

### **What is the Regulation for Construction in the Buffer Zone of the Ostional Wildlife Refuge?**

This is a temporary regulation from the municipality of Nicoya, that aims to reduce **density** in the buffer zone of the Ostional Wildlife Refuge while the final Regulatory Plan is completed.

### **Why is the NCA promoting this?**

One of the three focus areas of the Nosara Civic Association has been community planning. We have been working for 18 months with the Municipality of Nicoya to promote the regulatory plan for our district. Currently there is NO established legal master plan or zoning in the district of Nosara. Without a regulatory plan we are in danger of destroying the very elements of what makes Nosara unique.

Because this is a long process and the speed of development in the Playas de Nosara Community is high, we decided to present a proposal for a building regulation to the Municipal Council. This is a temporary regulation while we wait for the regulatory plan to be completed.

### **Who developed the regulations?**

The NCA hired an environmental lawyer to develop regulations for the buffer zone of the Ostional Wildlife Refuge, based on similar regulations in Nandayure (for the Camaronal Refuge) and in Playa Grande (for the Baulas National Park).

### **What is the technical basis for the regulations?**

To develop these regulations, we used the Reglamento de Construcciones published in la Gaceta N°54 in 2018, the proposal for the regulation for construction in the Ostional Wildlife Refuge and the regulations for construction in the buffer zones of Baulas National Park and Camaronal Wildlife Refuge.

### **Who was consulted in the development of this regulation?**

The organizations consulted were: the official commission for the participatory management of the Ostional Wildlife Refuge (CIMACO), the Regulatory Plan Commission of the Municipality of Nicoya, the Urbanism Commission of the Municipality of Nicoya and MINAE - SINAC.

### **What was the process to approve the regulations?**

The NCA submitted the regulations to the regulatory plan commission. The commission made a recommendation to the Municipal Council for approval. The council, before approving, sent it to the Urbanism commission for their ok. With the ok from the Urbanism Commission, the regulation was approved by the council and sent to be published in the Gacete.

### **Do the new regulations affect existing buildings and lots?**

No, the new regulations will only affect new buildings and new segregations.

### **Did the municipality have the right to approve this kind of regulation?**



Yes, by law the municipalities in Costa Rica are the institutions in charge of Territorial Regulations according to the articles 15, 19 and 20 of the Ley de Planificación Urbana.

### **What is going to be regulated?**

#### *For the direct impact area, 1km inland from the Maritime Zone (Includes Guiones and Pelada)*

Minimum lot size: 1 000m<sup>2</sup>.  
Maximum constructions height: 6m (Two floors).  
Maximum percentage of construction: 40% of the lot  
Lights: All outside lights must be directed to the floor. And all internal lights must be blocked using curtains, dark glasses and barriers in order to prevent turtles from getting lost.

#### *For the Indirect impact area, from 1 km inland from Maritime Zone to 5 Km inland (Includes Nosara town)*

Minimum lot size: 270m<sup>2</sup>  
Maximum constructions height: 9m (Three floors)  
Maximum percentage of construction: 50% of the lot  
Lights: All outside lights must be directed to the floor. And all internal lights must be blocked using curtains, dark glasses and barriers in order to prevent turtles from getting lost.

### **Was this considered by the NCA membership?**

We believe that this regulation is aligned and supported by the majority of our membership. Many were concerned that if measures were not put in place immediately there would be nothing left to zone by the time the zoning plan was adopted. Our board made the decision to consult on legal and technical aspects with the organizations listed above, and based on their feedback, presented the regulations to the local government. We believe that our community is at a tipping point moment and took action thinking about the benefit to the majority and the future of Nosara.