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Secretary to the Sanggunian

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Municipal Mayor

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CLUP/Zoning Ordinance

Sponsors: *Councilors Glennson A. Dangis, Tony P. Wakit Sr., Medy D. Malcat, Adriano A. Dodon, Tony B. Pagnas, Carlito B. Bantayan, Valdez A. Duntogan, Wesley L. Kitano, Velasco P. Windo Jr., Danny L. Paclit, Denver Lloyd A. Bugnay*

ORDINANCE NO. 2022-01

AN ORDINANCE ADOPTING THE AMENDED INTEGRATED ZONING ORDINANCE OF THE MUNICIPALITY OF KAYAPA, PROVINCE OF NUEVA VIZCAYA

BE IT ORDAINED by the Sangguniang Bayan of the municipality of Kayapa, province of Nueva Vizcaya that:

ARTICLE I
TITLE OF THE ORDINANCE

Section 1. Title of the Ordinance. This Ordinance shall be known as the **Amended Integrated Zoning Ordinance** of the Municipality of Kayapa and shall hereinafter be referred to as the Zoning Ordinance.

ARTICLE II
AUTHORITY AND PURPOSE

Section 2. Authority. This Ordinance is enacted pursuant to the provisions of the Local Government Code of 1991, R.A. 7160 Sections 447, 448 and 458 a.2 (7-9) dated 10 October 1991, "Authorizing the Municipality, through the Sangguniang Bayan, to adopt a Zoning Ordinance subject to the provisions of existing laws" and in accordance with related laws such as but not limited to Commonwealth Act 141, RA 8550 Fisheries Code, PD 705 Forestry Code, PD 1067 Water Code, PD 1096 National Building Code, and Executive Order No. 72.

Section 3. Purposes. It is the policy of the State to enact Zoning Ordinance for the purpose of:

1. Promoting and protecting the health, safety, peace, comfort, convenience and general welfare of the inhabitants in the municipality;
2. Guide, control and regulate the growth and development of public and private lands in municipality of Kayapa in accordance with its Comprehensive Land Use Plan (CLUP);
3. Provide the proper regulatory environment to maximize opportunities for creativity, innovation and make ample room for development within the framework of good governance and community participation; and



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4. Enhance the character and stability of residential, commercial, industrial, institutional, forestry, agricultural, open space and other functional areas within the Municipality and promote the orderly and beneficial development of the same.

Section 4. General Zoning Principles. These Zoning Regulations are based on the principles provided for in the approved Comprehensive Land Use Plan as per Sangguniang Bayan Resolution No. 2022-132 dated June 6, 2022, as follows:

1. It reflects the Municipality's vision to be "**Kayapa an agro-tourism destination in the region with god-loving and empowered people living in a progressive, competitive economy with an ecologically-balanced, resilient and safe environment under a dynamic leadership.**"
2. The Local Government Unit recognizes that any land use is a use by right but provides however that the exercise of such right shall be subject to the review standards of this Ordinance;
3. The Zoning Ordinance gives the free market the maximum opportunity to spur the Municipality's development within a framework of environmental integrity and social responsibility;
4. It has been designed to encourage the evolution of high-quality developments rather than regulating against the worst type of projects;
5. The Zoning Ordinance has been crafted in a manner that is fully responsive to the ever changing conditions that the Municipality continually face;
6. It functions as a tool for informed decision-making on the part of land use administrators by way of providing specific criteria to judge the acceptability of developments;
7. The Zoning Ordinance provides a direct venue for community empowerment where the stakeholders become involved especially in critical development decisions; and
8. The regulations in the Zoning Ordinance are considered as land use management tools that are necessary to provide a clear guidance to land development in order to ensure the community's common good.

ARTICLE III
DEFINITION OF TERMS

The definition of the 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,



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Indigenous People Right Acts of 1997 (RA8371), the Comprehensive Agrarian Reform Law of 1988 (RA6657) and other Implementing Rules and Regulations promulgated by the Housing and Land Use Regulatory Board. The words, terms and phrases enumerated hereunder shall be understood to have the corresponding meaning indicated as follows:

1. **Absolute Majority Vote** - votes representing more than 50 percent of the valid votes. This is also called the 50% + 1 vote.
2. **Accessory Use** - pertains to those that are customarily associated with the Principal Use application.
3. **Active Fault Overlay Zone (FLT-OZ)** - an area in the municipality defined by five (5)-meter wide strips on both sides of and running along identified earthquake faults. The objective of this overlay zone is to minimize the possible harmful effects of fault movements to properties.
4. **Actual Use** - refers to the purpose for which the property is principally or predominantly utilized by the person in possession of the property.
5. **AFMA** - shall refer to the Agriculture and Fisheries Modernization Act of 1997 or RA 8435.
6. **Agricultural Activity** - 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.
7. **Agricultural Land** - refers to land devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial land.
8. **Agricultural Land Use Conversion** - refers to the process of changing the use of agricultural land to non-agricultural uses.
9. **Agricultural Zone (AGZ)** - an area within the municipality intended for the cultivation of the soil, planting of crops, growing of trees, raising of livestock, poultry, fish or aquaculture production, including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations.
10. **Agri-Processing Activities** - refers to the processing of raw agricultural and fishery products into semi-processed or finished products which include materials for the



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manufacture of food and or non-food products, pharmaceuticals and other industrial products.

11. **Agro-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.
12. **Allowable Uses** - uses that conform to those allowed in a specific zone.
13. **Ancestral Domains** - 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.
14. **Ancestral Lands** - refer to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs.
15. **Ancestral Domain Overlay Zone (AD-OZ)** - an area in the municipality intended for the preservation of the traditional way of life of indigenous people.
16. **Aquaculture Sub-Zone (Aq-SZ)** - an area within the Municipal Waters Zone designated for "fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas".
17. **Base Flood Elevation** - the elevation to which floodwater is expected to reach during flood events as calculated by the regional office of the DPWH.
18. **Base Zones** - refers to the primary zoning classification of areas within the Municipality and that are provided with a list of allowable uses and regulations on building density and bulk, among others.
19. **Buffer/Greenbelt Zone (B/GZ)** - an area within the municipality that 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.
20. **Building Height Limit (BHL)** - the maximum height to be allowed for buildings/ structures and shall be generally measured from the established grade line to the topmost portion of the proposed building/structure. If applicable,



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the BHL may be subject to clearance requirements of the Civil Aviation Authority of the Philippines (CAAP) or the concerned military/security authorities." BHL is expressed as the number of allowable storey/floor above established grade and/ or meters above highest grade.

21. **Cemetery/Memorial Park Zone (C/MPZ)** - an area intended for the interment of the dead.
22. **Certificate of Ancestral Domain Title (CADT)** - a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains that have been identified and delineated in accordance with Indigenous Peoples Rights Act (RA 8371)
23. **Certificate of Ancestral Lands Title (CALT)** - refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands.
24. **Certificate of Non-Conformance** - certificate issued to Owners of non-conforming uses as provided in this Zoning Ordinance.
25. **Central Business District (CBD)** - shall refer to areas designated principally for trade, services and business purposes.
26. **Class "A" Slaughter house/Abattoir** - those with facilities and procedures of minimum adequacy that the livestock and the fowls slaughtered therein are suitable for distribution and sale only within the municipality where the slaughterhouse is located.
27. **Commercial Garage** - a garage where automobiles and other motor vehicles are housed, cared for, equipped, repaired or kept for remuneration, for hire or sale.
28. **Compatible Uses** - different uses capable of existing harmoniously within a zone, e.g. residential and parks and playground uses subject to the conditions stipulated in the Zoning Ordinance.
29. **Comprehensive Land Use Plan (CLUP)** - is a technical document embodying specific proposals and strategies for guiding, regulating growth and or development that is implemented through the Zoning Ordinance. The main components of the Comprehensive Land Use Plan in this usage are the land use plan and sectoral studies including Demography, Ecosystems Analysis (Terrestrial), and Special Area Studies such as Climate Change Adaptation, Disaster Risk Reduction and Management, Ancestral



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Domain, Biodiversity, Heritage Conservation and Green Urbanism.

30. **Comprehensive Development Master Plan (CDMP)** - 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 uses services and business activities and the preservation of significant land features (NBC) and may also be referred to as a Master Development Plan.
31. **Conflicting Uses** - uses or land activities with contrasting characteristics and adjacent to each other e.g. residential units adjacent to industrial plants.
32. **Conforming Use** - a use that is in accordance with the zone regulations as provided for in the Ordinance.
33. **Deed Restrictions** - written agreements that imposes limitations on the use of property in order to maintain the intended character of a neighborhood.
34. **Easement** - open space imposed on any land use/activities sited along waterways, fault lines, road-rights-of-way, cemeteries/memorial parks, utilities and the like
35. **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."
36. **Ecotourism Overlay Zone (ETM-OZ)** - an area in the municipality intended for ecotourism uses.
37. **Engineering Geology** - refers to the branch of Geology that applies geologic fundamentals and principles in the 2 investigation and evaluation of naturally occurring rock and soil for the use in the design of civil works.
38. **Environmental Compliance Certificate (ECC)** - refers to the document issued by the Secretary or the Regional Executive Director certifying that based on the representations of the proponent and as reviewed and validated by the Environmental Impact Assessment Review Committee (EIARC), the proposed project or undertaking will not cause a significant environmental impact; that the proponent has complied with all the requirements of the



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Environmental Impact System; and that the proponent is committed to implement its approved Environmental Management Plan in the Environmental Impact Statement or mitigation measures in the Initial Environmental Examination.

39. **Established Grade** - the finish ground level of a proposed development which shall be determined according to the provisions of the latest edition of the National Building Code.
40. **Environmentally Constrained Areas** - areas prone to natural hazards, such as those related to weather, hydrologic, and geologic disturbances. These hazards cover those that are weather and water-related, earthquake-induced, volcanic and erosion-related.
41. **Environmentally Critical Areas (ECA)** - refer to those areas which are environmentally sensitive and are listed in Presidential Proclamation 2146 dated December 1981, as follows:
 - a. All areas declared by law as national parks, watershed reserves, wildlife preserves and sanctuaries;
 - b. Areas set aside as aesthetic potential tourist spots;
 - c. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna);
 - d. Areas of unique historic, archaeological, or scientific interests;
 - e. Areas which are traditionally occupied by cultural communities or tribes;
 - f. Areas frequently visited and or hard-hit by natural calamities (geologic hazards, floods, typhoons, volcanic activity, etc.);
 - g. Areas with critical slopes;
 - h. Areas classified as prime agricultural lands;
 - i. Recharge areas of aquifers;
 - j. Water bodies characterized by one or any combination of the following conditions:
 - i. tapped for domestic purposes;
 - ii. within the controlled and or protected areas declared by appropriate authorities which support wildlife and fishery activities.
 - k. Mangrove areas characterized by one or any combination of the following conditions:
 - i. with primary pristine and dense young growth;
 - ii. adjoining the mouth of major river systems;



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- iii. near or adjacent to traditional productive fry or fishing grounds;
- iv. which act as natural buffers against shore erosion, strong winds and storm floods; and
- v. on which people are dependent on their livelihood.

Proponents of Projects within ECAs are required to submit Initial Environmental Examinations to Department of Environment and Natural Resources (DENR) Regional Offices. They may later be required by the DENR to submit an Environmental Impact Statement (EIS), if necessary.

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

a. Heavy industries

- i. non-ferrous metal industries;
- ii. iron and steel mills;
- iii. petroleum and petro-chemical industries including oil and gas; and
- iv. smelting plants.

b. Resource extractive industries

- i. major mining and quarrying projects; and
- ii. forestry projects such as logging, major wood processing, introduction of fauna (exotic animals) in public/private forests, forest occupancy, extraction of mangroves and grazing.
- iii. fishery projects (dikes for and fishpond development projects)

c. Infrastructure projects

- i. major dams;
- ii. major power plants (fossil-fuelled, nuclear-fuelled, hydroelectric or geothermal);
- iii. major reclamation projects, and
- iv. major roads and bridges.

d. Golf course projects

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

43. **Environmental Impact Statement (EIS) System** - 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 which includes:



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- a. Environmentally Critical Projects
- b. Projects located in Environmentally Critical Areas

- 44. **Exception** - a device which grants a property owner relief from certain provisions of the Ordinance where because of the specific use would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.
- 45. **Fisheries Code** - shall refer to the Philippine Fisheries Code of 1998 (RA 8550).
- 46. **Fishery Refuge and Sanctuary Sub-Zone (FRS-SZ)** - an area within the Municipal Waters Zone of the municipality "where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted."
- 47. **Fish Pond** - a land-based facility enclosed with earthen or stone material to impound water for growing fish. (Fisheries Code).
- 48. **Flood Overlay Zone (FLD-OZ)** - an area in the municipality that have been identified as prone to flooding and where specific regulations are provided in order to minimize its potential negative effect to developments.
- 49. **Flood Protection Elevation** - the minimum elevation to which developments are required by this Zoning Ordinance to be elevated, with reference to the Base Flood Elevation, in order to be flood proofed.
- 50. **Floor Area Ratio or "FAR"** - is the ratio between the gross floor area of a building and the area of the lot on which it stands, determined by dividing the gross floor area of the building 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.
- 51. **Forest** - refers to either natural vegetation or plantation of crops mainly of trees, or both, occupying a definable, uninterrupted or contiguous area exceeding but not less than one hectare with tree crown covering at least ten percent (10%) of the areas, exclusive of the associated seedlings, saplings, palms, bamboos and other undercover vegetation. A natural forest is a stand dominated by trees whose structure, functions and dynamics have been largely the result of natural succession process. A natural forest is classified as either 1) primary or virgin forest which has not never been subjected to significant human



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disturbance, or has not been significantly affected by the gathering of forest products such that its natural structure, functions and dynamics have not undergone any major ecological change; or 2) secondary or residual forest that maybe classified into either degraded or productive type.

52. **Forest Buffer Sub-Zone (FB-SZ)** - an area within the Forest Zone of the municipality which are "outside the boundaries and immediately adjacent to designated protected areas that need special development control in order to prevent or minimize harm to the protected area (NIPAS Act)."
53. **Forestlands** - include the public forest, permanent forest or forest reserves, and forest reservations (PD 1559. Further Amending PD 705, otherwise known as the Revised Forestry Code of the Philippines. 1978).
54. **Forest Zone (FZ)** - an area within the municipality which are intended primarily for forest purposes. This includes Forestlands and areas outside of Forestlands that are declared for forest purposes by this Ordinance.
55. **Forestry Code** - refers to Presidential Decree No. 705 or the Revised Forestry Code of the Philippines, as amended.
56. **General Commercial Zone (GC-Z)** - an area within the municipality intended for trading/services/ business purposes.
57. **General Institutional Zone (GI-Z)** - an area intended principally for general types of institutional establishments, e.g. government offices, hospitals/ clinics, academic/research and convention centers.
58. **General Residential Zone (GR-Z)** - an area intended principally for dwelling/ housing purposes.
59. **Geological Engineering** - refers to the application of the principles of soils and rock mechanics in the investigation, evaluation and design of civil works involving the use earth materials and the inspection and/or testing of the construction thereof; but herein limited to the assessment of physical and index properties of soils.
60. **Geologic Hazards or Geohazards** - refer to natural and man-induced geological-processes that have potential to cause destruction and pose a threat or risk to man's life and property.




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Sangguniang Bayan Member


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President, Liga ng mga Barangay

HON. DANNY LOPEZ PACLIT
Indigenous Peoples Mandatory Representative


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Sangguniang Kabataan Federation President

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61. **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:

- 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:

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

62. **Green Infrastructure/Building** - is the practice of adopting measures that promote resource management efficiency and site sustainability while minimizing the negative impact of buildings on human health and the environment. This practice complements the conventional building design concerns of economy, durability, serviceability and comfort.

63. **Historic Center** - 1) historic zone, district, core, precinct, town, legacy zone, heritage area, zone or town; 2) a designated area with historical and other special significance, consisting of buildings or group of buildings and their environs that collectively contribute to the area's importance and character; 3) a place where a significant event in history occurred; 4) any town, district, or ancient settlement site with specific history and/or cultural significance. Historic centers are sometimes called living museums, outdoor museums, or museum preserves. Whether inhabited or un-inhabited, historic centers are preservation areas. (Heritage Act)

64. **Inland Fishery** - the freshwater fishery and brackish water fishponds ((Fisheries Code)



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HON. DANNY LOPEZ PACLIT
Indigenous Peoples Mandatory Representative


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65. **Innovative Design** - introduction and or application of new/creative designs and techniques in development projects e.g. Planned Unit Development.
66. **IPRA** - shall mean the Indigenous Peoples Rights Act of 1997 (Republic Act 8371).
67. **Lake Sub-Zone (La-SZ)** - an area in the Municipal Waters Zone defined as an inland body of water, an expanded part of a river, a reservoir formed by a dam, or a lake basin intermittently or formerly covered by water.
68. **Landslide Overlay Zone (LSD-OZ)** - an area in the municipality that have been identified as highly susceptible to landslides and where specific regulations are provided in order to minimize its potential negative effect to developments.
69. **Local Zoning Board of Appeals (LZBA)** - a local special body created by virtue of this Ordinance mandated to, among others, handle appeals for Variances and Exceptions.
70. **Locational Clearance (LC)** - a clearance issued by the Zoning Administrator/Zoning Officer to a project that is allowed under the provisions of this Ordinance.
71. **Locational Clearance (Variance) (LC-V)** - a clearance issued by the LZBA to a project that is allowed under the Mitigating Device/Variance provision of this Ordinance.
72. **Locational Clearance (Exception) (LC-E)** - a clearance issued by the LZBA to a project that is allowed under the Mitigating Device/Exception provision of this Ordinance.
73. **Mineral Land Zone (ML-Z)** - an area in the municipality where mineral resources are found and declared by the government as having mineral resources in accordance with the Mining Act.
74. **Mining Act** -shall refer to the Philippine Mining Act of 1995 or RA 7942.
75. **Mitigating Device** - a means to grant relief in complying with certain provisions of the Ordinance such as, but not limited to, those pertaining to use, building bulk and density, and performance standards.
76. **Municipal Waters Zone (WZ)** - per Republic Act No. 8550 or the Philippines Fisheries Code of 1998, this zone covers the Municipal Waters which include streams, lakes &



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ROSEMARIE R. PAGKANLUNGAN
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inland bodies of water within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves.

77. **NIPAS Act** - shall refer to the National Integrated Protected Areas System Act of 1992 or RA 7586.
78. **NIPAS: Multiple Use Sub-Zone (NMU-SZ)** - an area within the Forest Zone of the municipality "where settlement, traditional and or sustainable land use, including agriculture, agroforestry and other income generating or livelihood activities may be allowed consistent with the Management Plan."
79. **NIPAS: Strict Protection Sub-Zone (NSP-SZ)** - an area within the Forest Zone of the municipality that have high bio-diversity value which shall be closed to all human activity except for scientific studies and or ceremonial or religious use by indigenous communities.
80. **Non-Conforming Use** - uses existing prior to the approval of this Zoning Ordinance that are not in conformity with its provisions but are allowed to operate subject to the conditions of this Zoning Ordinance.
81. **Non-NIPAS Areas** - areas yet un-proclaimed by law, presidential decree, presidential proclamation or executive order as part of the NIPAS Areas. Per the National Physical Framework Plan, these areas should be given equal importance, as in NIPAS Areas, in terms of conservation and protection. These include:
- Reserved second growth forests;
 - Mangroves;
 - Buffer strips;
 - Freshwater swamps and marshes; and
 - Un-proclaimed watersheds.
82. **Non-NIPAS Multiple Use Sub-zone** - an area within the Forest Zone of the municipality outside NIPAS "where settlement, traditional and or sustainable land use, including agriculture, agroforestry and other income generating or livelihood activities may be allowed consistent with the ADSDPP"
83. **Non- NIPAS: Strict Protection Sub-Zone (NNSP-SZ)** - an area within the Forest Zone of the municipality outside NIPAS that have high bio-diversity value which shall be closed to all human activity except for scientific studies and or ceremonial or religious use by indigenous communities.



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84. **Notice of Non-Conformance** - notice issued to owners of all uses existing prior to the approval of the Zoning Ordinance which do not conform to the provisions herein provided.
85. **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:
- All irrigated areas;
 - All irrigable lands already covered by irrigation projects with firm funding commitments;
 - All alluvial plain land highly suitable for agriculture whether irrigated or not;
 - Agro-industrial croplands or lands presently planted to industrial crops that support the viability of existing agricultural infrastructure and agro-based enterprises;
 - Highlands or areas located at an elevation of 500 meters or above and have the potential for growing semi-temperate and high-value crops;
 - All agricultural lands that are ecologically fragile, the conversion of which will result in serious environmental degradation; and
 - Mangrove areas and fish sanctuaries.
86. **Official Zoning Map** - a duly authenticated map delineating the different zones into which the whole Municipality is divided.
87. **Open Space (OS)** - as used in this Ordinance, an area where permanent buildings shall not be allowed and which may only be used as forest, buffer/greenbelts, parks and playgrounds.
88. **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.
89. **Parks and Recreation Zone (PR-Z)** - an area designed for diversion/ amusements and for the maintenance of ecological balance.
90. **Planned Unit Development (PUD)** - a land development scheme wherein the project site is comprehensively planned as an entity via unitary site plan which permits



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HON. DANNY LOPEZ PACLIT
Indigenous Peoples Mandatory Representative

HON. DENVER LLOYD A. BUGNAY
Sangguniang Kabataan Federation President

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flexibility in planning/design, building siting, complementarity of building types and land uses, usable open spaces and the preservation of significant natural land features.

91. **Production Agricultural Sub-Zone (PDA-SZ)** - an area within the Agricultural Zone of the municipality declared by the Municipality for agricultural use.
92. **Protected Areas** - areas declared as belonging to the NIPAS System per NIPAS Act. 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
93. **Protected Area Management Board (PAMB)** - per the NIPAS Act's IRR, a board established for NIPAS areas that shall, among others:
 - a. Decide matters relating to planning, resource protection and general administration of the area in accordance with the General Management Planning Strategy (GMPS);
 - b. Approve proposals, work plans, action plans, guidelines, for management of the protected area in accordance with the approved Management Plan;
 - c. Delineate and demarcate protected area boundaries, buffer zones, ancestral domains...
 - d. Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development.
 - e. Control and regulate the construction, operation and maintenance of roads, trails, water works, sewerage, fire protection and sanitation systems and other utilities within the protected area
94. **Protected Area Management Plan (PAMP)** - a document required for NIPAS areas that "shall, as a minimum, promote the adoption and implementation of innovative management techniques including if necessary, the concept of zoning, buffer zone management for multiple



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HON. DANNY LOPEZ PACLIT
Indigenous Peoples Mandatory Representative

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Sangguniang Kabataan Federation President

ROSEMARIE R. PAGKANLUNGAN
Secretary to the Sanggunian

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use and protection, habitat conservation and rehabilitation, site-specific policy development, pest management, and fire control.” (NIPAS Act)

95. **Protection Agricultural Sub-Zone (PTA-SZ)** - an area within the Agricultural Zone of the municipality that include the SAFDZ which are “agricultural areas identified by the Department of Agriculture through the Bureau of Soils and Water Management (BSWM) in coordination with the National Mapping and Resource Information Authority (NAMRIA) in order to ensure the efficient utilization of land for agriculture and fisheries development and promote sustainable growth.”

96. **Protection Forest** - an area within the municipality that are “forestlands outside NIPAS obtained essentially for their beneficial influence on soil and water in particular and the environment in general. (DENR DAO 95-15)
Areas wholly or partially covered with woody vegetation managed primarily for its beneficial effects on water, climate, soil, aesthetic value and preservation of genetic diversity. (FMB Technical Bulletin No.5 as cited in ITTD PD 220/03 Rev.1)

97. **Quarry Sub-Zone (Q-SZ)** - an area within the Mineral Land Zone of the municipality that have quarry resources especially sand, gravel and boulders.

98. **Quarrying** - the process of extracting, removing and disposing quarry resources found on or near the surface of private or public land.”

99. **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” (LGC and MC 54)

100. **Rezoning** - a process of introducing amendments to or change in the existing zoning of a particular area and reflected in the text and maps of the Ordinance.

101. **Socialized Housing** - refers to housing programs and projects covering houses and lots or home lots only undertaken by the Government or the private sector for the underprivileged and homeless citizens

102. **Socialized Housing Zone (SH-Z)** - an area in the municipality designated for socialized housing projects.

103. **Strategic Agriculture and Fisheries Development Zone (SAFDZ)** - refers to areas within the NPAAAD identified for production, agro-processing and marketing activities to

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Sangguniang Bayan Member

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[Signature]
HON. DANNY LOPEZ PACLIT
Indigenous Peoples Mandatory Representative

[Signature]
HON. DENVER LLOYD A. BUGNAY
Sangguniang Kabataan Federation President

[Signature]
ROSEMARIE R. PAGKANLUNGAN
Secretary to the Sangguniang

[Signature]
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help develop and modernize, with the support of government, the agriculture and fisheries sectors in an environmentally and socio-culturally sound manner.

104. **Structural Geology** - refers to the branch of Geology that studies the architecture of the earth's crust and addresses its structure, form, symmetry geometry and deformation processes, including the assessment of the strength and mechanical properties of crustal materials.
105. **Sustainable Urban Drainage System (SUDS)** - a low impact system intended to drain surface water run-off through a series of collection, storage and cleaning stages before it is released back into the environment.
106. **Tourism Act** - shall mean the Tourism Act of 2009 or RA 9593.
107. **Tourism Zone** - are sites within the municipality endowed with natural or manmade physical attributes and resources that are conducive to recreation, leisure and other wholesome activities.
108. **Tree Farm** - refers to any tract of forest land purposely and extensively planted to trees of economic value for their fruits, flowers, leaves, barks or extractives, but not for the wood thereof.
109. **UDHA** - shall mean the Urban Development and Housing Act of 1992 or RA 7279.
110. **Utilities, Transportation and Services Zone (UTS-Z)** - an area in the municipality designated for a range of utilitarian/ functional uses or occupancies, characterized mainly as a low-rise or medium-rise building/structure for low to high intensity community support functions, e.g. terminals, inter-modals, multi-modals, depots, power and water generation/distribution facilities, telecommunication facilities, drainage/wastewater and sewerage facilities, solid waste handling facilities and the like.
111. **Variance** - a device which grants a property owner relief from certain provisions of the Zoning Ordinance where, because of the particular physical surrounding, shape or topographical condition of the property, compliance on applicable Building Bulk and Density Regulations, Building Design Regulations and Performance Standards would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.



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112. **Warehouse** - refers to a storage and or depository of those in business of performing warehouse services for others, for profit.
113. **Water Code** - shall mean the Water Code of the Philippines (Presidential Decree 1067)
114. **Yard** - as defined in the National Building Code, is "the required open space left between the outermost face of the building/ structure and the property lines, e.g. front, rear, right and left side yards. The width of the yard is the setback."
115. **Zone/Sub-Zone** - an area for specific land use as defined by manmade or natural boundaries.
116. **Zoning Administrator/Zoning Officer** - a municipal government employee responsible for the implementation/enforcement of the Zoning Ordinance.
117. **Zoning Certificate** - a document issued by the Zoning Administrator citing the zoning classification of the land based on this Ordinance.

ARTICLE IV ZONE CLASSIFICATIONS

Section 5. Division into Zones or Sub-Zones. To effectively carry out the provisions of this Ordinance, the municipality is hereby divided into the following zones or districts as shown in the Official Zoning Maps hereto attached as integral part hereof marked as **ANNEX 1**

Section 6. Base Zones. The following are designated as Base Zones, marked as **ANNEX "1-1" to "1-19"**

1. Forest Zone (FZ), **ANNEX "1-1"**

A. Protection Forest Sub-Zones

- i. NIPAS: Strict Protection Sub-Zone (NSP-SZ)
- ii. Non-NIPAS: Strict Protection Sub-Zone (NNSP-SZ)
- iii. NIPAS: Multiple Use Sub-Zone (NMU-SZ)
- iv. Non-NIPAS: Multiple Use Sub-Zone (NMMU-SZ)
- v. Forest Buffer Sub-Zone (FB-SZ)

2. Agricultural Zone (AGZ), **ANNEX "1-2"**

- A. Protection Agricultural Sub-Zone (PTA-SZ)
- B. Production Agricultural Sub-Zone (PDA-SZ)



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3. Multiple Use Zone (MU-Z)), **ANNEX "1-3"**

4. Municipal Waters Zone (WZ). **ANNEX "1-4"**

A. Protection Water Sub-Zones

i. Fishery Refuge and Sanctuary Sub-Zone (FRS-SZ)

B. Production Water Sub-Zones

i. Aquaculture Sub-Zone (Aq-SZ)

5. Mineral Land Zone (MLZ), **ANNEX "1-5"**

A. Quarry Sub-Zone(Q-SZ)

6. General Residential Zone (GR-Z), **ANNEX "1-6"**

7. Socialized Housing Zone (SH-Z), **ANNEX "1-7"**

8. General Commercial Zone (GC-Z), **ANNEX "1-8"**

9. General Institutional Zone (GI-Z), **ANNEX "1-9"**

10. Parks and Recreation Zone (PR-Z), **ANNEX "1-10"**

11. Cemetery/Memorial Park Zone (C/MP-Z), **ANNEX 1-11"**

12. Buffer Zone (B-Z), **ANNEX "1-12"**

A. Wetland Buffer Sub-Zone (WL-SZ)

B. Faultline Sub-Zone (FL-SZ)

13. Utilities, Transportation, and Services Zone (UTS-SZ),
ANNEX "1-13"

14. Tourism Zone (T-Z), **ANNEX "1-14"**

A. Agri-Tourism Sub-Zone (AT-SZ)

B. Agro-Tourism Sub-Zone (AGT-SZ)

C. Eco-Tourism Sub-Zone (ET-SZ)

Section 7. Overlay Zones. The following are designated as Overlay Zones:

1. Landslide Overlay Zone (LSD-OZ), **ANNEX "1-15"**

2. Flood Overlay Zone (FLD-OZ), **ANNEX "1-16"**

3. Active Fault Overlay Zone (FLT-OZ), **ANNEX "1-17"**

4. Ecotourism Overlay Zone (ETM-OZ), **ANNEX "1-18"**

5. Ancestral Domain Overlay Zone (AD-OZ), **ANNEX "1-19"**

Section 8. Zoning Maps. It is hereby adopted as an integral part of this Ordinance, the duly authenticated and Official Zoning Maps of the municipality showing location and



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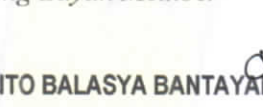

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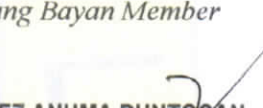

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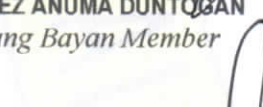

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Sangguniang Kabataan Federation President


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boundaries of the Base Zones, Sub-zones and Overlay Zones herein established herewith attached as integral part hereof and marked as ANNEX "1-A"

Section 9. Zone Boundaries. The locations and boundaries of the above-mentioned various zones into which the Municipality has been subdivided are identified and specified and marked as ANNEX "2"

Section 10. Interpretation of Zone Boundaries. The following rules shall apply in the interpretation of the boundaries indicated on the Official Zoning Map:

1. Where zone boundaries are so indicated that they approximately follow the center of streets or highway, the streets or highways right-of-way lines shall be construed to be the boundaries.
2. Where zone boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries.
3. Where zone boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets and highways, such zone boundaries shall be construed as being parallel thereto and at such distance therefrom 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 railroad right-of-way.
5. Where the boundary of a zone follows a stream, lake or other bodies of water, said boundary line should be deemed to be at the limit of the political jurisdiction of the community unless otherwise indicated. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shorelines, shall be construed as moving with the actual shorelines.
6. Where a lot of one ownership, as of record 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 boundaries are indicated by Lot Parcels or said to be one-lot deep, this should mean that the said zone boundaries are defined by the parcellary subdivision existing at the time of the passage of this Ordinance.



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

ARTICLE V ZONE REGULATIONS

Section 11. General Provisions. Zone regulations refer to Use and Building Regulations as described below:

- 1. Allowable Uses.** The uses enumerated in the succeeding sections are not exhaustive nor all inclusive. The Local Zoning Board of Appeals (LZBA) may allow other uses subject to the requirements of the Mitigating Devices provision of this Ordinance.
- 2. Building Regulations.** Building regulations specify whether buildings/structures may be allowed in specific zones/sub-zones. When allowed, buildings/structures shall be designed, constructed and operated in accordance with the requirements of each zone's/sub-zone's governing authority as well as with the relevant provisions of the National Building Code (NBC) and this Ordinance.

In certain zones, the design of buildings/structures may also be regulated by this Ordinance according to Building Height Limit in consonance with the NBC and to architectural design to ensure harmony with the desired character of the zone in consideration.

Section 12. Regulations in Base Zones. Base Zones refer to the primary zoning classification of areas within the Municipality and that are provided with a list of allowable uses and regulations on building density and bulk, among others.

Section 12.1. Regulations in Forest Zone. The following regulations shall be applied in accordance with the relevant provisions of the Revised Forestry Code, Revised Public Land Act of 1937, NIPAS Act of 1992, and specific proclamations of Forest Reservations, and related issuances as well as with approved Municipal Forest Land Use Plan (FLUP) and Ancestral Domain Sustainable Development and Protection Plan (ADSDPP).

- A. NIPAS: Strict Protection Sub-Zone.** This is an area that have high bio-diversity value which shall be closed to all human activity except for scientific studies and or ceremonial or religious use by indigenous communities. (NIPAS Act)

1. Allowed Uses/Activities



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Allowable uses/activities shall be in accordance with the Protected Area Management Plan (PAMP) as approved by the Protected Area Management Board (PAMB). These include, among others:

- a) Scientific studies;
- b) Ceremonial or religious use by Indigenous communities;
- c) Reforestation of denuded or inadequately timbered areas; and
- d) Monitoring of the environmental condition of the area in relation to human activities and damages caused by natural and man-made calamities.

2. Building Regulations.

No permanent buildings or structures are allowed.

B. Non-NIPAS: Strict Protection Sub-Zone. This is an area in the municipality which is not listed under the NIPAS but is being protected by the municipality, e.g., closed forest.

1. Allowable Uses/Activities

- a) Reforestation
- b) Religious ceremonies of Indigenous Peoples (IPs)
- c) Burial sites of IPs
- d) Scientific studies that do not involve gathering of species or any alteration in the area
- e) Source water protection area
- f) Monitoring of the environmental condition of the area in relation to human activities and damages caused by natural and man-made calamities

2. Building Regulations

No permanent buildings or structures are allowed.

C. NIPAS: Multiple Use Sub-Zone. This is an area where the following may be allowed consistent with the protected area management plan, settlement, traditional and or sustainable land use, including agriculture, agroforestry and other income generating



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

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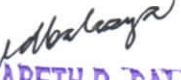

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or livelihood activities (10.3.2, DENR Administrative Order No. 2008-26) to wit:

1. Allowable Uses/Activities. Allowable uses/activities shall be in accordance with the Protected Area Management Plan (PAMP) as approved by the Protected Area Management Board (PAMB). These may include:

- a) Existing settlement, traditional and or sustainable land use, including agriculture, agroforestry and other income generating or livelihood activities;
- b) Areas of educational or environmental awareness values;
- c) Areas consisting of existing installations of national significance/interest such as development of renewable energy sources, telecommunication and electric power lines;
- d) Establishment of nurseries and production of planting materials in support to the National Grid Corporation of the Philippines (NGCP), including development of communal tree farms for fuel wood and other domestic uses;
- e) Cutting, gathering, removing or collecting of timber for building houses and other uses which are customary to the Indigenous Peoples, e.g., coffins;
- f) Infrastructures supporting the practical means of transportation of IPs/ICCs in accessing basic services;
- g) Establishment of fish sanctuaries along bodies of water;
- h) Tourism facilities;
- i) Other special uses covered by a Forest Land use Agreement (FLAg); and
- j) Government buildings

2. Building Regulations

When allowed, buildings and structures shall be designed, constructed and operated in accordance with the requirements of the Protected Area Management Plan (PAMP), National Building Code (NBC) and with the



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provisions of this Ordinance particularly but not limited to **Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; and Article IX, Section 31, Locational Clearance**

D. Non-NIPAS: Multiple Use Sub-Zone. This is an area within the forestland which is outside NIPAS.

1. Allowable Uses/Activities

Existing settlement, traditional and or sustainable land use, including agriculture, agroforestry and other income generating or livelihood activities.

- a. Areas of educational or environmental awareness values
- b. Areas consisting of existing installations of national significance/interest such as development of renewable energy sources, telecommunication and electric power lines
- c. Cutting, gathering, removing or collecting of timber for building houses and other uses which are customary to the IPs, e.g., coffins
- d. Infrastructures that support the practical means of transportation of IPs/ICCs in accessing basic services
- e. Tourism facilities
- f. Other special uses covered by a Forest Land use Agreement (FLAg) or other tenurial instruments
- g. Government buildings
- h. Market infrastructures like farm to market roads in support to the full utilization of the area to sustainable agriculture and agricultural-related activities

2. Building Regulations

When allowed, buildings and structures shall be designed, constructed and operated in accordance with the requirements of the National Building Code, Philippine Green Building Code and with the provisions of this Ordinance particularly **but not limited to Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; and Article IX, Section 31, Locational Clearance.**



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E. Forest Buffer Sub-Zone.

Forest Buffer Sub-zone is an area outside the boundaries and immediately adjacent to designated protected areas that need special development control in order to prevent or minimize harm to the protected area. (NIPAS ACT)

1. Allowable Uses/Activities

Allowable uses/activities shall be in accordance with the Protected Area Management Plan (PAMP) as approved by the Protected Area Management Board (PAMB). These may include:

- Settlement, traditional and/or sustainable land use, including agriculture, agroforestry, extraction activities and other income generating or livelihood activities.
- Development of all barangays of a 4-meter forest buffer within their area of jurisdiction to ensure that the forest is not invaded by activities not in conformity with the forest land use. The development could be through the planting of fruit-bearing trees, bamboos, others to be strictly monitored by the barangay.

2. Building Regulations

When allowed, buildings and structures shall be designed, constructed and operated in accordance with the requirements of the Protected Area Management Plan (PAMP), National Building Code (NBC) and with the provisions of this Ordinance particularly **but not limited to Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; and Article IX, Section 31, Locational Clearance.**

Section 12.2. Regulations in Multiple Use Zone. Areas within the alienable and disposable lands which have mixed uses.

1. Allowable Uses/Activities

- Settlement, commercial, agriculture and institutional

2. Regulations

No expansion of the existing settlement and commercial areas outside the multiple-use areas

3. Building Regulations



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When allowed, buildings and structures shall be designed, constructed and operated in accordance with the requirements of the National Building Code (NBC), Philippine Green Building Code (PGCP) and with the provisions of this Ordinance such as **but not limited to Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; and Article IX, Section 31, Locational Clearance.**

Section 12.3. Regulations in Agricultural Zone. The Agricultural Zone includes areas intended for the cultivation of the soil, planting of crops, growing of trees, raising of livestock, poultry, fish or aquaculture production, including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operation (AFMA).

Regulations shall be in accordance with Agriculture and Fishery Modernization Act (AFMA), Comprehensive Agrarian Reform Law (CARL) Republic Act No. 7160 or the Local Government Code of 1991 (LGC) and related issuances.

A. **Protection Agriculture Sub-Zone** is the SAFDZ identified by the Department of Agriculture through the Bureau of Soils and Water Management (BSWM) in coordination with the National Mapping and Resource Information Authority (NAMRIA) in order to ensure the efficient utilization of land for agriculture and fisheries development and promote sustainable growth.”

1. Allowable Uses/Activities

- a) Cultivation, raising and growing of staple crops such as rice, corn, and root crops
- b) Growing of diversified plants and trees, such as fruit and flower bearing trees, coffee, etc.
- c) Silviculture, mushroom culture and the like, pastoral activities such as goat and cattle raising
- d) Fishpond activities
- e) Backyard raising of livestock and fowl, provided that:
 - i. For livestock - maximum of 1 sow and 10 heads
 - ii. For fowl - a maximum of 500 heads
- f) Customary support facilities such as palay dryers, rice threshers and storage barns and warehouses
- g) Ancillary dwelling units/farmhouses for landowners, tenants, tillers and laborers
- h) Engaging in home businesses such as dressmaking, tailoring, baking, running a sari-sari store and the like provided that:



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- i. The number of persons engaged in such business/industry shall not exceed five, inclusive of owner;
- ii. There shall be no change in the outside appearance of the building premises;
- iii. No home occupation shall be conducted in any customary accessory uses cited above;
- iv. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and, in a place, other than the required front yard; and
- v. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage off the premises.

i) Home Industry classified as cottage industry provided that:

- i. Such home industry shall not occupy more than thirty percent of the floor area of the dwelling unit.
- ii. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance; and
- iii. Such shall consider the provisions pertaining to customary accessory uses, traffic and equipment as enumerated under Home Occupation of this section.

2. Regulations

- a) Maximize the use of land through sustainable agriculture land management. Best management land practices must be employed to protect valuable agricultural land, soils, water supplies, as well as other amenities. In support, necessary agriculture-related facilities adopting the principles of green infrastructure and that would benefit the greatest number of agriculture and fisheries producers and processors shall be constructed within the area.
- b) Preserve agricultural lands and protect the rural area from uses which interfere with and are not compatible with general farming practices. When considering future land use decisions, the preservation of agricultural land should be of significance.
- c) No land within the area should be converted unless upon compliance with existing laws, rules, regulations, executive



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order and issuances, and administrative orders relating to land use conversion.

- d) Within the urban area, a portion of the agricultural land area may be converted to accommodate other urban uses.

3. Building Regulations

When allowed, buildings and structures shall be designed, constructed and operated in accordance with the requirements of the NBC and with the provisions of this Ordinance, such as **but not limited to Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; and Article IX, Section 31, Locational Clearance.**

The Building Height Limit is 15.00 meters above established grade as provided in the NBC.

B. Production Agricultural Sub-Zone These are areas that are outside the SAFDZ but within the alienable and disposable land.

1. Allowable Uses/Activities

- a) Cultivation, raising and growing of staple crops such as rice, corn, and root crops.
- b) Growing of diversified plants and trees, such as fruit and flower bearing trees, coffee, etc.;
- c) Silviculture, mushroom culture and the like;
- d) Pastoral activities such as goat raising and cattle fattening;
- e) Fishpond activities;
- f) Poultry and piggery subject to the HLURB Rules and Regulation Governing the Processing of Applications for Locational Clearance of Poultry and Piggery;
- g) Rice/corn mill (single pass such as cono mill);
- h) Rice/corn warehouses and solar dryers;
- i) Agricultural research and experimentation facilities such as breeding stations, fish farms, nurseries, demonstration farms, etc.;
- j) Plant nursery;
- k) Single-detached dwelling units of landowners;
- l) Customary support facilities such as palay dryers, rice threshers and storage barns and warehouses;
- m) Ancillary dwelling units/farmhouses for tillers and laborers;
- n) Engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like provided that:



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[Signature]
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President, Liga ng mga Barangay

[Signature]
HON. DANNY LOPEZ PACLIT
Indigenous Peoples Mandatory Representative

[Signature]
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Sangguniang Kabataan Federation President

[Signature]
ROSEMARIE R. PAGKANLUNGAN
Secretary to the Sanggunian

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- i. The number of persons engaged in such business/industry shall not exceed five, inclusive of owner;
- ii. There shall be no change in the outside appearance of the building premises;
- iii. That in no case shall more than 20% of the building be used for said home occupation;
- iv. No home occupation shall be conducted in any customary accessory uses cited above;
- v. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and, in a place, other than the required front yard; and
- vi. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage off the premises.

o) Home Industry Classified as cottage industry provided that:

- i. Such home industry shall not occupy more than thirty percent of the floor area of the dwelling unit.
- ii. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance;
- iii. Such shall consider the provisions pertaining to customary accessory uses, traffic and equipment as enumerated under Home Occupation of this section.

p) Class "A" slaughter house/abattoir

2. Regulations

- a. Maximize the use of land through sustainable agriculture land management. Sustainable agriculture land management practices must be employed to protect valuable agricultural land, soils, water supplies, as well as other amenities. Extensive education campaign to farmers should be done through various modes. In support, necessary agriculture-related facilities adopting the principles of green infrastructure and that would benefit the greatest number of agriculture and fisheries producers and processors shall be constructed within the area.



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b. Limit conversion of prime agricultural lands to other land uses.

3. BUILDING REGULATIONS

When allowed, buildings and structures shall be designed, constructed and operated in accordance with the requirements of the NBC and with the provisions of this Ordinance, **but not limited to Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; and Article IX, Section 31, Locational Clearance.**

The Building Height Limit is 15.00 meters above established grade as provided in the NBC.

Section 12.4 Municipal Waters. this includes streams, lakes, and inland bodies of water within the municipality.

Regulations

Regulations shall be in accordance with the Fisheries Code, Presidential Decree No. 1067 or the Water Code of the Philippines, Republic Act No. 9275 or the Philippine Clean Water Act of 2004 and related issuances and to the provisions of this Zoning Ordinance, such as, but not limited to the following:

1. Utilization of Waters

- a) The impounding of water in ponds or reservoirs may be prohibited by the Council upon consultation with the Department of Health if it is dangerous to public health, or it may order that such pond or reservoirs be drained if preference in the development of water resources shall consider security of the State, multiple use, beneficial effects, adverse effects and cost of development.
- b) The utilization of subterranean or ground water shall be coordinated with that of surface waters such as rivers, streams, springs and lakes, so that a superior right in one is not adversely affected by an inferior right in the other. For this purpose, the council shall promulgate rules and regulations and declare the existence of control areas for the coordinated development, protection, and utilization of subterranean or ground water and surface waters.

Control area is an area of land where subterranean or ground water and surface water are so interrelated that withdrawal and use in one similarly affects the other. The boundary of a control area may be altered from time to time, as circumstances warrant.

- c) Water contained in open canals, aqueducts or reservoirs of private persons may be used by any person for domestic purpose or for watering plants as long as the water



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withdrawn by manual methods without checking the stream or damaging the canal, aqueduct or reservoir; Provided, that this right may be restricted by the owner should it result in loss or injury to him.

- d) A water permittee or appropriator may use any watercourse to convey water to another point in the watercourse for the purpose stated in a permit and such water may be diverted or recaptured at that point by said permittee in the same amount less allowance for normal losses in transit
- e) Works for the storage, diversion, distribution and utilization of water resources shall contain adequate provision for the prevention and control of diseases that may be induced or spread by such works when required by the Council.
- f) When the reuse of waste is feasible, it shall be limited as much as possible, to such uses other than direct human consumption. No person or agency shall distribute such water for public consumption until it is demonstrated that such consumption will not adversely affect the health and safety of the public.
- g) In the construction and operation of hydraulic works, due consideration shall be given to the preservation of scenic places and historical relics and, in addition to the provisions of existing laws, no works that would require the destruction or removal of such places or relics shall be undertaken without showing that the destruction or removal is necessary and unavoidable.
- h) Authority for the construction of dams, bridges and other structures across of which may interfere with the flow of navigable or floatable waterways shall first be secured from the Department of Public Works, and Highways.
- i) Except in cases of emergency to save life or property, the construction or repair of the following works shall be undertaken only after the plans and specifications therefore, as may be required by the Council, are approved by the proper government agency; dams for the diversion or storage of water; structures for the use of water power; installations for the utilization of subterranean or ground water and other structures for utilization of water resources.
- j) No excavation for the purpose of emission of a hot spring or for the enlargement of the existing opening thereof shall be made without prior permit. Any person or agency who intends to develop a hot spring for human consumption must first obtain a permit from the Department of Health.



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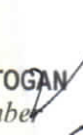

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- k) No person shall develop a stream, lake, or spring for recreational purposes without first securing a permit from the Council.
- l) Unless otherwise ordered by the President of the Philippines and only in times of national calamity or emergency, no person shall induce or restrain rainfall by any method such as cloud seeding without a permit from the proper government agency.
- m) No person shall raise or lower the water level of a river stream, lake, lagoon or marsh nor drain the same without a permit.
- n) Drainage systems shall be so constructed that their outlets are rivers, lakes, the sea, natural bodies of water, such other water course as any be approved by the proper government agency.
- o) When a drainage channel is constructed by a number of persons for their common benefit, the cost of construction and maintenance of the channel be borne by each in proportion to the benefits derived.
- p) When artificial means are employed to drain water from higher to lower land, the owner of the higher land shall select the routes and methods of drainage that will cause the minimum damage to the lower lands, subject to the requirements of just compensation.
- q) When the use, conveyance or storage of water results in damage to another, the person responsible for the damage shall pay compensation.
- r) When a water resources project interferes with the access of landowner to a portion of his property or with the conveyance of irrigation or drainage water, the person or agency constructing the project shall bear the cost of construction and maintenance of the bridges, flumes and other structures necessary for maintaining access, irrigation, or drainage in addition to paying compensation for land and incidental damages.
- s) Any person having an easement for an aqueduct may enter upon the servient land for the purpose of cleaning, repairing or replacing the aqueduct or the removal of obstructions therefrom.
- t) Lower estates are obliged to receive the waters which naturally and without the intervention of man flow from the higher estates, as well as the stone or earth which they carry with them.



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The owner of the lower estate cannot construct works which will impede this natural flow, unless he provides an alternative method of drainage; neither can the owner of the higher estate make works which will increase this natural flow.

- u) **The banks or 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, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the 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 recreation, navigation, floatage, fishing or salvage or to build structures of any kind.**
- v) The establishment, extent, form, and conditions of easements of water not expressly determined by the provisions of this Code shall be governed by the provisions of the Civil Code.

2. CONTROL OF WATERS

- a) To promote the best interest and the coordinated protection of flood plain lands, the Secretary of the Department of Public Works and Highways may declare flood control areas and promulgate guidelines for governing flood plain management plans in these areas.
- b) In declared flood control areas, rules and regulations may be promulgated to prohibit or control activities that may damage or cause deterioration of lakes and dikes, obstruct the flow of water, change the natural flow of the river, increase flood losses or aggravate flood problems.
- c) The government may construct necessary flood control structures in declared flood control areas, and for this purpose it shall have a legal easement as wide as may be needed along and adjacent to the river bank and outside the bed or channel of the river.
- d) River beds, sand bars and tidal flats may not be cultivated except upon prior permission from the Secretary of the Department of Public works and Highways and such permission shall not be granted where such cultivation obstructs the flow of water or increase flood levels so as to cause damage to other areas.
- e) Any person may erect levees or revetments to protect his property from flood, encroachment by the river or change in the course of the river, provided that such constructions does not cause damage to the property of another.



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- f) **When a river or stream suddenly changes its course to traverse private lands**, the owners of the affected lands may not compel the government to restore the river to its former bed; nor can they restrain the government from taking steps to revert the river or stream to its former course. The owners of the lands thus affected are not entitled to compensation for any damage sustained thereby. **However, the former owners of the new bed shall be the owners of the abandoned bed proportion to the area lost by each.**

The owners of the affected lands may undertake to return the river or stream to its old bed at their own expense; Provided, that a permit therefore is secured from the Secretary of the Department of Public Works and Highways and work pertaining thereto are commenced within two years from the change in the course of the river or stream.

- g) Rivers, lakes and lagoons may, upon the recommendation of the Philippines Coast Guard, be declared navigable either in whole or in part.
- h) The rafting of logs and other objects on rivers and lakes which are floatable may be controlled or prohibited during designated season of the year with due regard to the needs of irrigation and domestic water supply and other uses of water.
- i) such is necessary for the protection of public health.
- j) Waters of a stream may be stored in a reservoir by a permittee in such amount as will not prejudice the right of any permittee downstream. Whoever operates the reservoir shall, when required, release water for minimum stream flow.

All reservoir operations shall be subject to rules and regulations issued by any proper government agency.

- k) The operator of a dam for the storage of water may be required to employ an engineer possessing qualifications prescribed for the proper operations, maintenance and administration of the dam.
- l) The proper government agency shall approve the manner, location, depth, and spacing in which borings for subterranean or ground water may be made, determine the requirements for the registration of every boring or alteration to existing borings as well as other control measures for the exploitation of subterranean or ground



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water resources, and in coordination with the Professional Regulation Commission prescribe the qualifications of those who would drill such borings.

No person shall drill a well without prior permission from proper government agency.

- m) Water from one river basin may be transferred to another river basin only with approval of the proper government agency. In considering any request for such transfer, the proper government shall take into account the full costs of the transfer, the benefits that would accrue to the basin of origin without the transfer, the benefits would accrue to the receiving basin on account of the transfer, alternative schemes for supplying water to the receiving basin, and other relevant factors.

A. Fishery Refuge and Sanctuary Sub-Zone. These are designated areas solely for the propagation of aquatic life where fishing and other forms of activities that may damage the ecosystem of the area is prohibited and human access is restricted.

1. Allowable Uses/Activities

- a) Regeneration of fish and other aquatic life

2. Regulations

- a. All barangays should identify fish sanctuaries along the rivers, creeks, and lakes within their respective barangays to strengthen the habitat and the spawning grounds of fish. These identified sanctuaries should be visibly marked on the ground.
- b. No waste of any kind shall be dumped in the rivers, creeks, and lakes to avoid water pollution.

3. Building Regulations

- No permanent buildings or structures are allowed.

B. Aquaculture Sub-Zone. An area within the Municipal Waters Zone designated for "fishery operations involving all forms of raising and culturing fish and other fishery species in fresh water areas."

1. Allowable Uses/Activities

- Aquaculture

2. Regulations

- i. There shall be no electro-fishing and fishing through poisonous substances such as sodium cyanide along the



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rivers and creeks within the municipality, instead, the traditional way of fishing shall be used.

ii. Enforce the implementation of legal easements:

- ❖ within urban area - 3 meters
- ❖ within agricultural area - 20 meters
- ❖ within forestland - 40 meters

3. Building Regulations

- **No temporary structures are allowed.**
- **No permanent buildings or structures are allowed.**

Section 12.5. Regulations in Mineral Land Zone. The Mineral Land Zone (ML-Z) includes any area where mineral resources are found as provided in Republic Act No. 7942 or the Philippine Mining Act of 1995.

A. Quarry Sub-Zone

- This covers areas having quarry resources such as, but not limited to sand, gravel and boulders and etc. which are found in barangays Pingkian, San Fabian, Kayapa Proper East, Kayapa Proper West, Acacia, Cabanglasan, Tidang Village, Pinayag and Nansiakan among others. **The quarry sites should be Two Hundred (200) meters away from bridges and other major infrastructures and quarrying should be done at the center of the river.**

1. Allowable Uses/Activities

- Quarrying, extracting, removing and disposing quarry resources found on or underneath the surface of private or public land particularly along the rivers of Pingkian, San Fabian, Kayapa Proper West, and Kayapa Proper East for use of ICCs/IPs and for government and private constructions within the municipality.

2. Building Regulations

- **No permanent buildings or structures are allowed.**

Section 12.6. Regulations in General Residential Zone. This is an area within the municipality intended principally for dwelling/housing purposes.

1. Allowed Uses

- a) Single-detached dwelling units;
- b) Semi-detached family dwelling units, e.g., duplex;
- c) Townhouses;
- d) Apartments;
- e) Boarding houses;
- f) Dormitories;



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- g) Hotel apartments or apartelle;
- h) Museums;
- i) Libraries;
- j) Home occupation for the practice of one's profession such as offices of physicians, surgeons, dentists, architects, engineers, lawyers, and other professionals or for engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like, provided that:
 - i. The number of persons engaged in such business/industry shall not exceed five (5), inclusive of owner;
 - ii. There shall be no change in the outside appearance of the building premises;
 - iii. That in no case shall more than 20% of the building be used for said home occupation;
 - iv. No home occupation shall be conducted in any customary accessory uses cited above;
 - v. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and, in a place, other than the required front yard; and
 - vi. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage off the premises.
- k) Home Industry classified as cottage industry, provided that:
 - i. 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.
 - ii. It shall be classified as non-pollutive/non-hazardous as provided in this integrated Zoning Ordinance;
 - iii. Allotted capitalization shall not exceed the capitalization as set by the DTI; and
 - iv. Such shall consider the provisions pertaining to customary accessory uses, traffic and



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equipment/process under Home Occupation of this section.

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

1. Swimming pool;
2. Tennis courts;
3. Basketball courts;
4. Parks and Open Spaces;
5. Nursery/Elementary school;
6. High school;
7. Vocational school;
8. Tutorial services;
9. Sports club;
10. Religious Use;
11. Multi-purpose/Barangay Hall;
12. Clinic, nursing and convalescing home, health center;
13. Plant nursery;
14. Parking buildings (aboveground/underground).

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

1. Private garage;
2. Guardhouse;
3. Laundries;
4. Non-commercial garages;
5. Houses for pets such as dogs, birds, rabbits and the like of not more than 4.00 sq. m. in floor area;
6. Generator houses.

2. Regulations:

- a) Settlements within medium and low risk areas (rain-induced landslide and flooding) should comply with the necessary mitigating measures,
- b) Existing settlements in high-risk areas (rain-induced landslide and fault lines) will be prioritized in resettlement areas and to any socialized housing funded by private and government entities.
- c) Vulnerable settlements particularly where there is the presence of a significant number belonging to the vulnerable groups that cannot be relocated shall have an operational



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community-based disaster management plan. Ensure that women and other vulnerable groups are involved in Hazard Vulnerability and Capacity Assessment mapping and in the formulation of the disaster management planning as well as in the conduct of Damage Assessment & Needs Assessment to ensure that their particular situation and specific needs are considered.

- d) Residential use shall enjoy priority over all other uses in the allocation of hazard-free areas.
- e) Restrict or discourage development in hazard-prone areas.
- f) Regular monitoring and evaluation of structural quality of dwellings shall be established in the municipality through the Building Official.
- g) Liberal allocation of open space in heavily populated areas shall be used as vulnerability-reduction measure.
- h) Encourage the maintenance of greenery in public and private lots not only for amenity but its carbon sequestration function.
- i) Adoption of hazard-resilient construction and maintenance practices for homes and community facilities using local labor, skills, materials and appropriate technologies as far as possible.

3. Building Regulations

Building and structures shall be constructed in consonance to the relevant provisions of the NBC, PD 957, PGBC and this Ordinance such as but not limited to **Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; and Article IX, Section 31, Locational Clearance.**

The Building Height Limit is 15.00 meters above established grade as provided in the NBC.

Section 12.7. Regulation in Socialized Housing Zone (SHZ). This is an area within the municipality designated to housing programs and projects covering houses and lots or home lots only undertaken by the Government or the private sector for the underprivileged and homeless citizens (UDHA).

1. Allowable Uses

All uses allowed according to the provisions of BP 220.

2. Building Regulations

Construction of buildings or structures shall be in accordance to the applicable provisions of BP 220 and to




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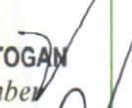
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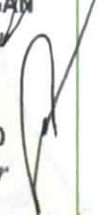

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the relevant provisions of the NBC, PD 957, PGBC and this Ordinance such as but not limited to **Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; and Article IX, Section 31, Locational Clearance.**

Section 12.8. Regulation in General Commercial Zone (GC-Z) (Economic and Socialized Housing)

This is an area within the municipality intended for trading/services/business purposes.

1. Allowable Uses

- a) Wholesale stores;
- b) Wet and dry markets;
- c) Shopping center, malls and supermarkets;
- d) Retail stores and shops like:
 1. Department store;
 2. Bookstores and office supply shops;
 3. Art supplies and novelties;
 4. Home appliance stores;
 5. Car display and dealer stores;
 6. Photo shops;
 7. Flower shops;
 8. Curio or antique shops;
 9. Pet shops and aquarium stores;
 10. Jewelry shops;
 11. Consumer electronics such as cellular phones, cameras, laptops, home appliances and the like;
 12. Drugstores;
- e) Food market and shops like:
 1. Bakery, cake, pastry and delicatessen shops
 2. Liquor and wine stores;
 3. Groceries;
 4. Supermarkets;
 5. Convenience stores;
- f) Product showroom/display store;
- g) Warehouse/storage facility for non-pollutive/non-hazardous finished products;
- h) Personal service shops like:
 - i. Medical, dental, and similar clinics;
 - ii. Barber shop and beauty parlor;
 - iii. Wellness facilities such as sauna, spa, massage, and facial clinics
 - iv. Dressmaking and tailoring shops.
- i) Bayad centers;



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- j) Laundries;
- k) Internet café and cyber stations;
- l) Photo/video, lights & sounds services;
- m) Catering services;
- n) Event planners;
- o) Water stations;
- p) Courier services;
- q) Travel agencies;
- r) Repair shops like:
 - i. House furniture and appliances repair shops;
 - ii. Motor vehicles and accessory repair shops;
 - iii. Battery shops and repair shops;
 - iv. Bicycle repair shops;
 - v. Repair shops for watches, bags, shoes, cellular phones, cameras, computers and the like;
- s) Recreational centers/establishments like:
 - i. Play courts e.g., tennis court, bowling lane, billiard hall - Swimming pool;
 - ii. Gymnasium;
 - iii. Tennis courts and sports complex;
 - iv. Billiard halls, pool rooms and bowling alleys;
 - v. Other sports and recreational establishment;
- t) Restaurants and other eateries;
- u) Bars, sing-along lounges, bistros, pubs, beer gardens, disco, dance halls;
- v) Lotto terminals, off-fronton, on-line bingo outlets and off-track betting stations;
- w) Parks, playgrounds, pocket parks, parkways, promenades and play lots;
- x) Plant nurseries;
- y) Vocational/technical schools;
- z) Special Education (SPED) school;
- aa) Short term special education like:
 - i. Dance schools;
 - ii. Schools for self-defense -Driving school;
 - iii. speech clinics;
 - iv. Tutorial centers;
- bb) Libraries/museums;
- cc) Exhibit halls;
- dd) Convention centers and related facilities;
- ee) Financial institutions/services like:



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- i. Banks;
- ii. Stand-alone automated teller machines;
- iii. Insurance;
- iv. Foreign exchange;
- v. Money lending;
- vi. Pawnshops;
- ff) Offices;
- gg) Parking lots, garage facilities;
- hh) Parking buildings (aboveground/underground);
- ii) Transportation terminals/garage with and without repair;
- jj) Display for cars, tractors, etc.
- kk) Motor pool;
- ll) Hauling services and garage terminals for trucks, tow trucks and buses;
- mm) Auto repair, tire, vulcanizing shops and carwash;
- nn) Auto sales and rentals, automotive handicraft, accessory and spare parts shops;
- oo) Gasoline filling stations/service stations;
- pp) Vehicle emission testing center;
- qq) Machinery display shop/center;
- rr) Machine shop service operation (repairing/rebuilding or custom job orders);
- ss) Welding shops;
- tt) Medium scale junk shop;
- uu) Engraving, photo developing and printing shops;
- vv) Printing, publication and graphics shops;
- ww) Manufacture of insignia, badges and similar emblems except metal;
- xx) Glassware and metalware stores, household equipment and appliances;
- yy) Signboard and streamer painting and silk screening;
- zz) Printing/typesetting, copiers and duplicating services;
- aaa) Recording and film laboratories;
- bbb) Construction supply stores/ depots;
- ccc) Gravel, sand and CHB stores;
- ddd) Lumber/hardware;
- eee) Paint stores without bulk handling;
- fff) Gardens and landscaping supply/contractors;
- ggg) Manufacture of ice, ice blocks, cubes, tubes, crush except dry ice;



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hhh) Lechon stores;

iii) Chicharon factory;

jjj) Biscuit factory—manufacture of biscuits, cookies, crackers and other similar dried bakery products;

kkk) Doughnut and hopia factory;

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

mmm) Shops repacking of food products e.g., fruits, vegetables, sugar and other related Products;

nnn) Manufacture of wood furniture including upholstered;

ooo) Manufacture of rattan furniture including upholstered;

ppp) Manufacture of box beds and mattresses;

qqq) Funeral parlors (all categories);

rrr) Commercial housing like:

- i. Hotel
- ii. Apartment
- iii. Apartelle
- iv. Boarding house
- v. Dormitory
- vi. Pension house
- vii. Motel
- viii. Condotel

sss) All uses allowed in all Residential Zones;

ttt) Customary accessory uses incidental to any of the above uses such as:

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

2. Regulations

- a. Limit development in disaster -prone areas. If unavoidable, mitigating measures should be put in place.
- b. Construction within low to medium hazard susceptibility areas should secure engineering geological and geohazard assessment report from MGB.

3. Building Regulations

Buildings and structures shall be constructed in accordance to the relevant provisions of the National Building Code. It shall also



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Indigenous Peoples Mandatory Representative

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Sangguniang Kabataan Federation President

ROSEMARIE R. PAGKANLUNGAN
Secretary to the Sanggunian

ELIZABETH D. BALASYA, MD, MPH
MUNICIPAL LAWYER

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be subjected to the national locational guidelines and standards of concerned agencies and this Ordinance, such as but not limited to **Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; and Article IX, Section 31, Locational Clearance** to wit:

1. Scope and Application

1.1 This shall apply to the design, location, siting, construction, alteration, repair, conversion, use, occupancy, maintenance, moving, demolition of, and addition to public and private buildings and structures, except traditional indigenous family dwellings as defined herein.

1.2 Buildings and or structures constructed before the approval of this Code shall not be affected thereby except when alterations, additions, conversions or repairs are to be made therein in which case, this Code shall apply only to portions to be altered, added, converted or repaired.

2. General Building Requirements

2.1 All buildings or structures as well as accessory facilities thereto shall conform in all respects to the principles of safe construction and must be suited to the purpose for which they are designed.

2.2 Buildings or structures intended to be used for the manufacture and or production of any kind of article or product shall observe adequate environmental safeguards.

2.3 Buildings or structures and all parts thereof as well as all facilities found therein shall be maintained in safe, sanitary and good working condition.

3. Site Requirements

The land or site upon which will be constructed any building or structure, or any ancillary or auxiliary facility thereto, shall be sanitary, hygienic or safe. In the case of sites or buildings intended for use as human habitation or abode, the same shall be at a safe distance, as determined by competent authorities, from streams or bodies of water and/or sources of air considered to be polluted; from a volcano or volcanic site and/or any other building considered to be a potential source of fire or explosion.

4. Building Permits

No person, firm or corporation, including any agency or instrumentality of the government shall erect, construct, alter, repair, move, convert or demolish any building or structure or cause the same to be done without first obtaining a building permit therefor from the Building Official assigned in the place where the subject building is located or the building work is to be done.

5. Locational Clearance



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5.1 All owners/developers shall secure Locational Clearance from the Zoning Officer subject to their compliance to the requirements of locational clearance and the requirements of Geological and Geohazard Assessment Report (EGGAR), in cases of Variances and or Exceptions, from the Local Zoning Board of Appeals (LZBA) prior to conducting any activity or construction on their property/land. This will include property/land located in Forestlands, Special Economic Zones and other areas administered by national and special agencies, except for facilities for national security as certified by the Department of National Defense.

5.2 All Developers/Projects Proponents, public or private, of subdivision, housing and other land development and infrastructure projects falling within the scope of the ECC requirements shall undertake Engineering Geological and Geohazard Assessment as follows:

a. **Geological Site Scoping** This shall be undertaken by a Licensed Government Geologist of the Department of Environment and Natural Resources - Mines and Geosciences Bureau (DENR-MGB). The geological site scoping shall consist of a preliminary site geological inspection of the proposed project area or land development area. A Geological Site Scoping Report (GSSR) on the above inspection shall be provided by the DENR-MGB to the Developer/Project Proponent. This report shall include recommendations on the scope of work to be undertaken by the Developer/Proponent in terms of detailed engineering geological, structural geological and geohazard assessment and geotechnical engineering tests, including specialized studies, if necessary, for submission to the DENRMGB and transmittal to the Environmental Management Bureau (DENR-EMB) in the form of an Engineering Geological and Geohazard Assessment Report (EGGAR).

b. **Engineering Geological and Geohazard Assessment** This shall be undertaken by a license professional Geologist with a minimum experience of five (5) years, or by a licensed Engineer with the same number of years of experience and with training or post-graduate diploma in Engineering Geology/Structural Geology.

For this type of assessment, a duly signed and sealed EGGAR shall be submitted by the licensed Geologist/Engineer who conducted the required scope of work to DENR-MGB. The EGGAR shall include the results of all engineering geological, structural geological and geohazard assessment and geotechnical tests, with any other specialized studies



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undertaken, as prescribed in the corresponding GSSR previously prepared by DENR-MGB. The EGGAR shall be subject to review/verification by DENR-MGB and for appropriate transmittal or endorsement to the DENR-EMB and other concerned government Agencies.

The DENR-MGB, upon the request of a Government Agency/Entity, may also conduct an engineering geological and geohazard assessment and geotechnical engineering tests, including any specialized studies, if necessary in connection with a Government development project: **Provided**, That said assessment work and specialized studies are subject of a **Memorandum of Agreement (MOA)** between the DENR-MGB and the concerned Government Agency/Entity. As to be provided for in the MOA, an EGGAR shall be prepared by DENR-MGB.

The technical checklist and guide on the preparation of an EGGAR shall be formulated by DENR-MGB.

- 5.3 **Geological Review and Verification** In cases wherein an EGGAR, or an equivalent technical report, has already been prepared prior to the effectivity of this Order or prior to the conduct of scoping, and that no geological site scoping report has been prepared by the DENR-MGB, the Developer or Project Proponent may still submit said EGGAR/technical report to DENR-MGB for appropriate technical review and verification. For this purpose, a corresponding Geological Verification Report (GVR) shall be prepared by DENR-MGB and submitted to the DENR-EMB and other concerned government agencies.

Business Permit

The Business and Licensing Division shall require a Locational Clearance for new developments.

Should there be any change in the activity or expansion of the area subject of the Locational Clearance, the owner/developer shall apply for a new Locational Clearance.

The Building Height Limit is 15.00 meters above established grade as provided in the NBC.

Section 12.9. Regulations in General Institutional Zone It is an area within the municipality intended principally for general types of institutional establishments, e.g., government offices, hospitals/ clinics, academic/ research and convention centers.

1. Allowable Uses



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- a) Government or civic centers to house national, regional or local offices in the area
- b) Police and fire stations
- c) Other types of government buildings
- d) Colleges, universities, professional business schools, vocational and trade schools, technical schools and other institutions of higher learning
- e) Learning facilities such as training centers, seminar halls and libraries
- f) Scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities
- g) Museums, exhibition halls and art galleries
- h) Convention center and related facilities
- i) Civic centers and community centers
- j) General hospitals, medical centers, specialty hospitals, medical, dental and similar clinics,
- k) Places of worship, such as churches, mosques, temples, shrines, chapels
- l) Seminaries and convents
- m) Parking buildings
- n) Parks, playgrounds, pocket parks, parkways, promenades and playlots
- o) Customary accessory uses incidental to any of the above uses such as:
 - i. Staff houses/quarters;
 - ii. Offices;
 - iii. Eateries/canteens;
 - iv. Parking lots/garage facilities;
 - v. Storerooms and warehouses but only as may be necessary for the efficient conduct of the business;
 - vi. Pump houses;
 - vii. Generator houses.

2. Regulations

- a. Limit development in disaster -prone areas. If unavoidable, mitigating measures should be put in place.
- b. Construction within low to medium hazard susceptibility areas should secure engineering geological and geohazard assessment report from MGB.

3. Building Density and Bulk Regulations



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Per the relevant provisions of the National Building Code, Philippine Green Building Code and this Ordinance such as but not limited to **Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; Article IX, Section 31, Locational Clearance; Section 38, Business Permit** and subject further to national locational guidelines and standards of concerned agencies.

- **The Building Height Limit is 15 meters above highest grade as provided in the NBC.**

Section 12.10. Regulations in Cemetery/Memorial Park Zone

An area in the municipality intended for the interment of the dead.

1. Allowable Uses

- Memorial Parks
- Cemetery
- Customary accessory uses such as crypts, chapels, parks, playgrounds, pocket parks, parkways, promenades, parking, and toilet facilities

2. Building Density and Bulk Regulations

- Building and structure shall conform to the relevant provisions of the NBC and this Ordinance.
- The Building Height Limit is 15 meters above highest grade as provided in the NBC.
- Subject to HLURB Rules and Regulations for Memorial Parks and Cemeteries and other applicable guidelines/standards of concerned agencies
- Subject to national locational guidelines and standards of concerned agencies.

Section 2.11. Regulations in Buffer Zone

A. Wetland buffer sub-zone - these are easements within wetland areas. Four (4) meters for urban areas, twenty (20) meters agriculture areas and forty (40) meters for forest areas.

1. Allowable Uses

- Open spaces; and
- Parks and park structures such as playgrounds, jogging trails, bicycle lanes.

2. Building Density and Bulk Regulations

No temporary and permanent buildings are allowed

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B. Fault line buffer sub-zone - this covers the standard meter easements along fault lines.

1. Allowable Uses

- Open spaces/gardens;
- Parks and park structures such as playgrounds, jogging trails, bicycle lanes;
- Plant nurseries; and
- Agriculture, silviculture, horticulture

2. Building Density and Bulk Regulations

No temporary and permanent buildings are allowed

Section 2.12. Regulations in Utilities, Transportation, and Services Zone

An area in the municipality designated for "a range of utilitarian/functional uses or occupancies, characterized mainly as a low-rise or medium-rise building/ structure for low to high intensity community support functions, e.g., terminals, inter-modals, multi-modals, depots, power and water generation/distribution facilities, telecommunication facilities, drainage/wastewater and sewerage facilities, solid waste handling facilities and the like" (NBC).

1. Allowable Uses

- Bus depots and terminals
- All other types of transportation complexes
- Power plants (thermal, hydro, geothermal, wind, solar)
- Pumping plants [water supply, storm drainage, sewerage, irrigation and waste treatment plants]
- Liquid and solid waste management facilities
- Climate monitoring facilities
- Telecommunication facilities such as cell (mobile) phone towers
- All other types of large complexes for public services
- Customary accessory uses incidental to any of the above uses such as:
 - Staff houses/quarters
 - Offices
 - Parking lots/garage facilities
 - Eateries/canteens
 - Storerooms and warehouses but only as may be necessary for the efficient conduct of the business
 - Pump houses



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- vii. Generator houses
- j) Street Furniture

2. Building Density and Bulk Regulations

Per the relevant provisions of the National Building Code, Philippine Green Building Code and this Ordinance such as but not limited to **Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; Article IX, Section 31, Locational Clearance; Section 38, Business Permit** and subject further to national locational guidelines and standards of concerned agencies.

- **The Building Height Limit is 15 meters above highest grade as provided in the NBC.**

Section 2.13. Tourism Zone - areas identified by the municipality as tourism areas

1. Allowable Uses

- a) Agri-tourism
- b) Agro-tourism
- c) Eco-tourism
- d) Resort areas, e.g mountain resorts including accessory uses;
- e) Theme parks;
- f) Other related activities such as tree parks and botanical gardens;
- g) Tourism accommodation such as:
 - i. Cottages
 - ii. Lodging inns
 - iii. Restaurants
 - iv. Home stays;
- h) Souvenir shops;
- i) Open air or outdoor sports activities;
- j) Food production and processing activities such as vegetables, fruits and plantation crop and fish production to sustain tourism industry;
- k) Parking areas.

2.Regulations

No tourism project or tourist related activities shall be allowed in Tourism Zones unless developed or undertaken in compliance with the Department of Tourism (DOT) Guidelines and Standards.

3. Building Density and Bulk Regulations

Per the relevant provisions of the National Building Code, Philippine Green Building Code and this Ordinance such as but not limited to **Building Regulations under Section 15, Building**



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Regulations for Green Building under Section 15.1, both of Article VI; Article IX, Section 31, Locational Clearance; Section 38, Business Permit and subject further to national locational guidelines and standards of concerned agencies.

- **The Building Height Limit is 15 meters above highest grade as provided in the NBC.**

2.14. Regulations in Parks & Recreation Zone

1. Allowable Uses/Activities

- a) Open spaces
- b) Sports and recreational facilities

2. Building Density and Bulk Regulations

Per the relevant provisions of the National Building Code, Philippine Green Building Code and this Ordinance such as but not limited to **Building Regulations under Section 15, Building Regulations for Green Building under Section 15.1, both of Article VI; Article IX, Section 31, Locational Clearance; Section 38, Business Permit** and subject further to national locational guidelines and standards of concerned agencies.

- **The Building Height Limit is 15 meters above highest grade as provided in the NBC.**

Section 13. Regulations in Overlay Zones. 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. These additional layers of regulations may pertain to additionally allowable uses, building density and bulk and building/ structure design that are deemed necessary to achieve the objectives for the Overlay Zone.

Section 13.1. Landslide Overlay Zone (LSD-OZ)

Objective

Landslide Overlay Zone (LSD-OZ) regulations are applied in areas identified in the Comprehensive Land Use Plan (CLUP) as highly susceptible to landslides. The objectives of these regulations are to avoid/minimize potentials for landslide occurrence, and to protect lives and properties from its impacts.

1. Allowable Uses

Allowable uses shall be as provided in the Base Zone, subject to the following additional regulations.

2. Building Density and Bulk Regulations

- a) The Maximum Allowable Percentage of Site Occupancy (MAPSO) (defined in the National Building Code (NBC) as the area of ground coverage



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of Allowable Maximum Building Footprint), expressed as a percentage of the total lot area, shall be:

- 20% for Parks and Recreation uses;
- 30% for all other uses/ activities.

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

b) The Unpaved Surface Area (USA) of developments shall:

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

As defined in the National Building Code (NBC), the Unpaved Surface Area (USA) is the "true open space which should be of exposed soil and planted." The USA is located outside the building envelope.

3. Building/Structure Design Regulations

Site development shall be designed with consideration to avoiding/minimizing:

- (1) risks that it will be affected by landslides;
- (2) its adverse impacts to the soil;
- (3) and risks that it will cause landslides to nearby areas/properties.

- i. Buildings and structures should be laid out and designed to harmonize with the terrain to minimize earth moving activities;
- ii. Appropriate slope, erosion and soil stabilization measures shall be applied, either through hard or soft engineering measures;
- iii. Indigenous and mature vegetation should be retained;
- iv. Natural drainage patterns should not be altered; and
- v. Use sustainable drainage systems to include rainwater storage tanks, green roofs, etc. that can decrease the flow and make productive use of storm water run-off.

Section 13.2. Flood Overlay Zone (FLD-OZ)

Objective



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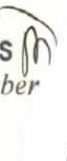

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Flood Overlay Zone (FLD-OZ) regulations are applied in areas that have been determined in the Comprehensive Land Use Plan (CLUP) as flood-prone. The objective of the Flood Overlay Zone is to protect lives and properties from the harmful effects of flood.

1. Allowable Uses

- Allowable uses shall be as provided in the respective Base Zone, subject to the following additional regulations

2. Building Density and Bulk Regulations

- a) Maximum Allowable Percentage of Site Occupancy (MAPSO): 0% of TLA
- b) Unpaved Surface Area (USA): not less than 90% of TLA

3. Building/Structure Design Regulations

- a) Buildings shall be made flood proof through any or combination of the following means:
 - i. Raising the lowest floor line at or above the Flood Protection Elevation (FPE) as determined by the DPWH either through fill or by using stilts;
 - ii. Providing roof decks that can be used for evacuation purposes;
 - iii. Building utility connections such as those for electricity, potable water and sewage shall be located at elevations higher than the FPE;
 - iv. Natural drainage patterns should not be altered; and
 - v. Use sustainable urban drainage systems (SUDS) to include rainwater storage tanks, green roofs, etc. that can decrease the flow and make productive use of storm water run-off.

Section 13.3. Active Fault Overlay Zone (FLT-OZ)

Objective

Active Fault Overlay Zone (FLT-OZs) are applied in areas defined by **five (5)-meter wide strips on both sides of and running along identified earthquake faults**. The objective of these regulations is to minimize the possible harmful effects of fault movements to properties.

1. Allowable Uses

Only the following uses shall be allowed within identified FOZs:

- i. Parks, playgrounds, pocket parks, parkways, promenades and play lots
- ii. Legal easements

The above uses supersede the list of Allowed Uses in the Base Zones affected by FOZs.



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2. Building Density and Bulk Regulations

No permanent buildings/structures shall be built within FLT-OZs.

Section 13.4. Ecotourism Overlay Zone (ETM-OZ)

Objective

The objective for this Overlay Zone is to ensure that the dual goals of environmental conservation and tourism economic development are attained.

1. Allowable Uses

In addition to those uses that may be allowed in the Base Zone, the following are uses and activities that may be allowed in the Ecotourism Overlay Zone:

- a) Accommodation facilities
- b) Dining facilities
- c) Tourism-oriented retail shops (e.g., souvenirs, clothes, etc.)
- d) Foreign exchange shops/establishments

2. Building/Structure Design Regulations

- a) Ecotourism facilities such as hotels, resorts, should be made of light indigenous materials.
- b) Designs should conform to the applicable standards of the Department of Tourism.
- c) Only single-detached or duplex structures shall be allowed.
- d) The freeboard elevation of buildings shall be 600mm measured from the outermost building line facing the foreshore to the building's finish floor line.
- e) Buildings on stilts are encouraged.
- f) Electrical appliances should be raised with a minimum height of 600mm from each building's finish floor line.
- g) The use of impermeable paving materials outside of building envelopes shall not be allowed.
- h) Only picket fences made of wood or bamboo and with heights no greater than 600mm shall be allowed.
- i) The use of firewalls along property lines shall not be allowed.

Section 13.5. Ancestral Domain Overlay Zone (AD-OZ)

Objectives

All lands within the territorial jurisdiction of the municipality covered by the Kalanguya CADT is hereby overlain with an



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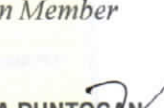

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Ancestral Domain Overlay Zone. The objective for this Overlay Zone is to preserve the traditional way of life of IPs.

1. Allowable Uses

Allowable uses shall be limited to:

- a) Traditional dwellings of IPs
- b) Traditional livelihood activities of IPs
- c) Traditional/customary religious ceremonies or rituals of IPs
- d) Government buildings
- e) Infrastructures

2. Building Density and Bulk Regulations

Buildings/structures shall be according to traditional/customary designs of dwellings.

Section 14. Zoning Incentives. Density bonuses, such as through allowable building height increases, may be provided as incentives for projects that use CCA/DRRM technology or innovations, i.e., use of solar panels, rainwater harvesting, smart urban drainage systems, green architecture/ building systems.

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

ARTICLE VI GENERAL REGULATIONS

Section 15. Building Regulations. When allowed, buildings and structures shall be designed, constructed and operated in accordance with the requirements of the Protection Area Management Plan (PAMP), National Building Code (NBC), Philippine Green Building Code (PGBC) and with the provisions of this Ordinance, such as, but not limited to the following:

1. Scope and Application

- a) This shall apply to the design, location, siting, construction, alteration, repair, conversion, use, occupancy, maintenance, moving, demolition of, and addition to public and private buildings and structures, except traditional indigenous family dwellings as defined herein.
- b) Buildings and or structures constructed before the approval of this Code shall not be affected thereby except when alterations, additions, conversions or repairs are to be made therein in which case, this Code shall apply only to portions to be altered, added, converted or repaired.




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2. General Building Requirements

- a) All buildings or structures as well as accessory facilities thereto shall conform in all respects to the principles of safe construction and must be suited to the purpose for which they are designed.
- b) Buildings or structures intended to be used for the manufacture and or production of any kind of article or product shall observe adequate environmental safeguards.
- c) Buildings or structures and all parts thereof as well as all facilities found therein shall be maintained in safe, sanitary and good working condition.

3. Site Requirements

The land or site upon which will be constructed any building or structure, or any ancillary or auxiliary facility thereto, shall be sanitary, hygienic or safe. In the case of sites or buildings intended for use as human habitation or abode, the same shall be at a safe distance, as determined by competent authorities, from streams or bodies of water and or sources of air considered to be polluted; from a volcano or volcanic site and or any other building considered to be a potential source of fire or explosion.

4. Building Permits

No person, firm or corporation, including any agency or instrumentality of the government shall erect, construct, alter, repair, move, convert or demolish any building or structure or cause the same to be done without first obtaining a building permit therefor from the Building Official assigned in the place where the subject building is located or the building work is to be done.

Section 15.1 Building Regulations For Green Building:

Performance Standards. The Green Building shall be subject to the provisions of the Philippine Green Building Code such as but not limited to the following performance standards:

- A. Energy Efficiency
- B. Water Efficiency
- C. Material Sustainability
- D. Solid Waste Management
- E. Site Sustainability
- F. Indoor Environmental Quality

A. Energy Efficiency

Energy efficiency requires the adoption of efficient practices, designs, methods and technologies that reduce energy consumption resulting in cost savings.



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A.1 Building Envelope

a) Air Tightness and Moisture Protection. As the humidity levels are very high in the Philippines, the unwanted infiltration and humidity ingress into the spaces can cause additional load on the air conditioning system and a detrimental impact on air quality. Buildings must be planned and designed with specific details to ensure that air tightness is maximized. Details should precisely include joints, service entry points, windows and doors. The implementation of these measures requires only increased attention to the construction details and it can be implemented at practically no cost.

Requirements

Buildings shall be planned and designed with:

1. Complete gaskets, weather-stripping, door bottom sweeps and seals within and around window and door assemblies;
2. Moisture protection on the surface of the external façade to reduce vapor or moisture migration from external spaces

b) Glass Properties. Compared to wall assemblies, glazing transfers more heat and hence, it is ideal to reduce the amount of glazing with respect to the wall in order to reduce internal heat gains. The requirement of Window to Wall Ratio (WWR) needs to be balanced with the amount of daylight coming through the glazed area. Solar Heat Gain Coefficient (SHGC) is used to determine the amount of solar heat admitted through the glass divided by the total solar radiation incident on the glass. Visible light Transmittance (VLT) is used to determine the amount of light transmitted through the glass.

c) Natural Ventilation. This measure will give building occupants the flexibility and opportunity to use natural ventilation for free cooling and fresh air in regularly occupied spaces. This measure will limit the tendency to create glass sealed box type buildings. Size of each room and space shall be consistent with the occupancy load of the NBC.

d) Building Envelope Color. Light-colored building envelope, especially the roof areas which are the most vulnerable, can reduce heat transfer from the outside to the inside of the building by having surfaces with high Solar Reflectance Index (SRI).



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e) Roof Insulation. Insulation can help reduce heat gain in a building thus improving thermal comfort, acoustic quality and reducing the load on the air conditioning system.

f) Mechanical Systems

Air Conditioning System

Air conditioning typically accounts for more than fifty percent (50%) of total electricity costs in a centrally air conditioned building. Hence, the efficiency of an air conditioning system is of prime importance. The heart of the air conditioning system is the cooling system, typically chillers in large buildings and is important to procure an efficient cooling system.

g) Water Heating System

The use of energy-efficient water heating systems in buildings, by observing minimum power performance requirements, will help reduce energy consumption due to heating of water.

h) Variable Speed Drives and High Efficiency Motors

Variable Speed Drive (VSD) describes the equipment used to control the speed of machinery by changing the frequency of the motor that is being operated. Where process conditions demand adjustment of flow from a pump or fan, varying the speed of the drive may save energy compared with other techniques for flow control.

i) Enthalpy Recovery of Exhaust Air

When buildings have outside air or fresh air supply and extract system through mechanical means, using heat exchangers can use the air extracted from the building areas to pre-condition the incoming outdoor air. This process exploits the fact that the extract air is usually already conditioned and therefore colder and drier.

j) ELECTRICAL SYSTEMS

i. Daylight Provision

Building should be planned and designed to maximize the use of natural light so to reduce the use of artificial illumination.

ii. Daylight Controlled Lighting System

Building interior perimeter zones exposed to daylight generally do not require artificial lighting



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during the day. However, sub-optimal design and operation of the building results in use of artificial lighting when not required. Photoelectric sensors connected to luminaires help in dimming or switching off lamps that do not require to be operated due to presence of adequate daylight.

iii. Lighting Power Density (LPD)

Limitation of LPD will help to design the lighting system in the most efficient way and reduce the lighting and cooling load in the buildings. The maximum allowed LPD for each space type is specified in the *IEEE Manual on the Practice of Efficient Lighting System* can be a reference for the design of building lighting systems

k) Occupancy Sensors for Lighting Control

Occupancy sensors linked to lighting shall be installed in areas with variable occupancy.

l) Elevators and Escalators / Moving Ramps / Walkways

Escalators / Moving Ramp / Walkway must be fitted with controls to automatically reduce speed or stop when no traffic is detected. Elevators must be fitted with mechanisms to reduce energy demand.

m) Transformer

The transformer shall be tested in accordance with relevant Philippine National Standards (PNS) at test conditions of full load, free of harmonics and at unity power factor.

n) Overhead or Elevated Water Storage

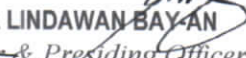
To reduce dependence on motorized systems to supply and distribute potable or non-potable water within the building, thus help reduce energy consumption, overhead or elevated water storage systems are used, provided there's a twenty percent (20%) fire reserve over and above the average daily demand supply. The system relies mostly on elevation and gravity to distribute water within the building.

A. Water Efficiency

Water efficiency requires the adoption of efficient practices, plan, design, materials, fixtures, equipment and methods that reduce water consumption resulting in cost savings.



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a) Water Fixtures

Efficient water fixtures include faucets, showerheads and water closets that use less water in order to perform the same function of cleaning as effectively as standard models. Water efficiency is an important aspect, especially as fresh water resources start getting depleted at a rate faster than they are replenished. Use of efficient plumbing fixtures, sensors, auto control valves, aerators, flow control and pressure-reducing devices, wherever possible, can result in significant reduction in water consumption.

b) Water Management

i. Rainwater Harvesting

Rainwater is one of the purest sources of water available. Rainwater from roofs and hardscape must be collected and reused for non-potable purposes.

ii. Water Recycling

Recycled water from Sewage Treatment Plants (STP) shall be reused for non-potable purposes.

B. Material Sustainability

Material Sustainability governs all matters related to resource efficiency and material selection and use with the least impact on the environment.

a) Non-Toxic Materials

Non-Toxic building materials refer to building materials without hazardous or toxic chemicals that could cause Sick Building Syndrome (SBS) and eventually lead to Building Related Illness (BRI).

C. Solid Waste Management

Efficient waste management requires the adoption of efficient waste management practices and use of eco-friendly materials.

a) Material Recovery Facility (MRF)

MRF shall be provided for the collection and segregation of solid waste materials

D. Site Sustainability

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Site sustainability requires the adoption of planning, design, construction and operation practices that minimize the adverse impact of buildings on ecosystems and water resources.

a) Site / Ground Preparation and Earthworks

Site clearing, grading and excavation shall be planned at the start of construction to mitigate pollution caused by erosion and sedimentation taking into consideration existing endemic foliage as regulated by the DENR. All existing utilities and water bodies and waterways, shall be protected and shall not be disturbed.

b) Open Space Utilization

The inclusion of green areas or landscaped areas for indigenous or adaptable species of grass, shrubs and trees will help in providing more permeable surface for the building development's open space and thus allow the re-charging of natural ground water reservoir, control storm water surface run-off, cool the building surroundings, and provide indoor to outdoor connectivity for the building occupants.

E. Indoor Environmental Quality

Indoor Environmental Quality requires the adoption of efficient design and operation practices that take into consideration the building environment to improve occupant health, productivity and safety.

a) Minimum Fresh Air Rates

The building indoor environment can contain more contaminants many times over than the outside. Various studies have shown that indoor air contaminants can cause health disorders, through symptoms of SBS and BRI. The introduction and application of minimum fresh air rates will maintain acceptable indoor air quality thru the constant replacement of indoor air in buildings.

b) Designated Smoking Area

Environmental Tobacco Smoke (ETS) is one of the leading causes of respiratory illnesses in building occupants. RA 9211, the Tobacco Regulations Act, restricts tobacco smoking in public spaces and the prescription of designated smoking areas inside buildings.

Section 16. Height Regulations. Notwithstanding the Building Height provisions of this ordinance, building heights should also

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conform to the height restrictions and requirements of the Civil Aviation Authority of the Philippines (CAAP).

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 CAAP.

Section 17. Area Regulations. Area regulations in all zones shall conform to the applicable minimum requirements of existing laws, codes and regulations such as:

1. (PD) 957, "Subdivision and Condominium Buyers' Protective Law" and its revised implementing rules and regulations;
2. Batas Pambansa 220, "Promulgation of Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Projects" and its revised implementing rules and regulations;
3. RA 7279 - Urban Development and Housing Act;
4. PD 1096 - National Building Code;
5. PD 1185 - Fire Code;
6. PD 856 - Sanitation Code;
7. RA 6541 - Structural Code;
8. Batas Pambansa 344 - Accessibility Law;
9. Rules and Regulations - HLURB;
10. CA 141 or Public Land Act - public lands, including foreshore and reclaimed lands;
11. PD 705 or Revised Forestry Code - forestlands;
12. PD 1076 or Water Code of the Philippines - inland and coastal waters, shorelines and riverbank easements;
13. RA 6657 or Comprehensive Agrarian Reform Law - agrarian reform lands;
14. RA 8749 - Clean Air Act;
15. RA 9003 - Ecological Solid Waste Management Act;
16. RA 7586 or National Integrated Protected Areas Act - protected areas in both land and seas;



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17. RA 7942 or Philippine Mining Act - mining areas;
18. RA 8371 or Indigenous People's Rights Act (IPRA) - ancestral lands;
19. RA 8435 or Agriculture and Fisheries Modernization Act (AFMA) - SAFDZs and prime agricultural lands;
20. RA 8550 or Revised Fisheries Code - municipal waters and coastal zones;
21. RA 9593 or Philippine Tourism Act - tourism zones and estates;
22. RA 9729 or Philippine Climate Change Act, as amended;
23. RA 10066 or Philippine Cultural Heritage Act - cultural and heritage zones/areas;
24. RA 10121 or Disaster Risk Reduction and Management Act - disaster-prone and geo-hazard areas;
25. PD 1586 and PD 2146 and its Implementing Rules and Regulation; and,
26. Other relevant guidelines promulgated by the national agencies concerned.

Section 18. 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 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 easements 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.

Mandatory five-meter easement on both sides of earthquake fault traces on the ground identified by the Philippine Institute of Volcanology and Seismology (PHIVOLCS).

As required by the Municipal Government, road widening and road construction program illustrated in Annex "2" as well as other projects that may later on be identified.

Section 19. Buffer Regulations. A buffer of four (4) meters shall be provided along entire boundary length between two or more conflicting zones/sub-zones allocating two (2) meters

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from each side of the zone/sub-zone boundary. Such buffer strip should be open and not encroached upon by any building or structure and should be a part of the yard or open space.

Section 20. 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 on rear lots, access yard requirements and dwelling groups, which are not in conflict with the provisions of the Zoning Ordinance, shall be observed.

Section 21. Advertising, Billboards and Business Signs. No advertising, billboards or business signs whether on or off premises of an establishment **shall be displayed or put up for public view without locational clearance** from the Zoning Administrator/Zoning Officer. Locational clearance for such signs or billboards may be granted only when the same is appropriate for the permitted use for a zone and the size thereof is not excessive, taking into account the bulk or size of the building or structure and the business practices or usages of the locality and the same shall in no case obstruct the view of any scenic spot.

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

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

ARTICLE VII PERFORMANCE STANDARDS

Section 22. Application of Performance Standards. The following performance standards are intended to ensure land use and neighborhood compatibility. **Proposed developments shall comply with the applicable performance standards which shall form part of the requirements for Locational Clearance.** These standards are by no means exhaustive or all inclusive. The Local Zoning Board of Appeals (LZBA) may require other standards, when deemed necessary, to ensure land use and neighborhood compatibility.

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These shall be enforced through the Implementing Guidelines that is made part of this ZO.

Section 23. Environmental Conservation and Protection Standards. It is the intent of the Zoning Ordinance (ZO) to protect the natural resources of the Municipality. In order to achieve this objective, all developments shall comply with the following regulations:

1. Views shall be preserved for public enjoyment especially in sites with high scenic quality by closely considering building orientation, height, bulk, fencing and landscaping.
2. Deep wells shall not be allowed unless a Water Permit is obtained from the National Water Resources Board.
3. Land use activities shall not cause the alteration of natural drainage patterns or change the velocities, volumes, and physical, chemical, and biological characteristics of storm water. Streams, watercourses, wetlands, lakes or ponds shall not be altered, re-graded, developed, piped, diverted or built upon.
4. All developments shall ensure that storm water runoff shall be controlled through appropriate storm water drainage system design.
5. All developments shall undertake the protection of rivers, streams, lakes and ponds from sedimentation and erosion damage;
6. The internal drainage systems of developments shall be so designed as not to increase turbidity, sediment yield, or cause the discharge of any harmful substances that will degrade the quality of water. Water quality shall be maintained according to Department of Environment and Natural Resources' (DENR) latest Revised Water Usage and Classification/Ambient Water Quality Criteria;
7. Municipal and industrial wastewater effluents shall not discharge into surface and groundwater unless it is scientifically proven that such discharges will not cause the deterioration of the water quality. Effluents shall be maintained according to DENR's latest Effluent Quality Standards for Class "C" Inland Waters;
8. Developments that generate toxic and hazardous waste shall provide appropriate handling and treatment facilities which should be in accordance with the requirements of and approved by the DENR;

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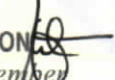
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

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9. Floodplains shall not be altered, filled and or built upon without proper drainage design and without proper consideration of possible inundation effects on nearby properties;
10. All developments, particularly those in sloping areas, shall undertake adequate and appropriate slope and erosion protection as well as soil conservation measures;
11. Facilities and operations that cause the emission of dust, dirt, fly ash, smoke, gas or any other air polluting material that may have harmful effects on health or cause the impairment of visibility are not permitted. Air quality at the point of emission shall be maintained at specified levels according to DENR's latest Air Quality Standards;
12. Developments that generate a significant volume of solid waste shall provide appropriate solid waste collection and disposal systems and facilities;
13. Industrial processes/activities should not cause negative impacts to the environment. The Zoning Administrator/Zoning Officer may request for descriptions of these as part of the requirements for Locational Clearance.

Section 24. Agricultural Land Conservation and Preservation Criteria. Agricultural lands are recognized as valuable resources that provide employment, amenity and bio-diversity. All agricultural lands in the Municipality shall not be prematurely re-classified. Requests for re-classification shall be evaluated on the merits of conditions prevailing at the time of application, compatibility with the CLUP, and subject to the provisions of Memorandum Circular No. 54, prescribing the Guidelines Governing Section 20 of RA 7160 Authorizing Cities and Municipalities to Reclassify Agricultural Lands into Non-Agricultural Uses.

Applications for agricultural land re-classification approved by the Municipality shall be submitted to the HLURB/Sangguniang Panlalawigan for review and final approval.

Section 25. Network of Green and Open Spaces. The Municipality intends to develop a network of green and open spaces as a way to minimize the occurrence of urban heat islands. Developments 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, PD 957 and BP 220, are respectively

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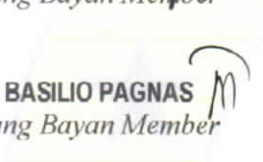

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required to provide tree-planted strips along their internal roads;

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:
 - a. **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;
 - b. 50% paved with permeable or semi-permeable materials such as grass, gravel, grass pavers and the like.

Section 26. Site Development Standards. The Municipality consider it in the public interest that all projects are designed and developed in a safe, efficient and aesthetically pleasing manner. Site development shall consider the environmental character and limitations of the site and its adjacent properties. All project elements shall be in complete harmony according to good design principles and the subsequent development must be visually pleasing as well as efficiently functioning especially in relation to the adjacent properties and bordering streets.

Further, designs should consider the following:

1. The height and bulk of buildings and structures shall be so designed that it does not impair the entry of light and ventilation, cause the loss of privacy and or create nuisances, hazards or inconveniences to adjacent developments.
2. Abutments to adjacent properties shall not be allowed without the neighbor's prior written consent which shall be required by the Zoning Administrator/Zoning Officer prior to the granting of a Locational Clearance;
3. The capacity of parking areas/lots shall be per the minimum requirements of the National Building Code. These shall be located, developed and landscaped in order to enhance the aesthetic quality of the facility. In no case shall parking areas/lots encroach into street rights-of-way.



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4. Developments, such as shopping malls, schools, places of worship, markets, sports stadia and the like, which attract a significant volume of transportation, such as PUVs and, private vehicles shall provide adequate on-site parking for the same. These should also provide vehicular loading and unloading bays so as street traffic flow will not be impeded.
5. Buffers, silencers, mufflers, enclosures and other noise-absorbing materials shall be provided to all noise and vibration-producing operations. Noise levels shall be maintained according to levels specified in DENR's latest guidelines on the Abatement of Noise and Other Forms of Nuisance.
6. Glare and heat from any operation or activity shall not be radiated, seen or felt from any point beyond the limits of the property.
7. Fencing along roads shall be see-through. Side and rear fencing between adjacent lots (not facing a road) may be of opaque construction materials.

Section 27. Infrastructure Capacities. All developments shall not cause excessive requirements at public cost for public facilities and services. All developments shall exhibit that their requirements for public infrastructure (such as roads, drainage, water supply and the like) are within the capacities of the system/s serving them.

The Zoning Administrator shall require the following:

1. Drainage Impact Assessment Study

All development proposals in flood prone areas and all major proposals likely to affect the existing drainage regime, including commercial-residential buildings or condominiums, shopping malls, public markets, schools, universities, residential and industrial, and other similar developments shall be required to submit Drainage Impact Assessment Studies. These should be prepared, signed and sealed by duly licensed Civil Engineers, Sanitary Engineers or Environmental Planners.

2. Traffic Impact Statement

Major, high intensity facilities such as commercial-residential buildings or condominiums having four floors and above, shopping malls, public markets, transportation terminals/ garages, schools, universities, residential and industrial subdivisions, cock fighting arena, sports stadia and other similar developments shall be required to submit Traffic Impact Statements. Other traffic generating developments, as determined by the Zoning



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Administrator/Zoning Officer, shall be required to submit the same.

ARTICLE VIII MITIGATING DEVICES

Section 28. Deviation. Variances and or Exceptions from the provisions of this Ordinance may be allowed by the Local Zoning Board of Appeals (LZBA) only when the following terms and conditions exist:

1. **Variances** (deviation from applicable Building Bulk and Density Regulations, Building Design Regulations and Performance Standards)

Variance may be allowed provided that proposals satisfy all of the following provisions:

- a. Conforming to the provisions of the Ordinance will cause undue hardship on the part of the owner of the property due to physical conditions of the property (topography, shape, etc.), which is not self-created.
- b. The proposed variance is the minimum deviation necessary to permit reasonable use of the property.
- c. The variance will not alter the intended physical character of the zone and adversely affect the use of the other properties in the same zone such as blocking-off natural light, causing loss of natural ventilation or encroaching in public easements and the like.
- d. That the variance will not weaken the general purpose of the Ordinance and will not adversely affect the public health, safety or welfare.
- e. The variance will be in harmony with the spirit of this Ordinance.

2. **Exceptions** (deviations from Allowable Use provisions)

Exceptions may be allowed provided that proposals satisfy all of the following conditions:

- a. The exception will not adversely affect the public health, safety and welfare and is in keeping with the general pattern of development in the community.
- b. The proposed 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.
- c. The exception will not adversely affect the appropriate use of adjoining properties in the same zone such as generating excessive vehicular traffic,



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causing overcrowding of people or generating excessive noise and the like.

- d. The exception will not alter the essential character and general purpose of the zone where the exception sought is located.

Section 29. Procedures for Evaluating Variances and or Exceptions. The procedure for evaluating applications for Variances and or Exceptions is as follows:

1. The project proponent shall file a written application for Variance and or Exception with the LZBA citing the section(s) 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. This sign shall be maintained until the LZBA has rendered a decision on the application.
3. The LZBA shall conduct preliminary studies on the application. These application papers shall be made accessible to the public.
4. A written affidavit of no objection to the project by the owners of the properties immediately in front of and abutting the project site shall be filed by the applicant with the LZBA within fifteen (15) days upon filing of application.
5. The LZBA shall hold public hearing(s) to be held in the concerned barangay.
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 LZBA 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(s).
8. All expenses to be incurred in evaluating proposals for Variances and or Exceptions shall be shouldered by the project proponent.

ARTICLE IX ADMINISTRATION AND ENFORCEMENT

Section 30. Approved Zoning Maps. The Approved Municipal Zoning Maps, printed in standard color codes and with minimum dimensions of 1.20m x 1.20m, shall be posted at the following offices:



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- a) Office of the Mayor
- b) Office of the Zoning Administrator
- c) Municipal Planning and Development Office
- d) Municipal Assessor's Office
- e) Municipal Engineer's Office
- f) Municipal Agrarian Reform Office
- g) Municipal Agriculture Office
- h) Municipal Environment Office

Zoning maps for each barangay shall be posted at respective barangay halls for public information and guidance of barangay officials. These should similarly be printed in standard color codes and minimum dimensions of 1.20m x 1.20m.

Section 31. Locational Clearance. All owners/developers shall secure Locational Clearance from the Zoning Administrator/Zoning Officer subject to their compliance to the requirements of locational clearance and the requirements of Geological and Geohazard Assessment Report (EGGAR) or, in cases of Variances and or Exceptions, from the LZBA prior to conducting any activity or construction on their property/land. This will include property/land located in Forestlands, Special Economic Zones and other areas administered by national and special agencies, except for facilities for national security as certified by the Department of National Defense.

31.1 All Developers/Projects Proponents, public or private, of subdivision, housing and other land development and infrastructure projects **falling within the scope of the ECC requirements shall prior to the issuance of Locational Clearance undertake Engineering Geological and Geohazard Assessment** as follows:

- a. **Geological Site Scoping** This shall be undertaken by a Licensed Government Geologist of the Department of Environment and Natural Resources - Mines and Geosciences Bureau (DENR-MGB). The geological site scoping shall consist of a preliminary site geological inspection of the proposed project area or land development area. A Geological Site Scoping Report (GSSR) on the above inspection shall be provided by the DENR-MGB to the Developer/Project Proponent. This report shall include recommendations on the scope of work to be undertaken by the Developer/Proponent in terms of detailed engineering geological, structural geological and geohazard assessment and geotechnical engineering tests, including specialized studies, if necessary, for submission to the DENRMGB and transmittal to the Environmental Management Bureau



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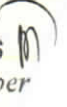

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(DENR-EMB) in the form of an Engineering Geological and Geohazard Assessment Report (EGGAR).

- b. Engineering Geological and Geohazard Assessment** This shall be undertaken by a license professional Geologist with a minimum experience of five (5) years, or by a licensed Engineer with the same number of years of experience and with training or post-graduate diploma in Engineering Geology/Structural Geology.

For this type of assessment, a duly signed and sealed EGGAR shall be submitted by the licensed Geologist/Engineer who conducted the required scope of work to DENR-MGB. The EGGAR shall include the results of all engineering geological, structural geological and geohazard assessment and geotechnical tests, with any other specialized studies undertaken, as prescribed in the corresponding GSSR previously prepared by DENR-MGB. The EGGAR shall be subject to review/verification by DENR-MGB and for appropriate transmittal or endorsement to the DENR-EMB and other concerned government Agencies.

The DENR-MGB, upon the request of a Government Agency/Entity, may also conduct an engineering geological and geohazard assessment and geotechnical engineering tests, including any specialized studies, if necessary in connection with a Government development project: **Provided**, That said assessment work and specialized studies are subject of a **Memorandum of Agreement (MOA)** between the DENR-MGB and the concerned Government Agency/Entity. As to be provided for in the MOA, an EGGAR shall be prepared by DENR-MGB.

The technical checklist and guide on the preparation of an EGGAR shall be formulated by DENR-MGB.

EGGAR Outline and Checklists (as per MGB Memorandum Circular No. 2000-33)

The EGGAR should specifically contain the following information:

1. General Information:

- A. Project Description (with site plan that is properly located on a topographic map)
- B. Location with inclusive coordinates (longitude, latitude), size of project area and its general setting with respect to major landmarks (e.g., major highway, volcano, lake, etc.)
- C. Methodology



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D. Nature and source of information. Suitable explanations should provide any technical reviewer with the means for assessing the probable reliability of such data.

2. Regional Setting

A. Geologic setting (with map of 1:50,000 scale and representative cross-sections passing through the project site)

1. Tectonic setting (with map of appropriate scale showing all relevant tectonic features)
2. Stratigraphy
3. Structural Geology

B. Geomorphology

C. Climate (including rainfall data) and vegetation

D. Abundance, distribution and general nature of exposures within the area

3. Site Geology

(with geologic map of project site and immediate vicinity in the scale range of 1:100 to 1:10,000 showing all the features that can have impact on the project, with corresponding cross sections, drawn to scale)

A. Topography

(with appropriate index map and base map showing existing topography, slopes, elevation, drainages, roads, etc.)

B. Hydrology

1. Distribution and occurrence
2. Relationship to topography
3. Relationship to geologic features (e.g., pervious strata, fractures, faults)
4. Sources and permanence of water (e.g., permanent streams and rivers, canals, floods)
5. Evidence for previous occurrence of water at the site (e.g., buried stream channel, diverted channel)
6. Effect of water on the materials
7. Depth to water table

C. Bedrock lithology

1. Identification as to rock type
2. Relative age, and where possible, formational name
3. Distribution
4. Dimension features, where applicable (e.g., thickness, outcrop breadth, vertical extent)



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5. Physical characteristics (e.g., color, grain size*, nature of stratification, hardness*, coherence*, calcareous or siliceous cement, concretions, mineral deposits, alteration other than weathering)
6. Degree of weathering*
7. Response to surface and near surface processes (e.g., gullyng, erosion, mass movement)

D. Surficial deposits (e.g., topsoil, artificial fill, stream-laid alluvium, swamp accumulations, etc.)

- 1 Identification of material as to general type
- 2 Distribution, occurrence and stratigraphic position
- 3 Relationship with present topography
- 4 Dimensional characteristics, where applicable (e.g., thickness, variations in thickness)
- 5 Physical characteristics* (e.g., color, alteration, presence of moisture, cracks and fissures, mineral deposits, evidence of expansible clays and/or free draining soil)
- 6 Response to surface and near surface processes (e.g., gullyng, erosion, mass movement)

E. Structural features

1. Types of structures
2. Occurrence and distribution
3. Relative ages (where pertinent)
4. Characteristics* (e.g., orientation, dimension, spacing, continuity, persistency, roughness, thickness and nature of in-fill)
5. Specific features of faults (e.g., nature and timing of movement, zones of gouge and breccia, activity)

* Based on ASTM/AASHTO/USCS standards

4. Hazard Assessment

A. Geologic Hazard

1. Fault related/Seismic hazards

- a. ground acceleration
- b. ground rupture
- c. liquefaction
- d. differential settlement
- e. landslides
- f. fault creep
- g. lateral spread
- h. tsunami
- i. seiche



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2. Mass Movements

a. Landslides

- a.1. Fall
- a.2. Topple
- a.3. Slump
- a.4. Slide
- a.5. Spread
- a.6. Flow
- a.7. Complex

- b. Creep
- c. Subsidence
- d. Settlement

3. Volcanic Hazards

- a. Lava flow
- b. Debris flow
- c. Pyroclastic flow
- d. Debris avalanche
- e. Lahar
- f. Lateral blast and pyroclastic surge
- g. Bombs and ballistic projectiles
- h. Ash fall
- i. Tsunami
- j. Flooding
- k. Volcanic gases
- l. Volcanic earthquakes

B. Hydrological Hazard

1. Fluvial

- a. Flooding (Overflow)
- b. Flooding (Sheetflow, concentrated run-off)
- c. Scouring of riverbed
- d. Channel erosion and migration
- e. Rill erosion
- f. Gully erosion
- g. Sedimentation

2. Coastal Hazards (to be referred to the Marine geological Survey Division – C.O. in cases of major infrastructure and coastal projects)

- a. Flooding
- b. Coastal erosion
- c. Tsunami
- d. Storm surge
- e. Coastal subsidence/sea level rise
- f. Submarine landslide



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5. Conclusions and Recommendations

- A. Further assessment work or specialized studies needed (such as, geophysical characterization of bedrock for sinkholes/caverns, microseismic zoning or seismic risk assessment, flood frequency assessment, slope stability/liquefaction potential studies, geotechnical evaluation & engineering tests, erosion and sediment transport/budget studies, hydrogeologic modelling, etc.);
- B. Mitigating measures (for site planning/realignment of structures, during construction excavation/earthworks, for the design of engineered structure, drainage and slope stabilization controls, selection and rehabilitation of spoils disposal/dump sites, etc.);
- C. Monitoring (such as regular inspection or measurements during the construction stage-excavation/earthworks and grading activities to detect any soil creep, slumping, subsidence, differential settlement, erosion, siltation, sedimentation, flooding, landsliding, etc.)

Maps and Documents to be part of the EGGAR (minimum requirements):

1. Regional Geologic Map (with regional cross section)
2. Site Geologic Map (with representative cross sections and Index Map)
3. Stratigraphic Column
4. Relevant Hazard Map (see Section IV)
5. Engineering Geologic Map Recommended References:

31.2. Geological Review and Verification In cases wherein an EGGAR, or an equivalent technical report, has already been prepared prior to the effectivity of this Order or prior to the conduct of scoping, and that no geological site scoping report has been prepared by the DENR-MGB, the Developer or Project Proponent may still submit said EGGAR/technical report to DENR-MGB for appropriate technical review and verification. For this purpose, a corresponding Geological Verification Report (GVR) shall be prepared by DENR-MGB and submitted to the DENR-EMB and other concerned government agencies.

Section 32. Projects of National Significance. Based on established national standards and priorities, the HLURB shall continue to issue locational clearances for projects considered to be of vital and national or regional economic or environmental significance. Unless otherwise declared by the

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NEDA Board, all projects shall be presumed locally-significant. (Para. 2 Section 3a, of EO 72)

Section 33. Major and/or Innovative Projects. The Zoning Administrator/Zoning Officer or the LZBA, as the case may be, may seek the assistance of the Housing and Land Use Regulatory Board (HLURB) or external consultants in the evaluation of proposed Major and/or Innovative Projects such as seaports, airports, oil depots, reclamation areas, shopping malls, special economic zones, tourism enterprise zones, and the like.

Section 34. Subdivision Projects. All owners and/or developers of subdivision projects shall, in addition to securing a Locational Clearance, be required to secure a Development Permit pursuant to the provisions of PD 957 and its Implementing Rules and Regulations or BP 220 and its Implementing Rules and Regulations and in accordance with the procedures laid down in EO 71, Series of 1993.

Proposed subdivision projects shall prepare their respective Deed Restrictions (to include, among others, regulations pertaining to allowable uses within their project sites. The list of allowable uses within subdivisions shall be within the list of allowable uses within the Zone. Proof of compliance of future projects with the provisions of the Deed Restrictions for the said subdivision shall form part of the requirements for Locational Clearance.

Section 35. Planned Unit Development Projects. Proposed Planned Unit Developments (PUD) projects shall be accompanied by Comprehensive Development Master Plans (CDMPs) showing, at the minimum, proposed land uses, building density and bulk, road network layout, road and sidewalk section details, and master layouts of all utilities such as those for potable water, storm drainage, sewerage, power supply, telecommunication and solid waste management.

CDMPs shall also be provided with Deed Restrictions where, upon approval of the Zoning Administrator/Zoning Officer or Local Zoning Board of Appeals, as the case may be, proof of compliance of future projects on the said PUD site shall form part of the requirements for Locational Clearance.

Section 36. Environmental Compliance Certificate. No Locational Clearance shall be issued to proposals covered by the Environmental Impact Statement (EIS) System unless the requirements of ECC have been complied with.

Section 37. Building Permit. No Building Permit shall be issued by the Municipal Building Official without a valid Locational Clearance in accordance with the integrated Zoning Ordinance.

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Sangguniang Bayan Member

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Sangguniang Bayan Member

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Section 38. Business Permit. The Business and Licensing Division shall require a Locational Clearance for new developments.

Should there be any change in the activity or expansion of the area subject of the Locational Clearance, the owner/developer shall apply for a new Locational Clearance.

Section 39. Occupancy Permit. No Occupancy Permit shall be issued by the Local Building Official without certification from the Zoning Administrator/Zoning Officer that the building has complied with the conditions stated in the Locational Clearance.

Section 40. Validity of Locational Clearance. Upon issuance of a Locational Clearance, the grantee thereof shall have one year within which to commence or undertake the use, activity or development covered by such clearance on his property. Non-use of Locational 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.

Should there be any change in the activity or expansion of the area subject of the Locational Clearance, the owner/developer shall apply for a new Locational Clearance.

SECTION 41. Notice of Non-Conformance. Upon approval of this Zoning Ordinance, the Zoning Administrator/Zoning Officer shall immediately issue Notices of Non-Conformance to existing non-conforming uses, buildings or structures. The said Notice of Non-Conformance shall cite provisions of this Ordinance to which the existing use, building or structure does not conform to. The same Notice shall also inform the owner of said non-conforming use, building or structure of the conditions for the continued use of the same as provided in the following section. It may also provide conditions by which the non-conforming use can reduce its non-conformity.

Section 42. Existing Non-Conforming Uses, Buildings and Structures. 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 provisions of the integrated Zoning Ordinance, provided:

1. That no such non-conforming use shall be expanded or extended to occupy a greater area of land than that already occupied by such use at the time of the adoption of this Ordinance or moved in whole or in part, to any other portion of the lot or parcel of land where such non-conforming use exists at the time of the adoption of this Ordinance.
2. That no such non-conforming use which has ceased operation for more than one (1) year be again revived as non-conforming use.



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

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3. A vacant/idle building or structure may not be used for non-conforming activity;
4. That any non-conforming building/structure 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 any building/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 maybe moved to displace any conforming use;
7. That no such non-conforming use and/or structure may be expanded or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
8. That should such use and or structure be moved for any reason to whatever distance, it shall thereafter conform to the regulation of the zone in which it is moved or relocated.
9. That such non-conforming use and/or structure should not cause nuisance effects to its neighborhood, such as but not limited to pollution of whatever form (air, noise, land, water, etc.), undesirable traffic (whether vehicular or pedestrian) and the like and should further not pose health and safety hazards and as further provided in the Performance Standards provision of this Ordinance.
10. The owner of a non-conforming use and/or structure shall program the phase-out and relocation within ten (10) years from the effectivity of this Ordinance.

Section 43. 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 existing rules and regulations on the subject.

Section 44. Qualifications of the Zoning Administrator/Zoning Officer. The Zoning Administrator/Zoning Officer must comply with the requirements of RA No. 10587, also known as the Environmental Planning Act of 2013.

Section 45. 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,



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and Section 7 of Executive Order No. 648 dated 07 February 1981, the Zoning Administrator shall perform the following:

1. Enforcement
2. Act on all applications for Locational Clearance
3. Issuance of Notice of Non-Conformance to owners/operators of uses, buildings or structures that are non-conforming to the applicable provisions of this Ordinance.
4. Monitor on-going/existing projects and issue Notices of Violation and Show Cause Order to owners, developers, or managers of projects that are in violation of the provisions of the integrated Zoning Ordinance.
5. Coordinate with the Philippine National Police (PNP) for enforcement of all orders and processes issued in the implementation of this Ordinance.
6. Coordinate with the Municipal Fiscal and or Municipal Legal Officer for other legal actions/remedies relative to the foregoing.
7. Planning
8. Coordinate with the Regional Office of the Housing and Land Use Regulatory Board (HLURB) regarding proposed amendments to the integrated Zoning Ordinance prior to adoption by the Sangguniang Bayan.

Section 46. Complaints and Oppositions. A complaint for violation of any provision of the integrated Zoning Ordinance or any clearance or permit issued pursuant thereto shall be filed with the Local Zoning Board of Appeals.

Oppositions to applications for Locational Clearance, Variance or Exception shall be treated as a complaint and shall likewise be filed with the Local Zoning Board of Appeals.

Section 47. Functions and Responsibilities of the Local Zoning Board of Appeals. There is hereby created a LZBA which shall perform the following functions and responsibilities:

1. Act on applications of the following nature:
2. Variances
3. Exceptions
4. Non - Conforming Uses
5. Complaints and Oppositions to Application/s
6. Act on appeals on Grant or Denial of Locational Clearance by the Zoning Administrator/ Zoning Officer.
7. Act on appeals regarding the non-conformity of existing uses, buildings or structures to the applicable provisions of this Ordinance.
8. Decisions of the LZBA shall be carried by an absolute majority vote (50% + 1) of its members.

Section 48. Appeals to Local Zoning Board of Appeals Decisions. Decisions of the LZBA shall be appealable to the HLURB.

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Section 49. Composition of the Local Zoning Board of Appeals (LZBA). The LZBA shall be composed of the following members:

1. Municipal Mayor as Chairman
2. SB Committee Chairperson on Land Use/Zoning
3. Municipal Assessor
4. Municipal Engineer
5. Municipal Planning and Development Coordinator (if other than the Zoning Administrator/Zoning Officer)
6. Municipal Community Environment and Natural Resources Officer/Disaster Risk Reduction and Management Officer
7. Two (2) representatives of the private sector nominated by their respective organizations
8. Two (2) representatives from non-government and civil society organizations nominated by their respective organizations.
9. The Municipal Planning and Development Office shall serve as the Secretariat to the LZBA.
10. The LZBA may invite resource persons in support of the performance of its functions.

Section 50. Review of the Zoning Ordinance. The Local Zoning Review Committee (LZRC) is hereby created under the Municipal Development Council, to review the integrated Zoning Ordinance considering the Comprehensive Land Use Plan, based on the following reasons/ situations:

1. Updating/Revision of the Comprehensive Land Use Plan
2. Introduction of projects of national and/ or local significance
3. Force majeure events with Municipal-wide land use implications
4. Petition for re-zoning/re-classification with Municipal-wide implications
5. Increasing number of applications/issuances invoking Variances and Exceptions

Section 51. Composition of the Local Zoning Review Committee (LZRC). The Local Zoning Review Committee shall be composed of the following:

1. Sangguniang Bayan Chairperson on Land Use/Zoning (or equivalent committee)
2. Municipal Planning and Development Coordinator
3. Municipal Zoning Administrator/Zoning Officer
4. Municipal Assessor
5. Municipal Engineer
6. Municipal Community Environment and Natural Resources Officer/Disaster Risk Reduction and Management Officer
7. Municipal Agriculturist
8. Municipal Agrarian Reform Officer



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MUNICIPAL MAYOR

9. President, Liga ng mga Barangay
10. Three (3) Private Sector Representatives such as from Local Chamber of Commerce, local housing industry, federation of homeowner's associations, and academe.
11. Two (2) non-government and civil society organization representatives

The Municipal Planning and Development Office shall serve as the Secretariat to the Local Zoning Review Committee.

The LZRC may invite resource persons in support of the performance of its functions.

Section 52. Functions of the Local Zoning Review Committee. The Local Zoning Review Committee shall have the following functions:

1. Review the Zoning Ordinance for the following purposes:
2. Determine amendments or revisions necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan.
3. Recommend changes to be introduced in the Comprehensive Land Use Plan and the Zoning Ordinance in the light of permits granted such as variances and exceptions, and increasing applications for rezoning and reclassification.
4. Recommend to the Sangguniang Bayan necessary legislative amendments on the needed changes in the integrated Zoning Ordinance as a result of the review conducted.
5. Coordinate with HLURB of the recommended changes to the integrated Zoning Ordinance as a result of its review.

Section 53. Amendments to the Integrated Zoning Ordinance. Changes in the integrated Zoning Ordinance, as a result of the review by the Local Zoning Review Committee shall be treated as an amendment, provided that any proposed amendment to the Zoning Ordinance or provisions thereof shall be subject to public hearing and shall be carried out through a three-fourths vote of the Sangguniang Bayan.

Any amendment shall take effect only after approval and authentication by Housing and Land Use Regulatory Board (HLURB) or Sangguniang Panlalawigan.

Section 54. Violation and Penalty. Any person who violates any of the provisions of this Ordinance, shall, upon conviction, be punished by a fine not exceeding Two Thousand Five Hundred Pesos (PhP2,500.00) 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 55. Suppletory Effect of other Laws and Decrees. The provisions of this Ordinance shall be without prejudice to the application of other laws, presidential decrees, letters of instruction and other executive or administrative orders vesting

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national agencies with jurisdiction over specific land areas, which shall remain in force and effect, provided that land use decisions of the national agencies concerned shall be consistent with the Comprehensive Land Use Plan of the locality.

Section 56. Non-diminution of National Standards. The rules and standards provided in this Zoning Ordinance shall conform to the rules and standards provided by national agencies and shall not in any way diminish those that have been set by national laws and regulations.

Section 57. Consistency between national and local plans, programs and projects. Plans, programs and projects of national agencies that will be implemented within the locality, shall as much as practicable, be consistent with the provisions of the Zoning Ordinance.

Section 58. 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 59. 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 not be impaired.

Section 60. Effectivity Clause. This Zoning Ordinance takes effect upon approval by the Sangguniang Panlalawigan (SP)/Housing and Land Use Regulatory Board (HLURB) and after compliance with the publication/posting requirements of the Local Government Code.

ENACTED, unanimously, this 13th day of June, 2022, on motion of Councilor Atty. Glennson A. Dangis, duly seconded.

SANGGUNIANG BAYAN MEMBERS

GLENNSON A. DANGIS

TONY P. WAKIT, SR.

MEDY D. MALCAT

ADRIANO A. DODON

TONY B. PAGNAS

CARLITO B. BANTAYAN


VALDEZ A. DUNTOGAN

WESLEY L. KITANO



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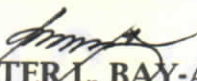

VELASCO P. WINDO, JR.
LnB President


DENVER LLOYD A. BUGNAY
SKF President

HON. GLENNSON AWAS DANGIS
Sangguniang Bayan Member

CERTIFIED CORRECT:

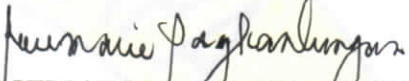
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Sangguniang Bayan Member


PETER L. BAY-AN
Vice Mayor and Presiding Officer

HON. MEDY DUPIANO MALCAT
Sangguniang Bayan Member

ATTESTED:

HON. ADRIANO ALIS DODON
Sangguniang Bayan Member


ROSEMARIE R. PAGKANLUNGAN
Secretary to the Sanggunian

HON. TONY BASILIO PAGNAS
Sangguniang Bayan Member

APPROVED:

HON. CARLITO BALASYA BANTAYAN
Sangguniang Bayan Member


ELIZABETH D. BALASYA, MD, MPH
Municipal Mayor

HON. VALDEZ ANUMA DUNTOGAN
Sangguniang Bayan Member

6/21/2022
Date Approved

HON. WESLEY LIBORIO KITANO
Sangguniang Bayan Member

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