



**GENERAL ORDINANCE NO. 47  
Series of 2013**

**AN ORDINANCE ENACTING THE UPDATED ZONING REGULATIONS OF THE MUNICIPALITY OF TUNGAWAN, ZAMBOANGA SIBUGAY AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH**

**Author: Hon. Alfredo L. Jamora  
Chairman: Comm. on Land Use and Housing  
Co – author: Hon. Pablito A. Desoasido  
Vice Chairman: Comm. on Land Use and Housing**

**WHEREAS**, the implementation of Comprehensive Land Use Plans would require the enactment of regulatory measures to translate its planning goals and objectives into reality; and a Zoning Ordinance is one such regulatory measure which is an important tool for the implementation of the comprehensive land use plan;

**WHEREAS**, the local governments are mandated to mainstream disaster risk reduction and climate change in development processes such as policy formulation, socioeconomic development planning, budgeting, and governance, particularly in the areas of environment, agriculture, water, energy, health, education, poverty reduction, land-use and urban planning, and public infrastructure and housing;

**WHEREAS**, the Local Government Code authorizes local government units to enact ordinances subject to and in accordance with existing laws;

**WHEREAS**, the Housing and Land Use Regulatory Board has spearheaded and now assists in and coordinates the activities of local governments in comprehensive land use planning;

**NOW THEREFORE**, be it ordained by the 16<sup>th</sup> Legislative Council of Tungawan, Zamboanga Sibugay in a session assembled hereby adopts the following Zoning Ordinance:

**ARTICLE I  
TITLE OF THE ORDINANCE**

**Section 1. Title of the Ordinance.** This Ordinance shall be known as the Comprehensive Zoning Ordinance of the Municipality of Tungawan, Zamboanga Sibugay and shall be referred to as the Ordinance.

**ARTICLE II  
AUTHORITY AND PURPOSE**

**Section 2. Authority.** This Ordinance is enacted pursuant to the provisions of the New Local Government Code, R.A. 7160 Sections 458 a.2 (7-9) and 447 a.2 (7-9) dated 10 October 1991, "Authorizing the Municipality through the Sangguniang Bayan to adopt Zoning Ordinance subject to the provisions of existing laws and in conformity with E.O. No. 72".

*Alfredo L. Jamora*



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**Section 3. Purposes.** This Ordinance is enacted for the following purposes:

1. Guide, control and regulate future growth and development of the Municipality of Tungawan in accordance with its Comprehensive Land Use Plan.
2. Protect the character and stability of residential, commercial, industrial, institutional, forestry, agricultural, open space and other functional areas within the locality and promote the orderly and beneficial development of the same.
3. Promote and protect the health, safety, peace, comfort, convenience and general welfare of the inhabitants in the locality.
4. Ensure the protection and sustainability of the environment taking into consideration climate change adaptation in synergy with disaster risk reduction and management, principles of biodiversity, and preservation of historical and cultural heritage, in all development processes.

**Section 4. General Zoning Principle.** This zoning Regulations is based on the approved Comprehensive Land Use Plans as per Resolution No. 16-556-13 dated June 25, 2013 for Tungawan, Zamboanga Sibugay.

**ARTICLE III  
DEFINITION OF TERMS**

**Section 5. Definition of Terms -**

The definition of technical terms used in the Zoning Ordinance shall carry the same meaning given to them in already approved codes and regulations, such as but not limited to the National Building Code, Water Code, Philippine Environmental Code, *Climate Change Act of 2009*, *Disaster Risk Reduction and Management of 2010* and other Implementing Rules and Regulations promulgated by the HLURB. The words, terms and phrases enumerated hereunder shall be understood to have the meaning corresponding indicated as follows.

1. **Agricultural Zone (AGZ)** – an area within the municipality intended for cultivation/fishing and pastoral activities e.g. fish, farming, cultivation of crops, goat/cattle raising, etc.
2. **Agro-Industrial Zone (AIZ)** – an area within the municipality intended primarily for integrated farm operations and related product processing activities such as plantation for bananas, pineapple, sugar, etc.
3. **HLURB/Board** - shall mean the Housing and Land Use Regulatory Board.
4. **Buffer Area** – these are 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.
5. **Built-up Area** – a contiguous grouping of 10 or more structures.
6. **Central Business District** – shall refer to areas designated principally for trade services and business purposes (Commercial District).
7. **Certificate of Non-Conformance** – certificate issued to owners of all uses existing prior to the approval of the Zoning Ordinance which do not conform in a zone as per provision of the said Ordinance.
8. **Compatible Use** – uses or land activities capable of existing together harmoniously e.g. residential use and parks and playground.
9. **Comprehensive Land Use Plan (CLUP)** – a document embodying specific proposals for guiding, regulating growth and/or development. The main components of the Comprehensive

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Land Use Plan in this usage are the sectoral studies i.e. Demography, Socio-Economic, Infrastructure and Utilities Local Administration and Land Use.

10. **Conflicting Uses** - uses or land activities with contrasting characteristics sited adjacent to each other e.g., residential units adjacent to industrial plants.
11. **Conforming Use** – a use which is in accordance with the zone classification as provided for in the Ordinance.
12. **Easement** – open space imposed on any land use/activities sited along waterways, road-right-of-ways, cemeteries/memorial parks and utilities.
13. **Environmentally Critical Areas (ECA)** – refer to those areas which are environmentally sensitive and are listed in Presidential Proclamation 2146 dated December 14, 1981.
14. **Environmentally Critical Projects (ECP)** – refer to those projects which have high potential for negative environmental impacts and are listed in Presidential Proclamation 2146 dated December 14, 1981.
15. **Exception** - a device which grants a property owner relief from certain provisions of a Zoning Ordinance where because of the specific use would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.
16. **Floor Area Ratio or "FAR"** – is the ratio between the gross floor area of a building and the area of the lot on which it stands, determined by dividing the gross floor area of the building by the area of the lot. The gross floor area of any building should not exceed the prescribed floor area ratio (FAR) multiplied by the lot area. The FAR of any zone should be based on its capacity to support development in terms of the absolute level of density that the transportation and other utility networks can support.
17. **Forest Zone (FZ)** – an area within the municipality intended primarily for forest purposes.
18. **General Commercial Zone (GCZ)** – an area within the municipality for trading/services/business purposes.
19. **General Institutional Zone (GIZ)** – an area within the municipality principally for general types of institutional establishment e.g., government offices, schools, hospitals/clinics, academic/research, convention centers.
20. **General Residential Zone (GRZ)** – an area within the municipality principally for dwelling/housing purposes.
21. **General Zoning Map (GZM)** – a duly authenticated map delineating the different zones in which the whole municipality is divided.
22. **Gross Floor Area (GFA)** - the general floor area of a building is the total floor space within the perimeter of the permanent external building walls, occupied by:
  - Office Areas;
  - Residential Areas;
  - Corridors;
  - Lobbies;
  - Mezzanine;
  - Vertical penetrations, which shall mean stairs, fire escapes, elevator shafts, flues, pipe shafts, vertical ducts, and the like and their enclosing walls;
  - Rest rooms or toilets;
  - Machine rooms and closets;
  - Storage rooms and closets;
  - Covered balconies and terraces;
  - Interior walls and columns, and other interior features; But Excluding:
  - Covered areas used for parking and driveways, including vertical penetrations in parking floors where no residential or office units are present.

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- Uncovered areas for AC cooling towers, overhead water tanks, roof decks laundry areas and cages, wading or swimming pools, whirlpools or jacussis, gardens, courts or plazas.
23. **General Industrial Zone (GIZ)** – an area within the municipality principally for general types of industrial establishment.
  24. **Innovative Design** – introduction and / or application of new / creative designs and techniques in development projects e.g., Planned Unit Development (PUD), New town, etc.
  25. **Locational Clearance** – a clearance issued to a project that is allowed under the provisions of this Zoning Ordinance as well as other standards, rules and regulations on land use.
  26. **Mitigating Device** – a means to grant relief in complying with certain provisions of the Ordinance.
  27. **New Town** – shall refer to a town deliberately planned and built which provides, in addition to houses, employment, shopping, education, recreation, culture, and other services normally associated with a town.
  28. **Non-Conforming Use** – existing non-conforming uses/establishments in an area allowed operating in spite of the non-conformity to the provisions of the Ordinance subject to the conditions stipulated in this Zoning Ordinance.
  29. **Parks and Recreation Zone (PRZ)** – an area designed for diversion/amusement and for the maintenance of ecological balance of the community.
  30. **Planned Unit Development (PUD)** – it is a land development scheme wherein project site is comprehensively planned as an entity via unitary site plan which permits flexibility in planning/design, building siting, complementarity of building types and land uses, usable open spaces and the preservation of significant natural land features.
  31. **Rezoning** – a process of introducing amendments to or a change in the text and maps of the zoning ordinance. It also includes amendment or change in view of reclassification under section 20 of RA 7160.
  32. **Rural Area** – area outside of designated urban area
  33. **Setback** – the open space left between the building and lot lines.
  34. **Socialized Housing Zone (SHZ)** – shall be used principally for socialized housing/dwelling purposes for the underprivileged and homeless as defined in RA 7279.
  35. **Special Institutional Zone (SIZ)** – an area within the municipality principally for particular types of institutional establishments e.g. welfare homes, orphanages, home for the aged, rehabilitation and training centers, military camps/reservation/bases/training grounds, etc.
  36. **Tourist Zone (TZ)** – are sites within the municipality endowed with natural or man-made physical attributes and resources that are conducive to recreation, leisure and other wholesome activities.
  37. **Urban areas** – include all barangays or portions of which comprising the poblacion, central business district (CBD) and other built-up areas including the urbanizable land in and adjacent to said areas and where at least more than fifty percent (>50%) of the population are engaged in non-agricultural activities. CBD shall refer to the areas designated principally for trade, services and business purposes.
  38. **Urban Zoning Map** – a duly authenticated map delineating the different zones into which the urban area and its expansion area are divided.
  39. **Urbanizable Land** – area designated as suitable for urban expansion by virtue of land use studies conducted.
  40. **Variance** – a special locational clearance which grants a property owner relief from certain provisions of Zoning Ordinance where, because of the particular, physical surrounding, shape or topographical conditions of the property, compliance on height, area, setback, bulk and/or density would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

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41. **Warehouse** – refers to a storage and/or depository of those in business, of performing warehouse services to others, for profit.
42. **Water Zone (WZ)** – are bodies of water within the municipality which include rivers, streams, lakes and seas, except those included in other zone classification.
43. **Zone / District** – An area within the municipality for specific land use as defined by manmade or natural boundaries.
44. **Zoning Administrator/Zoning Officer** – a municipal government employee responsible for the implementation/enforcement of the Zoning Ordinance in a community.
45. **Zoning Ordinance** – a local legal measure which embodies regulations affecting land use.
46. **Resettlement Area** – an area within the municipality principally for resettlement purposes.

**ARTICLE IV  
ZONE CLASSIFICATIONS**

**Section 6. Division into Zones or Districts.** To effectively carry out the provisions of this Ordinance, the municipality is hereby divided into the following zones or districts as shown in the Official Zoning Maps.

1. General Residential Zone (GRZ)
2. Socialized Housing Zone (SHZ)
3. General Commercial Zone (GCZ)
4. General Industrial Zone (GIZ)
5. General Institutional Zone (GIZ)
6. Special Institutional Zone (SIZ)
7. Agricultural Zone (AGZ)
8. Agro-Industrial Zone (AIZ)
9. Forest Zone (FZ)
10. Parks and Other Recreation Zone/Open Space (PRZ)
11. Water Zone (WZ)
12. Tourist Zone (TZ)
13. Mine Reserve Zone (MRZ)
14. Watershed Zone (WsZ)
15. Conservation and Protected Zone (CPZ)

**Section 7. Zoning Maps.** It is hereby adopted as an integral part of this Ordinance; the Official Zoning Maps for urban areas for the whole municipality (General), wherein the designation, location and boundaries of the districts/zones herein established are shown and indicated. Such Official Zoning Maps shall be signed by the local chief executive and duly authenticated by the Sangguniang Panlalawigan. The Urban Zoning Maps shall be drawn to the scale of 1:20,000 M and the General Zoning Maps shall be drawn to the scale of 1:120 M.

**Section 8. Zone Boundaries** The location and boundaries of the above mentioned various zones into which the municipality has been divided are hereby identified and specified as follows:

**A. COMMERCIAL ZONES:**

1. Within the circle of Barangay Libertad, with a 500-meter radius having its center on the intersection of the National Highways, shall be declared as Central Commercial Zone.
2. The Central Commercial District/Zone is located at barangay Libertad (Please refer to Zoning Map).

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3. The 200 meters strip on both sides of the National Highway in the build-up sections of Barangays Baluran, Langon, Lower Tungawan and Barangay San Pedro, shall be declared as Commercial Zones (Please see the Commercial Map to see the particular area/site).
4. The 100 meters strip on both sides of Provincial Road from Barangays Sisay, Loboc, up to Barangay Malungon and along the Barangay Road of San Isidro (Please see the Commercial Map to see the particular area/site).

**B. INDUSTRIAL ZONES:**

- a. Barangays Libertad and Masao are hereby declared Light and Medium Industrial Zones (Please refer to Industrial Map to see the particular area/site)
- b. Portion of coastal area of Barangay San Vicente particular in Sitio Socamao is hereby declared Heavy Industrial Zone (Please refer to Zoning Map to see the particular area/site).

**C. RESIDENTIAL ZONES:**

1. All the identified commercial zone of Barangay Libertad and going up northwest 1,000 meters from the commercial zone shall be declared Residential Zones.
2. The determined commercial zones of Barangays Baluran, San Pedro, San Isidro, Malungon, Sisay, Loboc, Lower Tungawan and Barangay Langon portion of the lot/area are hereby declared as Residential Zones (Please refer to residential map to see the particular site).
3. At Barangay Tigbanuang particularly Puroks Bagong Silang, Mangga, and Acacia the 200 meters strip on the left side of the National Highway going to Barangay Libertad shall be declared as Housing Zone.

**D. INSTITUTIONAL ZONES:**

1. All lots assigned for government and semi-government uses and other areas presently owned and used by private and public schools, colleges, churches and health facilities shall be declared Institutional Zones.

**E. SOCIALIZED HOUSING ZONES**

1. Socialized Housing Zones are located at Barangays Libertad, Masao and Tigbanuang.

**F. TOURISTS ZONES**

1. Tourists Zones are located at Barangays Baluran, Masao, Looc Labuan, Linguisan, Tigbucay, Malungon, Batungan, Upper Tungawan, Little Margos, Sto. Nino, Taglibas, and Barangay Tigpalay.

**G. BUFFER ZONES:**

1. All areas along the banks of rivers/creeks consisting of a 20 – meter strip are hereby declared as Buffer Zones. All other areas not mentioned within the urban core shall remain as Agricultural Zones.



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Section 9. **Interpretation of the Zone Boundary** In the interpretation of the boundaries for any of the zones indicated on the Zoning Map, the following rules apply:

1. Where zone boundaries are so indicated that they approximately follow the center of street or highway, the street or highway right-of-way lines, shall be construed to be the boundaries.
2. Where zone boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries.
3. Where zone boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets and highways, such zone boundaries shall be construed as being parallel thereto and at such distance there from as indicated in the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown in said zoning map.
4. Where the boundary of a zone follows a stream, lake or other bodies of water, said boundary line shall be deemed to be at the limit of the political jurisdiction of the community unless otherwise indicated. Boundaries indicated, as following shoreline shall be construed as moving with the actual shorelines.
5. Where a lot of one ownership, as of 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 zone where the principal structure falls.
6. Where 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 municipal 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 district provided the remaining portion has an area less than fifty percent (50%) of the total area of the entire lot. If the remaining portion has an area equivalent to fifty percent (50%) or more of the total area of the lot, then the average lot depth shall apply to the lot which shall become a lot divided and covered by two or more different zoning districts, as the case may be.  
In case of any remaining doubt as to the location of any property along zone boundary lines, such property shall be considered as falling within the less restrictive zone.
7. The textual description of the zone boundaries shall prevail over that of the Official Zoning Maps.

**ARTICLE V  
ZONE REGULATIONS**

**Section 10. General Provision.** The uses enumerated in the succeeding sections are neither exhaustive nor all-inclusive. The Local Zoning Board of Adjustment and Appeals (LZBAA) shall, subject to the requirements of this Article, allow other uses not enumerated hereunder provided that they are compatible with the uses expressly allowed.

Allowance of further uses shall be based on the intrinsic qualities of the land and the socio-economic potential of the locality with due regards to the maintenance of the essential qualities of the zone.

**Section 11. Use Regulations in General Residential Zone (GRZ)** A GR zone shall be used principally for dwelling/housing purposes so as to maintain peace and quiet of the area within the zone. The following are the allowable uses:

1. Detached family dwelling
2. Multi-family dwelling e.g. row-houses, apartments



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3. Residential Condominium
4. Apartment
5. Hometel
6. Pension House
7. Hotel Apartment or Apartel
8. Dormitory
9. Boarding House
10. Branch Libraries and museums
11. Customary accessory uses like servant's quarter, private garage and guard house
12. Home Occupation for the practice of one's profession or for engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like provided that:
  - a. The number of persons engaged in such business/industry shall not exceed five (5), inclusive of the owner;
  - b. There shall be no change in the outside appearance of the building premises;
  - c. No home occupation shall be conducted in any customary accessory uses cited above;
  - d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and in a space other than required front yard;
  - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual or audible interference in any radio or television receiver or uses fluctuations in line voltage off the premises.
13. Home Industry Classified as cottage industry, provided that:
  - a. Such home industry shall not occupy more than thirty percent (30%) of the floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance;
  - b. Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DTI);
  - c. Such shall consider same provisions as enumerated in letters c, d, and e number 12, home occupation, this section.
14. Recreational facilities for the exclusive use of the members of the family residing within the premises, such as:
  - a. Swimming pool
  - b. Pelota court
  - c. Others
15. Nurser / Elementary school
16. High school
17. Vocational school
18. Sports club
19. Religious use
20. Multi-purpose hall / barangay hall
21. Clinic, nursing and convalescing home, health center
22. Plant nurseries





**MUNICIPALITY OF TUNGAWAN**  
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**OFFICE OF THE SANGGUNIANG BAYAN**



MP No. 09262641885 E-mail: sbo tungawanzs@yahoo.com

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**Section 11a. Use Regulations in Socialized Housing Zone (SHZ).** An SHC shall be used principally for socialized housing/dwelling purposes for the underprivileged and homeless as defined in RA 7279. Allowable uses:

1. All uses allowed in General Residential Zone.

**Section 12. Use Regulations in General Commercial Zone (GCZ).** A GC Zone shall be for business/trade/service uses. Within the zone the following types for establishments shall be allowed:

1. Offices like:
  - a. office building
  - b. office condominium
2. General retail stores and shops like:
  - a. department store
  - b. bookstore and office supply shop
  - c. home appliance store
  - d. car shop
  - e. photo shop
  - f. flower shop
3. Food markets and shops like:
  - a. bakery and bakeshop
  - b. wine store
  - c. grocery
  - d. supermarket
4. Personal service shops like
  - a. beauty parlor
  - b. barber shop
  - c. sauna bath and massage clinic
  - d. dressmaking and tailoring shops
5. Recreational center/establishments like:
  - a. movie house/theater
  - b. playcourt e.g. tennis court, bowling lane, billiard hall
  - c. swimming pool
  - d. day and night club
  - e. stadium, coliseum, gymnasium
  - f. other sports and recreational establishments
6. Restaurants and other eateries
7. Short term special education like:
  - a. dancing schools
  - b. school for self defense
  - c. driving schools
  - d. speech clinics
8. Storerooms but only as may be necessary for the efficient conduct of the business.
9. Commercial condominium (with residential units in upper floors)
10. Commercial housing like:
  - a. Hotel
  - b. Apartment
  - c. Apartel
  - d. Boarding house



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- e. Dormitory
- f. Pension house
- g. Club house
- h. Motel
11. Library museum
12. Filling Station/service station
13. Clinic
14. Vocational/technical school
15. Convention Center and related facilities
16. Messengerial service
17. Security agency
18. Janitorial services
19. Bank and other financial institutions
20. Radio and television station
21. Building garage, parking lot
22. Bakery and baking of bread, cake, pastries, pies, and other similar perishable products
23. Custom dressmaking shop
24. Custom tailoring shop
25. Commercial and job printing
26. Typing and photo engraving service
27. Repair of optical instruments and equipment and cameras
28. Repair of clocks and watches
29. Manufacture of insignia, badges and similar emblems except metal
30. Transportation terminals/garage with and without repair
31. Repair shops like:
  - a. House appliance repair shops
  - b. Motor vehicles and accessory repair shops
  - c. Home furnishing shops
32. Printing/publishing
33. Machinery display shop/center
34. Gravel and sand
35. Lumber/hardware
36. Manufacture of ice, ice blocks, tubes, crush except dry ice
37. Printing and publishing of books and pamphlets, printing cards and stationery
38. Manufacture of signs and advertising displays (except printed)
39. Chicharon factory
40. Manufacture of wood furniture including upholstered
41. Manufacture of rattan furniture including upholstered
42. Manufacture of box beds and mattresses
43. Welding shops
44. Machine shop service operation (repairing/rebuilding or custom job orders)
45. Medium scale junk shop
46. Repair of motorcycles
47. Lechon or whole pig roasting
48. Biscuit factory –manufacture of biscuits, cookies, crackers and other similar dried bakery products
49. Doughnut and hopia factory
50. Other bakery products, not elsewhere classified (n.e.c)
51. Repacking of food products e.g. fruits, vegetables, sugar and other related products.

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52. Plant nursery
53. Funeral parlors, mortuaries and crematory services and memorial chapels
54. Parking lots, garage facilities
55. Other commercial activities not elsewhere classified

**Section 13. Use Regulation in Light Industrial Zone (1-1).** A 1-1 zone shall be a non-pollutive/non-hazardous manufacturing/processing establishments. Enumerated below are the allowable uses:

a. Non-Pollutive/Non-Hazardous Industries

1. Drying fish
2. Factory-manufacture of biscuits, crackers and other similar dried bakery products
3. Doughnut and hopia factory
4. Manufacture of macaroni, sphaghetti and vermicelli and other noodles
5. Other bakery products not elsewhere classified (n.e.c)
6. Life belts factory
7. Manufacture of luggage, handbags, wallets and small leather goods
8. Manufacture of miscellaneous products of leather substitute and n.e.c
9. Manufacture of shoes except rubber, plastic and wood
10. Manufacture of slippers and sandals except rubber and plastic
11. Manufacture of footwear parts except rubber and plastic
12. Printing, publishing and allied industrial and those n.e.c
13. Manufacture or assembly of typewriters, cash registers, weighing, duplicating and accounting machines
14. Manufacture or assembly of electronic data processing machinery and accessories
15. Renovation and repair of office machinery
16. Manufacture or assembly of miscellaneous office machines and those n.e.c.
17. Manufacture of rowboats, bancas, sailboats
18. Manufacture of animal drawn vehicles
19. Manufacture of children vehicles and baby carriages
20. Manufacture of laboratory and scientific instrument, barometers, chemical balance, etc.
21. Manufacture of measuring and controlling equipment, plumb bomb, rain gauge, taxi meter, thermometer, etc.
22. Manufacture or assembly of surgical, medical, dental equipment and medical furniture
23. Quick freezing and cold packaging for fish and other sea foods
24. Quick freezing and cold packaging for fruits and vegetables
25. Popcorn/rice factory
26. Pool
27. Manufacture of other sporting and athletic goods, n.e.c
28. Manufacture of toys and dolls except rubber and mold plastic
29. Manufacture of pens, pencils and other office and artist materials
30. Manufacture of umbrella and canes
31. Manufacture of buttons except plastic
32. Manufacture of needles, pens, fasteners and zippers
33. Manufacture of insignia, badges and similar emblems (except metal)
34. Manufacture of signs and advertising displays (except printed)
35. Small-scale manufacture of ice cream

b. Non-pollutive/hazardous industries

1. Manufacture of house furnishing



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2. Textile bag factories
3. Canvass bags and other canvass products factory
4. Jute bag factory
5. Manufacture of miscellaneous textile goods, embroideries and weaving apparel
6. Manufacture of fiber batting, padding and upholstery filling except choir.
7. Men's and boy garment factory
8. Women's, girls and ladies garment factory
9. Manufacture of hats, gloves, handkerchief, and neckwear and related clothing accessories
10. Manufacture of raincoats and waterproof outer garments except jackets
11. Manufacture of miscellaneous wearing apparel except footwear and those n.e.c.
12. Manufacture of miscellaneous fabricated mil work and those n.e.c.
13. Manufacture of wooden and cane containers
14. Sawali, nipa and split cane factory
15. Manufacture of bamboo, rattan and other cane baskets and wares
16. Manufacture of cork products
17. Manufacture of wooden shoes, shoe lace and other similar products
18. Manufacture of miscellaneous wood products and those n.e.c
19. Manufacture of miscellaneous furniture and fixture except primarily of metals and those n.e.c.
20. Manufacture of paper stationery, envelopes and related articles
21. Manufacture of dry ice

**Section 14. Use Regulations in Medium Industrial Zone (1-2).** A 1-2 Zone shall be for pollutive/non-hazardous and pollutive/hazardous manufacturing and processing establishments. Enumerated below are the allowable uses:

a. Pollutive/Non-hazardous Industries

1. Corn mill/Rice mill
2. Chocolate and hopia factory
3. Candy factory
4. Peanuts and other nuts factory
5. Manufacture of fish meal
6. Manufacture of hand tools
7. Manufacture of miscellaneous cutlery hand tools and general hardware n.e.c
8. Manufacture of household metal furniture
9. Manufacture of office, store and restaurant metal furniture
10. Manufacture of miscellaneous furniture and fixture primarily of metal n.e.c.
11. Manufacture of fabricated structural iron and steel
12. Manufacture of architectural and ornamental metal works
13. Manufacture of metal cans, boxes and containers
14. Manufacture of stamped coated and engraved metal products
15. Manufacture of assembly of agricultural machinery and equipment
16. Native plow and harrow factory
17. Repair of agricultural machines
18. Manufacture or assembly of service industry machine
19. Manufacture and repair of electrical apparatus
20. Manufacture of household cooking, heating and laundry appliances

b. Pollutive/Hazardous Industries

1. Flour mill

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2. Cassava flour mill
3. Manufacture of coffee
4. Manufacturing of unprepared animal feeds, other grain milling n.e.c.
5. Production prepared feeds for animals
6. Weaving hemp textile
7. Manufacture of mats and matting
8. Manufacture of carpets and rugs
9. Manufacture of cordage, rope and twine
10. Manufacture of related products from abaca, sisal, henquen, hemp, cotton, paper, etc.
11. Manufacture of miscellaneous textile, n.e.c.
12. Manufacture of rough lumber, unwork
13. Manufacture of worked lumber
14. Resawmills
15. Manufacture of doors, windows and sashes
16. Treating and preserving of wood
17. Manufacture of charcoal
18. Manufacture of wood and cane blinds, screens and shades
19. Manufacture of candles
20. Manufacture of table and kitchen articles
21. Manufacture of pottery, china and earthenware, n.e.c.
22. Manufacture of clay bricks, clay tiles and hollow clay tiles
23. Manufacture of miscellaneous structural clay products, n.e.c.
24. Manufacture of structural concrete products
25. Manufacture of machines for clay, stove and glass industries
26. Manufacture, assembly, repair, rebuilding of miscellaneous special industrial machinery and equipment, n.e.c.
27. Boating building and repairing
28. Manufacture or assembly of automobiles, cars, buses, trucks and trailers
29. Manufacture of wood furniture including upholstered
30. Manufacture of rattan furniture including upholstered
31. Manufacture of box beds and mattresses

**SECTION 15. Use Regulations in Heavy Industrial Zone (1-3).** A 1-3 Zone shall be for highly pollutive/non-hazardous; highly pollutive/hazardous; highly pollutive/extremely hazardous; non-pollutive/extremely hazardous; and pollutive/extremely hazardous manufacturing and processing establishments. Enumerated below are the allowable uses:

- a. Pollutive / Extremely Hazardous Industries
  1. Transporting of Mineral products
  2. Wharf establishments

**Section 16. Use Regulations in General Institutional (GIZ) Zone.** In GI Zone, the following uses shall be allowed:

1. Government center to house national, regional or local offices in the area
2. Colleges, universities, professional business schools, vocational and trade schools, technical schools and other institutions of higher learning;
3. General hospitals, medical centers, multi-purpose clinic



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4. Scientific, cultural and academic centers and research facilities except nuclear radioactive, chemical and biological warfare facilities,
5. Convention centers and related facilities
6. Religious structure e.g. church, seminary, convents
7. Museums
8. Student housing e.g. dormitories, boarding house

**Section 17. Use Regulations in Special Institutional (SIZ) Zone.** In SI Zone, the following uses shall be allowed:

1. Welfare homes, orphanages, boys and girls town, home for the aged and the like
2. Military camps/reservation/bases and training grounds

**Section 18. Use Regulations in Parks and Recreation Zone (PRZ).** The following uses shall be allowed in Parks and Recreation Zones:

1. Parks/gardens
2. Resort areas, e.g., beaches, including accessory uses
3. Open air or outdoor sports activities and support facilities, including low rise stadia, gyms, amphitheatres and swimming pools
4. Golf courses, ball courts, race tracks and similar uses
5. Memorial/shrines monuments, kiosks and other park structures
6. Sports club
7. Underground parking structures/facilities

**Section 19. Use Regulations for Agricultural (Agr.) Zone (AGZ).** In Agr. Zones, the following uses shall be permitted:

1. Cultivation, raising and growing of staple crops such as rice, corn, cassava and the like
2. Growing of diversified plants and trees, such as fruit and flower bearing trees, coffee, tobacco, etc.
3. Silviculture, mushroom culture, fishing and fish culture snake culture, crocodile farm, monkey raising and the like
4. Customary support facilities such as palay dryers and rice threshers and storage barns and warehouses
5. Ancillary dwelling units/farmhouses for tillers and laborers
6. Agricultural research and experimentation facilities such as breeding station, fish farms, nurseries, demonstration farms, etc.
7. Pastoral activities such as goat raising and cattle fattening
8. Home occupation for the practice of one's profession or engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like, provided that:
  - a. Number of persons engaged in such business/industry shall not exceed five (5), inclusive of the owner
  - b. There shall be no change in the outside appearance of the building premises;
  - c. No home occupation shall be conducted in any customary accessory cited above;
  - d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street in a place other than the required front yard.
  - e. No equipment or process shall be used in such occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual



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or audible interference in any radio or television receiver or causes fluctuations in line voltage off the premises.

9. Home industry classified as cottage industry/e.g. mat weaving, pottery making, food preservations, etc. provided that:
  - a. Such home industry shall not occupy more than thirty (30%) percent of floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance;
  - b. Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DTI);
  - c. Such shall consider same provisions as enumerated in letters c, d and e of Home occupation, this section.
  
10. Backyard raising of livestock and fowl, provided that:
  - a. For livestock – a maximum of 4 heads
  - b. For fowl – a maximum of 100 birds

**Section 20. Use Regulations in Agro-Forestry Zone I (AF-1).** In AF-1 Zone, the following uses shall be permitted:

1. All uses in Forest Zone in combination with perennial trees or fruit trees only.
2. Commercial Livestock raising/pasture area.
3. All other activities as directed by MENRO and the Municipal Agriculture Office.
4. Agricultural activities using heavy cultivation are not allowed.

**Section 21. Use Regulation in Agro-Forestry Zone II (AF-II).** In AF-II Zone, the following uses shall be permitted:

1. All uses in Forest Zone in combination with agriculture adopting the Sloping Agricultural Land Technology.
2. Commercial Livestock Raising/pasture area.
3. All other activities as directed by MENRO and the Municipal Agriculture Office

**Section 22. Use Regulations in Agro-Industrial Zone (AIZ).** In Agr.-I Zone the following uses shall be permitted:

1. All uses allowed in agriculture
2. Rice/corn mills (single pass)
3. Drying, cleaning and preserving of meat and its by products and derivatives
4. Manufacture of unprepared animal feeds other grain milling, n.e.c.
5. Product of prepared feeds for animals
6. Manufacture of charcoal
7. Manufacture/processing of other plantation crops e.g. pineapple, bananas, etc.
8. Other commercial handicrafts and industrial activities utilizing plant or animal parts and/or products as raw materials, n.e.c.
9. Other accessory uses incident to agro- activities



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**Section 23. Use Regulations in Forest Zones (FZ).** No development use, or activity shall be allowed in forest zones unless consistent with the Department of Environment and Natural Resources (DENR) Development Regulations for forest zones and a permit, lease or license is issued by the DENR, for the following:

1. Contract Reforestation with Forest Land Management (FLM)
2. Commercial Tree Plantation and Industrial Forest Plantation (ITP/IFP)
3. Integrated Social Forestry Program (ISF)
4. Community-Based Forest Management (CBFM)
5. Reforestation Compliance by Forest Users by Temporary Lease Agreement
6. Reforestation compliance by Pasture Lease Agreement
7. Ecological Revolution Program (ECOREV)
8. IFMA

Other allowable uses such as mining, infrastructure development, fishpond and resettlement purposes should be in consonance with national policies as enumerated below:

1. Mining  
No extraction, excavation or other mining activity shall be undertaken except in accordance with the mining code and its implementing rules and regulations.
2. Fishpond purposes  
Fishing activities within the forest zone shall be undertaken pursuant to the provisions of the fisheries code and its implementing rules and regulations and the revised forestry code of the Philippines as amended.
3. Infrastructure and resettlement  
Infrastructure development and resettlement undertaken with forest zones shall be consistent with the provisions of the revised forestry code of the Philippines, as amended, and subject to an environmental impact assessment, prior to the approval of such projects in order to determine their environmental impacts and social acceptability.

**Section 24. Use Regulations in Water Zone (WZ)**

1. The utilization of the water resources for domestic and industrial uses shall be allowed provided it is in consonance with the development of DENR, provisions of the water code, and the revised forestry code of the Philippines, as amended, and provided further, that it is subjected to an environmental impact assessment prior to the approval of its use.
2. Other uses such as recreation, fishing and related activities, floatage/transportation, wharf and mining (e.g., offshore oil exploration) shall also be allowed provided it is in consonance with the provisions of the water code, and the revised forestry code of the Philippines, as amended such bodies of water shall include rivers, streams, lakes and seas.

**Section 25. Regulations in Tourist Zone (TZ)**

No tourism project or tourist related activities shall be allowed in tourist zones unless developed or undertaken in accordance with the Department of Tourism (DOT) guidelines and standards and granted approval by the Tourism Estate Department of DOT.

**Section 26. Overlay Zones.** In addition to the identified zones within the municipality, overlay zones shall be designated to protect the health and safety of residents by preventing the creation or establishment of incompatible land uses. Overlay districts or zones shall include the following:





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- a. Flood Overlay Zones
- b. Seismic Hazard Zones
- c. Landslide Overlay Zones
- d. Tsunami Overlay Zones
- e. Biodiversity Overlay Zone

**ARTICLE VI  
GENERAL DISTRICT REGULATIONS**

**Section 27. Development Density.** Permitted density shall be based on the zones capacity to support development

**A. Residential zones**

- A.1 Low density residential zone(R-1) – In R-1 Zone, allowed density is twenty (20) dwelling units and below per hectare;
- A.2 Medium density residential zone(R-2) In R-2 Zone, allowed density in twenty-one to sixty-five (21 to 65) dwelling units per hectare;
- A.3 High density residential zone (R-3) – in R-3 Zone, allowed density is sixty-six (66) or more dwelling units per hectare.

**B. All other zones**

There is no fixed maximum density but should be based on the planned absolute level of density that is intended for each concerned zone based on the comprehensive land use plan.

**Section 28. Height Regulations.** Building height must conform to the height restrictions and requirements of the Air Transportation Office (ATO) as well as the requirements of the National Building Code, the Structural Code as well as all laws, ordinances, design standards, rules and regulations related to land development and building construction and the various safety codes.

**A. Residential Zones**

- A.1 Low density residential zones (R-1) Zone, no building structure for human occupancy whether public or private shall be higher than ten (10) meters above the highest natural grade line in the property of front, sidewalk (main entry) level; low rise dwellings are up to three storeys.
- A.2 Medium density residential zone (R-2) – in R-2 Zone, no building or structure for human occupancy whether public or private shall be higher than twenty-one (21) meters above highest natural grade line in the property or front, sidewalk (main entry) level; mid-rise dwellings are four to seven storeys.
- A.3 High density residential zones (R-3) – in r-3 zone, High rise dwelling units of eight or more storeys are allowed provided it conforms with the zone's prescribed Floor Area Ratio (FAR). The FAR of an R-3 zone shall be based on the planned density of development intended for the zone.



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MP No. 09262641885 E-mail: sbo\_tungawanzs@yahoo.com

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**B. All other zone**

There is no fixed building height except those prescribed by the Air Transportation Office (ATO) and other government regulations. Within these zones, building heights shall be based on the prescribed Floor Area Ratio (FAR). Refer to annex B-F for illustration on how floor ratio is used in a zoning plan).

**Section 29. Exemptions from Height Regulations in R-1 and R-2.** Exempted from the imposition of height regulations in residential zones are the following: towers, church steeples, water tanks and other utilities and such other structures not covered by the height regulations of the National Building Code and/or the Air Transportation Office.

**Section 30. Area Regulations.** Area regulations in all zones shall conform with the minimum requirement of the existing codes such as:

- a. P.D. 957 – The “Subdivision and Condominium Buyer’s Protective Law” and its revised implementing rules and regulations
- b. B.P. 220 – “Promulgation of Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Projects” and its revised implementing rules and regulations
- c. P.D 1096 – National Building Code
- d. Fire Code
- e. Sanitation Code
- f. Plumbing Code
- g. Structural Code
- h. Executive Order No. 648
- i. Other relevant guidelines promulgated by the national agencies concerned

**Section 31. Road Setback Regulations.** The following road setback regulations shall be applied:

**ROAD SETBACK**

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

Source: DPWH

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**Section 32. Easement.** Pursuant to the provisions of the Water Code; 1.) the banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of five (5) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.

No person shall be allowed to stay in this zone longer than what is necessary for space or recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

2.) Mandatory 5-meter easement on both sides of the Cotabato Trench and Sindangan Fault Trace, and such other fault traces on the ground identified by PHIVOLCS.

**Section 33. Buffer Regulations.** A buffer of 3 meters shall be provided along entire boundary length between two or more conflicting zones allocating 1.5 meters from each side of the boundary. Such buffer strip should be open and not encroached upon by any building or structure and should be a part of the yard or open space.

**Section 34. Specific Provisions in the National Building Code.** Specific provisions stipulated in the National Building Code (P.D. 1096) as amended thereto relevant to traffic generators, advertising and business signs, erection of more than one principal structure, dwelling or rear lots, access yard requirements and dwelling groups, which are not in conflict with the provisions of the Zoning Ordinance, shall be observed.

**ARTICLE VII  
INNOVATIVE TECHNIQUES**

**Section 35. Innovative Techniques or Designs.** For projects that introduce flexibility and creativity in design or plan such as but not limited to Planned Unit Development, HOUSING projects covered by New Town Development under RA 7279, BLISS Commercial Complex, etc., the Zoning Administration/Zoning Officer shall on grounds of innovative development techniques forward applications to HLRB for appropriate action, unless the LGU concerned has the capacity to process the same.

**ARTICLE VIII  
MISCELLANEOUS PROVISIONS**

**Section 36. Projects of National Significance.** Projects may be declared by the NEDA Board as projects of National significance pursuant to Section 3 of EO 72. When a project is declared by the NEDA Board as a project of National significance the locational clearance shall be issued by HLRB pursuant to EO 72.

**Section 37. Environmental Compliance Certificate (ECC).** Notwithstanding the issuance of locational clearance under Section 41 of this ordinance, no environmentally critical projects nor projects located in environmentally critical areas shall be commenced, developed or operated unless the requirement of ECC have been complied with.

**Section 38. Subdivision Projects.** All owners and/or developers of subdivision projects shall in addition to securing a locational clearance under Section 41 of this ordinance be required to secure a development permit pursuant to provisions of PD 957 and its implementing rules and regulations or BP 220 and its implementing rules and regulations in the case of Socialized Housing Projects in accordance with the procedures laid down in EO 71, series of 1993.

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**ARTICLE IX  
MITIGATING DEVICES**

**Section 39. Deviation.** Exceptions, variances or deviations from the provisions of this ordinance may be allowed by the Local Zoning Board of Adjustment and Appeals (LZBAA) only when the following terms and conditions are existing:

1. Variance
  - a. The property is unique and different from other properties in the adjacent locality and because of its uniqueness; the owner/s cannot obtain a reasonable return on the property.

This condition shall include at least 3 of the following provisions:

- Conforming to the provisions of the Ordinance will cause undue hardship on the part of the owner or occupant of the property due to physical conditions of the property (topography, shape, etc.) which is not self-created.
- The proposed variance is the minimum deviation necessary to permit reasonable use of the property
- The variance will not alter the physical character of the district or zone where the property for which the variance is sought is located, and will not substantially or permanently injure the use of the other properties in the same district or zone.
- That the variance will not weaken the general purpose of the Ordinance and will not adversely affect the public health, safety or welfare.
- The variance will be in harmony with the spirit of this Ordinance.

2. Exceptions
  - a. The exception will not adversely affect the public health, safety and welfare and is in keeping with the general pattern of development in the community.
  - b. The proposed shall support economic based activities/provide livelihood, vital community services and facilities while at the same time posing no adverse effect on the zone/community.
  - c. The exception will not adversely affect the appropriate use of adjoining property in the same district.
  - d. The exception will not alter the essential character and general purposes of the district where the exception sought is located.

**Section 40. Procedures for Granting Exceptions and Variances.** The procedure for the granting of exception and/or variance is as follows:

1. A written application for an exception or variance shall be filed with the Local Zoning Board of Adjustment and Appeals (LZBAA) citing the section of this Ordinance under which the same is sought and stating the ground/s thereof.
2. Upon filing of application, a visible project sign, (indicating the name and nature of the proposed project) shall be posted at the project sites.
3. The Local Zoning Board of Adjustment and Appeals (LZBAA) shall conduct preliminary studies on the application.
4. A written affidavit of non-objection of the project by the owners of the properties adjacent to the project shall be filed by the applicant with the LZBAA at least fifteen (15) days prior to the decision for exception/variance.
5. In case of objection, the LZBAA shall hold public hearing.



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6. At the hearing, any party may appear in person, or be represented by agent/s. All interested parties shall be accorded the opportunity to be heard and present evidences and testimonies.
7. The LZBAA shall render a decision within thirty (30) days from the filing of the application, exclusive of the time spent for the preparation of written affidavit of non-objection and the public hearing in case of any objection to the granting of exception/variance.

**Section 41. Special Permit Uses.** Uses or structures that require the issuance of Special Use Permits before they may be permitted are those which:

1. Have significant impact on health, safety and the environment;
2. Are generally supportive of the uses in other zones and the structures allowed therein but have significant physical and environmental effects that would make the unregulated allowances of such uses undesirable;
3. Have significant or strategic economic, social or environmental impact on the area but are not numerous enough to warrant their inclusion or incorporation into a specific zone, or such incorporation is not desirable on account of the need for evaluation of such particular application for the name class of use according to its merits.

Consonant with the following foregoing criteria, the following uses shall be subject to special use permits:

1. Dumping Sites
  - 1.1 Adequate fencing shall be put up to prevent undue scattering of waste.
  - 1.2 Poisoning of rats and spraying of waste.
  - 1.3 The dumping site shall not be located outside of the applicant's premises if private, shall be located within 100 meters from water sources and residential zones, if public.
  - 1.4 Other sanitary requirements of the Sanitation Code shall be complied with.
2. Cemeteries
  - 2.1 They shall be located in institutional or open space zones; in addition, they shall be situated at least fifty (50) meters from nearest residence
  - 2.2 The design or structures such as museums, arcades, shall blend with the surroundings.
  - 2.3 Their proper maintenance shall be exclusive duty of the applicant or persons running them.
  - 2.4 They shall be located or shall provide for an easement or buffer zone of at least fifty (50) meters from actual or potential ground water systems, river banks or other bodies of water traversing or adjoining the area.
  - 2.5 Adequate drainage system should be applied to prevent contamination of surrounding areas;
  - 2.6 Pest control measures should be applied to prevent contamination of surrounding areas;
  - 2.7 Shrubbery and trees should be planted around the site and on open spaces as buffer strip; to preserve ecological balance.
  - 2.8 Sanitary requirements of the Sanitation Code, the Rural Code and other existing laws, particularly those referring to final procedure in cases of the incidence of epidemic or communicable disease shall be complied with.
  - 2.9 Their proper maintenance shall be the exclusive duty of the applicant or persons running them.
  - 2.10 They shall not be located along national roads/major highways.

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- 2.11 They shall comply with other sanitary requirements prescribed by existing laws.
3. Radio Transmitting Stations
  - 3.1 They shall be located within commercial or institutional utility zones;
  - 3.2 Their sound maintenance shall be the exclusive responsibility of the applicant and/or persons running them.
  - 3.3 Where the public welfare demands, however, they may not be denied location in some residential zones, provided the proceeding condition is complied with, provided however that powerful/high voltage transmitters/antenna which may cause electric interference or excessive electromagnet radiation, which would be hazardous to health or safety be determined by the Radio Control Office/Telecommunications Control Bureau and other competent national authorities shall not be allowed.
4. Private landing strip, runways, heliports and helipad.
  - 4.1 They shall be located within residential zones
  - 4.2 They must be at least 100 meters from the nearest residential zones, and shall not pose hazards to the safety of residents herein.
  - 4.3 They must comply with all requirements of the Civil Aviation Authority of the Philippines (CAAP), a written authority to operate shall be obtained from the CAAP by the applicant at least 90 days before the intended date of operation, and the daily newspaper preparatory to a public hearing to determine public opposition to the proposed building code.
5. Filling Stations
  - 5.1 They shall not be located within at least fifty (50) meters from the nearest schools, churches, hospitals, and other similar building premises.
  - 5.2 They shall not constitute safety hazards in a community developed entirely into residential purposes.
  - 5.3 The premises shall not be used for overnight parking of transport vehicles and utility terminal or body building purposes.
  - 5.4 The number of stations allowed shall conform with standards set by the Department of Energy.
  - 5.5 Filling stations shall be located at least 100 meters from each other, and should have adequate firefighting equipment.
6. Cellular Transmitting Stations  
Base station of Cellular Mobile Telephone Service, Paging Service, Tracking Service, Wireless Local Loop Service, and other Wireless Communication Services. (Board of Commissioners Resolution No. R-626 Series of 1998 must be followed as Locational Guidelines in granting such approval for this item unless otherwise a new issuance is issued).

**ARTICLE X**  
**ADMINISTRATION AND ENFORCEMENT**

**Section 42. Locational Clearance.** All owners/developers and business permittees shall secure Locational Clearance from the Zoning Administrator/Zoning Officer or in cases of variances and exemptions, from the Local Zoning Board of Adjustment and Appeals (LZBAA) prior to conducting any business operation, activity or construction on their property/land.

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MP No. 09262641885 E-mail: sbo\_tungawanzs@yahoo.com

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**Section 43. Building Permit.** No building permit shall be issued by the Local Building Officer without a valid locational clearance in accordance with this ordinance.

**Section 44. Non-user of Locational Clearance.** Upon issuance of a locational clearance, the grantee thereof shall have one year within which to commence or undertake the use, activity or development covered by such clearance on his property. Non-use of said clearance within the said period shall result in its automatic expiration, cancellation and the grantee shall not proceed with his project without applying for a new clearance.

**Section 45. Certificate of Non-Conformance.** A Certificate of Non-conformance shall be applied for by the owner of the structure or operator of the activity involved within six (6) months from the ratification of the zoning ordinance by the Sangguniang Panlalawigan (SP). Failure on the part of the owner to register/apply for a Certificate of Non-Conformance shall be considered in violation of the Zoning Ordinance and is subject to fines/penalty.

Upon approval of this ordinance, the Zoning Administrator/Zoning Officer shall immediately notify owners of known existing non-conforming use to apply for a Certificate of Non-conformance.

**Section 46. Existing Non-Conforming Uses and Buildings.** The lawful uses of any building, structure or land at the time of adoption or amendment of this Ordinance may be continued, although such uses do not conform with the provision of the Ordinance, provided:

1. That no such non-conforming uses shall be enlarged 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 or land where such non-conforming use exists at the time of the adoption of this Ordinance.
2. That no such non-conforming use which has ceased operation for more than one (1) year be again revived as non-conforming use.
3. An idle/vacant structure may not be used for non-conforming activity.
4. That any non-conforming structure, or structures under one ownership which has been damaged may be reconstructed and used as before provided that such reconstruction is not more than fifty percent (50%) of the replacement cost.  
That should such non-conforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
5. That no such non-conforming use maybe moved to displace any conforming use.
6. That no such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
7. That should such structure be moved for any reason to whatever distance, it shall thereafter conform to the regulation of the district in which it is moved or relocated.

In addition, the owner of a non-conforming use shall program the phase-out and relocation of the non-conforming use within ten (10) years from the effectivity of this ordinance.

**Section 47. Responsibility for Administration and Enforcement.** This Ordinance shall be enforced and administered by the Local Chief Executive through the Zoning Administrator/Zoning Officer who shall be appointed by the former in accordance with the existing rules and regulations on the subject.

**Section 48. Powers and Functions of a Zoning Administrator/Zoning Officer.** Pursuant to the provisions of EO 72 in relation to Sec.5, Paragraph c and d, Section of Executive Order No. 648 dated

*Amor*



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07 February 1981, the Zoning Administrator/Zoning Officer shall perform the following functions, duties and responsibilities.

- I. Enforcement
  - A. Act on all applications for locational clearances for all projects
    1. Issuance of Locational Clearance for projects conforming with zoning regulations.
    2. Recommend to the Local Zoning Board of Adjustment and Appeals (LZBAA) the grant or denial of applications for variances and exemptions and the issuance of Certificate of Non-Conformance for non-conforming projects lawfully existing at the time of the adoption of the zoning ordinance, including clearance for repairs/renovations on non-conforming uses consistent with the guidelines thereto.
  - B. Monitor on-going/existing projects within their respective jurisdiction and issue notices of violation and show cause order to owners, developers, or managers of projects that are violative of zoning ordinance and if necessary, pursuant to Sec. 3 of EO 72 and Sec. 2 of EO 71 refer subsequent actions thereon to the HLRB.
  - C. Call and coordinate with the Philippine National Police for enforcement of all orders and processes issued in the implementation of this ordinance.
  - D. Coordinate with the City Fiscal/Municipal Attorney for other legal actions/remedies relative to the foregoing.
- II. Planning
  - A. Coordinate with the Regional Office of the HLRB regarding proposed amendments to the zoning ordinances prior to adoption by the Sangguniang Bayan.
- III. All actions performed by designated Zoning officer under a certain office shall be evaluated by the head of the concern office.

**Section 49. Action on Complaints and Oppositions** A complaint for violations of any provision of the Zoning Ordinance or of any clearance or permits issued pursuant thereto shall be filed with the LZBAA. However, opposition to application for clearance, variance or exception shall be treated as a complaint and dealt with in accordance with the provision of this section.

**Section 50. Functions and Responsibilities of the Local Zoning Board of Adjustment and Appeals (LZBAA)** there is hereby created a LZBAA which shall perform the following functions and responsibilities:

- A. Act on applications of the following nature:
  1. Variances
  2. Exceptions
  3. Non-conforming uses
  4. Complaints and opposition to applications
- B. Act on appeals on grant or denial of locational clearance by the Zoning Administrator/Zoning Officer.

Decisions of the Local Zoning Board of Adjustment and Appeals shall be appealable to the HLRB.

**Section 51. Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA).** The Municipal Development Council shall create a subcommittee which shall act as the LZBAA composed of the following members:

1. Municipal Mayor as Chairman
2. Municipal Legal Officer





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3. Municipal Assessor
4. Municipal Engineer
5. Municipal Planning and Development Coordinator (if other than the Zoning Administrator)
6. Two (2) representatives of the private sector, nominated by their respective organizations and confirmed by the municipal mayor

In the event of non-availability of any of the officials enumerated above, the Sangguniang Bayan shall elect the number of its members as may be necessary to meet the total number above set forth, as representatives.

7. Two (2) representatives from non-government organizations nominated by their respective organizations and confirmed by the municipal Mayor. In the event of non-availability of any of the officials enumerated above, the Sangguniang Bayan shall elect the number of its members as may be necessary to meet the total number above set forth, as representatives.

8. Sangguniang Bayan Chairman Committee on Land Use and Housing

For purposes of policy coordination, said committee shall be attached to the Municipal Development Council.

**Section 52. Interim Provision.** Until such time that the Local Zoning Board of Adjustment and Appeals shall have been constituted, the HLRB shall act as the Local Zoning Board of Adjustment and Appeals. As an appellate Board, the HLRB shall adopt its own rules of procedures to govern the conduct of appeals arising from the administration and enforcement of this Ordinance.

**Section 53. Review of the Zoning Ordinance.** The Municipal Development Council shall create a sub-committee, the Local Zoning Review Committee (LZRC) that shall review the Zoning Ordinance considering the Comprehensive Land Use Plan, as the need arises, based on the following reasons/situations:

- a. Change in the local development plans
- b. Introduction of projects of national significance
- c. Petition for rezoning
- d. Other reasons which are appropriate for consideration

**Section 54. Composition of the Local Zoning Review Committee (LZRC).** The Local Zoning Review Committee shall be composed of sectoral experts. These are the Local Officials/Civic Leaders responsible for the operations, development and progress of all sectoral undertakings in the locality:

- a. Municipal Planning and Development coordinator
- b. Municipal Health Officer
- c. Municipal Agriculturist
- d. President, Association of Barangay Captains
- e. Municipal Engineer
- f. Municipal Environment and Natural Resource Officer (MENRO)
- g. Municipal Agrarian Reform Officer (MARO)
- h. District School Supervisor
- i. Three (3) Private Sector Representative (Local Chamber of Commerce or Business Sector, Housing Industry and Homeowners Association)
- j. Two (2) NGO representative
- k. Committee chairman of Land Use and Housing of the Sangguniang Bayan

**Section 55. Functions of the Local Zoning Review Committee.** The Local zoning Review Committee shall have the following powers and functions:

*[Handwritten signature]*



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- A. Review the Zoning Ordinance for the following purposes;
  1. Determine amendments or revisions necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan.
  2. Determine changes to be introduced in the Comprehensive Land Use Plan in the light of permits given, and exceptions and variances granted.
  3. Identify provisions of the Ordinance difficult to enforce or are unworkable
- B. Recommend to the Sangguniang Bayan necessary legislative amendments and to the local planning and development staff the needed changes in the plan as a result of the review conducted.
- C. Provide information to the HLURB that would be useful in the exercise of its functions.

**Section 56. Amendments to the Zoning Ordinance.** Changes in the Zoning Ordinance as a result of the review by the Local Review Committee shall be treated as an amendment, provided that any amendment to the Zoning Ordinance or provisions thereof shall be subject to public hearing and review evaluation of the Local Zoning Review Committee and shall be carried out through a resolution of three fourths vote of the Sangguniang Bayan. Said amendments shall take effect only after approval and authentication by the Sangguniang Panlalawigan.

**Section 57. Schedule of Fees and Charges.** There shall be fees and charges imposed for the processing of zoning clearances and approval of subdivisions within the Municipality of Tungawan. Please refer to the approved Local Revenue Code for the schedule.

**Section 58. Violation and Penalty.** Any person who violates any of the provisions of this Ordinance, shall, upon conviction, be punished by a fine not exceeding Php. 2,500.00 or an imprisonment for a period not exceeding six (6) months or both at the discretion of the court. In case of violation by a corporation, partnership or association the penalty shall be imposed upon the erring officers thereof.

**Section 59. Supplementary Effect of Other Laws and Decrees.** The provisions of this Ordinance shall be without prejudice to the application of other laws, presidential decrees, letter of instructions and other executive or administrative orders vesting national agencies with jurisdiction over specific land areas, which shall remain in force and effect, provided that land use decisions of the national agencies concerned shall be consistent with the Comprehensive Land Use Plan of the locality.

**Section 60. Separability Clause.** Should any section or provisions of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**Section 61. Repealing Clause.** All ordinances, rules and regulations in conflict with the provisions of this Ordinance are hereby repealed; provided, that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

**Section 62. Effectivity Clause.** This Ordinance shall take effect upon approval/review by the Sangguniang Panlalawigan of Zamboanga Sibugay.



Republic of the Philippines  
Region IX, Zamboanga Peninsula  
Province of Zamboanga Sibugay

**MUNICIPALITY OF TUNGAWAN**  
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**OFFICE OF THE SANGGUNIANG BAYAN**




MP No. 09262641885 E-mail: sbo tungawanzs@yahoo.com

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ADOPTED, this 28<sup>th</sup> day of June 2013 at Tungawan, Zamboanga Sibugay.

  
**DANTE IBARRA**  
Sanggunian Secretary

ATTESTED:

  
**ABDURAUP A. ABISON**  
Municipal Vice Mayor  
Presiding

APPROVED:

  
**RANDY A. CLIMACO**  
Municipal Mayor

Date Signed X-5-20-14

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