



**Office of the Sangguniang Panlungsod**

CITY OF BOGO

Province of Cebu

Republic of the Philippines

2<sup>nd</sup> Floor City Hall, City of Bogo, Province of Cebu 6010 Trunklines 2605318-11 local 1052 [f](#) Sangguniang Panlungsod of the City of Bogo

**59<sup>th</sup> Session**

**7<sup>th</sup> SP**

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE 7<sup>TH</sup> SANGGUNIANG PANLUNGSOB OF THE CITY OF BOGO HELD AT THE SESSION HALL ON AUGUST 8, 2023**

**Present:**

Hon. Maria Cielo A. Martinez	Vice-Mayor, Presiding Officer
Hon. Luis A. Asiendo Jr.	SP Member
Hon. Ethel A. Gulane	SP Member
Hon. Romeo B. Alarde Jr.	SP Member
Hon. Alexie R. Sevilla	SP Member
Hon. Domingo P. Armenton	SP Member
Hon. Vivian M. Canama	SP Member
Hon. Noel S. Seno	SP Member
Hon. Santiago M. Oliamot	SP Member
Hon. Victor Elliot S. Lepiten III	SP Member
Hon. Emma U. Jagdon	Ex-Officio Member, ABC President
Hon. Philippe Romeo V. Tolingin	Ex-Officio Member, SKF President

**On Forced Leave:**

Hon. Erwin P. Rosal	SP Member
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**WHEREAS**, the implantation of the Comprehensive Land Use Plan would require the enactment of regulatory measures to translate its planning goals and objectives into reality;

**WHEREAS**, a Zoning Ordinance is one such regulatory measure which is an important tool for the implementation of the Comprehensive Land Use Plan;

**WHEREAS**, RA 7160, otherwise known as the Local Government Code of 1991, authorizes local government units to enact zoning ordinances subject to and in accordance with existing laws;

**WHEREAS**, the relevance of Ordinance No. 10-A Series of 1977 has relapsed over time;

**WHEREAS**, a fresh blue print of the roadmap to the urbanization development of the City of Bogo must be drawn and attuned to the conditions and circumstances of the present land use;

**NOW THEREFORE**, on motion of Hon. Luis A. Asiendo Jr. duly seconded by Hon. Noel S. Seno, be it;

**RESOLVED**, as it is hereby resolved, to enact the following:

## ORDINANCE NO. 018-2023

### AN ORDINANCE ESTABLISHING THE ZONING REGULATIONS OF THE CITY OF BOGO, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF, AND REPEALING ZONING ORDINANCE NOS. 10-A SERIES OF 1977, 13-99, AND 18 SERIES OF 1994

Authored by Hon. Luis A. Asiendo Jr.  
Chair, Committee on Urban Planning

#### ARTICLE I PRELIMINARIES

Section 1. **Title.** This ordinance shall be known as the "2023 Revised Zoning Ordinance of the City of Bogo".

Section 2. **Authority.** This ordinance is enacted pursuant to the provisions of the following:

- 2.1 RA 7160, The Local Government Code, Sections 458(2)(vii-x), (3)(i), and 455(3)(vi-vii) authorizing the city, through the Sangguniang Panlungsod, to adopt zoning ordinances subject to the provisions of existing laws"; and
- 2.2 In accordance with related laws such as but not limited to the following:
  - 2.2.1 Commonwealth Act 141;
  - 2.2.2 RA 8850, the Fisheries Code of the Philippines;
  - 2.2.3 PD 705, the Forestry Code;
  - 2.2.4 PD 1067, the Water Code;
  - 2.2.5 PD 1096, the National Building Code;
  - 2.2.6 Executive Order No. 72;
  - 2.2.7 RA 10121, the Philippine Disaster Risk Reduction and Management (PDRRM) Act of 2010; and
  - 2.2.8 Other related issuances

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

- 3.1 Guide, control, and regulate the future growth and development of public and private lands in the City of Bogo in accordance with the Comprehensive Land Use Plan (CLUP);
- 3.2 Provide proper regulatory environment to maximize the opportunities for creativity, innovation, and make ample room for development within the framework of good governance and community participation;
- 3.3 Protect/enhance the character and stability of residential, commercial, industrial, institutional, forestry, agricultural, open spaces, and other functional areas within the City of Bogo, and promote the orderly and beneficial development of the same;

- 3.4 Promote and protect the health, safety, peace, comfort, convenience, and general welfare of the inhabitants in the locality;
- 3.5 Provide adequate light, air, privacy, and convenience of access to all properties in the City of Bogo;
- 3.6 Provide safety from fire, pollution, and other hazards to life and property;
- 3.7 Prevent undue congestion of population;
- 3.8 Regulate the location and use of buildings and lands adjacent to streets and thoroughfares in such manner as to avert the danger to public safety caused by undue interference with existing or prospective traffic movements on such streets and thoroughfares; and
- 3.9 Complement the provisions of pertinent national laws.

**Section 4.** **General Zoning Principles.** This zoning ordinance is a regulatory measure enacted to identify the various land use areas, designate the allowable uses therein, and prescribe the physical and performance standards pursuant to Article VI hereof.

- 4.1 The Ordinance reflects the City's vision: "*The City of Bogo shall be an environmentally-sound, premier center of trade and industry in the Visayas, propelled by a globally competitive, empowered, and self-reliant citizenry led by enlightened, dedicated, and innovative leaders committed to deliver quality infrastructure and social services to achieve sustainable growth and development*";
- 4.2 The City Government of Bogo recognizes that any land use is a use by right but provides however that the exercise of such right shall be subject to the review standards of this ordinance;
- 4.3 This ordinance gives the free market the maximum opportunity to spur the city's development within a framework of environmental integrity and social responsibility;
- 4.4 This ordinance is designed to encourage the evolution of high quality developments rather than regulating against the worst type of projects;
- 4.5 This ordinance is crafted in a manner that is fully responsive to the ever-changing conditions that the city continually face;
- 4.6 This ordinance functions as a tool for informed decision-making of the land use administrators by providing specific criteria by which to judge the acceptability of developments;
- 4.7 This ordinance provides a direct venue for community empowerment where the stakeholders become involved especially in critical development decisions; and
- 4.8 The regulations in this Zoning Ordinance are considered as land use management tools that are necessary to provide clear guidance to land developments in order to ensure the community's common good.

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, Sanitation Code, Water Code, Philippine Environmental Code and other Implementing Rules and Regulations, promulgated by the Department of Human Settlements and Urban Development (DHSUD). As used in this ordinance, the words, terms and phrases enumerated, identified and included in the Glossary which is attached hereto as "Annex A" and made integral part hereof shall be understood and shall have the meaning and definition correspondingly set forth therein unless otherwise indicated. The said Annex A shall be kept, signed, and sealed in the same manner as the rest of the ordinance.

## ARTICLE II ZONE CLASSIFICATIONS

Section 6. **Division into Base Zones.** Base Zones refer to the primary zoning classification of areas within the City of Bogo that are provided with a list of allowable uses and regulations on building density and bulk, among others. To effectively carry out the provisions of this ordinance the City of Bogo is hereby divided into the following base zones or districts as shown in the official zoning maps:

- 6.1 Low Density Residential Zone (R-1);
- 6.2 Medium Density Residential Zone (R-2);
- 6.3 Socialized Housing Zone (SHZ);
- 6.4 Low Density Commercial Zone (C-1);
- 6.5 Medium Density Commercial (C-2);
- 6.6 Light Industrial Zone (I-1);
- 6.7 Medium Industrial Zone (I-2);
- 6.8 Institutional Zone (INZ);
- 6.9 Agricultural Zone (AGZ);
- 6.10 Forest Zone (FOZ);
- 6.11 Cemetery Zone (CEZ); and
- 6.12 Heritage Zone (HEZ)

Section 7. **Overlay Zone.** This is a "transparent zone" that is overlain on top of the Base Zone or another Overlay Zone and provides an additional set or layer of regulations deemed necessary to achieve the objectives for the Overlay Zone.

- 7.1 Flood Overlay Zone;
- 7.2 Landslide Overlay Zone; and
- 7.3 Tourism Overlay Zone

Section 8. **Zoning Maps.** The Official Zoning Maps showing location and boundaries of the "Base Zones" (Annex B), "Overlay Zones", and "Landslide and Flood Hazard Map" (Annex C) and "Tourism Overlay Zone" (Annex D) herein established are hereby adopted as an integral part of this ordinance. Such Official Zoning Maps shall be signed by the City Mayor and duly adopted by the Sangguniang Panlungsod and authenticated by the Sangguniang Panlalawigan.

- 8.1 The Official Zoning Map must be conspicuously displayed in the following offices to effect transparency and convenience to users:
- 8.1.1 Office of the City Mayor;
  - 8.1.2 Office of the Sangguniang Panlungsod;
  - 8.1.3 City Planning and Development Office;
  - 8.1.4 Office of the City Assessor;
  - 8.1.5 Office of the City Treasurer;
  - 8.1.6 Office of the Building Official; and
  - 8.1.7 Bogo Public Library

Section 9. **Zone Boundaries.** The locations of the above-mentioned base zones as duly reflected in the zoning maps which form an integral part of this ordinance are hereby identified and specified as follows:

- 9.1 **Low Density Residential Zone (R-1).** All residential subdivisions, such as but not limited to, A & B Subdivision, Alpine Subdivision, BLISS (La Paz), Camella Homes Bogo, Caritas Village (Bungtod), GK Village (Gairan), Graceland Ville Subdivision, Jamoral Ville Subdivision, Pamintao Village, Richwood Homes Bogo, Saint Vincent Ferrer Homes I, Solid Homes Subdivision, St. Joseph Village, St. Vincent Subdivision, and Villa Casita;
- 9.2 **Medium Density Residential Zone (R-2).** Cayang South (part of Cayang to the west and southwest of the road connecting Sitio Kalubian, Cayang-Bung-aw, Cayang-Tolibao, Malingin);
- 9.3 **Socialized Housing Zone (SHZ).** Areas occupied by socialized housing projects such as Ancop Homes (Bungtod) and Maiaville Subdivision;
- 9.4 **Low Density Commercial Zone (C-1)** Taytayan, Cogon, Bungtod, Pandan, Gairan, Sambag, Sto. Niño, Lourdes, Carbon, Sto. Rosario, San Vicente, La Purisima Concepcion, and Polambato to the east of Arroyo Creek;
- 9.5 **Medium Density Commercial (C-2).** Central Business District and Cayang North (part of Cayang east and northeast of the road connecting Sitio Kalubian, Cayang-Bung-aw, Cayang-Tolibao, Malingin, City of Bogo Property in Cogon, area in Don Pedro to the south of the National Road connecting Bogo City to San Remigio.
- 9.6 **Light Industrial Zone (I-1).** Part of Barangay Don Pedro Rodriguez, to the north of the national road connecting Bogo City to the West of San Remigio;
- 9.7 **Medium Industrial Zone (I-2).** Part of Barangay Polambato;
- 9.8 **Institutional Zone (INZ).** Areas occupied by schools and other government buildings;
- 9.9 **Agricultural Zone (AGZ).** Anonang Norte, Anonang Sur, Banban, Binabag, Lapaz, Guadalupe, Odot, Marangog, Siocon, Nailon, and Libertad;

- 9.10 **Forest Zone (FOZ).** Portions of Binabag, Lapaz, Guadalupe, Odlot, Marangog, Dakit, and Libertad;
- 9.11 **Cemetery Zone (CEZ).** Areas occupied by the Old Corazon Cemetery, New Corazon Cemetery, Municipal Cemetery, Chinese Cemetery, Bogo Memorial Park, and Malingin Public Cemetery;
- 9.12 **Heritage Zone (HEZ).** Areas occupied by cultural heritage properties identified per Resolution No. 240-2022 entitled: *Resolution Adopting The Cultural Heritage Properties Inventory Of The City Of Bogo As Of December 2022*;

Section 10. **Zone Boundaries for Overlay Zones.**

- 10.1 Flood Overlay Zone – See Annex C;
- 10.2 Landslide Overlay Zone – See Annex C; and
- 10.3 Tourism Overlay Zone – Area to the east of the road connecting Nailon Wharf and Siocon Elementary School; For areas from Siocon Elementary School to the point where the provincial road meets Marangog-Tagasa Road, 200 meters from the mean high water mark;  
Area to the east of the provincial road from the point where the provincial road meets Marangog-Tagasa Road to Odlot Cemetery; From Odlot Cemetery to the boundary with the Municipality of Tabogon, 200 meters from the high water mark.

Section 11. **Interpretation of the Zone Boundary.** In the interpretation of the boundaries for any of the zones indicated on the Zoning Map the following rules shall apply:

- 11.1 Where zone boundaries are so indicated that they approximately follow the center of streets or highway, the street or highway right-of-way lines shall be construed to be the boundaries;
- 11.2 Where zone boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries;
- 11.3 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 adopted Zoning Map. If no distance is given such dimension shall be determined by the use of the scale shown in said zoning map;
- 11.4 Where the boundary of a zone follows a stream, lake, or other bodies of water, said boundary line should be deemed to be at the limit of the political jurisdiction of the community unless otherwise indicated. Boundaries indicated as following such bodies of water shall be construed to follow such bodies of water, and in the event of such change, shall be construed as moving with the actual body of water;

11.5 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 boundary line bisects the lot, it shall fall in the zone where the principal structure falls.

11.6 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 city 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.

11.7 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. Otherwise, exact zone boundaries shall be determined using the geographic information system (GIS) or other applicable information communications technology systems;

11.8 The textual description of the zone boundaries shall prevail over that of the official Zoning Map. In case of difficulty or conflict in the interpretation of the official Zoning Map and text, the Zoning Administrator may avail assistance from the DHSUD.

## ARTICLE III ZONE REGULATIONS

Section 12. **General Provisions.** Zone regulations refer to Use, Density and Bulk and Building/Structure Design Regulations as described hereof:

### 12.1 Use Regulations

12.1.1 Principal Uses – pertain to the main intent for the zone in consideration. Uses that are enumerated herein are considered as “by-right uses”.

12.1.2 Accessory Uses – pertain to those that are customarily associated with the principal use application (such as a garage is accessory to a house). It should be noted that the focus is on the lot parcel level, and Accessory Use applications are evaluated in relation to the Principal Use on the same lot parcel. The uses that are enumerated are illustrative and should not be considered as exhaustive or all-inclusive. The following criteria shall be used in determining Accessory Uses:

- 11.5 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 boundary line bisects the lot, it shall fall in the zone where the principal structure falls.

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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.

- 11.7 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. Otherwise, exact zone boundaries shall be determined using the geographic information system (GIS) or other applicable information communications technology systems;
- 11.8 The textual description of the zone boundaries shall prevail over that of the official Zoning Map. In case of difficulty or conflict in the interpretation of the official Zoning Map and text, the Zoning Administrator may avail assistance from the DHSUD.

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- a. They must be related to the Principal Uses;
- b. They must be subordinate and clearly incidental to the Principal Use;
- c. They must be customarily incidental.
- d. They must be located on the same lot as the Principal Use and, occasionally, must also be in the same ownership.
- e. They must not alter the character of the area or be detrimental thereto

12.1.3 Conditional Uses – those that may be beneficial to the zone but have potentials to cause nuisance effects on the neighborhood (as in retail stores in a residential area) such as by generating a large volume of pedestrian and vehicular traffic, noise, and the like. These may be allowed by the City Zoning Board of Adjustment and Appeals under conditions intended to mitigate such possible nuisance effects and subject to the procedures in evaluating applications for Temporary Use Permits. A Conditional Zoning Clearance shall be issued to approve applications classified under conditional use.

Development applications that are not in the list of Principal, Accessory and Conditional Uses shall be considered Deviations and will be evaluated by the CZBAA according to the Mitigating Devices provision of the Zoning Ordinance. The applicable laws for Zones that are regulated by different statutes must be observed.

12.2 **Building Density and Bulk Regulations.** The density and bulk of buildings/structures shall be regulated through specifications, among others, building height limits, floor area ratios, footprint sizes, ground level open spaces, and the like which may vary among zones. Considerations in developing Bulk and Density Regulations include, among others:

- 12.2.1 Land limitations – only low density developments should be provided in areas that have significant land limitations such as steep slopes, soft soils, earthquake faults, flood-susceptibility, and the like;
- 12.2.2 Weather conditions – densities should be controlled in areas susceptible to typhoons and strong winds;
- 12.2.3 Designated growth areas – high intensity developments should be directed to designated urban growth areas determined in the CLUP;
- 12.2.4 Land and property values – densities will normally be highest in areas with high values such as central business districts (CBDs);

- 12.2.5 Neighborhood characteristics – densities should be carefully controlled to preserve the stability of well-established low-density residential neighborhoods;
- 12.2.6 Surrounding environments – densities may be affected by proximity to heritage sites or airport;
- 12.2.7 Service infrastructure – allowed densities should consider the adequacy of service infrastructure provisions such as potable water, storm drainage, and others;
- 12.2.8 The applicable provisions of the IRR of the National Building Code (NBC 2005 edition) must be used should Density and Bulk regulations be specified since NBC provides the upper limit regarding building height limits (BHLs) or which is more restrictive;
- 12.2.9 Safety feature requirements in formulating Building Density and Bulk regulations for critical and lifeline facilities such as hospitals, fire stations, evacuation centers, power plants, water treatment plants, and the like must be observed/considered based in the Manual of Safe Hospitals and Emergencies and Disasters: Philippine Indicators published by the Department of Health. Its provisions for hospitals include, among others:
- a. The building shape should be square or rectangular;
  - b. The building should have less than five floors; and
  - c. The building form should not be top heavy, without cantilevers, with balanced massing, and with balanced loading.
- 12.2.10 Relevant provisions of PD 957, BP 220, and other laws governing building density and bulk must be observed;
- 12.2.11 Density and bulk regulations should be numeric and measurable;
- 12.2.12 Applicable laws for zones that are regulated by different statutes on matters regarding Density and Bulk Controls must be observed;
- 12.2.13 Specific uses/activities of lesser density within a particular zone (R-1) may be allowed within the zone of higher density (R-2, R-3) but not vice-versa nor in another zone and its subdivisions (like C-1, C-2), except for uses expressly allowed in said zones, such that the cumulative effect of zoning shall be intra-zonal and not inter-zonal;
- 12.2.14 Design regulations should be made consistent with the relevant provisions of the National Building Code, PD 957, BP 220, and other related laws.

## **Section 13. Use Regulation in Low Density Residential Zone (R-1)**

**13.1 Purpose and Intent.** R-1 zone shall be used for low density residential purposes characterized mainly by single-family, single-detached dwellings with the usual community ancillary/accessory uses on a neighborhood scale such as executive subdivisions and relatively exclusive residential communities which are not subdivisions with a density of twenty (20) dwelling units and below per hectare;

### **13.2 Permitted Uses**

#### **13.2.1 Principal Uses**

- a. Single-detached dwelling units; and
- b. Semi-detached family dwelling units

#### **13.2.2 Accessory Uses**

a. Customary accessory uses incidental to any of the principal uses provided that such accessory uses shall not include any activity conducted for monetary gain or commercial purposes such as:

- i. Servants quarters
- ii. Private garage;
- iii. Guardhouse;
- iv. Laundries;
- v. Non-commercial garages;
- vi. Houses for pets such as dogs, birds, rabbits, and the like of not more than four square meters ( $4.0\text{ m}^2$ ) in floor area;
- vii. Pump houses; and
- viii. Generator houses

b. Home occupation for the practice of one's profession such as offices of physicians, surgeons, dentists, architects, engineers, lawyers, and other professionals, or for engaging home business such as dressmaking, tailoring, baking, running a sari-sari store, and the like provided that:

- i. The number of persons engaged in such business/industry shall not exceed ten (10) inclusive of owner;
- ii. There shall be no change in the outside appearance of the building premises;
- iii. That, in no case shall more than thirty percent (30%) of the building be used for said home occupation;
- iv. No home occupation shall be conducted in any customary accessory uses cited above;

- v. 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 place other than the required front yard; and
  - vi. 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 causes fluctuations in line voltages off the premises.
- c. Home Industry classified as cottage industry, provided that:
- i. Such home industry shall not occupy more than thirty percent (30%) of the ground 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;
  - ii. Allotted capitalization shall not exceed the capitalization set by the Department of Trade and Industry (DTI);
  - iii. Such shall consider the provisions pertaining to customary accessory uses, traffic and equipment/ process under Home Occupation of this section;
  - iv. Recreational facilities for the exclusive use of the members of the family residing within the premises, such as:
    - (i) Swimming pool
    - (ii) Tennis courts; and
    - (iii) Basketball courts

#### 13.2.3 Conditional Uses

- a. Boarding houses with no more than eight (8) boarders;
- b. Community social centers such as neighborhood-scale multi-purpose halls, clubhouses and similar uses;

- c. Community service facilities such as neighborhood-scale retail stores, laundries, beauty shops, barber shops, health spa, drug stores, health services facilities, food stores, restaurant, coffee shops, audio-video and computer rental shops and similar uses;
- d. Preparatory schools, elementary and high schools;
- e. Neighborhood-scale recreational facilities such as sports, club, tennis courts, basketball courts, swimming pools and similar uses;
- f. Parks, playgrounds, pocket parks, parkways, promenades and play lots;
- g. Plant nursery;
- h. Religious use such as churches or similar places of worship;
- i. Convents and monasteries;
- j. Barangay Hall;
- k. Clinic, nursing, and convalescing home, health center;
- l. Outpatient clinics, family planning clinics, lying-in clinics, diagnostics clinic, medial and clinical laboratories;
- m. Library and museum;
- n. Steam/dry cleaning outlets;
- o. Party needs and accessories (leasing of tables and chairs, and others);
- p. Philanthropic or charitable institutions;
- q. LPG retailing with a maximum of twenty (20) units of LPG tanks at any given time;
- r. Recreational facilities such as resorts, swimming pools, clubhouses, and similar uses except carnivals and fairs;

13.3 **Density Regulations.** Allowed density is twenty (20) dwelling units and below per hectare.

13.4 **Building Height Limit (BHL)**

- 13.4.1 Number of allowable storeys/floors above established grade: two (2);
- 13.4.2 Building Height Limit: seven (7) meters above established grade.

13.5 **Unpaved Surface Area.** The unpaved surface area (USA) of developments shall not be less than thirty percent (30%) of the total lot area. As defined in the National Building Code USA is the true open space that is with exposed soil and planted (soft-scaped). The USA must be located outside the building envelope.

**Section 14. Use Regulation in Medium Density Residential Zone (R-2)**

14.1 **Purpose and Intent.** An R-2 zone is for medium density residential use or occupancy characterized mainly as a low-rise single-attached, duplex or multi-level building/structure for exclusive use as multi-family dwellings with a density of 21 to 65 dwelling units per hectare. This includes R-2 structures within semi-exclusive subdivisions and semi-exclusive residential communities which are not subdivisions.

14.2 **Permitted Uses.** No building or improvement or portions thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

**14.2.1 Principal Uses**

- a. Single-detached dwelling units;
- b. Single attached dwelling units;
- c. Semi-detached family dwelling units, like duplex;
- d. Townhouses;
- e. Apartments;
- f. Residential condominium;
- g. Boarding houses; and
- h. Dormitories

**14.2.2 Accessory Uses**

- a. Customary accessory uses incidental to any of the principal uses provided that such accessory uses shall not include any activity conducted for monetary gain or commercial purposes such as:
  - i. Servants quarters;
  - ii. Private garage;
  - iii. Guardhouse;
  - iv. Laundries;
  - v. Non-commercial garages;
  - vi. Houses for pets such as dogs, birds, rabbits, and the like of not more than four square meters ( $4.0 \text{ m}^2$ ) in floor area;
  - vii. Pump houses; and
  - viii. Generator houses

- b. Home occupation for the practice of one's profession such as offices of physicians, surgeons, dentists, architects, engineers, lawyers, and other professionals or for engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like, provided that:
- i. The number of persons engaged in such business/industry shall not exceed ten (10) inclusive of owner;
  - ii. There shall be no change in the outside appearance of the building premises;
  - iii. That, in no case shall more than thirty percent (30%) of the building be used for said home occupation;
  - iv. No home occupation shall be conducted in any customary accessory uses cited above;
  - v. 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 place other than the required front yard; and
  - vi. 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 causes fluctuations in line voltages off the premises.
- c. Home Industry classified as cottage industry, provided that:
- i. Such home industry shall not occupy more than thirty percent (30%) of the ground 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;
  - ii. Allotted capitalization shall not exceed the capitalization set by the DTI;
  - iii. Such shall consider the provisions pertaining to customary accessory uses, traffic and equipment/process under Home Occupation of this section.

- d. Recreational facilities for the exclusive use of the members of the family residing within the premises, such as:
  - i. Swimming pool
  - ii. Tennis courts; and
  - iii. Basketball courts

#### 14.2.3 Conditional Uses

- a. Community social centers such as neighborhood-scale multi-purpose halls, clubhouses and similar uses;
- b. Community service facilities such as neighborhood-scale retail stores, laundries, beauty shops, barber shops, health spa, drug stores, health services facilities, food stores, restaurant, coffee shops, audio-video and computer rental shops, and similar uses;
- c. Preparatory schools, elementary and high schools;
- d. Neighborhood-scale recreational facilities such as sports, club, tennis courts, basketball courts, swimming pools and similar uses;
- e. Parks, playgrounds, pocket parks, parkways, promenades and play lots;
- f. Plant nursery;
- g. Religious use such as churches or similar places of worship;
- h. Convents and monasteries;
- i. Barangay hall;
- j. Clinic, nursing and convalescing home, health center;
- k. Outpatient clinics, family planning clinics, lying-in clinics, diagnostics clinic, medial and clinical laboratories;
- l. Library and museum;
- m. Steam/dry cleaning outlets;
- n. Party needs and accessories (leasing of tables and chairs, and such others);
- o. Philanthropic or charitable institutions;
- p. Offices with no actual display, sale, transfer or lending of the office commodities in the premises and with subject gross floor area (GFA) not exceeding thirty percent (30%) of the building GFA;

- q. Apartment hotels/hometels;
  - r. Car barns for not more than three (3) units;
  - s. LPG retailing with a maximum of twenty (20) units of LPG tanks at any given time;
  - t. Recreational facilities such as resorts, swimming pools, clubhouses and similar uses except carnivals and fairs;
  - u. Bank branches, savings/loans/lending shops; and
  - v. Driving range
- 14.3 **Building Density.** Allowed density is twenty-one (21) to sixty-five (65) dwelling units and below per hectare.
- 14.4 **Building Height Limit.**
- 14.4.1 For single-attached, duplex, accessoria, rowhouse, and townhouse buildings/structure:
- The number of allowable storeys/floors above established grade is three (3) storeys and building height limit is ten (10) meters above established grade; and
- 14.4.2 For multiple family dwelling units such as townhouses, apartments, and residential condominiums as well as boarding houses and dormitories, number of allowable storeys/floors above established grade is four (4) storeys and building height limit is thirteen (13) meters above established grade.
- 14.5 **Unpaved Surface Area.** The unpaved surface area (USA) of developments shall not be less than thirty percent (30%) of the total lot area.

## Section 15. **Regulations in Socialized Housing Zone (SHZ)**

- 15.1 **Purpose and Intent.** For housing programs and projects covering houses and lots or homelots only undertaken by the government or in partnership with the private sector for the underprivileged and homeless citizens which shall include sites and services development, long-term financing, liberalized terms on interest payments, and such other benefits in accordance with the provisions of RA 7279, the Urban and Housing Development Act of 1992.
- 15.2 **Permitted Uses.** All uses allowed according to the provisions of BP 220.
- 15.3 **Building Regulations.** Applicable provisions of BP 220

*[Signature]*

#### **15.4 Building Height Limit**

- 15.4.1 Number of allowable storeys/floors above established grade: Two (2) storeys; and
- 15.4.2 Building Height Limit: Seven (7) meters above established grade.
- 15.5 **Unpaved Surface Area (USA).** The unpaved surface area of developments shall than thirty percent (30%) of the total lot area.

### **Section 16. Use Regulations in Low Density Commercial Zone (C-1)**

- 16.1 **Purpose and Intent.** A neighborhood or community level of commercial use or occupancy characterized mainly as a low-rise building/structure for low intensity commercial/trade service and business activities like three to five (3–5) storeys, small offices, or mixed-use/occupancy buildings, and the like.
- 16.2 **Permitted Uses.** The following shall be the permitted uses in C-1 Zone:
  - 16.2.1 Principal Uses
    - a. All uses allowed in R-1 and R-2;
    - b. Offices like:
      - i. Office building;
      - ii. Office condominium
    - c. General retail stores and shops like:
      - i. Bookstore and office supply shop;
      - ii. Home appliance store;
      - iii. Car shop;
      - iv. Photo shop;
      - v. Flower shop
      - vi. Food market and shops like:
        - (i) Bakery and bakeshop;
        - (ii) Milk tea shop;
        - (iii) Wine store;
        - (iv) Grocery;
        - (v) Convenience store; and
        - (vi) Supermarket
      - vii. Personal service shops like:
        - (i) Beauty parlor;
        - (ii) Barbershop;
        - (iii) Spa;
        - (iv) Sauna bath and massage clinic; and
        - (v) Dressmaking and tailoring shop
      - viii. Recreational center/establishments like:
        - (i) Moviehouses/theatre;
        - (ii) Play courts like tennis court, bowling lane, billiard hall;

- (iii) Swimming pool;
  - (iv) Gymnasium;
  - (v) Day and night club;
  - (vi) Stadium, coliseum, gymnasium; and
  - (vii) Other sports and recreational establishments
- ix. Parks, playgrounds, pocket parks, parkways, promenades and playlots;
  - x. Restaurants and other eateries;
  - xi. Short term special education like:
    - (i) Dancing schools;
    - (ii) Schools for self-defense;
    - (iii) Music school; and
    - (iv) Speech clinics
  - xii. Commercial housing like:
    - (i) Hotel;
    - (ii) Apartment;
    - (iii) Apartelle;
    - (iv) Boarding house;
    - (v) Dormitory;
    - (vi) Pension house; and
    - (vii) Club House;
  - xiii. Commercial condominium (with residential units in upper floors at least sixty percent (60%) of leasable or saleable floor area allotted for commercial purposes);
  - xiv. Library/museum;
  - xv. Clinic;
  - xvi. Vocational/technical school;
  - xvii. Convention center and related facilities;
  - xviii. Messengerial services;
  - xix. Security agency;
  - xx. Janitorial services;
  - xxi. Banks and other financial institutions;
  - xxii. Pawnshops, money shops, photo and portrait;
  - xxiii. Studios, shoeshine/ repair stands, retail drugstores;
  - xxiv. Commercial job printing;
  - xxv. Typing and photo engraving service;
  - xxvi. Repair of optical instrument and equipment and cameras;
  - xxvii. Repair of clocks and watches;

- xxviii. Manufacture of insignia, badges and similar emblems except metal;
- xxix. Plant nurseries;
- xxx. Scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities; and
- xxxi. Stores for construction supplies and building materials such as electrical and electronics, plumbing supplies, ceramic, clay cement and similar products except CHBs, gravel and sand and other concrete products

#### 16.2.2 Accessory Uses

Customary accessory uses incidental to any of the principal uses provided that such accessory uses such as:

- i. Staff houses/quarters;
- ii. Building garage;
- iii. Storerooms and warehouses but only as necessary for the efficient conduct of the business;
- iv. Pump houses; and
- v. Generator houses

#### 16.2.3 Conditional Uses

- i. Filling station/service station;
- ii. Radio and television station;
- iii. Garage for tricycles not greater than six (6) units in number; and
- iv. Retailing of CHBs, gravel and sand and other concrete products

#### 16.2.4 Building Density and Bulk and Property Development Regulations

- a. Building or structure shall be erected, constructed, altered, moved, or expanded in accordance with the provisions of the National Building Code and its revised implementing rules and regulations, and Civil Aviation Authority of the Philippines (CAAP) regulations; and
- b. Recreational and other similar places of amusement shall be established/regulated in accordance with RA 1224 which amended RA 938: "An Act Granting Municipal Or City Boards And Councils The Power To Regulate The Establishment, Maintenance, And Operation Of Certain Places Of Amusement Within Their Respective Territorial Jurisdictions", and other related issuances

16.2.5 Building Height Limit

- a. Number of allowable storeys/floors above established grade: five (5) storeys
- b. Building Height Limit: 16.00 meters above established grade.

16.2.6 Unpaved Surface Area (USA). The unpaved surface area of developments shall not be less than twenty-five percent (25%) of the total lot area.

**Section 17. Regulations in Medium Density Commercial Zone (C-2)**

17.1 **Purpose and Intent.** For city level commercial use or occupancy characterized mainly as a medium-rise building/structure for medium to high intensity commercial/trade, service and business activities, like six (6)-storey shopping centers, medium to large office, or mixed use/occupancy buildings/structures and the like.

17.2 **Permitted Uses.** The following are the allowed uses in C-2 Zone:

17.2.1 Principal Uses

- a. All principal uses in C-1;
- b. Wholesale and retail stores;
- c. Shopping centers, malls, and supermarkets;
- d. Restaurants, drinking, and dining establishments;
- e. Dance halls and ballrooms;
- f. Amusement halls and parlors;
- g. Billiard halls, pool rooms and bowling alleys;
- h. Dancing schools, disco pads, dance and amusement halls;
- i. Gymnasia, tennis courts and sports complex;
- j. Bakeries, pastry and bake shops;
- k. Engraving, photo developing and printing shops;
- l. Photographer and painter studios, tailoring and haberdashery shops;
- m. Battery shops and repair shops;
- n. Paint stores without bulk handling;
- o. Police and fire stations;
- p. Glassware and metalware stores, household equipment and appliance shops;
- q. Manufacture of insignia, badges and similar emblems except metal;
- r. General retail establishments such as curio or antique shops, pet shops and aquarium stores, bookstores, art supplies and novelties, jewelry shops, liquor wine stores and flower shops;
- s. Employment/ recruitment agencies, news syndicate services and office equipment and repair shops and other offices;
- t. Watch sales and services, locksmith and other related services;

- u. Other stores and shops for conducting retail business and local shopping establishments;
- v. Radio, television and other electrical appliance repair shops;
- w. Furniture, repair and upholstering job;
- x. Computer stores and video shops, including repair;
- y. Internet café and cyber stations;
- z. Garment manufacturing with no more than twenty (20) machines;
- aa. Signboard and streamer painting and silk screening;
- bb. Car barns for jeepneys and taxis not more than six [6] units;
- cc. Lotto terminals, off-fronton, on-line bingo outlets, e-games and off-track betting stations;
- dd. Gardens and landscaping supply/ contractors;
- ee. Printing/ typesetting, copiers and duplicating services;
- ff. Photo supply and developing;
- gg. Restaurants, canteens, eateries, delicatessen shops, confectionery shops and automat/fastfoods;
- hh. Groceries;
- ii. Laundries and Laundromats;
- jj. Recording and film laboratories;
- kk. Auto repair, tire, vulcanizing shops and carwash with minimum 100 square meters of service area;
- ll. Physical fitness gyms/ centers;
- mm. Repair shops like:
  - i. House appliances;
  - ii. Motor vehicles and accessory;
  - iii. Home furnishing shops;
- nn. Parking lots, garage facilities;
- oo. Printing and publishing plants and offices;
- pp. Machinery display shop/ center;
- qq. Hardware;
- rr. Manufacture of ice, ice blocks, cubes, tubes, crush except dry ice;
- ss. Manufacture of signs and advertising displays (except printed);
- tt. Chicharon factory;
- uu. Motorcycles/ bicycles repair shops;
- vv. Lechon stores;
- ww. Biscuit factory – manufacture of biscuits, cookies, crackers and other similar dried bakery products;
- xx. Doughnut and hopia factory;
- yy. Factory for other bakery products not elsewhere classified;
- zz. Shops for repacking of food products e.g. fruits, vegetables, sugar and other related products; and
- aaa. Business Process Outsourcing/Call Centers

#### 17.2.2 Accessory Uses. All Accessory Uses in C-1

17.2.3 Conditional Uses

- a. Institutional uses such as colleges and universities, vocational and technical schools, general hospitals and specialized general welfare, charitable and government institutions;
- b. Wet and dry markets;
- c. Day/night clubs, bars, cocktails, sing-along lounges, bistros, pubs, beer gardens;
- d. Massage and sauna parlors;
- e. E-bingo, online sabong;
- f. Gravel and sand;
- g. Welding shops;
- h. Machine shop service operation (repairing/rebuilding or custom job orders);
- i. Cell (mobile) phone towers;
- j. Hauling services and garage terminals for trucks, tow trucks and buses not exceeding three (3) units;
- k. Auto sales and rentals, automotive handicraft, accessory and spare parts shops, marine craft, aircraft and sales yards; and
- l. Funeral establishments Categories I, II and III subject to Rule III Sec. 4.A.1.1c of the IRR to govern the processing of applications for locational clearance of funeral establishments as amended

17.3 Building Density and Bulk and Property Development Regulations/ Building Height Limit

- 17.3.1 Number of allowable storeys/floors above established grade: six (6) meters;
- 17.3.2 Building Height Limit: 19.00 meters above established grade;
- 17.3.3 No building or structure shall be allowed to rise above two (2) storeys or seven (7) meters above the established grade within fifty (50) meters from the road connecting the national road to the Bogo City Hall (Sra. Nilda E. Martinez Avenue);
- 17.3.4 Recreational and other similar places of amusement shall be established in accordance with Republic Act No. 1224 and other related issuances;
- 17.4 **Unpaved Surface Area.** The unpaved surface area (USA) of developments shall not be less than twenty percent (20%) of the total lot area.

## Section 18. Use Regulation in Light Industrial (I-1) Zone

18.1 **Purpose and Intent.** Light Industrial Zone (I-1) shall be for non-pollutant/non-hazardous and non-pollutant/hazardous manufacturing/ processing establishments characterized mainly as low-rise but sprawling buildings/structures.

18.2 **Permitted Uses.** The following shall be allowed in I-1 Zone:

### 18.2.1 Principal Uses

#### a. Non-Pollutant/Non-Hazardous Industries

- i. Drying fish;
- ii. Biscuit factory – manufacture of biscuits, cookies, crackers, and other similar dried bakery products;
- iii. Doughnut and hopia factory;
- iv. Manufacture of macaroni, spaghetti, vermicelli, and other noodles; and
- v. Other bakery products not elsewhere classified
- vi. Life belts factory;
- vii. Manufacture of luggage, handbags, wallets and small leather goods;
- viii. Manufacture of miscellaneous products of leather and leather substitute and not elsewhere classified;
- ix. Manufacture of shoes except rubber, plastic and wood;
- x. Manufacture of slipper and sandal except rubber and plastic;
- xi. Manufacture of footwear parts except rubber and plastic;
- xii. Printing, publishing and allied industries and those not classified elsewhere;
- xiii. Manufacture or assembly of typewriters, cash registers, weighing, duplicating and accounting machines;
- xiv. Manufacture or assembly of electronic data processing machinery and accessories;
- xv. Renovation and repair of office machinery;
- xvi. Manufacture or assembly of miscellaneous office machines and those not elsewhere classified;
- xvii. Manufacture of rowboats, bancas and sailboats;
- xviii. Manufacture of animal-drawn vehicles;
- xix. Manufacture of children vehicles and baby carriages;
- xx. Manufacture of laboratory and scientific instruments, barometers, chemical balance, and others;
- xxi. Manufacture of measuring and controlling equipment, plumb bob, rain gauge, taxi meter, thermometer, and such others;

- xxii. Manufacture or assembly of surgical, medical, dental equipment and medical furniture;
- xxiii. Ice plants and cold storage buildings;
- xxiv. Quick freezing and cold packaging for fish and other seafoods;
- xxv. Quick freezing and cold packaging for fruits and vegetables;
- xxvi. Popcorn/ rice factory;
- xxvii. Manufacture of medical/surgical supplies, adhesive tapes, antiseptic dressing, sanitary napkins, surgical gauge, and such others;
- xxviii. Manufacture of orthopedic and prosthetic appliances (abdominal supporter, ankle supports, arch support, artificial limb, kneecap supporters, and the like);
- xxix. Manufacture of photographic equipment and accessories;
- xxx. Manufacture or assembly of optical instruments;
- xxxi. Manufacture of eyeglasses and spectacles;
- xxxii. Manufacture of optical lenses;
- xxxiii. Manufacture of watches and clocks;
- xxxiv. Manufacture of pianos;
- xxxv. Manufacture of string instruments;
- xxxvi. Manufacture of wind and percussion instruments;
- xxxvii. Manufacture or assembly of electronic organs;
- xxxviii. Manufacture of sporting gloves and mitts;
- xxxix. Manufacture of sporting balls (not of rubber or plastic);
- xli. Manufacture of gym and playground equipment;
- xlii. Manufacture of sporting tables (billiards, pingpong, pool);
- xlii. Manufacture of other sporting and athletic goods not elsewhere classified;
- xliii. Manufacture of toys and dolls except rubber and mold plastic;
- xliv. Manufacture of pens, pencils and other office and artist materials;
- xlv. Manufacture of umbrella and canes;
- xlvi. Manufacture of buttons except plastic;
- xlvii. Manufacture of brooms, brushes and fans;
- xlviii. Manufacture of needles, pens, fasteners and zippers;
- xlix. Manufacture of insignia, badges and similar emblems (except metal);
- i. Manufacture of signs and advertising displays (except printed);
- ii. Small-scale manufacturing of ice cream;

- lii. Dairies and creameries;
- liii. Manufacture of surfing and roller boards and the like;
- liv. Such other similar activities not elsewhere classified;
- lv. Cigar and cigarette factory;
- lvi. Curing and drying of tobacco leaves;
- lvii. Canning and preserving of fruit and fruit juices;
- lviii. Canning and preserving of vegetable and vegetable juices;
- lix. Canning and preserving of vegetable sauces;
- lx. Miscellaneous canning and preserving of fruits and vegetables, not elsewhere classified;
- lxi. Fish canning;
- lxii. *Patis* factory;
- lxiii. Bagoong factory;
- lxiv. Processing, preserving and canning of fish and other seafoods, not elsewhere classified;
- lxv. Vegetable oil mills, including coconut oil; and;
- lxvi. Cotton textile mill;
- lxvii. Timber production;
- lxviii. Manufacture of wooden and cane containers;
- lxix. *Sawali, nipa* and split cane factory;
- lxx. Manufacture of bamboo, rattan and other cane baskets and wares;

b. Non-Pollutant/Hazardous Industries:

- i. Manufacture of house furnishing;
- ii. Textile bag factories
- iii. Canvass bags and other canvass products factory;
- iv. Jute bag factory;
- v. Manufacture of miscellaneous textile goods, embroideries and weaving apparel;
- vi. Manufacture of fiber batting, padding and upholstery filling except coir;
- vii. Men's and boys' garment factory;
- viii. Women's and girls' and ladies' garments factory;
- ix. Manufacture of hats, gloves, handkerchief, neckwear and related clothing accessories;
- x. Manufacture of raincoats and waterproof outer garments;
- xi. Manufacture of miscellaneous wearing apparel except footwear;
- xii. Manufacture of miscellaneous fabricated mill work and those not elsewhere classified;

- xiii. Manufacture of cork products;
- xiv. Manufacture of wooden shoes, shoe lace and other similar products;
- xv. Manufacture of miscellaneous wood products and those not elsewhere classified;
- xvi. Manufacture of miscellaneous furniture and fixture except primarily of metals and those not elsewhere classified;
- xvii. Manufacture of paper stationery, envelopes and related articles;
- xviii. Manufacture of dry ice;
- xix. Repackaging of industrial products like paints, varnishes and other related products;
- xx. Pumping plants (water supply, storm drainage, sewerage, irrigation and waste treatment plants);

#### 18.2.2 Accessory Uses

- a. Customary support facilities for industries such as housing, community facilities, utilities and services;
- b. Parks, playgrounds, pocket parks, parkways, promenades and playlots

#### 18.2.3 Conditional Uses

- a. All Principal, Accessory and Conditional Uses in R-2 and R-3 Zones;
- b. All Principal, Accessory, and Conditional Uses in C-1 and C-2 Zones

#### 18.2.4 Other Use Regulation for Industrial Zones:

For land uses following under the use regulations for I-1 and I-2 which are not listed in the permitted uses, the corresponding certification as to non-pollutant or highly pollutant and further classified as non-hazardous, hazardous and extremely hazardous, shall first secure an Environmental Clearance Certificate (ECC) from the Department of Environment and Natural Resources (DENR). No industry listed under use regulations for I-1 and I-2 Zones shall be allowed inside areas allotted to purely residential subdivisions existing prior to the approval of this Zoning Ordinance even if such residential subdivisions are within the Industrial Zones as described in this ordinance.

### 18.3 Building Density and Bulk Regulations/Building Height Limit.

Building Height Limit: 15 meters above established grade

18.4 **Unpaved Surface Area.** The unpaved surface area (USA) of developments shall not be less than twenty percent (20%) of the total lot area.

**Section 19. Regulations in Medium Industrial Zone (I-2)**

19.1 **Purpose and Intent.** For pollutant/non-hazardous and pollutant/hazardous manufacturing and processing establishments characterized mainly as low-rise by sprawling buildings/structures for medium intensity manufacturing or production activities.

19.2 **Permitted Uses.** Only the following uses are permitted:

19.2.1 Principal Uses

- a. Pollutant/Non-Hazardous Industries
- i. Manufacturing and canning of ham, bacon and native sausage;
  - ii. Poultry processing and canning;
  - iii. Large-scale manufacturing of ice cream;
  - iv. Corn mill/ rice mill;
  - v. Chocolate and cocoa factory;
  - vi. Candy factory;
  - vii. Chewing gum factory;
  - viii. Peanuts and other nuts factory;
  - ix. Other chocolate and confectionery products;
  - x. Manufacturing of flavoring extracts;
  - xi. Manufacture of food products not elsewhere classified; (vinegar, vetsin);
  - xii. Manufacture of fish meal;
  - xiii. Oyster shell grading;
  - xiv. Manufacture of medicinal and pharmaceutical preparations;
  - xv. Manufacture of stationery, art goods, cut stone and marble products;
  - xvi. Manufacture of abrasive products;
  - xvii. Manufacture of miscellaneous non-metallic mineral products not elsewhere classified;
  - xviii. Manufacture of cutlery, except table flatware;
  - xix. Manufacture of hand tools;
  - xx. Manufacture of general hardware;
  - xxi. Manufacture of miscellaneous cutlery hand tools and general hardware not elsewhere classified;
  - xxii. Manufacture of household metal furniture;
  - xxiii. Manufacture of office, store and restaurant metal furniture;
  - xxiv. Manufacture of metal blinds, screens and shades;

- xxv. Manufacture of miscellaneous furniture and fixture primarily of metal not elsewhere classified;
- xxvi. Manufacture of fabricated structural iron and steel;
- xxvii. Manufacture of architectural and ornamental metal works;
- xxviii. Manufacture of boilers, tanks and other structural sheet metal works;
- xxix. Manufacture of other structural products not elsewhere classified;
- xxx. Manufacture of metal cans, boxes, and containers;
- xxxi. Manufacture of stamped coated and engraved metal products;
- xxxii. Manufacture of fabricated wire and cable products;
- xxxiii. Manufacture of heating, cooking and lighting equipment except electrical;
- xxxiv. Sheet metal works generally manual operation;
- xxxv. Manufacture of other fabricated metal products except machinery and equipment not elsewhere classified;
- xxxvi. Manufacture or assembly of agricultural machinery and equipment;
- xxxvii. Native plow and harrow factory;
- xxxviii. Repair of agricultural machinery;
- xxxix. Manufacture or assembly of service industry machines;
- xl. Manufacture or assembly of elevators and escalators;
- xli. Manufacture or assembly of sewing machines;
- xlii. Manufacture or assembly of cooking ranges;
- xliii. Manufacture or assembly of water pumps;
- xliv. Refrigeration industry;
- xlv. Manufacture or assembly of other machinery and equipment except electrical not elsewhere classified;
- xlii. Manufacture or assembly of electrical apparatus;
- xlvii. Manufacture or assembly of electrical cables and wires;
- xlviii. Manufacture of other electrical industrial machinery and apparatus not elsewhere classified;
- xlix. Manufacture or assembly of electric equipment-radio, television, tape recorder, stereo;

- I. Manufacture or assembly of radio and television transmitting, signaling and detection equipment;
- ii. Manufacture or assembly of telephone and telegraphic equipment;
- iii. Manufacture of other electronic equipment and apparatus not elsewhere classified;
- iv. Manufacture of industrial and commercial electrical appliances;
- liv. Manufacture of household cooking, heating and laundry appliances;
- lv. Manufacture of other electrical appliances not elsewhere classified;
- lvi. Manufacture of electric lamp fixtures;
- lvii. Repair garages and shops;
- lviii. Slaughterhouse/Abattoir (Classes A and AA) - DHSUD Resolution No. R-650 S. 1999 Pollutant/ Hazardous Industries;
- lix. Flour mill;
- lx. Cassava flour mill;
- lxi. Manufacture of coffee;
- lxii. Manufacturing of unprepared animal feeds, other grain milling not elsewhere classified;
- lxiii. Production prepared feeds for animals;
- lxiv. Grains and cement silos;
- lxv. Cigar and cigarette factory;
- lxvi. Curing and re-drying tobacco leaves;
- lxvii. Miscellaneous processing tobacco leaves not elsewhere classified;
- lxviii. Textile and fiber spinning mills;
- lxix. Weaving hemp textile;
- lxx. Jute spinning and weaving;
- lxxi. Miscellaneous spinning and weaving mills not elsewhere classified;
- lxxii. Hosiery mill;
- lxxiii. Underwear and outwear knitting mills;
- lxxiv. Garment and undergarment factories;
- lxxv. Fabric knitting mills;
- lxxvi. Miscellaneous knitting mills not elsewhere classified;
- lxxvii. Manufacture of mats and mattings;
- lxxviii. Manufacture of carpets and rugs;
- lxxix. Manufacture of cordage, rope and twine;
- lxxx. Manufacture of related products from abaca, sisal, henequen, hemp, cotton, paper, and the like;
- lxxxi. Manufacture of linoleum and other surface coverings;
- lxxxii. Manufacture of artificial leather, oil cloth and other fabric except rubberized;

- Ixxxiii. Manufacture of coir;  
Ixxxiv. Manufacture of miscellaneous textile not elsewhere classified;  
Ixxxv. Manufacture of rough lumber, unworked;  
Ixxxvi. Manufacture of worked lumber;  
Ixxxvii. Re-sawmills;  
Ixxxviii. Woodworking establishments, lumber and timber yards;  
Ixxxix. Planting mills and sawmills, veneer plants;  
xc. Manufacture of veneer, plywood and hardwood;  
xci. Manufacture of doors, windows and sashes;  
xcii. Treating and preserving of wood;  
xciii. Wood drying kilns;  
xciv. Manufacture of charcoal;  
xcv. Manufacture of wood and cane blinds, screens and shades;  
xcvi. Pulp, paper and paperboard factories;  
xcvii. Manufacture of containers and boxes of paper and paper boards;  
xcviii. Wood and cardboard box factories;  
xcix. Manufacture of miscellaneous pulp and paper products not elsewhere classified;  
c. Manufacture of perfumes, cosmetics and other toilet preparations;  
ci. Manufacture of waxes and polishing preparations;  
cii. Manufacture of candles;  
ciii. Manufacture of inks;  
civ. Manufacture of miscellaneous chemical products not elsewhere classified;  
cv. Tire retreading and rebuilding;  
cvi. Manufacture of rubber shoes and slippers;  
cvii. Manufacture of industrial and molded rubber products;  
cviii. Manufacture of plastic footwear;  
cix. Manufacture of plastic furniture;  
cx. Manufacture of other fabricated plastic products not elsewhere classified;  
cxi. Manufacture of table and kitchen articles;  
cxii. Manufacture of pottery, china and earthenware not elsewhere classified;  
cxiii. Manufacture of flat glass;  
cxiv. Manufacture of glass containers;  
cxv. Manufacture of miscellaneous glass and glass products not elsewhere classified;  
cxvi. Manufacture of clay bricks, clay tiles and hollow clay tiles;
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- cxvii. Manufacture of miscellaneous structural clay products not elsewhere classified;
- cxviii. Manufacture of structural concrete products;
- cxix. Manufacture of asbestos products;
- cxx. Manufacture of engines and turbines except motor vehicles, marine and aircraft;
- cxxi. Manufacture of metal cutting, shaving and finishing machinery;
- cxxii. Manufacture of wood working machinery;
- cxxiii. Manufacture, assembly, rebuilding, repairing of food and beverage making machinery;
- cxxiv. Manufacture, assembly, rebuilding, repairing of textile machinery and equipment;
- cxxv. Manufacture, assembly, rebuilding, repairing of paper industry machinery;
- cxxvi. Manufacture, assembly, rebuilding, repairing of trade machinery and equipment;
- cxxvii. Manufacture of rice mills;
- cxxviii. Manufacture of machines for leather and leather products;
- cxxix. Manufacture of construction machinery;
- cxxx. Manufacture of machines for clay, stove and glass industries;
- cxxxi. Manufacture, assembly, repair and rebuilding of miscellaneous special industrial machinery and equipment not elsewhere classified;
- cxxxii. Manufacture of dry cells, storage battery and other batteries;
- cxxxiii. Boat building and repairing;
- cxxxiv. Ship repairing industry, dock yards, dry dock, shipways;
- cxxxv. Miscellaneous shipbuilding and repairing not elsewhere classified;
- cxxxvi. Manufacture of locomotives and parts;
- cxxxvii. Manufacture of railroad and street cars;
- cxxxviii. Manufacture or assembly of automobiles, cars, buses, trucks and trailers;
- cxxxix. Manufacture of wood and rattan furniture including upholstered;
- cxl. Manufacture of box beds and mattresses;
- cxli. Dry cleaning plants using flammable liquids;
- cxlii. Paint stores with bulk handling;
- cxliii. Paint shops and spray painting rooms;
- cxliv. Signs and billboards painting shops;

- cxlvi. Warehouses where highly combustible materials are stored;
- cxlvii. Factories where loose combustible fiber or dirt are manufactured, processed or generated;
- cxlviii. Hangars;
- cxlxi. Manufacture and assembly plants of aircraft engine; and
- cxlii. Other similar uses not elsewhere classified

#### 19.2.2 Accessory Uses

- a. Customary support facilities for industries such as housing, community facilities, utilities and services;
- b. Parks, playgrounds, pocket parks, parkways, promenades and playlots

#### 19.2.3 Conditional Uses

- a. All Principal, Accessory, and Conditional Uses in R-2 Zones;
- b. All Principal, Accessory, and Conditional Uses in C-2 Zones

The site and location of slaughterhouse/abattoir shall be at least two hundred (200) meters from residential areas, schools, churches, and other places of assembly courts or public office. It should be accessible to transportation. Abattoirs/slaughterhouse should be at least twenty-five (25) meters from markets and other food establishments.

### 19.3 Building Density and Bulk Regulations/Building Height Limit.

Building Height Limit: Fifteen meters (15 m) above established grade.

### 19.4 Unpaved Surface Area.

The unpaved surface area (USA) of developments shall not be less than twenty percent (20%) of the total lot area.

## Section 20. Regulations in the Institutional Zone (INZ)

### 20.1 Purpose and Intent.

An area within the jurisdiction of the city principally for institutional establishments like government offices, schools, hospitals/clinics, academic/research, and convention centers.

## **20.2 Permitted Uses**

### **20.2.1 Principal Uses**

- a. Government or civic centers to house national, regional or local offices in the area;
- b. Police, fire stations, jail;
- c. Other types of government buildings;
- d. Educational institutions like schools, colleges, universities, professional business schools, vocational and trade schools, technical schools, seminaries and convents;
- e. Learning facilities such as training centers, seminar halls and libraries;
- f. Convention center and related facilities;
- g. Civic centers, clubhouses, lodges, community centers
- h. General hospitals, medical centers, multi-purpose clinics, health centers;
- i. Scientific, cultural, and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities;
- j. Churches, mosques, temples, shrines, chapels and similar places of worship;
- k. Museums, exhibition halls and art galleries;
- l. Consulates; and
- m. Plant nurseries, botanical gardens, zoos

### **20.2.2 Accessory Uses**

- a. Customary accessory uses such as:
  - i. Auditoriums;
  - ii. Gymnasia;
  - iii. Reviewing stands;
  - iv. Little theaters;
  - v. Concert halls;
  - vi. Cafeteria;
  - vii. Motorpool; and
  - viii. Parking facilities
- b. Parks, playgrounds, pocket parks, parkways, promenades and playlots.

### **20.2.3 Conditional Uses**

- a. All Principal, Accessory, and Conditional Uses in R-1 and R-2 zones;
- b. All Principal, Accessory and Conditional Uses in C-1, C-2 Zones;
- c. Fish landing, and;
- d. Agricultural-Markets

**20.3 Building Density and Bulk Regulations/Building Height Limit.**

Building Height Limit: Fifteen meters (15 m) above established grade

**20.4 Unpaved Surface Area.** The unpaved surface area (USA) of developments shall not be less than twenty percent (20%) of the total lot area.

**Section 21. Use Regulations for Agricultural Zone (AGZ)**

**21.1 Purpose and Intent.** Areas intended for agricultural activity such as cultivation, fishing and pastoral activities like fish, farming, cultivation of crops, goat/cattle raising, and the like.

**21.2 Permitted Uses.** The following are allowed in the zone:

**21.2.1 Principal Uses**

- a. Cultivation, raising, and growing of staple crops such as rice, corn, camote, cassava and the like;
- b. Cultivation of sugarcane;
- c. Growing of diversified plants and trees, such as fruit and flower bearing trees, coffee, tobacco, and the like;
- d. Silviculture, mushroom culture and the like;
- e. Pastoral activities such as goat raising and cattle fattening; and
- f. Single-detached and duplex residential units of landowners/tenant;

**21.2.2 Accessory Uses**

- a. Customary support facilities such as *palay* dryers, rice threshers and storage barns and warehouses;
- b. Ancillary dwelling units/farmhouses for tillers and laborers;
- c. Backyard raising of poultry and piggery provided that slaughterhouse/abattoirs (Class A) DHSUD Resolution No. 650 series of 1999 entitled: "*Amending Article 5, Sections 13, 14, 18 And 19 Of The Model Zoning Ordinance (MZO) To Include Slaughterhouse/Abattoir As An Allowable Use*"

**21.2.3** Customary accessory uses incidental to any of the principal uses provided that such accessory uses shall not include any activity conducted for monetary gain or commercial purposes such as:

- a. Servants quarters;
- b. Private garage;
- c. Guardhouse;
- d. Laundries;

- e. Non-commercial garages;
  - f. Houses for pets such as dogs, birds, rabbits and the like or not more than four square meters (4.0 m<sup>2</sup>) in floor area;
  - g. Pump houses; and
  - h. Generator houses
- 21.2.4 Home occupation for the practice of one's profession such as offices of physicians, surgeons, dentists, architects, engineers, lawyers, and other professionals or for engaging home business such as dressmaking, tailoring, baking, running and a *sari-sari* store and the like, provided that:
- a. The number of persons engaged in such business/industry shall not exceed ten (10) inclusive of owner;
  - b. There shall be no change in the outside appearance of the building premises;
  - c. That, in no case shall more than thirty percent (30%) of the building be used for said home occupation;
  - d. No home occupation shall be conducted in any customary accessory uses cited above;
  - e. 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 place other than the required front yard; and
  - f. 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.
- 21.2.5 Home Industry classified as cottage industry, such as mat weaving, pottery making, food preservation, and such others provided that:
- a. Such home industry shall not occupy more than thirty percent (30%) of the ground 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 set by the DTI;

- c. Such shall consider the provisions pertaining to customary accessory uses, traffic and equipment/ process under Home Occupation of this Section.
- 21.2.6 Recreational facilities for the exclusive use of the members of the family residing within the premises, such as:
- a. Swimming pool;
  - b. Tennis courts;
  - c. Basketball courts;
- 21.2.7 Rice/corn mills (single pass);
- 21.2.8 Rice/corn warehouses and solar dryers;
- 21.2.9 Drying, cleaning, curing and preserving of meat and its by products and derivatives;
- 21.2.10 Drying, smoking and airing of tobacco;
- 21.2.11 Flour mill;
- 21.2.12 Cassava flour mill;
- 21.2.13 Manufacture of coffee;
- 21.2.14 Manufacture of unprepared animal feeds, other grain milling, not elsewhere classified;
- 21.2.15 Production of prepared feeds for animals;
- 21.2.16 Miscellaneous processing tobacco leaves, not elsewhere classified;
- 21.2.17 Weaving hemp textile;
- 21.2.18 Jute spinning and weaving;
- 21.2.19 Manufacture of charcoal;
- 21.2.20 Milk processing plants (manufacturing filled, reconstituted or recombined milk, condensed or evaporated);
- 21.2.21 Butter and cheese processing plants;
- 21.2.22 Natural fluid milk processing (pasteurizing, homogenizing, vitaminizing, bottling of natural animal milk and cream related products);
- 21.2.23 Other dairy products, not elsewhere classified;
- 21.2.24 Manufacture of desiccated coconut;
- 21.2.25 Manufacture of starch and its products;
- 21.2.26 Manufacture of wines from juices of local fruits;
- 21.2.27 Sugar cane milling (centrifugal and refines);
- 21.2.28 Sugar refining;
- 21.2.29 Muscovado sugar mill;
- 21.2.30 Manufacture/processing of other plantation crops like pineapple, bananas, and others;
- 21.2.31 Extraction of minerals;
- 21.2.32 Other commercial handicrafts and industrial activities utilizing plant or animal parts and/or products as raw materials, not elsewhere classified;

- 21.2.33 Other accessory uses incidental to agro-industrial activities;
- 21.2.34 Slaughterhouses/Abattoirs (Class AA and A) per DHSUD Resolution No. R-650 series of 1999; and;
- 21.2.35 Agricultural research and experimentation facilities such as breeding stations, fish farms, nurseries, demonstration farms, and others.
- 21.2.36 Conditional Uses
- a. Community social centers such as neighborhood-scale multipurpose halls, clubhouses and similar uses;
  - b. Community service facilities such as neighborhood-scale retail stores, beauty shops, barber shops, drug stores, health service facilities, food stores, restaurants, coffee shops, audio-video and computer rental shops and similar uses;
  - c. Preparatory schools provided that they do not exceed three (3) classrooms and shall be located not less than 500 meters from the nearest existing school offering similar course;
  - d. Neighborhood-scale recreational facilities such as tennis courts, basketball courts, swimming pools and similar uses;
  - e. Parks, playgrounds, pocket parks, parkways, promenades and play lots;
  - f. Religious use such as churches or similar places of worship;
  - g. Barangay hall;
  - h. Clinic, nursing, and convalescing home, health center;

**21.3 Building Density and Bulk Regulations/ Building Height Limit**

- 21.3.1 Number of allowable storeys/floors above established grade: five (5) storeys.
- 21.3.2 Building Height Limit: fifteen meters (15.00 m) above established grade or five (5) storeys maximum
- 21.3.3 Design standards and requirements for piggery and poultry shall be in accordance with the provisions of the Implementing Rules and Regulations governing the processing of application for locational clearance (DHSUD Resolution No. 674, series of 2000);

- 21.3.4 For medium or large scale piggery and poultry which are classified as projects of national significance as certified to by National Economic Development Authority, Locational Clearance shall be issued by DHSUD;
- 21.3.5 An Environmental Impact Statement or Environmental Compliance Certificate, whichever is applicable, shall be submitted for projects which are classified as Environmentally Critical and those located in Environmentally Critical Areas before any development is introduced.
- 21.4 **Unpaved Surface Area.** The unpaved surface area (USA) of developments shall not be less than fifty percent (50%) of the total lot area.

**Section 22. Regulations in Cemetery Zone (CEZ)**

- 22.1 **Purpose and Intent.** This zone is intended for public and private cemeteries and columbaria.
- 22.2 **Permitted Uses:**
- 22.2.1 Principal Uses
- a. Memorial Parks;
  - b. Cemetery; and
  - c. Columbarium
- 22.2.2 Accessory Uses
- a. Chapel;
  - b. Parking facilities;
  - c. Ossuary; and
  - d. Crematorium
- 22.2.3 Conditional Uses
- a. None Allowed;
  - b. Development regulations of Cemetery Zone shall be in accordance with the Rules and Regulations promulgated by the HLURB pursuant to Executive Order No. 648

**22.3 Building Density and Bulk Regulations/Building Height Limit.**

Building Height Limit: Seven meters (7.00 m) above established grade.

- 22.4 **Unpaved Surface Area.** The unpaved surface area (USA) of developments shall not be less than fifty percent (50%) of the total lot area.

## **Section 23. Regulations in Forest Zones (FOZ)**

**23.1 Purpose and Intent.** Intended primarily for forest management purposes, preservation of the eco-system, and the reservation of land for future public use.

### **23.2 Permitted Uses**

- 23.2.1** Reforestation project to be carried out by the government or in partnership with the private sector;
- 23.2.2** Watershed management and related activities to be undertaken by the government;
- 23.2.3** Ecological revolution program;
- 23.2.4** Preservation of biodiversity areas

### **23.3 Compatible Uses**

- 23.3.1** The right to the uses of the resources in the Forest Zone which are given to the other direct stakeholders by the agencies of the government must be accompanied with corresponding responsibilities and accountabilities. Consequently, the following tenurial agreement such as reforestation contract with Forest Land Management Agreement (FLMA), Commercial Tree Plantation and Industrial Forest Plantation (ITP/IFP), Integrated Social Forestry Programs (ISF), community-based forest management, reforestation compliance by forest users with temporary lease agreement, reforestation compliance pursuant to pasture lease agreement, granted by the DENR to any corporations, trust, firm, association, or any juridical or natural person covering areas in the Forest Zone shall be respected provided that:
- a. The City of Bogo shall recommend to the DENR the revocation of such tenurial agreements if found in a review to be conducted for the purpose of the implementation of this ordinance to have violated conditions for the grant of such agreement;
  - b. No new application by any juridical or natural person for any form of tenurial agreement shall be approved without the recommendation of the City of Bogo;
  - c. The City of Bogo and DENR shall enter into a co-management agreement in the protection, conservation, and management of watershed areas not covered by any tenurial agreement;

#### **23.4 Prohibited Activities/Uses**

- 23.4.1 Any change/reclassification from Forest Zone to another zone;
- 23.4.2 Commercial tree farming except those related to reforestation and those with tenurial agreement with DENR;
- 23.4.3 Water drilling except for household use;
- 23.4.4 Hunting, destroying, disturbing or mere possession of any plant or animal or products derived therefrom without permit from CENRO;
- 23.4.5 Dumping or disposing of any waste products detrimental to plants and animals and inhabitants thereon;
- 23.4.6 Mutilating, defacing, destroying objects of natural beauty;
- 23.4.7 Damaging or destroying roads and trails;
- 23.4.8 Squatting, mineral exploration and extraction or illegal occupation;
- 23.4.9 Constructing or maintaining any kind of structure, fence or enclosure and conducting any business enterprise;
- 23.4.10 Altering, removing, destroying or defacing boundary marks or signs;
- 23.4.11 Exploitation of quarry resources and commercial sand and gravel resources.

#### **23.5 Special Requirements for Activities in the Forest Zone**

- 23.5.1 No development, use, or activity shall be allowed in Forest Zones unless consistent with the DENR development regulations for forest upon favorable endorsement by the City of Bogo through a Sangguniang Panlungsod Resolution;
- 23.5.2 Infrastructure development undertaken within Forest Zones shall be consistent with the provisions of the Revised Forestry Code of the Philippines, as amended, and subject to an Environment Impact Assessment and vulnerability assessment, prior to the approval of such projects in order to determine their environmental impact and social acceptability;

23.5.3 Development Plan Approval - Prior to the issuance of any permit or the use of any premises, preliminary development plans shall be submitted to the City Planning and Development Office for review and recommendation for its approval/disapproval by the Sangguniang Panlungsod. Plans shall include a site plan showing location of proposed buildings, signs, parking areas, storage and loading areas and general landscaping.

No development shall commence unless the requirements of the environmental clearances shall have been complied with;

#### Section 24. Property Development Regulations for Hazard Overlay Zones

- 24.1 Development can be allowed in areas where risk is manageable but with limitations on land use, intensity of development, site development, and building design. Provided that a hazard clearance from Disaster Risk Reduction Management Office (DRRMO) is secured. Hazard overlay zones are used on top of the base zones (residential, commercial, and others);
- 24.2 For areas with multiple hazards, there can be one "Multiple Hazard Overlay Zone" where all the restrictions are attached. The following are the criteria for declaring overlay zones and the restrictions attached. Some restrictions can be applied generally and may not necessarily be attached to an overlay zone like building design requirements for wind loads and earthquakes;
- 24.3 In all of the Overlay Zones structural analysis and building/structure design must be in accordance with the National Structural Code of the Philippines and the National Building Code of the Philippines/Revised Implementing Rules and Regulations of the Code.

The following uses shall be permitted within the identified Overlay Zone provided they are not prohibited by any other law, code or ordinance:

#### Section 25. Flood Overlay Zone

- 25.1 **Purpose and Intent.** To apply special regulation to the use of land in those areas subject to periodic inundation. Such regulation is deemed necessary to protect the public health, safety, and general welfare and to reduce public and private expenditures on the community and its residents caused by flooding. These regulations are also intended to reserve areas for the impoundment of water, to stabilize stream flow, and to maintain proper ecological balance.

**25.2 Allowable Land Uses:**

- 25.2.1 Open space;
- 25.2.2 Agriculture;
- 25.2.3 Recreational;
- 25.2.4 Residential;
- 25.2.5 Commercial;
- 25.2.6 Industrial; and
- 25.2.7 Institutional

**25.3 Criteria to be Observed in Allowing Land Uses**

- 25.3.1 Moderate susceptibility to Floods or;
- 25.3.2 Where risk is manageable and evacuation (whether vertical or horizontal) is possible during flood;
- 25.3.3 Building/Structure Design Regulations.

The approval must be based on a plan prepared by a licensed/registered engineer or architect. Buildings must be flood proofed through any or combination of the following means:

- a. Raising the lowest floor one (1) meter above the Flood Protection Elevation (FPE) as determined by the DPWH or City Disaster Risk Reduction Management Office either through fill or by using stilts;
- b. Providing roof decks that can be used for evacuation purposes;
- c. Building utility connections such as those for electricity, potable water and sewage shall be located at elevations higher than the FPE;
- d. Natural drainage patterns should not be altered; and
- e. Use sustainable urban drainage systems (SUDS) to include rainwater storage tanks, green roofs, etc. that can decrease the flow and make productive use of storm water run-off.

**25.4 Unpaved Surface Area.** The unpaved surface area (USA) of developments shall not be less than thirty percent (30%) of the total lot area.

**25.5 Environmental Conservation and Protection Standards.** It is the intent of the City of Bogo to protect its natural resources. Hence, development in all zones shall comply with the following regulations:

- 25.5.1 Preserve riparian strips/ ecological buffers along water channels;

- 25.5.2 Land use activities shall not cause the alteration of natural drainage patterns or change the velocities, volumes, physical, chemical and biological characteristics of storm water and watercourses;
- 25.5.3 Floodplains shall not be altered, filled and/or built upon without proper drainage design and without proper consideration of possible inundation effects on nearby properties;
- 25.5.4 Avoid/minimize culverting (use/installation of culverts) or canalization of watercourses unless necessary for access;
- 25.5.5 Use permeable pavement materials and sustainable urban drainage systems such as filtration trenches, retention ponds, swales, rainwater storage, green roofs and other related technologies that can improve storm water quality, decrease runoff, manage peak flows, and make productive use of storm water;
- 25.5.6 All developments shall undertake the protection of water bodies (rivers and tributaries) from sedimentation and erosion damage;
- 25.5.7 All developments shall limit the rate of storm water runoff so that the rate of run-off generated is no more than that of the site in its natural condition;
- 25.5.8 Design internal drainage so as not to increase turbidity, sediment yield, or discharge harmful substances; and
- 25.5.9 With the recommendation from the Building Official and/or City ENRO, the following may also be required for the Locational Clearance: Drainage Impact Assessment Statement, Environmental Compliance Certificate, and Evaluation of existing infrastructure capacity for drainage.

Section 26. **Landslide Overlay Zone.** It is the intent of the City of Bogo to protect properties from landslides by minimizing potentials for its occurrence.

#### 26.1 **Allowable Land Uses**

- 26.1.1 Low-density Residential (R-1);
- 26.1.2 Low-density Commercial (C-1)

#### 26.2 **Criteria to be Observed in Allowing Land Uses**

- 26.2.1 Moderate landslide susceptibility or;
- 26.2.2 Area where landslide risk is manageable through low-intensity development or site development

26.3 **Building Density and Bulk Regulations.** The maximum allowable percentage of site occupancy (MAPSO) as defined in the National Building Code as the area of ground coverage of Allowable Maximum Building Footprint (AMBF) expressed as a percentage of the total lot area, shall be:

- 26.3.1 20% for Parks and Recreation Uses
- 26.3.2 30% for all other uses/activities

The MAPSO shall include all buildings and structures built or to be built on the lot.

#### 26.4 Building/Structure Design Regulations

26.4.1 Site development shall be designed with consideration in minimizing the following:

- a. Risks that it will be affected by landslides;
- b. Adverse impacts to the soil; and
- c. Risks that it will cause landslides to nearby properties;

26.4.2 Buildings and structures should be laid out and designed to harmonize with the terrain to minimize earth moving activities;

26.4.3 Appropriate slope, erosion and soil stabilization measures shall be applied, either through hard or soft engineering measures;

26.4.4 Indigenous and mature vegetation should be retained;

26.4.5 Natural drainage patterns should not be altered; and

26.4.6 Use sustainable drainage systems to include rainwater storage tanks, green roofs, etc. that can decrease the flow and make productive use of storm water run-off.

26.5 **Unpaved Surface Area.** The unpaved surface area (USA) of the developments shall:

- 26.5.1 Not be less than 70% for Parks and Recreation Uses
- 26.5.2 Not be less than 60% for all other uses/activities

#### 26.6 Site Development Requirements

26.6.1 Locate buildings away from steep slopes, streams and rivers, or the mouths of mountain channels;

26.6.2 Maintain a maximum density of one (1) dwelling unit per lot;

26.6.3 Employ slope stabilization measures such as control of surface and ground water drainage, earth buttresses, restraining walls, terracing, and others.

Section 28. **Zoning Incentives.** Density bonuses, such as allowable height increases, may be provided as incentives for projects that use Climate Change Adaptation/Disaster Risk Reduction and Management CCA/DRRM technology or innovations, like use of solar panels, rainwater harvesting, smart urban drainage systems, green architecture/building systems.

Similar incentives may also be given to projects that provide wider setbacks, increased ground level open spaces, provides public infrastructure or conserve heritage sites.

#### ARTICLE IV GENERAL REGULATIONS

Section 29. **Building or Structure Use.** No building, structure, or land shall hereafter be occupied or used and no building or structure or part hereof shall be erected, constructed, moved, or structurally altered except in conformity with the provisions of this ordinance.

Section 30. **Minimum Lot Size.** The minimum lot size per title or in the absence thereof per tax declaration for all types of uses in residential and commercial zones is one hundred square meters ( $100\text{ m}^2$ ) except projects in compliance under socialized housing project in the city. This requirement is imposed to control the density of the development and prevent overcrowding in the residential zone.

Section 31. **Yard, Open Space, Off-Street Parking Space.** No part of the off-street parking space, loading space, or other open spaces required of adjacent building shall be included as part of the yard, open space, off-street parking, or loading space of the project building for the purpose of complying with this ordinance. However, this shall not apply to buildings with common party walls or adjacent building lines, in which case, only the yard for the free or non-abutting sides will be required. No part of the road shall be used for parking, display of wares, signages, or for any other such purposes.

Section 32. **Parking.**

- 32.1 All traffic-generating buildings and structures enumerated in the succeeding section allowed in any of the zones must provide for adequate parking spaces for their employees, clients, and visitors. However, it shall be subject to additional parking requirements as evaluated by the Zoning Administrator or the Sangguniang Panlungsod based on PD 1096 and other related laws or ordinances.
- 32.2 In any of the zones traffic-generating buildings and structures must provide for minimum parking spaces for employees, clients, and visitors as follows:

- 32.2.1 Buildings:
- Office buildings: One (1) slot per 50 m<sup>2</sup> of rentable space;
  - Other buildings in business/commercial zones: One (1) slot per 50 m<sup>2</sup> rental space;
- 32.2.2 Clinics (lying-in, diagnostic, medical, dental, and beauty clinics): One (1) slot per 50 m<sup>2</sup>
- 32.2.3 Columbarium: One (1) slot per 25 niches;
- 32.2.4 Commercial/shopping malls: One (1) slot per 75 m<sup>2</sup> of floor area; Delivery parking must be separate from costumer parking.
- 32.2.5 Churches/Places of Worship:  
Two (2) slots per 50 m<sup>2</sup> of congregation area;
- 32.2.6 Dormitories/lodging/boarding houses: One (1) slot per three (3) rooms;
- 32.2.7 Factories, manufacturing establishments, mercantile, building, and warehouses, storage bins:
  - One (1) slot per 250 m<sup>2</sup> of floor area;
  - One (1) slot for delivery truck per 300 m<sup>2</sup>
- 32.2.8 Family living units
  - Single family living unit (townhouses, apartments, row houses with one to two (1–2) storey type) with individual lot titles: One (1) slot per living unit;
  - Multi-family living units (condominium): One (1) slot for every two (2) dwelling units;
- 32.2.9 Funeral parlors/mortuaries: Ten (10) slots per chapel;
- 32.2.10 Hospitals: One (1) slot per 12 beds;
- 32.2.11 Hotels/apartelles/pensions
  - One (1) slot per three (3) rooms
  - Two (2) slots for tourist bus per hotel
- 32.2.12 Nightclubs, super clubs, and theatre restaurants:  
One (1) slot per 15 m<sup>2</sup> of customer area;
- 32.2.13 Nursing homes, for ambulatory patients, school and home for the children/orphanage:  
One (1) slot per 12 beds;

32.2.14 Recreational facilities:

- a. Amusement centers: One (1) slot per 25 m<sup>2</sup> of floor area;
- b. Bowling alleys: One (1) slot per alley;
- c. Clubhouses and the like: One (1) slot per 50 m<sup>2</sup> of floor area;

32.2.15 Restaurants, carenderias, eateries, fast food centers, bars and beerhouses:

- a. One (1) slot per 15 m<sup>2</sup> of customer area;
- b. One (1) slot per 50 m<sup>2</sup> of office area including kitchen

32.2.16 Schools:

- a. Elementary, high school, technical and vocational schools
  - i. One (1) slot per five (5) classrooms;
  - ii. Two (2) slots for shuttle buses;
  - iii. One (1) slot for bus per 100 students;
- b. Colleges and universities
  - i. One (1) slot per (3) classrooms;
  - ii. Two (2) shuttle buses
  - iii. One (1) bus per 100 students;

32.2.17 Supermarkets: One (1) slot per 75 m<sup>2</sup> shopping floor area plus. Delivery parking must be separate from costumer parking.

32.2.18 Theaters, cinemas, auditoria, stadia, and other public assembly buildings: One (1) slot per 25 m<sup>2</sup> of spectator area;

32.2.19 Terminals, intermodal or multimodal, depots, and the likes: One (1) slot per 500 m<sup>2</sup> of floor area;

32.2.20 Vehicle servicing shops: One slot per 50 m<sup>2</sup>

32.2.21 Wet and dry markets: One (1) slot per 50 m<sup>2</sup> of stall area plus one (1) delivery parking slot per 300 m<sup>2</sup> of stall area;

32.3 Parking slots directly accessed from the road for more than two (2) vehicles shall not be permitted;

32.4 Properties along major roads shall be provided with a single lane driveway for vehicular entrance and a single lane driveway for vehicular exit or a two-lane combined entry/exit driveway at any convenient location along its frontage for access of parking spaces within the property.

32.5 In no case shall the parking slots be utilized for other purposes such as but not limited to extension commercial/institutional area for product display, client receiving area, annex office space, and others.

32.6 Parking lots should be adjacent to the establishment or at least within radius of one hundred (100 m) meters.

**Section 33. Advertising Billboards and Business Signs.**

33.1 No advertising, billboards or business signs whether on or off premises of an establishment shall be displayed or put up for public view without a zoning clearance from the Zoning Administrator. Zoning clearance for such signs may be granted only when the same is appropriate for the permitted use for a zone and the size thereof is not excessive, taking into account the bulk or size of the building or structure and the business practices of the locality and the same shall in no case obstruct the view of any scenic spot or heritage site;

33.2 Obnoxious signs that would constitute nuisance to adjoining property owners, distract motorists, or constitute hazards to public safety shall not be allowed. No sign should project to public property unless expressly allowed by the Zoning Administrator. Temporary signs for not more than two (2) months may be allowed by the Zoning Administrator upon payment of corresponding fees. The permit for such signs shall indicate the location, size, slope, contents, and type of construction;

33.3 It shall be unlawful to maintain an obsolete sign by reason of discontinuance of business, service, or activity for more than 60 days therefrom.

**Section 34. Erection of More than One Principal Structure.** In any zone 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 35. Dwelling on Rear Lots.** No building designed to be used as residence shall be allowed in any rear lot unless such lot has a right-of-way easement over a path of at least three (3) meters wide leading to a street. If in case that there is a non-compliance with the above requirements the applicant may file a motion for reconsideration at the City Zoning Board of Adjustment and Appeals (CZBAA).

**Section 36. Structure to Have Access.** Every building hereafter erected or moved shall be required to have access to a public street or to private street open to the public and all structures so located on lots so as to provide safe and convenient access for servicing fire protection units.

**Section 37. Development Density.** Allowed density shall be in accordance with the provisions prescribed in each particular zone of this ordinance.

## Section 38. Height Regulation

- 38.1 Notwithstanding the Building Height provision of this ordinance building height must also conform to the height restrictions and requirements of the Civil Aviation Authority of the Philippines (CAAP) as well as the requirements of the National Building Code, the Structural Code, traffic situation in the immediate vicinity where the building is located, capacity of utility system to support structure requirements like water, power, and other utilities as well as the laws, ordinances, design standards, rules and regulations related to land development and building construction and the various safety codes;
- 38.2 No building or structure shall exceed two (2) storeys or a building height of seven (7) meters above established grade within a one hundred (100)-meter radius from cultural sites such as the *porta mayor* of the Archdiocesan Shrine of Saint Vincent Ferrer, from the *porta mayor* of Our Lady of Remedies Parish Church (Odlot), and Miraculous Medal Shrine (Lapaz);
- 38.3 No building or structure shall exceed two (2) storeys or a building height of seven (7) meters above established grade within fifty (50) meters from the road connecting the national road to the Bogo City Hall (Sra. Nilda E. Martinez Avenue).
- 38.4 **Scenic Byway.** The segment of national road from Binabag Barangay Hall to the boundary of Binabag and Anonang Norte is hereby declared a scenic byway for its strikingly distinct, pleasing, and memorable visual experience of *Kampitlok* Peak and surrounding countryside. To preserve and promote this scenic byway the following building height limit is imposed:

<u>Distance from the Centerline of the National Highway (meters)</u>	<u>Allowable Building Height Limit (meters)</u>
0–19	3
20–39	6
40–60	9
>60	12

Section 39. **Property Development Regulations.** No Zoning Clearance shall be issued to applications for improvements, extension, expansion or similar forms of activities on any existing buildings/structures without proof of issued Zoning Clearance on the existing/original building/structure, otherwise such application shall be revised inclusive of the original building/structure.

Section 40. **Area Regulations.** Regulation in all zones shall conform with the minimum requirements of the existing codes such as:

- 40.1 PD 957 – the “Subdivision and Condominium Buyers’ Protective Law” and its revised implementing rules and regulations;
- 40.2 BP 220 – “Promulgation of Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Projects” and its revised implementing rules and regulations;

- 40.3 RA 7279 – Urban Development and Housing Act (UDHA) governing the socialized housing and settlement developments;
- 40.4 PD 1096 – National Building Code;
- 40.5 PD 1185 – Fire Code
- 40.6 PD 856 – Sanitation Code;
- 40.7 Plumbing Code;
- 40.8 RA 6541 – Structural Code;
- 40.9 Batas Pambansa 344 – Accessibility Law;
- 40.10 Rules and Regulations – HLURB Town Planning and Zoning Program;
- 40.11 CA 141 or Public Land Act – public lands, including foreshore and reclaimed lands;
- 40.12 PD 705 – Revised Forestry Code – Forestlands;
- 40.13 PD 1076 – Water Code of the Philippines – inland and coastal waters, shorelines and riverbank easements;
- 40.14 RA 6657 – Comprehensive Agrarian Reform Law – agrarian reform lands;
- 40.15 RA 7586 – National Integrated protected Areas Act – protected areas in both land and seas;
- 40.16 RA 7942 – Philippine Mining Act – mining areas;
- 40.17 RA 7160 – Local Government Code of 1991;
- 40.18 Executive Order No. 648
- 40.19 Executive Order No. 124
- 40.20 Memorandum Circular No. 54
- 40.21 RA 1224 – An Act Amending Section One of RA 928 as amended;
- 40.22 Other relevant laws and guidelines promulgated by the national and local agencies concerned.

**Section 41. Yard Requirements along Zone Boundary Line.** Lots abutting on a zone boundary line shall conform to the yard requirements as provided for in PD 1096 (Adopting a National Building Code of the Philippines (NBCP) Thereby Revising Republic Act Numbered Sixty-Five Hundred Forty-One (RA 6541), the National Building Code.

**Section 42. Visibility at Intersection of Residential Zones.** On a corner lot in any residential zone, nothing shall be erected, placed, or planted, or allowed to grow in such manner as materially to impede vision between a height of one (1) meter above the center line grade of interacting streets in the area bounded by the street lines of such corner lots and a line joining points said street lines five (5) meters from road right of way.

**Section 43. Dwelling Group.** When it is impractical to apply the requirement of this ordinance to individual building unit in a residential compound consisting of two or more buildings, a permit for the construction of such compound may be issued, provided that the plan thereof conforms to the following conditions:

- 43.1 That the building shall be used only for residential purposes and such accessory uses are permitted in the zone where the compound is located;
- 43.2 That there is provided, within the tract on which the residential compound is to be located, an open space for playground purposes within an area in accordance with the private open space requirement provided under pertinent laws, issuances, and ordinances;
- 43.3 That there is provided, within the tract on which the residential compound is to be erected or immediately adjacent thereto, an adequate private garage or off-street parking area, depending on the needs of the residents and their visitors.
- Section 44. **Easement.** This is the distance from the highest tide line (for coastal areas) or edge of the normal high water line/banks (for rivers and streams) within which development is not allowed.
- 44.1 Pursuant to the provisions of the Water Code, the banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of:
- 44.1.1 Three (3) meters in urban areas pursuant to the Water Code of the Philippines covering the following barangays;
- a. Bungtod;  
b. Carbon;  
c. Cogon;  
d. Gairan;  
e. La Purisima Concepcion;  
f. Lourdes;  
g. Pandan;  
h. Sambag;  
i. San Vicente;  
j. Sto. Niño;  
k. Sto. Rosario;  
l. Sudlonon; and  
m. Taytayan
- 44.1.2 Twenty (20) meters in agricultural areas covering the following barangays;
- a. Anonang Norte;  
b. Anonag Sur;  
c. Banban;  
d. Binabag;  
e. Cayang;  
f. Dakit;  
g. Don Pedro;  
h. Guadalupe;  
i. Lapaz;  
j. Libertad;  
k. Malingin;  
l. Marangog;  
m. Nailon;  
n. Odlot;

- o. Polambato; and
- p. Siocon;

44.1.3 Forty (40) meters in forest areas covering,

- a. Part of Binabag;
- b. Part of Dakit;
- c. East and West part of Guadalupe
- d. Part of Libertad;
- e. Part of Lapaz; and
- f. Part of Odlot;

Along their margins, are subject to easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.

44.2 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;

44.3 Mandatory five (5)-meter easement on both sides of earthquake fault traces on the ground identified by PHIVOLCS. Any application projected to be within the five (5)-meter easement shall be referred to the PHIVOLCS for approval or clearance. PHIVOLCS shall issue a certification whether or not the project site is safe;

44.4 The Sangguniang Panlungsod, upon the recommendation of the City Disaster Risk Reduction and Management Council, may declare an expanded easement should risk considerations make it necessary to protect life and property, through an ordinance. The easement can be a uniform distance, or a designated line (the distance of which may vary from the water line). The easement shall be considered as open space where developments shall be strictly controlled. The following shall be the basis for defining expanded easements:

#### 44.4.1 Easement criteria for rivers/ water courses

The River Area or Floodway – this is the area of High Susceptibility to Flood within which flood risk is unmanageable, due to high water level and velocity (including potential debris) which can damage structures severely and make evacuation impossible. The delineation of the River Area or Floodway should be based on flood hazard/flood modeling and risk assessment studies. Floodwaters are generally deepest and swiftest in the floodway, and anything in this area is in the greatest danger during a flood. Encroachment by development shall not be allowed as this will potentially increase flood elevations significantly and worsen flood conditions.

The expanded easement can cover the floodway plus the required Water Code easement.

(Example: if the floodway is 10m from the normal high water line, the total easement will be 10m + 3m = 13m (for urban areas).

River beds are dynamic and prone to erosion, sedimentation, and meandering. Where the floodway and ecological buffer width are an inadequate allowance for these natural processes, additional site-specific studies and easement width may be required. Should there be change in the existing shoreline or banks of the rivers, the setback shall be construed as moving with the actual river banks or shoreline.

**44.4.2 Easement criteria for coastal areas**

For storm surge and projected permanent inundation areas, the expanded easement should include the area susceptible to future permanent inundation due to combined sea level rise and coastal erosion and high risk to storm surge.

**44.4.3 Easement criteria for both coastal and river areas**

**a. Ecological buffer area**

Aside from flood/inundation risk, an ecological buffer is also one reason for expanding an easement. Ecologically significant water courses must be protected or "buffered" from the impacts of adjacent development or activity. These buffers can provide the following benefits:

- i. Continuous corridors and habitat for flora and fauna, thereby improving biodiversity;
- ii. Water quality improvement;
- iii. Stream bank and erosion protection;
- iv. Socio-economic benefits such as public open space and recreation areas, which can improve views and property values.

When watercourses have been canalized, buffers shall still be required to aid maintenance, and in some cases, allow adequate space for possible restoration.

**b. Development Considerations**

The establishment of easements must also recognize the potential of water bodies as resources which could stimulate local economies. Thus, the city can expand easement in consideration of the following:

- i. Areas for passive and active open space;
- ii. Areas for walkways, bikeways, picnic facilities;
- iii. Areas for roads/ public access;
- iv. Layout/ configuration and nature of adjacent development and/or associated activities.

**Section 45.** **Private Properties Falling Within Easement Lines.** For private properties falling within the easement lines, the following are some options:

- 45.1 Treat existing private development/buildings within the easement as nonconforming uses hence shall be subject to the provisions of this ordinance;
- 45.2 Restrict use for the portion of the property falling within the easement (like open space/agricultural use only);
- 45.3 Land swap or buy out

**Section 46.** **Road Setback.** The following road setback regulations in meters shall be observed which shall apply to all structures, fences, and such other forms of road impediment starting from the road right of way:

Zone	Major Thoroughfares 30 meters and above	Secondary (City)	Tertiary (Barangay)
Residential	5 m	5 m	5 m
Commercial	5	5	5
Industrial	5	5	5
Institutional	5	5	5
Agricultural	5	5	5
Forest Zone	5	5	5

Includes the national highway from Tabogon boundary in Binabag to San Remigio and Medellin boundaries in Don Pedro Rodriguez

**Section 47. Provisions for Road Widening and Road Rights-of-Way**

- 47.1 **Road Widening.** Set-back shall be imposed on all proposed structures along roads identified as critical for widening to ease traffic flow and/or access to properties.
- 47.2 **Road Rights-of-Way.** No structures shall be allowed to be constructed within properties or portions thereof affected as right-of-way of the following roads:

From	To	ROW
Taytayan-Baas Road	Junction of Baas-Dikit Road	20 meters
Junction of Baas-Dikit Road	Intersection at San Roque Child Development School and Rusco Motors Inc. (Dikit)	20 meters

- Section 48. **Cultivation/Utilization of River Beds and Sand Bars.** No river bed or sand bars shall be subject of cultivation or utilization except upon prior recommendation of City Planning and Development Office and upon prior permission from DENR. Provided further that no permission shall be granted if it obstructs the flow of water, or if it shall increase the flood levels so as to cause damage to other areas.
- Section 49. **Buffer Regulations.** Zones of abutting land uses must be separated with the use of buffer strip, such as parks, tree-lined avenue, tree-shaded parking space or any such form of green open spaces. For built-up areas, a buffer strip of three (3) meters width shall be provided along the boundary between two (2) or more conflicting zones allocating one and a half (1.5 m) meters from each side of the zone boundary. For areas for development or non-built-up areas, a buffer strip of not less than nine (9) meters but not more than eighteen (18) meters width shall be provided along the boundary, allocating half ( $\frac{1}{2}$ ) to each side of the zone 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 50. **Specific Provisions in the National Building Code.** Specific provisions stipulated in the National Building Code as amended/appended 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.
- Section 51. **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 NEDA Board as a project of national significance, the Locational Clearance shall be issued by DHSUD pursuant to EO 72.
- Section 52. **Environmental Clearances.**
- 52.1 Notwithstanding the issuance of Zoning Clearance under Section 79 of this ordinance, neither environmentally nor critical projects or projects located in environmentally critical areas shall be commenced, developed or operated unless the requirements of Environmental Clearances (ECC or CNC) have been complied with;
  - 52.2 The role of the local government unit in the Philippines EIS System in relation to MC 2007-08 shall be in accordance with DENR Memorandum Circular No. 2008-08;
  - 52.3 All land uses, developments, or construction which creates noise, vibrations, smoke, dust, dirt, fly ash, odors and gases, glare and heat, industrial waste, sewerage disposal and other similar development/activities shall go through the process of the EIS.

**Section 53. Subdivision Projects.**

- 53.1 All owners and/or developers of subdivision projects shall, in addition to securing a Zoning Clearance, secure a Preliminary Site Development Permit (PSDP) and Development Permit (DP) from the Sangguniang Panlungsod pursuant to the provisions of PD 957 and its implementing rules and regulations and BP 220 and its implementing rules and regulations.

They shall not be allowed to develop housing projects unless undertaken in partnerships with the local government of Bogo in accordance with Republic Act 7279 otherwise known as the Urban Development and Housing Act of 1992;

- 53.2 Subdivision projects shall conform to the rules and regulations set forth in the Clean Water Act of 2004 that all sewerages must be properly disposed of to prevent the degradation of the natural condition of the receiving water body;
- 53.3 Further, proposed subdivision projects shall prepare their respective Deeds of Restriction that shall include, among others, regulations pertaining to allowable uses within their project sites. The list of allowable uses within subdivisions shall be within the list of allowable uses within the zone to which it belongs. Compliance with the provisions of Deeds of Restriction shall form part of the requirements for Locational Clearance. Existing subdivisions, if without Deeds of Restriction with a list of allowable uses, shall prepare the same within six (6) months from the passage of this Zoning Ordinance, for the approval of the Zoning Administrator.

**Section 54. Other Land Development Projects.** For projects involving ground preparation works and other kind of development or activity on a piece of land such as but not limited to the following:

- 54.1 Clearing and grubbing;  
54.2 Land filling;  
54.3 Excavation;  
54.4 Cut and fill; and  
54.5 Other related activities changing/altering the natural line and grade or contour of the land;

Shall secure a Zoning Clearance from the City Planning and Development Office a Ground Preparation Permit from the City Engineering Office and Environmental Clearance from the EMB through the City Environment and Natural Resources Office.

## ARTICLE V INNOVATIVE TECHNIQUES

**Section 55. 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, BP 220, and PD 957 (BLISS Commercial Complexes) and others or when it is impractical to apply the requirements of this ordinance to certain developments, the Zoning Administrator in consultation with the City Planning and Development Office and with approval from the Sangguniang Panlungsod and the City Mayor, may, on grounds of innovative development techniques, grant a Special Development Permit for the purpose; provided the following conditions are complied with:

- 55.1 That the proposed land development will not alter the essential character of the zone, especially its population density, number of dwelling units per hectare and the dominant land use of the zone;
- 55.2 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 transportation arrangements and the relationship of the tract of land involved to surrounding properties;
- 55.3 Both preliminary and final development plans must be submitted to the City Planning and Development Office for review;
- 55.4 The final plan must, in addition to the above-cited requirements, describe the noise, smoke, odor, vibration, dust, dirt, noxious gases, glare and heat, fire hazards, industrial waste and traffic which may be produced by the development; and
- 55.5 In cases of where the Zoning Administrator has the difficulty in processing the proposed land development, the application shall, with the approval of the City Mayor, be forwarded to DHSUD for appropriate action.

**Section 56. Innovative Climate Change/Disaster Risk Adaptation/Mitigation Techniques.** Density bonuses, such as through allowable building height increases, may be provided for projects that uses technology or innovations that promote climate change/disaster risk adaptation and mitigation, such as use of solar panels, rainwater harvesting, smart urban drainage systems, green architecture/building systems.

**Section 57. Similar and Related Uses.** All other similar and related uses applicable to each zone shall be approved by the City Zoning Board of Adjustment and Appeals.

**Section 58. Projects Requiring Preliminary Site Development Permit and Development Permits.** The following projects are required to secure Preliminary Site Development Permit and Development Permit from the Sangguniang Panlungsod which shall be granted through a resolution by a majority vote of all its members.

- 58.1 Residential, commercial, and industrial subdivisions;
- 58.2 Mall, commercial centers, and shopping centers;
- 58.3 Memorial parks/cemeteries;
- 58.4 Residential and commercial condominiums (PSDP only); and
- 58.5 Project proponents are required to submit Traffic Impact Assessment and Utilities Impact Assessment.

## ARTICLE VI PERFORMANCE STANDARDS

Section 59. **Application of Performance Standards.** The following performance standards are intended to ensure land use and neighborhood compatibility. All developments shall exhibit compliance to these standards which shall form part of the requirements for Locational Clearance. These standards are by no means exhaustive or all inclusive. The City Zoning Board of Adjustment and Appeals (CZBAA) may require other standards, when deemed necessary, to ensure land use and neighborhood compatibility.

Section 60. **Environmental Conservation and Protection Standards.** It is the intent of the Zoning Ordinance to protect the natural resources of the City. In order to achieve this objective, all developments shall comply with the following regulations:

- 60.1 Views shall be preserved for public enjoyment especially in sites with high scenic quality by closely considering building orientation, height, bulk, fencing and landscaping;
- 60.2 Heavy water using industrial (like soft drink bottling), recreational (golf courses, water theme parks and the like) and other facilities that will cause excessive and non-sustainable draw-out of groundwater shall not be allowed to locate within the city unless the proponent proves that their water requirement will not be detrimental to the residents;
- 60.3 Land use activities shall not cause the alteration of natural drainage patterns or change the velocities, volumes, and physical, chemical, and biological characteristics of storm water. Streams, watercourses, wetlands, lakes or ponds shall not be altered, re-graded, developed, piped, diverted or built upon;
- 60.4 All developments shall limit the rate of storm water runoff so that the rate of runoff generated is no more than that of the site in its natural condition;
- 60.5 All developments shall undertake the protection of rivers, streams, lakes and ponds from sedimentation and erosion damage;

- 60.6 The internal drainage systems of developments shall be so designed as not to increase turbidity, sediment yield, or cause the discharge of any harmful substances that will degrade the quality of water. Water quality shall be maintained according to DENR DAO No. 34, Revised Water Usage and Classification/Ambient Water Quality Criteria", and other applicable laws and regulations;
- 60.7 City and industrial wastewater effluents shall not discharge into surface and groundwater unless it is scientifically proven that such discharges will not cause the deterioration of the water quality. Effluents shall be maintained according to DENR DAO No. 35-91: "Establishing Effluent Quality Standards for Class "C" Inland Waters", and other applicable laws and regulations;
- 60.8 Developments that generate toxic and hazardous waste shall provide appropriate handling and treatment facilities which should be in accordance with and approved by the DENR;
- 60.9 Floodplains shall not be altered, filled and/or built upon without proper drainage design and without proper consideration of possible inundation effects on nearby properties;
- 60.10 All developments, particularly those in sloping areas, shall undertake adequate and appropriate slope and erosion protection as well as soil conservation measures;
- 60.11 Facilities and operations that cause the emission of dust, dirt, fly ash, smoke or any other air polluting material that may have deleterious effects on health or cause the impairment of visibility are not permitted. Air quality at the point of emission shall be maintained at specified levels according to DENR DAO No. 14: "Revised Air Quality Standards of 1992", and other applicable laws and regulations"

#### Section 61. Network of Green and Open Spaces

- 61.1 All residential, commercial, industrial, and mixed-use subdivisions, having total contiguous land areas of at least one (one) hectare and/or subdivision generating ten (10) lots or more (five (5) hectares or less) are respectively required to provide tree-planted strips along its internal roads having a spacing of not more than ten (10) meters per tree;
- 61.2 Similar developments with total contiguous land areas greater than one hectare (five (5) hectares) are required to provide, in addition to the above, landscaped tree parks with areas not less than ten percent (10%) of the total land area of the property, for the use of the occupants and/or the general public. These tree parks may be made part of the open space requirements mandated by PD 957, BP220, and related laws;

- 61.3 These open spaces, along with parks, and playgrounds, (roads, alleys and sidewalks,) shall be (classified as non-alienable public lands, and) non-buildable and shall not be allocated, assigned, or altered for private or for any other use. Upon completion of the project, these open spaces along with parks, and playgrounds, (shall) may be donated by the owner or developer to the city government or to a duly organized homeowner's association (with the prior written consent of the City Government.) These shall hereinafter be zoned as Parks and Recreation Zones. Roads, alleys and sidewalks shall be donated to the City of Bogo in accordance with Section 23 of BP 220;
- 61.4 No portion of these donated open spaces may thereafter be converted to any other purpose or purposes.

**Section 62. Historical Conservation and Preservation Standards.** Historic sites and facilities shall be conserved and preserved. These shall be made accessible, to the extent possible, for the educational and cultural enrichment of the general public. The following shall guide the development of historic sites and facilities:

- 62.1 Sites with historic buildings or places should be developed to conserve and enhance their heritage values; and
- 62.2 Historic sites and facilities should be adaptively re-used.

**Section 63. Site Development Standards**

- 63.1 The city considers it in the public interest that all projects are designed and developed in a safe, efficient and aesthetically pleasing manner. Site development shall consider the environmental character and limitations of the site and its adjacent properties. All project elements shall be in complete harmony according to good design principles and the subsequent development must be visually pleasing as well as efficiently functioning especially in relation to the adjacent properties and bordering streets;
- 63.2 The quality of every neighborhood shall always be enhanced. The design, construction, operation and maintenance of every facility shall be in harmony with the existing and intended character of its neighborhood. It shall not change the essential character of the said area but will be a substantial improvement to the value of the properties in the neighborhood in particular and the community in general;
- 63.3 Further, designs should consider the following:
- 63.3.1 Sites, buildings and facilities shall be designed and developed with regard to safety, efficiency and high standards of design. The natural environmental character of the site and its adjacent properties shall be considered in the development of each building and facility;

- 63.3.2 The height and bulk of buildings and structures shall be so designed that it does not impair the entry of light and ventilation, cause the loss of privacy and/or create nuisances, hazards or inconveniences to adjacent developments;
- 63.3.3 The capacity of parking areas/lots shall be per the minimum requirements of this Ordinance and the National Building Code whichever is higher. These shall be located, developed and landscaped in order to enhance the aesthetic quality of the facility. For parking lots having at least 20 car parking slots, the minimum height of trees at the time of securing an Occupancy Permit shall be 1.80 meters from the base to the crown with the minimum number of trees shall be at least two (2) or one (1) tree in every ten (10) parking slots (1:10). In no case shall parking areas/lots encroach into street rights-of-way;
- 63.3.4 Developments that have lot areas of two hectares or more and/or which attract a significant volume of public modes of transportation, such as tricycles, PUJs, buses, and others, shall provide on-site parking for the same. These should also provide vehicular loading and unloading bays so as through street traffic flow will not be impeded;
- 63.3.5 Buffers, silencers, mufflers, enclosures and other noise-absorbing materials shall be provided to all noise and vibration-producing machinery. Noise levels shall be maintained according to levels specified in DENR DAO No. 30: "Abatement of Noise and Other Forms of Nuisance as Defined by Law";
- 63.3.6 Glare and heat from any operation or activity shall not be radiated, seen or felt from any point beyond the limits of the property;
- 63.3.7 Except as otherwise provided in this ordinance, fencing along roads shall be see-through and have a maximum height of 1.80 meters from the finish grade line. Fence base made of concrete, hollow blocks, rock or any opaque material shall have a height of no greater than one (1.00) meter. Side and rear fencing between adjacent lots (not facing a road) shall also have a maximum height of 1.80 meters, except those used for general industrial purposes, and may be of opaque construction material. The side and rear fences of properties within Industrial Zones shall have maximum heights of three (3.00) meters and may likewise be of opaque construction material;
- 63.3.8 Except for developments covered by BP 220, row housing units (apartments, townhouses or the like) may be allowed provided that these shall not exceed six (6) units per cluster or row;

63.3.9 Basement and upper level parking are encouraged. Parking buildings may also be built provided that these are designed to appear as regular buildings.

Section 64. **Infrastructure Capacities.** All developments shall not cause excessive requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. All developments shall exhibit that their requirements for public infrastructure (such as roads, water supply and the like) are within the capacities of the system/s serving them. The Zoning Administrator shall require the following:

- 64.1 **Drainage Impact Assessment Study.** All development proposals in flood prone areas and all major proposals likely to affect the existing drainage regime, including commercial-residential buildings, shopping centers, office areas and business parks, residential areas, schools, universities, and industrial estates, shall be required to submit Drainage Impact Assessment Studies;
- 64.2 **Traffic Impact Study.** Major, high intensity facilities such as commercial-residential buildings having four floors and above, shopping centers, schools, universities, industrial estates and/or other similar developments that are required to provide 20 or more vehicular parking slots by the National Building Code, shall be required to submit Traffic Impact Statements. Other traffic generating developments, as determined by the Zoning Administrator, shall be required to submit the same.

Section 65. **Socio-Economic Impact Assessment.** Major facilities such as industrial estates, industrial establishments, shopping centers and/or similar facilities that require 50 or more employees during operations shall be required to submit Socio-Economic Impact Assessments which shall form part of the requirements for Zoning Clearance.

Proponents shall establish that their developments will cause direct socio-economic benefits to the City of Bogo such that they prioritize the hiring of qualified residents of the City of Bogo, provide relevant employee housing facilities/assistance and/or prioritize the sourcing of materials and supplies from the City of Bogo.

## ARTICLE VII MITIGATING DEVICES/MEASURES

Section 66. **Deviation.** Exceptions, variances, or deviations from the provisions of this ordinance may be allowed by the City Zoning Board of Adjustment and Appeals (CZBAA) only when the following terms and conditions are existing:

- 66.1 **Exceptions.** Exceptions are deviations from allowed use provisions. Exceptions may be allowed provided that proposals satisfy all of the following conditions:
- 66.1.1 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;
  - 66.1.2 The proposed project 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;
  - 66.1.3 The exception will not adversely affect the appropriate use of adjoining properties in the same zone such as generating excessive vehicular traffic, causing overcrowding of people or generating excessive noise and the like;
  - 66.1.4 The exception will not alter the essential character and general purpose of the zone where the exception sought is located.
- 66.2 **Variance.** Variance is a deviation from dimensional and performance standard requirements (such as deviation from Building Density and Bulk and Property Development Regulations, Building Height Limit, and Unpaved Surface Area). 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. Variance may be allowed provided that proposals satisfy at least three of the following provisions:
- 66.2.1 The conditions of the property (topography, shape, and others) which is not self-created will inhibit the proper layout/design of facilities per provisions of this ordinance;
  - 66.2.2 The proposed variance is the minimum deviation necessary to permit reasonable use of the property;
  - 66.2.3 The variance will not substantially or permanently injure the use of the other properties in the same zone such as blocking off natural light, causing loss of natural ventilation or encroaching in public easements and the like;
  - 66.2.4 That the variance will not weaken the general purpose of the Ordinance and will not adversely affect the public health, safety or welfare;
  - 66.2.5 The variance will be in harmony with the spirit of this ordinance.

**Section 67. Procedures for Granting Exceptions and Variances.** The procedure for the granting of exception and/or variance is as follows:

- 67.1 A written application for an exception or variance shall be filed with the City Zoning Board of Adjustment and Appeals (CZBAA) citing the section of this Ordinance under which the same is sought and stating the ground/s thereof.
- 67.2 Upon filing of application, the applicant is required to post a visible project sign at the project site. This sign shall be maintained until the CZBAA has rendered a decision on the application. The size of the project sign shall be four feet by eight feet (4 ft. x 8 ft.) to be divided into two (2), one side to contain the following information below and the other side to contain the project perspective.
- 67.3 An appeal fee and inspection/re-inspection fee provided in Section 77 Article IX herein shall be collected for all projects, by the City Treasurer from applicants for any exception/deviation from the Zoning Ordinance before it is acted upon by the City Zoning Board of Adjustment and Appeals;
- 67.4 The City Zoning Board of Adjustment and Appeals shall conduct ocular inspection and related preliminary studies on the application;
- 67.5 A written affidavit of non-objection of the project by the owners of the properties immediately in front and at adjacent sides of the project shall be filed by the applicant with the CZBAA at least fifteen (15) days prior to the decision for exception/variance. If said affidavit is not received within the prescribed period, application is considered denied;
- 67.6 In case of objection, the CZBAA shall hold public hearing.
- 67.7 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.

**NOTICE OF PROPOSED LAND USE ACTION**

The City Zoning Board of Adjustment and Appeals (CZBAA) is conducting a review on the application for (Variance or Exception) in compliance with the provisions of Zoning Ordinance No. \_\_\_\_ of the following:

Proposed Project : (Name of Project)

Zone Classification:

Name of Owner :

Address of Owner :

Date of Posting:

(Date when the visible sign is installed for public viewing)

The comment period is within ten (10) days from the posting of this visible sign. To submit written comments or to obtain additional information, contact the Secretariat at the City Planning and Development Office

Tel. No. xxx-xxxx or email to xxxx@gmail.com

- 67.8 The CZBAA 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 or variance;
- 67.9 Any applications not acted upon after the period foretasted shall be considered approved; provided, however, that the running of said period shall be stayed while the applications had been recognized and subjected to deliberation/evaluation by the Board;

A variance or exception granted under the provisions of this Ordinance shall expire and become null and void if the building or work authorized therein is not commenced within a period of one (1) year from the date of such grant.

All expenses incurred in evaluating proposals for Exceptions/Variances shall be shouldered by the project proponent.

- Section 68. **Motion for Reconsideration.** The decision/resolution of the Board shall become final and executory if after the lapse of five (5) days from receipt of said decision/resolution, no motion for reconsideration is filed with the Board. Only one motion for reconsideration shall be allowed herein.

## ARTICLE VIII MISCELLANEOUS PROVISIONS/SUPPLEMENTARY REGULATIONS

- Section 69. **Application of Zone Regulations.** The regulations set by this Zoning Ordinance within each zone unless otherwise provided, shall apply uniformly to each class or kind of structure or land, as follows:

- 69.1 No building, structure or land shall hereafter be used, or occupied, and no building or structure or part thereof shall hereafter be erected, constructed or reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the zone in which it is located;
- 69.2 No building or other structures shall hereafter be erected or altered:
- 69.2.1 To exceed the prescribed height or bulk in that zone;
  - 69.2.2 To accommodate or house a greater number of families;
  - 69.2.3 To occupy a greater percentage of lot area;
  - 69.2.4 To have narrower or smaller yard requirement or in any other manner contrary to the provisions of this zoning ordinance;
- 69.3 No yard or lot existing at the time of the passage of this Zoning Ordinance shall be reduced in dimension of areas below the minimum requirements set forth herein;

- 69.4 Any form of land development such as land filling, site grading, construction of curbs and gutters, fencing, etc., shall not be allowed unless adequate provisions are made for adequate environmental protection to safeguard the areas adjacent to the proposed development from flooding, noise pollution and other physical effects contrary to public welfare;
- 69.5 No fence for any purpose shall exceed the height stipulated in a particular zone nor shall it obstruct the easement of light and view or drainage by gravity. Except for the use of interlink wires, solid fencing of private roads is strictly prohibited as this will deprive adjoining building owners the right of free air, access and environmental comfort;
- 69.6 No road nor drainage construction in subdivision areas or private and public lots shall be undertaken without first securing a construction permit from the Office of the Building Official. The road permit and drainage permit fees shall be in accordance with an existing ordinance or in its absence, shall be recommended by the Office of the Building Official duly passed by the Sangguniang Panlungsod and approved by the City Mayor. A surcharge of 100% shall be imposed if construction is started before a permit is obtained;
- 69.7 No expansion, extension or any form of improvement of a building/structure shall be granted a Zoning Clearance without first presenting the Building Permit/Zoning Clearance of the existing or original building, otherwise application for Zoning Clearance shall include the original building;
- 69.8 No permit for any land development shall be issued without the following requirements:
- 69.8.1 For land development within a housing subdivision:  
a. Consent from homeowner's association;  
b. Barangay resolution  
c. Public hearing (Minutes)
- 69.8.2 For land development within a housing subdivision abutting another property  
a. Consent from homeowner's association  
b. Barangay resolution  
c. Public hearing (Minutes)
- 69.8.3 For land development outside a housing subdivision  
a. Barangay resolution  
b. Public hearing (Minutes)
- 69.9 All land development projects covering housing subdivision, horizontal condominiums, residential condominium, must conform to the rules and regulations as stipulated in PD 957 and BP 220. The City, in recognizing the objectives of subdivision dwellers, must respect and uphold all regulations and by-laws governing the same in so far as they are not inconsistent with existing laws;

69.10 Company housing in industrial establishments shall be encouraged and allowed, subject however, to regulation and approval by the City Government.

Section 70. **Special Use Permits.** A special use permit shall be required for each of the following uses, subject to such terms and conditions as are hereunder prescribed:

70.1 **Radio transmitting stations/Cell sites**

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

70.1.2 When the public welfare demands, however, radio transmitting stations/cell sites may be located in some residential zones provided the preceding conditions are complied with strictly and no interference or damage to local electrical appliances or other property will likely result;

70.1.3 Radiation and other emissions produced by these facilities/stations shall be strictly monitored and reported to the City ENRO and other concerned agencies from time to time.

70.2 **Heliports, Helipads, Runways, and Private Landing Strips**

70.2.1 The abovementioned facilities shall not be allowed in residential zones.

70.2.2 They must be at least 200-300 meters from the nearest residential zone or residence;

70.2.3 A written authority to operate shall be obtained from the Civil Aeronautics Administration (CAA) Administrator by the applicant at least 90 days before the intended date of operation, and a notice shall be posted or published in at least one of the daily newspapers to determine public opposition to the proposed landing site;

70.2.4 Sworn statements of the owners of the adjoining lands signifying their conformity to the proposed landing site shall be obtained by the applicant at least 30 days before the intended date of operation.

70.3 **Gasoline Stations**

70.3.1 They must conform to standards set by the Department of Energy;

70.3.2 Gasoline stations shall not be located within a 100-meter distance from the schools, churches, hospitals and other similar institutions;

70.3.3 They shall not constitute safety hazards in a community developed entirely for residential purposes;

70.3.4 Buffer strip and adequate firefighting equipment must be provided.

**70.4 Abattoir/Slaughterhouse**

- 70.4.1 Abattoirs shall be located at a distance away from residential and commercial areas as determined by the Zoning Administrator pursuant to existing national laws, issuances, and local ordinances.
- 70.4.2 A written authority to operate shall be secured from the City Veterinarian by the applicant at least 120 days before the intended date of operation, and a notice shall be posted within City Hall to determine public opposition, if any, to the proposed abattoir;
- 70.4.3 Proper waste disposal, odor control, and other abatement procedures must be adopted;
- 70.4.4 The proponent shall obtain sworn statements of owners of land immediately adjacent to the proposed site signifying their conformity or non-conformity to the proposed activity as one of the prerequisites for the granting of a special use permit.

**70.5 Cockpits**

- 70.5.1 Cockpits shall be located in recreational zones and shall at least be two hundred (200) meters away from the nearest residence or institutional use in accordance with Presidential Decree No. 499 otherwise known as the Cockfighting Law of 1974;
- 70.5.2 Adequate parking space and loading/unloading areas capable of accommodating the maximum expected number of aficionados/spectators during major derbies shall be provided;
- 70.5.3 The applicant shall have the duty of maintaining the premises in sanitary condition; and
- 70.5.4 Other pertinent laws, rules and regulations of the national and local governments shall be complied with.

**70.6 Dumping Sites/Landfill**

- 70.6.1 Adequate fencing shall be put up to prevent undue scattering of wastes;
- 70.6.2 Pest control and the general maintenance of the dumping site shall be the sole responsibility of the applicant;

- 70.6.3 The dumping site shall not be located outside the applicant's premises, if private, and shall be located within a reasonable distance from residential zones, if public; and
- 70.6.4 Other sanitary requirements of the City shall be complied with.
- 70.7 **Night Clubs, Cabarets, Bars, Videoke Bar, Pub Houses, Sauna Baths, Discotheques, and Open Air Entertainment Areas**
- 70.7.1 No night clubs, cabarets, bars, videoke bar, pub houses, sauna baths or discotheques, and open-air entertainment areas shall be established, operated, and maintained when their operating hours overlap with any public office, church, mosque, hospital, public or private school, seminary, missionary or charitable houses and other similar institutions within 100 meters radius from the property line of their location;
- 70.7.2 Night clubs, cabarets, bars, videoke, pub houses, sauna baths or discotheques already existing prior to the enactment of this Ordinance are hereby given a period of one (1) year from effectivity hereof within which to comply, relocate or stop operations;
- 70.7.3 Adequate space, lighting and proper ventilation shall be maintained under satisfactory sanitary conditions at all times;
- 70.7.4 Night clubs, cabarets, bars, videoke, pub houses, sauna baths or discotheques shall be located within a sound-proofed building equipped with noise-absorbing materials, noise silencers and mufflers capable of meeting levels specified in DENR's latest guidelines on the Abatement of Noise and Other Forms of Nuisance;
- 70.7.5 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 adequate sound-proofing shall be provided by the owner/operator;
- 70.7.6 The building shall be properly enclosed or fenced, provided with a single ingress and egress and shall have no direct or indirect communication whatsoever with any dwelling place, house or building;
- 70.7.7 The building or premises shall be certified safe and suited for the purpose by the Building Official and City Health Office.

**Section 71. Procedure for Special Use Permits.** The following steps shall govern the issuance of special use permits:

- 71.1 The applicant shall secure the appropriate form from the City Zoning Administrator. The application form shall contain but not be limited to the following:
  - 71.1.1 Description of the project, its nature of operation or use, location, boundaries and size or volume of operations;
  - 71.1.2 Probable impacts or consequences of the project on the environment; and
  - 71.1.3 Compliance with applicable requirements identified in the immediately preceding section.
- 71.2 The form shall be supplemented by a vicinity map showing the location and a lay-out showing the physical plan of the proposed project;
- 71.3 The application shall be filed with the Zoning Administrator for evaluation and transmitted to the Sangguniang Panlungsod for appropriate action;
- 71.4 Once approved the permit shall be valid for a period of two (2) years from date of issuance after which it shall be deemed null and void unless the same is renewed within three (3) months prior to its expiration.

**Section 72. Temporary Use Permit.** Temporary use permit is a mechanism by which the City of Bogo may permit a use to locate within the city on an interim basis without requiring full compliance with the development standards of the zone or by which the city may permit seasonal or transient uses not otherwise permitted, subject to the following conditions:

- 72.1 That the proposed project shall not in any way pose danger or hazard to the environment and the health and safety of its surrounding neighborhood;
- 72.2 That the project is capable of achieving return on investment within the maximum period allowed for temporary use by this ordinance;
- 72.3 That the proposed activity shall be subjected to and must pass a mandatory initial environmental examination and environmental impact assessment;
- 72.4 That the permit shall be granted for a period of one (1) year provided that the same be approved by the Sangguniang Panlungsod;
- 72.5 That the proponent shall submit a semestral report on the progress of its operations; and
- 72.6 That the proponent shall relocate the project to another site at his own cost in the event the Zoning Administrator finds that its continued existence is undesirable. Relocation shall take place upon the expiration of the permit as stated in the notice of relocation, which will be given at least six (6) months before expiration of the permit.

**Section 73. Procedure for Temporary Use Permits.** The following steps shall govern the issuance of temporary use permits:

- 73.1 Any person who wishes to set up a project which would not conform to the zoning district regulations may apply for a permit for temporary use, provided that the conditions set forth in the immediately preceding section are satisfactorily met;
- 73.2 The applicant shall secure the appropriate form from the Zoning Administrator. The application form shall contain but not be limited to the following:
  - 73.2.1 A complete description of the proposed project showing the processes and machineries involved therein;
  - 73.2.2 A vicinity map showing existing facilities, structures and uses within a 100 meter-radius from the proposed site; and
  - 73.2.3 A certificate obtained from the homeowner's association and/or barangay council to the effect that said organizations pose no objection to the proposed use or activity.
- 73.3 Upon receipt of the application, the Zoning Administrator shall undertake site inspection of the proposed site and evaluate all pertinent records, including a mandatory environmental impact assessment of the proposed activity;
- 73.4 The CZBAA shall then decide on the merits of the application;
- 73.5 If found favorable, the LZBA shall set the terms and conditions under which the Permit for Temporary Use shall be granted, including the number of years for which it shall be valid.

**Section 74. Planned Unit Development (PUD).** A planned unit development is a device that allows a development to be planned and built as a unit, or as phased units, and permits flexibility and variation in many of the traditional controls related to density, land use, setback, open space and other design elements, and the timing and sequencing of the construction. A PUD is applicable to either residential, commercial, or industrial uses or a combination thereof.

In every PUD and during every stage of development of the PUD at least 60 percent (60%) of the uses in the PUD must be uses that are listed as permitted outright or conditionally within the zone in which it is located.

**Section 75. PUD Development Plan.** A development plan for a PUD shall be submitted to the City Planning and Development Office for administrative review and recommendation to the Sangguniang Panlungsod. The PUD development plan shall include the following:

- 75.1 A statement of purpose and objective;
- 75.2 A specific plan of development, including a designation of land uses by relative intensity and the land area intended for each land use;
- 75.3 A program of development outlining the stages of future development and the phase for current approval;
- 75.4 The time schedule for construction and completion of all stages and all phases;
- 75.5 A narrative description demonstrating the independence of each stage;
- 75.6 The general location and size of the area involved and the nature of the land owner's interest in the land to be developed;
- 75.7 The density of land use to be allocated to parts of the area to be developed;
- 75.8 The location, function, ownership and manner of maintenance of common open space for the management during construction; and management during each phase of development, the final management of the completed development;
- 75.9 The use, height, bulk and location of buildings and other structures;
- 75.10 A utilities and drainage plan;
- 75.11 The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements for public utilities and public access;
- 75.12 A plan showing parking, loading areas, and storage areas; the location and width of proposed streets and public ways; and the relationship of new or existing streets and other public facilities in proximity to the planned development;
- 75.13 In the case of plans that call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the planned development is intended to be filed;
- 75.14 A list of all permits required for the uses proposed in the PUD;
- 75.15 Site plans sufficient to depict above listed requirements or other conditions;
- 75.16 A description of methods to be employed to assure maintenance of any common areas and facilities shall be submitted;
- 75.17 Where practical and safe, and where other means of access have not been provided, public access easements or dedications may be required to provide access to contiguous public lands or connections with existing or proposed non-motorized transportation corridors.

The Zoning Administrator will review the development plan to determine their completeness and shall recommend approval, approval with conditions or disapproval to the Sangguniang Panlungsod for a Planned Unit Development Permit.

Section 76. **Time Limit.** After a PUD Development Permit is approved by the Sangguniang Panlungsod, construction of the planned unit development must begin within two years of the approval of the PUD Development Permit. The Sangguniang Panlungsod may extend the time to begin construction by not more than two additional years for good cause shown. If construction is not begun within such time, including any extensions granted, the PUD Development Permit approval lapses. It cannot be re-approved and the development plan must be submitted to the Sangguniang Panlungsod as a new application for complete reconsideration.

## ARTICLE IX SCHEDULE OF ZONING FEES, CHARGES, PENALTIES, AND FINES

Section 77. **Fees and Charges.** The following fees and charges shall be paid to the City Treasurer based on the Order of Payment issued by the Zoning Administrator exclusive of charge for security seal:

77.1 **Application Filing Fee.** Application for zoning clearance irrespective whether approved or not; motions for reconsideration and filing complaints:

Zoning Clearance	Php 200.00
Inspection/Re-inspection Fee	500.00
Motion for Reconsideration	2,000.00
Petition, Request for Reclassification/Appeals	5,000.00 + 10.00 per sq.m. of area sought to be reclassified
Exception, variances, nonconforming use, and special use	1,000.00
Complaints, except those involving indigent-litigant which shall be free of charge	130.00
Cost of production and reproduction of maps, documents, public hearings and publications	To be borne by the applicant

77.2 **Processing Fee for Applications for Zoning Clearance for Building Permit/Certificate of Occupancy.**

Residential	in pesos
Low Density Residential Zone (R-1)	3.00 per m <sup>2</sup> of total floor area
Medium Density Residential Zone (R-2)	5.00 per m <sup>2</sup> of total floor area
Socialized Housing Zone (SHZ)	2.00 per m <sup>2</sup> of total floor area
Commercial	
Low Density Commercial Zone (C-1)	5.00 per m <sup>2</sup> of total floor area
Medium Density Commercial (C-2)	7.00 per m <sup>2</sup> of total floor area
Yards utilized for commercial purpose	5.00 per m <sup>2</sup> of total lot area
Industrial	
Light Industrial Zone (I-1)	8.00 per m <sup>2</sup> of total floor area
Medium Industrial Zone (I-2)	10.00 per m <sup>2</sup> of total floor area
Yards utilized for industrial purpose	8.00 per m <sup>2</sup> of total lot area

Institutional Zone (IZ)	3.00 per m <sup>2</sup> of total floor area
Agricultural Zone (AGZ)	2.00 per m <sup>2</sup> of total floor area
Forest Zone (FOZ)	5.00 per m <sup>2</sup> of total floor area
Cemetery Zone (CEZ)	3.00 per m <sup>2</sup> of total floor area
Advertising, Billboards, and Business Signs (Locational Clearance)	3.00 per m <sup>2</sup> of total surface area
Other Land Development Projects (Section 45)	3.00 per m <sup>2</sup> of total surface area
All kinds of renovation	75% of the prescribed fee
Exception, variances, non-conforming use, special use permit, temporary use permit	150.00 per m <sup>2</sup> of the total floor area subject of exception, variances, nonconforming use and special use

In case of approved appeals, the applicable zoning fee will be based on the higher zone classification.

- 77.3 **Zoning Classification and Land Use Verification Fee.** Fees for zoning classification and land use verification shall be based on the following rates exclusive of the security seal fee:

77.3.1	Residential	- Php 130.00
77.3.2	Commercial and Industrial	- 300.00
77.3.3	Other zones	- 200.00

- 77.4 **Processing Fee for Zoning Certificate for Business Permit (Exclusive of the Security Seal Fee)**

77.4.1	Sari-sari store	- 200.00
77.4.2	All other businesses	- 500.00

- 77.5 **Certificate of Non-Conformance** (Exclusive of the Security Seal Fee)

- 77.6 **Preliminary Site Development Plan** (Exclusive of the Security Seal Fee)

- 77.6.1 Processing fee

The rate will depend on the zone and area of development per Section 77.2 above

- 77.6.2 Inspection fee – Php 1,500.00 per hectare or a fraction thereof

- 77.7 **Development Permit (Exclusive of the Security Seal Fee)**

- 77.7.1 Processing Fee

The rate will depend on the zone and area of the development per see Section 77.2 above

- 77.7.2 Inspection Fee – Php 1,500.00 per hectare or a fraction thereof

- 77.8 Government projects except those of government-owned or controlled corporations are exempted from paying fees but required to secure a Zoning Clearance;

- 77.9 Government-owned or controlled corporations are categorized under this Ordinance as private corporations and shall be treated as such;
- 77.10 Surcharge of twenty-five percent (25%) shall be added to the corresponding processing fee plus interest of twelve percent (12%) per annum shall be imposed on all structures/operations without any Zoning Clearance or Certificate of Non-Conformance.

**Section 78. Fines and Penalties.**

- 78.1 An administrative penalty of five hundred pesos (Php 500.00) per day shall be imposed against any person/entity who undertakes pre development or pre-construction of a project in any zone or area without a Zoning Clearance or Preliminary Site Development Permit and/or Development Permit reckoned from the start of the conduct of any activity of the development/construction on the land or property to be determined by the Zoning Administrator;
- 78.2 Any applicant, proponent, proprietor, owner or representative who commits any of the following acts shall after due notice be meted with the following fines:
- 78.2.1 Unauthorized expansion or alteration covered by a Certificate of Non-Conformance :  
A fine equivalent to 100% of the prescribed fees but in no case less than Php 1,500.00
- 78.2.2 For committing fraud or misrepresentation  
a. Fraud or misrepresentation as to use:  
Php 5,000.00
- b. Fraud or misrepresentation as to location:  
Php 5,000.00
- c. Non-disclosure of any material fact: Php 1,500.00
- 78.2.3 For refusing admission within any premises subject to inspection  
a. First refusal - Php 1,500.00  
b. Subsequent refusal - 3,000.00
- 78.2.4 Failing or refusing to appear during a proceeding before the Zoning Administrator or City Zoning Board of Adjustment and Appeals (CZBAA) without justifiable reason - Php 1,500.00

**Section 79. Violation and Penalty.** In addition to the administrative penalty, any person who violates any provision of this ordinance shall be criminally charged and upon conviction, be punished by the following:

A fine of not less than ten percent (10%) but not more than fifty percent (50%) of the project cost or imprisonment of not less than six (6) months but not exceeding one (1) year 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 officer-in-charge of the development/ construction and the president/chief executive officer thereof.

## ARTICLE X ENFORCEMENT AND ADMINISTRATION

- Section 80. **Enforcement and Administration.** This ordinance shall be enforced and administered by the Local Chief Executive through the Zoning Administrator who shall be appointed by the former in accordance with existing rules and regulations on the subject.
- Section 81. **Powers and Functions of the Zoning Administrator.** Pursuant to the provisions of EO 72 implementing RA 7160 in relation to Sec. 5, Paragraph a and d, and Section 7 of Executive Order No. 648 dated 07 February 1981, the Zoning Administrator shall perform the following functions, duties and responsibilities:
- 81.1 Strictly administer and enforce the provisions of this ordinance;
  - 81.2 Maintain a record on all zoning permits, zoning and land use verification certificates and non-conforming uses;
  - 81.3 Act on all applications for Certificate of Zoning Classification, Zoning Clearance for Building Permit, Zoning Compliance for Occupancy Permit, Non-Conformance, Zoning Compliance, Preliminary Site Development Plan, Development Permit for all projects;
  - 81.4 Endorse to the City Zoning Board of Adjustment and Appeals (CZBAA) the 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 clearances for repairs/renovations on non-conforming uses consistent with the guidelines therefore;
  - 81.5 Monitor on-going/existing projects within their respective jurisdictions and issue notices of violation and show cause order to owners, developers, or managers of projects that are in violation of the provisions of the Zoning Ordinance and if necessary, pursuant to Section 3 of Executive Order No. 71 refer subsequent actions thereon to the DHSUD;
  - 81.6 Submit a quarterly report to the City Mayor, copy furnished the Chair of the Committee on Urban Planning, on the following:
    - 81.6.1 The progress and problems encountered in the administration and enforcement of this Ordinance making the necessary comments and/or recommendations therefor; and

- 81.6.2 Exceptions and variances granted by the City Zoning Board of Adjustment and Appeals in order to correspondingly update the official zoning maps and classification.
- 81.7 Recommend to the City Mayor the issuance of an order for the removal of any use in violation of this Zoning Ordinance upon the owner, agent or tenant of the building or land, or upon the architect, builder, contractor or other persons who commit or assist in the commission of the said violation;
- 81.8 Call and co-ordinate with the City of Bogo Enforcement Division and Philippine National Police for enforcement of all orders and processes issued in the implementation of this ordinance;
- 81.9 Coordinate with the City Legal Officer for legal actions/remedies relative to the foregoing;
- 81.10 Coordinate with the Regional Office of the DHSUD regarding proposed amendments to the Zoning Ordinance prior to adoption by the Sangguniang Panlungsod;
- 81.11 Take any other action authorized by this Ordinance to ensure compliance with or prevent violation of any of the provisions herein.

**Section 82.** **Certificate of Zoning Classification.** An applicant may request from the Zoning Administrator the zoning classification of their property. Such document shall not be used as Zoning Clearance. Subject to the payment of fees provided for in Section 77 Article IX hereof.

**Section 83. Zoning Clearance.**

- 83.1 All owners/developers shall secure Certificate of Zoning Clearance from the Zoning Administrator; in cases of Conditional Uses and Variances/Exceptions, from the City Zoning Board of Adjustment and Appeals (CZBAA) prior to conducting any activity, which may include but not limited to such site preparation works like land filling, clearing, and alterations/ modifications within the existing structure or usage thereof, or construction on their property/land. This will include property/ land located in Forest Lands, Special Economic Zones and other areas administered by national and special agencies, except for facilities for national security as certified by the Department of National Defense. Violators shall be fined/penalized in accordance with the Schedule of Fines and Penalties stipulated in Sections 78 and 79 of this ordinance;
- 83.2 The Zoning Clearance issued is non-transferrable and shall automatically be revoked in the event of sale and/or any conveyance transferring ownership of the project and/or any changes to the allowed uses thereof;
- 83.3 No Zoning Clearance shall be issued to applicants requesting for an expansion/extension/ renovation/improvement or similar activities of or within an existing building without first presenting a Zoning Clearance of the original or the existing building. The following documents shall be required from the applicant:

- 83.3.1 Duly accomplished and notarized Zoning Clearance Application Form;
- 83.3.2 Any of the following applicable documents relative to right over use of lot /building /space /structure:
- a. For owner- applicant
    - i. Certified true copy of the Certificate of Title, or;
    - ii. Certified True Copy of the current Tax Declaration with a certification from the DENR that the land is alienable and disposable;
    - iii. Current Real Property Tax payment.
  - b. If not registered in the name of the applicant, submit any of the first four (4) requirements:
    - i. Deed of Sale;
    - ii. Deed of Donation;
    - iii. Contract of Lease;
    - iv. Joint Venture Agreement;
    - v. Notarized authorization from the owner to use the lot/building/space/structure; and
  - c. For Lessee-Applicant
    - i. Contract of Lease;
    - ii. Applicant's current RPT receipt or Certification of no real property;
    - iii. Occupancy Permit
  - d. For Sub-Lessee Applicant
    - i. Contract between the sub-lessee and the lessee;
    - ii. Current RPT receipt; and
    - iii. Occupancy Permit
  - e. For Applicant on government-owned Lot
    - i. Affidavit of Undertaking or Consent /Authorization to Operate or Use from government agency concerned;
    - ii. Disregard item 6 hereunder, if the applicant's current RPT receipt is a certification of no real property.
  - f. For Rent-free Applicant
    - i. Written consent or authorization to operate or use for free from the owner of lot/space/ building/structure;

- ii. Applicant's current RPT receipt or Certification of no real property;
- iii. Vicinity map showing the exact location of business establishment'
- iv. Barangay clearance where the business establishment is located;
- v. Current real property tax receipts of the land and building where the business will be established;
- vi. Notarized authority to file, follow-up/claim the Zoning clearance (if not the applicant).

g. Joint Venture Agreement

**Section 84. Zoning Certification**

**84.1 For Business Permit.**

For structures, areas and buildings of any occupancy or mixed occupancy or occupied in connection with a business, the Zoning Administrator shall issue a Certification that the business applied for is allowed or permitted in the particular zone. The Office of the City Mayor or the Business Permit and Licensing Office (BPLO) shall not issue a Business Permit unless a Zoning Certification from the Zoning Administrator has been issued.

**84.2 For Projects, New Developments.**

No Zoning Certification and Certificate of Zoning Classification or Land Use Verification Certificate shall be issued if new developments or substantial change or use of occupancy had occurred. Instead, application for the new developments or change shall be applied for and the corresponding change of occupancy shall be secured pursuant to PD 1096. For Business Permit Application, application for Zoning Clearance shall be filed with the Zoning Administrator.

**Section 85. Requirements for Zoning Certificate in Relation to Application for Business Permit.** The following documents shall be required from the applicant:

- 85.1 Duly accomplished and notarized Zoning Certification Application Form;
- 85.2 Vicinity map showing the exact location of business establishment;
- 85.3 Barangay Clearance certification where business establishment is located;
- 85.4 Current real property tax receipts of land and building where the business will be established;
- 85.5 Notarized authority to follow-up / claim the zoning certification; and
- 85.6 Community tax certificate

- Section 86. **Building Permit.** No Building Permit shall be issued by the Building Official without a valid Zoning Clearance in accordance with this ordinance.
- Section 87. **Expiration of the Certificate of Zoning Clearance.** If the project is not commenced or started within one year from the date of issue, it shall result in its automatic expiration/revocation which automatically cancels the building permit issued by the Building Official. A notice thereof shall be given to the persons affected by the Zoning Administrator. The grantee shall not proceed with his project without applying for a new clearance.
- Section 88. **Certificate of Zoning Compliance.** A Certificate of Zoning Compliance shall be secured from the Zoning Administrator upon completion of the project to ensure compliance of the provisions of this ordinance.
- Section 89. **Certificate of Occupancy.** No Certificate of Occupancy shall be issued by the Building Official without first securing a Certificate of Zoning Compliance from the Zoning Administrator.
- Section 90. **Certificate of Non-Conformance.** A certificate of non-conformance for all non-conforming uses shall, upon proper notice, be applied for by the owner of the structure or operator of the activity with the Zoning Administrator within one (1) year from the ratification of this Zoning Ordinance by the Sangguniang Panlalawigan (SP) of Cebu Province.
- J
- Failure on the part of the owner to register/apply for a Certificate of Non-Conformance shall be considered a violation of the Zoning Ordinance and is subject to fines and penalties under Section 78 and removal at the expense of the owner.
- Upon approval of this ordinance, the Zoning Administrator shall immediately notify owners of known existing non-conforming use to apply for a certificate of non-conformance.
- Section 91. **Existing Non-Conforming Uses and Buildings.** The lawful use of any building, structure, or land at the time of the effectiveness of this ordinance may be continued, although such uses do not conform to the provisions of this ordinance, provided:
- 91.1 That no such non-conforming use 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 of land where such non-conforming use exists at the time of the adoption of this ordinance;
  - 91.2 That no such non-conforming use which has ceased operation for more than one (1) year be again revived as non-conforming use;
  - 91.3 An idle/vacant structure shall not be used for non-conforming activity;
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- 91.4 That any non-conforming structure, or structures under one ownership which has been damaged maybe reconstructed and used as before provided that such reconstruction is not more than fifty percent (50%) of the replacement cost;
- 91.5 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;
- 91.6 That no such non-conforming use maybe moved to displace any conforming use;
- 91.7 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;
- 91.8 That should such structure be moved for any reason to whatever distance, it shall thereafter conform to the regulation of the zone in which it is moved or relocated.

The owner of a non-conforming use shall program the phase-out and relocation of the non-conforming uses within five (5) years from the effectivity of this ordinance.

**Section 92. 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 CZBAA. However, oppositions to application for clearance variance or exception shall be treated as a complaint and dealt with in accordance with the provision of this ordinance.

**Section 93. Functions and Responsibilities of the City Zoning Board of Adjustment and Appeals (CZBAA).** The City Zoning Board of Adjustment and Appeals shall be reorganized through an Executive Order of the City Mayor and shall perform the following functions and responsibilities:

- 93.1 Act on applications of the following nature:
  - 93.1.1 Exceptions;
  - 93.1.2 Variances;
  - 93.1.3 Non-Conforming Uses;
  - 93.1.4 Complaints and Opposition to Applications
- 93.2 Act on appeals endorsed by the Zoning Administrator.

Decisions of the CZBAA shall be appealable to Sangguniang Panlungsod.

**Section 94. Building Permit Issued Prior to the Approval of this Ordinance.** Except as otherwise provided in the National Building Code, nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been duly granted prior to the adoption of this ordinance, provided the construction of such building, structure or part thereof shall have been started within three (3) months from the date of the issuance of such permit. Otherwise, the applicant shall be required to conform with the provisions of this ordinance.

**Section 95. Powers of the Sangguniang Panlungsod.** The following transactions shall be subject to the approval of the Sangguniang Panlungsod:

- 95.1 Special Use Permits (SUP);
- 95.2 Temporary Use Permits;
- 95.3 Re-classification of zonal areas through an ordinance pursuant to Section 20 of RA 7160 and pertinent issuances;
- 95.4 Preliminary Subdivision Development Plan (PSDP) Approval;
- 95.5 Development Permit (DP);

**Section 96. Conflicting Regulations.** Where there exist a conflict between any of the regulations or limitations prescribed in this ordinance and any regulations application to the same area, whether the conflict be with respect to the height of structures, the use of land, or any other matter, the more stringent limitations or requirements shall govern and prevail.

**Section 97. Suppletory 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 CLUP of the locality.

**Section 98. Separability Clause.** If for any reason, any section or provision of this ordinance is declared illegal or unconstitutional, other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**Section 99. Repealing Clause.** Any ordinances, rules or regulations inconsistent herewith are hereby amended and/or repealed accordingly. This ordinance repeals the following:

- 99.1 Ordinance No. 10-A 1977: "Adopting A Zoning Ordinance For The Municipality Of Bogo, Cebu Thereby Revising Municipal Ordinance No. 40 Series Of 1960"
- 99.2 Ordinance No. 18 series of 1994: "Adopting A Rezoning Ordinance For The Municipality Of Bogo, Cebu Thereby Revising Municipal Ordinance No. 10-A Series Of 1977"

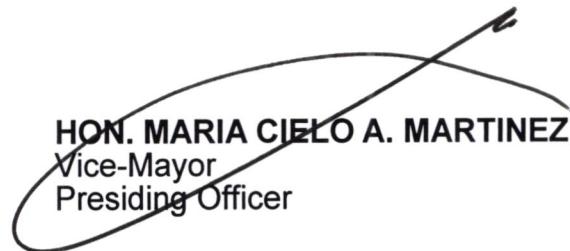
99.3 Ordinance No. 13-99: "An Ordinance Adopting A Revised Comprehensive Zoning And Land Use Regulation For The Municipality Of Bogo"

Section 100. **Effectivity Clause.** This Ordinance shall take effect upon its approval.

CERTIFIED TRUE AND CORRECT:

  
MAITA T. LABRADO  
SP Secretary

ATTESTED:

  
HON. MARIA CIELO A. MARTINEZ  
Vice-Mayor  
Presiding Officer

APPROVED:

  
HON. CARLO JOSE A. MARTINEZ  
Mayor

Date of Approval: AUG 23 2023

Date of Public Hearing: April 27, 2023

Date of Posting: AUG 23 2023 to SEP 12 2023

Date of Publication: SEP 02 2023

Date of Effectivity: AUG 23 2023

## **GLOSSARY OF TERMS**

1. Accessory use – a use incidental and subordinate to the principal use of the building and/or land;
2. Additions, alterations, repairs – changes in an existing building involving interior or exterior work and/or increase or decrease in its area;
3. Agricultural activity – per the Comprehensive Agrarian Reform Law of 1988 (RA 6657), means the cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry or fish, including the harvesting of such farm products, and other farm activities and practices performed by a farmer in conjunction with such farming operations done by persons whether natural or juridical;
4. Agricultural zone (AGZ) – an area within the City intended for cultivation/fishing and pastoral activities like fish, farming, cultivation of crops, goat/cattle raising, and such others;
5. Alienable and disposable (A and D) lands – refer to those lands of the public domain which have been the subject of the present system of classification and declared as not needed for forest purposes (PD 1559);
6. Apartment – a room or suite of two or more rooms, designed and intended for, or occupied by one family for living, sleeping, and cooking purposes;
7. Base zones – refer to the primary zoning classification of areas within the City and that are provided with a list of allowable and conditional uses, as applicable;
8. Boarding house – a house with several sleeping rooms where boarders are provided with lodging and meals for a fixed sum paid by the week or month or as agreed upon by the owner;
9. Botanical garden – a tract of land used for the culture and study of plants, collected and grown for scientific and display purposes;
10. Building – a constructed edifice designed to stand more or less permanently, covering a space of land, usually covered by a roof, more or less enclosed by walls and supported by columns, and serving as a dwelling, factory, shelter for animal, and the like;
11. Building Accessory – a building, subordinate to the main building, and located on the same lot, the use of which is necessary or incidental to the use and enjoyment of the main building. examples: servant's quarters, garage, and others;
12. 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;
13. Building height limit (BHL) – the maximum height allowed for structures or buildings expressed as number of floors or storeys or in terms of meters from a specified reference point;
14. Built-up area – a contiguous grouping of ten (10) or more structures;
15. Central business district – shall refer to the area designated principally for trade, services and business purposes in Buac, Cayang;



16. 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 the provision of the said ordinance;
17. Certificate of zoning classification – a document issued by the Zoning Administrator citing the zoning classification of the land based on this ordinance;
18. Certificate of zoning compliance – a certificate issued to completed projects that are compliant with the conditions of the Zoning Clearance and other pertinent zoning regulations;
19. Chapel – in cemetery zone, is also called reposing and/or slumber room. It is where the deceased is temporarily laid to rest for viewing by the mourners;
20. Comprehensive land use plan (CLUP) – a document embodying specific proposals for guiding, regulating growth and/or development. The main components of the Comprehensive Land Use Plan in this usage are the sectoral studies such as demography, socio-economic, infrastructure and utilities, local administration, and land use;
21. Climate Change – a change in the climate that persists for decades or longer, arising from either natural causes or human activity;
22. Columbarium – a structure, either freestanding or part of another building, containing niches for the inurnment of cremated human remains;
23. Compatible uses – uses or land activities capable of existing together harmoniously e.g. residential use and parks and playgrounds;
24. Conditional zoning clearance – a type of zoning clearance issued by the Local Zoning Board of Adjustment and Appeals to applications classified under Conditional Uses;
25. Conflicting uses – uses or land activities with contrasting characteristics and adjacent to each other like residential units adjacent to industrial plant
26. Conforming use – a use that is in accordance with the zone regulations as provided for in the ordinance;
27. Condominium, residential – a building containing at least five or more apartment units with common areas and facilities, each apartment owner having exclusive ownership and possession of his apartment;
28. Cottage industry – any establishment or firm which conforms to the standards set forth by the Department of Trade and Industry;
29. DAR – shall mean the Department of Agrarian Reform;
30. Development plan – the document/s including maps, charts and other materials embodying goals and objectives, policy guidelines, strategies and proposals for the overall socio-economic growth and development of the area;
31. DHSUD – shall mean the Department of Human Settlements and Urban Development;
32. Disaster – a serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community *(like a school or hospital) or society to cope using its own resources.*

33. Disaster risk – the potential disaster losses, in lives, health status, livelihoods, assets and services, which could occur to a particular community or a society (school or hospital) over some specified future time period;
34. Disaster risk reduction (DRR) – the concept and practice of reducing disasters (like in schools and hospitals) through systematic efforts to analyze and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events;
35. Dominant land use – shall mean that pervasive land use within a perimeter of 500 meter radius from a specific parcel of land or building;
36. Dormitory – a building where many persons are provided with board and lodging facilities in common halls, for a compensation;
37. Dwelling – any building or any portion thereof intended or designed to be built, used, rented, leased or hired out to be occupied, or which are occupied for living or residential purposes;
38. DENR – shall mean the Department of Environment and Natural Resources;
39. Easement – open space imposed on any land use/activities sited along waterways, fault lines, road-rights-of-way, cemeteries/memorial parks, utilities and the like;
40. Exposure – people, property, systems, or other elements present in hazard zones that are thereby subject to potential losses;
41. Environmental impact statement (EIS) system – pursuant to PD 1586 of 1978, refers to the entire process of organization, administration and procedure institutionalized for the purpose of assessing the significance of the effects of physical developments on the quality of the environment. Projects that fall within the purview of the EIS System include Environmentally Critical Projects and Projects located in Environmentally Critical Areas;
42. Exception – a device which grants a property owner relief from certain provisions of the 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;
43. Family – a group of individuals related by blood, living under one roof and considered as part of a single housekeeping unit;
44. Filling station – a retail station servicing automobiles and other motor vehicles with gasoline and other petroleum products only;
45. Foreshore area – refers to that part of the shore which is alternately covered and uncovered by the ebb and flow of the tide;
46. Forest lands – include public forest, permanent forest or forest reserves, and forest reservations as determined by DENR and in accordance with national laws and the city's Forest Land Use Plan;
47. Forest zone – include privately-owned areas identified by the zoning and other local ordinances intended primarily for forest purposes;



48. Garage – a building or portion thereof in which motor vehicle/s is/are stored, repaired, or kept;
49. Garage commercial – a garage where automobiles and other motor vehicles are housed, maintained, equipped, repaired or kept for remuneration, hire or sale;
50. Guard house – an accessory building or structure used by a security guard while on duty;
51. Gross floor area (GFA) – the GFA of a building is the total floor space within the perimeter of the permanent external building walls,

51.1 Occupied by:

- 51.1.1 Office areas;
- 51.1.2 Residential areas;
- 51.1.3 Corridors;
- 51.1.4 Lobbies;
- 51.1.5 Mezzanine;
- 51.1.6 Vertical penetrations, which shall mean stairs, fire escapes, elevator shafts, flues, pipe shafts, vertical ducts, and the like, and their enclosing walls;
- 51.1.7 Rest rooms or toilets;
- 51.1.8 Machine rooms and closets;
- 51.1.9 Storage rooms and closets;
- 51.1.10 Covered balconies and terraces;
- 51.1.11 Interior walls and columns, and other interior features

51.2 But excluding:

- 51.2.1 Covered areas used for parking and driveways, including vertical penetrations in parking floors where no residential or office units are present;
- 51.2.2 Uncovered areas for AC cooling towers, overhead water tanks, roof decks, laundry areas and cages, wading or swimming pools, whirlpools or jacuzzis, gardens, courts or plazas.
52. Hazard – A dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption, or environmental damage;
53. Home occupation – an occupation or business conducted within the dwelling unit;
54. Hospital – an institution providing health services, primarily for in-patient, and medicare or physical care of the sick or the injured, including, as integral parts thereof, such related facilities as laboratories, out-patient department, training facilities and staff offices;
55. Hotel – a building or part thereof with rooms occupied or intended to be occupied for hire as temporary abode place of individuals. it is usually provided with a general kitchen and public dining room service without provision for cooking in any individual suite or room;

56. Innovative design – introduction and/ or application of new/ creative designs and techniques in development projects like planned unit development (PUD), Newtown, and others;
57. Institutional zone (IZ) – an area within the city principally for institutional establishments like government offices, schools, hospital/clinics, academic/research, convention center;
58. Land use planning – refers to the rational and judicious development, utilization and management of land resources in a sustainable manner to ensure that the needs of the present generation can be met without jeopardizing the needs of the future generations;
59. Light industrial zone (I-1) – a subdivision of an area principally for non-pollutive/non-hazardous and non-pollutive/hazardous industries;
60. Locational/zoning clearance – a clearance issued by the Zoning Administrator to a project that is allowed under the provisions of this ordinance;
61. Lot – a parcel of land on which a principal building and its accessories are placed or maybe placed together with the required open spaces;
62. Lot, depth of – the average horizontal distance between the front and the rear lot lines;
63. Low density commercial zone (C1) – an area within the city principally for trade, services and business activities ordinarily referred to as the central business district;
64. Low density residential zone (R1) – an area within the city principally for dwelling/housing purposes with a density of 20 dwelling units and below per hectare;
65. Medium density commercial zone (C-2) – an area within a city with quasi-trade business activities and service industries performing complementary/supplementary functions to principally commercial zone (CBD);
66. Medium density residential zone (R-2) – an area within a city principally for dwelling/housing purposes with a density of 21 to 65 dwelling units per hectare;
67. Medium industrial zone (I-2) – an area within a city principally for pollutive/non-hazardous and pollutive/hazardous industries;
68. Motel – any structure with several separate units with sufficient parking space primarily located along the highway or close to a highway where motorist may obtain lodging and in some instances, meals;
69. Museum – a non-profit, non-commercial establishment operated as a repository, or a collection of natural, scientific, literary or cultural objects of interests such as works of art. This does not include the regular sale or distribution of the objects collected;
70. Manufacturing industry – an industry which involves the chemical or mechanical transformation or inorganic products whether it is done in a factory or in the worker's house;
71. Mitigating device – a means to grant relief in complying with certain provisions of the ordinance;

72. Natural hazards – Natural process or phenomenon (like floods, cyclones, geologic related earthquakes) that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption, or environmental damage;
73. N.E.C. – not elsewhere classified;
74. NEDA – shall mean the National Economic and Development Authority;
75. 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 city or municipality;
76. Non-conforming use – existing non-conforming uses/establishments in an area allowed to operate in spite of the non-conformity to the provisions of the Ordinance subject to the conditions stipulated in the zoning clearance;
77. Nursery/day care center – a place where children are temporarily cared for and trained in the parents absence;
78. Official zoning map – a duly authenticated map delineating the different zones into which the whole city is divided;
79. Ossuary – interment space for the bones;
80. Overlay zones – a “transparent zone” that is overlain on top of the Basic Zone or another Overlay Zone and provides an additional set (or layer) of regulations intended to address specific objectives for the zone in consideration;
81. Parks and recreation zone (PRZ) – an area designed for diversion/amusements and for the maintenance of ecological balance of the community;
82. Parking building – a building of several floors used for temporary parking of motor vehicles which may be provided with services allowed for service stations;
83. Parking lot – an off-street open area, principally used for parking motor vehicles which may be provided with services allowed for service stations;
84. Planned unit development (PUD) – a land development scheme for an area that is comprehensively planned as an entity via unitary site plan which permits flexibility in planning designs, building siting, complementarity of building types and land uses, usable open spaces and the preservation of significant natural land features;
85. Private pet house – a building or structure for keeping domestic pets, for the enjoyment as well as protection of the resident family members;
86. Professional office – the office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural in which a professed knowledge of skill in some department of science or learning is used to serve the interest or welfare of others by its practical application;
87. Recreational center – a place, compound or building or a portion thereof open to the public for recreational and entertainment purposes;

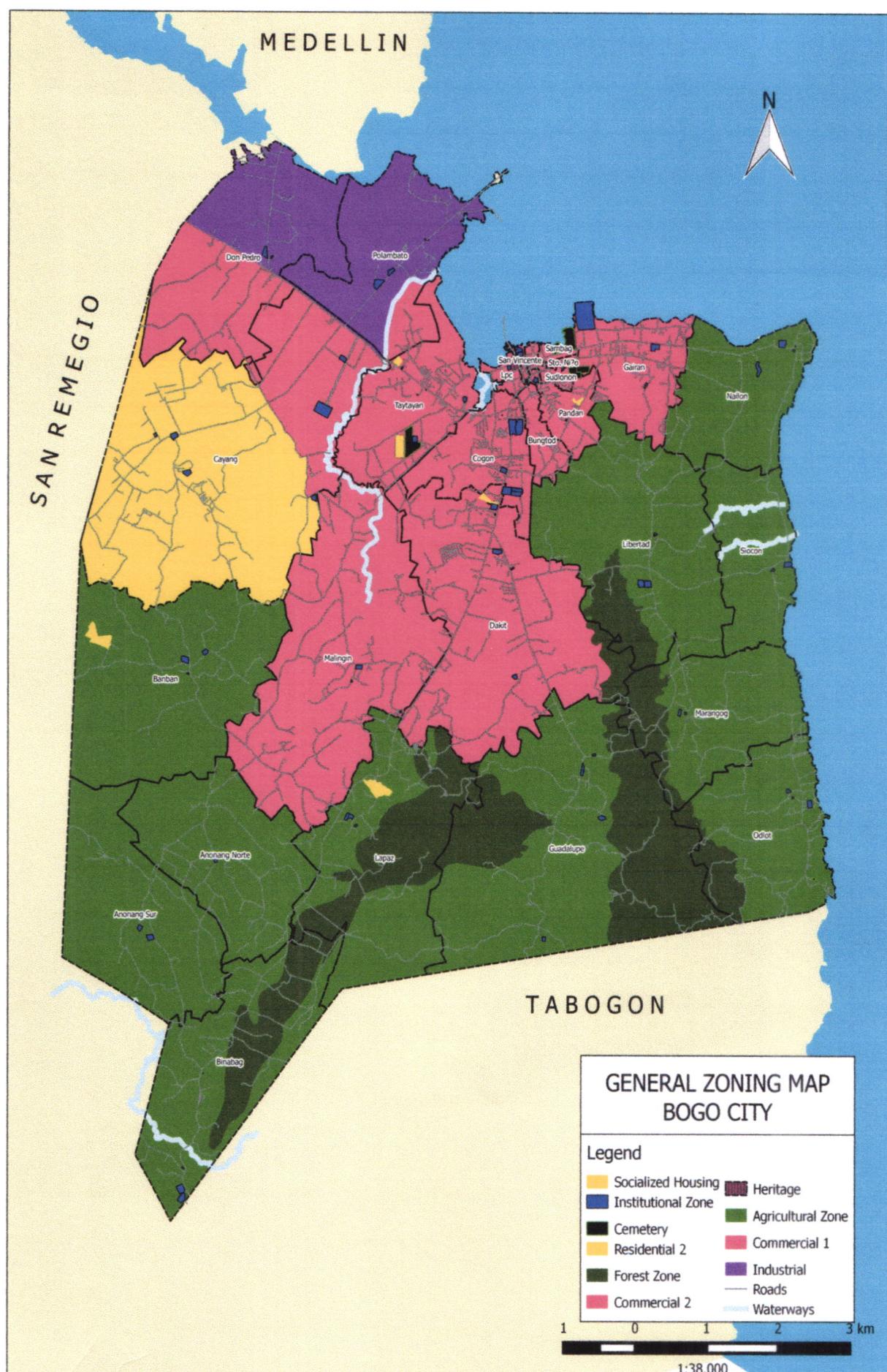
88. Risk – The combination of the probability of an event and its negative consequences such as loss of life, loss of function of facilities, and property damage and loss;
89. Risk/hazard areas – areas that require special management and conservation practices such as flood areas, earthquake prone areas, areas prone to rain induced landslides, or fault lines and areas where uncontrolled development could result in irreparable damage to the environment and its attributes;
90. Road right-of-way (RROW) – A kind of public open space for the continuous flow of pedestrian and vehicular traffic that must be free of all forms of prohibited physical obstructions. The RROW is the area lying between two (2) or more parallel properties and its width is horizontally measured from opposite property lines;
91. Row house – one of a series of houses connected by common sidewalls and forming a continuous group;
92. Servant's quarters – a room within the dwelling or in an accessory building where servants, maids, or helpers of the family are housed;
93. Service station – a building and its premises where gasoline, oil, batteries, tires and car accessories may be supplied and dispensed at retail and where, in addition, the following services may be rendered among others:
  - 93.1 Sale and servicing of spark plugs, batteries and distributor;
  - 93.2 Tire servicing and repair, but not recapping or regrooving;
  - 93.3 Radiator cleansing and flushing;
  - 93.4 Washing and polishing, and sale or automotive washing and polishing materials, greasing and lubrication;
  - 93.5 Sales of soft drinks, packaged foods, tobacco and similar convenient goods for service station customers as accessory and incidental to the principal operations;
  - 93.6 Provision of road maps and other informational materials to customers;
  - 93.7 Provision of rest room facilities.
- Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating conditions or other works involving noise, glare, fumes, smoke, or other characteristics to any extent greater than normally found in service stations. A service station is not a repair garage nor a body shop.
94. Setback – the open space left between the building and lot lines;
95. Shopping centers – a group of not less than 15 contiguous retail stores, originally planned and developed as a single unit, with immediate adjoining off-street parking facilities;
96. Slaughterhouse/abattoir:
  - 96.1 Class "A" – Those facilities and procedures of minimum adequacy that the livestock and fowls slaughtered therein are suitable for distribution and sale only within the city or municipality where the slaughterhouse is located.

- 96.2 Class "AA" – Those with facilities and operational procedures sufficiently adequate that the livestock and fowls slaughtered therein is suitable for sale in any market within the country;
- 96.3 Class "AAA" – Those with facilities and operational procedures appropriate to slaughter livestock and fowls for sale in any market, domestic or international;
97. Socialized housing zone (SHZ) – shall be used principally for socialized housing/dwelling purposes for the underprivileged and homeless as defined in RA 7279;
98. Special use permit – a type of Zoning Clearance issued by the City Zoning Board of Adjustment and Appeals to approved applications involving Variances and/or Exceptions;
99. Store – a building or structure devoted exclusively to the retail sale of a commodity or commodities;
100. Theater – a structure used for dramatic, operatic, motion picture and other performance for admission to which entrance fee or money is received but no audience participation and meal service are allowed;
101. Theme park – an amusement park in which the structures and settings are based on a central theme;
102. Tourism overlay zone (TZ) – are sites within the city endowed with natural or manmade physical attributes and resources that are conducive to recreation, leisure and other wholesome activities;
103. Tourist inn or pension house – any building or structure regularly catering to tourist and travelers, containing several independent rooms, providing common facilities such as toilets, bathrooms, living and dining rooms and kitchen, and where a combination of board and lodging may be provided;
104. Unpaved surface area (USA) – the portion of the lot that shall remain unpaved and reserved for softscaping/planting;
105. Urban areas – include all barangay(s) or portion(s) 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;
106. Vulnerability – the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard;
107. Warehouse – refers to a storage and/or depository of those in business of performing warehouse services for others for profit;
108. Yard – an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward;
109. Zone – an area within the for specific land use as defined by man-made or natural boundaries;



110. Zoning – is the delineation/division of a city into functional zones where only specific land uses are allowed. It directs and regulates the use of all lands in the community in accordance with an approved or adopted land use plan for the city. It prescribes setback provisions, minimum lot sizes, building heights and bulk;
111. Zoning administrator – a City of Bogo employee responsible for the implementation/enforcement of the Zoning Ordinance.
112. Zoning clearance – an authority granted by the City of Bogo pursuant to applicable laws on land use planning and zoning for the establishment or operation of projects or any kind of development or activity on a piece of land, or for any project of local significance;

## BASE ZONES



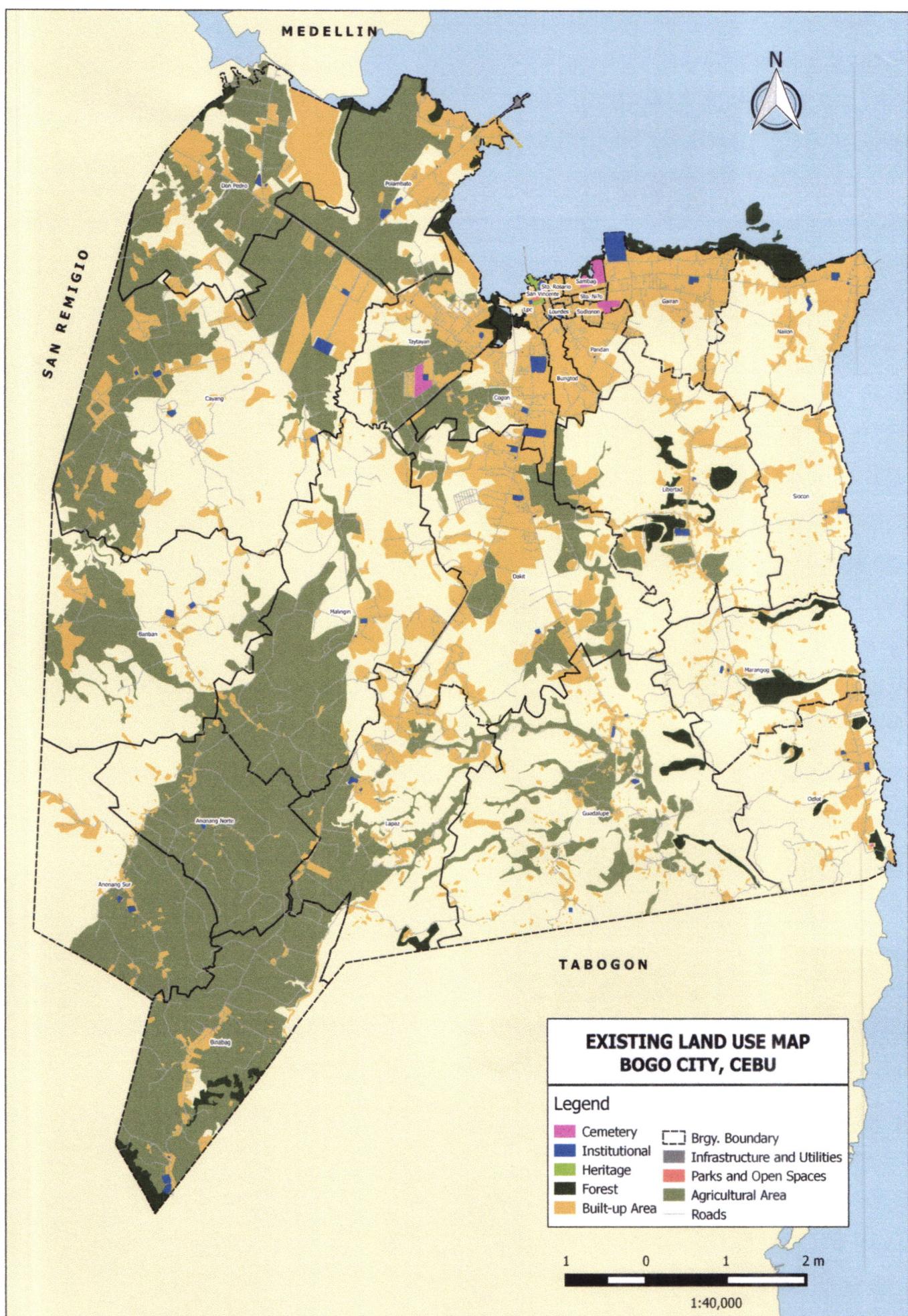
Signed by:

Atty. Camilo Jose A. Martinez  
City Mayor

Approved per City Ordinance No.

018-2023

Reviewed per Sangguniang  
Panlalawigan Resolution No.



Signed by:

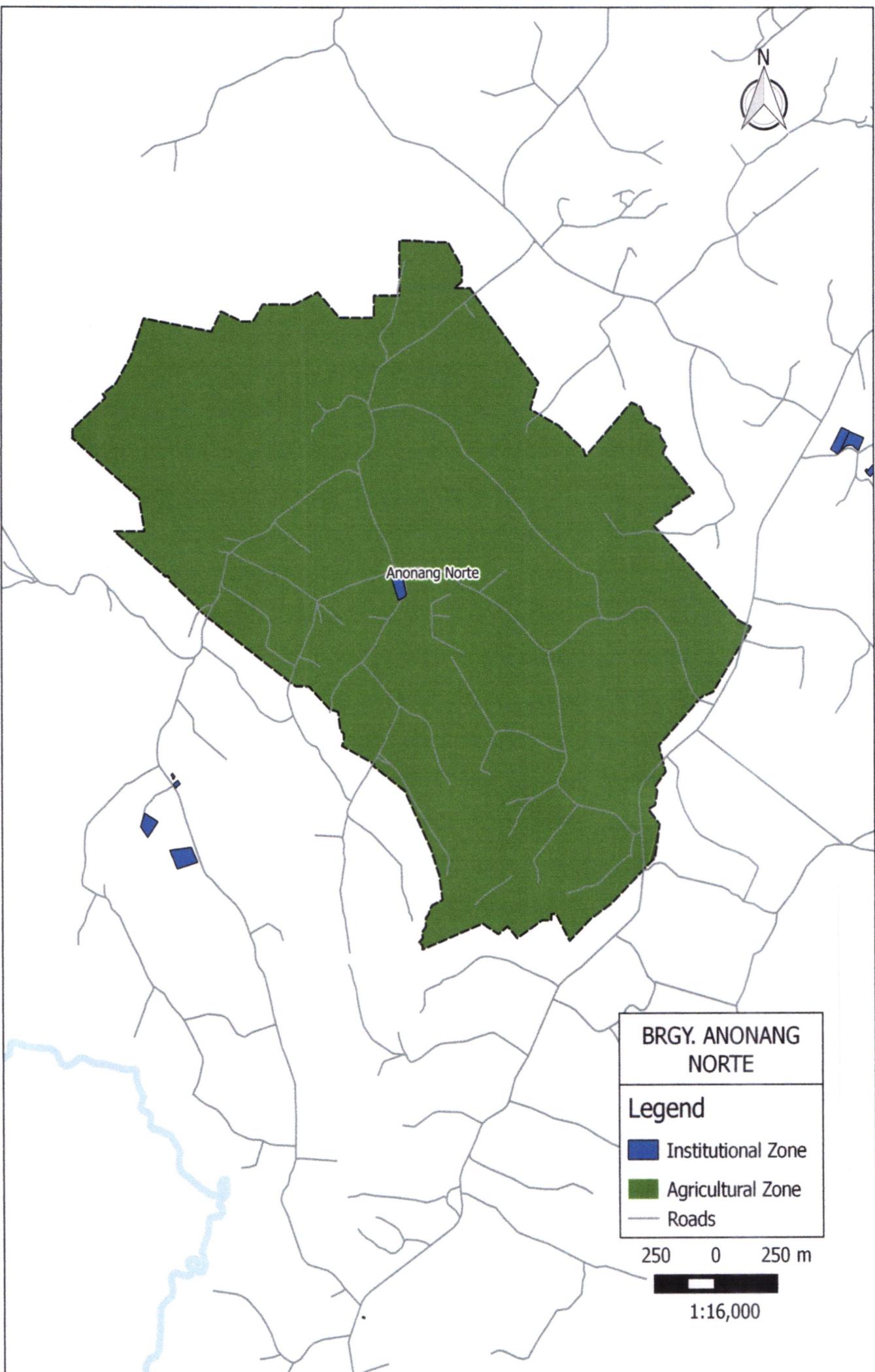
Atty. Carlo Jose A. Martinez  
City Mayor

Annex B Ordinance No. 018-2023

Approved per City Ordinance No.

018-2023

Reviewed per Sangguniang  
Panlalawigan Resolution No.



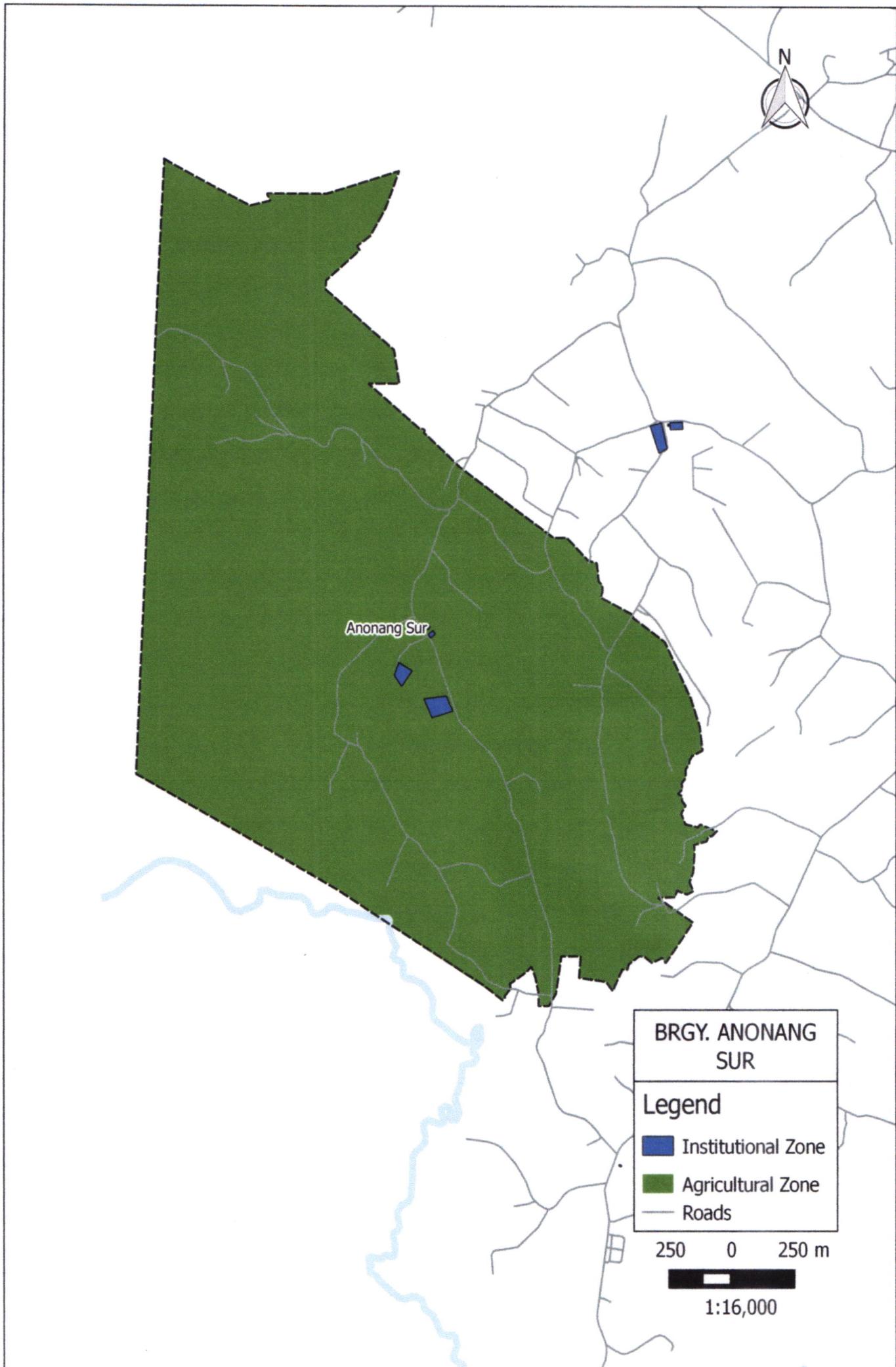
Signed by:

Atty. Carlo Jose A. Martinez  
City Mayor

Approved per City Ordinance No.

018-2023

Reviewed per Sangguniang Panlalawigan Resolution No.



Signed by:

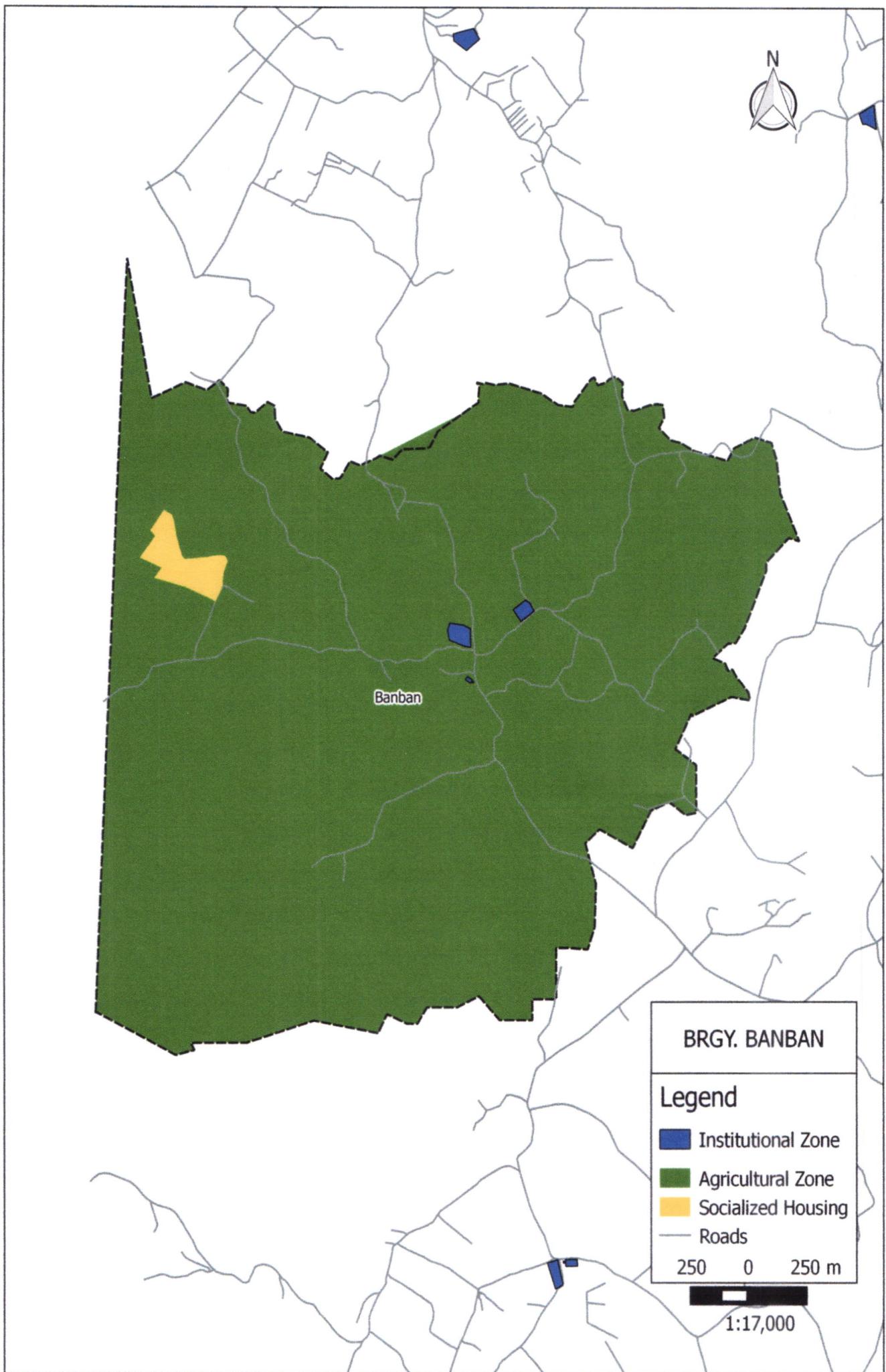
Atty. Carlo Jose A. Martinez  
City Mayor

Annex B Ordinance No. 018-2023

Approved per City Ordinance No.

018-2023

Reviewed per Sangguniang  
Panlalawigan Resolution No.



Signed by:

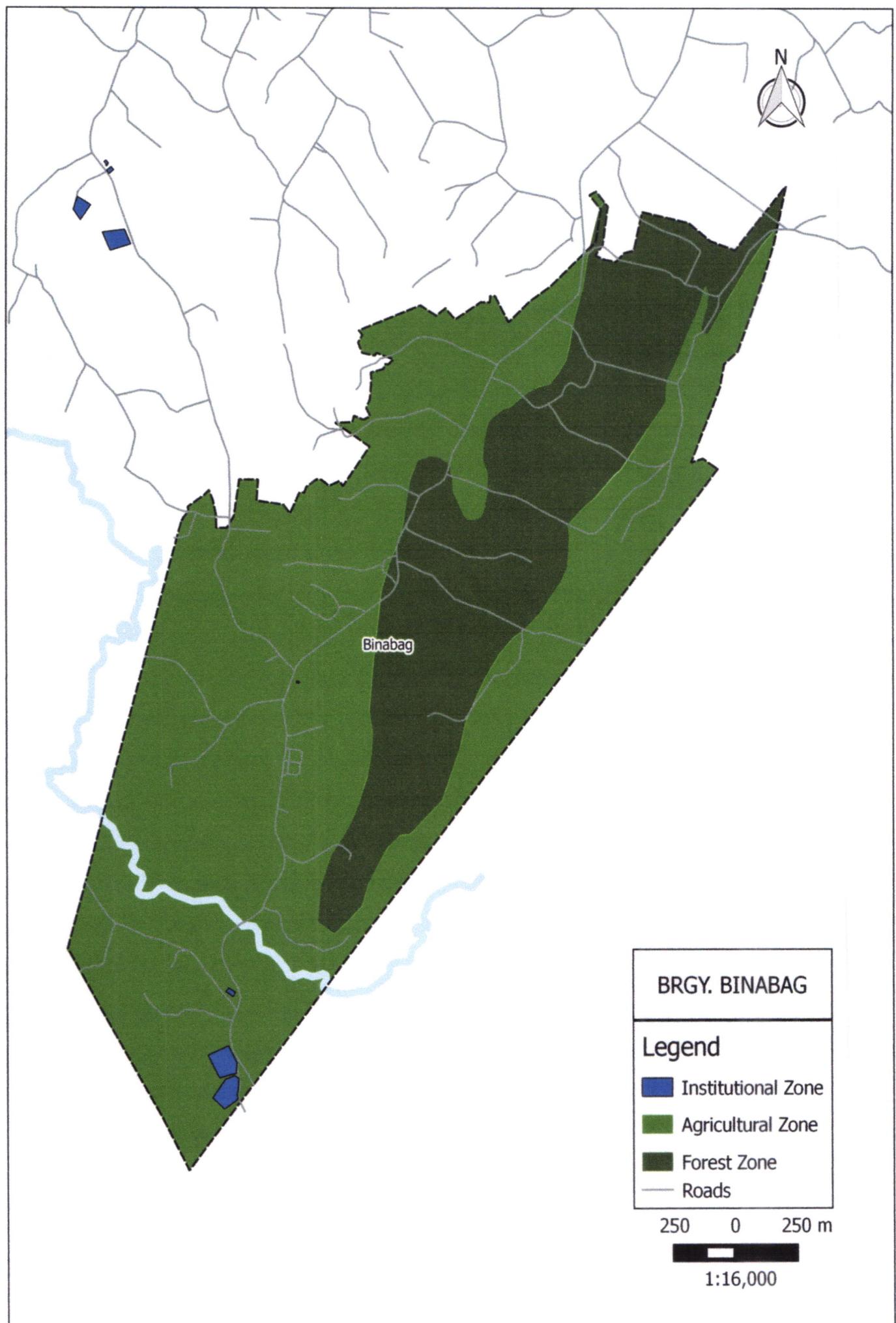
Atty. Carlo Jose A. Martinez  
City Mayor

Annex B Ordinance No. 018-2023

Approved per City Ordinance No.

018-2023

Reviewed per Sangguniang  
Panlalawigan Resolution No.



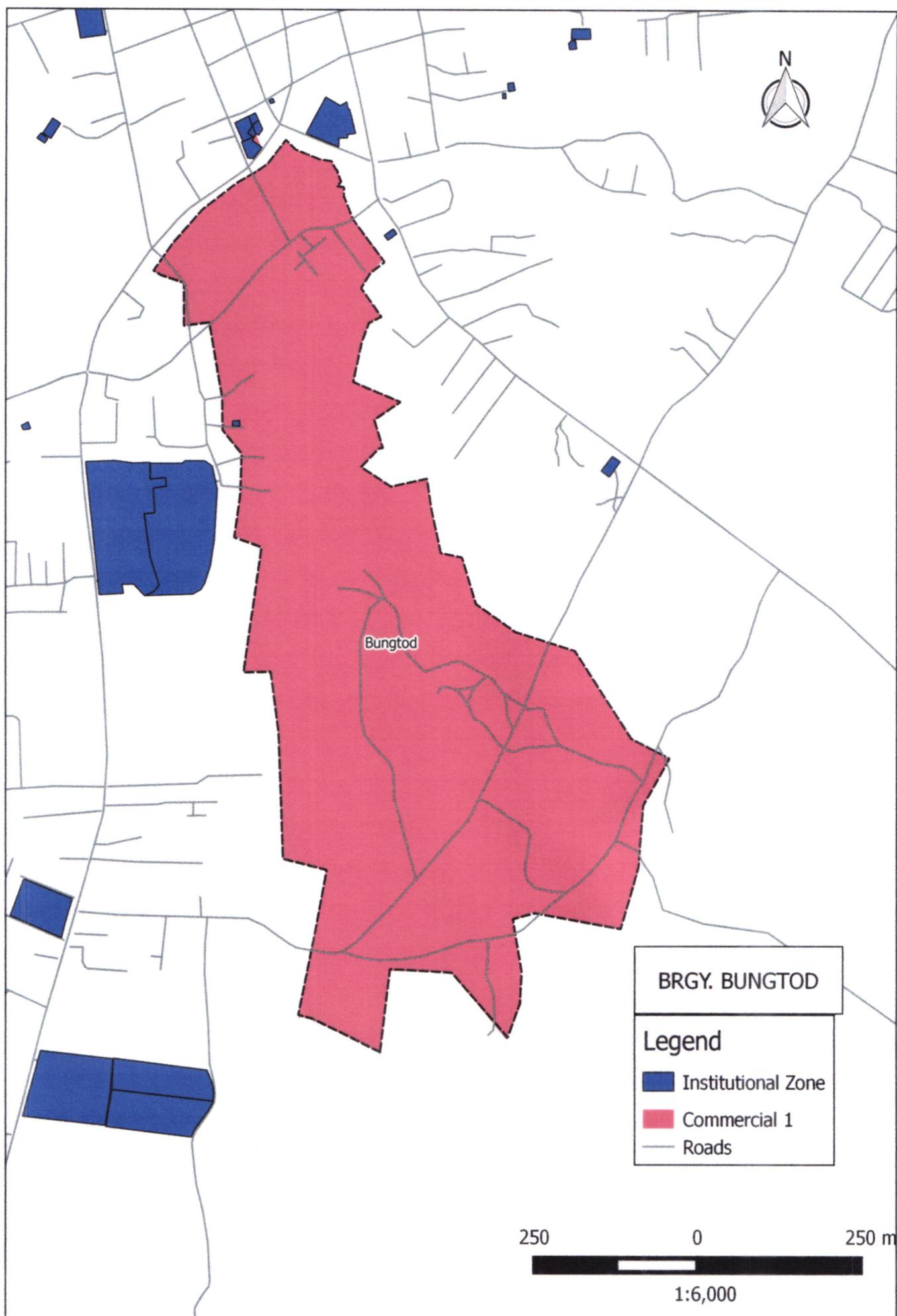
Signed by  
  
Atty. Carlo Jose A. Martinez  
 City Mayor

Annex B Ordinance No. 018-2023

Approved per City Ordinance No.

018-2023

Reviewed per Sangguniang  
Panlalawigan Resolution No.



Signed by:

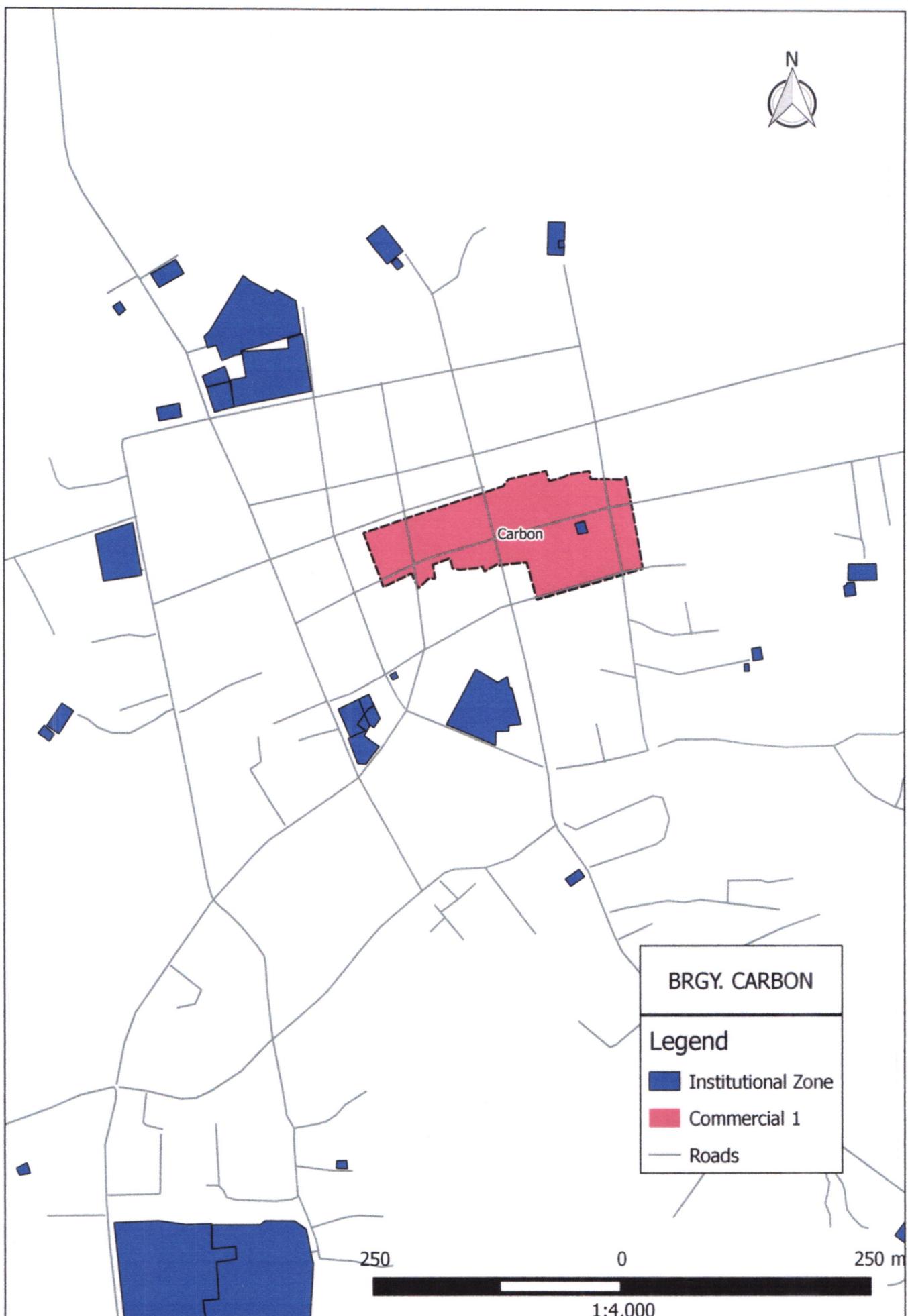
Atty. Celio Jose A. Martinez  
City Mayor

Annex B Ordinance No. 018-2023

Approved per City Ordinance No.

018-2023

Reviewed per Sangguniang  
Panlalawigan Resolution No.



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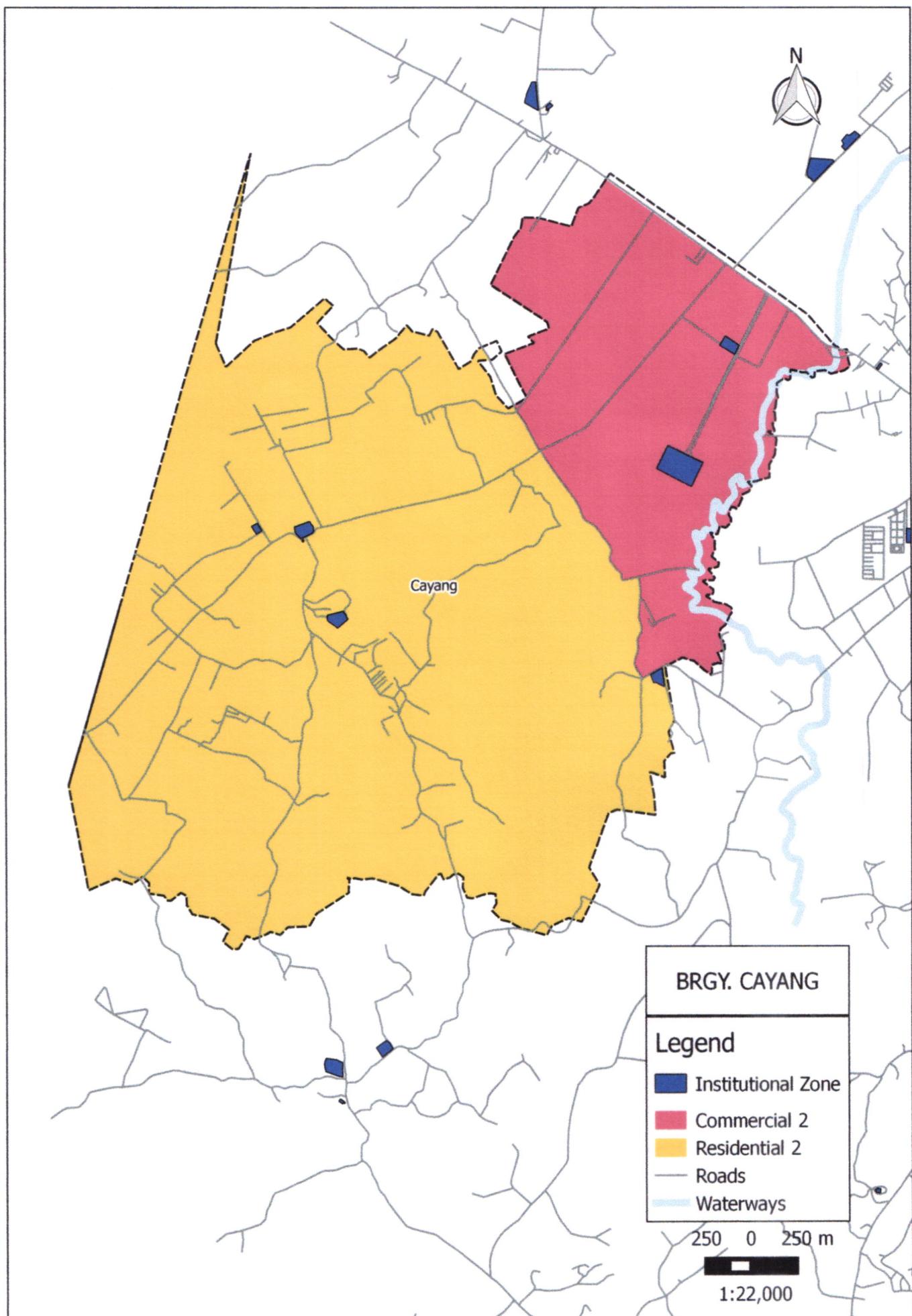
Atty. Carlo Jose A. Martinez  
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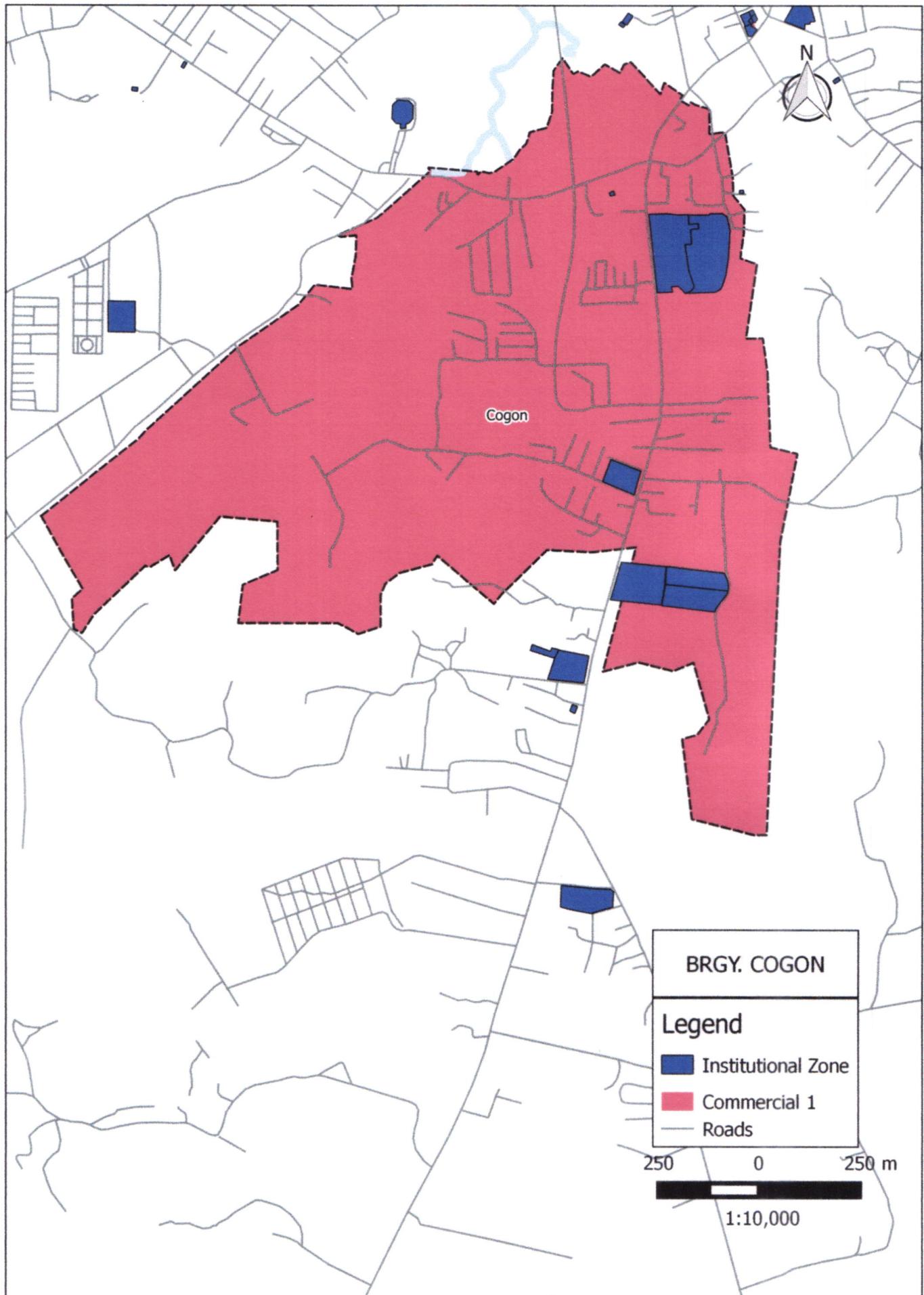
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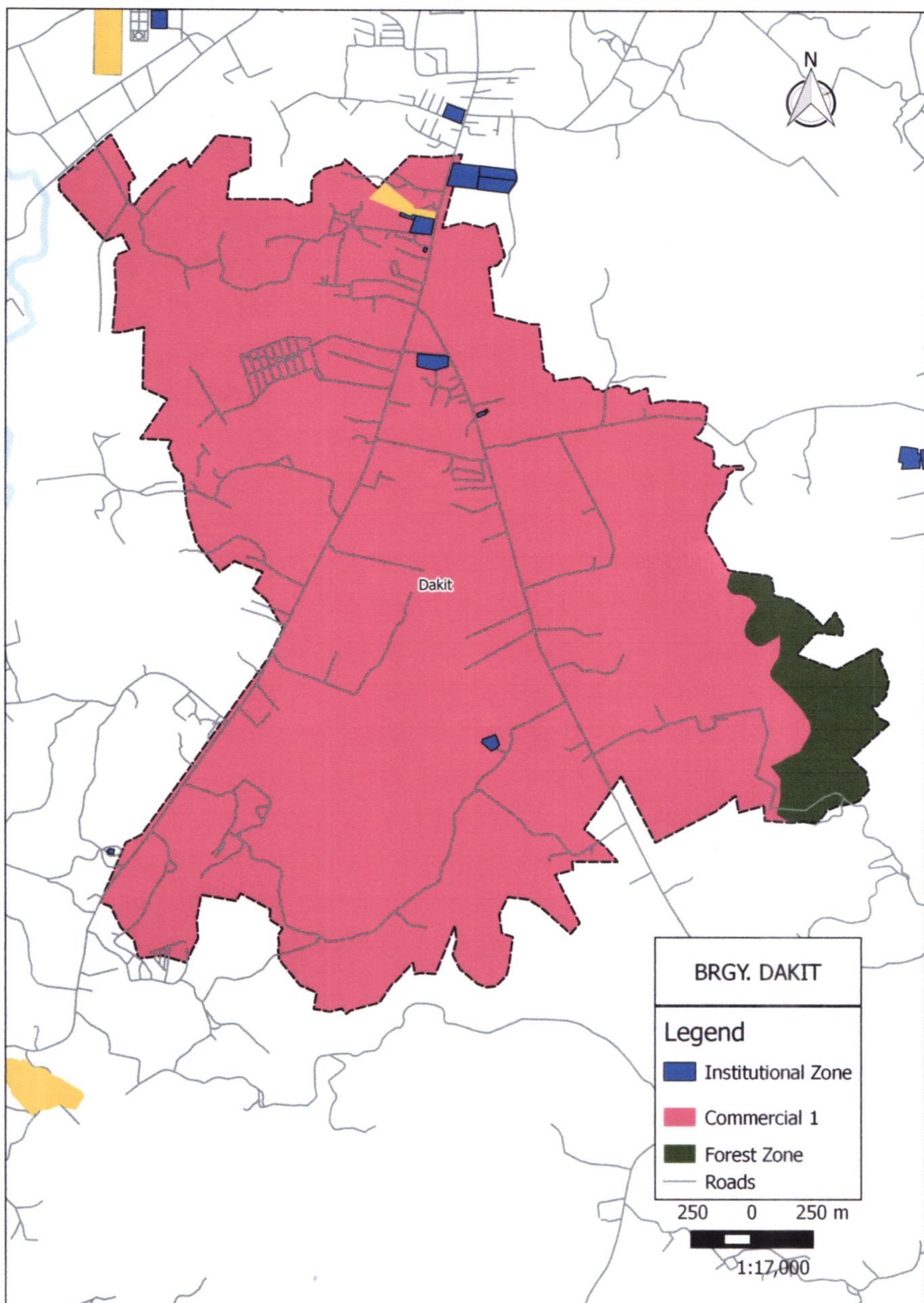
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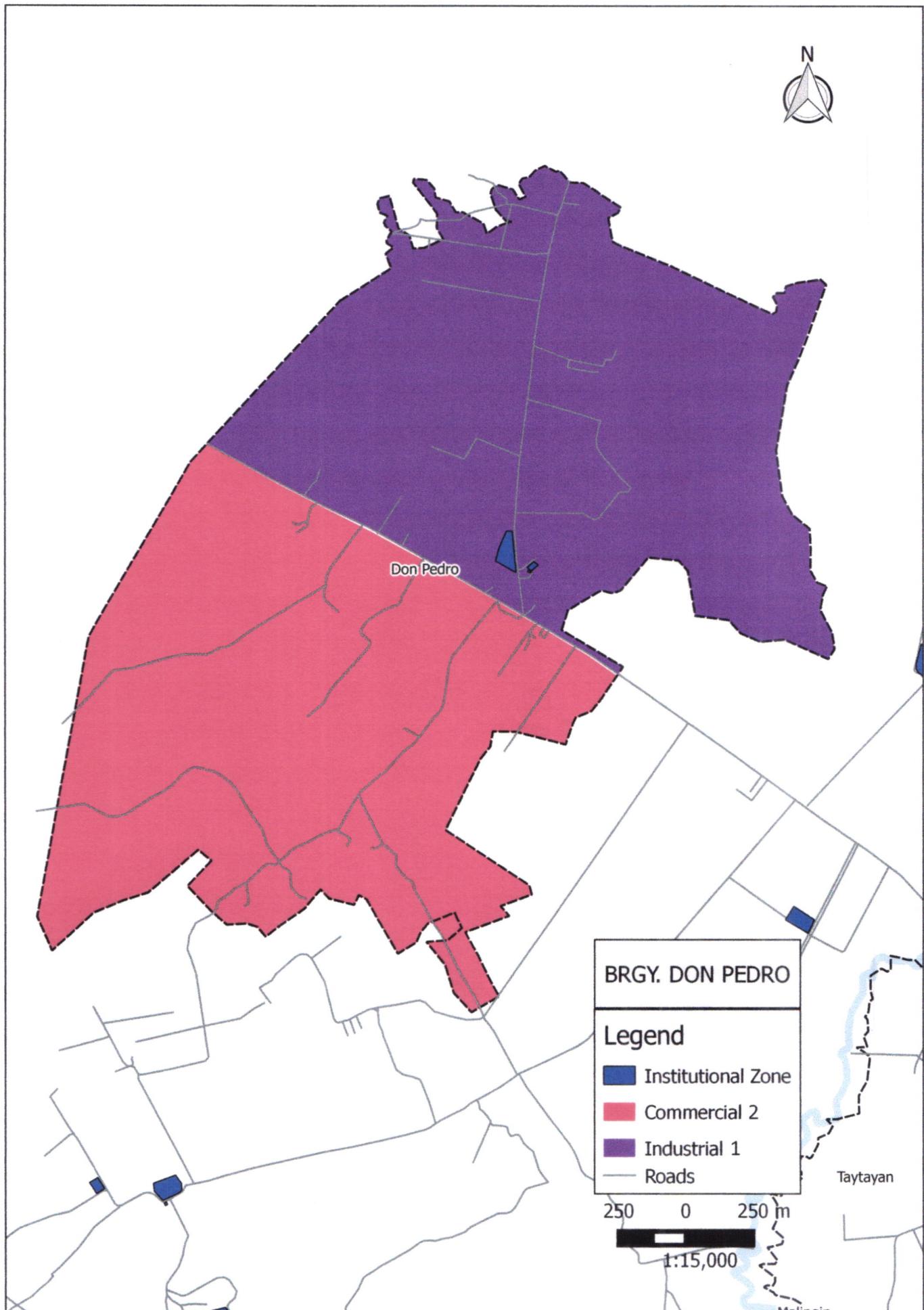
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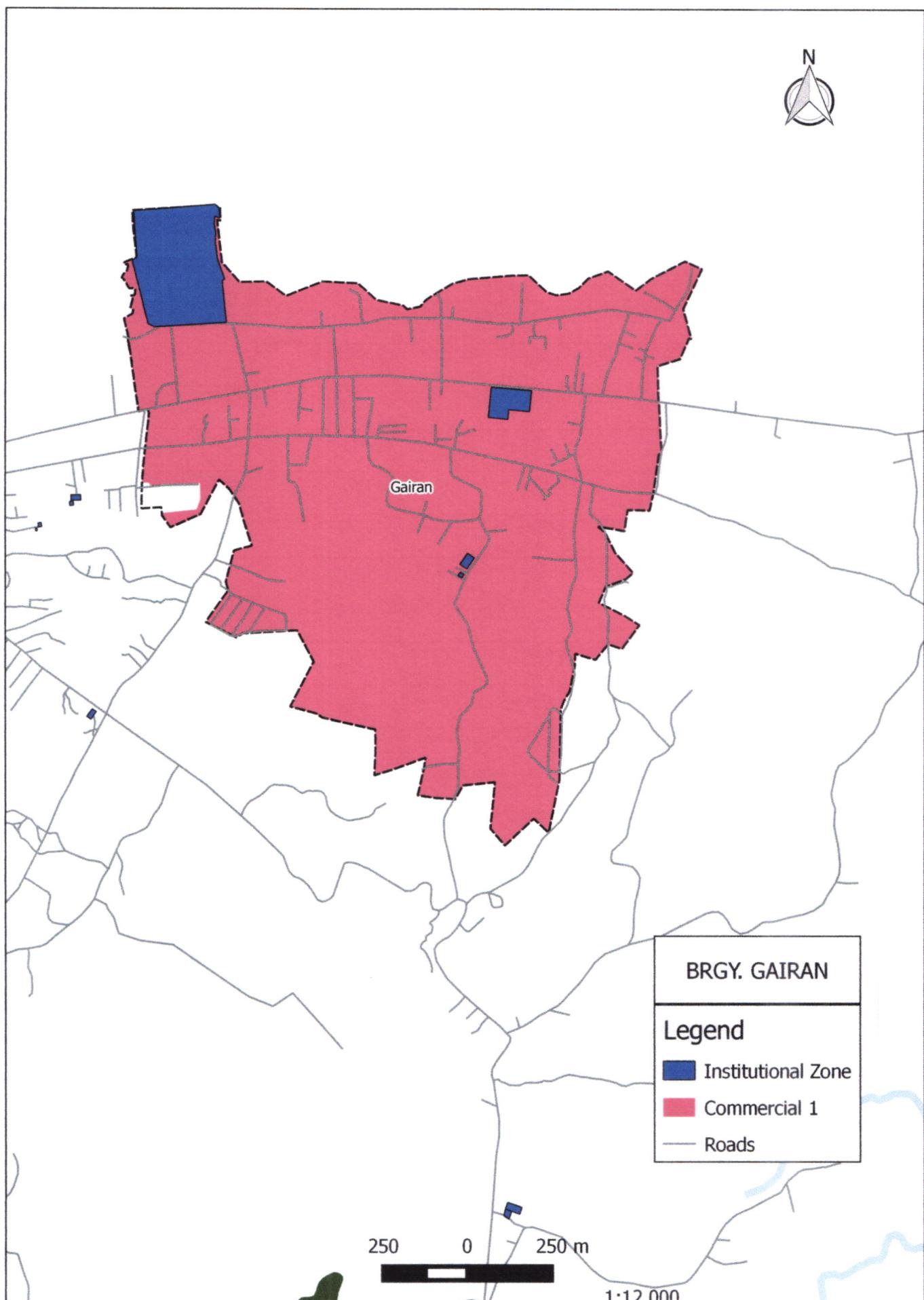
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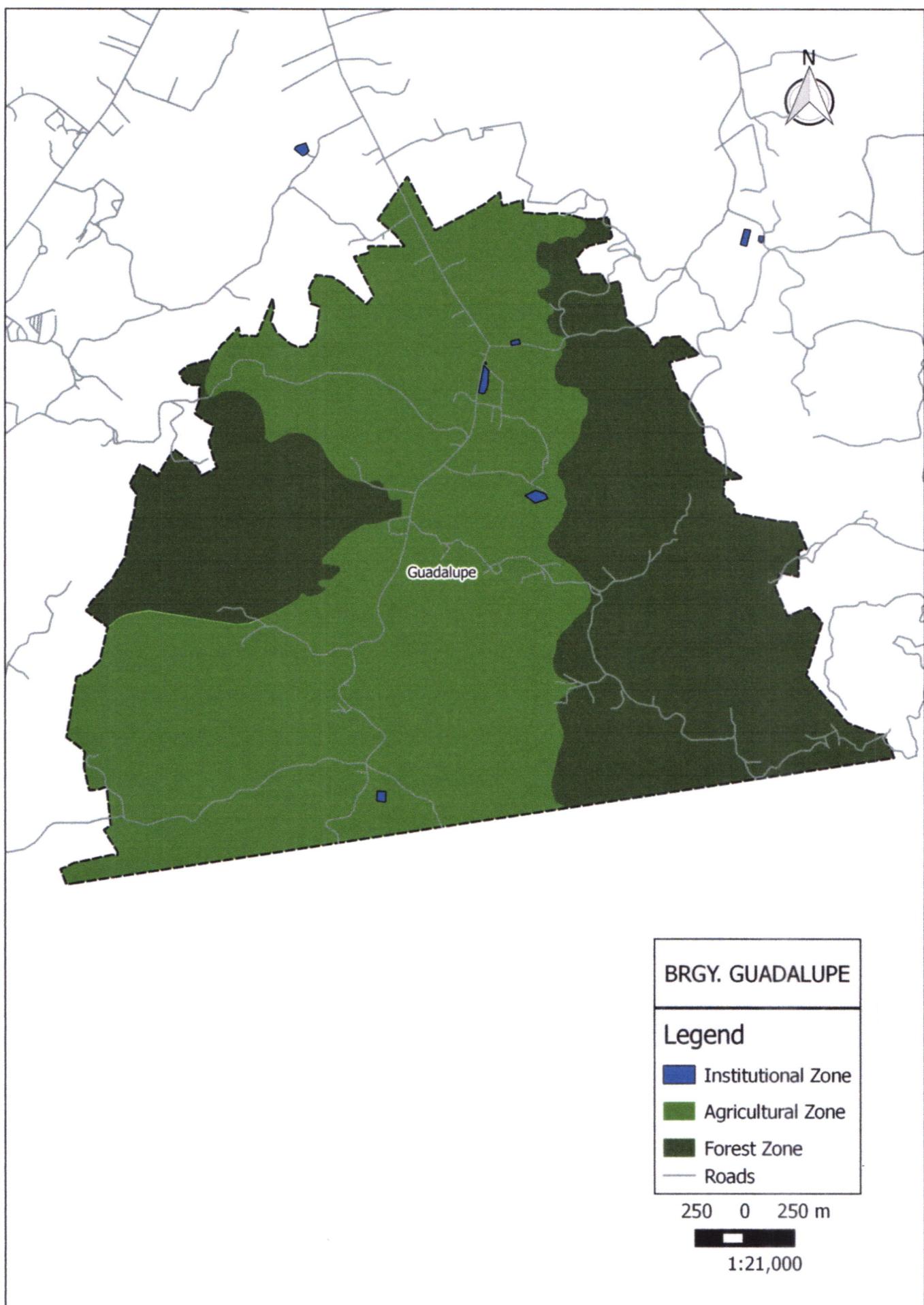
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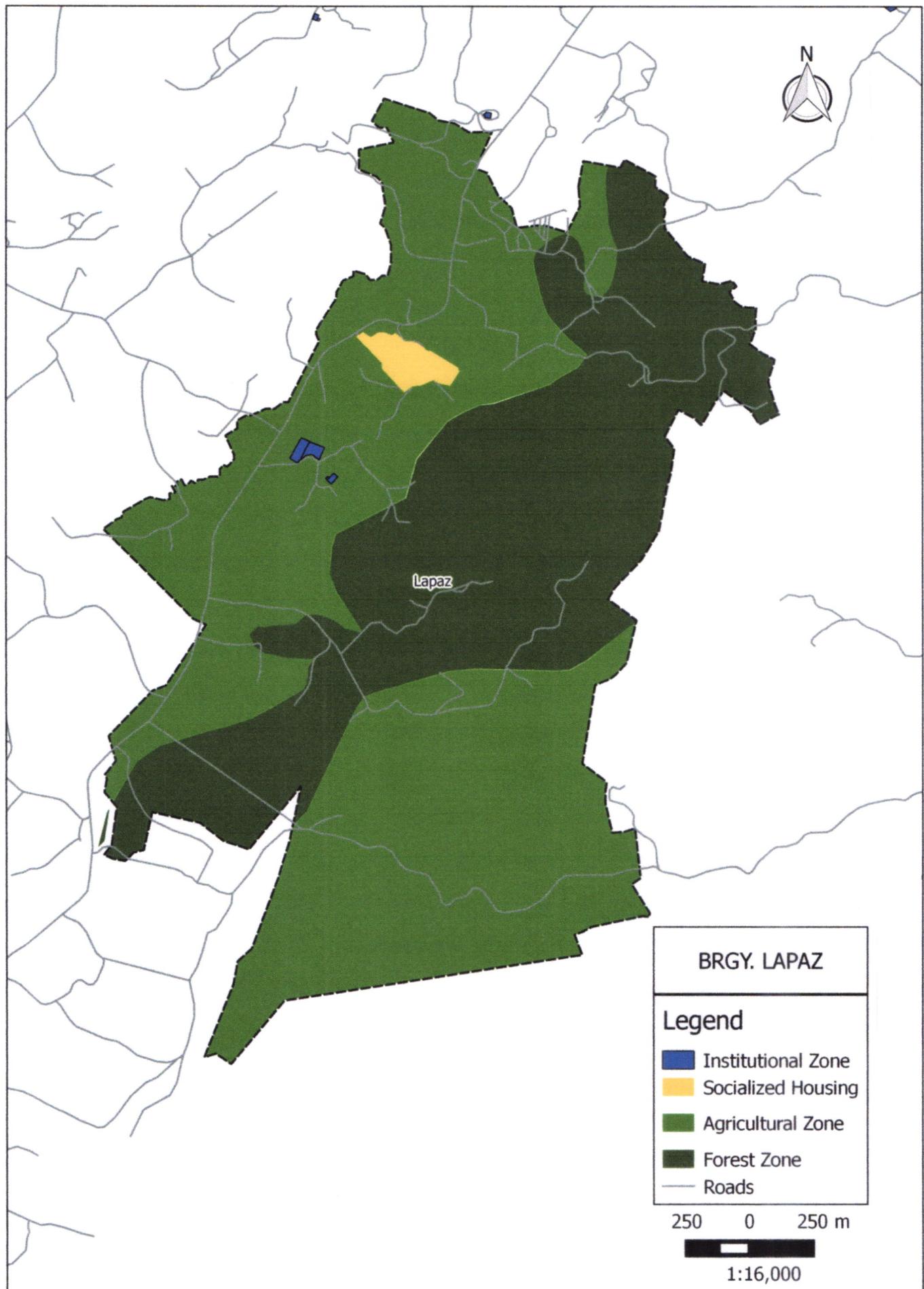
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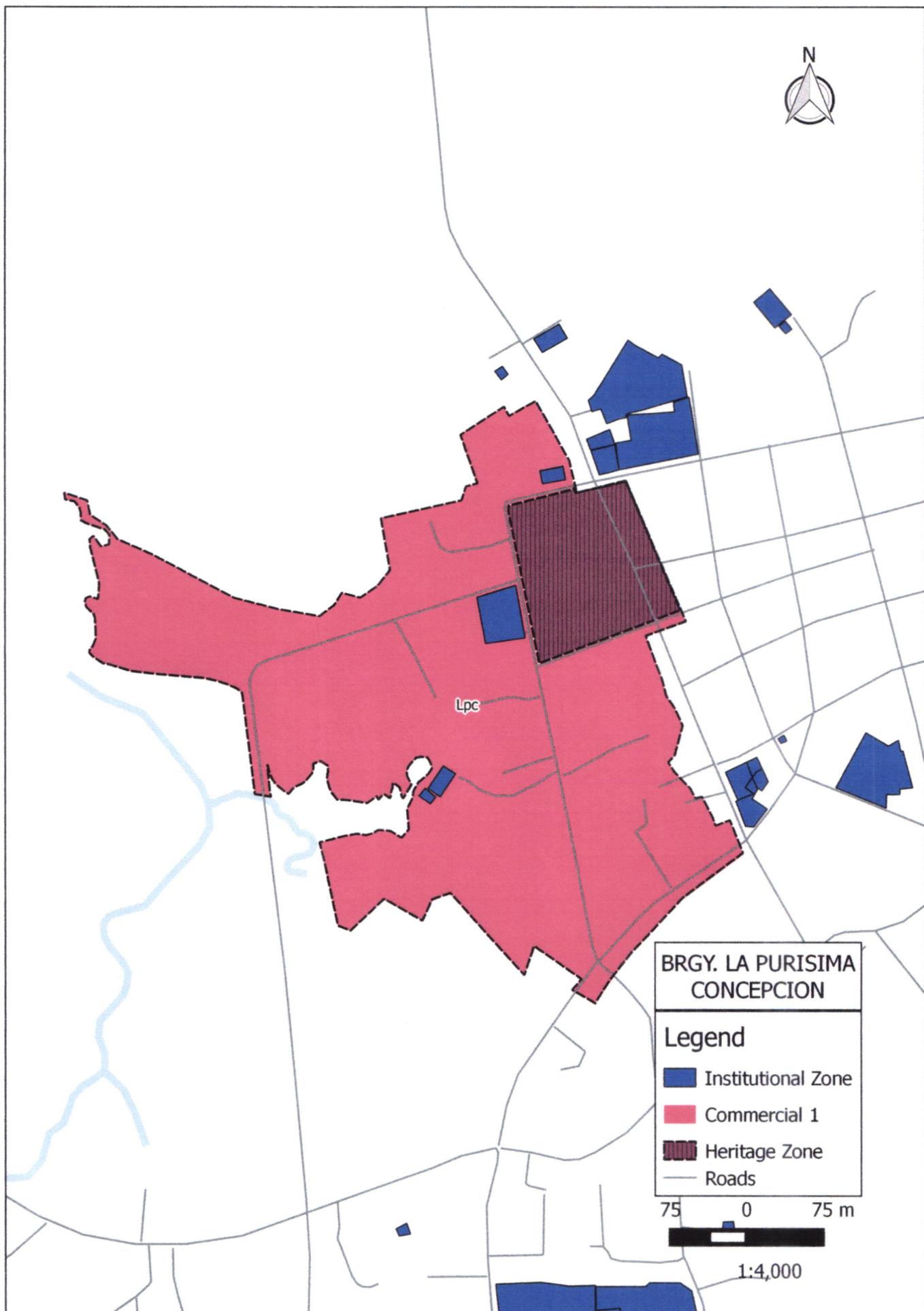
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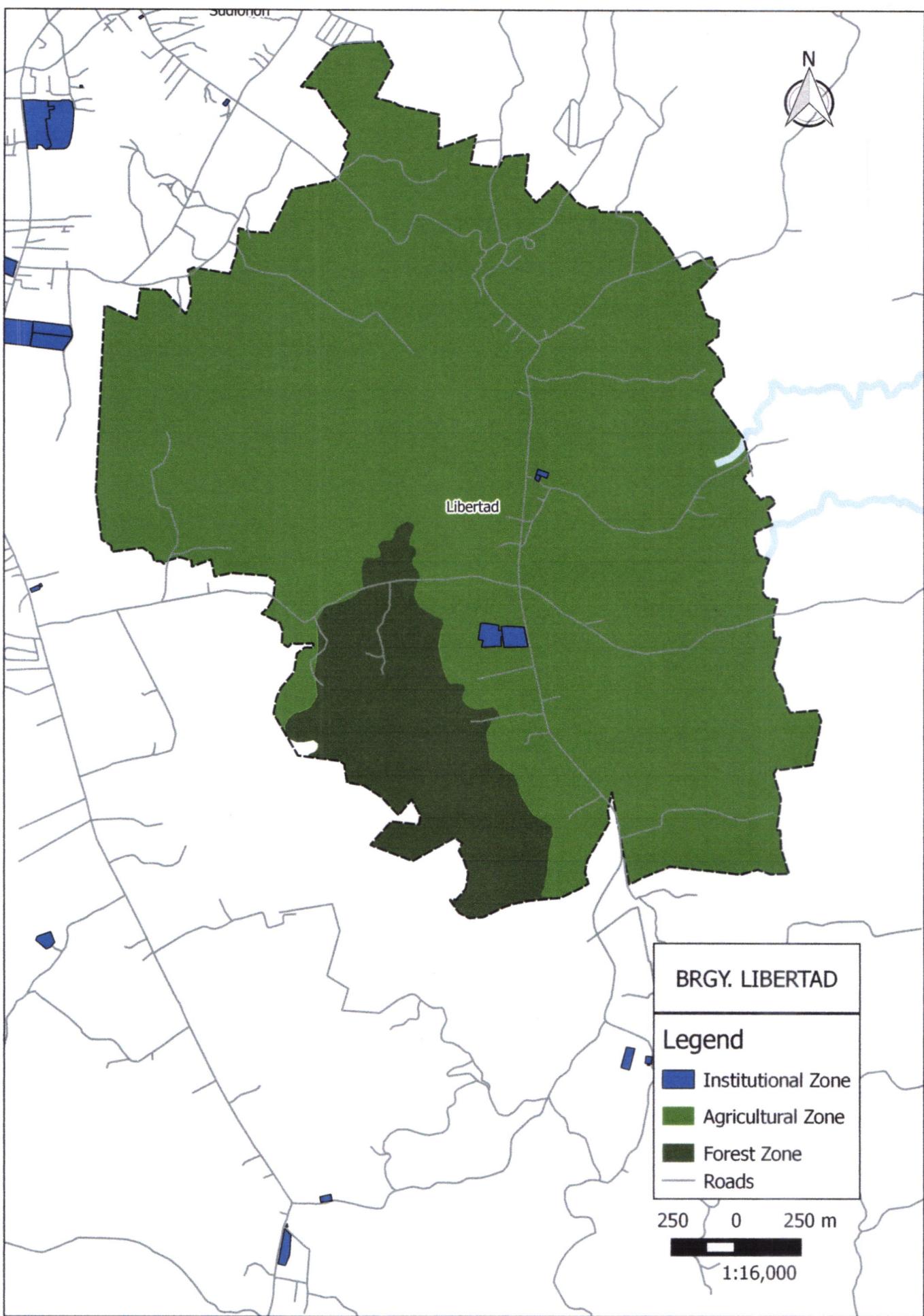
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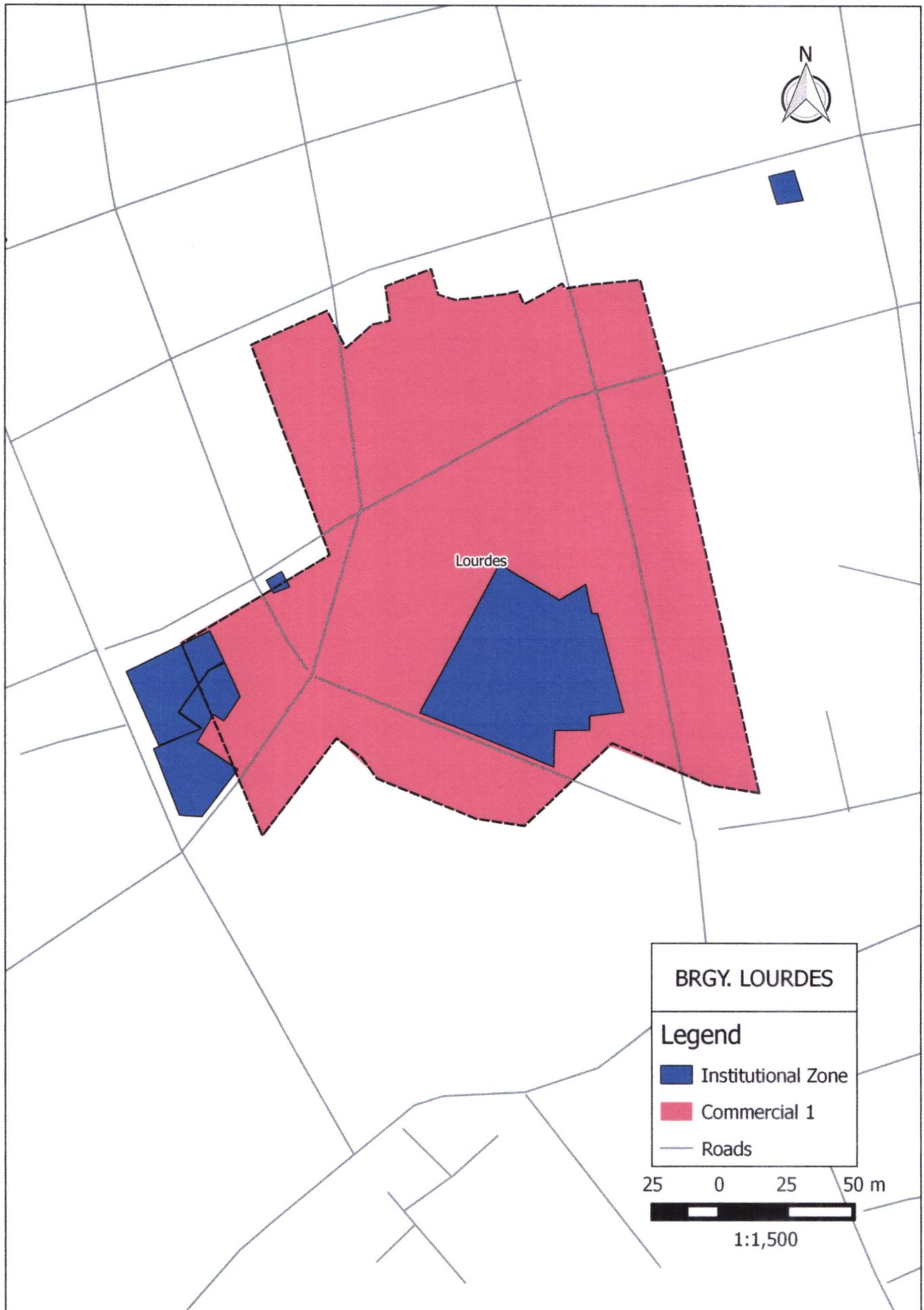
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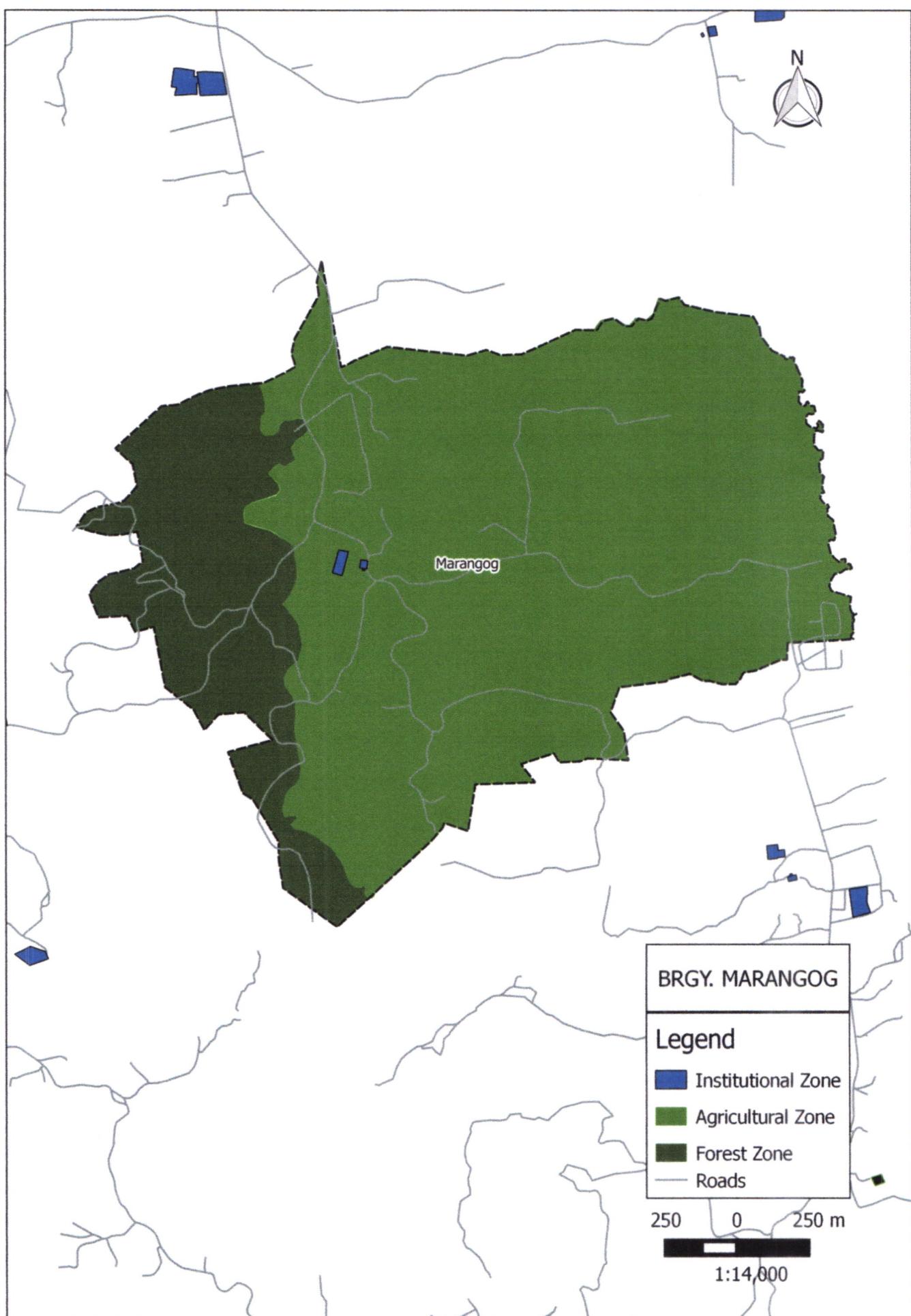
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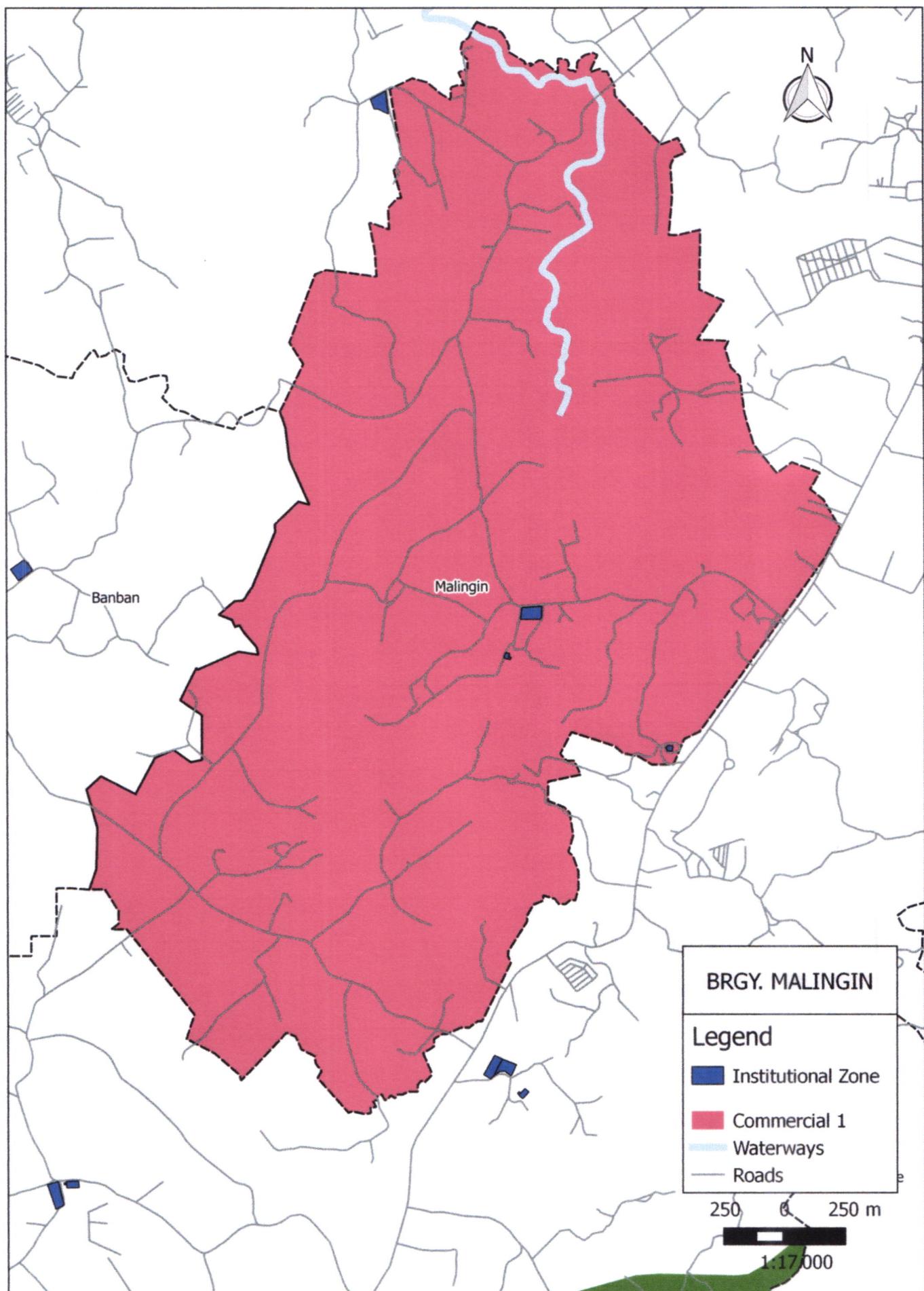
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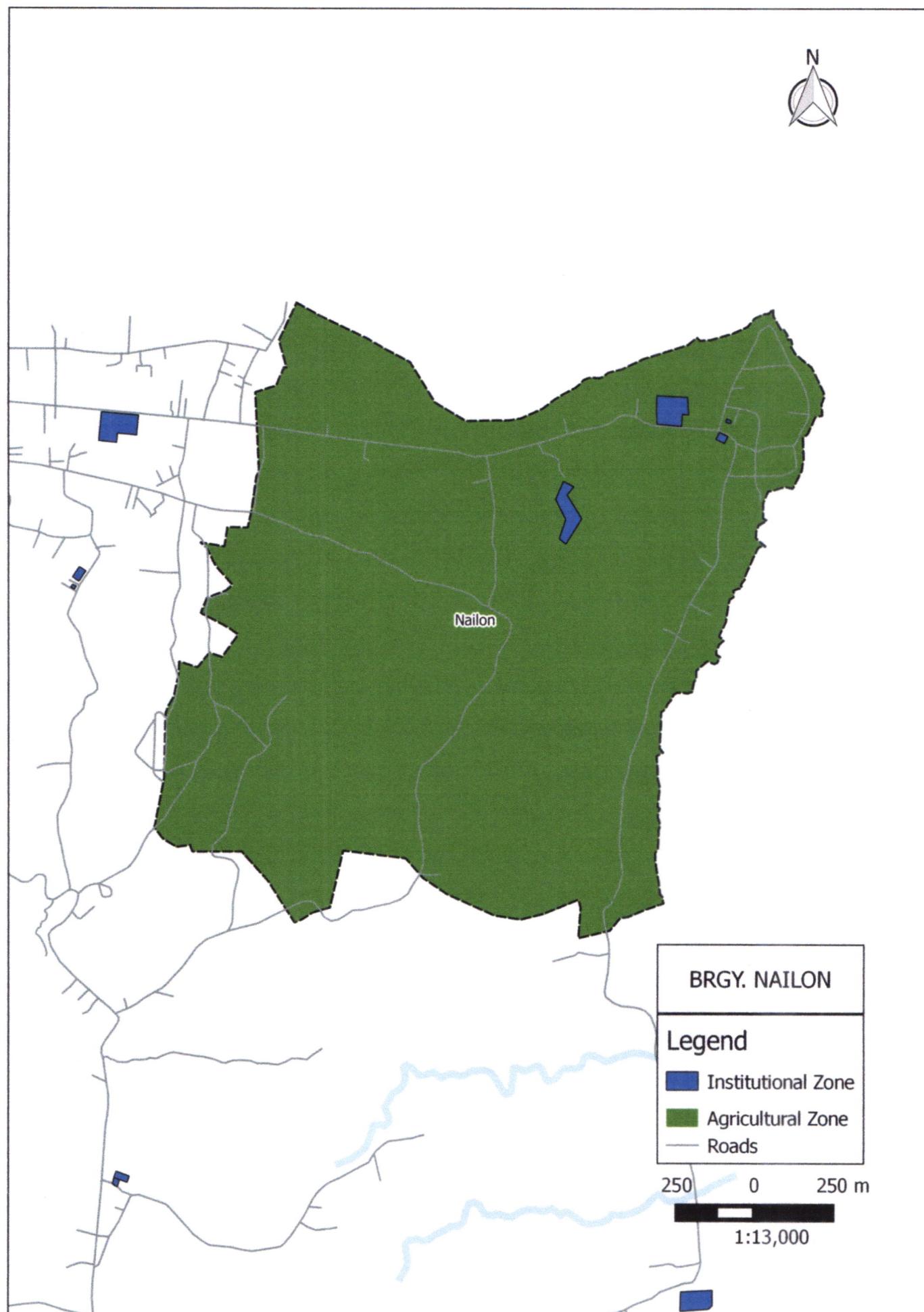
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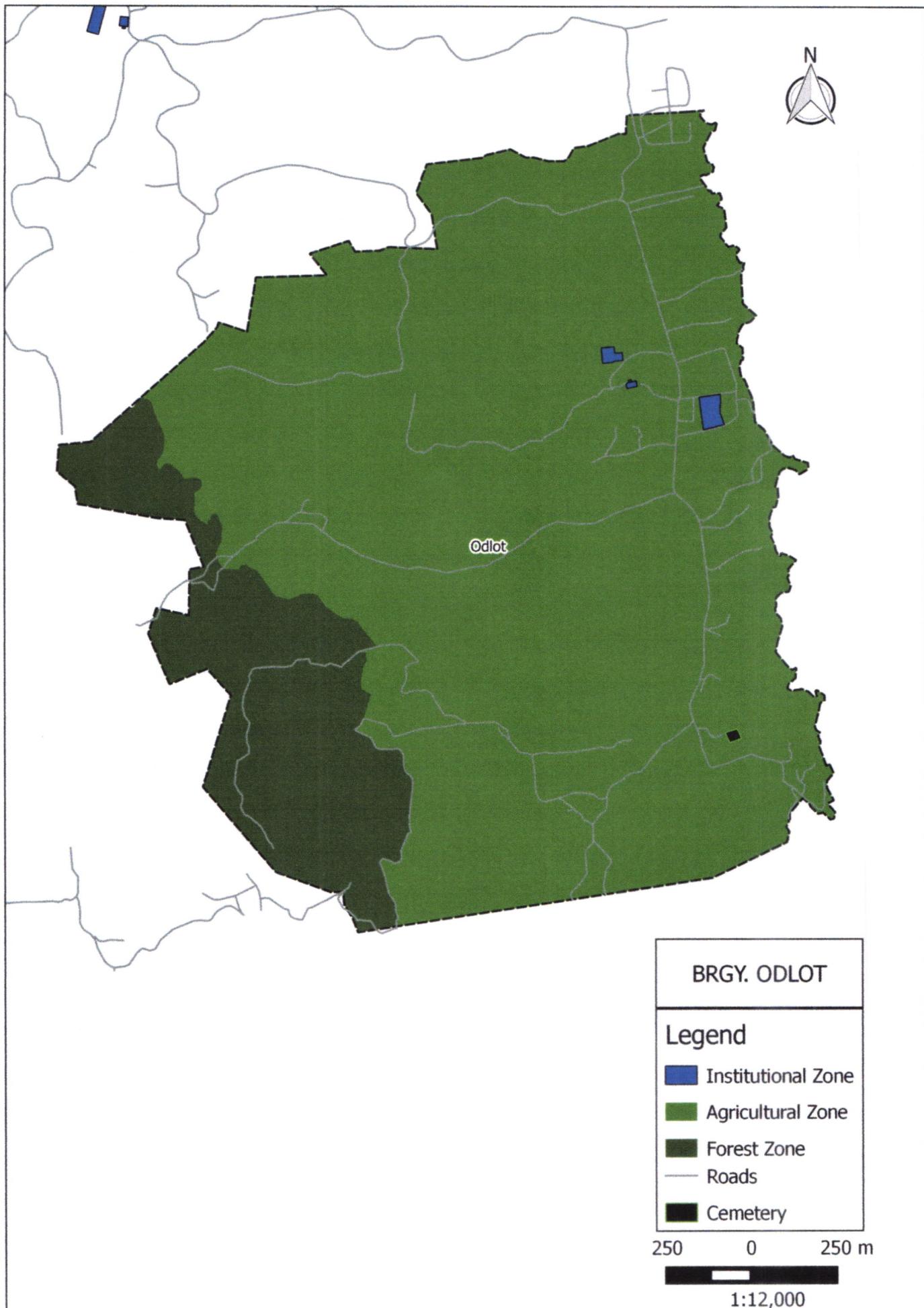
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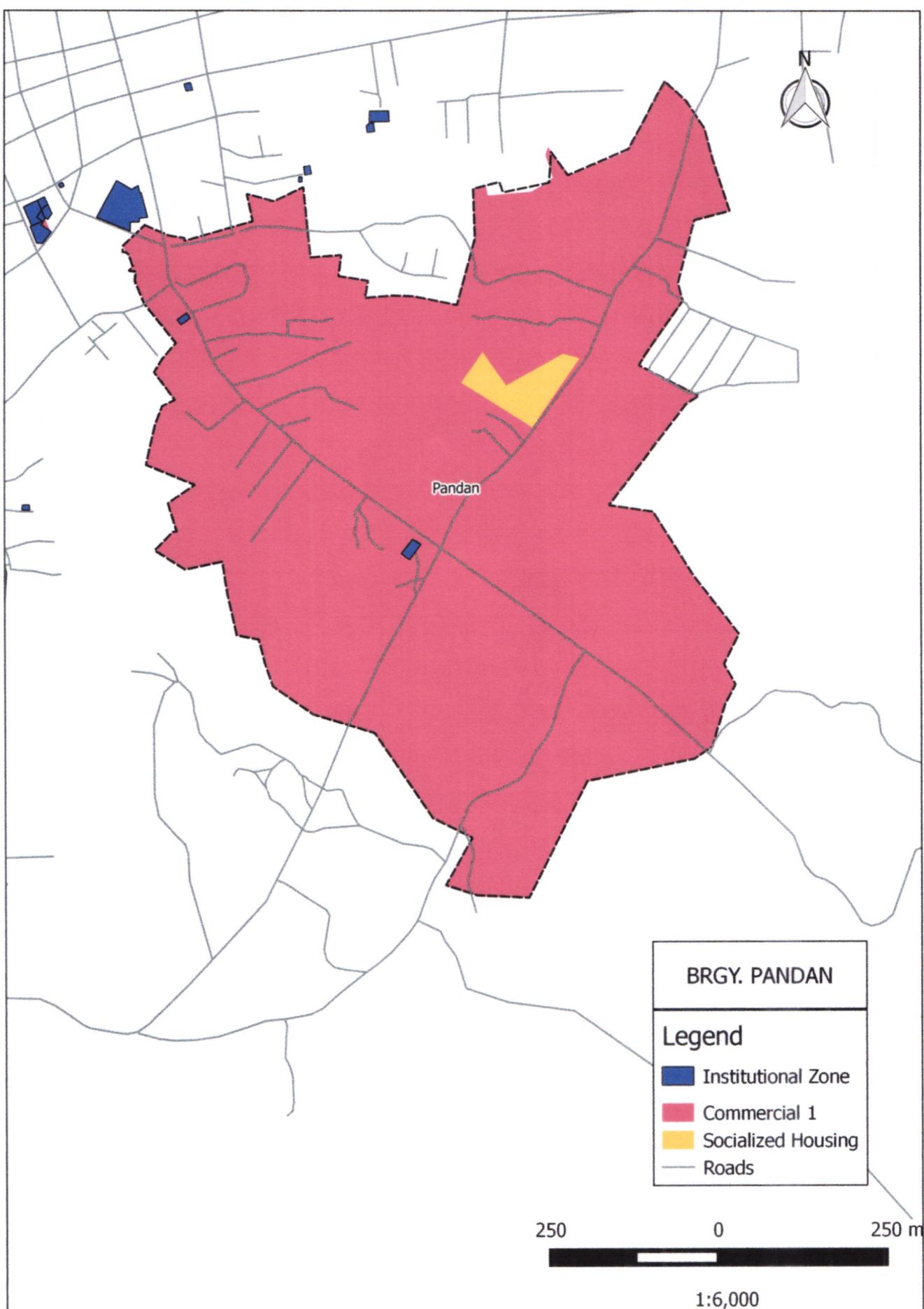
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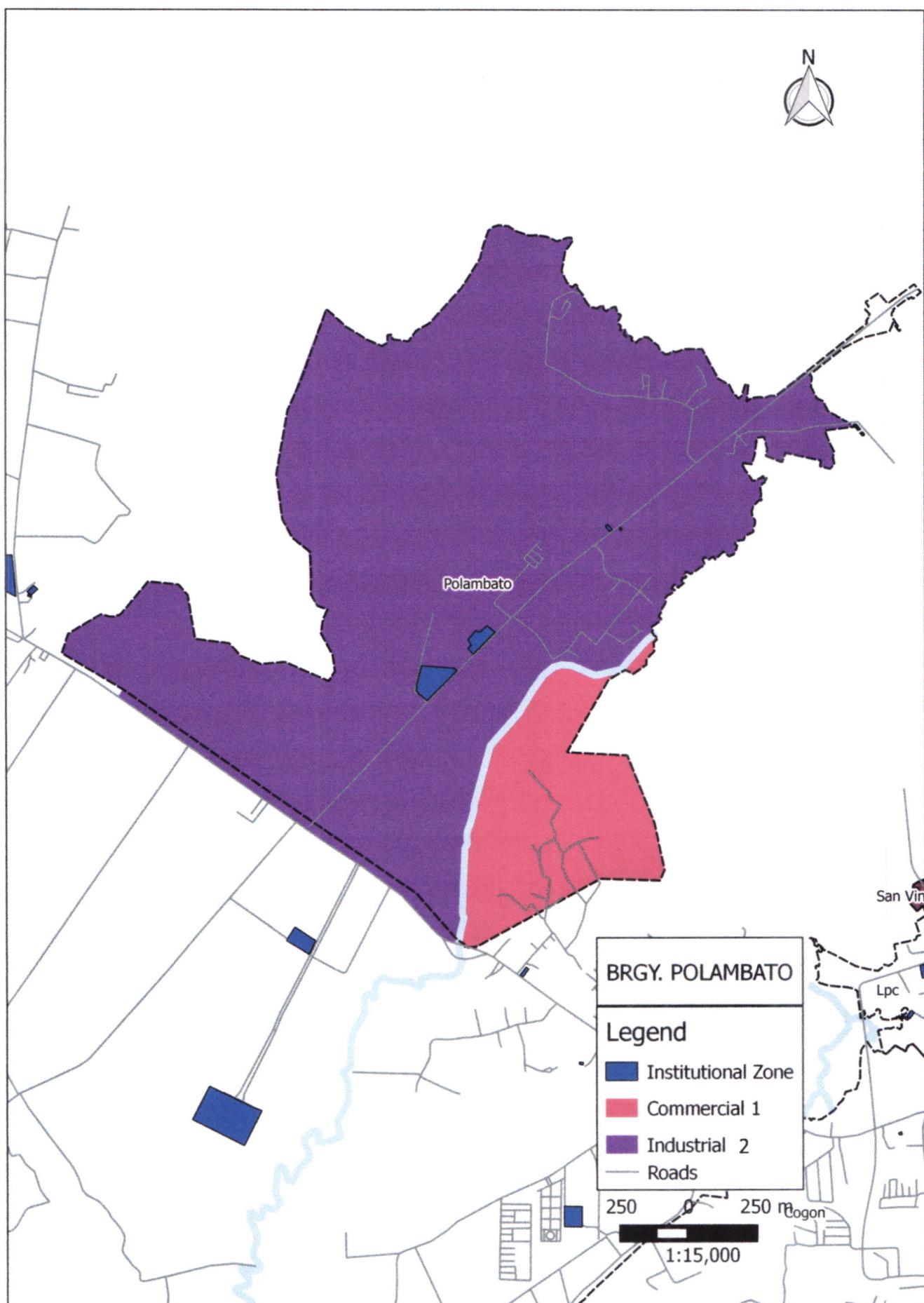
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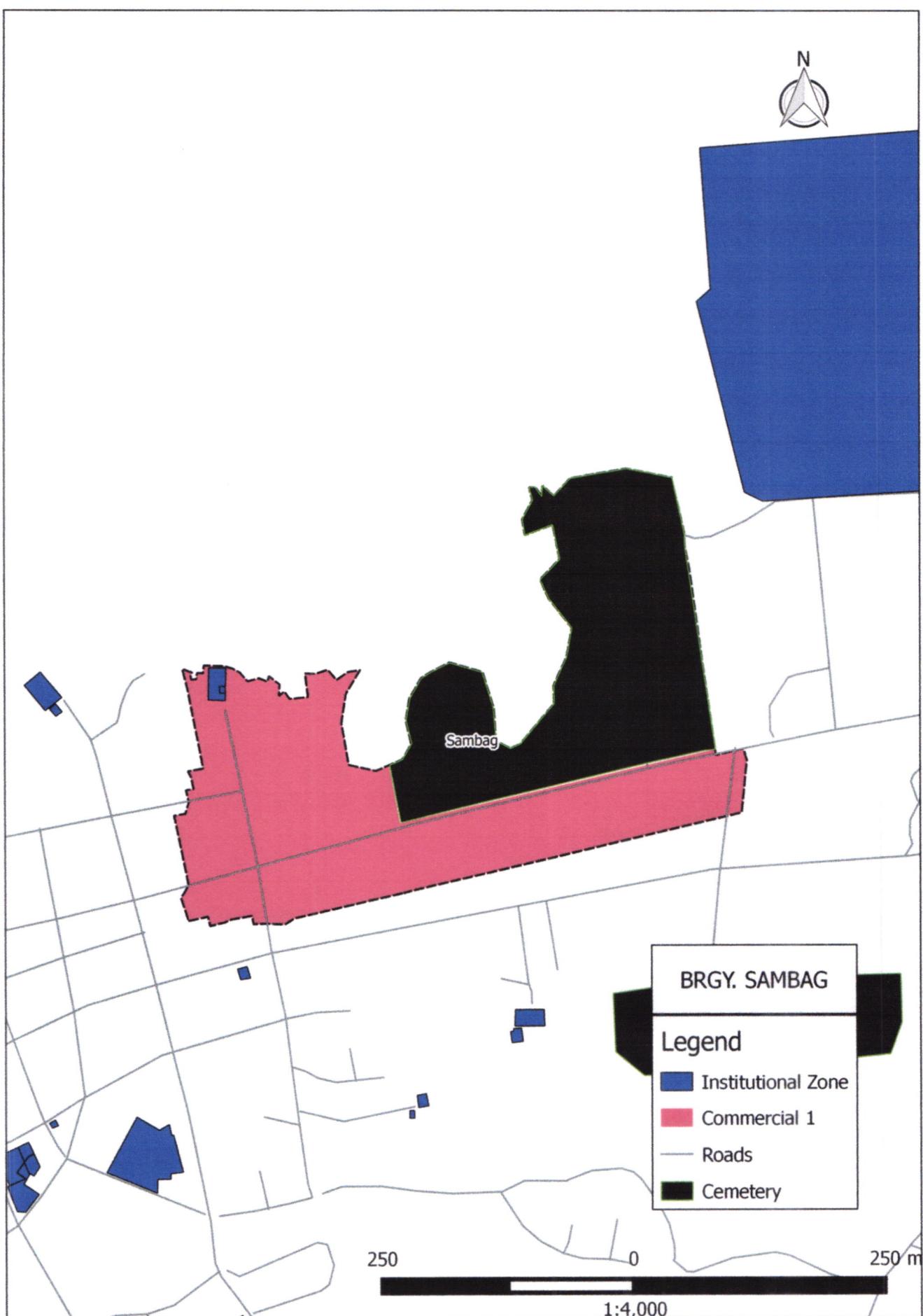
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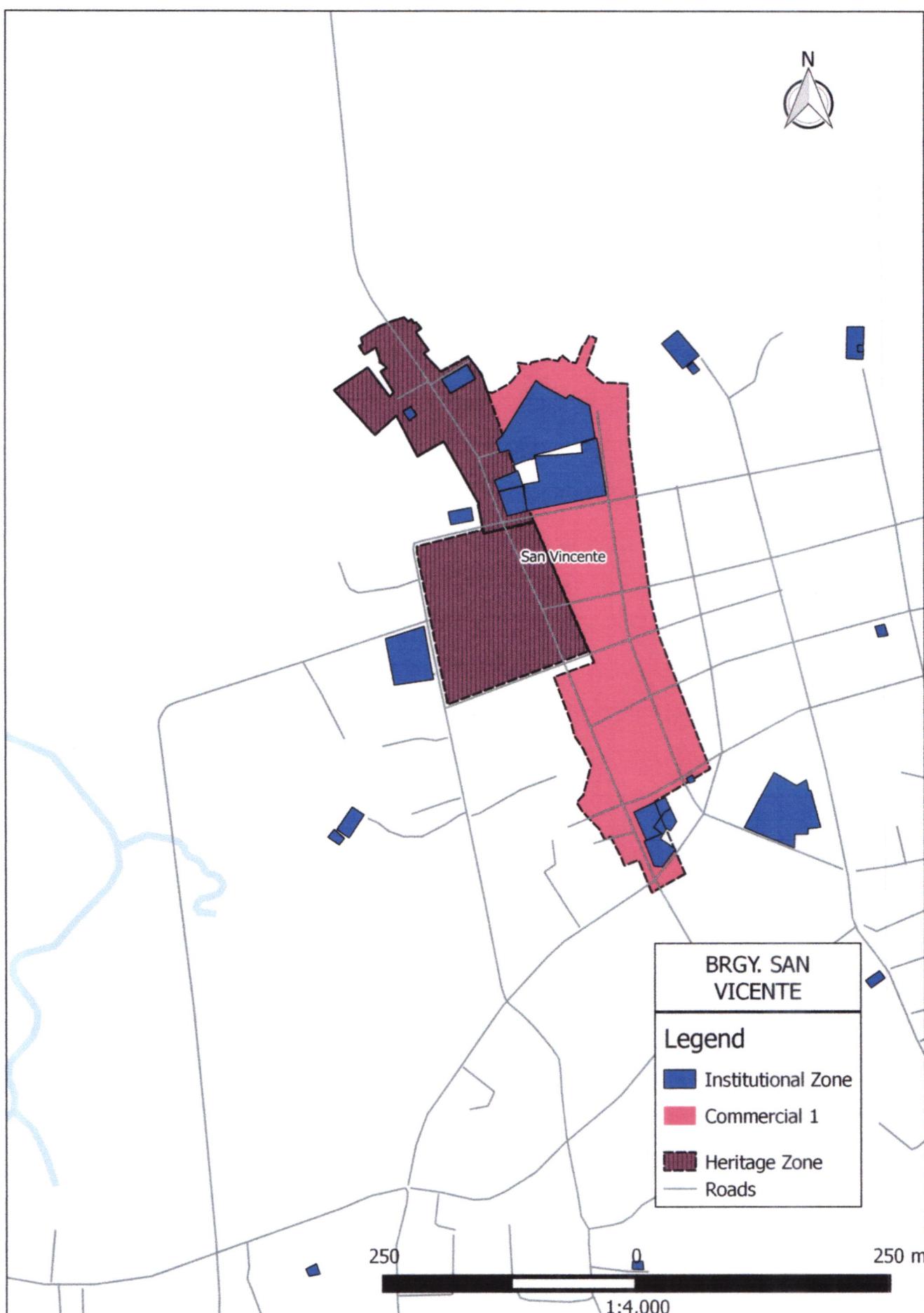
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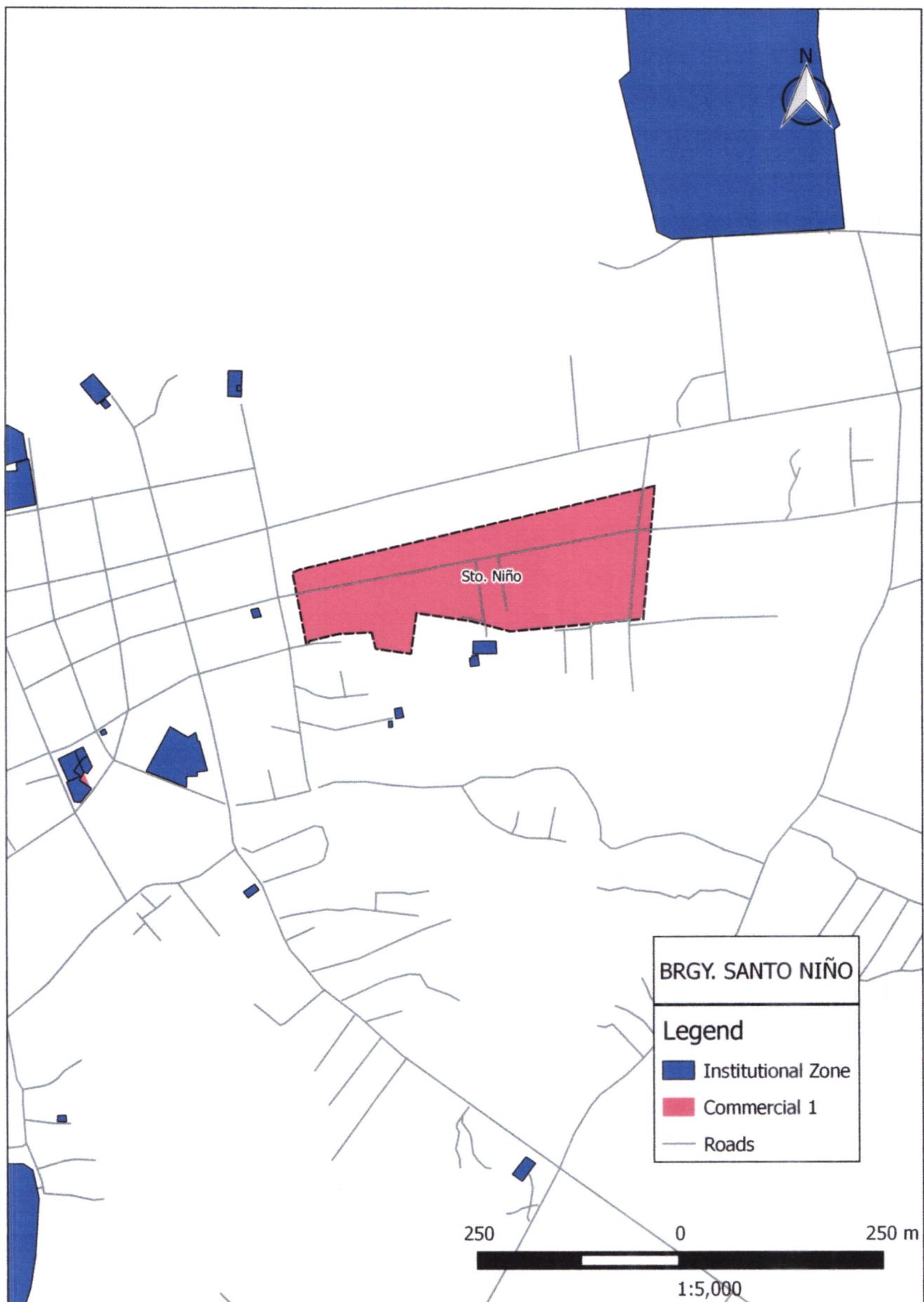
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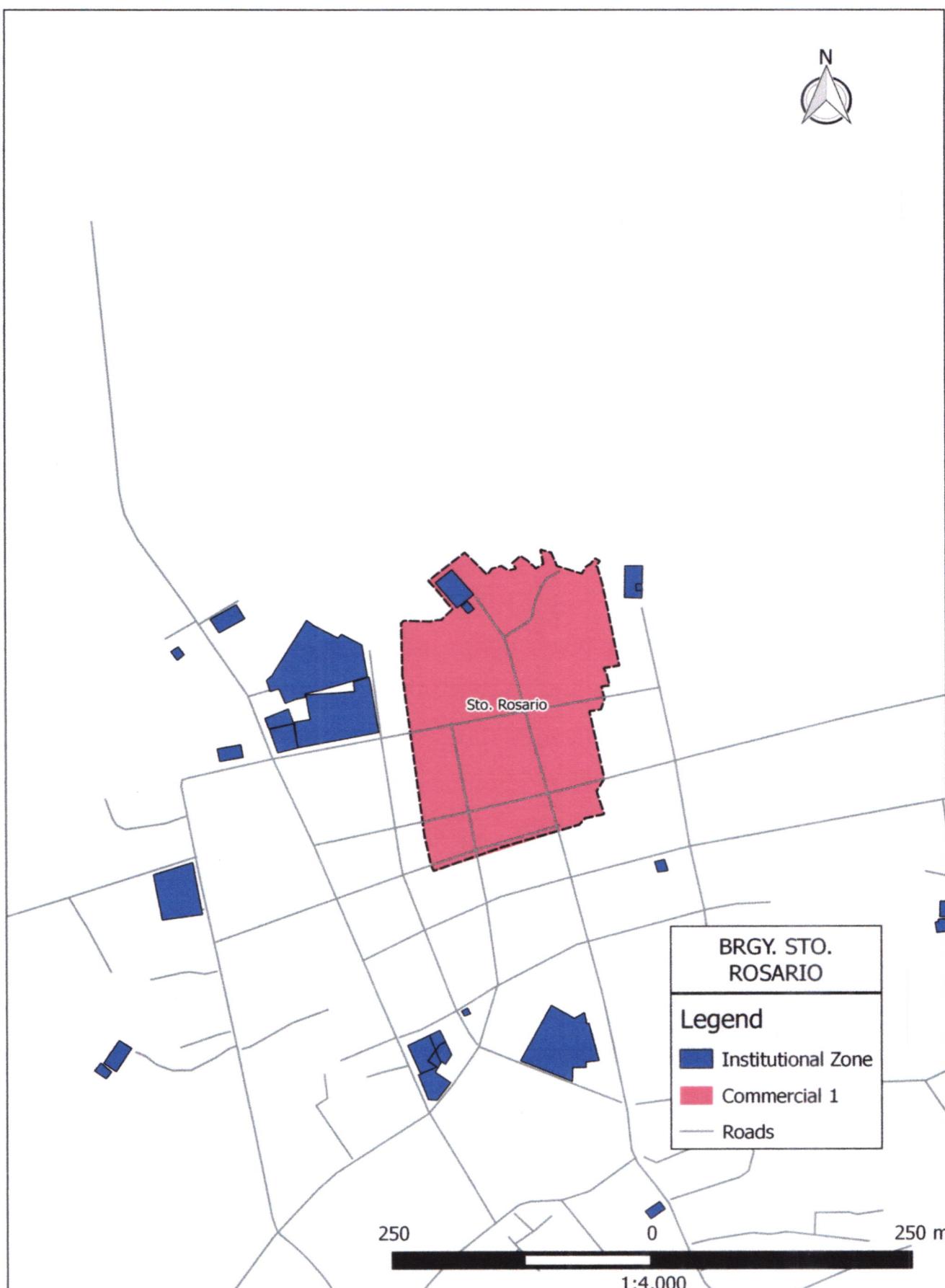
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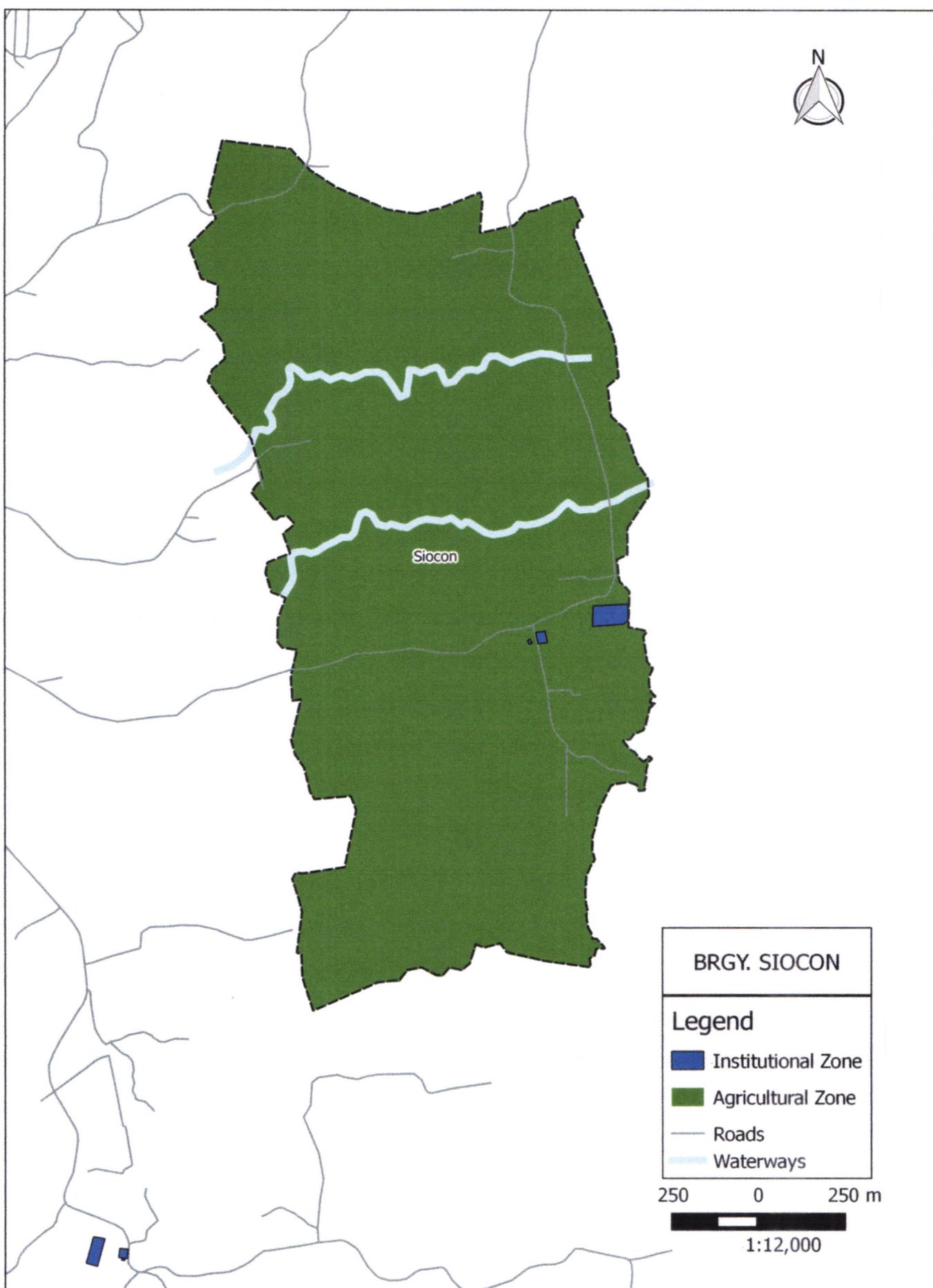
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Atty. Carlo Jose A. Martinez  
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018-2023

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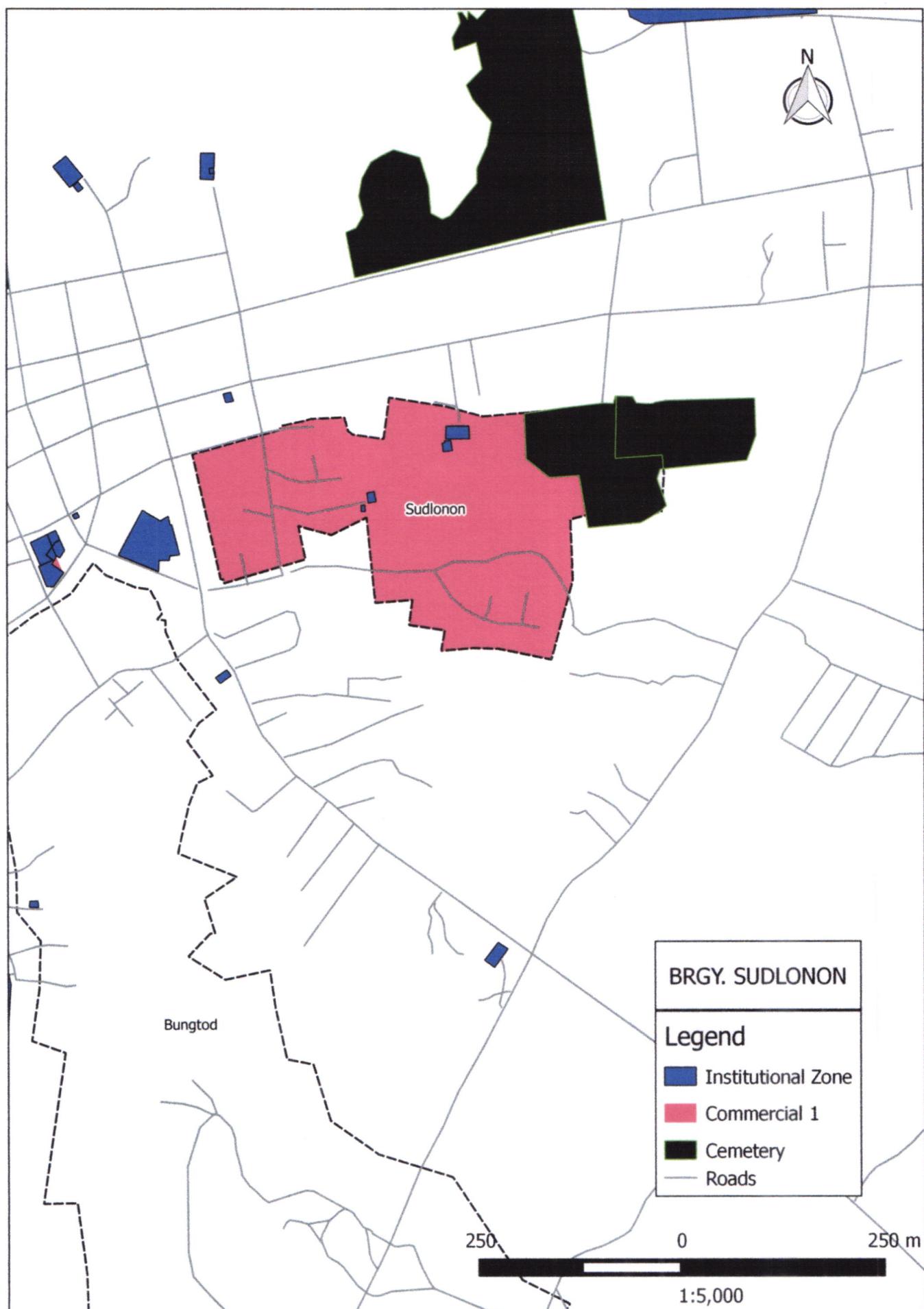
Atty. Carlo Jose A. Martinez  
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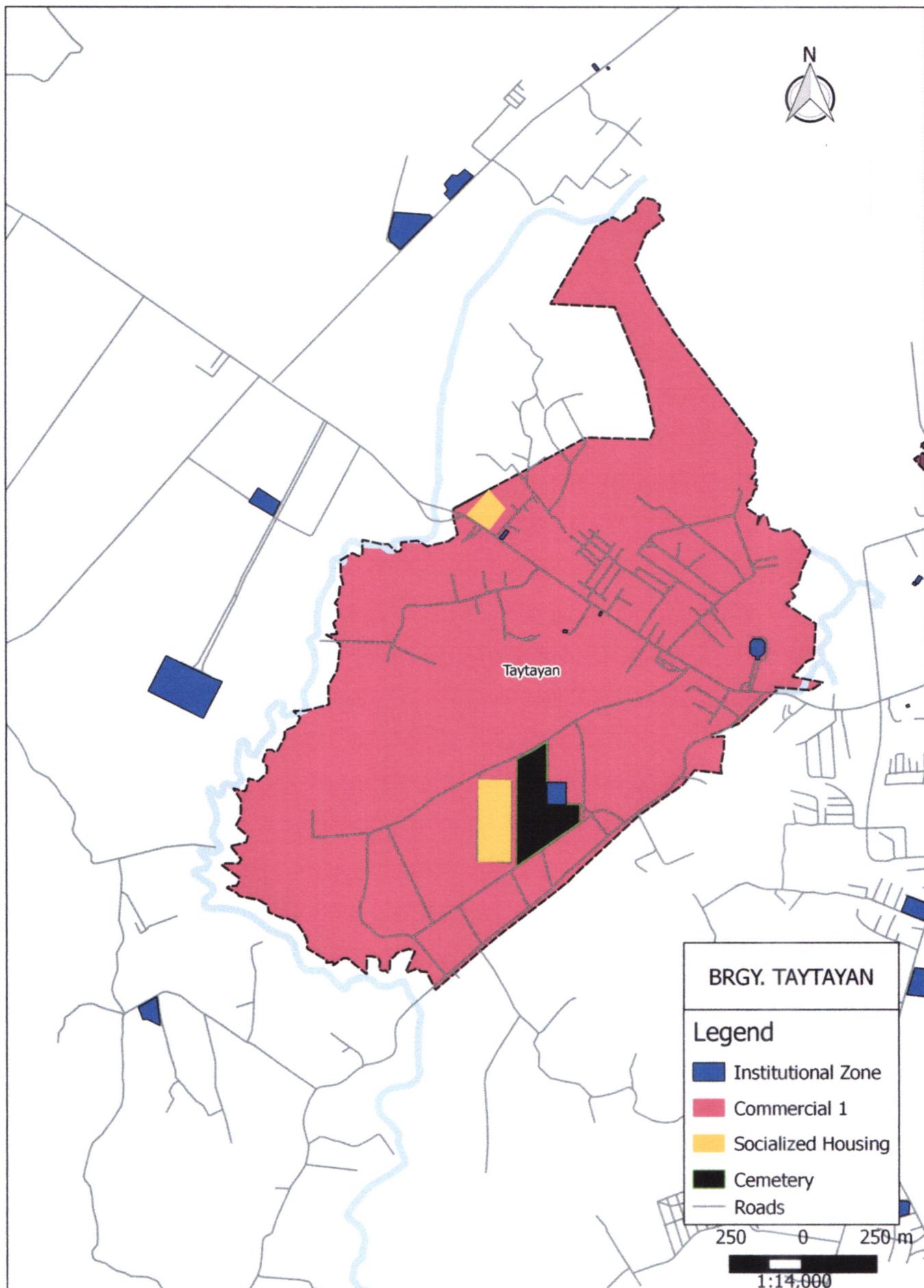
Atty. Carlo Jose A. Martinez  
City Mayor

Annex B Ordinance No. 018-2023

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Atty. Carlo Jose A. Martinez  
City Mayor

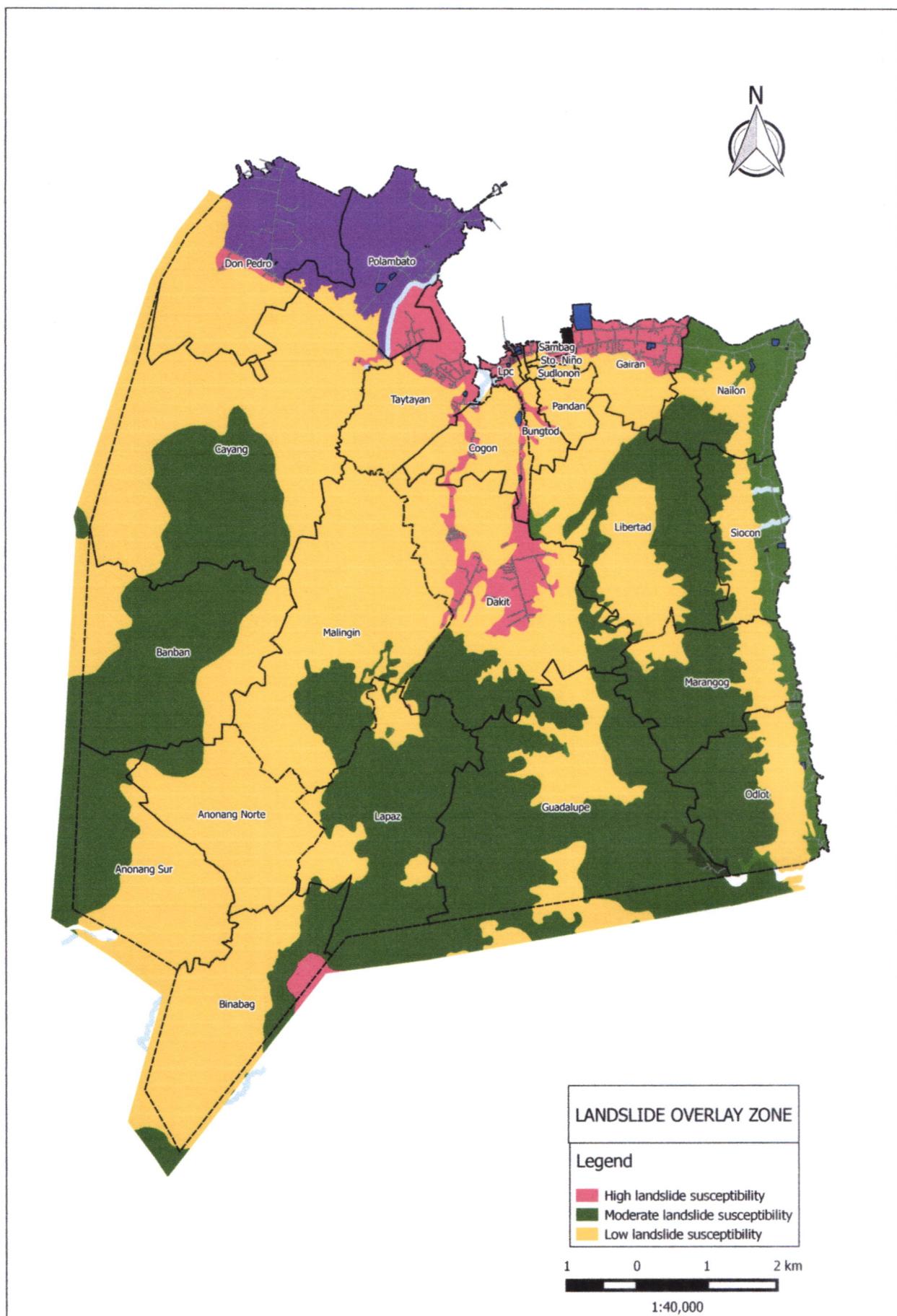
Annex B Ordinance No. 018-2023

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018-2023

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## LANDSLIDE OVERLAY ZONE



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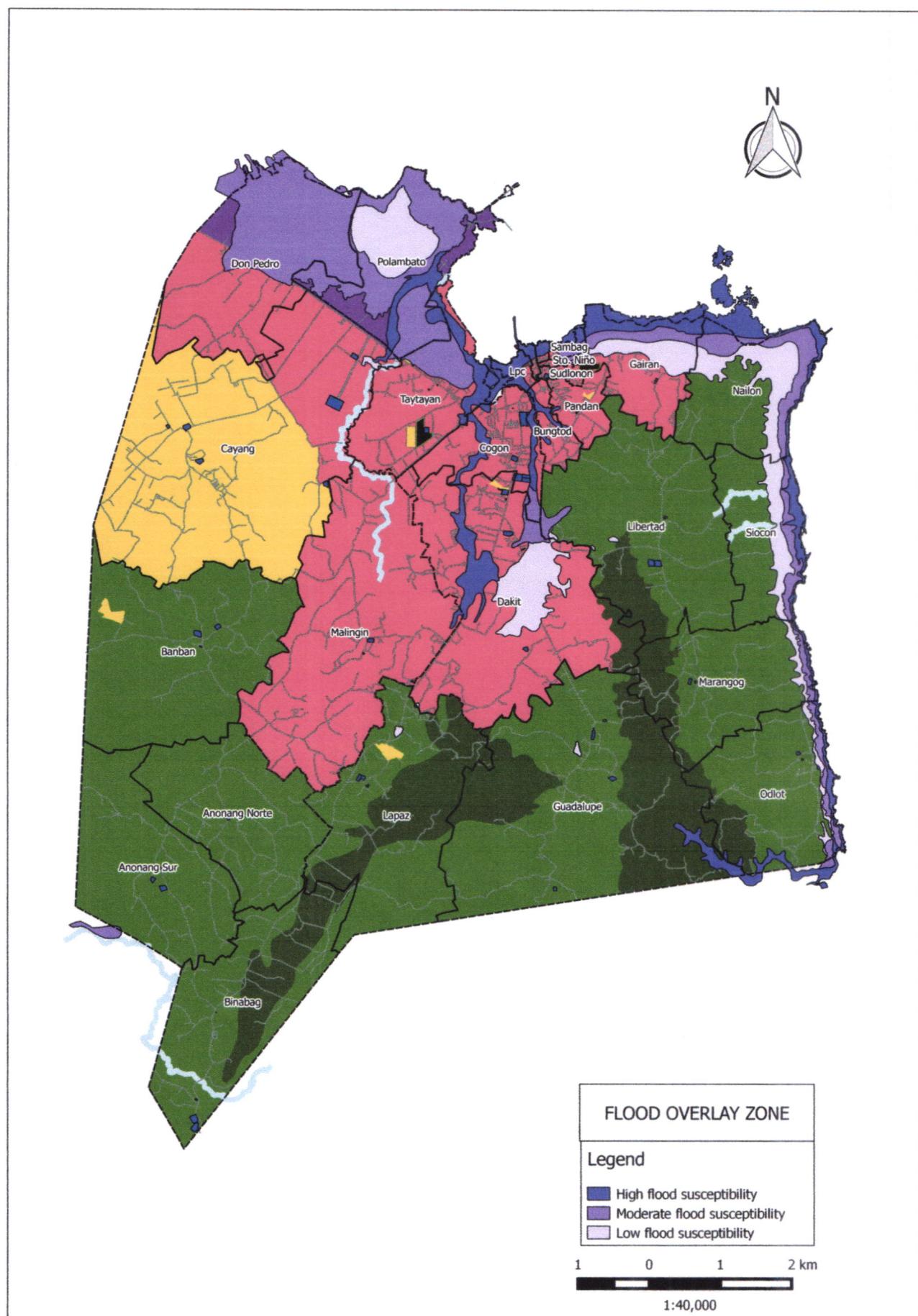
Atty. Carlo Jose A. Martinez  
City Mayor

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## FLOOD OVERLAY ZONE



Signed by:

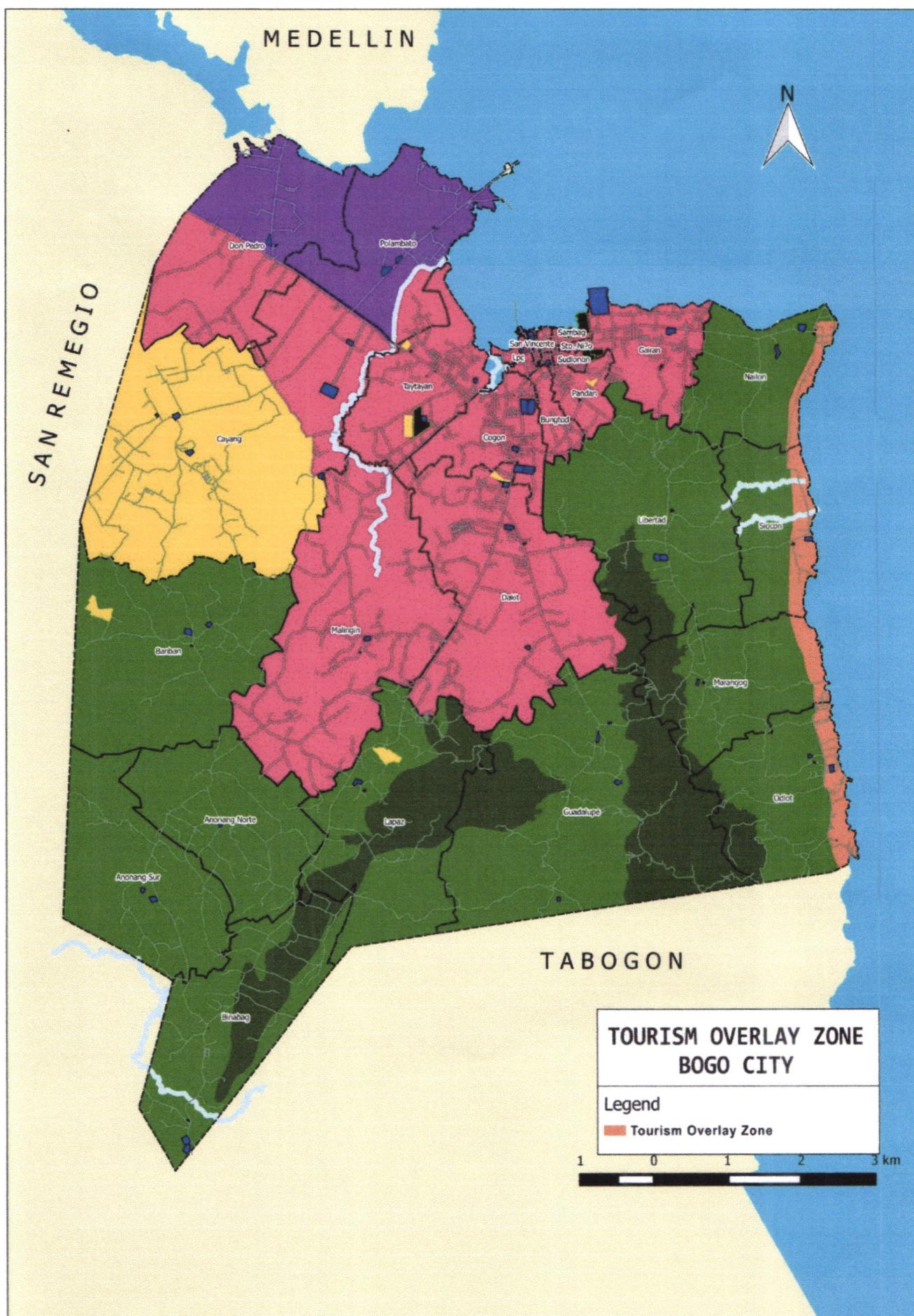
Atty. Carlo Jose A. Martinez  
City Mayor

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018-2023

Reviewed per Sangguniang  
Panlalawigan Resolution No.

## **TOURISM OVERLAY ZONE**



Signed by:

Atty. Carlo Jose A. Martinez  
City Mayor

Annex D Ordinance No. 018-2023

Approved per City Ordinance No.

018-2023

Reviewed per Sangguniang  
Panlalawigan Resolution No.