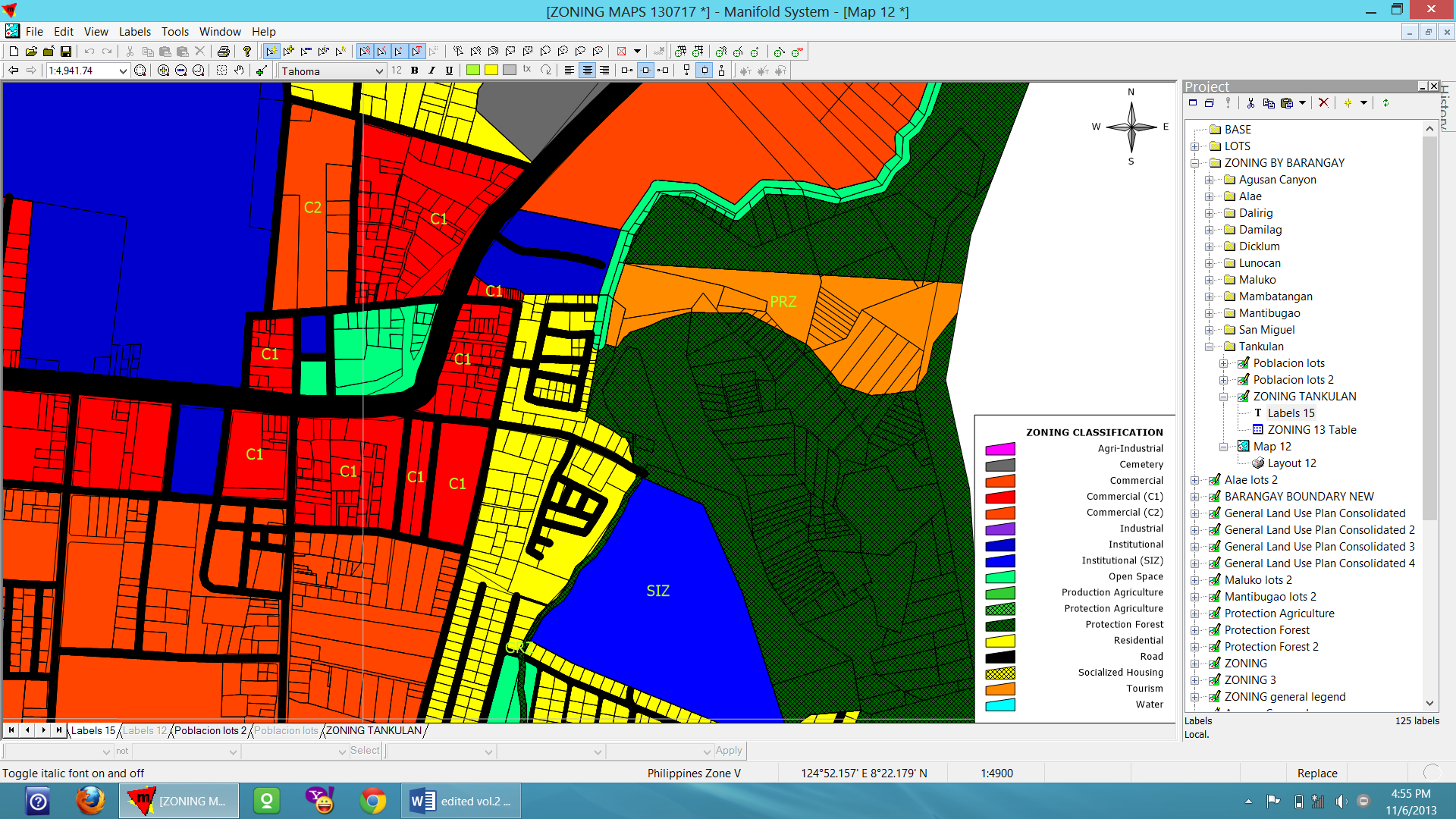


**MUNICIPAL ZONING ORDINANCE**

**CY 2013-2022**



**MUNICIPALITY OF MANOLO FORTICH**

**PROVINCE OF BUKIDNON**

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**EXCERPT FROM THE MINUTES OF THE 18TH REGULAR SESSION OF THE 17TH SANGGUNIANG BAYAN OF MANOLO FORTICH, BUKIDNON WHICH WAS HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON NOVEMBER 14, 2013.**

PRESENT:

HON. RONULFO D. GANAS Temporary Presiding Officer

HON. JERSON S. LEYSON Majority Floor Leader

HON. JUANITO I. QUIÑO Sangguniang Bayan Member

HON. MARIO B. ALBARECE, JR. Sangguniang Bayan Member

HON. RAUL S. MIÑOZA Sangguniang Bayan Member

HON. REYNALDO L. BAGAYAS, JR. Sangguniang Bayan Member

HON. ALBERTO B. TINOY Liga ng mga Brgy. President

HON. DALPHON G. ONAHON SK Federation President

HON. CONRADO M. BINAYAO IP Mandatory Representative

ABSENT:

HON. MIGUEL D. DEMATA Presiding Officer

HON. ELIEZER S. ONAHON Sangguniang Bayan Member

* On Official Time

HON. WARLEO A. GOAYAN Sangguniang Bayan Member

* On Official Business

**ORDINANCE NO. 2013-932**

(18th Regular Session)

**AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE MUNICIPALITY OF MANOLO FORTICH AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.**

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

**WHEREAS**, the local government code authorizes local government units to enact zoning ordinances subject to and in accordance with the existing laws;

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

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

**WHEREFORE**

BE IT ENACTED by the Sangguniang Bayan of ManoloFortich, Bukidnon in session that:

# **ARTICLE I. TITLE OF THE ORDINANCE**

## **Section 1. Title of the Ordinance.**

This ordinance shall be known as the Comprehensive Zoning Ordinance of the Municipality of Manolo Fortich, Bukidnon and shall be referred to as the Ordinance.

# **ARTICLE II. AUTHORITY AND PURPOSE**

## **Section 2. Authority.**

This ordinance is enacted pursuant to the provisions of the Local Government Code of 1991 or RA 7160 Sections 458 a.2 (7-9) and 447 a.2 (7-9) dated 10 October 1991, “Authorizing the Municipality through the Sangguniang Bayan to adopt Zoning Ordinance subject to the provisions of existing laws’, and in conformity with E.O. No. 72.

## **Section 3. Purposes.**

This ordinance is enacted for the following purposes:

1. Guide, control and regulate future growth and development of the Municipality of ManoloFortich, Bukidnon in an accordance with its Comprehensive Land use Plan.
2. Protect the character and stability of residential, commercial, industrial, institutional, forestry, agricultural, open space and other functional areas within the locality and promote the orderly and beneficial development of the same.
3. Promote and protect the health, safety peace and comfort, convenience and general welfare of the inhabitants in the locality.
4. Ensure the protection and sustainability of the environment taking into consideration climate change adaptation in synergy with disaster risk reduction and management, principles of biodiversity, and preservation of historical and cultural heritage, in all development processes.
5. Promote a vibrant and sustainable agri-eco tourist industry.
6. Promote the general welfare of the inhabitants in the locality with an empowered citizenry adaptive to modernization and climate change actively involved in local governance.
7. Promote a Technologically- advanced, environment- friendly utilities for convenient access to goods and services
8. To be an environment –friendly, self-reliant communities actively in local governance
9. A well-defined, ecologically –friendly land and water uses

## **Section 4.General Zoning Principle.**

This zoning regulation is based on the approved Land Use Plans as per Resolution No.2013-57A dated October 3, 2013for the Municipality of Manolo Fortich, in the Province of Bukidnon.

# **ARTICLE III. DEFINITION OF TERMS**

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

1. Agricultural Zone (AZ) – an area within the municipality intended for cultivation/fishing and pastoral activities, e.g. fish, farming, cultivation of crops, goat/cattle rising, etc.

2. Agro-Industrial Zone (AIZ) – an area within a municipality intended primarily for integrated farm operations and related product processing activities such as plantation for bananas, pineapple, sugar, oil palm, commercial scale livestock and poultry raising and rice and corn mills.

3. Agri-Forestry Zone – an area within the Municipality intended for production management and utilization of woody perennials in combination with the agricultural crops and other resources, either simultaneously or sequentially in such a way that there is an economic, ecological interactions of the components to maintain ecological balance.

4. HLURB/BOARD – shall mean the Housing and Land Use Regulatory Board.

5. Buffer Area and Greenbelts Area– these are yards, parks or open spaces intended to separate incompatible elements or uses to control pollution/nuisance and to maintain ecological balance for identifying and defining development areas or zones where no permanent structures are allowed. (Include buffer NIPAS and Heritage)

6. Built-up Area/ Urban-use Area– a contiguous grouping of ten (10) or more structures.

7. Certificate of Non-Conformance – certificate issued to owners of all uses existing prior to the approval of the Zoning Ordinance, which does not conform in a zone as per provision of the said Ordinance.

8. Compatible Use – uses or land activities capable of existing other harmoniously, e.g. residential use and parks and playground.

9. Component Municipalities – municipalities, which do not meet the requirement of highly urbanized municipalities, shall be considered component municipalities of the province in which they are located.

If a component municipality is located within the boundaries of two or more provinces such municipality shall be considered component of the province of which it used to be a municipality. (RA 7160)

10. Comprehensive Land Use Plan (CLUP) – a document embodying specific proposal for guiding, regulating growth and/or development. The main components of the Comprehensive Land Use Plan in this usage are the sectoral studies, i.e. Demography, Socio-Economic, Infrastructure and Utilities, Local Administration and Land Use.

11. Conflicting Uses – uses or land activities with contrasting characteristics sited adjacent to each other, e.g. residential units adjacent to industrial plants.

12. Conforming Use – a use, which is in accordance with the zone classification as provided for in the ordinance.

13. Climate Change Adaptation - the adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.

14. Climate Change - a change in climate that can be identified by changes in the mean and/or variability of its properties and that persists for an extended period typically decades or longer, whether due to natural variability or as a result of human activity.

15. 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 or society to cope using its own resources. Disasters are often described as a result of the combination of: the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences, Disaster impacts may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption and environmental degradation.

16. Disaster Mitigation - the lessening or limitation of the adverse impacts of hazards and related disasters. Mitigation measures encompasses engineering techniques and hazard-resistant construction as well as improved environmental policies and public awareness.

17. Disaster Preparedness - the knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the Impacts of likely, imminent or current hazard events or conditions. Preparedness action is carried out within the context of disaster risk reduction and management and aims to build the capacities needed to efficiently manage all types of emergencies and achieve orderly transitions from response to sustained recovery. Preparedness is based on a sound analysis of disaster risk and good linkages with early warning systems, and includes such activities as contingency planning, stockpiling of equipment and supplies, the development of arrangements for coordination, evacuation and public information, and associated training and field exercises. These must be supported by formal institutional, legal and budgetary capacities.

18. Disaster Prevention - the outright avoidance of adverse impacts of hazards and related disasters. It expresses the concept and intention to completely avoid potential adverse impacts through action taken in advance such as construction of dams or embankments that eliminate flood risks, land-use regulations that do not permit any settlement in high-risk zones, and seismic engineering designs that ensure the survival and function of a critical building in any likely earthquake.

19. Disaster Risk - the potential disaster losses in lives, health status, livelihood, assets and services, which could occur to a particular community or a Society over some specified future time period.

20. Hazard - a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage.

21. Mitigation - structural and non-structural measures undertaken to limit the adverse impact of natural hazards, environmental degradation, and technological hazards and to ensure the ability of at-risk communities to address vulnerabilities aimed at minimizing the impact of disasters. Such measures include, but are not limited to, hazard-resistant construction and engineering works, the formulation and implementation of plans, programs, projects and activities, awareness raising, knowledge management, policies on land-use and resource management, as well as the enforcement of comprehensive land-use planning, building and safety standards, and legislation.

22. Preparedness - pre-disaster actions and measures being undertaken within the context of disaster risk reduction and management and are based on sound risk analysis as well as pre-disaster activities to avert or minimize loss of life and property such as, but not limited to, community organizing, training, planning, equipping, stockpiling, hazard mapping, insuring of assets, and public information and education initiatives. This also includes the development/enhancement of an overall preparedness strategy, policy, institutional structure, warning and forecasting capabilities, and plans that define measures geared to help at-risk communities safeguard their lives and assets by being alert to hazards and taking appropriate action in the face of an imminent threat or an actual disaster.

23. Resilience - the ability of a system, community or society exposed to hazards to resist, absorb, accommodate and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions.

24. Easement – open space imposed on any land use/activities sited along waterways, road-right- of-ways, cemeteries/memorial parks and utilities.

25. Ecotourism - is defined as responsible travel to natural areas that conserve the environment and improves the well-being of local people.

26. Environmentally Critical Areas – refer to those areas which are environmentally sensitive and are listed in presidential proclamation 2146 dated December 14, 1981 otherwise known as “proclaiming certain areas and types of projects as Environmental impact statement system established under PD No. 1586”. As follows

1. All areas declared by law as national parks, watershed reserves, wildlife preserves and sanctuaries;
2. Areas set aside as aesthetic potential tourist spots;
3. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna);
4. Areas of unique historic, archaeological, or scientific interests;
5. Areas which are traditionally occupied by cultural communities or tribes;
6. Areas frequently visited and/or hard-hit by natural calamities (geologic hazards, floods, typhoons, volcanic activity, etc.);
7. Areas with critical slopes;
8. Areas classified as prime agricultural lands;
9. Recharge areas of aquifers;
10. Water bodies characterized by one or any combination of the following conditions:
11. tapped for domestic purposes;
12. within the controlled and/or protected areas declared by appropriate authorities; and
13. which support wildlife and fishery activities.

Proponents of Project within ECAs are required to submit Initial Environmental Examinations to DENR Regional Offices. They may later be required by the DENR to submit an EIS, if necessary.

27. Environmentally Critical Projects – refer to those projects, which have high potential for negative environmental impacts and are listed in presidential proclamation 2146 dated December 14, 1981as follows:

a. Heavy industries

a.1 non-ferrous metal industries;

a.2 iron and steel mills;

a.3 petroleum and petro-chemical industries including oil and gas; and

a.4 smelting plants.

b. Resource extractive industries

b.1 major mining and quarrying projects; and

b.2 forestry projects such as logging, major wood processing, introduction of fauna (exotic animals) in public/private forests, forest occupancy, extraction of mangroves and grazing.

b.3 fishery projects (dikes for/and fishpond development projects)

c. Infrastructure projects

c.1 major dams;

c.2 major power plants (fossil-fuelled, nuclear-fuelled, hydroelectric or geothermal);

c.3 major reclamation projects, and

c.4 major roads and bridges.

d. Golf course projects

Proponents of ECPs are required to submit an Environmental Impact Statement (EIS) to the Environmental Management Bureau (EMB) of the DENR.

28. Exception – a device which grants a property owner relief from certain provisions of a Zoning Ordinance where because of the specific use would result in a hardship upon the particular owner, as distinguished from a mere inconvenience or a desire to make more money.

29. Floor Area Ratio or FAR – is the ratio between the gross floor area of the building and the area of the lot on which it stands, determined by dividing the gross floor area and the area of the lot. The gross floor area of any building should exceed the prescribed floor area ratio (FAR) multiplies by the lot area. The FAR of any zone should be based on its capacity to support development in terms of the absolute level of density that the transportation and other utility networks can support.

30. Forest Zone – an area within a municipality intended primarily for forest (biodiversity) conservation, timber production, and watershed protection to sustain food production.

31. General Commercial Zone (GCZ) – an area within a municipality for trading/services/business purposes.

32. General Institution Zone (GIZ) – an area within a municipality principally for general types of institutional establishments, e.g. government offices, schools, hospitals/clinics academic/research, convention centers.

33. General Residential Zone (GRZ) – an area within a municipality principally for dwelling/housing purposes.

34. General Zoning Map – a duly authenticated map delineating the different zones in which the whole municipality is divided.

35. Gross Floor Area (GFA) – the GFA of a building is the total floor space within the perimeter of the permanent external building walls occupied by concerned owners:

a. Office areas

b. Residential areas

c. Corridors

d. Lobbies

e. Mezzanine

f. Vertical penetrations, which shall mean stairs, fire escapes, elevator shafts, flues, pipe shafts, vertical ducts, and the like, and their enclosing walls

g. Rest rooms or toilets

h. Machine rooms and closets

i. Storage rooms and closets

j. Covered balconies and terraces

k. Interior walls and columns, and other interior features

But excluding:

a. Covered areas used for parking and driveways, including vertical penetrations in parking floors where no residential or office units are present

b. 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.

36. Office Areas, Residential Areas, Corridors; Lobbies, Mezzanine, Vertical Penetrations, which shall mean stairs, fire escapes, elevator shafts, flues, pipe shafts, vertical ducts, and the like, and their enclosing walls;

37. Rest Rooms or Toilets; Machine Rooms and Closets; Storage Rooms and Closets; Covered Balconies and terraces;

38. Interior Walls and Columns, and Other interior Features.

39. Innovative Design – introduction and/or application of new/creative designs and techniques in development projects, e.g. Plan Unit Development (PUD), Newtown, etc.

40. Local Zoning Board of Adjustment and Appeal (LZBAA) – is a multi-sectoral body or appellate board that will act on any complaint against violation of any provision of the zoning ordinance and opposition on the issuances of the zoning officer.

41. Locational Clearance – a clearance issued to a project that is allowed under the provisions of this Zoning Ordinance as well as other standards, rules and regulations on land use.

42. Mitigating Device – a means to grant relief in complying with certain provision of the ordinance.

43. 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 town.

44. Non-Conforming Use – existing non-conforming uses/establishments in an area allowed to operate in spite of the non-conformity to the provision of the Ordinance subject to the conditions stipulated in this Zoning Ordinance.

45. Parks and Recreation Zone (PRZ) – an area designated for diversion/amusements and for the maintenance of ecological balance of the community.

46. Planned Unit Development (PUD) – it is a land development scheme wherein project site is comprehensively planned as an entity via unitary site plan which permits flexibility in planning/design, building sitting, complementary of building types and land uses, usable open spaces and the preservation of the significant natural land features.

Refers to land development or redevelopment schemes for a new or built-up project wherein said project site must have Comprehensive Development Master Plan (CDMP) or its acceptable equivalent, i.e. a unitary development plan/ site plan that permits flexibility in planning/ urban design, building/ structure siting, complementary of building types and land uses, usable open spaces for general public use services and business activities and the preservation of significant natural land features if feasible, whereby said CDMP must be approved by the LGU concerned.

47. Protected Area – refer to a “defined geographical space, recognized, dedicated managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values.

Areas declared as belonging to the NIPAS System per RA 7586. These areas are those that have been designated or set aside pursuant to a law, presidential decree, presidential proclamation or executive order. These include:

a. Strict nature reserves;

b. Natural parks;

c. National monuments;

d. Wildlife sanctuary;

e. Protected landscapes and seascapes;

f. Resource reserves;

g. Natural biotic areas; and

h. Other categories established by law, conventions or international agreements which the Philippine Government is a signatory

48. Rezoning – a process of introducing amendments to or a change in the texts and maps of the Zoning Ordinance. It also includes amendment or change in view or reclassification under Section 20 of RA 7160 otherwise known as the Local Government Code of 1991.

49. Setback – the open space left between the building and the lot lines.

50. Socialized Housing Zone (SHZ) – shall be used principally for socialized housing/dwelling purposes for the underprivileged and homeless as defined in RA 7279.

51. Tourist Zone (TZ) – are sites within the municipalities endowed with natural or manmade physical attributes and resources that are conductive to recreation, leisure and other wholesome activities.

52. Urban Area(s) – include all barangay(s) or portion(s) of which comprising the 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 (50%) of the population are engaged in non-agricultural activities. CBD shall refer to the areas designated principally for trade, services and business purposes.

For NSO definition – urban areas is define as

1. If the barangay has a population of 5,000 or more, then a barangay is considered urban, or

2. If the barangay has at least 1 medium or 1 large establishment, a barangay is considered urban, or

3. If the barangay has 5 or more small establishments and 5 or more facilities, then a barangay is considered urban.

53. Urban Zoning Map – a duly authenticated map delineating the different zones into which the urban area and its expansion area are divided.

54. Urbanizable Land– are designated as suitable for urban expansion by virtue of land use studies conducted.

55. Utilities zone – refers to areas where facilities are installed / established. These facilities are composed of one or more pieces of equipment connected to or part of a structure and designed to provide services such as water, electricity or communication.

56. Water Zone - refers to the areas where existing potable water sources are tapped and transmitted/distributed to supply the City for domestic/commercial/industrial use and to the areas where existing potable water sources which are proposed to augment the supply and transmission/distribution of potable water to address the increasing demand.

57. Variance – a specific locational clearance which grants a property owner relief from certain provisions of Zoning Ordinance where, because of the particular, physical surrounding, shape or topographical conditions of the property, compliance on height, area, setback, bulk/and or density would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

58. Warehouse – refers to a storage and/or depository of those in business of performing warehouse services for others, for profit.

59. Watershed - is an area of where water drains down from its tributaries and accumulates into a common outlet such as river, creeks, lakes and stream.

60. Water Recharge area – a land area in which water reaches the zone of saturation from surface infiltration. e.g. Where rainwater soaks through the earth to reach an aquifer.

61. Water Zone (WZ) – are bodies of water within the municipalities, which include rivers, streams, lakes and seas except those, included in other zone classification.

62. Zone/District – an area within a municipality for specific land use as defined by manmade or natural boundaries.

63. Zoning Administrator/Zoning Officer– a municipal government employee responsible for the implementation/enforcement of the Zoning Ordinance in a community.

64. Zoning Ordinance – a local legislative measure which embodies regulations affecting land use.

65. Actual Use - refers to the purpose for which the property is principally or predominantly utilized by the person in possession of the property.

66. AFMA - refers to the Agriculture and Fisheries Modernization Act of 1997 (RA 8435).

67. 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.

68. Agricultural Land - per RA 6657, refers to land devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial land.

69. Agricultural Land Use Conversion - per RA 6657, refers to the process of changing the use of agricultural land to non-agricultural uses.

70. Agri-Forestry - land management which combines agricultural crops with tree crops and forest plants and/or animals simultaneously or sequentially and applies management practices which are compatible with the cultural patterns of the local population.

71. Agri-Processing Activities - refers to the processing of raw agricultural and fishery products into semi-processed or finished products which include materials for the manufacture of food and/or non-food products, pharmaceuticals and other industrial products.

72. Alienable and Disposable (A and D) Lands - refers 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).

73. Ancestral Domains - per the Indigenous Peoples Rights Act of 1997 (RA 8371), these refer to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs.

74. Aquaculture - fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.

75. Base Zones - refers to the primary zoning classification of areas within the City/ Municipality and provides uses that are and may be allowed.

76. Building Height Limit (BHL) - the maximum height allowed for structures or buildings expressed as number of floors or storey.

77. Built-up Area - a contiguous grouping of ten (10) or more structures.

78. CARL - shall mean the Comprehensive Agrarian Reform Law (RA 6657) of 1988.

79. Certificate of Zoning Classification - a document issued by the Zoning Administrator citing the zoning classification of the land based on this Ordinance.

80. CLUP - refers to the Comprehensive Land Use Plan of the [City/ Municipality] for [year to year] as approved by SangguniangPanlungsod/Bayan Resolution No. xxxx.

81. Community Mortgage Program - a low-income home financing scheme that allows an undivided tract of land to be acquired by several beneficiaries through community mortgage.

82. Component Cities - cities which do not meet the requirements for highly urbanized cities shall be considered component cities of the province in which they are located. If a component city is located within the boundaries of two or more provinces, such city shall be considered component of the province of which it used to be a municipality. (RA 7160)

83. DAR - shall mean the Department of Agrarian Reform.

84. DENR - shall mean the Department of Environment and Natural Resources.

85. 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:

1. Environmentally Critical Projects

b. Projects located in Environmentally Critical Areas

86. Fisheries Code - shall refer to the Philippine Fisheries Code of 1998 (RA 8550).

87. Fish Pond - a land-based facility enclosed with earthen or stone material to impound water for growing fish.

88. Forest Lands - include the public forest, permanent forest or forest reserves, and forest reservations.

89. Forest Reservations - refers to forest lands which have been reserved by the President of the Philippines for any specific purpose or purposes.

90. Forestry Code - refers to Presidential Decree No. 705 or the Revised Forestry Code of the Philippines, as amended.

91. General Zoning Map - a duly authenticated map delineating the different zones in which the municipality is divided.

92. Grazing Land - refers to those lands of the public domain which have been set aside, in view of the sustainability of its topography and vegetation, for the raising of livestock.

94. Impervious Surface - type of man-made surface which does not permit the penetration of water.

95. Independent Component Cities - are those component cities whose charter prohibits their voting for provincial elective officials. Independent component cities shall be independent of the province. (RA 7160)

96. Inland Fishery - the freshwater fishery and brackish water fishponds.

97. Innovative Design - introduction and/ or application of new/ creative designs and techniques in development projects e.g. Planned Unit Development (PUD), Newtown, etc.

98. LGC - shall mean the Local Government Code of 1991 (RA 7160).

99. National Integrated Protected Areas System (NIPAS) - pursuant to RA 7586, this is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.

100. N.E.C- not elsewhere classified

101. NEDA - shall mean the National Economic and Development Authority.

102. NIPAS Act - shall mean the National Integrated Protected Areas Systems Act of 1992 (RA 7586).

103. Non-NIPAS Areas - areas yet unproclaimed by law, presidential decree, presidential proclamation or executive order as part of the NIPAS Areas. Per National Physical Framework Plan, these areas should be given equal importance, as in NIPAS Areas, in terms of conservation and protection. These include:

a. Reserved second growth forests;

b. Mangroves;

c. Buffer strips;

d. Freshwater swamps and marshes; and

e. Unproclaimed watersheds

104. Notice of Non-Conformance - certificate issued to owners of all uses existing prior to the approval of the LUGS which do not conform to the provisions herein provided.

105. Network of Protected Areas for Agriculture and Agro-Industrial Development (NPAAAD) – refers to agricultural areas identified by the Department of Agriculture in coordination with the National Mapping and Resource Information Authority in order to ensure the efficient utilization of land for agriculture and agro-industrial development and promote sustainable growth. The NPAAAD covers the following:

a. All irrigated areas;

b. All irrigable lands already covered by irrigation projects with firm funding commitments;

c. All alluvial plain land highly suitable for agriculture whether irrigated or not;

d. Agro-industrial croplands or lands presently planted to industrial crops that support the viability of existing agricultural infrastructure and agro-based enterprises;

e. Highlands or areas located at an elevation of 500 meters or above and have the potential for growing semi-temperate and high-value crops;

f. All agricultural lands that are ecologically fragile, the conversion of which will result in serious environmental degradation; and

g. Mangrove areas and fish sanctuaries.

106. Official Zoning Map - a duly authenticated map delineating the different zones into which the whole City is divided.

107. 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.

108. Permanent Forest or Forest Reserves - refer to those lands of the public domain, which have been the subject of the present system of classification and determined to be needed for forest purposes.

109. Public Forest - is the mass of lands of the public domain which has not been the subject of the present system of classification for the determination of which lands are needed for forest and which are not.

110. Reserved Second Growth Forests - residual forests with slope of 50 percent and above and with elevation of 1,000 meters and higher.

111. Reclassification of Agricultural Lands - the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, and commercial as embodied in the CLUP. It also includes the reversion of non-agricultural lands to agricultural use.

112. Rural Area - area outside of designated urban area.

113. Setback - the open space left between the building and lot lines.

114. Strategic Agriculture and Fisheries Development Zone (SAFDZ) - refers to areas within the NPAAAD identified for production, agro-processing and marketing activities to help develop and modernize, with the support of government, the agriculture and fisheries sectors in an environmentally and socio-culturally sound manner.

115. UDHA - refers to the Urban Development and Housing Act (RA 7279) of 1992.

# **ARTICLE IV. ZONE CLASIFICATIONS**

## **Section 5. Division into Zones or Districts.**

To effectively carry out the provision of this Ordinance, the municipality is hereby divided into the following zones or districts as shown in the Official Zoning Maps.

**Urban Use Zones:**

General Residential Zone (GRZ)

Low Density Residential Zone (R1)

Medium Density Residential (R2)

High Density Residential (R3)

Socialized Housing Zone (SHZ)

General Commercial Zone (GCZ)

Medium Commercial Zone (C2)

General Institutional Zone (GIZ)

Institutional Zones

* General Institutional Zone (GIZ)
* Special Institutional Zone (SIZ)

**Industrial Zone**

- Light Industrial Zone (LIZ)

- Medium Industrial Zone (MIZ)

**Parks and other Recreation Zone (PRZ)**

**Agricultural Zone (AZ)**

* Strategic Crop Sub-Development Zone
* Strategic Livestock Sub-Development Zone
* Strategic Integrated Crop/Livestock Sub-Development Zone
* Crop/Livestock/Fishery Sub-Development Zone

**Agri-Industrial Zone (AIZ)**

- Plantation

- Agricultural processing

**Forest Zone (FZ)**

**Protection forest zone**

* NIPAS ACT Zone

**Production Forest zone**

**Water Zone (WZ)- Major Rivers/Lakes**

* Multi-Use Zone
* Protection Zone

**Tourist Zone (TZ)**

* Eco-Tourist Zone (ETZ)
* Cultural heritage zone
* Handicraft Zone
* Recreational Tourism with Vacation Housing
* Tourist Gateway

**Quarry Zone (sand and gravel and boulders zone)**

**Utilities, Transportation, and Services (UTS) Zone**

**Mining**

Other Zones: (e.g. Sanitary Landfill, Cemeteries/Memorial Parks, etc.)

## **Section 6. Overlay Zones.**

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

1. Heritage Conservation
2. Urban Corridor
3. Flood Overlay Zones
4. Seismic Hazard Zones
5. Biodiversity Overlay Zone
6. Watershed Management
7. CCA-DRR Management

Other overlay zones shall be further identified and established when and where necessary.

# **ARTICLE V. ZONING MAPS**

## **Section 7. Zoning Map~~s~~.**

It is hereby adopted as an integral part of this Ordinance, the official Zoning Map for the whole city/municipality wherein the designation, location and boundaries of the zones established are indicated.

The official zoning map shall be signed by the Municipal Mayor, the Vice Mayor as presiding officer of the Sangguniang Bayan and duly authenticated by the SangguniangPanlalawigan

## **Section 8. Zone Boundaries.**

The location and boundaries of the above mentioned various zones into which the municipality has been divided are hereby identified in Annex A.

## **Section 9. Interpretation of Zone Boundary.**

In the interpretation of the boundaries for any of the zones indicated on the Zoning Map, the following rule shall apply:

1. Where zone boundaries are so indicated that they approximately follow the center of streets or highways, the street or highways right-of-ways lines, shall be construed to be the boundaries.

2. Where zone boundaries are so indicated that they approximately follow the lot lines, such lines shall be constructed to be the boundaries.

3. Where zone boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets or highways, such zone boundaries shall construed as being parallel thereto and at such a distance there from as indicated in the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown in said zoning map.

4. Where the boundary of zone follows approximately railroad line, such boundary shall be deemed to be the railroad right-of-way.

5. Where the boundary of zone follows a stream, lake or bodies of water, said boundary line shall be deemed to be at the limit of the political jurisdiction of the community unless otherwise indicated. Boundaries indicated as following shorelines shall be construes to follow such shorelines and in the event of change in the shorelines, shall be construed as moving with the actual shorelines.

1. Where a lot of one’s ownership, as of record at the effective date of this Ordinance, is divided by a zone boundary line, the lot shall be construed to be within the zone where the major portion of the lot is located. In case the lot is bisected by the boundary line, it shall fall in the zone where the principal structure falls.

7. Where zone boundary is indicated one-lot-deep, said depth shall be construed to be the average lot depth of the lots involved within each particular municipality block. Where, however, any lot has a depth greater than said average, the remaining portion has an area less than fifty percent (50%) of the total area of the entire lot. If the remaining portion has an area equivalent to fifty percent (50%) or more of the total area of the lot then the average lot depth shall apply to the lot which shall become a lot divided and covered by two or more different zoning districts, as the case may be.

In case of any remaining doubt as to the location of any property along zone boundary lines, such property shall be considered as falling within the less restrictive zone.

8. The textual description of the zone boundaries shall prevail over that of the Official Zoning Maps.

# **ARTICLE VI. ZONE REGULATIONS**

## **Section 10.General Provision.**

The uses enumerated in the succeeding sections are not exhaustive or all-inclusive. The Local Zoning Board of Adjustment and Appeals (LZBAA) shall, subject to the requirements of this Article, allow other uses not enumerated hereunder provided that they are compatible with the uses expressly allowed.

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

Specific uses/activities for 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 (e.g. GC, 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..

## **Section 11.Use Regulations in General Residential Zone (GRZ).**

A GR zone shall be used principally for dwelling/housing purposes so as to maintain peace and quiet of the area within the zone. For GRZ, there shall be at least 15% space for greening and allocation of space for common Material Recovery Facility (MRF) for non-biodegradable waste and composting area for bio-degradable waste for every 20-30 households or every purok where the allowable uses are located;

The following are the allowable uses:

1. Single Detached family dwelling

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

3. Residential Condominium

4. Apartment

5. Hometel

6. Pension House

7. Hotel Apartment or Apartelle

8. Dormitory

9. Boarding House

10. Branch libraries and museums

11. Customary accessory uses like:

a. Servants Quarter

b. Private Garage

c. Guard House

12. Home occupation for the practice of one’s profession or for engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like provided that:

a. The number of persons engaged in such business/industry shall not exceed five (5), inclusive of the owner;

b. There shall be no change in the outside appearance of the building premises;

c. No home occupation shall be conducted in any customary accessory uses cited above;

d. No traffic shall be generated by such home occupation which in greater volume than would 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 place other than required front yard;

e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual or audible interferences in any radio or television receiver or causes fluctuation in line voltage off the premises.

13. Home Industry Classified as cottage industry provided that:

a. Such home industry shall not occupy more than thirty percent (30%) of the floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance.

b. Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DTI)

c. Such shall consider same provisions as enumerated n letter c, d and e number 12, home occupation; this section.

14. Recreational facilities for the exclusive use of the members of the family residing within the premises, such as:

a. Swimming Pool

b. Tennis court, badminton Court

c. Others

15. Nursery/Elementary School

16. High School

17. Vocational School

18. Sports Club

19. Religious Use

20. Multi-purpose hall/barangay hall

21. Clinic, nursing and convalescing home, health center

22. Plant Nurseries

## **Section 12. Use Regulations in Low Density Residential Zone (R1).**

An R1 shall be used principally for housing/dwelling purposes so as to maintain the peace and quiet of the area within the zone with a density of 20 dwelling units and below per hectare.

1. Detached family dwelling
2. Semi-detached family dwelling – e.g duplex, row house
3. Customary accessory uses like:
4. Servants quarter
5. Private garage
6. Guardhouse

4. Home occupation for the practice of one’s profession or for engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like provided that:

a. The number of persons engaged in such business/industry shall not exceed five (5) inclusive of the owner;

b. There shall be no change in the outside appearance of the building premises;

c. No home occupation shall be conducted in any customary accessory uses cited above;

d. No traffic shall be generated by such home occupation which in greater volume than would 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 place other than required front yard;

e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual or audible interferences in any radio or television receiver or causes fluctuation in line voltage off the premises.

5. Home Industry Classified as cottage industry provided that:

a. Such home industry shall not occupy more than thirty percent (30%) of the floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance.

b. Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DTI)

c. Such shall consider same provisions as enumerated n letter c, d and e number 4 , home occupation, this section.

6. Recreational facilities for the exclusive use of the members of the family residing within the premises, such as:

a. Swimming Pool

b. Tennis court, badminton Court

c. Others

7. Religious Use

8. Multi-purpose Building/Barangay Hall

9. Pre-school

10. Sports Club

11. Clinic, Nursing and convalescing home, Health center

12. Plant Nursery

For specific area, refer to mapping zone.

## **Section 13. Use Regulation in Medium Density Residential (R2) Zone.**

R2 zone shall be used principally for housing/dwelling purposes i.e. 21 to 65 dwelling units per hectare. The following are the allowable uses:

1. All uses allowed in R-1 zone
2. Apartment
3. Boarding houses
4. Dormitory
5. Branch library and museum
6. Elementary school
7. High school

For specific area, refer to mapping zone.

## **Section 14. Use Regulations in High Density Residential (R-3) Zone.**

An R-3 shall be used principally for housing/dwelling purposes of high density i.e. 66 or more dwelling units per hectare. The following are the allowable uses:

1. All uses allowed in R-1 and R-2
2. Residential condominium
3. Pension house
4. Hometel
5. Vocational school
6. Hotel apartments or Apartel
7. High school and vocational technical school

For specific area, refer to mapping zone.

The following are the required documents for establishing a Housing Subdivision project in the municipality:

1. The investor shall write a letter to the Local Chief Executive informing the latter of its intent to establish a housing subdivision in the municipality and subsequently request the Municipal Inspection Team to conduct site inspection.
2. If the team recommends to the LCE for the approval of the project, the proponent shall submit the following documents to the Municipal Planning and Development Office:
3. Resolution of the Barangay Council concerned indorsing the project
4. All requirements mandated under BP 220 and PD 957

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

An SHZ shall be used principally used principally for socialized housing/dwelling purposes for the underprivileged and homeless as defined in RA 7279. Allowable uses:

1. All uses allowed in General Residential Zone, R-1, R-2 and R-3 zones
2. Same regulations shall apply as stipulated in b. 2

## **Section 16. Use Regulations in General Commercial Zone (GCZ).**

A GC Zone shall be for business/trade/service uses. Within the zone the following types of establishment shall be allowed:

1. Offices like:

a. office building

b. office condominium

2. General retail stores and shops like:

a. department store d. car shop

b. bookstore and office supply shop e. photo shop

c. home appliance center f. flower shop

3. Food markets and shops like:

a. bakery and bake shop c. grocery

b. wine store d. supermarket

4. Personal service shops like:

a. beauty parlor c. sauna bath and massage clinic

b. barber shop d. dressmaking and tailoring shops

5. Recreational center/establishments like:

a. movie houses/theater

b. play court e.g. tennis court, bowling lane, billiard hall

c. swimming pool

d. day and night club

e. stadium, coliseum, gymnasium

f. other sports and recreational establishment

6. Restaurants and other eateries

7. Short term special education like:

a. dancing schools c. driving schools

b. school for self defense d. speech clinics

8. Storerooms but only as may be necessary for the efficient conduct of the business

9. Commercial condominium (with residential units in upper floors)

10. Commercial housing like:

a. hotel e. dormitory

b. apartment f. pension house

c. apartel g. club house

d. boarding house h. motel

11. Library museum

12. Filling Station/ service station

13. Clinic

14. Vocational/technical school

15. Convention Centers and related facilities

16. Messengerial Service

17. Security agency

18. Janitorial services

19. Bank and other financial institutions

20. Radio and television station

21. Building garage, parking lot

22. Bakery and baking of bread, cake, pastries, pies, and other similar perishable products

23. Custom dressmaking shop

24. Custom tailoring shop

25. Commercial and job printing

26. Typing and photo engraving services

27. Repair of optical instruments and equipment and cameras

28. Repair of clocks and watches

29. Manufacture of insignia, badges and similar emblems except metals

30. Transportation terminals/garage with or without repair

31. Repairshops like:

a. House appliances repair shops

b. Motor vehicles and accessory repair shops

c. Home furnishing shops

32. Printing/publishing

33. Machinery display shop/center

34. Gravel and sand

35. Lumber/hardware

36. Manufacture of ice, ice blocks, cubes, tubes, crush except dry ice

37. Printing and publishing of books and pamphlets, printing cards and stationary

38. Manufacture of signs and advertising displays (except printed)

39. Chicharon factory

40. Manufacture of wood furniture including upholstered

41. Manufacture of rattan furniture including upholstered

42. Manufacture of box beds and mattresses

43. Welding shops

44. Machine shops service operation (repairing/rebuilding, or custom job orders)

45. Medium scale junk shop

46. Repair motorcycles

47. Lechon or whole pig roasting

48. Biscuit factory-manufacture of biscuits, cookies, crackers and other similar dried bakery products.

49. Doughnut and hopia factory

50. Other bakery products not elsewhere classified (n.e.c)

51. Repacking of food products e.g. fruits, vegetables, sugar and other related products

52. Plant nursery

53. Funeral parlors, mortuaries and crematory services and memorial chapels

54. Parking lots, garage facilities

55. Other commercial activities not elsewhere classified

Allocate space for urban greening in every establishment;

Provision of open space for tree parks.

Establishment of green belts along the highways

Allocate spaces five meters from the edge of the road right of way for parking.

The above regulation shall apply to C-1, C-2 and GCZ

## **Section17. Use Regulation in C-1 Zone.**

Referred to as to the Central Business district (CBD), a C-1 Zone shall be principally for trade, business activities, enumerated below are the allowable uses:

1. Offices like:

a. office building

b. office condominium

2. General retail stores and shops like:

a. department store/shopping center d. car shop

b. bookstore and office supply shop e. photo shop

c. home appliance center f. flower shop

3. Food markets and shops like:

a. bakery and bake shop c. grocery

b. wine store d. supermarket

4. Personal service shops like:

a. beauty parlor c. sauna bath and massage clinic

b. barber shop d. dressmaking and tailoring shops

5. Recreational center/establishments like:

a. movie houses/theater

b. play court e.g. tennis court, bowling lane, billiard hall

c. swimming pool

d. day and night club

e. stadium, coliseum, gymnasium

f. other sports and recreational establishment

6. Restaurants and other eateries

7. Short term special education like:

a. dancing schools c. driving schools e. technical schools

b. school for self-defense d. speech clinics

8. Storerooms and warehouse but only as may be necessary for the efficient conduct of the business

9. Commercial condominium (with residential units in upper floors)

10. Commercial housing like:

a. Hotel e. Dormitory

b. Apartment f. Pension house

c. Apartel g. Club house

d. Boarding house h. Motel

11. Library museum

12. Filling Station/ service station

13. Clinic

14. Vocational/technical school

15. Convention Center and related facilities

16. Messengerial Service

17. Security agency

18. Janitorial services

19. Laundry services

20. Bank and other financial institutions

21. Radio and television station

22. Building garage, parking lot

23. Commercial job printing and photo copying

24. Photo printing

25. Encoding and Photo engraving services

26. E-services

27. Repair and optical instruments and equipment and cameras

28. Repair of clocks and watches

29. Manufacture of insignia, badges and similar emblems except metal

30. Transportation terminal/ garage

31. Plant nurseries

32. Scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities.

## **Section 18. Use Regulation in C-2 Zone.**

A C-2 zone shall be for quasi-trade business activities and service industries performing complimentary/supplemental functions to principally commercial District (CBD). Within the C-2 zone the following uses are allowed:

1. All uses in C-1 may be allowed in C-2
2. Repair shops like:
   * 1. House appliances
     2. Motor vehicles and accessory
     3. Home furnishing shop
3. Transportation terminal/garage with repair
4. Publishing
5. Medium scale junkshop
6. Machinery display shop/center
7. Sand and Gravel
8. Lumber/Hardware
9. Ice plant
10. Manufacture of signs and advertising displays (except printed)
11. Chicharon factory
12. Welding shop
13. Machine shops service operation (repairing/rebuilding or custom job orders)
14. Repair of motorcycles
15. Lechon house
16. Biscuit factory-manufacturing of biscuits, cookies, crackers and other similar dried bakery products
17. Doughnut and hopia factory
18. Other bakery products not elsewhere classified (n.e.c.)
19. Repacking of food products e.g. fruits, vegetables, sugar and other related products
20. Funeral parlors, mortuaries and crematory services and memorial chapels
21. Parking lots, garage facilities
22. Other commercial activities not elsewhere classified

Commercial areas should not all be concreted to allow water to seep in to the ground to prevent flooding.

## **Section 19. Use Regulations in General Institutional (GIZ) Zone.**

In GI Zone, the following uses shall be allowed:

1. Government center to house, regional or local offices in the area.

2. Colleges, universities, professional business schools, vocational and trade schools, technical schools and other institutions of higher learning.

3. General hospitals, medical centers, multipurpose clinics

4. Scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities.

5. Convention centers and related facilities

6. Religious structures e.g. church, seminary, convents

7. Museums

8. Student housing e.g. dormitories, boarding house

Allocate space for urban greening in every establishment;

Provision of open space for tree parks.

Establishment of green belts along the highways.

Allocate spaces five meters from the edge of the road right of way for parking.

## **Section 20. Use Regulation in Light Industrial Zone (LIZ).**

I-1 zone shall be for non-pollutive/non-hazardous and non-pollutive/hazardous manufacturing/process establishments. Enumerated below are the allowable uses:

Non-Pollutive/Non-hazardous industries

1. Drying Fish
2. Biscuit Factory – manufacture of biscuits, cookies, crackers and other similar cried bakery products
3. Doughnuts and hopia factory
4. Manufacture of macaroni, spaghetti and vermicelli and other noodles
5. Other bakery products not elsewhere classified (n.e.c)
6. Manufacture of luggage, handbags, wallets and small leather goods
7. Manufacture of miscellaneous products of leather and leather substitute and n.e.c.
8. Manufacture of shoes except rubber, plastic and wood
9. Manufacture of slippers and sandals except rubber and plastic
10. Manufacture of footwear parts except rubber and plastic
11. Printing, publishing and allied industries and those n.e.c.
12. Manufacture or assembly of typewriters, cash registers, weighing, duplicating and accounting machines
13. Manufacture or assembly of electronic data processing machinery and accessories.
14. Renovation and repair of office machinery
15. Manufacture or assembly of miscellaneous office machines and those n.e.c.
16. Manufacture of animal drawn carts
17. Manufacture of children carts and baby carriages
18. Manufacture of laboratory and scientific instruments, barometers, chemical balance, etc.
19. Manufacture of measuring and controlling equipment, plumb bomb, rain gauge, taximeter, thermometer, etc.
20. Manufacture or assembly of surgical, medical, dental equipment and medical furniture
21. Quick freezing and cold packaging for fish and other seafood’s
22. Quick freezing and cold packaging for fluid and vegetables
23. Popcorn/rice factory
24. Manufacture of eyeglasses and spectacles
25. Manufacture of optical lenses
26. Manufacture of sporting gloves and mitts
27. Manufacture of sporting tables (billiard, ping-pong, pool)
28. Manufacture of other sporting and athletic goods, n.e.c.
29. Manufacture of toys and dolls except rubber and mold plastic
30. Manufacture of pens, pencils and other office and artist materials
31. Manufacture of umbrella and canes
32. Manufacture of brooms, brushes and fans
33. Manufacture of insignia, badges and similar emblems (except metal)
34. Manufacture of sign and advertising displays (except printed)
35. Small-scale manufacture of ice cream

Non-Pollutive/Hazardous industries

1. Manufacture of house furnishing
2. Textile bag factories
3. Men’s and boy’s garments factory
4. Women’s and girl’s and ladies garment factory
5. Manufacture of hats, gloves, handkerchief, neckwear and related clothing accessories
6. Manufacture of paper stationary, envelopes and related articles
7. Manufacturing of dry ice
8. Repacking of industrial products e.g. paints, varnishes and other related products

## **Section 21. Use Regulations in Medium Industrial Zone (I-2).**

An I-2 Zone shall be for pollutive/non hazardous and pollutive/ hazardous manufacturing and processing establishments. Enumerated below are the allowable uses:

1. Pollutive/Non-Hazardous Industries
2. Manufacture and canning of ham, bacon and native sausage
3. Poultry processing and canning
4. Large-scale manufacture of ice cream
5. Corn mill/rice mill
6. Chocolate and cocoa factory
7. Candy factory
8. Chewing gum factory
9. Peanuts and other nuts factory
10. Other chocolate and confectionery products
11. Manufacture of flavoring extracts
12. Manufacture of food products n.e.c. (Vinegar, vetsin)
13. Manufacture of fish meal
14. Manufacture of medicinal and pharmaceutical preparations
15. Manufacture of stationery, art goods, cut stone and marble products
16. Manufacture of abrasive products
17. Manufacture of miscellaneous non-metallic mineral products n.e.c.
18. Manufacture of hand tools
19. Manufacture of general hardware
20. Manufacture of miscellaneous cutlery hand tools and general hardware n.e.c.
21. Manufacture of household metal furniture
22. Manufacture of office, store and restaurant metal furniture
23. Manufacture of metal blinds, screens and shades
24. Manufacture of miscellaneous furniture and fixture primarily of metal n.e.c.
25. Manufacture of fabricated structural iron and steel
26. Manufacture of architectural and ornamental shades
27. Manufacture of boilers, tanks and other structural sheet metal works
28. Manufacture of other structural products n.e.c.
29. Manufacture of metal cans, boxes and containers
30. Manufacture of stamped coated and engraved metal products
31. Manufacture of fabricated wire and cable products
32. Manufacture of heating, cooking and lighting equipment except electrical
33. Sheet metal works generally manual operation
34. Manufacture of other fabricated metal products except machinery and equipment n.e.c.
35. Manufacture or assemble of agricultural machinery and equipment
36. Native plow and harrow factory
37. Repair of agricultural machinery
38. Manufacture or assembly of service industry machines
39. Manufacture or assembly of elevators and escalators
40. Manufacture or assembly of sewing machines
41. Manufacture or assembly of cooking ranges
42. Manufacture or assembly of water pumps
43. Refrigeration industry
44. Manufacture or assembly of other machinery and equipment except electrical n.e.c.
45. Manufacture and repair of electrical apparatus
46. Manufacture and repair of electrical cables and wire
47. Manufacture of other industrial machinery and apparatus n.e.c.
48. Manufacture or assembly of electric equipment radio and television, tape recorders, stereo
49. Manufacture or assembly of radio and television transmitting, signaling and detection equipment
50. Manufacture or assembly of telephone and telegraphic equipment
51. Manufacture of other electronic equipment and apparatus n.e.c.
52. Manufacture of industrial and commercial electrical appliances
53. Manufacture of household cooking, heating and laundry appliances
54. Manufacture of other electrical appliances n.e.c.
55. Manufacture of electric lamp fixtures
56. Mini saw mill is only permitted provided compliance to existing forestry laws on forest utilizations per Department Administrative Order No. 17.
57. Pollutive/Hazardous
58. Cassava flour mill
59. Manufacturing of coffee
60. Manufacturing of unprepared animal feeds, other grain milling n.e.c.
61. Production prepared feeds for animals
62. Weaving hemp textile
63. Jute spinning and weaving
64. Miscellaneous spinning and weaving mills, n.e.c.
65. Underwear and outwear knitting mills n.e.c.
66. Fabric knitting mills
67. Miscellaneous knitting mills n.e.c.
68. Manufacture of mats and mattings
69. Manufacture of carpets and rugs
70. Manufacture of cordage, rope and twine
71. Manufacture of related products from abaca, sisal, henequen, hemp, cotton, paper, etc.
72. Manufacture of linoleum and other surfaced coverings
73. Manufacture of artificial leather, oil cloth and other fabrics except rubberized
74. Manufacture of miscellaneous textile, n.e.c.
75. Manufacture of rough lumber, unworked
76. Manufacture of worked lumber
77. Manufacture of doors, windows and sashes
78. Treating and preserving of wood
79. Manufacture of charcoal
80. Manufacture of wood and cane blinds, screens and shades
81. Manufacture of containers and boxes of paper and paper boards
82. Manufacture of miscellaneous pulp and paper products, n.e.c.
83. Manufacture of waxes and polishing preparations
84. Manufacture of candles
85. Manufacture of miscellaneous chemical products, n.e.c.
86. Manufacture of rubber shoes and slippers
87. Manufacture of industrial and molded rubber products
88. Manufacture of plastic footwear
89. Manufacture of furniture
90. Manufacture of other fabricated plastic products, n.e.c.
91. Manufacture of table and kitchen articles
92. Manufacture of pottery, china and earthen ware n.e.c.
93. Manufacture of glass containers
94. Manufacture of miscellaneous glass and glass products, n.e.c.
95. Manufacture of clay bricks, clay tiles and hallow clay tiles
96. Manufacture of miscellaneous structural clay products, n.e.c.
97. Manufacture of structural concrete products
98. Manufacture of asbestos products
99. Manufacture of metal cutting, shaving and finishing machinery
100. Manufacture of wood working machinery
101. Manufacture, assembly, rebuilding, repairing of food and beverage making machinery
102. Manufacture, assembly, rebuilding, repairing of textile machinery
103. Manufacture, assembly, rebuilding, repairing of paper machinery
104. Manufacture, assembly, rebuilding, repairing of printing, trade machinery and equipment
105. Manufacture of rice mills
106. Manufacture of machines for leather and leather products
107. Manufacture of construction machinery
108. Manufacture of machines for clay, stove and glass industries
109. Manufacture, assembly, rebuilding of miscellaneous special industrial machinery and equipment, n.e.c.
110. Manufacture of dry cells, storage battery and other batteries
111. Manufacture of locomotives and parts
112. Manufacture of street cars
113. Manufacture of wood furniture including upholstered
114. Manufacture of rattan furniture including upholstered
115. Manufacture of box beds and mattresses

## **Section 22. Use Regulations in Heavy Industrial Zone (I-3).**

An I-3 Zone shall be for highly pollutive/non-hazardous; highly pollutive/hazardous; highly pollutive/extremely hazardous; non-pollutive/extremely hazardous; and pollutive/extremely hazardous manufacturing and processing establishments. Enumerated below are the allowable uses:

1. Highly Pollutive/Non-Hazardous Industrial
2. Meat processing, curing, preserving except processing of ham, bacon, sausage and chicharon
3. Milk processing plants (manufacturing filled, reconstituted, or recombined milk, condensed or evaporated
4. Butter and cheese processing plans
5. Natural fruit milk processing (pasteurizing, homogenizing, vitaminizing, bottling of natural animal milk and cream related products)
6. Other dairy products, n.e.c.
7. Canning and preserving of fruit juices
8. Canning and preserving of vegetables and vegetable juices
9. Canning and preserving of vegetable sauces
10. Miscellaneous canning and preserving of fruits and vegetables, n.e.c.
11. Fish canning
12. Patis factory
13. Bagoong factory
14. Processing, preserving and canning of fish and other seafood’s, n.e.c.
15. Manufacture of desiccated coconut
16. Manufacture of starch and its products
17. Manufacture of wines from juices of local fruits
18. Manufacture of malt and malt liquors
19. Manufacture of soft drinks carbonated water
20. Manufacture of instant beverages, n.e.c.
21. Other non-alcoholic beverage, n.e.c.
22. Other slaughter, preparing and preserving meat products, n.e.c.
23. Highly Pollutive/Hazardous Industries
24. Vegetable oil mills, including coconut oil
25. Manufacturing of refine cooking oil and margarine
26. Manufacturing of fish, marine and other animal oils
27. Manufacturing of vegetable and animal oils and fats, n.e.c.
28. Sugar cane milling (centrifugal and refined)
29. Sugar refining
30. Muscovado sugar mill
31. Distilled, rectified and blended liquors, n.e.c.
32. Cotton textile mill
33. Ramie textile mill
34. Rayon and other man-made fiber textile mill
35. Bleaching and drying mills
36. Manufacture of narrow fabrics
37. Tanneries and leather finishing plants
38. Pulp mill
39. Paper and paperboard mill
40. Manufacture of fiberboard
41. Manufacture of inorganic salts and compounds
42. Manufacture of soap and cleaning preparations
43. Manufacture of hydraulic cement
44. Manufacturing of lime and lime kilns
45. Manufacturing of plaster
46. Products of blast furnaces, steel works and rolling mills
47. Products of iron and steel foundries
48. Highly Pollutive/Extremely Hazardous Industries
49. Manufacturing of Industrial alcohols
50. Other basic industrial chemicals, n.e.c.
51. Manufacture of fertilizers
52. Manufacture of pesticides
53. Manufacture of synthetic resins, plastic material and man-made fibers except glass
54. Pollutive/Extremely Hazardous Industries
55. Manufacture of paints
56. Manufacture of varnishes, shellac and stains
57. Manufacture of paint removers
58. Manufacture of other paint product
59. Manufacture of Matches
60. Manufacture of tires and inner tubes
61. Manufacture of processed natural rubber not rubber plantation
62. Manufacture of miscellaneous rubber product, n.e.c.
63. Non-Pollutive/Extremely Hazardous Industries
64. Manufacturing of compressed and liquefied gases

Allocate space for urban greening in every establishment.

Provision of open space for tree parks.

Establishment of green belts along the highways

Allocate spaces five meters from the edge of the road right of way for parking

## **Section 23. Use Regulation in Parks and Recreation Zone (PRZ).**

The following uses shall be allowed in Parks and Recreation Zones;

1. Parks/gardens

2. Open air or outdoor sports activities and support families, including low rise stadia, gyms, amphitheaters and swimming pools

3. Golf courses, ball courts, race tracts and similar

4. Memorial/shrines monuments, kiosks and other park structures

5. Sports Club

6. Underground Parking Structures/Facilities

7. Functional wetlands, easement and buffer areas

1. All residential, commercial, industrial and mixed-use subdivisions are required to provide tree-planting strips along its internal roads having spacing of not more than ten (10) meters.

2. Similar development with total contiguous land areas greater than ten (10) hectares are required to provide, in addition to the above, adequate landscaped forest parks for the use of the occupants and/or the general public.

3. Residential compounds, regardless of total lot area, shall provide an open space for playground purposes. Where the residential compound is intended for less than ten (10) families, the setting aside of such area for playground purposes may be dispensed with, provided, that an open space may be used as part of the yard requirement for the compound. All designated open spaces shall not be converted to other uses.

4. Commercial areas should not all be concreted to allow water to seep in to the ground to prevent flooding.

## **Section 24.Use regulation for utilities zone.**

1. NIA dam and canals
2. Reservoirs
3. Hydro Electric Power Plant
4. Power lines
5. Deep well pumping station
6. Cellular Tower
7. Power Sub-station

## **Section 25. Buffer for utilities zone.**

A buffer zone of at least 10 meters shall be established from the perimeter of all of these utilities. Planting of appropriate vegetation is mandated within the buffer zone.

## **Section 26.Use Regulations for Agricultural Zone (AGZ).**

Agricultural zones shall be principally used for crop, livestock and poultry production. Permitted uses within Agricultural Zones are the following:

1. Cultivation, raising and growing of staple such as rice, corn, cassava and the like.
2. Growing of diversified plants and trees, such as fruit and flower bearing trees, coffee, tobacco, etc.
3. Silviculture and mushroom culture,
4. Customary support facilities such as palay dryers and rice threshers and storage barns warehouse and other post-harvest facilities.
5. Ancillary dwelling units/farmhouse for tillers and laborers
6. Agricultural research and experimentation facilities such as breeding stations, fish farms, nurseries, demonstration farms, etc.
7. Pastoral services such as goat raising and cattle fattening
8. Home Occupation for the practice of one’s profession or engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like provided that;
   1. Number of persons engaged in such business/industry shall not exceed five (5), inclusive of the owner;
   2. There shall be no change in the outside appearance of the building premises;
   3. No home occupation shall be conducted in any customary accessory uses cited above;
   4. No traffic shall be generated by such home occupation in greater volume than would be normally be expected in a residential neighborhood and any need for parking generated by the conduct of such occupation shall be met off the street in place other than required front yard;
   5. No equipment or process shall be used in such occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal sense and visual or audible interference in any radio or television receiver or causes fluctuation in line voltage off the premises.
9. Home industry classified as cottage industry e.g. mat weaving, pottery making, food preservation, etc. provided that;
10. Such home industry shall not occupy more than thirty (30%) of the floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance.
11. Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DIT).
12. Such all consider same provisions as enumerated in letters c, d and e of Home Occupation, this section.
13. Backyard raising of livestock and fowl, provided that:
14. For livestock – a maximum of 1 sow and10 heads
15. For fowl – a maximum of 500 birds

## **Section 27. Use Regulations in Agri-Industrial Zone (AIZ).**

In Agri-Industrial Zones, the following uses shall be permitted:

1. Agri-industrial (Structure)

1. All uses allowed in agricultural

2. Rice/corn mills (single pass)

3. Drying, cleaning, curing and preserving of meat and its by products and derivatives

4. Drying, smoking and airing of tobacco

5. Flour mill

6. Cassava flour mill

7. Manufacture of coffee

8. Manufacture of unprepared animals feeds, other grain milling including cassava for animal feeds. n.e.c.

9. Production of prepared feeds for animals

10. Cigar and cigarette factory

11. Curing and redrying tobacco leaves

12. Miscellaneous processing tobacco leaves, n,e,c

13. Weaving hemp textile

14. Jute spinning and weaving

15. Manufacture of charcoal

16. Milk processing plants (manufacture filled, reconstituted or recombined milk, condensed or evaporated)

17. Butter and cheese processing plants

18. Natural fluid milk processing (pasturing, homogenizing, vitamin, bottling of natural animal milk and cream related products)

19. Other dairy products, n,e,c

20. Canning and preserving of fruits juices

21. Canning and preserving of vegetables and vegetable juices

22. Canning and preserving of vegetable sauces

23. Miscellaneous canning and preserving of fruit and vegetables, n,e,c

24. Fish canning

25. Patis factory

26. Bagoong factory

27. Processing, preserving and canning fish and other seafood, n.e.c.

28. Manufacture of desiccated coconut

29. Manufacture of starch and its products

30. Manufacture of wines from juices of local fruits

31. Vegetable oil mills, including coconut oil

32. Sugarcane milling (centrifugal and refines)

33. Sugar refining

34. Muscovado sugar mill

35. Cotton textile mill

36. Manufacture/processing of other plantation crops e.g. pineapple, bananas, etc.

37. Other commercial handicrafts and industrial activities , utilizing plant or animal parts and/or products as raw materials, n.e.c

38. Other accessory uses incidental to agri-industrial activities.

1. Agri-industrial (Plantation)
   * 1. Pineapple plantation
     2. Oil Palm Plantation

All industries are mandated to divert 50% of their waste within 10 years.

Planting of trees within 20 meters from rivers and creeks easement in Agri-Industrial Zone (plantation) shall be strictly enforced. Cutting of existing trees in all rivers and creeks easements is strictlyprohibited.

Strict implementation of Bufferzone as provided under pertinent laws.

## **Section 28.Use Regulations in Forest Zone (FZ).**

No development use, or activity shall be allowed in forest zones unless consistent with the DENR development regulations for forest zones and a permit/ lease issued by the DENR for the following:

* 1. Contract reforestation with Forest Land Management Agreement (FLMA) and National Greening Program.
  2. Community Based forest management agreement
  3. Reforestation compliance by pasture lease agreement

The various land uses within forestlands must complement each other to promote balance between ecological and economic concerns (e.g., biological diversity and timber production) and to optimize benefits.

The management of forests and forestlands is a shared responsibility between and among the national government, the local governments, the private sector, and local communities.

**Strict Protection Zone**

* + 1. NIPAS areas such as natural parks including Buffer zones
    2. Critical watershed areas as identified by the DENR
    3. Protected landscape such as caves, waterfalls and inland bodies of water (lakes)
    4. Areas above 1000 meters elevation above mean sea level
    5. Areas with slope of 50% above.
    6. Other areas considered critical such as those declared landslide/erosion prone by the Mines and Geosciences Bureau.

Within the Forest Protection Zones, the following activities are,

1. Prohibited:
2. Cutting of trees
3. Kaingin farming
4. Hunting of endangered wildlife
5. Grazing of livestocks
6. Mining (refer to Mining Law. new EO 79, 2012)
7. Agricultural cultivation
8. Agri-industrial activities
9. Conversion to other land uses
10. Hunting of wildlife
11. Development for agricultural purposes, except in the first few years after tree planting when the canopy has not yet closed

11.Use of pesticides and other chemicals that threaten the water supply.

In some cases, Special Land Use Permits maybe allowed in strict protection zones such as the construction of transmission and communication towers provided clearance or permit from the issuing agency including payment ofdamages on forest destruction is sought.

1. Should be Done

1. Make existing wooded lands more productive by planting timber species and following optimal management regimes. Leave strips of natural vegetation as barrier against the spread of pests and diseases separating blocks of forest plantations.

2. Develop open areas in the zone into forest plantations based on strictly implemented optimal management regimes. Use species with the highest economic potential but plant mixed indigenous species in buffer zones separating blocks of forest plantations as barrier against the spread of pests and diseases.

3. Develop green breaks or fire lines to prevent the spread of occurrences of forest fires.

4. Replant forest plantations within one rainy season after harvesting.

5. Protect wildlife and soil and water resources, such as by prohibiting hunting, planting soil erosion barrier strips along contours, etc.

6. Encourage outsiders to participate in watershed rehabilitation efforts, provided those efforts are well coordinated and consistent with the zones and their uses.

* 1. Production Forests includes areas not otherwise mentioned above. These includes;
     1. ISF areas
     2. PACBRMA areas within the allowable buffer-zone of natural parks
     3. CBFMA areas
     4. Upland Agroforestry Areas
     5. Reforestation of family approach
     6. Pasture land areas
     7. Industrial Tree Plantation areas(ITP)
     8. Industrial Forest Management Agreement (IFMA)

a. BFI

Within the Forest Production Zones, the following activities are permitted:

1. Timber production( Compliance to EO. 26 Known as National Greening Program)
2. Established tree plantation through reforestation and food production through agro-forestry activities in ISF, CBFM areas with affirmed CRMF provided area developed for the purpose is within area covered with approved CBFMA issued by DENR.
3. Other activities such as fishpond, infrastructure but not limited to water systems, schools, recreational parks, and roads and bridges which shall be subjected to Special Land Use Permit in accordance to existing forestry laws ,rules and regulations issued by concerned issuing agency;
4. Mining operation is permitted provided compliance pursuant to Republic Act 7076 known as “People’s Mining Act of 1991” and other provisions issued by local government unit.

Permitted uses within the designated Forest Zones shall be in conformity with the approved sustainable forest management plans through Memorandum of Agreement (MOA) shall be forged between the Department of Environment and Natural Resources, LGU and other private stake holder .

Areas held by Indigenous Peoples and areas issued with Certificate of Ancestral Domain Title (CADT) or Certificate of Ancestral Land Title (CALT) shall be used in accordance with the perpetuation of their culture as maybe embodied in their Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) duly adopted by concerned agencies including the LGU in accordance with IPRA Law and related laws

## **Section 29.Use Regulations in Water Zone (WZ).**

The following use zones should be established based on the best available information on existing resource users, use patterns, and development potential:

1. Protection Zone

Water recharge zone

1. Production Zone
   * + Quarrying of sand and gravel
2. Eco-Tourism Zone

The utilization of water resources for domestic and industrial use shall be allowed provided it is consonance with development regulation of DENR, provisions of the water code (PD 1067) and the revised Forestry Code of the Philippines (PD 705), as amended, and provided further, that it is subjected to an assessment of its carrying capacity, environmental impact and vulnerability assessment prior to the approval of its use.

Other uses such as recreation, inland fishing and related activities, floatage/transportation and quarrying and mining shall also be allowed provided it is in consonance with provision of the water code, and the revised Forestry Code of the Philippines, as amended as well as other laws and regulations such as Water Act, CCA and DRRM.

Such bodies of water shall include rivers, streams, and lakes.

## **Section30. Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs).**

The rights of ownership and possession of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains shall be recognized and protected in conformity with RA 8371 known as “The Indigenous Peoples Rights Act of 1997”and other laws and regulations such as Clean Water Act, CCA and DRRMA.

## **Section 31.IP Zone.**

There shall be and which shall be considered as IP Zone devoted for the preservation, protection and development of indigenous culture, traditions and cultural beliefs. These areas shall be protected and intended for the aforementioned purpose.

## **Section 32. Regulations in Tourist Zone (TZ).**

Tourism project or tourism related activities shall be allowed in tourist zone unless developed or undertaken in accordance with the Department of Tourism (DOT) guidelines and standards subject to an environmental impact and vulnerability assessment.

## **Section 33. Eco-tourism Zone.**

Is about uniting, conservation, communities, and sustainable travels. Those who implement and participate in ecotourism activities should follow the following ecotourism principles:

1. Minimize impact
2. Build environmental and cultural awareness and respect
3. Provide positive experiences for both visitors and hosts
4. Provide direct financial benefits for conservation
5. To provide empowerment to local people
6. Raise sensitivity to host LGU’s political, environmental, and social climate includes but not limited to the following area:
7. Spring
8. Cave
9. Waterfalls
10. Lake
11. Rivers
12. Ridges

# **ARTICLE VI. GENERAL DISTRICT REGULATION**

## **Section 34.­Development Density.**

Permitted density shall be based on the allowed density stipulated within the zone/s.

The maximum density should be based on the planned absolute level of density intended for each district or zone based on the Comprehensive Land Use Plan

Decision to reduce land use density must not impair on the rights of the property/land owner. The Zoning Officer’s decision on allowed density must be balanced with public safety considerations especially if the proposed development is to be located within hazard prone areas.

The Zoning Officer’s initial evaluation of the proposed development is grounded on the intent or objective to ensure that the proposed development meets the building code standards to reduce the vulnerability of individuals, buildings and structures to hazards such as flooding, storm surge, or wind damage.

**Section35.Flood Hazard Overlay Zone.**

All development, including new construction, additions, and substantial improvements shall:

* 1. Be restricted on positively identified high risk (flood) areas;
  2. Be regulated on moderate and low risk (flood) areas, permitted structures shall have the lowest floor of not less than one (1) foot above the base flood elevation including the installation of electrical connections and devices;
  3. Conform to the existing National Building Code, environmental laws and other disaster related laws and ordinances;
  4. Be designed and constructed with the use of flood resistant/resilient materials;
  5. Be ensured/supplied with flood resilient and safe water connections particularly during great deluge;
  6. Not accelerate and worsen further the vulnerability level of its neighboring structures and places;
  7. Not encroach on floodways unless a registered professional certifies that the proposed development will not result in any increase in flood levels.

All new construction and additions to any residential or nonresidential structure shall have the lowest floor, together with attendant utility and sanitary facilities, elevated to no lower than [one to three] feet above the base flood elevation

* 1. Be above the base flood elevation (minimum of 1 foot);
  2. Be restricted in high risk areas
  3. All utilities, including electrical, heating, ventilation, plumbing, air conditioning and other service facilities, including ductwork, shall be elevated or made of flood resistant materials up to [one to three] feet above base flood elevation, and designed and located to prevent water from entering or accumulating within the components during conditions of flooding.

All new buildings and additions to existing buildings must be constructed on foundations that are approved by a licensed professional engineer, or

Where new or replacement water and sewer systems, including on-site systems, are proposed in a flood hazard area the applicant shall provide the zoning officer and the building official with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems to avoid contamination during periods of flood

Structures must be constructed using materials that are resilient to flood damage.

Any development within the overlay zone shall not contribute to the increase of flood levels especially during flood events.

Development activities must be sited and designed to minimize disruption to shorelines and their banks.

**Section 36. Landslide Hazard Overlay Zone.**

All development, including new construction, additions, and substantial improvements shall:

* 1. Be restricted on positively identified high risk (landslide) areas;
  2. Be regulated on moderate and low risk (landslide) areas, permitted structures shall be erected with a distance of twice of the hill altitude from its foot slope;
  3. Conform to the existing National Building Code, environmental laws and other disaster related laws and ordinances;
  4. Not accelerate and worsen further the vulnerability of its neighboring structures and places;

**Section 37. Seismic Hazard Overlay Zone.**

All development, including new construction, additions, and substantial improvements shall be constructed in accordance to the National Building Code and other disaster related laws/ordinances and shall be designed/ made of seismic resistant/resilient materials.

## **Section 38. Height Regulations.**

Unless otherwise stipulated in this ordinance building or structure height regulations shall be imposed on the following zones:

1. Residential/Commercial Zones

|  |  |  |
| --- | --- | --- |
| Character of Use or Occupancy | Type of Building/Structure | Building Height Limit |
| Meters above highest grade |
| 1. Residential | Residential 1 (R-1) | 10.00 |
|  | Residential 2 (R-2)  a. Basic  b. Maximum | 10.00  15.00 |
|  | Residential 3 (R-3)  a. Basic  b. Maximum | 10.00  36.00 |
|  | Residential 4 (R-4)  Townhouses  (Individual lots/units) | 10.00 |
|  |  |  |
| 2. Commercial | Commercial 1 (C-1) | 10.00-15.00 |
|  | Commercial 2 (C-2) | 18.00 |
|  |  |  |

Low Density Residential Zone – no building or structure whether public or private shall be higher than \_\_\_\_\_\_\_\_\_ above the highest natural grade of the property;

Medium Density Residential Mixed (R-2MXD) – no building or structure whether public or private shall be higher than twenty one (21) meters above the highest natural grade line in the property or front sidewalk (main entry) level; mid-rise dwelling is four (4) to seven (7) storeys.

High Density Residential Mixed (R-3MXD) – high rise dwelling units of eight or more storeys are allowed provided it conforms to the National Building Code and Structural Code prescriptions.

Exempted from the imposition of height regulations in the residential zones are towers, church steeples, water tanks, and other utilities and such other structures not covered by the height regulations of the National Building Code and/or the Air Transportation Office.

A height limit of \_\_\_\_ floors or \_\_\_\_\_meters shall be allowed for structures that abuts a declared historical or heritage site/area.

B. All Other Zones

Building height must conform to the height restriction and requirements of the Air Transportation Office (ATO) as well as the requirements of the National Building Code, the Structural Code as well as all laws, ordinances, design standards, rules and regulation related to the land development constructions of the various safety codes

Other Uses

|  |  |  |
| --- | --- | --- |
| Character of Use or Occupancy | Type of Building/Structure | Building Height Limit |
| Meters above highest grade |
| Industrial | Industrial 1 (I-1) | 15.00 meters but not exceed the duly approved BHL in the major zone it is part of |
|  | Industrial 2 (I-2) | 21.00 meters but not exceed the duly approved BHL in the major zone it is part of |
|  | Industrial 3 (I-3) | 27.00 meters but not exceed the duly approved BHL in the major zone it is part of |
| Institutional |  | 15.00 meters (or must follow the duly approved BHL in the major zone it is part of) |
| Cultural |  | 30.00 meters (or must follow the duly approved BHL in the major zone it is part of) |
| Utility/Transportation/RROW/Services |  | 15.00 meters (or must follow the duly approved BHL in the major zone it is part of) |
| Parks and Open Recreational and Entertainment Spaces |  | 15.00 meters (or must follow the duly approved BHL in the major zone it is part of) |
| Agricultural/Agro-Industrial/Tourism |  | 15.00 meters (or must follow the duly approved BHL in the major zone it is part of) |
| Planned Unit Development (PUD) | PUD at reclamation area | 10.00-30.00 |
| PUD at an inland area | 36.00-130.00 |

## **Section 39. Area Regulations.**

Area regulations in all zones shall conform to the minimum requirement of the existing codes such as:

a. P.D. 957- the “Subdivision and Condominium Buyer’s Protective Law” and its revised implementing rules and regulations

b. B.P. 220- “Promulgation of Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Projects” and its revised implementing rules and regulations.

c. P.D. 1096-National Building Code

d. Fire Code

e. Sanitation Code

f. Plumbing Code

g. Structural Code

h. Executive Order No. 648

i. Other relevant guidelines promulgated by the national agencies concerned.

## **Section 40. Road Setback Regulation.**

The following road setback for Commercial, Residential, Industrial, Institutional and Recreational Buildings shall be applied:

|  |  |  |  |
| --- | --- | --- | --- |
| Road Right-of-Way (RROW) Width (meters) | Front  (meters) | Side  (meters) | Rear  (meters) |
| 30.00 & above | 8.00 | 5.00 | 5.00 |
| 25.00 – 29.00 | 6.00 | 3.00 | 3.00 |
| 20.00 – 24.00 | 5.00 | 3.00 | 3.00 |
| 10.00 – 19.00 | 5.00 | 2.00 | 2.00 |
| Below 10.00 | 5.00 | 2.00 | 2.00 |

\*\*\*review zone classification from DPWH

|  |  |  |  |
| --- | --- | --- | --- |
| Zoning Classification | Major Thoroughfare  30 m. & above | Secondary Road  Below 30m. | Tertiary Road  6 m. & below |
|  | Diversion/Railways | Provincial | Mun./Brgy. |
|  |  |  |  |
| Residential | 10M | 10M | 3M |
| Commercial | 20M | 20M | 7M |
| Industrial | 30M | 25M | 10M |
| Agricultural | 20M | 20M | 7M |
| Agro-Industrial | 30M | 25M | 10M |
| Institutional | 20M | 20M | 10M |
| Park & Recreation | 10M | 10M | 3M |
| Forest | 30M | 25M | 10M |

Source: DPWH

## **Section 41. Easement.**

Pursuant to the provisions of the Water Code as institutionalized through Ordinance No.

* + 1. The banks of rivers and streams and the shores of the seas and lakes throughout length and within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.

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

Natural waterways shall be assigned a green easement/bank allowance that is landscaped or planted with grass, ornamentals and trees and free of permanent structures. Should there be a change in the existing shoreline or banks of the rivers, the easement shall be construed as moved and adjusted with the actual riverbanks in relation with Section 462 of RA 386 otherwise known as the New Civil Code of the Philippines.

1. Mandatory five-meter easement (minimum)on both sides of a fault trace as identified and recommended by the PHIVOLCS.

## **Section 42. Buffer Regulations.**

A minimum buffer of 3 meters shall be provided along entire boundary length between two or more conflicting zones (allocation 1.5. meters) allocating equal distances from each side of the district 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.

The developer of a more intense use shall provide the required buffer to protect a lesser intense/density use.

## **Section 43. Specific Provisions in the National Building Code.**

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

No Building Permit, Certificate of Occupancy and Electrical connections is issued to the applicant who has no right over the land and to the structures which are located within the Road –right-of –Way or within 30 meters from the center line of the road if it is along the National Highway. If the structure is located along the road-right-of Way and the lot is titled, the applicant is allowed, however, he should build his structure after the first fifteen (15) meters and he will execute a waiver that in the event that the area will be affected by road widening, he will demolish the building at his own cost(provided that the said lot is titled)

# **ARTICLE VII. INNOVATIVE TECHNIQUES**

**Section 44. Innovative Techniques or Designs.**

For projects 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 R.A. 7279, BLISS Commercial Complexes, etc., the Zoning Administrator/Zoning Officer shall on ground of innovative development techniques forward application to HLRB for appropriate action, unless the local government units concerned has the capacity to process the same.

# **ARTICLE VIII. MISCELLANEOUS PROVISONS**

**Section 45. Projects of National Significance.**

Projects may be declared by the NEDA Board as projects of national significance pursuant to Section 3 of EO 72. When a project is declared by the NEDA Board as a project of national significance the national clearance shall be issued by HLURB pursuant to EO 72.

**Section 46.Environmental Compliance Certificate (ECC).**

Notwithstanding the issuance of the Locational Clearance under Section \_\_\_ of this Ordinance, no environmentally critical projects nor projects located in environmentally critical areas shall be commenced, developed or operated unless the requirements of ECC have been complied with.

**Section 47. Subdivision Projects.**

All owners and/or developers of the subdivision projects shall be addition to securing a Locational Clearance under Section \_\_\_\_ of this ordinance be required to secure a development permit pursuant to provision of PD 957 and its Implementing Rules and Regulations or BP 220 and its Implementing Rules and Regulations in the case of socialized housing projects in accordance with the procedure laid down in EO 71, Series of 1993.

**Section 48. Cutting/Removal of trees along National Highways.**

Cutting/Removal of trees along National Highways or any government land pursuant to PD 953 shall be allowed with the following conditions:

* + - 1. Any over-mature, diseased or defective tree posing hazards to lives and properties
      2. Any tree or other vegetation in public and private places that shall be unavoidably affected by infrastructure projects such as construction or widening of roads and bridges, building constructions, etc.
      3. Any tree and other vegetation may be allowed to be cut if earth-balling of such tree and other vegetation is impractical as determined by the DENR.
      4. Cutting in steep areas may be allowed provided that there is an approved development project in the area pursuant to existing ECC guidelines.

# **ARTICLE IX. MITIGATING DEVICES**

## **Section 49.Deviation.**

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

1. Variance

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

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

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

2. Exceptions:

a. The exceptions will not adversely affect the public health, safety or welfare and is in keeping with the general pattern of development of the community.

b. The proposed project shall support economic based activities provide livelihood, vital community services and facilities while the same time posing no adverse on the zone/community.

c. The exception will not alter the essential character and general purpose of the district where the exception sought is located.

## **Section 50. Procedures for Granting Exceptions and Variances.**

The procedure for granting of exception and/or variance is as follows:

1. A written application or variance shall be filed with the Local Zoning Board of Adjustment and Appeals (LZBAA) citing the section of this Ordinance under which the same is sought and stating the ground/s thereof;.

2. Upon filing the application, a visible project sign (indicating the same and nature of the proposed project) shall be posted at the project site

3. The Local Zoning Board of Adjustment and Appeals shall conduct preliminary studies on the application.

4. A written affidavit of non-objection of the project by the owners of the properties adjacent to the project shall be filed by the applicant with the LZBAA at least fifteen (15) days prior to the decision exception or variance.

5. In case of objection, the LZBAA shall hold public hearing.

6. At the hearing, any party may appear in person, or be represented by agent/s. All interested parties shall be accorded the opportunity to be heard and present evidences and testimonies.

7. The LZBAA shall render a decision within thirty (30) days from the filing of the application, exclusive of the time spent for the preparation of written affidavit of non-objection and the public hearing in case of any objection of the granting of exception/variance.

# **ARTICLE X. ADMINISTRATION AND ENFORCEMENT**

## **Section 53. Locational Clearance.**

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

## **Section 54. Building Permit.**

No building permit shall be issued by the Local Building Officer without a valid locational clearance in accordance with this Ordinance.

## **Section 55. Non-User of Locational Clearance.**

Upon issuance of a Locational Clearance, the grantee thereof shall have one year within which to commence or undertake the use.

## **Section 56. Certificate of Non-Conformance.**

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

## **Section 57. Existing Non-Conforming Uses and Building.**

The lawful uses of any building, structure or land at the time of the adoption or amendment of this Ordinance may be continued, although such uses do not conform with the provisions of this Ordinance, provided:

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

2. That no such non-conforming use, this has ceased operation for more than one (1) year be again revived as non-conforming use.

3. An idle/vacant structure may not be used for non-conforming activity.

4. That any non-conforming structure, or structure 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.

That should such non-conforming portion of structure be destroyed by any means to an extant of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

5. That no such non-conforming use maybe moved to displace any conforming use.

6. That no such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof maybe altered to decrease its non-conformity.

7. That should such structure be moved for any reason to whatever distance, it shall thereafter conform to the regulation of the district in which it is moved or relocated.

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

## **Section 58. Responsibility for Administration and Enforcement.**

This ordinance shall be enforced and administered by the Local Chief Executive through the Zoning Administrator/Zoning Officer who shall be appointed by the former in accordance with the existing rules and regulations on the subject.

## **Section 59. Powers and Functions of a Zoning Administrator/Zoning Officer.**

Pursuant to the provisions of EO 72 implementing RA 7160 in relation to Sec. 5, paragraph a and d, and Sec. 7 of Executive Order No. 648 dated 07 February 1981, the Zoning Administrator/Zoning Officer shall perform the following functions, duties and responsibilities.

I. Enforcement

A. Act on all applications for locational clearances for all projects.

1. Issuance of locational clearance for projects conforming with zoning regulations.

2. Recommend to the Local Zoning Board of Adjustment and Appeals (LZBAA) the grant or denial of application for variances and exemptions and the issuance on 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 thereof.

B. 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 violative of zoning ordinance and if necessary, pursuant to Sec. 3 of EO 72 and Sec. 2 of EO 71 refer subsequent actions thereon to the HLRB.

In addition the LZO shall coordinate with the barangay council to monitor on-going/existing and proposed projects within their jurisdiction to secure locational clearance.

C. Call and coordinate with the Philippine National Police for enforcement of all orders and processes issued in the implementation of this ordinance.

D. Coordinate with the Fiscal/Municipal Attorney for other legal actions/remedies relative to the foregoing.

II. Planning

A. Coordinate with the Regional Office of the HLRB regarding proposed amendments to the zoning ordinances prior to adoption by the Sangguniang Bayan.

## **Section 60. Action on Complaints and Oppositions.**

A complaint for violations of any provision of zoning ordinance or of any clearance or permits issued pursuant thereto shall be filed with the LZBAA.

However, oppositions to application for clearance, variance or exception shall be treated as a compliant and dealt with in accordance with the provision of this section.

## **Section 61. Functions and responsibilities of the Local Zoning Board of Adjustment and appeals.**

There is hereby created a LZBAA which shall perform the following functions and responsibilities:

A. Act on applications of the following nature:

1. Variances

2. Exceptions

3. Non-conforming Uses

4. Complaints and opposition to application

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

## **Section 62. Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA).**

The Municipal Development Council shall create a sub-committee which shall act as the LZBAA composed of the following members:

Municipal Mayor as Chairman

Municipal Administrator

Executive Assistant

* + - 1. Municipal Assessor
      2. Municipal Engineer
      3. Municipal Planning and Development Coordinator (if other than the Zoning Administrator)
      4. MARO
      5. Municipal Health Officer/Sanitary Inspector
      6. Municipal/ Environment and Natural Resources Officer (MENRO)
      7. Two (2) representatives of the private sector and members of the MDC, nominated by their respective organizations and confirmed by the municipal mayor. In the event of non-availability of any of the officials enumerated above, the Sangguniang Bayan shall elect the number of its members as may be necessary to meet the total number above set forth, as representatives.
      8. Two (2) representatives from non-government organizations and members of the MDC confirmed by the municipal mayor. In the event of non-availability of any of the officials enumerated above, the Sangguniang Bayan shall elect the number of its members as may be necessary to meet the total number above set forth, as representatives.

For purposes of policy coordination, said committee shall be attached to the municipal development council.

## **Section 63. Interim Provision.**

Until such time that the Local Zoning Board of Adjustment and Appeals shall have been constituted, the HLURB shall act as the Local Zoning Board of adjustment and Appeals. As an appellate Board, the HLURB shall adopt its own rules of procedure to govern the conduct of appeals arising from the administration and enforcement of this Ordinance.

## **Section 64. Review of the Zoning Ordinance.**

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

a. Change in local development plans

b. Introduction of projects of national significance

c. Petition for rezoning

d. Other reasons which are appropriate for consideration

## **Section 65. Composition of the Municipal Land Use Committee (MLUC).**

The MLUC shall be composed of sectoral experts.

These are the Local Officials/Civic Leaders responsible for the operation, development and progress of all sectoral undertakings in the locality.

1. Municipal Planning and Development Coordinator
2. Municipal Health Officer
3. Municipal Agriculturist
4. President, Association of Barangay Captains
5. Municipal Engineer
6. Community Environment and Natural Resources Officer (CENRO)
7. Municipal Agrarian Reform Officer (MARO)
8. SB Chair on Land Use
9. SB Chair on Environment
10. MLGOO
11. MSWDO
12. MIO
13. District Education Program School Supervisor
14. Three (3) Private School Sector Representatives (Local Chamber of Commerce, Housing industry and Home Owner’s Association)
15. Two (2) Representatives

For purposes of policy and program coordination, the MLUC shall be attached to the municipal development council.

## **Section 66. Functions of the MLUC.**

The MLUC shall have the following powers and functions:

A. Review the Zoning Ordinance for the following purposes:

1. Determine amendments or revisions necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan.

2. Determine changes to be introduced in the Comprehensive Land Use Plan in the light of permits given, and exceptions and variances granted.

3. Identify provisions of the Ordinance difficult to enforce or are unworkable.

B. Recommend to the Sangguniang Bayan necessary legislative amendments and to the local planning and development staff the needed changes in the plan as a result of the review conducted.

C. Provide information to the HLRB that would be useful in the exercise of its functions.

## **Section 67. Amendments of the Zoning Ordinance.**

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

## **Section 68. Violation and Penalty.**

Any person who violates of the provisions of this Ordinance, shall, upon, conviction, be punished by fine not exceeding 2,500 pesos or an imprisonment for a period not exceeding six (6) months or both at the discretion of the Court. In Case of violation by a corporation, partnership or association the penalty shall be imposed upon the erring officers thereof.

## **Section 69. Suppletory Effect of Other Laws and Decrees.**

The provisions of the 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 the land use decisions of the national agencies concerned shall be consistent with the Comprehensive Land Use Plan of the locality.

## **Section 70. Separability Clause.**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

## **Section 71. Repealing Clause.**

All ordinances, rules or regulations in conflict with the provisions of this Ordinance are hereby repealed; provided, that the rights that are vested upon the effectivity of this Ordinance shall be impaired.

## 

## **Section 72.Effectivity Clause.**

This Ordinance shall take effect upon adoption of the SB and approval by the SangguniangPanlalawigan..

This Ordinance was passed and approved on motion of Hon. Mario B. Albarece, Jr. and was seconded by Hon. Juanito I. Quiño.

APPROVED: November 14, 2013.

CERTIFIED CORRECT:

**LYDIA O. LASTIMOSA**

Secretary to the Sanggunian

CERTIFIED AND ATTESTED TO HAVE BEEN

APPROVED & ENACTED ON NOVEMBER 14, 2013:

**RONULFO D. GANAS**

Temporary Presiding Officer

Sangguniang Bayan Member

APPROVED:

**ROGELIO N. QUIñO**

Municipal Mayor

**ANNEXES**

**Zoning Maps**