, a pleasant experience.

Your home represents a large investment and that is why the Prima Vista Estate developers acknowledge the importance of value of your investment.

You are strongly advised to use the services of an architect.

The Development Standards are compiled in order to help future home-owners, tenants, architects and contractors take an active part in the building process and thus to ensure as much as possible long term, high-quality living in your Prima Vista Estate villa.

The Development Standards are not designed to function as guidelines as to what is considered ugly or beautiful, but rather to coordinate architectural diversity and simultaneously to ensure that differing styles flow harmoniously into a pleasant living environment. The protection of your investment is ultimately our goal.

A Prima Vista Estate representative is available to help you:

- interpret the Development Standards
- make suggestions regarding the design of your home
- make contact with architects and contractors

Introduction to the Development Standards

The Development Standards and the Planning Permit are deposited at the office of civil law notary M.M. Boekhoudt on St. Maarten and are also available at the office of Prima Vista Estate N.V.

These Development Standards are the Development Standards referred to in Article 2 section 2.2 of the Sale and Purchase Agreement and shall be considered to form an integral part of the subsequent notarial deeds of transfer in ownership to the buyers.

These Development Standards, along with the Sale and Purchase Agreement and the Constitution of the Owners Foundation must be thoroughly read and understood before the purchase and development of a plot.

The Prima Vista Estate Subdivision plan has been approved by the Island Territory of St. Maarten via the department of VROM (section Spatial Development and Management). The Planning/Subdivision Requirements are laid down by the department of VROM and the Island Government of St. Maarten and form part of these Development Standards which are, however, far more extensive in content.

Buyers are hereby warned that the department of VROM will issue building permits without taking into consideration any private building conditions, including the Development Standards of Prima Vista Estate. It is, however, the responsibility of the plot-owner to strictly adhere to the regulations found in the Development Standards before applying for a building permit. That is why the plot-owner has to submit the building plans for approval to the management of Prima Vista Estate N.V. before submitting them to the department of VROM for a building permit.

A building permit that is issued without having obtained the hereinafter mentioned approval from Prima Vista Estate N.V. may not be used by the plot-owner in Prima Vista Estate.

Any costs incurred by disregarding the Development Standards are the responsibility of the plot-owner.

Prima Vista Estate N.V. reserves the right to amend, alter or add to the Development Standards at its sole discretion.

All plot-owners are obliged to become members of the Prima Vista Estate Owners' Foundation (PVEOF).

1. General Definitions and Development Standards

1.1. Definition of terms

In the Development Standards the following terms are understood:

1.1.1 The Subdivision Plan

Is the plan of survey that delineates boundaries and parcels of land (plots or lots) within a specified area and sets out the streets and other improvements of the development.

1.1.2 Building lot or plot.

The outline that defines the borders of ground wherein construction is permitted and which further indicates the permitted building lines.

1.1.3 A Building.

Every construction of wood, stone, metal or other material which, wherever situated, is directly or indirectly attached to the ground and which is directly or indirectly supported in or on the ground, having an entrance and a roof that is fully or partially surrounded by walls, fully or partially covered.

1.1.4 Building.

Is the placing, setting up, renovation, or change of buildings or parts thereof.

1.1.5 Setback

The distance a building must be from the boundary of a plot.

1.1.6 Front yard setback.

The permitted distance from the front of a building to the plot boundary along the road.

1.1.7 Building/ Plot Proportions.

The relation between the sums of the area inside the outer walls of the building (or should these be missing - inside the outer borders of the roof) and the area of the plot itself as standardised in the admeasurements documentation, shown in percentages of the total plot.

1.1.9 Fence (or fence wall)

Structures that enclose the front or any side of the lot

1.1.10 Retaining wall

Is a structure made to support the dirt where a cut has been made in the hill side to prevent the land from eroding.

1.2 Ways of Measuring

1.2.1 The height of a building is measured from the highest point of the road that flanks the plot, to the highest point of the construction.

1.2.2 The area of a building is measured between the outer lines of the covered areas including covered terraces.

1.2.3 The distance between a building and an adjacent border is measured from the vertical projection point of the roof nearest to the plot boundary.

1.3 DEVELOPMENT STANDARDS

- 1.3.1** All buildings must conform to the legal requirements set forth by the Island Government of St. Maarten. Where the Development Standards of Prima Vista Estate N.V. goes beyond these legal requirements the requirements of the Developments Standards are considered as the minimum requirements and are binding, since the Development Standards form an integral part of the Sales & Purchase agreement.
- 1.3.2** Construction must commence within 3 years of having purchased a plot and furthermore must be completed within 12 months of the start date on pain of penalty charges of \$ 10.000,- per month or any part thereof during which construction has not commenced within said term of 3 years and/or construction is not completed within said term of 12 months. A reasonable extension of time may be granted in writing by the Prima Vista Estate N.V. if unforeseen circumstances prevent completion of the building within this timeframe. The re-sale of a plot within the 3 year period does not exempt the new owner from the rules regarding building commencement and termination. The new owner must adhere to the regulations and commence building within the 3-year period following the *original* date of purchase.
- 1.3.3** The gated community is developed for residential use only. Therefore no business, trade or profession whatsoever is allowed within the plan. Parts of the house may not be rented out or used as apartments.
- 1.3.4** The permitted dwelling is a residential detached house. Thus only one building per lot is allowed for such a purpose.
- 1.3.5** Self-standing buildings such as sheds, gazebos, awnings and lean-tos with a combined maximum area of 15 m² are allowed providing under the condition that they are constructed in the same style as the main house. It is not allowed to use these buildings as either temporary or permanent dwellings.
- 1.3.6** No container(s), truck(s), trailer(s), tent(s) nor any outbuilding or other structure of a temporary character, shall be kept, allowed or exist on the property any time, except for construction purposes and only direct preceding to and as long as construction on the property is in actual progress.
- 1.3.7** A building may only be built after observing and conforming to the following regulations:
- a) The maximum percentage that is allowed for a built-up area is 25% of the lot which is being constructed on, but shall not be less than 200 m².
 - b) Cut and fill quantities of the land shall be minimized by terracing buildings down the hillsides to minimize grading, heights and visual impact.
 - c) The maximum building height is limited to two (2) floor levels of which the maximum floor height is three (3) meters excluding heights required for proper roof slopes and foundation.
 - d) The pitch of the roof should be minimum 20 degrees and maximum 45. Blank [shiny and unpainted] roofing is not allowed; it must consist of tiles made of clay, cement or equivalent appearance.
 - e) The building shall not obstruct the ocean view of the above dwelling.

- f) Appearance of mirrored units or repetitive patterns within one structure must be avoided. Placements of structures shall be varied in orientation and building separation to avoid repetitive patterns.
 - g) The prescribed setbacks must be maintained on each lot.
 - 1. All structures shall have a front yard setback of 5 meters from internal streets.
 - 2. The minimum distance from an elevation that does not face the road and any side or rear boundary line is 4 meters for buildings less than 6 meters in height and 5 meters for buildings over 6 meters in height.
 - h) Buildings may only be constructed of concrete blocks or other stone-like material.
 - i) All building and structures must be designed and built to resist hurricane winds up to 135 mph and earthquakes with reference to the United States Uniform Building Code 1994, chapter 16, division III. All parts of the building and other structures must be and kept properly secured so that they cannot become flying objects during hurricanes. The same applies to all parts and equipment present on the property during hurricane season.
 - f) The intent of the development colour scheme is to permit individual expression within a framework which maintains a sense of compatibility and continuity. The following colour treatments are allowed:
 - 1. Roofs: Various shades of red
 - 2. Exterior Building Walls: Shades of White, Cream pastel beige/Ochre and Terra Cotta blends.
 - 3. Handrails, Shutters, Eaves, Windows and Trim: Accent colours conforming to the above mentioned colours.
 - 4. Main Entry Doors: Natural Wood, earth tone accent colours or shades of white.
 - j) The maximum allowed height for walls or fences along the road is 1.40 m and along the sides 1.70 meter both to be measured from the original ground level of the lot. Only 35% of the wall or fence from the ground level up can be of solid construction the rest must be transparent.
 - k) Cesspits and septic tanks are required for the disposal of waste water.
- 1.3.8 a) In the unlikely event that the Purchaser does not agree with the interpretation of the Development Standards during execution and approval of the drawings, they will select a mutually agreed upon architect to arbitrate the unresolved design issues(s) and to make final approval(s) which will be binding on both parties.
- 1.3.9 a) In the event Purchaser fails to comply with The Development Standards, Prima Vista Estate N.V. shall give the Purchaser notice thereof whereby Purchaser will be given a reasonable period of time to correct the breach of the Development Standards. If Purchaser fails to correct the breach of the Development Standards within said reasonable period of time, Purchaser shall upon first demand of Prima Vista Estate N.V. transfer the parcel of land back into ownership of Prima Vista Estate N.V.

b) Prima Vista Estate N.V. agrees to compensate the purchase up to a maximum of 80% of the purchase price. Purchaser paid for the parcel of land: Purchaser hereby accepts such compensation for the Parcel of land.

c) In the event the Purchaser has constructed a building on the parcel of land, Prima Vista Estate N.V. agrees to compensate purchaser up to a maximum amount of 70% of the auction value of the parcel of land with the constructed building. Purchaser hereby accepts such compensation for the parcel of land with the constructed building.

2. Procedure for design approval

2.1 General

All construction drawings and materials relating to the construction of a house on Prima Vista Estate will need to be inspected by the Prima Vista Estate N.V., before construction can begin.

The Development Standards state the minimum requirements which are necessary for this assessment and serves as a check-list for you so that you can be sure that all elements are taken into consideration for the responsible development of your home.

The Prima Vista Estate N.V. representative will be more than happy to answer any questions you may have about the Development Standards.

2.2 Submitting your plans

Your plans must be submitted by you for inspection and approval in order to comply with the Prima Vista Estate regulations and vision.

The inspection will be efficient and focused; important factors for a clear and explicit view of your plan.

2.3 Interim Assessment

When applying for an interim approval, documents supporting the following details must be submitted for inspection.

- The situation and placement
- Finishing touches to the ground
- The view and façade from front side and rear.
- The planned materials and colour schemes.
- Sketches of the garden landscaping.

Interim approval allows the buyer to finalise the positioning and drawings in order to apply for the FINAL approval.

The results of the interim assessment will be given to the builder by the Prima Vista Estate representative in the form of a written memo, letter or list with comments.

A second interim assessment can be requested for the points that required changing.

In the event that *many* changes are deemed to be necessary then a new interim assessment must be conducted. Prima Vista Estate N.V. shall determine if a new interim assessment will be conducted.

2.4 The final assessment

The final assessment is necessary for the final approval and furthermore ensures that both the owner and the contractor can interpret the instructions correctly.

All interim approvals retain their validity. Only the changes that took place in the interim will be affected and re-appraised.

Construction is not allowed before the Government has granted a building permit for the complete construction and which is in accordance with the plans as approved by Prima Vista Estate N.V.

Approval from the Government, however, in no way affects Prima Vista's procedures as stipulated in the Development Standards governing interim and final assessment.

Prima Vista Estate N.V. will communicate its final approval by way of a stamp and signature on the original drawings which are to be submitted to the VROM for application of a building permit.

2.5 The Construction

- a) Before any construction may begin, the contractor must request and obtain an approval permit from Prima Vista Estate N.V. along with a building permit from the local authorities which does not conflict with the approval of Prima Vista Estate N.V.
- b) Several site inspections will be held during construction assuring compliance with the approved plans. Access to the Construction site and the building must therefore be given to Prima Vista Estate N.V. at all times.
- c) All changes that are subject to the building requirements must first be approved by Prima Vista Estate N.V.
- d) Prima Vista Estate reserves the right to deny a contractor access to the Construction site or halt construction if a contractor fails to follow the regulations. The owner of the plot shall in that event cooperate with Prima Vista Estate N.V. and cause the Contractor adhere to the instructions of Prima Vista Estate N.V. in so far the Contractor initially refuses to follow the instructions of Prima Vista Estate N.V.
- e) The Owner of a plot shall stipulate in The Construction agreement with the contractor that the Contractor shall follow any and all instructions from Prima Vista Estate N.V. to halt Construction and/or refrain from entering the construction site.
- f) The owner of a plot will be held responsible for any eventual damage to roads, and planted gardens in his neighbourhood that might occur during construction on his land. The owner is responsible for claiming these damages from the contractor.