



The Premier Tourist Destination

Republic of the Philippines
Province of Aklan
MUNICIPALITY OF MALAY

Office of the Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE 17TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MALAY, AKLAN (2010-2013) HELD AT THE SB SESSION HALL, POBLACION, MALAY, AKLAN ON JUNE 18, 2013.

Present:

- SB Member Esel L. Flores, Presiding Officer Pro-Tempore
- SB Member Rowen T. Aguirre
- SB Member Jupiter Aelred G. Gallenero
- SB Member Natalie C. Paderes
- SB Member Dante C. Pagsuguiron
- SB Member Paterno S. Sacapaño, Jr.
- SB Member Ric P. Calvario, Liga President

Absent:

- Hon. Ceciron S. Cawaling, Municipal Vice Mayor
- SB Member Wilbec M. Gelito
- SB Member Jonathan C. Cabrera
- SB Member Cristina R. Daguno, SK Federation President

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MUNICIPAL ORDINANCE NO. 328
Series of 2013

AN ORDINANCE INCREASING THE MAXIMUM HEIGHT LIMITATION OF ALL BUILDINGS AND OTHER STRUCTURES IN THE ISLAND OF BORACAY, AN ADDENDUM TO SECTIONS 4 AND 5 OF MUNICIPAL ORDINANCE 267, SERIES OF 2008 AND AMENDING SECTION 10 THEREOF.

SECTION 1. **RATIONALE.** Continued influx of tourism in the island of Boracay is overwhelming, industry development is inevitable, progress can no longer be suppressed. It is imperative therefore, that certain modifications in the existing legislation be adapted. Hence, this piece of legislation.

Section 4. **AMENDMENTS.** Setback Requirements and Maximum Height Limits. The following sub-paragraphs shall be added to Paragraph (a) of herein Section 4.

- a) The setback requirements and maximum height limitation for all buildings shall be as follows:
 - 4. The maximum height of the building that may be constructed from One Hundred (100) meters and beyond from the buffer zone shall not exceed Sixteen (16) meters five (5) storey building provided that the lot area shall be Five Thousand (5,000 SQ.M.) Square meters (or 0.5 hectares) but less than Two (2) hectares.
 - 5. The maximum height of the building that may be constructed from One Hundred (100) meters and beyond from the buffer zone shall not exceed Twenty (20) meters six (6) storey building provided that the lot area shall be TWO(2) HECTARES or above, exclusive of the following structures which in no case shall exceed two (2) meters:
 - a. elevator machine room
 - b. stairwell canopy
 - c. water tank (in case of a roof deck, at the middle of a roof deck)

- d. antennae (not more than two (2) meters above apex).
- e. Except the roof deck railing which shall not be more than 1.2 meters.

6. The setback requirement of the preceding sub-paragraphs 4 and 5 shall at least 12.5 meters from the center of the road.

Section 5. **Open Space.** The following Paragraphs shall be added to herein Section 5.

- d.) Five Thousand Square meters but less than Two Hectares - Fifty Percent (50%) of the Total Area.
- e.) Two (2) Hectares and above - Sixty Percent (60%) of the Total Area.
- f.) Use of the Open Space shall be limited to:
 - a. Pool
 - b. Landscaping
 - c. Pathways
 - d. Yard or patio
 - e. Parking space.
- g.) Open space shall not be a subject of Lease nor can be sold.

Section 10. **Amendment.** Section 10 of Municipal Ordinance No. 267 series of 2008 is hereby amended and shall read as follows:

Bonds. All applicants/proponents of any construction and/or development in the Island of Boracay shall post a construction/development bond amounting to five percent (5%) of the total Cost of Project but shall not exceed One Million Pesos (₱1,000,000.00). The bond shall be in cash and shall be posted with the Office of the Municipal Treasurer upon approval of construction permits. The same shall serve as deposit upon which environmental and constructions violations/damages of the proponent, if there is any, shall be deducted therefrom. This bond shall be released to the proponent, less fines/penalties/charges for infractions, if there is any, upon project completion duly certified by the Building and Zoning Officials.

ENACTED. MAY 21, 2013.

APPROVED. JUNE 18, 2013.

APPROVED. SP RESOLUTION NO. 056, s. 2013, dtd. 8-22-13

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I HEREBY CERTIFY to the correctness of the afore-quoted Municipal Ordinance.

ATTESTED:


CONCORDIA S. ALCANTARA
 Secretary to the Sangguniang Bayan


ESEL L. FLORES
 SB Member
 Presiding Officer Pro-Tempore

APPROVED:

JOHN P. YAP
 Municipal Mayor