



Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL NORTE
Municipality of Siayan



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF
SIAYAN, ZAMBOANGA DEL NORTE HELD AT THE MUNICIPAL SESSION HALL ON THE 21ST DAY
OF MARCH, 2016.

PRESENT:

Hon. Daisy A. Lmbang, Presiding Officer,	Municipal Vice Mayor	
Hon. Norma R. Labastida,	Sangguniang Bayan	Member
Hon. Primitivo D. Castillo,		-do-
Hon. Oliver A. Romero,		-do-
Hon. Felizardo I. Gayapa, Sr.,		-do-
Hon. Raul P. Dominise,		-do-
Hon. Rico V. Janisola,		-do-
Hon. Ma. Roselyn G. Secretario,		-do-
Hon. Emelyn P. Alumbre,		-do-
Hon. Alberto J. Bongcawel, ABC President,		-do-

ABSENT:
None

MUNICIPAL NO. 2016-02
Series of 2016

AN ORDINANCE ESTABLISHING AND ADOPTING A COMPREHENSIVE ZONING REGULATION
FOR THE MUNICIPALITY OF SIAYAN, AND FOR OTHER PURPOSES.

Be it ordained by the Sangguniang Bayan of Siayan, Zamboanga Del Norte that:

WHEREAS, The Local Government Code of 1991 provides that local government units shall, in conformity with existing laws, establish a comprehensive land use plan which shall be the primary bases for future use of their land resources;

WHEREAS, the Local Government Code further provides that the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of a comprehensive land use plans;

WHEREAS, the municipal comprehensive land use plan can be effectively implemented by enacting regulatory measures translating its planning goals and objectives into reality;

WHEREAS, the Local Government Code devolves unto local government units the power and authority to properly enforce the zoning rules and regulations as part of its primary responsibilities;

WHEREAS, a zoning ordinance is one of the regulatory powers of the government to protect and enhance the public health, safety, morals and general welfare of its citizens;

NOW THEREFORE, the Sangguniang Bayan of the municipality of Siayan, in session assembled, hereby adopts the following zoning regulation, as follows:

**ARTICLE I
TITLE OF THE ORDINANCE**

Section 1. Title - This Ordinance shall be known and cited as the 2016 Comprehensive Zoning Ordinance of the Municipality of Siayan.

**ARTICLE II
AUTHORITY AND PURPOSE**

Section 2. Authority - This Ordinance is enacted pursuant to the provisions of Section 20 of Republic Act No. 7160 and DILG Memorandum Circular No. 99-234 promulgated last December 14, 1999.

Section 3. Purpose - This Ordinance is enacted to achieve the following purposes:

- a. To promote and protect public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the municipality of Siayan;
- b. To guide, control and regulate future physical growth and development in accordance with the Land Use and Infrastructure Plans of Municipality of Siayan;
- c. To protect the character and stability of residential, commercial, industrial, institutional, parks and open spaces and areas within the municipality of Siayan and promote the orderly and beneficial development of the areas;
- d. To promote adequate light, air, privacy and convenience of access to property and ensure safety from fire and other dangers;
- e. To prevent overcrowding on land and undue concentration of population;
- f. To regulate the location and use of buildings and land in such a manner as to obviate the danger to public safety caused by undue interference with existing or prospective traffic movements on streets and thoroughfares.

Section 4. - Declared Zoning Principles - Zoning is a division of the municipality into land use zones, its specifications, patterns, nature and characteristics of uses and provision of density, and environmental regulations in consonance with the approved development plans and strategies, as well as land use policies and objectives of the community which will be adopted by the Municipal Development Council (MDC) and the *Sangguniang Bayan*. The municipality's declared Zoning Principles are as follows:

- a. Land is a limited resource and as such must be managed for the welfare of all in accordance with the community's comprehensive development plan;
- b. The environment provides man with life supporting systems and as such it must be conserved and developed to enhance the quality of life;
- c. Man's well-being is the ultimate consideration of development. This being the case, there is a need for regulatory measure which shall ensure the protection of his immediate environment;
- d. Land must be used in a most beneficial, efficient and rational manner as to prevent the mixture of incompatible land uses, environmental hazards, blight, depression and artificial scarcity of land resources. Thus, there is a need for regulatory measure which shall promote such pattern of development;
- e. This comprehensive zoning ordinance is one such regulatory measure which is enacted to identify the various land use in designated districts, its allowable usage and the prescribed physical standard based on the development plan.

Section 5. Comprehensive Land Use Plan - The 2015 Comprehensive Zoning Ordinance of the Municipality Siayan is based on the Comprehensive Land Use Plan formulated by the Municipal Planning and Development Office and adopted by the Municipal Development Council and the *Sangguniang Bayan* of Siayan.

**ARTICLE III
DEFINITION OF TERMS AND RULES OF CONSTRUCTION**

Section 1. Definition of Terms - The technical terms used in the Comprehensive Land Use Plan shall have the same meaning and usage when applied to this Ordinance.

The following words and phrases as used in this ordinance shall be understood as follows:

- a. *Agricultural Zone (AGZ)* – A tract of land devoted principally to the planting of trees, raising of crops, livestock and poultry, dairying, and other agricultural activities, and is not classified as mineral, timber, residential, commercial or industrial land;
- b. *Agro-Industrial Zone(AIZ)* – A tract of land primarily for integrated farm operations and related product processing activities such as plantation for banana, pineapple, cassava, rubber, and other agricultural products for industrial purposes;
- c. *Buffer Area* – refers to yards, parks or open spaces intended to separate incompatible elements or uses to control pollution/nuisance and for identifying and defining development areas or zones where no permanent structures are allowed;
- d. *Built-Up Area* – refers a contiguous grouping of ten (10) or more structures;
- e. *Central Business District* – refers to the place where trade, services and other business establishments are situated;
- f. *Certificate of Exception and Deviation* – refers to a zoning certificate issued to projects, building or use or enjoyment of the property that varies from the prescribe use of the property within the zonal district and its variation is allowed or is exempted under certain;
- g. *Certificate of Innovative Techniques* – refers to a zoning certification issued to projects that introduce flexibility and creativity in design or plan. It may involve the development of mixed-use large-scale projects on a single tract of land or in a particular compact integrated areas employing creativity, flexibility and economy in land uses;
- h. *Certificate of Non-Conformance* – refers to a zoning certificate issued to land owners or any establishments that fails to conform to the land use prescribed in a certain area or zoning district;
- i. *Compatible Use* – refers to two (2) or more land uses or land activities that are not incompatible to each other, such as a residential use with parks and playground;
- j. *Certificate of Special Use* – refers to a zoning certificate issued to the owner, lessee or developer of a parcel of land intending to construct, establish or benefit from the enjoyment of property for a specific purpose as specified in a zoning district;
- k. *Comprehensive Land use Plan (CLUP)* – a document embodying specific proposals as a guide in regulating growth and for development. The main component of the Comprehensive Land Use Plan is the sectoral studies, that is, Demography, Socio-economic, Infrastructure and Utilities, Local Administration and Land Use;
- l. *Conflicting Uses* – refers to two (2) or more land uses or land activities with contrasting characteristics located adjacent to each other such as residential units adjacent to industrial plants;
- m. *Conforming Use* – refers to the current land use or activity which is in accordance with the zoning classification provided for in the Ordinance.
- n. *Easement* – refers to the legal limitations on the right of use of the property imposed upon owners of property;
- o. *Environmentally Critical Areas* – refers to areas that have high potential for negative environmental impacts and classified as such under Presidential Proclamation No. 2146;

p. *Environmentally Critical Projects* – refers to projects that are highly potential for negative environmental and classified as such under Presidential Proclamation No. 2146;

q. *Green Areas* – refers to areas planted with trees to serve as green patches or strips as defined under the Investment Incentive Code of the Municipality of Siayan;

r. *HLURB* – refers to the Housing and Land Use Regulatory Board;

s. *Locational Clearance* – refers to the Certification or Clearance issued by the Municipal Zoning Administrator to any person allowing the development and/or use of a certain areas or parcel of land in accordance to the provisions of this Ordinance.

t. *Municipal Zoning Review Board (MZRB)* – is a collegiate body tasked to review and evaluate the findings and recommendations of the Municipal Zoning Administrator and other duties as provided under Article XI of this Ordinance;

u. *Municipal Zoning Administrator* – refers to a municipal official vested with the authority to implement and administer the provisions of this Zoning Ordinance;

v. *"Use" or "Uses"* – refers to the identified land use of the zonal district as defined under the 2016 Comprehensive Land Use Plan of Siayan, Zamboanga del Norte;

Section 2. Construction and Interpretation of Terms – Words and phrases used/employed in this ordinance shall be interpreted and understood liberally in the generic sense unless otherwise indicated and shall as far as practicable be construed in favor of applicant seeking to comply with the provisions hereof. The listing of uses shall unless otherwise indicated, be similarly construed. In addition, the following rules shall be observed:

a. Generic terms, such as others and the like, etc., shall be construed to mean as including all specific terms similar to or compatible with those enumerated;

b. The singular includes the plural, subject to density regulations;

c. The present tense includes the future sense;

d. The word person includes both natural and juridical persons;

e. The word lot includes "plot" and "parcel";

f. The term "shall" should be understood to be always mandatory; and

g. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", designed to be "used" or "occupied."

Section 3. Interpretation of Zone Boundaries - Whenever it is or become difficult or impracticable to determine the accurate location of zone boundaries, or determine the land use zone to which lots are located at or near such boundaries belong, the following rules shall be applicable:

a. Where zone boundaries are so indicated that they approximately follow the center of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines or highway right-of-way lines shall be construed to be the boundary;

b. When zone boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundary;

c. When zone boundaries are so indicated that they are approximately parallel to the centerlines or street lines or streets, or the centerlines or right-of-way lines of highways, such zone boundary shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined through the scale used in said map;

d. When zone boundaries follow a railroad line, such boundary shall be deemed to be located in the middle of the main tract of said railroad line;

e. When the boundary of a district follows a stream or other bodies of water, said boundary lines shall be deemed to be at the limit of the political jurisdiction of the community, unless otherwise indicated. Boundaries indicated as following shorelines shall be construed to follow such shoreline and in the event that such shorelines moves or changes its direction or location, such boundary should be construed to follow that new direction or location of the shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, canals, and other bodies of water shall be construed to follow such center line. Boundaries indicated as parallel to, or extension of indicated features not specifically indicated on the Zoning Map shall be determined by the scale of the Map;

f. When a boundary line divides a lot or crosses subdivided property, the location of such boundary shall be indicated upon the zoning map using the scale appearing on such maps;

g. When a lot, belonging to one owner as per record at the effective date of this Ordinance, is divided by a zone boundary line, the lot shall be construed to be within the zone where the major portion of the lot is located. In case the lot is bisected by the boundary line, it shall fall in the district where the principal usage of the lot falls;

h. When a zone boundary is indicated as one-lot deep, said depth shall be construed to be the average lot depth of the lots involved within each particular block. Where, however, any lot has a depth greater than said average, the remaining portion of said lot shall be construed as covered by the one-lot-deep zoning area, if the remaining portion has an area less than fifty percent of the total area of the entire lot. If the remaining portion has an area equivalent to fifty percent or more of the total area of the lot, then the average depth shall apply to the lot which shall become a lot divided and covered by two or more different zoning boundaries, as the case may be;

i. When a zoning boundary line is indicated in the zoning map, one block deep or a fraction thereof, such boundary line shall be scaled or determined by the Municipal Zoning Administrator,

j. All areas already declared or identified as blighted and/or suitable for socialized housing or resettlement shall remain classified as a Zone for Socialized Housing.

ARTICLE IV ZONE CLASSIFICATION

Section 1. Zone Classifications – In order to effectively carry out the purpose and objectives of this Zoning Ordinance, the Municipality of Siayan is hereby divided into major zones consisting of areas with determined predominant uses as well as Special Zones, as follows:

R-1	District for low density residential areas
R-2	District for medium density residential areas
R-3	District for high density residential areas
C-1	District for light commercial uses on a neighborhood scale
C-2	District for purely commercial and compatible industrial uses
C-2A	District for metropolitan/arcaded high intensity commercial zone
I-1	District for industrial uses
IZ	District for institutional uses
AIZ	District for agro-industrial uses
PRZ	District for Parks/Plazas, Open Spaces and Recreation areas
CMZ	District for Cemeteries and Memorial Parks
FZ	District for Forest Park and Preservation areas
ETZ	District for Eco-Tourism areas

Section 2. Official Zoning Map – The designation, location and boundaries of the zones established and indicated in the Official Zoning Map prepared by the Municipal Planning and Development Office, is hereby adopted as an integral part hereof.

In the event that the Official Zoning Map is damaged, destroyed, lost or become difficult to interpret due to several changes and additions, the *Sangguniang Bayan* may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall be signed by the Municipal Mayor and bear the seal of the municipality.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 3. Specified Pattern of Land Use – The following are the permissible land use of each zone and its specified pattern:

1. **R-1 LOW DENSITY RESIDENTIAL ZONE** – a subdivision of an area principally for dwelling/housing purposes with a density of not more than twenty (20) dwelling units per hectare;
2. **R-2 MEDIUM DENSITY RESIDENTIAL ZONE** – characterized mainly by medium-density housing such as two-family dwellings, townhouses, accessories or row houses and other low area medium rise multi-family dwellings on a limited scale with usual community ancillary uses and support facilities designed for the needs of a barangay scale with limited height of 4-storey structure;
3. **R-3 HIGH DENSITY RESIDENTIAL ZONE** – a subdivision of an area principally for dwelling/housing purposes with a density of 66 or more dwelling units per hectare;
4. **C-1 LIGHT INTENSITY COMMERCIAL ZONE** – medium density structure characterized by commercial and trade activities on a neighborhood scale including retail outlets, professional offices, personal and home service shops and eateries on small-scale with limited height of 4-storey structure;
5. **C-2 HIGH INTENSITY COMMERCIAL ZONE** – characterized by commercial development which is a mixture of retail and wholesale trade and may contain the service and entertainment industries, such as restaurants, shopping centers sufficient to provide the needs of the district level with limitation of 12-storeys.
6. **C-2A METROPOLITAN/ARCADED HIGH INTENSITY COMMERCIAL ZONE** – Characterized by heavy commercial development and high use commercial structures, including trade, service and entertainment on a metropolitan (regional) scale of operations, as well as miscellaneous support services; increasingly commercial in nature without necessary limitation in height.
7. **I-1 LIGHT INDUSTRIAL ZONE** – a subdivision of area principally for non-pollutant/non-hazardous and pollutant/hazardous types of industries.
8. **I-2 INSTITUTIONAL ZONE** – shall be characterized by governmental protective uses as well as institutional and social services for the entire community and shall be characterized further by specialized governmental agencies providing institutional, protective, security and social services for the region or the country, as a whole, and which are governed by specialized regulations, including mental, hospitals, rehabilitation and training centers, military and security services.
9. **AIZ AGRO-INDUSTRIAL ZONE** – an area intended primarily for integrated farm operations and related product processing such as plantation for banana, cassava, rubber etc.
10. **PRZ PARKS/PLAZAS, OPEN SPACES AND RECREATION ZONES** – an area designated for diversion/amusements and for the maintenance of the ecological balance of the community.
11. **CMZ CEMETERIES AND MEMORIAL PARKS AREAS** – an area consisting of public and private graveyards and burial areas.
12. **FZ FOREST PARK AND PRESERVATION ZONE** – an area intended primarily for the preservation/conservation of forest and watershed.

13. ETZ ECO-TOURISM ZONE – sites within the municipality endowed with natural or man-made physical attributes and resources that are conducive to recreation, leisure and other wholesome activities

14. TAZ TRANSITION ZONE – For purposes of this Ordinance, these are formerly agricultural areas, which were already reclassified as non-agricultural use for which no specific development is planned at a given period in time.

15. NVT INNOVATIVE TECHNIQUES AREAS – these are planned areas for necessary development, characterized by planned development unit concept and innovative development techniques, including mixed dwelling, commercial, institutional and other compatible uses.

The allowable land use in each zones or districts appearing in the Zoning Map are hereby incorporated in the list of Permitted Uses in the attached Matrix marked as Annex "D" and made as an integral part hereof.

ARTICLE V GENERAL DISTRICT REQUIREMENTS

Section 1. Building or Structure Use – No building, structure or land shall hereafter be occupied or used and no building, structure or part thereof, shall be erected, constructed, moved or structurally altered or renovated except in conformity with the provisions of this zoning ordinance.

Section 2. Yard, Off-Street Parking Space – No part of a road, off-street parking space, loading space, or other open space required of any building shall, for purposes of complying with this Ordinance, be included as part of the yard, open space, off-street parking or loading space similarly required of any adjacent neighboring building. However, this shall not apply to building/s with common party walls or adjacent building lines, in which case, only the yard for free or non-abutting sides shall be required.

Section 3. Traffic Generators – All traffic-generating buildings and structures allowed in any of the districts must provide for adequate parking spaces for their employees, clients and visitors. The same shall, however, be subject to additional parking requirements as evaluated by the Office of the Municipal Zoning Administrator and the Sangguniang Bayan based on PD 1096 and other related laws or ordinances.

Section 4. Advertising and Business Signs – Advertising and business signs to be displayed or put up for public view in any of the districts herein enumerated must comply with existing laws, rules and regulations. The Municipal Zoning Administrator shall determine the proper location, height and size of the advertising signs. Further, the same shall not be allowed to be erected or displayed along scenic areas or parks and recreation zones.

Section 5. Establishment of More Than One Principal Structure – In any district where more than one structure may be permitted to be erected on a single lot, the yard and other requirements of this Ordinance shall be met for each structure as though it were to be erected on an individual lot.

Section 6. Dwelling on Rear Lots – No building of any kind or nature shall be allowed to be constructed on any rear lots unless the same has a right-of-way easement over a path of at least four (4) meters wide leading to the nearest street or any public alley. Two (2) or more buildings, however, may be allowed on a common path if the right-of-way easement is at least six (6) meters wide.

No zoning clearance shall be issued to any subdivision survey that does not comply with the herein prescribed right-of way easement.

Section 7. - Accessory Building – No accessory building shall be erected in any required yard and no separate accessory building shall be erected within five (5) feet from any other building.

Section 8. - Structure to Have Access – Every building hereafter erected or moved must have access to any public street or public alley and all structures shall be erected and established in a manner

that do not obstruct the free passage of the street or alley to provide convenient access to any fire protection units and in case of any emergency.

Section 9. - Yard Requirements Along Boundary Line – Lots abutting on a district boundary line shall conform to the yard requirements of the more restrictive district bounded by the line.

Section 10 - Dwelling Group – When it is impractical to apply the requirements of this Zoning Regulation to individual building or unit in a residential compound, a permit for the construction of such compound may be issued, provided that the construction and establishment thereon shall conform to the following conditions:

- a. That any and all buildings constructed or to be established thereon shall strictly conform to the allowed usage provided in Section 3, Article IV hereof;
- b. That the total area covered or to be occupied by residential buildings in the compound, exclusive of open spaces, streets or driveways, shall not exceed the area prescribed in each district pursuant to Article IV hereof;
- c. That an open space equivalent to at least five (5%) percent of the total land area devoted for residential buildings shall be set aside for open space for playground purposes, but in no case shall be less than one hundred square meters; Provided, however, that when the residential compound is intended for less than residential buildings, the setting aside of such area for playground purposes may be dispensed with; Provided further, that the open space herein contemplated may be used also as part of the yard requirement of the compound; and
- d. The residential compound shall provide an adequate private garage or off-street parking area, depending on the needs of the residents and their visitors.

Section 11. Height Regulations – Where an R-2 District adjoins a C2 or C2A District without an intervening street or permanent open spaces over 3 meters in width, the proposed structure of C2 or C2A district adjacent to R2 zone shall be limited only to a height of fifteen (15) meters or equivalent to five (5) storey building, whichever is lesser.

Section 12. Visibility at Intersection Residential District – Nothing shall be created, placed, planted or allowed to grow in the corner of any lot in a residential district, which shall in any manner materially impedes the vision between a height of two and a half (2 ½ feet) above the center line grade of intersecting streets in the area bounded by street lines of such corner lot and a line joining points of said street lines fifty (50) feet from the point of the interaction.

Section 13. Easements, Streets and Other Public Land Not Included In Any District – Should land, or any portion thereof reverts to private ownership and said street or public land does not appear on the zoning map as included in any district, the regulation provided for in this Ordinance which are applicable to the most restricted district immediately adjacent to the land under consideration shall be applied to such land or portion thereof.

Section 14. Provision for Buffer Zones – Existing area with extremely conflicting land use must be separated through a buffer zone, such as: parks, tree-lined avenues, tree-shaded parking spaces or any such form of green open spaces of size that existing land space allows in the case of already built-up areas, or an open space of at least fifty (50) meters width in areas where development exist.

Section 15 - Road Setback – The following road setback shall be applied:

Zoning Classification	Major Thoroughfare (30meters and above)	Secondary Road		Tertiary Road (6 meters & below)	
	Diversion/Railways	Provincial		Municipal/Barangay	
Residential	10 meters	10 m.	3 m.	10 m.	3 m.
Commercial	20 meters	20 m.	7 m.	20 m.	7 m.
Industrial	30 meters	25 m.	10 m.	25 m.	10 m.
Agricultural	20 meters	20 m.	7 m.	20 m.	7 m.
Agro-industrial	30 meters	25 m.	10 m.	25 m.	10 m.
Institutional	20 meters	20 m.	10 m.	20 m.	10 m.
Forest	30 meters	10 m.	3 m.	10 m.	3 m.
Parks & Recreation	10 meters	25 m.	10 m.	25 m.	10 m.

ARTICLE VI ENVIRONMENTAL MANAGEMENT

Section 1. Performance Standards – The following are acceptable standards in controlling noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in uses of land or buildings, developments or other constructions:

a. *Noise and Vibrations* – All noise and vibration-producing machinery shall be enclosed in a building and shall be provided with effective noise-absorbing materials, noise silencers or mufflers, and must be in an open yard distance of not less than twenty (20) meters from the street or adjoining property lines or property planted to dense trees as buffers. The machinery should be mounted on shock-absorbing mountings, such as cork set on reinforced concrete foundations of a floating isolated foundation set on piles, as may be needed, to reduce all noise and vibration to a reasonable minimum range. Noise which is objectionable due to intermittent beat frequency or high pitch shall not be allowed unless enclosed with soundproof buildings as tested and approved by the municipal officials concerned.

b. *Smoke Emission* – Any smoke emitted from any source with an aggregate time of seven (7) minutes in any thirty-minute interval, particularly when starting a new fire, shall have a density of not greater than No. 2 of the Ringlemann Chart.

c. *Dust, Dirt and Fly Ash Emission* – Emission of dust, dirt or fly ash from any sources or activity which shall pollute the air and render it unclean, destructive, unhealthful or hazardous, or impairs visibility, shall not be permitted. In no case whatsoever shall dust, dirt or fly ash be allowed to exceed 0.68 gram per cubic meter of fuel gas at stack temperature of 60 degrees centigrade or to create a haze with opaqueness equivalent to or greater than No. 1 of the Ringlemann Chart.

d. *Odor and Gas Emission* – Emission of foul odors and gases deleterious to public Health, safety and general welfare shall not be permitted. Activities emitting foul odors and obnoxious gases shall be enclosed by airtight buildings provided with air conditioning system, filters, deodorizing and other air cleaning equipment.

e. *Glare and Heat Radiation* – Glare and heat from any operation or activity shall not be allowed to radiate, seen or felt from any point beyond the limits of the property which shall create any nuisance or cause harm and danger to adjoining properties or to the community in general.

f. *Industrial Wastes* – Waste from Industrial plants shall be disposed only in a manner which shall not create any nuisance or danger to adjoining properties or to the community in general.

Section 2. Submission of Environmental Impact Assessment/Statement; Other Documents Required. – Major constructions, or development introduced in any building or establishment may be required with an Environmental Impact Statement for review and approval by the Municipal Planning and Development Coordinator.

The following requirements shall be submitted by the applicants:

- a. Detailed description of the proposed construction or development;
- b. Detailed description of the physical, biological, social environment affected by the proposed construction or development;

- c. Detailed description of the existing plants, if any, that will be affected by the proposed construction or development;
- d. Detailed description of probable direct or induced impact of the proposed construction or development to the physical, biological and social environment of the project;
- e. Comparison of impact of alternative actions.
- f. Detailed description of the proposed measures incorporated in the project development to ensure the environmental soundness and acceptability of the project.

Section 3. Buffer Strips and Easements – In the utilization, exploitation, development, conservation and protection of water resources, the following setbacks and/or easements along the entire length of the banks of rivers, creeks, and streams shall be observed:

- a. Three (3) meter-setback for all urban use
- b. Twenty (20) meter-setback for all agricultural uses
- c. Forty (40) meter-easement for all forest uses

No person shall be allowed to stay in these easement zones longer than what is necessary for space or recreation, navigation, flotation, fishing, salvage or to build structures of any kind and other similar activities.

Section 4. Observance of Green Areas – In conformity with the provisions of the Investment Incentives Code on planting of trees used as green patches or strips and the establishment of tree or plant boxes to enhance environmental aesthetics in all new and existing establishments in the municipality, this Ordinance hereby provides for the responsible observance of said provisions regardless of incentives provided therein.

ARTICLE VII INNOVATIVE TECHNIQUES

Section 1. Innovative Techniques, Defined – Projects of innovative techniques are those that introduce flexibility and creativity in design or plan such as but not limited to Planned Unit Development, Housing projects covered by the New Town Development under RA 7279, and BLISS Commercial Complexes. Projects involving innovative techniques may involve the development of mixed-use large-scale projects on a single tract of land or in a particular compact integrated areas employing creativity, flexibility and economy in land uses. Conventional standards and criteria are liberalized in areas where innovative techniques are employed.

Section 2. Certificate of Innovative Techniques; Where To Apply; Requisites – Any owner, lessee or developer of a parcel of land desiring to construct or develop an establishment involving innovative technique mentioned in the preceding section shall file his application for Certificate of Innovative Techniques in accordance with the provisions of Article IX hereof. The application shall be supported with the following documents:

- a. Vicinity map with a scale of 1:10,000 clearly indicating therein the location of the project involving innovative techniques and its approximate distance to nearby landmarks such as roads, intersections, rivers, existing buildings etc.
- b. Detailed description of the project, clearly stating therein the nature of its operation and the nature of the proposed innovative techniques;
- c. Other documents as may be deemed necessary by the Municipal Zoning Administrator.

Section 3. Conditions for its Allowance – The establishment of projects employing innovative techniques in any area may be permitted if the following conditions are complied:

- a. If in applying the conventional standards prescribed under this Ordinance, the same would be economically impractical or when compliance with such requirements would render the same to be less efficient, less economical in design, space utilization and creativity.
- b. The preliminary and final plans including the project feasibility study must be submitted by the owner/developer to the Municipal Council and the Municipal Zoning Administrator for review. As such:

- b.1. The preliminary plan must generally set forth any existing or proposed arrangements of lots, streets, access points, buffer strips and rail, water, highway or other transport arrangements, and the relation (in terms of existing

and potential economic influence and environmental impact) of the tract of land involved to the surrounding properties;

b.2. The final plan must, in addition to the above requirements, described the noise, odor, smoke, vibrations, dust, noxious gases, glare and heat, fire hazards, industrial wastes and traffic which may be produced by the development.

c. The proposed development should not be incompatible with existing and proposed adjacent and surrounding uses; and that the same should not defeat the purpose and objectives of the development plan and Zoning Ordinance of the municipality;

d. The area of the proposed projects employing innovative techniques may be consolidated parcels of land measuring at least two (2) hectares.

ARTICLE VIII SUPPLEMENTAL REGULATIONS

Section 1. Locational Clearance, Defined; Pre-requisite for Building Permit – Locational Clearance are zoning certifications issued by the Municipal Zoning Administrator certifying that the proposed project, building or establishment, or the use and enjoyment of a property for a specific purpose conforms to the prescribed land use of the zonal district where it is intended; or it fails to conform and that its non-conformance thereto is allowed within a specified period; or its deviation thereto is exempted or allowed under certain conditions provided in this Ordinance.

No building permit shall be issued unless a Locational Clearance has been issued by the Municipal Zoning Administrator.

A. Certificate of Special Use

Section 2. Certificate of Special Use, Defined; To Whom Issued. – A certificate of Special Use is a locational clearance issued to the owner, lessee or developer of a parcel of land intending to construct, establish or benefit from the enjoyment of his property for a specific purpose regulated under this Ordinance;

Section 3. Uses Covered – A Certificate of Special Use shall be required for each of the following uses, subject to such terms and conditions as are hereunder prescribed.

A. Radio Transmission and/or Transceiver Stations

1. Radio transmission and/or transceiver stations shall be located within transport/utilities and/or commercial zones;

2. The sound maintenance of such station shall be the exclusive responsibility of the proponent and/or persons operating them;

3. When public welfare demands, radio transmission and/or transceiver stations may be established in residential zones, provided the preceding conditions are strictly complied and that there will be no interference or damage to local electrical appliances or other properties thereat; and

4. Radiation and other emissions produced by these facilities or stations should be strictly monitored and reported to the Municipal Environment and Natural Resources Office (ENRO) and other concerned offices/agencies from time to time.

B. Heliports, Helipads, Runways and Private Landing Strips

1. No heliports, helipads, runways or private landing strips may be allowed along commercial, industrial, institutional and residential zones;

2. In the establishments of heliports, helipads, runways or private landing strips the rigid safety regulations prescribed by the Civil Aeronautics Administration (CAA) shall be strictly complied by the contractor, owner or developer; and

3. A written authority to operate shall be obtained from the Civil Aeronautics Administration (CAA) Administrator at least ninety (90) days before the intended date of operation.

C. Refilling Stations

1. Fuel and energy refilling stations must conform to the standards prescribed by the Department of Energy. Other refilling stations such as, but not limited to, water refilling and purifying stations shall conform to the standards prescribed by the Department of health and other concerned government agencies;

2. No fuel and energy refilling stations shall be established and operated within 200-meter distance radius from any learning institutions, churches and parsonages, hospitals and other institutional establishments;

3. Owners and proprietors of fuel and energy refilling stations shall ensure that the same shall not pose as safety hazard to the immediate community; and

4. Buffer strip and adequate firefighting equipment must be provided.

D. Warehouse and Open Storage Facility

1. Warehouse and Open Storage facilities shall be not located within a distance of three hundred linear meters from any learning institutions, churches and parsonages, hospitals and other similar institutions; and

2. Their sound maintenance shall be the sole responsibility of the owner or proprietor.

E. Abattoirs, Carwash and Laundry Establishments

1. Abattoirs or slaughter houses, car wash and laundry establishments shall be located within a reasonable distance from residential and commercial areas as may be determined by the Office of the Municipal Zoning Administrator provided that the same shall not be within the premises of public markets; and

2. Proper waste disposal, odor control and other abatement procedures must be adopted.

F. Cockpits and Cockfighting Arena

1. Cockpits and Cockfighting Arenas shall be located in parks and recreation zones which shall be at least three (3) kilometers away from the center of the municipality;

2. Cockpits and Cockfighting Arenas shall provide adequate parking space, loading and unloading areas sufficient to accommodate the expected maximum number of aficionados and spectators during cockfights and derbies; and

3. It shall be the responsibility of the owner and proprietor of Cockpits and Cockfighting Arenas to maintain the cleanliness and sanitation of its premises as well as the peaceful and orderly conduct of cockfights and derbies;

G. Ecological Tourism Parks

1. Eco-Tourism Parks shall be properly delineated on the ground. Adequate perimeter fence shall be established to prevent littering and scattering of wastes;

2. Its proper maintenance, as well as its general sanitation and hygiene, shall be the responsibility of the owner and/or developer; and

3. Eco-Tourism Parks shall not be established and maintained within five (5) kilometers from any populated areas of the municipality;

H. Incinerator Plants

1. Incinerator Plants shall not be operated and maintained within five (5) kilometers from residential zone.

2. A site inspection by the Municipal Zoning Administrator shall be required to determine that the proposed plant does not constitute safety hazards to the adjacent land uses and to the community in general.

3. Its proper maintenance, as well as its general sanitation and hygiene, shall be the responsibility of the owner and/or developer; and

4. The architectural and structural designs of the furnace or incinerator should strictly conform to the existing national standards acceptable by the Department of Health and by the Environment Management Bureau of the DENR;

I. Night Clubs, Cabarets, Bars, Videokes, Pub Houses, Sauna Baths, or Discotheques

1. No night clubs, cabarets, bars, videokes, pub houses, sauna baths or discotheques shall be established and maintained within a distance of one thousand (1,000) meters radius from any public office, church, mosque, hospital, public or private learning institutions, seminary, missionary or charitable houses, and other similar moral institutions;

2. Adequate spaces, lighting facilities and proper ventilation shall be provided under satisfactory sanitary conditions at all times. Adequate sound-proofing shall be provided by the owner or operator;

3. Adequate parking spaces for vehicles, dressing rooms for ladies, clean kitchen, regularly-sanitized and separate lavatories for male and female, emergency lights, medical kits and communications facilities, fire exits, firefighting equipment and facilities prescribed by the Bureau of Fire Protection shall be provided by the owner or operator; and

4. The building shall be properly provided with direct ingress and egress to nearest public road, street or alley and shall have no direct or indirect access whatsoever with any neighboring dwelling place, house or building;

Section 4. How to Apply, Requisites – Application for Special Use shall be filed in accordance with Article XI hereof and supported with the following documents, to wit:

- a. Physical plan of the project;
 - b. Vicinity map of the proposed project;
 - c. Detailed description of the project, its nature of operation or use, boundaries and size or volume of operations;
 - d. Identified Environmental Impact of the proposed project; and
 - e. Identified Social Impact of the project.
- e. Permits or clearances from appropriate government agencies.

B. Non-Conforming Use

Section 5. Non-Conforming Use; Defined – Non-conforming use refers to the permissible use of any building, structure or establishment, or the enjoyment of a property for a specific purpose within a zonal district prior to the effectivity of this Ordinance but thereafter became impermissible for being inconsistent with the provisions hereof.

Section 6. Existing Non-Conforming Uses and Building – The impermissible use of any building, structure or land at the time of the adoption of this Ordinance may be allowed to continue, although such use does not conform to the provisions of this Ordinance, provided:

a. That no such non-conforming use shall be enlarged or increased or extended to occupy a greater area of land than that already occupied by such use at the time of the adoption of this Ordinance, or moved in whole or in part, to any other portion of the lot or parcel of land where such non-conforming use exists at the time of the adoption of this Ordinance.

b. That no such non-conforming use which has ceased for more than one (1) year or has been changed to a use permitted in the district in which it is located be again revived as non-conforming use.

c. That any non-conforming structure, or one or more of a group of non-conforming structure related to one use and under one ownership, which have been damaged by fire, flood, explosion, earthquake, war, riot, or other such force majeure may be reconstructed and used as before provided, that such reconstruction is not more than fifty (50%) percent of the assessed value of the structure/s

d. That the total structure repair and alteration that may be made in a non-conforming structure shall not, during the remaining lifetime, that is, subsequent to the adoption of this Ordinance exceed twenty five (25%) percent of its assessed value.

e. That such non-conforming use may be extended enlarged or extended only if the entire building is thereafter devoted to conforming use.

f. That such non-conforming use may be enlarged increased or moved to displace any conforming use.

g. That no such non-conforming use shall be changed to another non-conforming use.

h. No such non-conforming structure may be enlarged or altered in a way that increased its non-conformity. However, a non-conforming structure or portion thereof may be altered to decrease its non-conformity.

i. Should a non-conforming structure or portion thereof be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

j. If a non-conforming structure be moved for any reason to any place whatsoever, the same shall thereafter conform to the regulations prescribed for the district to which it was moved or transferred.

Section 7. Certificate of Non-Conformance. – Within twelve (12) months from the effectivity of this Ordinance, owners or proprietors of non-conforming uses shall apply for Certificate of Non-Conformance. Failure to secure the certification within the prescribed period shall be sufficient cause for the condemnation or removal of said non-conforming use, building or portion thereof at the owner's expense.

In addition, the owner of such non-conforming use shall program the phase-out and relocation of the same within ten (10) years from the issuance of the Certificate of Non-Conformance.

Immediately upon approval of this Ordinance, the Municipal Zoning Administrator shall notify the owners of known existing non-conforming use to secure for a certificate of non-conformance not later than the prescribed period provided hereof.

Section 8. How To Apply; Requisites – Application for Certificate of Non-Conformance shall be filed in accordance with the provisions of Article XI hereof. The application shall clearly state the reasons and causes of the project's non-conformity to the current zoning regulations and shall be accompanied by the following documents:

- a. Vicinity map with a scale of 1:10,000 clearly indicating therein the exact location of the non-conforming use, lot or structure covered in the application and its approximate distance to nearby landmarks such as roads, intersections, rivers, existing buildings etc.
- b. Detailed description of the project, its nature of operation or use, boundaries and size or volume of operations;
- c. Building Permit;
- d. Occupancy Permit; and
- e. Other documents as may be deemed necessary by the Municipal Zoning Administrator.

C. Exceptions and Deviations

Section 9. Exceptions and Deviations, Defined; When May Be Allowed – Exceptions and deviations are variances from the prescribe use of the property within the zonal district regulated under this Ordinance. Variation from the prescribe regulations for the use of the property may be allowed only when the following terms and conditions obtain:

A. Exceptions:

1. The exception, if granted, shall not adversely affect the public health, safety and welfare and is in keeping with the general pattern of development in the community;
2. The exception, if granted, shall not adversely affect the appropriate use of either property in the same district or zone;
3. The exception, if granted, shall not alter the essential character of the district or zone where the exception sought is located, and is in harmony with the general purpose of the Ordinance; and
4. The exception, if granted, shall not weaken the general purpose of the regulation established for the specific district or zone;

B. Deviations:

1. The property is unique and different from other properties in the adjacent locality and because of its uniqueness, the owners cannot obtain a reasonable return on the property;
2. Conformity with the provisions of this Ordinance would cause undue hardship on the part of the owner or occupant of the property;
3. The inimitability of the property or the resulting hardship on the part of the owner or occupant of the property is not self-created or is purposely intended;
4. The deviation is the minimum variance necessary to permit a reasonable use of the property;
5. The deviation shall not alter the essential character of the district or zones where the property for which the variance sought is located, and shall neither substantially nor permanently injure the use of other property in the same district or zone;
6. The deviation does not weaken the general purpose of this Ordinance nor adversely affects the public health, safety and welfare; and
7. The deviation is in harmony with the spirit of this Ordinance.

Section 10. How To Apply; Requisites – Application for exception or deviation from the prescribe use regulated under this Ordinance shall be filed in accordance with the provisions of Article IX hereof. The applicant shall clearly establish the reasons for the exception or deviation being applied for.

Substantial justification for the need to construct, alter or repair the structure within the district shall include, but not limited to the following:

- a. Description of the project, its boundaries, nature of operation or use and the like;
- b. Description of the objectives to be achieved in the proposed project; and
- c. Statements as to why the project fails to meet the standards prescribed under this zoning regulation.

The information provided shall be supplemented by a vicinity map with a scale of 1:10,000 clearly indicating therein the exact location of the non-conforming use, lot or structure and its approximate distance to nearby landmarks such as roads, intersections, rivers, existing buildings, etc.;

Section 11. Environmental Compliance Certificate (ECC) – Notwithstanding the issuance of locational clearance, development permit or building permit, no commercial establishments, structures or special uses mentioned herein which are considered as Environmentally Critical Projects (ECP) or is situated in locations identified as Environmentally Critical Areas (ECA) determined and defined in Presidential Proclamation No. 2146, as amended, shall be allowed to commence its development or operation unless covered with an Environmental Compliance Certificate (ECC) duly issued by the Environment Management Bureau of the Department of Environment and Natural Resources, Regional Office No. 9, Zamboanga City.

Section 12. Compliance to Other Government Agencies – Commercial establishments, structures or special uses mentioned herein shall not be allowed to commence its development or operation without securing first the necessary license, authority or permit prescribed by law or ordinances, rules and regulations from the Office of the Municipal Mayor or other concerned national government agencies.

Section 13. Projects not Subject to Locational Clearance – The following buildings and establishments are hereby exempt from the requirement of locational clearance, viz:

- a. Residential units within an approved subdivision project;
- b. Semi-conductor electronics industries;
- c. KKK projects;
- d. Traditional indigenous family dwellings;
- e. NPC transmission line projects; and
- f. Perimeter fences.

ARTICLE IX PROCESSING AND APPROVAL OF ZONING CERTIFICATES

Section 1. Kinds of Zoning Certificates – Zoning certificates to be issued pursuant to the provisions of this Ordinance, are as follows:

- a. *Certificate of Innovative Technique* – is certification issued to any project that introduces flexibility and creativity in design or plan employing creativity, flexibility and economy in land uses;
- b. *Certificate of Special Use* – is a locational clearance certifying that the proposed project, building or establishment, or the enjoyment of a property for a specific purpose squarely conforms to the prescribed use of the zonal district where it is intended;
- c. *Certificate of Non-Conformance* – is a certification issued to any project, building or establishment, or the enjoyment of a property that fails to conform to the prescribed use of the zonal district where it is located and that its non-conformance thereto is allowed within a specified period and under certain conditions provided in this ordinance;
- d. *Certificate of Exceptions and Deviations* – is a certification issued to any projects, building or establishment, or the enjoyment of a property which deviates from the prescribed use of a zonal district where it is located and that its deviation thereto is exempted or allowed under certain conditions provided in this ordinance;

Section 2. Filing of Application. – Application for zoning certifications issued under this Ordinance shall be filed before the Office of Municipal Zoning Administrator in prescribed form and under oath. If the application is being filed by a person other than the owner or the proprietor of the establishment, he shall present a Special Power of Attorney indicating therein his full authority to apply for and in-behalf of the owner.

Any application filed without complying the prescribed requirements provided under this ordinance shall not be given due course. Moreover, application for locational clearance shall only be given due course ten (10) days after the complete posting of the notice of application required in the next succeeding section.

The prescribed form for the application of locational clearance may be secured from the Office of the Municipal Administrator upon payment of a non-refundable Application Fee in the amount Three Hundred Pesos at the Municipal Treasurer's Office.

Section 3. Posting of Notice of Application. – a notice of application for locational clearance shall be posted for three (3) consecutive weeks at the entrance of the Municipal Hall of Siayan and at the Barangay Hall where the application is located. In addition, a notice of application measuring about four feet by eight feet (4ft. x 8 ft.) shall also be posted at the site where the special use of the property, or the non-conforming building or establishment, or an establishment or enjoyment of the property sought to be exempted or to deviate from the prescribed use, shall be maintained and operated.

For application falling under Article VII and Section 2(B) of Article VIII of this Ordinance, in addition to the posting of application at the entrance of the Municipal Hall of Siayan and in the Barangay Hall where the application is located, a notice of application shall also be publish in a news paper circulating in the Municipality of Siayan for three (3) consecutive weeks. In addition, a notice of application measuring about eight feet by sixteen feet (8ft. x 16 ft.) shall also be posted at the site where the application is soon to be developed or established.

Section 4. Approval of Application; Procedure – Within forty-five (45) days upon receipt of the application, the Municipal Zoning Administrator shall review the zoning viability of the site subject of the application. He shall coordinate with the Office of the Municipal Planning and Development Coordinator on the viability of the project. In addition, the Municipal Zoning Administrator may conduct an ocular inspection on the site covered by the application or conduct a summary hearing thereof giving due notice to the applicant, concerned barangay officials and residents where the application is located.

In the event that the Municipal Zoning Administrator will conduct a summary hearing thereon, notice to concerned parties thereof shall be sent at least five (5) days before the scheduled hearing.

Section 5. Issuance of Zoning Certificate – Zoning Certificates granted in accordance with the provisions of this Ordinance shall be issued upon payment of the prescribed certification fee at the Office of the Municipal Treasurer.

In cases falling under the jurisdiction of the Municipal Zoning and Review Board, the Municipal Zoning Administrator shall issue the Locational Clearance within fifteen (15) days upon receipt of the decision of the Board upon payment of Certification Fee in the amount of One Hundred Fifty Pesos.

Section 6. Effectivity of Locational Clearance Certificate; Non-Use – A Locational Clearance Certificate shall be valid and effective beginning on the day of its issuance. Its non-use for a period of one year from its issuance shall be sufficient cause of its cancellation and shall render the same to be without force and effect.

A Certificate of Non-conformance shall be valid and effective for a period of two (2) years from the day of its issuance. The same may be renewed for the same period on or before its expiration date but in no case shall exceed a total period of ten (10) years. In addition, the owner, lessee or proprietor of such non-conforming use shall program the phase-out or relocation of the non-conforming use, building or establishment within ten (10) years from the issuance of the Certificate.

ARTICLE X ADMINISTRATION AND ENFORCEMENT

Section 1. Creation of the Municipal Zoning Administration Division – There is hereby created a Municipal Zoning Administration Division in the Office of Municipal Planning and Development. It shall be directly under the administrative and technical supervision of Municipal Planning and Development Coordinator. In the absence of a duly appointed Municipal Zoning Administrator, the incumbent Municipal Planning and Development Coordinator shall serve as the *ex-officio* Municipal Zoning Administrator.

Upon the effectivity of this Ordinance, all buildings and projects constructed and established in the Municipality of Siayan, including development projects on government-owned lands, is hereby required to secure locational clearance from the Municipal Zoning Administrator.

Section 2. Duties and Functions – It shall be the duty of the Municipal Zoning Administrator to administer and enforce the provisions of the Ordinance. As such, he shall:

- a. Issue Locational Clearance in accordance with the provisions of this Ordinance;
- b. Grant, with or without conditions, or deny applications for non-conformance, or granting exceptions or variances, pursuant to Article VIII hereof;
- c. Grant, with or without conditions, or deny applications involving innovative techniques pursuant to Article VII hereof;
- d. Serve notice requiring the removal of any use in violation of this Ordinance upon the owner, agent, or tenant of the building or land, or upon the architect, builder, or contractor thereof;
- e. Institute necessary legal actions against the owner, agent, or tenant of the building or land, or upon the architect, builder, contractor, or any other persons abetting the commission thereof. To this end, the Municipal Zoning Administrator may call upon the assistance of the Municipal Legal Officer and/or Municipal PNP Station of Siayan;
- f. Update the Municipal Zoning Map regularly;
- g. Submit a quarterly report to the Municipal Zoning Review Committee stating therein the number of locational clearance issued, the projects involving innovative technique certified, the non-conforming project or uses allowed, and the number of exceptions and variances granted, and denied. The report shall also mention the problems encountered in the administration and enforcement of the Ordinance and his necessary recommendations therefor;
- h. Submit semestral report on the status of the land uses of the municipality including the number, nature and character of permits granted or denied, non-conforming uses, variances, exceptions, innovative techniques, special and temporary uses and conditions imposed thereon to the Municipal Mayor and the Members of the Sangguniang Bayan.

Section 3. Protest or Opposition – Any person adversely affected in the operation of the proposed project or use and enjoyment of the property covered under Articles VII and VIII hereof shall file his sworn opposition thereto anytime while the application is still pending before the Office of the Municipal Zoning Administrator.

Section 4. Appeal from the Decision of the Zoning Administrator – Any person aggrieved by the decision of the Zoning Administrator on the interpretation, administration and enforcement of this Ordinance may appeal to the Municipal Zoning Review Board within a reasonable time, but not exceeding thirty (30) days from the receipt of the notice of the decision or sixty (60) days upon knowledge of the action taken by the Municipal Zoning Administrator by filing a notice of appeal specifying the grounds therefore.

The Municipal Zoning Administrator shall forthwith transmit to the Board records of the application and other papers constituting the record upon which the action appealed from was taken. The Board shall thereafter fix the time and place for the hearing of the appeal, giving due notice to the parties and decide the same within a reasonable time. The decision of the Board shall be final and executory.

Section 5. Maintenance of Record of Locational Clearance Issued – The Municipal Zoning Administrator shall maintain a record of all locational clearance issued. A locational clearance shall state, among others, that the building or part thereof and the proposed use of the same is in conformity with the provisions of this Ordinance.

A separate record on projects involving innovative technique certified, the non-conforming project or uses allowed, and the number of exceptions and variances granted, and denied shall also be kept.

Any interested person may, upon written request, be issued with a certified copy of the zoning certificates issued under this Ordinance upon payment of certification fee prescribed in the next succeeding section hereof.

Section 6. Collection of Administrative Fees – There shall be collected an administrative fee for the proper administration of this Ordinance to be paid at the Office of the Municipal Treasurer of Siayan, as follows:

1. Construction of residential building costing:	
a. Not exceeding P3,000-15,000.00	P100.00
b. For each succeeding P1,000.00 or fraction thereof	5.00
c. Light materials	5.00
d. Concrete materials	5.00
2. Construction of commercial or industrial building costing:	
a. Not exceeding P5,000.00-15,000.00	P 100.00
b. For each succeeding P1,000.00 or fraction thereof	5.00
3. Repair of Residential Building Costing:	
a. P 500.00 but not exceeding P1,000	P 150.00
b. For each succeeding P500.00 or fraction thereof	5.00
4. Repair of Commercial or Industrial building costing:	
a. Less than P1,000.00	P150.00
b. For each succeeding P500.00 or fraction thereof	5.00
5. Fire Safety Clearance	P 150.00
6. Zoning Clearance	P 150.00
7. Application Fee	P 300.00
8. Protest or Appeal Fee	P 300.00
9. Certification Fee of True Copy of Document	P 50.00

Section 7. Pauper Litigant – Pauper protestant and/or appellant pursuing a claim under this Ordinance shall be exempt from payment of protest and or appeal fee prescribed hereof.

Section 8. Creation of the Municipal Zoning Review Board; Composition – There is hereby created a Municipal Zoning Review Board (MZRB) for the Municipality of Siayan, composed as follows:

a. Municipal Mayor	Chairman
b. Municipal Legal Officer	Member
c. Municipal Assessor	Member
d. Municipal Engineer	Member
e. Municipal Planning & Dev't. Coordinator	Member
f. Municipal Zoning Administrator	Member
g. Chair, SB Committee on Land Use	Member
h. President, Liga ng mga Barangay	Member
i. Two (2) representatives from the Private Sector; and	Member
j. Two (2) NGO as representative	Member

The representatives from the private sector and Non-Government Organization (NGO) shall be appointed by the Municipal Mayor and shall serve only for three (3) years without reappointment.

The Staff of the Municipal Planning and Development Office shall be the Board's Secretariat.

Section 9. Jurisdiction and Authority of the Board – In the exercise of its supervisory powers over the Municipal Zoning Administrator, the Board may review the decision of the Zoning Administrator. As such, the Board may uphold, alter, or revise, in whole or in part, or reverse and set aside the decision of the Zoning Administrator in granting the application for zoning certification.

Moreover, in the exercise of its administrative authority, the Board may recommend to the Sangguniang Bayan, the revision or amendment of the Zoning Ordinance, or the rezoning of the municipality and determine whether there is a need to make necessary changes in the zoning classifications and/or zoning boundaries. It may also provide information to the Housing and Land Use Regulatory Board that are useful in the exercise of their functions.

Section 9. Procedure in the Municipal Zoning Review Board – The Board shall adopt its own internal rules necessary for the conduct of its affairs.

Board meetings may be held every third Friday of the month or at such other time as the Board may determine. The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

The concurrence of two-third (⅔) affirmative votes of all the members present, there being a quorum, shall be sufficient to uphold, alter, or revise, in whole or in part, or reverse and set aside the decision of the Zoning Administrator. The decision of the Municipal Zoning Review Board shall be final and executory, and may be appealed to the Housing and Land Use Regulatory Board (HLURB).

The Board shall keep a complete record of its proceedings indicating thereon the individual vote of its members on any question brought before it.

Section 10. Limitation on the Power and Authority of the Board – The Municipal Zoning Review Board, being a quasi-judicial body, shall have no power and authority to amend, alter, repeal or legislate a zoning ordinance. The territorial jurisdiction of the Board shall be limited to the municipal territory of Siayan from which it derives its authority.

Section 11. Procedure for Rezoning – Any person, association or group of persons may propose for the rezoning or reclassification of any sector, area or tract of land by filing a petition with the Municipal Zoning Administrator. The Municipal Zoning Administrator shall forward the petition together with its comment and recommendation to Sangguniang Bayan for appropriate legislative action.

Section 12 - Update Of Zoning Maps. – Once all rezoning have been finalized and all amendments have been duly approved, the necessary changes shall be reflected on the official zoning maps.

ARTICLE XI SPECIAL PROVISIONS

Section 1. Maintenance of Linear Parks Along Piao River and Other Major Waterways Within Municipality Of Siayan – In consonance with the provisions of P.D. 296 (Water Code), and other related laws, rules and regulations, a minimum setback of three (3) meters from existing river banks or streams shall be maintained as linear park.

Should there be a change in the existing shorelines or banks of the rivers or streams, the setback shall be construed as moving with the actual riverbanks or shorelines.

Section 2. Violations and Penalties – Any violation hereof shall be subject to the penalty clause provided in the aforementioned Decree and other related laws, rules and regulations.

**ARTICLE XII
FINAL PROVISIONS**

Section 1. Penal Provision – Any person found violating any provisions of this Ordinance, shall upon conviction, be punished by a fine of two thousand five hundred pesos (P 2,500.00), or by imprisonment for a period of not exceeding six (6) months, or both such fine and imprisonment, at the discretion of the court.

If the violation is committed by a firm, corporation, or partnership, institution or any other juridical person, the proprietor, manager, managing partner, director, or any other person charged with management of such firm corporation, or partnership, institution or establishment shall be liable therefor.

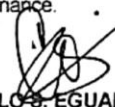
Section 2. Separability Clause – If any portion or provision of this Ordinance is declared invalid or unconstitutional, the remaining portions not be affected thereby shall remain valid and constitutional.

Section 3. Repealing Clause – All other ordinances and resolutions inconsistent hereof are hereby repealed or modified accordingly.

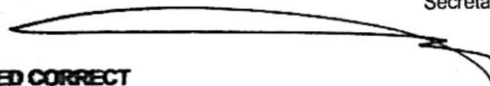
Section 4. - Effectivity Clause – After approval by the Housing and Land Use Regulatory Board, this Ordinance shall take effect on the day after its complete publication for three (3) consecutive weeks in the local news paper circulating in the Municipality of Siayan, Zamboanga del Norte, pursuant to Section 511 of the Local Government Code.

ENACTED this 21st day of March, 2016.


I HEREBY CERTIFY to the correctness of the above-quoted ordinance.


MARCELO S. EGUANAN
Local Legislative Staff Officer II
Secretary to the Sanggunian – Designate

**CERTIFIED CORRECT
AS TO ITS PASSAGE:**


DAISY A. LIMBANG
Municipal Vice Mayor
(Presiding Officer)

APPROVED:


FLORA L. VILLAROSA
Municipal Mayor

Date: _____