**Zoning Ordinance**

Republic of the Philippines

Province of Pangasinan

**MUNICIPLITY OF MANGALDAN**

Office of the Sangguniang Bayan

EXCERPT FROM THE JOURNAL OF PROCEEDINGS OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MANGALDAN, PANGASINAN HELD AT THE SESSION HALL AT M.Y.D.C. ON MAY 16, 2017.

Acting Vice Mayor **Maria Teresa M. Abalos** called the session to order at exactly 11:30 A.M..

ROLL CALL

Present:

1. Hon. Maria Teresa M. Abalos………………………… Acting Vice Mayor/

Presiding Officer

1. Hon. Joseph Emmanuel B. Cera……………………… Councilor
2. Hon. Joselito G. Quinto……………………………… Councilor
3. Hon. Aldrin O. Soriano……………………………… Councilor
4. Hon. Fernando Juan A. Cabrera……………………... Councilor – Floorleader
5. Hon. Bernabe D. Cervas……………………………... Councilor
6. Hon. Arnel Y. Fabia………………………………….. Councilor

Absent:

1. Hon. Patricia Grace Kenny L. De Guzman…………… Councilor

On Official Business

1. Hon. Juvy O. Frialde………………………………….. Councilor – Liga Pres.

Chaired by ***Hon. Councilor Arnel Y. Fabia***

**MUNICIPAL ORDINANCE NO. 2017-105**

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. **2001-90** (“AN ORDINANCE UPDATING THE COMPREHENSIVE LAND USE ZONING REGULATIONS OF THE MUNICIPALITY OF MANGALDAN AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF AND THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH”)

Be it ordained/ enacted by the Sangguniang Bayan of Mangaldan, Pangasinan:

WHEREAS, the people of Mangaldan realize the need of having an updated and revised Comprehensive Land Use Plan and Zoning Ordinance that would conform with the new higher levels of development plans in the region and province for the next 10-year period;

WHEREAS, Mangaldanians recognize the importance of having a revised zoning ordinance to attain progress, self-reliance and peaceful sustenance and eventually become an environment-friendly and a globally competitive municipality;

WHEREAS, the people of the municipality fully understand that an updated Comprehensive Land Use Plan for CY 2016-2026 can only be basically implemented through a revised Zoning Ordinance;

WHEREAS, the people of the municipality of Mangaldan, Pangasinan recognize the need of a Zoning Ordinance which should be consistent with the approved refined/ modified/updated Comprehensive Land Use Plan of the municipality and conform with the national land use planning and zoning laws, rules and regulations;

WHEREAS, the Local Government Code authorizes Local Government Units to enact/ amend and revised Zoning Ordinances subject to and in accordance with existing laws;

NOW THEREFORE, the Sangguniang Bayan of Mangaldan, Pangasinan in a session assembled, hereby adopts and enacts the following revised above-said Zoning Ordinance.

**BENEFITS**

The benefits attributed to zoning are as follows:

1. Optimized use of land based on, among others, suitability and capability, e.g. use of prime agricultural land for agricultural purposes and high value areas for intense urban developments.
2. Promotion of public health and safety through compatible arrangement of various land uses, e.g. buffering between residential and industrial zones and through standards for environmental protection and conservation.
3. Preservation of desirable character and real estate values of the zone or sub-zone through standards intended to facilitate high quality and appropriate developments.
4. Promotion of the rational and orderly growth of the city/municipality by employing a system that allows the adequate evaluation of development proposals in both public and private lands.

**LEGAL BASIS**

Local government’s authority to enact and apply zoning regulations is derived from the state’s exercise of its police powers to make, ordain, and establish reasonable laws, statutes or ordinances which promote the general welfare. This authority is specified and defined in a number of laws and directives.

**ARTICLE I**

**TITLE OF THE ORDINANCE**

*Section 1.*Title of the Ordinance. This ordinance shall be known as the Revised Comprehensive Zoning Ordinance of the Municipality of Mangaldan, Pangasinan of 2016 and shall be referred to as an Ordinance.

**ARTICLE II**

**AUTHORITY AND PURPOSE**

*Section 2.*Authority. This ordinance is enacted pursuant to the provisions of the new Local Government Code, 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/revise Zoning Ordinance subject to the provisions of existing laws” and in conformity with E.O. 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

Mangaldan, Pangasinan in accordance with its Comprehensive Land Use Plan (CLUP) for 2016-2026.

1. Protect the character and stability of residential, commercial, industrial, institutional, parks and playground, agricultural and other the functional areas within the locality and promote orderly and beneficial development of the same.
2. Promote and protect the health, safety, peace, comfort, convenience and general welfare of the inhabitants of the locality.

*Section 4.*General Zoning Ordinance. This zoning regulation is based on the approved General and Urban Land Use Plans/ Comprehensive Land Use Plan per Sangguniang Bayan Resolution No. 2017-72 dated May 16, 2017 for the Municipality of Mangaldan, Pangasinan.

**ARTICLE III**

**DEFINITION OF TERMS**

The definition of technical terms used in this 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 and other Implementing Rules and Regulations, promulgated by the HLRUB. The words, terms and phrases enumerated hereunder shall be understood to have the meaning:

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

2. *HLURB/ BOARD* - shall mean the Housing and Land Use Regulatory Board.

3. *Buffer Area -* these are yards, parks or open spaces intended to separate incompatible elements or uses to control pollution/nuisance and for identifying and defining development areas or zones where no permanent structures are allowed.

4. *Built-up Area -* designated as non-agricultural area that can be a contiguous group of five (5) or more structures like residential, commercial, industrial, and other non-agricultural use.

5*. Central Business District -* shall refer to areas designated principally for trade, services and business purposes.

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

7. *Compatible Uses -* uses or land activities capable of existing together harmoniously e.g. residential use and parks and playground.

1. *Component Cities / Municipalities -* 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 is used to be a Municipality (RA 7160).

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

10. *Conflicting Uses -* uses or land activities with contrasting characteristics sited adjacent to each other e.g. residential units adjacent to industrial plants.

11. *Conforming Use -* a use that is in accordance with the zone classification as provided for in the Ordinance.

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

13. *Ecotourism* – a form of sustainable tourism within a natural and cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics, as well as economic benefits are fostered and pursued for the enrichment of host communities and the satisfaction of visitors. (Tourism Act and DENR AO2013-19 Guidelines on Ecotourism Planning and Management in Protected Areas)

14. Ecotourism Overlay Zone (ETM-OZ) – an area in a city/municipality intended for ecotourism uses.

15. *Environmentally Critical Areas* - refers to those areas which are environmentally sensitive and are listed in Presidential Proclamation 2146 dated December 14, 1981, as amended. (refer to attachment)

16. *Environmentally Critical Projects -* refers to those projects which have high potential for negative environmental impacts and are listed in Presidential Proclamation 2146 dated December 14, 1981, as amended. (refer to attachment)

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

18. *Flood Overlay Zone (FLD-OZ)* – an area in a city/municipality that has been identified as prone to flooding and where specific regulations are provided in order to minimize its potential negative effect to developments.

19. Flood Protection Elevation – the minimum elevation to which developments are required by this Ordinance to be elevated, with reference to the Base Flood Elevation, in order to be flood proofed.

20. *Floor Area Ratio (FAR) -* is the ratio between the gross floor area of a building and the area of the lot on which it stands, determined by dividing the gross floor area of the building and the area of the lot. *The gross floor area of any building should not exceed the prescribed Floor Area Ratio (FAR) multiplied by the lot area*. The *FAR* of any zone should be based on its capacity to support development in terms of the absolute level of density that the transportation and other utility networks can support.

21. *General Commercial Zone (GCZ) –* an area within the municipality for trading/services/ business purposes.

22. *General Institutional Zone (GIZ)* - an area within the municipality principally for general types of institutional establishments e.g. government offices, schools, hospitals/clinics, academic/research, convention centers.

23. *General Residential Zone (GRZ)* - an area within the municipality principally for dwelling/ housing purposes.

24. *General Zoning Map (GZM)* – a duly authenticated map delineating the different zones in which the whole municipality is divided.

25. *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:

- Office areas;

- Residential areas;

- Corridors;

- Lobbies;

- Mezzanine;

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

- Rest rooms or toilets;

- Machine rooms and closets;

- Storage rooms and closets;

- Covered balconies and terraces;

- Interior walls and columns and other interior features;

But excluding:

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

- 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.

26. *Highly Urbanized Cities –* cities with a minimum population of 20,000 inhabitants as certified by the National Statistics Office and with the latest Annual Income of at least P50,000.00 based on 1996 constant prices as certified by the City Treasurer (R.A. 7160).

27. *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).

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

29. *Light Industrial Zone (L-i) –* a subdivision of an area principally for the following types of industries:

* Non-pollutive/non-hazardous
* Non-pollutive/hazardous

30. *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.

31. *Mitigating Device -* a means to grant relief in complying with certain provisions of the Ordinance.

32. *New Town -* shall refer to a town deliberately planned and built which provides, in addition to houses, employment, shopping, education, recreation, culture and other services normally associated with a town.

33. *Non-Conforming Use* - existing non-conforming uses/establishments in an area allowed to operate inspite of the non-conformity to the provisions of the Ordinance subject to the conditions stipulated in this Zoning Ordinance.

34. *Official Zoning Map* – a duly authenticated map delineating the different zones into which the whole City/Municipality is divided.

35. *Open Space (OS)* – as used in this Ordinance, an area where permanent buildings shall not be allowed and which may only be used as buffer/greenbelts, parks and playgrounds.

36. Overlay Zones (OZ) – a “transparent zone” that is overlain on top of the Basic Zone or another Overlay Zone that provides an additional set (or layer) of regulations.

37. *Parks and Recreation Zone (PRZ) -* an area designed for diversion/amusements and for the maintenance of ecological balance of the community.

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

39. *Rezoning -* a process of introducing amendments to or a change in the Text and Maps of the Zoning Ordinance. It also includes amendment or change in view of *reclassification* under Section 20 of RA 7160.

40. *Rural Area* - area outside of designated urban area.

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

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

43. *Special Institutional Zone (SIZ)* - an area within the municipality principally for particular types of institutional establishments e.g. welfare homes, orphanages, home for the aged, rehabilitation and training centers, military camps/reservation/bases/training grounds, etc.

44. *Tourist Zone (TZ) -* is a site within the city endowed with natural or manmade physical attribute and resource that is conducive to recreation, leisure and other wholesome activity.

45. *Urban Areas -* include all barangay/s or portion/s of which comprising the Poblacion, Central Business District *(CBD)* and other the-built-up areas including the urbanizable land in and adjacent to said areas and where at least more than Fifty Percent (50%) of the population are engaged in non-agricultural activities. CBD shall refer to the areas designated principally for trade, services and business purposes.

46. *Urban Zoning Map -* a duly authenticated map delineating the different zones into which the whole city/municipality is divided.

47. *Urbanizable Land -* area designated as suitable for urban expansion by virtue of land use studies conducted.

48. *Variance -* a special Locational Clearance which grants a property owner relief from certain provisions of a Zoning Ordinance where, because of the particular, physical surroundings, shape or topographical conditions of the property, compliance on height, area (size), setback, bulk and/or density would result in a particular hardship upon owner, as distinguished from a mere inconvenience or desire to make more money.

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

50. *Water Zones (WZ) -* are bodies of water within the municipality which include rivers, streams, lakes and seas except those included in other zone classification.

51. *Zone/District -* an area within the municipality for specific land use as defined by mandate or natural boundaries.

52. *Zoning Administrator/Zoning Officer -* a municipal/government employee responsible for the implementation and/or enforcement of the Zoning Ordinance of the community.

53. *Zoning Ordinance -* a local legal measure that embodies regulations affecting land use.

***ARTICLE IV***

**ZONE CLASSIFICATIONS**

*Section 5.* Division into Zones or Districts. To effectively carry out the provisions of this Ordinance, the municipality is hereby divided into the following zones as shown in the Official Zoning Maps:

1. Agricultural Zone (AG-Z)

* Agricultural Protection Zone (AP-Z)

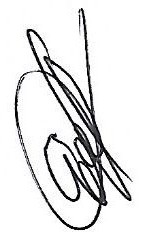
1. General Residential Zone (GR-Z)
2. Fishery Zone (F-Z)
3. General Commercial Zone (GC-Z)
4. Industrial Zone (I1-Z)
5. Parks and Recreation Zone (PR-Z)
6. Road Zone (R-Z)
7. General Institutional Zone (GI-Z)
8. Special Uses Zone (SU-Z)

* Slaughterhouse (Abattoir)
* Livestock Market
* Controlled Dumpsite

1. Cemetery/ Memorial Park Zone (C-MP-Z)

*Section 6.* Overlay Zones. The following are designated as Overlay Zones:

1. Flood Overlay Zone
2. Buffer/ Greenbelt Overlay Zone (Eco-tourism)

*Section 7.*Zoning Maps. It is hereby adopted as an integral part of this ordinance, the Official Zoning Maps for Urban Areas and for the whole municipality (General), wherein the designation, location and boundaries of the districts/zones herein established are shown and indicated. Such Official Zoning Maps shall be signed by the chief local executive and authenticated by the Sangguniang Bayan.

The Urban Zoning Maps shall be drawn to the scale of 1: 2,000 M to 1 : 4,000 M and the General Zoning Map shall be drawn to the scale of 1: 5,000 M; 1 : 10,000 M or 1 : 25,000 M.

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

# DISTRICT BOUNDARIES

# GENERAL URBAN BOUNDARIES

1. **Agricultural Area**

Agricultural area in the Map (green color).

All areas beyond 100 meters from the National Highway is zoned as agricultural.

All areas except those zone as commercial, industrial, institutional, residential and special use are zoned as agricultural.

Save existing commercial, industrial, institutional, residential and special areas.

Save existing commercial/ industrial areas.

All irrigated lands are exclusively zoned as agricultural.

1. **Residential Area**

All residential zones in the Map (yellow color).

All areas along Provincial Roads (old/ new)with a depth of 100 meters on both side are zoned as residential.

All areas along Barangay Roads (including interior roads) with a depth of 25 meters on both side are zoned as residential.

Save the existing commercial/ industrial areas.

Save all existing institutional areas.

Save industrial zone.

1. **Commercial Area**

All commercial zones in the Map (red color).

All areas on both sides along the National Highway with a depth of 100 meters from the centerline of the National Highway is zone as commercial.

Brgy. Poblacion is zone as commercial area.

Save all existing residential areas and the Socialized Housing Site.

Save the existing Mangaldan Public Plaza/ Recreational/ Park/ Open Space.

Save all institutional areas along national highway.

Save industrial zone.

Residential – 3 is allowed.

1. **Industrial Area**

All industrial zones in the Map (violet color).

All industrial zone is located at Brgy. Anolid along the National Highway going to Dagupan City bounded on the North by Paldakit River/ agricultural areas; on the east by Anolid Maasin Road( Matabang-Saipan Road); on the south by Paldakit River and Jewelville subdivision.

Save existing commercial areas.

1. **Parks and Recreation**

See Recreational Zones in Map (mint green color).

The existing parks and playground shall be maintained exclusively for recreational use and shall not be altered nor used for any purposes except for enhancement purposes.

1. **Institutional Area**

All institutional zones in the Map (blue color).

All existing schools/ training centers/ areas specifically the Salay ES, Bari ES, Banaoang ES, Nibaliw ES, Aura Vista Montessori, Clarice Angels School, Cherished Moments School and the proposed elementary school for Guilig and Bateng and all other schools not mention.

All existing chapels/ churches specifically the Iglesia ni Cristo, Jehovah’s Witnesses, Methodist Church, Church of Latter Day Saints, Church of Jesus Christ, Mangaldan Baptist Churches, Pentecost Church and all other churches not mention.

1. **Special Use**

All special use in the Map (gray color).

No development within 500 meter radius of the slaughterhouse and municipal dumpsite in Brgy. Banaoang.

1. **Cemetery/ Memorial Park**

All special use in the Map (mint green color).

All areas for the existing public cemeteries & memorial parks.

The existing St. John Memorial Garden in Barangay Navaluan shall be kept and no major development shall be allowed except those related to the same.

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

1. Where zone boundaries are so indicated that they approximately follow the center of streets or highway, the street or highway right-of-way lines, shall be construed to be the boundaries.
2. Where zone boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to the boundaries.
3. Where zone boundaries are so indicated that they approximately parallel to the center lines or right-of-way lines of streets or highways, such zone boundaries shall be construed as being parallel thereto and at such distance there from as indicated in the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown in said zoning map.
4. Where the boundary of a zone follows approximately a railroad line, such boundary shall be deemed to be the rail road right-of-way.
5. Where the boundary of a zone follows a stream, lake or other bodies of water, said boundary line shall be deemed to be at the limit of the political jurisdiction of the community unless otherwise indicated. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shorelines, it shall be construed as moving with the actual shorelines.
6. Where a lot of one ownership, as of record at the effective date of this Ordinance, is divided by a zone boundary line, the lot shall be construed to be within the zone where the major portion of the lot is located. In case the lot is bisected by the boundary line, it shall fall in the zone where principal structure falls.
7. Where zone boundary is indicated as one-lot-deep, said depth shall be construed to be the average lot depth of the lots involved within each particular municipal block. Where, however, any lot has a depth greater than said average, the remaining portion of said lot shall be construed as covered by the one-lot-deep zoning district provided the remaining portion has an area less than fifty percent (50%) of the total area of the entire lot. If the remaining portion has an area equivalent to less than 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.

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

**ARTICLE V**

**ZONE REGULATIONS**

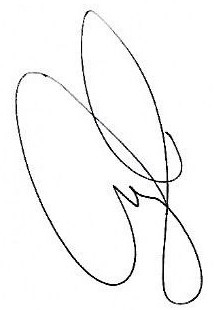
*Section 10*. General Provision. The uses enumerated in the succeeding sections are neither exhaustive nor all-inclusive. The Local Zoning Board of Adjustment and Appeals (LZBAA) shall, subject to the requirements of this Article, allow other uses not enumerated hereunder, provided, that *they are compatible*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

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

Section 11. Use Regulation in Agricultural Zone (AGZ). An Agricultural zone, the following uses shall be permitted.

The following uses shall be permitted in Agricultural Zone:

* 1. Cultivation, raising and growing of staple crops such as rice, corn, camote, cassava and the like.
  2. Growing of diversified plants and trees, such as fruit and flower bearing trees, coffee, tobacco, etc.
  3. Silviculture, mushroom culture, fishing and fish culture, snake culture, crocodile farm, monkey raising and the like.
  4. Customary support facilities such as palay dryers and rice threshers and storage barns and warehouses.
  5. Ancillary dwelling units/farmhouses for tillers and laborers.
  6. Agricultural research and experimentation facilities such as breeding stations, fish farms, nurseries, demonstration farms, etc.
  7. Pasturage activities such as goat raising and cattle fattening.
  8. Home occupation for the practice of one’s profession or engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like, provided that:

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 occupation in greater volume tan would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street in a place other than the required front yard;
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 senses and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage off the premises.
   1. Home industry classified as cottage industry e.g. mat weaving, pottery making, food preservation, etc., provided that:
6. Such home industry shall not occupy more than thirty percent (30%) of floor area of the dwelling unit. There shall be no charge or alteration in the outside appearance of the dwelling unit shall not be a hazard or nuisance;
7. Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DTI);
8. Such shall consider same provisions as enumerated in letters c, d and e of Home Occupation, this section.
   1. Backyard raising of livestock and fowl, provided that;
9. For livestock - a maximum of 10 heads
10. For fowl - a maximum of 500 birds

**Agricultural Protection Zone (AP-Z)**

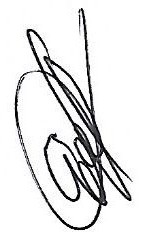
The Strategic Agricultural & Fishery Development Zone (SAFDZ) are also zoned as Agricultural Protection Zone in the Zoning Map. The objective of the Agricultural Protection Zone is to protect the identifies most agriculturally productive areas in the municipality with irrigation facilities by the National Irrigation Administration.

*Section 12*. Use Regulations in the General Residential Zone (GRZ). A GR zone shall be used principally for dwelling/housing purposes so as to maintain peace and quietness of the area within the zone. The following are the allowable uses:

* 1. Detached family dwelling
  2. Multi-family dwelling e.g. row-houses, apartments
  3. Residential Condominium
  4. Apartment
  5. Hometel
  6. Pension House
  7. Hotel apartment or Apartel Inn’s
  8. Dormitory
  9. Boarding House
  10. Socialized Housing (as provided in RA 7279)
  11. Branch libraries and museums
  12. Customary accessory uses like:
      1. servants quarter
      2. private garage
      3. guard house
      4. Pastoral house
  13. 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:
      1. The 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 normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and in place other than the required front yard;
      5. 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 sense and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage off the premises.
  14. Home industry classified as cottage industry provided that:
      1. 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;
      2. Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DTI);
      3. Such shall consider some provisions as enumerated in letters c, d, and e of Number 12, Home Occupation, this section.
  15. Recreational facilities for the exclusive use of the members of the family residing within the premises, such as:
      1. swimming pool
      2. pelota court
      3. others
  16. Nursery/ Elementary School
  17. High School
  18. Vocational School
  19. Sports Club/Firing Range
  20. Religious Use
  21. Multi-purpose hall/ Barangay Hall
  22. Clinic, nursing and convalescing home, dialysis/health center
  23. Plant nurseries

*Section 13*. Use Regulations in Fishery Zone (FZ). – The Fishery Zone includes the specific areas for the establishment of fish corral/ fishpen operation in inland waters, for the operation of oyster and other aquatic culture beds, for the catching, taking or gathering of milkfish (bangus), prawn, and other kinds of aquatic fish.

*Section 14*. Use Regulations in General Commercial Zone (GCZ). General Commercial Zone shall be for business/ trade/ service uses. Within the zone the following types of establishments shall be allowed:

1. Offices like:
   1. office building
   2. office condominium
2. Retail stores and shops like:
   1. department store
   2. bookstore and office supply shop
   3. home appliance store
   4. car/auto shop
   5. photo shop
   6. flower shop
   7. bicycle/motor cycle shop
3. Food markets and shops like:
   1. bakery and bake shop
   2. wine store
   3. grocery
   4. supermarket
4. Personal service shops like:
   1. beauty parlor
   2. barber shop
   3. sauna bath and massage clinic
   4. dressmaking and tailoring shops
5. Recreational center/establishments like:
   1. moviehouse/theater
   2. playcourt e.g. tennis court, bowling lane, billiard hall
   3. swimming pool
   4. day and night club
   5. stadium, coliseum, gymnasium
   6. other sports and recreational establishments
6. Restaurants and other eateries
7. Short term special education like:
   1. dancing schools
   2. school for self-defense
   3. driving schools
   4. 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:
    1. hotel
    2. apartment
    3. apartel
    4. boarding house
    5. dormitory
    6. pension house
    7. club house
    8. motel
    9. townhouses
11. Embassy/consulate
12. Library museum
13. Filling Station/service station
14. Clinic
15. Vocational/technical school
16. Convention Center and related facilities
17. Messengerial service
18. Security Agency
19. Janitorial service
20. Bank and other financial institutions(lending)
21. Radio and television station
22. Building garage, parking lot
23. Bakery and baking of bread, cake, pastries, pies and other similar perishable products
24. Custom dressmaking shop
25. Custom tailoring shop
26. Commercial and job printing
27. Typing and photo engraving services
28. Repair of optical instruments and equipment and cameras
29. Repair of clocks and watches
30. Manufacture of insignia, badges and similar emblems except metal
31. Transportation terminals/garage with and without repair
32. Repair shops like:
    1. house appliances repair shops
    2. motor/auto/car vehicles and accessory repair shops
    3. home furnishing shops
33. Printing/publishing
34. Machinery display shop/center
35. Gravel and sand
36. Lumber/hardware
37. Manufacture of ice, ice blocks, cubes, tubes, crush except dry ice
38. Printing and publishing of books and pamphlets, printing cards and stationery
39. Manufacture of signs and advertising displays (except printed)
40. Chicharon factory
41. Manufacture of wood furniture including upholstered
42. Manufacture of rattan furniture including upholstered
43. Manufacture of box beds and mattresses
44. Welding shops
45. Machine shop services operation (repairing/rebuilding or custom job orders)
46. Medium scale junk shop
47. Repair of motorcycles
48. Lechon or whole pig roasting
49. Biscuit factory - manufacture of biscuits, cookies, crackers and other similar

dried products

1. Doughnut and hopia factory
2. Other bakery products not elsewhere classified (n.e.c.)
3. Repacking of food products e.g. fruits, vegetables, sugar and other related

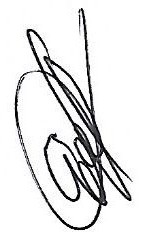
products

1. Plant nursery
2. Funeral parlors, mortuaries and crematory services and memorial chapels
3. Parking lots, garage facilities
4. Emission Testing Center
5. Water Refilling Station (mineral, alkaline, bottled & distilled)
6. Other commercial activities not elsewhere classified

*Section 15*. *Use Regulations in Industrial Zones (IZ).* In I zones there are three (3) levels, namely: light, medium and heavy industrial zone.

Light Industrial Zone shall be for non-pollutive/ non hazardous and non-pollutive/ hazardous manufacturing/processing establishments. Enumerated are the allowable uses:

**Non-Pollutive/Non-Hazardous Industries**

* 1. Drying fish
  2. Biscuit factory - manufacture of biscuits, cookies, crackers and other similar dried bakery products
  3. Doughnut and hopia factory
  4. Manufacture of macaroni, spaghetti and vermicelli and other noodles
  5. Other bakery products *not elsewhere classified* (n.e.c.)
  6. Life belts factory
  7. Manufacture of luggage, handbags, wallets and small leather goods
  8. Manufacture of miscellaneous products of leather and leather substitute and n.e.c.
  9. Manufacture of shoes except rubber, plastic and wood
  10. Manufacture of slipper and sandal except rubber and plastic
  11. Manufacture of footwear parts except rubber and plastic
  12. Printing, publishing and allied industries and those n.e.c.
  13. Manufacture or assembly of typewriters, cash registers, weighing, duplicating and accounting machine

14. Manufacture or assembly of electronic data processing machinery and accessories

15. Renovation and repair of office machinery

16. Manufacture or assembly of miscellaneous office machines and those n.e.c.

17. Manufacture of rowboats, bancas, and sailboats

18. Manufacture of animal drawn vehicles

19. Manufacture of children vehicles and baby carriages

20. Manufacture of laboratory and scientific instruments, ammeter, barometers, chemical balance, etc.

21. Manufacture of measuring/controlling equipment, plumb bulb, rain gauge, taxi meter, thermometer, etc.

22. Manufacture or assembly of surgical, medical, dental equipment and medical furniture

1. Quick freezing and cold packaging for fish and other seafoods
2. Quick freezing and cold packaging for fruits and vegetables
3. Popcorn/rice factory
4. Manufacture of medical/surgical supplies: adhesive tapes, antiseptic dressings, sanitary napkins, surgical gauge etc.
5. Manufacture of orthopedic and prosthetic appliances (abdominal supporter, ankle supports, arch support, artificial limb, kneecap supporter, etc.)
6. Manufacture of photographic equipment and accessories
7. Manufacture or assembly of optical instruments
8. Manufacture of eyeglasses and spectacles
9. Manufacture of optical lenses
10. Manufacture of watches and clocks
11. Manufacture of pianos
12. Manufacture of string instruments
13. Manufacture of wind and percussion instruments
14. Manufacture of assembly of electronic organs
15. Manufacture of wind and percussion instruments
16. Manufacture of sporting gloves and mitts
17. Manufacture of sporting balls (not of rubber or plastic)
18. Manufacture of gym and playground equipment
19. Manufacture of sporting tables (billiards, ping pong and pool)
20. Manufacture of other sporting and athletic goods, n.e.c.
21. Manufacture of toys and dolls except rubber and mould plastic
22. Manufacture of pens, pencils and other office and artist materials
23. Manufacture of umbrella or canes
24. Manufacture of buttons except plastic
25. Manufacture of brooms, brushes and fans
26. Manufacture of needles, pens, fasteners and zippers
27. Manufacture of insignia, badges and similar emblems (except metal)
28. Manufacture of signs and advertising displays (except printed)

**Non-Pollutive/ Hazardous Industries**

* 1. Manufacture of house furnishing
  2. Textile bag factories
  3. Canvass bags and other canvass products
  4. Jute bag factory
  5. Manufacture of miscellaneous textile goods, embroideries and weaving apparel
  6. Manufacture of fiber batting, padding and upholstery filling except coir
  7. Men’s and boys’ garment factory
  8. Women’s and girls’ and ladies’ garment factory
  9. Manufacture of hats, gloves, handkerchief, neckwear and related clothing

accessories

* 1. Manufacture of raincoats and waterproof outer garments except jackets
  2. Manufacture of miscellaneous wearing apparel except footwear and those n.e.c.
  3. Manufacture of miscellaneous fabricated millwork and those n.e.c.
  4. Manufacture of wooden cane containers
  5. Sawali, nipa and split cane factory
  6. Manufacture of bamboo, rattan and other cane baskets and wares
  7. Manufacture of cork products
  8. Manufacture of wooden shoes, shoelace and other similar products
  9. Manufacture of miscellaneous wood products and those not elsewhere classified (n.e.c.)
  10. Manufacture of miscellaneous furniture and fixture except primarily of metals and those n.e.c.
  11. Manufacture of paper, stationery, envelopes and related articles
  12. Manufacture of dry ice
  13. Repacking of industrial products e.g. paints, varnishes and other related products.
  14. Batching Plant/Asphalt Plant/Crushing Plant

Section 16. Use Regulations in Parks and Recreation Zone (PRZ). The following uses shall be allowed in Parks and Recreation Zones:

1. Parks/gardens

2. Resort areas e.g. beaches, including accessory uses

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

4. Golf courses, ball courts, firing range, race tracts and similar uses

5. Memorial/ Shrine monuments, kiosks and other park structure

6. Sports Club

7. Underground parking structures/ facilities

*Section 17*. Use Regulations in General Institutional Zone (GIZ). In GI zone, the following uses shall be allowed:

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

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

3.  General hospitals, medical center, 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, and convents

7.  Museums

8.  Embassies/consulate

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

*Section 18*. Use Regulations in Special Uses Zone (SUZ). The following activities are permitted in the Special Uses Zone:

1. Slaughterhouse (Abattoir)
2. Controlled Dumpsite
3. Solid waste storage, treatment and disposal facilities

*Section 19*. Use Regulations in Cemetery/ Memorial Park Zone. The following are permitted in the Cemetery/ Memorial Park Zone:

1. Roman Catholic Cemetery,
2. Municipal Cemetery
3. Guillermo Memorial Garden
4. Pax-Eaterna,
5. Forest Lake Memorial Park
6. Saint John Memorial Park

*Section 20.*Flood Overlay Zone. FLD-OZ regulations are applied in areas that have been determined in the CLUP as flood prone. The objective of the Flood Overlay Zone is to protect lives and properties from the harmful effects of flood. Allowable uses shall be as provided in the respective Base Zone, subject to the following additional regulations:

Construction on developments in Brgys. Macayug, Inlambo, and portions of Embarcadero, Navaluan, Osiem, Maasin, and Anolid should consider flood depths of at least one meter. Appropriate elevation should be mounted.

*Section 21. Ecotourism Overlay Zone.*. This is located along the Angalacan River and should ensure that dual goals of environmental conservation and economic development are attained. In addition to those uses that may be allowed in the Ecotourism Overlay Zone the following are allowed:

1. Boardwalks
2. Dining facilities
3. Water-oriented recreation/sports rental equipment shops
4. Tourism-oriented retail shops (e.g. souvenirs, clothes, etc.)

*Section 22.*Network of Green and Open Spaces. The City/Municipality intends to develop a network of green and open spaces as a way to minimize the occurrence of urban heat islands. Development shall conform to the following provisions, as applicable:

1. All residential, commercial, industrial and mixed-use subdivisions, in compliance with the rules and regulations of PD 1216, PD 953 and BP 220, are respectively required to provide tree-planted strips along their internal roads.
2. Similar developments shall also be required to provide landscaped tree parks that may be made part of the open space requirements mandated by PD 957, BP 220 and related laws. These mandated open spaces shall be classified as non-alienable public lands, and non-buildable.
3. Roof decks of all buildings shall be landscaped, as applicable.
4. Parking lots having at least 20 car parking slots shall be:
5. Landscaped with suitable trees. The minimum height of trees at the time of securing an Occupancy Permit shall be 1.80 meters from the base to the crown.
6. 50% paved with permeable or semi-permeable materials such as grass, gravel, grass pavers and the like.

**ARTICLE VI**

**GENERAL DISTRICT REGULATION**

*Section 23*. Development Density. Permitted density shall be based on the zone capacity to support development.

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

*Section 24*. Height Regulation. Building height must conform to the height restrictions and requirements of the Air Transportation Office (ATO) as well as the requirements of the National Building Code, the Structural Code as well as all laws, ordinances, approved design safety standards, rules and regulations related to land development and building construction and the various safety codes.

There is no fixed building height limits except those prescribed by the Air Transportation Office (ATO) and other government regulations. Within these zones, building heights shall be based on the prescribed floor area ratio (far).

*Section 25*. Exemptions from Height Regulations in Low and Medium Density Residential Zone. Exempted from the imposition of height regulations in residential zones are the following: towers, church steeples, water tanks and other utilities and such other structures not covered by the height regulations of the National Building Code and/or the Air Transportation Office.

*Section 26*. Area Regulations. Area Regulation in all zones shall conform to the minimum requirement of the existing code such as:

* 1. P.D. 957 - The Subdivision and Condominium Buyers Protective Law and its revised implementing rules and regulations.
  2. B.P. 220 - Promulgation of Different Levels of Standards and Technical Requirements for Economic & Socialized Housing Projects and its revised implementing rules and regulations.
  3. P.D. 1096 - National Building Code.
  4. Fire Code
  5. P.D. 856 - Sanitation Code
  6. Plumbing Code
  7. Structural Code
  8. P.D. 1067 – Water Code of the Phil.
  9. E.O. 648
  10. R.A. 10121 – Phil. Disaster Risk Reduction & Management Act of 2010
  11. P.D. 1216 – Open Space
  12. Other relevant guidelines promulgated by the national agencies concerned.

*Section 27*. Road Setback Regulations. The road setback regulations shall be in accordance with P.D. 1096 - National Building Code.

**ROAD SETBACK**

|  |  |  |  |
| --- | --- | --- | --- |
| **Zoning Classification** | **Major Thoroughfare/ Tertiary Road (30m & above)** | **Provincial Road/ Secondary Road (6m & below)** | **Mun./ Brgy. Road/ Diversion/ Railways** |
| Residential | **10** | **10** | **3** |
| Commercial | **20** | **20** | **7** |
| Industrial | **30** | **25** | **10** |
| Agriculture | **20** | **20** | **7** |
| Institutional | **20** | **20** | **10** |
| Parks & Recreation | **10** | **10** | **3** |

Source: DPWH

*Section 28*. Easement. Pursuant to the provisions of the Water Code:

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

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

2. Mandatory five-meter easement on both sides of the fault traces on the ground identified by PHIVOLCS.

*Section 29*. Buffer Regulations. A buffer of 3 meters shall be provided along entire length between two or more conflicting zones allocating 1.5 meters 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 yard or open space additional buffer of 3 meters on both sides of the Angalacan River shall also be provided.

*Section 30.*Specific Provisions in the National Building Code. Specific provisions stipulated in the National Building Code (P.D. 1096) relevant to traffic generators, advertising and business signs, erection of more than one principal structure, dwelling or rear lots, access yard requirements and dwelling groups, which are not in conflict with the provision of the Zoning Ordinance, shall be observed.

**ARTICLE VII**

**INNOVATIVE TECHNIQUES**

*Section 31*. Innovative Techniques or Designs. For projects that introduce flexibility and creativity in design or plan such as but not limited to Planned Unit Development, housing projects covered by New Town Development under RA 7279, BLISS Commercial Complexes, etc. the Zoning Administrator shall on grounds of innovative development techniques forward applications to HLRB for appropriate action, unless the Local Government Units concerned has the capacity to process the same.

**ARTICLE VIII**

**MISCELLANEOUS PROVISIONS**

*Section 32*. Projects of National Significance. Projects may be declared by the NEDA Board as projects of national significance pursuant to Section 3 of E.O. 72. When a project is declared by the NEDA Board as a project of national significance the Locational Clearance shall be issued by HLRB pursuant to E.O. 72.

*Section 33*. Environmental Compliance Certificate (ECC). The Environmental Compliance Certificate is a document issued by the DENR to certify that the project under consideration will have minimal environmental effects for as long as the conditions stipulated in the ECC are strictly followed, and that proponent has complied with requirements of the Environmental Impact Statement (EIS) System.

a.  The ECCs for Environmental Critical Projects are issued by the Environmental Management Bureau (EMB) and signed by the DENR Secretary.

b.  The ECCs for Projects located in Environmentally Critical Area are issued by the Regional Offices and signed by the Regional Executive Directors.

c.   Projects that conform to the following criteria do not fall within purview of the EIS System and are therefore exempted from securing an ECC.

1.   It has minimal discharge of wastes, and the management of such wastes are relatively easy.

2.   It has a capitalization of not more than Five Hundred Thousand Pesos

(₱ 500,000.00).

3.   It employs not more than twenty (20) persons.

They should, however, apply for Certificate of Exemption/Certificate of Non Coverage (CNC) from DENR.

*Section 34*. Subdivision Projects. All owners and/or developers of subdivision projects, shall, in addition to securing a Locational Clearance under Section 37 of this Ordinance, be required to secure a Development Permit pursuant to provisions of P.D. 957 and its implementing rules and regulations or BP 220 and its implementing rules and regulations in the case of Socialized Housing projects in accordance with the procedures laid down in E.O. 71, Series of 1993.

**ARTICLE IX**

**MITIGATING DEVICES**

*Section 35*. Deviation. Exceptions and 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.   Variances

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

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

* Conforming to the provisions of the Ordinance will cause undue hardship on the part 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 maximum deviation necessary to permit reasonable use of the property.
* The variance will not alter the physical character of the district or zone where the property for which the variance is sought is located, and will not substantially or permanently injure the use of other properties in the same district or zone.
* 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

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

*Section 36*. Procedures of Granting Exceptions and Variances. The procedure for the granting of an exception and/or variance is as follows:

1. A written application for an exception or variance shall be filed with the Local Zoning Board of Adjustment and Appeals (LZBAA) citing the section of this Ordinance under which the same is sought and stating the ground/s thereof.
2. Upon filing of application, a visible project sign, (indicating the name and nature of the proposed project) shall be posted at the project site.
3. The Local Zoning Board of Adjustment and Appeals shall conduct preliminary studies on the application.
4. A written affidavit of non-objection to the project by the owners of the properties adjacent to the project shall be filed by the applicant to the LZBAA at least fifteen (15) days prior to the decision for exception/variance.
5. In case of objection, the LZBAA shall hold public hearing.
6. At the hearing, any party may appear in person, or be represented by agent/s. All interested parties shall be accorded the opportunity to be heard and present evidences and testimonies.
7. The LZBAA shall render a decision within thirty (30) days from the filing of the application, exclusive of the time spent for the preparation of written affidavit of non-objection and the public hearing in case of any objection to the granting of exception/variance.

**ARTICLE X**

**ADMINISTRATION AND ENFORCEMENT**

*Section 37*. Locational Clearance. All owners/developers shall secure Locational Clearance from the Zoning Administrator 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 38*. Building Permit. No Building Permit shall be issued by the Local Building Officer without a valid Locational Clearance in accordance with this Ordinance.

*Section 39*. 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 se, activity or development covered by such clearance on his property. Non-use of said clearance within said period shall result in its automatic expiration, cancellation and the grantee shall not proceed with his project without applying for a new clearance.

*Section 40*. 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. Failure on the part of the owner to register/apply for Certificate of Non-Conformance shall be considered in violation of the Zoning Ordinance and is subject to fine/penalties.

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

*Section 41*. Existing Non-Conforming Uses and Buildings. The lawful uses of any building, structure or land at the time of adoption or amendment of this Ordinance may be continued, although such uses do not conform with the provision of this Ordinance, provided:

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

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

*Section 42.* Responsibility for Administration and Enforcement. This ordinance shall be enforced and administered by the Local Chief Executive through the Municipal Zoning Administrator.

*Section 43*. Powers and Functions of a Municipal Zoning Administrator. Pursuant to the provisions of E.O. 72 implementing RA 7160 in relation to Section 5 Paragraph a and d, and Section 7 of Executive Order No. 648 dated February 1981. The Municipal Zoning Administrator shall perform the following functions, duties and responsibilities:

1.   **Enforcement**

Act on applications for locational clearances for all projects.

1.   Issuance of Locational Clearance for projects conforming with the regulations.

2.   Recommend to the Local Zoning Board of Adjustment and Appeals (LZBAA) the grant or denial of applications for variances and exemptions and the issuance of Certificate of Non-Conformance for non-conforming projects lawfully existing at the time of the adoption of the Zoning Ordinance, including clearances for repairs/renovations of non-conforming uses consistent with the guidelines therefore.

b.   Monitor on-going/existing projects within their respective jurisdiction and issue notices of violation and show cause orders to owners, developers, or manages of projects that are violative of Zoning Ordinances and if necessary, pursuant to Section 3 of E.O. 72 and Section 2 of E.O. 71 refer subsequent actions thereon to the HLRB.

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

d. Coordinate with the Municipal/City Legal Officer for other legal actions/remedies relative to the foregoing.

2.  **Planning**

Coordinate with the Regional Office of the HLRB proposed amendments to the

Zoning Ordinances prior to adoption by the Sangguniang Bayan.

*Section 44*. Action on Complaints and Oppositions. A complaint for violations of any provision of the Zoning Ordinance or of any Clearance or Permits issued pursuant thereto shall be filed with the LZBAA.

However, opposition to application for Clearance, Variance or Exception shall be treated as a complaint and dealt with in accordance with the provision of this section.

*Section 45*. 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 Applications

b. Act on appeals on Grant or Denial of Locational Clearance by the Zoning

Administrator / Zoning Officer

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

*Section 46*. Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA). Appeals from decisions of the Municipal Zoning Administrator shall be forwarded to the Municipal Zoning Board of Appeals composed of the following members:

* 1. Municipal Mayor as Chairman
  2. Municipal Legal Officer
  3. Municipal Assessor
  4. Municipal Engineer
  5. Municipal Planning and Development Coordinator
  6. Municipal Agrarian Reform Officer (MARO)
  7. Municipal Tourism Focal Person
  8. Two (2) representatives of the private sector, nominated by their respective organizations and confirmed by the Municipal Mayor. In the event of non-availability of any of the officials enumerated above, the Sangguniang Bayan shall elect the number of its members as may be necessary to meet the total number above set forth, as representative.
  9. Two (2) representatives of non-government organizations, nominated by their respective organizations and confirmed by the Municipal Mayor.

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

For purposes of Policy Coordination, said committee shall be attached to the Municipal Development Council.

*Section 47*. Interim Provision. Until such time that the Local Zoning Board of Adjustment and Appeals shall have been reconstituted, the HLRB shall act as the Local Zoning Board of Adjustment and Appeals. As appellate Board, the HLRB shall adopt its own rules of procedure to govern the conduct of appeals arising from the administration and enforcement of this Ordinance.

*Section 48*. Review of the Zoning Ordinance. The Municipal Development Council shall create a sub-committee, the Local Zoning Review Committee (LZRC) that shall review the Zoning Ordinance considering the Comprehensive Land Use Plans, as the need arises, based on the following reasons/situations:

a.         Change in local Comprehensive Development Plans

b.         Introduction of special projects

c.         Petition for rezoning

d.         Other reasons which are appropriate for consideration

*Section 49*. Composition of the Local Zoning Review Committee (LZRC). The Local Zoning Review Committee shall be composed of sectoral experts.

These are the Local Officials/Civic Leaders responsible for the 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. Municipal Tourism Focal Person
  9. District School Supervisor
  10. Three (3) Private Sector Representatives (Local Chamber of Commerce, Housing Industry and Homeowner’s Association)
  11. Two (2) NGO Representatives

For purposes of Policy and Program Coordination, the LZRC shall be attached to the Municipal Development Council.

*Section 50*. Functions of the Local Zoning Review Committee. The Local Zoning Review Committee shall have the following powers and functions:

1.  Review the Zoning Ordinance for the following purposes:

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

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

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

2.  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.

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

*Section 51*. Amendments to the Zoning Ordinance. Changes in the Zoning Ordinance as a result of the review by the Local Review Committee shall be treated as an amendment, provided that any amendment to the Zoning Ordinance or provisions thereof shall be subject to public hearing and review evaluation of the Local Zoning Review Committee and shall be carried out through a resolution of three fourths vote of the Sangguniang Bayan. Said amendments shall take effect only after the review and approval by the Sangguniang Panlalawigan.

*Section 52*. Violation and Penalty. Any person who violates any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of NOT EXCEEDING TWO THOUSAND FIVE HUNDRED PESOS ONLY (₱ 2,500.00) or an imprisonment for a period not exceeding six (6) months or both at the discretion of the Court. In case of violation by a corporation, partnership or association, the penalty shall be imposed upon the erring officers thereof.

*Section 53*. Suppletory Effect of Other Laws and Decrees. The provisions of this Ordinance shall be without prejudice to the application of other laws, presidential decrees, letter of instruction and other executive or administrative orders vesting national agencies with jurisdiction over specific land areas, which shall remain in force and effect, provided that land use decisions of the national agencies concerned shall be consistent with the Comprehensive Land Use Plans of the locality.

*Section 54*. 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 so declared to be unconstitutional or invalid.

*Section 55*. Repealing Clause. All other ordinances, rules and regulations in conflict with the provisions of this Ordinance are hereby repealed; provided, that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

*Section 56*. Effectivity Clause. This Ordinance shall take effect upon its approval.

**APPROVED BY MAJORITY/ UNANIMOUSLY:**

**Date: May 16, 2017**

**HON. ATTY JOSEPH EMMANUEL B. CERA**

SB Member

**HON. DR. JOSELITO G. QUINTO HON. ALDRIN O. SORIANO**

SB Member SB Member

**HON. ATTY. FERNANDO JUAN A. CABRERA HON. BERNABE D. CERVAS**

SB Member SB Member

**HON. ARNEL Y. FABIA**

SB Member

*CERTIFIED CORRECT:*

**MRS. DOMINICA F. MARAYAG**

SB Secretary

*ATTESTED:*

**HON. MARIA TERESA M. ABALOS**

Acting Municipal Vice Mayor/

Presiding Officer

*APPROVED:*

**HON. ATTY. PEDRO A. SURDILLA, JR.**

Acting Municipal Mayor

