

ZONING ORDINANCE

MUNICIPAL ORDINANCE NO. _____ Series of 2001

AN ORDINANCE REVISING THE ZONING REGULATIONS OF THE MUNICIPALITY OF PANDAN AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.

Be it ordained enacted by the Sangguniang Bayan of Pandan, Antique:

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

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

NOW THEREFORE, the Sangguniang Bayan of Pandan in a session assembled hereby adopts the following Zoning Ordinance.

ARTICLE I
TITLE OF THE ORDINANCE

Section 1. Title of the Ordinance. This Ordinance shall be known as the Comprehensive Zoning Ordinance of the Municipality of Pandan, Antique and shall be referred to as the Ordinance.

ARTICLE II
AUTHORITY AND PURPOSE

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

Section 3. Purpose. This Ordinance is enacted for the following purposes:

1. Guide, control and regulate future growth and development of Pandan in accordance with its Comprehensive Land Use Plan.
2. Protect the character and stability of residential, commercial, industrial, institutional, forestry, agricultural, open space and other functional areas within the locality and promote the orderly and beneficial development of the same.

3. Promote and protect the health, safety, peace, comfort, convenience and general welfare of the inhabitants in the locality.

Section 4. General Zoning Principle. This zoning Regulations is based on the approved General and Urban Land Use Plans as per Resolution No. 07 - 2001 dated January 23, 2001 for the Municipality of Pandan, Antique.

ARTICLE III DEFINITION OF TERMS

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

1. **Agricultural Zone (AGZ)** - an area within a municipality intended for cultivation/fishing and pastoral activities, e.g.. fish, farming, cultivation of crops, goat/cattle raising, etc.
2. **Agro-Industrial Zone (AIZ)** - an area within a municipality intended primarily for integrated farm operations and related product processing activities such as plantation for bananas, pineapple, sugar, etc.
3. **HLRB/Board** - shall mean the Housing and Land Use Regulatory Board.

4. **Buffer Area** - these are yards, parks, or open spaces intended to separate incompatible elements or uses to control pollution/nuisance and for identifying and defining development areas or zones where no permanent structures are allowed.
5. **Built-up Area** - a contiguous grouping of ten (10) or more structures.
6. **Central Business District** - shall refer to areas designated principally for trade, services and business purposes (Commercial 1 Zone).
7. **Certificate of Non-Conformance** - certificate issued to owners of all uses existing prior to the approval of the Zoning Ordinance which do not conform in a zone as per provision of the said Ordinance.
8. **Compatible Use** - uses or land activities capable of existing together harmoniously e.g. residential use and parks and playground.
9. **Component Cities/Municipalities** - cities which do not meet the requirements for highly urbanized cities shall be considered component cities of the province in which they are located.

If a component city is located within the boundaries of two or more provinces such city shall be considered component cities of the province in which they are located.
10. **Comprehensive Land Use Plan (CLUP)** - a document embodying a specific proposals for guiding, regulating growth and/or development. The main components of the Comprehensive Land Use Plan in this usage are the sectoral studies i.e. Demography, Socio-Economic, Infrastructure and Utilities, Local Administration and Land Use.

11. **Conflicting Uses** - uses or land activities with contrasting characteristics sited adjacent to each other e.g. residential units adjacent to industrial plants.
12. **Conforming Use** - a use which is in accordance with the zone classification as provided for in the Ordinance.
13. **Easement** - open space imposed on any land use/activities sited along waterways, road-right-of-ways, cemeteries/memorial parks and utilities.
14. **Environmentally Critical Areas** - refers to those areas which are environmentally sensitive and are listed in Presidential Proclamation 2146 dated December 14, 1981 (Refer to Annex A)
15. **Environmentally Critical Projects** - refers to those projects which have high potential for negative environmental impacts and are listed in Presidential Proclamation 2146 dated December 14, 1981. (Refer to Annex A)
16. **Exception** - a device which grants a property owner relief from certain provisions of a Zoning Ordinance where because of the specific use would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.
17. **Forest Zone (FZ)** - an area within a municipality intended primarily for forest purposes.
18. **General Commercial Zone (GCZ)** - an area within a municipality for trading/service/business purposes.
19. **General Institutional Zone (GIZ)** - an area within a municipality principally for general types of institutional establishments e.g. government offices, schools, hospital/clinic, academic/research, convention centers.
20. **General Residential Zone (GRZ)** - an area within a municipality principally for dwelling/housing purposes.

21. **General Zoning Map** - a duly authenticated map delineating the different zones in which the whole city/municipality is divided.

22. **Gross Floor Area (GFA)** - the GFA of a building is the total floor space within the perimeter of the permanent external building walls, occupied by:

- office area;
- residential areas;
- corridors;
- lobbies;
- mezzanine;
- vertical penetrations, which shall mean stairs, fire escapes, elevator shaft; flues, pipe shafts, vertical ducts, and the like, and their enclosing walls;
- rest rooms or toilets;
- machine rooms and closets;
- covered balconies and terraces;
- interior walls and columns, and other interior features;

But excluding:

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

- uncovered areas for AC cooling towers, overhead water tanks, roof decks, laundry areas and cages, wading or swimming pools, whirlpools or jacuzzis, gardens, courts or plazas.

23. Light Industrial Zone (I-1) - a subdivision of an area principally for the following types of industries:

- non-pollutive/non-hazardous
- non-pollutive/hazardous

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

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

26. Non-conforming use - existing non-conforming uses/establishments in an area allowed to operate in spite of the non-conformity to the provisions of the Ordinance subject to the conditions stipulated in this Zoning Ordinance.

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

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

29. Rezoning - a process of introducing amendments to or a change in the text and maps of the zoning ordinance. It also includes amendment or change in view of reclassification under section 20 of RA 7160.

30. **Rural Area** - area outside designated urban area.
31. **Setback** - the open space left between the building and lot lines.
32. **Socialized Housing Zone (SHZ)** - shall be used principally for socialized housing/dwelling purposes for the underprivileged and homeless as defined in RA 7279.
33. **Tourist Zone (TZ)** - are sites within a municipality endowed with natural or manmade physical attributes and resources that are conducive to recreation, leisure and other wholesome activities.
34. **Urban Area(s)** - include all barangay(s) or portion(s) of which comprising the poblacion, central business district (CBD) and other built up area including the urbanizable land in and adjacent to said areas and where at least more than fifty (50%) of the population are engaged in non-agricultural activities. CDB shall refer to the areas designated principally for trade, services and business purposes.
35. **Urban Zoning Map** - a duly authenticated map delineating the different zones into which the urban area and its expansion area are divided.
36. **Urbanizable Land** - area designated as suitable for urban expansion by virtue of land use studies conducted.
37. **Variance** - a special locational clearance which grants a property owner relief from certain provisions of Zoning Ordinance where, because of the particular, physical surrounding, shape or topographical conditions of the property, compliance on heights, area, setback, bulk and/or density would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more-money.

38. **Warehouse** - refers to a storage and/or depository of those in business of performing warehouse services for others, for profit.
39. **Water Zone (WZ)** - are bodies of water within a municipality which include rivers, streams, lakes and seas except those included in other zone classification.
40. **Zone/District** - an area within a municipality for specific land use as defined by manmade or natural boundaries.
41. **Zoning Administrator/Zoning Officer** - a municipal government employee responsible for the implementation/enforcement of the Zoning Ordinance in a community.
42. **Zoning Ordinance** - a local legal measure which embodies regulations affecting land use.

ARTICLE IV ZONE CLASSIFICATION

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

A. Urban Zoning

1. General Residential Zone (GRZ)
2. Socialized Housing Zone (SHZ)

3. General Commercial Zone (GCZ)
4. General Institutional Zone (GIZ)
5. Parks, Open Spaces, Buffer Areas and Recreation Zone
6. Infrastructure and Utility Zone
7. Cemetery

B. General Zoning

1. Built - up Areas
2. Socialized Housing Zone
3. Parks, Open Spaces & other Recreational Areas/Buffer Zones
4. Parking/Open Grassland
5. Tourism Zone
6. Cemetery
7. Dumpsite
8. Agricultural Zone
9. Forestland
10. Water Zone

Section 6. Zoning Maps. It is hereby adopted as an integral part of this Ordinance, the Official Zoning Maps for urban areas and for the whole municipality (General), wherein the designation, location and boundaries of the districts/zones herein established are shown and indicated. Such Official Zoning Maps are signed by the local chief executive and duly authenticated by the Sangguniang Panlalawigan.

The Urban Zoning Map is drawn to the scale of 1:4,000 M and the General Zoning Map is drawn to the scale of 1:25,000M.

Section 7. Zone Boundaries. The locations and boundaries of the above mentioned various zones into which the municipality has been divided are hereby identified and specified as follows:

URBAN LAND USE ZONE:

RESIDENTIAL ZONE

The following are classified as Residential Zones:

1. The 9-block area within the perimeter formed by Pres. E. Oirola Street; Mayor D. Dy Buco Street; Mayor E. Gelito Street and Pres. P. Alojipan Street; except for the portion designated as Block C-VIII, C-IX, I-V and I-VI and identified as Block R-1 in the Pandan Zoning Map.
2. The 8-block area within the perimeter formed by Pres. S. Candari Street; Pres. G. Dioso Street; Mayor Q. Dioso Street; and Pres. C. Tayco Street, and identified as Block R-II in the Pandan Zoning Map.

3. The block within the perimeter formed by Pres. E. Oirola Street; Pres. P. Alojipan Street; Block C-V; and Pres. D. Rodillon Street; and identified as Block R-III in the Pandan Zoning Map.
4. One block within the perimeter formed by Block C-III; Pres. C. Tayco Street; Gen. A. Galido Street; and Mayor J. Dioso Street; and identified as Block-R-IV in the Pandan Zoning Map.
5. An irregular shaped area within the perimeter formed by Pres. P. Zaldivar Street; Pres. C. Ferranco and Pres. J. Dioso Street; J.C.O. Zaldivar Street; and Marine boundary; and identified as Block R-V in the Pandan Zoning Map.
6. The block within one perimeter formed by J.C.O. Zaldivar Street; Mayor J. Dioso Street; Cemetery Access Road; and Road Lot 6; and identified as Block R-VI in the Pandan Zoning Map.
7. A 20 meter deep strip along the eastern portion of Mayor B. Castillo Street from Baybay-Sta. Fe boundary extending towards North and forming an L-shape along the southern portion of General A. Galido Street to Road Lot 7 and identified as Block R-VII in the Pandan Zoning Map.
8. A 20 meter deep strip along the western and southern portion of Road Lot 7 extending from its junction with Block R-VII towards east to the National Road and identified as Block R-VIII in the Pandan Zoning Map.
9. An area bounded on the North by Gen. A. Galido Street, on the East by Pres. C. Tayco Street, on the West by Road Lot 7 extending approximately 70 meters towards south and forming an L-shape 20 meter deep strip along the Southern portion of Mayor Q. Dioso Street to the National Road and identified as Block R-IX in the Pandan Zoning Map.
10. A 20 meter deep strip along the eastern portion of Pres. G. Dioso Street extending from its junction with J.C.O. Zaldivar

Street towards south forming an L-shape towards west to the National Road and identified as Block R-X in the Pandan Zoning Map.

11. A 20 meter deep strip along the Southern portion of J.C.O. Zaldivar Street extending from its junction with Block R-X towards east to Talisay-Centro Sur boundary and identified as Block R-XI in the Pandan Zoning Map.
12. A 20 meter deep strip along the Northern portion of J.C.O. Zaldivar Street extending from the east of Block I-II towards east to Talisay-Centro Sur boundary and identified as Block R- XII in the Pandan Zoning Map.
13. A 20 meter deep strip along the eastern portion of Mayor D. Dy Bucu Street extending from the Northern part of Block I-II towards North to junction of Mayor D. Dy Bucu Street and Pres. E. Oirola Street and identified as Block R-XIII in the Pandan Zoning Map.
14. A 20 meter deep strip surrounding Block AG-V and identified as Block R-XIV in the Pandan Zoning Map.
15. A 20 meter deep strip along the eastern portion of Pres. C. Ferranco Street extending from its junction with Road Lot 3 towards east along Pres. P. Zaldivar Street and towards north along Pres. D. Rodillon Street to Road Lot 3 and identified as Block R-XV in the Pandan Zoning Map.
16. A 20 meter deep strip along the western portion of Pres. D. Rodillon Street extending from its junction with Road Lot 3 towards Northwest to Road Lot 4 towards west to Pres. C. Ferranco Street and towards south along Pres. C. Ferranco Street to Road Lot 3, and identified as Block R-XVI in the Pandan Zoning Map.
17. A 20 meter deep strip along the northwestern portion of Road Lot 5 extending from its junction with the National Road to

Pres. D. Rodillon Street and identified as Block R-XVII in the Pandan Zoning Map.

18. A 20 meter deep strip along the Northwestern portion of Pres. D. Rodillon Street from Block AG-VI boundary towards southwestern portion of Road Lot 4 towards along the northwest of Pres. C. Ferranco Street to the end of Pres. C. Ferranco street and identified as Block R-XVIII in the Pandan Zoning Map.
19. An irregular shaped area within the perimeter formed by Pres. P. Zaldivar Street; Pres. Ferranco Street and open space and Marine boundary; and identified as Block R-XIX in the Pandan Zoning Map.
20. A 20 meter deep strip along the Eastern portion of Road Lot 7 extending from its junction with Block R-IX towards Southeast to Block C-VII, and identified as Block R-XX in the Pandan Zoning Map.

COMMERCIAL ZONE

The following are classified as Commercial Zone:

1. An irregular shape area presently occupied by the Public Market bounded on the North by Mayor M. Dionela Street on the South by Justice C.O. Zaldivar Street, on the East by Pres. D. Rodillon Street on the West by Lomboyon Creek, and identified as Block C-I in the Pandan Zoning Map.
2. An irregular shape area bounded on the North by Mayor M. Dionela Street, on the South C.O. Zaldivar Street, on the East by Pres. P. Alojipan Street, and on the West by Pres. D. Rodillon Street, and identified as Block C-II in the Pandan Zoning Map.

3. A 20 meter deep strip along the South side of Justice C.O. Zaldivar Street extending from its junction with President C. Tayco Street to Mayor Dioso Street, and identified as Block C-III in the Pandan Zoning Map.
4. An irregular shape area bounded on the North by Mayor M. Dionela Street, on the South by J.C.O. Zaldivar Street, on the East by Lomboyon creek and on the West by Mayor J. Dioso Street and identified as Block C-IV in the Pandan Zoning Map except presently occupied by Tugon Medical Clinic (I-VII)
5. A 30 meter deep strip along the North side of Mayor M. Dionela Street extending from its junction with President P. Alojipan Street to President D. Rodillon Street, and identified as Block C-V in the Pandan Zoning Map.
6. A 4-Block irregular shape area bounded on the North by Pres. P. Zaldivar Street, on the South by Mayor M. Dionela Street, on the East by Pres. D. Rodillon Street and on the West by Pres. Ferranco Street and identified as Block C-VI in the Pandan Zoning Map.
7. A 20 meter deep strip along both sides of the National Highway extending from its junction with Mayor Q. Dioso Street to Road Lot 7 & 8 and identified as Block C-VII in the Pandan Zoning Map.
8. An area bounded on the Northeast by designated Block R - 1, on the South by Mayor E. Gelito Street, on West by the National Road, and identified as Block C-VIII in the Pandan Zoning Map.
9. An area bounded on the North by Pres. E. Oirola Street, on the South by Mayor F. Ausan Street, on the East by the designated Block R - 1, on the West by designated Block R - 1, and identified as Block C-IX in the Pandan Zoning Map.
10. An area approximately 135 meters extending from its junction with Pres. E. Oirola Street towards North along the National

Road and approximately 50 meters towards East from the National Road, and identified as Block C-X in Pandan Zoning Map.

PARKS AND OPEN SPACES (PO)/SWAMPS AND MARSHES (SM) ZONE:

Parks and Open Spaces (PO)

1. An area bounded on the North by Mayor E. Gelito Street, on the South by Justice C.O. Zaldivar Street, on the East by Mayor C. Alonsagay Street, and on the west by President P. Alojipan Street, and identified as Block PO-I in the Pandan Zoning Map.
2. An area bounded on the North by Mayor E. Gelito Street, on the south by Justice C.O. Zaldivar Street, on the East by Mayor D. Dy Buco Street, and on the West by the National Road, and identified as Block PO-II in the Pandan Zoning Map.

SWAMPS AND MARSHES (SM)

The following are classified as Swamps and Marshes:

1. An irregular shaped area bounded on the Northeast by Residential Zone Block R-XV, on the Southwest by Road Lot 3 and Residential Block R-XV, and on the Southeast by Residential Block R-XV, and identified as Block SM-1 in the Pandan Zoning Map.
2. An irregular shaped area bounded on the Northeast by Residential Block R-XVI, on the Southwest by Road Lot 4 and

Residential Block R-XVI and on the Southeast by Road Lot 3, and identified as Block SM-11 in the Pandan Zoning Map.

3. An irregular shaped area bounded on the Northeast by Residential Block R-XVIII, on the North by Block AG-VI, on the West and Southwest by Bagumbayan boundary and Residential Block R-XVIII, and on the Southeast by Residential Block R-XVIII, and identified as Block SM-III in the Pandan Zoning Map.

INSTITUTIONAL (I) ZONES:

The following are classified as Institutional Zones:

1. An area bounded on the North by Mayor E. Gelito Street, on the South by Justice C.O. Zaldivar Street, on the East by the National Road, and on the West by Mayor C. Alonsagay, and identified as Block I-1 in the Pandan Zoning Map
2. An area approximately 240 meters extending from its junction with Mayor D. Dy Buco Street towards Northeast and approximately 110 meters towards Northwest from J.C.O. Zaldivar Street, and identified as Block I-II in the Pandan Zoning Map.
3. An area bounded on the North by Justice C.O. Zaldivar Street, on the South by President S. Candari, on the East by the National Road, and on the West by Pres. C. Tayco Street, and identified as Block I-III in the Pandan Zoning Map.
4. An area bounded on the North by Justice C.O. Zaldivar Street, on the South by Pres. S. Candari Street, on the East by Pres. G. Dioso Street, and on the West by the National Road, and identified as Block I-IV in the Pandan Zoning Map.
5. An area bounded on the North and West by designated Block R - 1, on the South by Mayor E. Gelito Street, and on the

East by the National Road, and identified as Block I-V in the Pandan Zoning Map.

6. An area bounded on the North by designated Block R - 1, on the South by Mayor E. Gelito Street, on the East by the National Road, and on the West by Pres. P. Alojipan Street, and identified as Block I-VI in the Pandan Zoning Map.
7. An area bounded on the North and West by designated Block C-IV, on the South by Justice C.O. Zaldivar Street, and on the East by Lomboyon Creek, and designated as Block I-VII in the Pandan Zoning Map.
8. A 20 meters deep strip along the north side of Justice C.O. Zaldivar Street extending from its junction with the National Road to Mayor D. Dy Bucu Street, and identified as Block I-VIII in the Pandan Zoning Map.

AGRICULTURAL ZONE (AG)

The following are classified as Agricultural Zone:

1. An irregular shaped area bounded on the Northeast by Centro Norte – Talisay boundary, on the Northwest by Cabilawan River, on the Southwest by the National Road, Block C-X, Block R-XIII, and on the Southeast by Block I-II and Block R-XII, and identified as Block AG-I in the Pandan Zoning Map.
2. An irregular shaped area bounded on the Northeast by Centro Sur - Talisay boundary, on the Northwest by Residential Block R-XI, on the Southwest by Block R-X and Block C-VII, and in the Southeast by Centro Sur - Sta. Fe boundary, and identified as Block AG-II in the Pandan Zoning Map.
3. An irregular shaped area bounded on the Northeast by Block C-VII, on the Northwest by Block R-IX, on the Southwest by

Block R-XX, and on the Southeast by Block R-XX, and identified as Block AG-III in the Pandan Zoning Map.

4. An irregular shaped area bounded in the Northeast by Block R-VIII, on the Northwest and Southwest by Block R-VII, and on the Southeast by Baybay-Sta Fe boundary, and identified as Block AG-IV in the Pandan Zoning Map.
5. An irregular shaped area bounded on the North-South-East and West by Block R-XIV, and identified as Block AG-V in the Pandan Zoning Map.
6. An irregular shaped area bounded on the Northeast by Pres. D. Rodillon Street, on the Northwest by Carmen-Bagumbayan boundary, on the West by Dionela-Bagumbayan boundary and on the Southeast by Block SM-III and Block R-XVIII, and identified as Block AG-VI in the Pandan Zoning Map.
7. An irregular shaped area bounded on the Northeast by National Road, on the Northwest by Carmen-Bagumbayan boundary, on the Southwest by Pres. D. Rodillon Street, and on the Southeast by Block R-XVII, and identified as Block AG-VII in the Pandan Zoning Map.

GENERAL LAND USE ZONES:

BUILT-UP ZONES

1. An area along both sides of Calabanog Barangay Road 300 meters long and 50 meters deep located at Sitio Calabanog, Barangay Idiacacan, and identified as Block B-I in the General Land Use Plan of Pandan.

2. An area along both sides of Idiacacan Barangay road 700 meters long and 50 meters deep located at Barangay Idiacacan, and identified as Block B-2 in the General Land Use Plan of Pandan.
3. An area along both sides of Botbot Barangay road 300 meters long and 50 meters deep located at Barangay Botbot, and identified as Block B-3 in the General Land Use Plan of Pandan.
4. An area along both sides of Dumrog Barangay Road 500 meters long and 50 meters deep located at Barangay Dumrog, and identified as Block B-4 in the General Land Use Plan of Pandan.
5. An area along both sides of Condesa Road 100 meters long and 50 meters deep located at Barangay San Andres, and identified as Block B-5 in the General Land Use Plan of Pandan.
6. An area along the National Highway 500 meters long and 50 meters deep located at Barangay San Andres, and identified as block B-6 in the General Land Use Plan of Pandan.
7. An area along the National Highway 200 meters long and 50 meters deep located at Barangay San Andres, and identified as Block B-7 in the General Land Use Plan of Pandan.
8. An area along the Provincial Road 350 meters long and 50 meters deep located at Barangay San Andres, and identified as Block B-8 in the General Land Use Plan of Pandan.
9. An area along the Provincial Road 300 meters long and 50 meters deep located at Barangay San Andres, and identified as Block B-9 in the General Land Use Plan of Pandan

10. An area along the Provincial Road 500 meters long and 50 meters deep located at Barangay Sta. Fe, and identified as Block B-10 in the General Land Use Plan of Pandan.
11. An area along the Provincial Road 450 meters long and 50 meters deep located at Barangay Sta. Fe and identified as Block B-11 in the General Land Use Plan of Pandan.
12. An area along the Provincial Road 420 meters long and 50 meters deep located at Barangay Talisay, and identified as Block B-12 in the General Land Use Plan of Pandan.
13. An area along both sides of Cabugao Barangay Road 300 meters long and 20 meters deep located at Barangay Cabugao, and identified as Block B-13 in the General Land Use Plan of Pandan.
14. An area along Cabugao Barangay Road 100 meters long and 20 meters deep located at Barangay Cabugao, and identified as Block B-14 in the General Land Use Plan of Pandan.
15. An area along the National Highway 520 meters long and 50 meters deep located at Barangay Bagumbayan, and identified as Block B-15 in the General Land Use Plan of Pandan.
16. An area along the National Highway 150 meters long and 50 meters deep located at Barangay Bagumbayan, and identified as Block B-16 in the General Land Use Plan of Pandan.
17. An area along the National Highway 400 meters long and 50 meters deep located at Barangay Bagumbayan, and identified as Block B-17 in the General Land Use Plan of Pandan.
18. An area along both sides of the Barangay Road 100 meters long and 50 meters deep located at

- Barangay Bagumbayan, and identified as Block B-18 in the General Land Use Plan of Pandan.
19. An area along the National Highway 250 meters long and 100 meters deep located at Barangay Fragante, and identified as Block B-19 in the General Land Use Plan of Pandan.
 20. An area along the National Highway 150 meters long and 100 meters deep located at Barangay Buang, and identified as Block B-20 in the General Land Use Plan of Pandan.
 21. An area along the National Highway 200 meters long and 50 meters deep located at Barangay Sta. Cruz, and identified as Block B-21 in the General Land Use Plan of Pandan.
 22. An area along the Barangay Road 100 meters long and 20 meters deep located at Barangay Candari, and identified as Block B-22 in the General Land Use Plan of Pandan.
 23. An area along the National Highway 900 meters long and 50 meters deep located at Barangay Nauring, and identified as Block B-23 in the General Land Use Plan of Pandan.
 24. An area along the National Road 650 meters long and 50 meters deep located at Barangay Nauring, and identified as Block B-24 in the General Land Use Plan of Pandan.
 25. An area along the Barangay Road 150 meters long and 20 meters deep located at Sitio Egualdad, Barangay Nauring, and identified as Block B-25 in the General Land Use Plan of Pandan.
 26. An area along the Barangay Road 280 meters long and 20 meters deep located at Sitio Egualdad, Barangay Nauring, and identified as Block B-26 in the General Land Use Plan of Pandan.

27. An area along both sides of Barangay Road 100 meters long and 20 meters deep located at Barangay Nauring, and identified as Block B-27 in the General Land Use Plan of Pandan.
28. An area along both sides of Barangay Road 100 meters long and 50 meters deep located at Sitio Bautista, Barangay Nauring and identified as Block B-28 in the General Land Use Plan of Pandan.
29. An area along the National Highway 100 meters long and 50 meters deep located at Barangay Nauring, and identified as Block B-29 in the General Land Use Plan of Pandan.
30. An area along both sides of the National Highway 100 meters long and 50 meters deep located at Barangay Nauring, and identified as Block B-30 in the General Land Use Plan of Pandan.
31. An area along the National Highway 400 meters long and 50 meters deep located at Barangay Jinalinan, and identified as Block B-31 in the General Land Use Plan of Pandan.
32. An area along the National Highway 600 meters long and 50 meters deep located at Barangay Jinalinan, and identified as Block B-32 in the General Land Use Plan of Pandan.
33. An area along both sides of the Barangay Road 100 meters long and 50 meters deep located at Barangay Jinalinan, and identified as Block B-33 in the General Land Use Plan of Pandan.
34. An area along both sides of the Provincial Road 100 meters long and 50 meters deep located at Barangay Guia, and identified as Block B-34 in the General Land Use Plan of Pandan.
35. An area along both sides of the Provincial Road 250 meters long and 50 meters deep located at

- Barangay Guia, and identified as Block B-35 in the General Land Use Plan of Pandan.
36. An area surrounding Guia Elementary School 200 meters long and 150 meters deep located at Barangay Guia, and identified as Block B-36 in the General Land Use Plan of Pandan.
37. An area along the National Highway 400 meters long and 50 meters deep located at Barangay Zaldivar, and identified as Block B-37 in the General Land Use Plan of Pandan.
38. An area surrounding the barangay proper located at Barangay Sto. Rosario, and identified as Block B-38 in the General Land Use Plan of Pandan.
39. An area along the Provincial Road 80 meters long and 50 meters deep located at Barangay Sto. Rosario, and identified as Block B-39 in the General Land Use Plan of Pandan.
40. An area within the barangay proper surrounding the Barangay Roads located at Barangay Mag-aba, and identified as Block B-40 in the General Land Use Plan of Pandan.
41. An area along the National Highway 350 meters long and 50 meters deep located at Barangay Tingib, and identified as Block B-41 in the General Land Use Plan of Pandan.
42. An area along the National Highway 200 meters long and 50 meters deep located at Barangay Tingib, and identified as Block B-42 in the General Land Use Plan of Pandan.
43. An area along the National Highway 320 meters long and 50 meters deep located at Barangay Duyong, and identified as Block B-43 in the General Land Use Plan of Pandan.

44. An area along the National Highway 80 meters long and 20 meters deep located at Barangay Patria, and identified as Block B-44 in the General Land Use Plan of Pandan.
45. An area along the Barangay Road 60 meters long and 50 meters deep located at Barangay Patria, and identified as Block B-45 in the General Land Use Plan of Pandan.
46. An area along the National Highway 80 meters long and 50 meters deep located at Barangay Patria, and identified as Block B-46 in the General Land Use Plan of Pandan.
47. An area along the Provincial Road 150 meters long and 50 meters deep located at Barangay Patria, and identified as Block B-47 in the General Land Use Plan of Pandan.
48. An area along the Barangay Road surrounding barangay proper 300 meters long and 250 meters deep located at Barangay Patria, and identified as Block B-48 in the General Land Use Plan of Pandan.
49. An area around the barangay road approximately 200 meters long and 150 meters deep located at the barangay proper of Barangay San Joaquin, and identified as Block B-49 in the General Land Use Plan of Pandan.
50. An area around the barangay road approximately 300 meters long and 200 meters deep located at the barangay proper of Barangay Sta. Ana, and identified as Block B-50 in the General Land Use Plan of Pandan.

FOREST LAND ZONES:

All areas identified by the Department of Environment and Natural Resources (DENR) as forestland are hereby classified as Forest Zones. These are located at the Northwest and Eastern portion of the municipality, and identified in General Land Use Plan of Pandan by the color code dark green.

SPECIAL USE ZONES:**1. Tourism:**

The following are classified as Tourism Zones:

- An area 1 km. radius from the pool of Malumpati Health Spring and Tourist Resort, PHAIDON Inc. and the coastal areas of barangays Tingib, Duyong and Patria, and identified by the color code light brown are hereby declared as Eco-Tourism areas in the General Land Use Plan of Pandan.
- The coastal areas of barangay Zaldivar, Mag-aba and Patria, 100 meters deep from the highest point of the high tide, and identified by the color code orange are hereby declared rest and recreation zone in the General Land Use Plan of Pandan.

2. Socialized Housing Zone:

The following are classified as Socialized Housing Zones:

- An area with an approximate size of 3 hectares located at Barangay Nauring, and identified by the color code dark yellow and labeled SH-1 in the General Land Use Plan of Pandan.

- An area with an approximate size of 7 hectares located at barangay San Andres, and identified by the color code dark yellow and labeled SH-2 in the General Land Use Plan of Pandan.

3. Dump Site:

An area with an approximate size of 1,000 square meters located at Barangay Sta. Cruz, and identified by the color code dark brown and labeled DS-1 in the General Land Use Plan of Pandan.

OPEN GRASSLAND:

An area with an approximate size of 527.35 hectares located at Barangay Nauring and Jinalinan and identified as open grassland in the General Land Use Plan of Pandan.

AGRICULTURAL ZONES:

All areas not classified in any of the above zones, and is identified by the color code green in the General Land Use Plan of Pandan are hereby declared agricultural zones.

Section 8. Interpretation of the Zone Boundary. In the interpretation of the boundaries for any of the zones indicated on the Zoning Map, the following rules shall apply:

1. Where zone boundaries are so indicated that they approximately follow the center of street or highway right-of-

way lines, shall be construed to be the boundaries.

2. Where zone boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to 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 there from as indicated in the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown in said zoning map.
4. Where the boundary of a zone follows approximately a railroad line, such boundary shall be deemed to be the railroad right-of-way.
5. Where the boundary of a zone follows a stream, lake or other bodies of water, said boundary line shall be deemed to be at the limit of the political jurisdiction of the community unless otherwise indicated. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shorelines, shall be construed as moving with the actual shorelines.
6. Where a lot of one ownership, as of record at the effective date of this Ordinance, is divided by a zone boundary line, the lot shall be construed to be within the zone where the major portion of the lot is located. In case the lot is bisected by the boundary line, it shall fall in the zone where the principal structure falls.

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

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

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

ARTICLE V

ZONE REGULATIONS

Section 9. General Provision. The uses enumerated in the succeeding sections are not exhaustive nor all inclusive. The Local Zoning Board of Adjustment and Appeals (LZBAA) shall, subject to the requirements of this Article, allow other uses not enumerated hereunder provided that they are compatible with the uses expressly allowed.

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

Specific uses/activities of lesser density within a particular zone may be allowed within the zone of higher density but not vice versa, nor in another zone and its subdivisions except for uses expressly allowed in said zones, such that the cumulative effect of zoning shall be intra-zonal and not inter-zonal.

Section 10. Use Regulations in General Residential Zone (GRZ). A GR zone shall be used principally for dwelling/housing purposes so as to maintain peace and quiet of the area within the zone. The following are the allowable uses:

1. Detached family dwelling
2. Multi family dwelling e.g. row houses, apartments
3. Residential Condominium
4. Apartment
5. Hometel
6. Pension House
7. Hotel apartment or apartel
8. Dormitory

9. Boarding House

10. Branch libraries and museums

11. Customary accessory uses like:

- a. Servants quarter
- b. Private garage
- c. Guard house

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

- a. The number of persons engaged in such business/industry shall not exceed five (5) inclusive of the owner;
- b. There shall be no change in the outside appearance of the building premises;
- c. No home occupation shall be conducted in any customary accessory uses cited above;
- d. No traffic shall be generated by such home occupation 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;
- e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual or audible interference in any radio or television receiver or causes fluctuation in line voltage off the premises.

13. Home Industry Classified as cottage industry provided that:

- a. Such home industry shall not occupy more than thirty percent (30%) of the floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance,
- b. Allotted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DTI).
- c. Such shall consider same provisions as enumerated in letters c, d and e number 12, home occupation, this section.

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

- a. Swimming pool
- b. Pelota Court
- c. Others

15. Nursery/Elementary School

16. High School

17. Vocational School

18. Sports Club

19. Religious Use

20. Multi purpose hall/barangay hall

21. Clinic, nursing and convalescing home, health center

22. Plant nurseries

Section 10a. Use Regulations in Socialized Housing Zone (SHZ) - A SHZ shall be used principally for socialized housing/dwelling purposes for the underprivileged and homeless as defined in RA 7279. Allowable uses:

1. All uses allowed in General Residential Zone
2. Relocation sites

Section 11. Use Regulations in General Commercial Zone (GCZ). A GC Zone shall be for business/trade/service uses.

Within the zone the following types of establishments shall be allowed:

1. All uses allowed in the General Residential Zone.
2. Offices like:
 - a. office building
 - b. office condominium
3. General retail stores and shops like:
 - a. department store
 - b. bookstore and office supply shop

c. home appliance store

d. car shop

e. photo shop

f. flower shop

4. Food markets and shops like:

a. bakery and bake shop

b. wine store

c. grocery

d. supermarket

5. Personal service shops like:

a. beauty parlor

b. barber shop

c. sauna bath and message clinic

d. dressmaking and tailoring shops

6. Recreational center/establishments like:

a. moviehouse/theater

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

- c. swimming pool
 - d. day and night club
 - e. stadium, coliseum, gymnasium
 - f. other sports and recreational establishment
7. Restaurants and other eateries
8. Short term special education like:
- a. dancing schools
 - b. school for self defense
 - c. driving schools
 - d. speech clinics
9. Storerooms but only as may be necessary for the efficient conduct of the business
10. Commercial housing like:
- a. hotel
 - b. apartment
 - c. apartel
 - d. boarding house
 - e. dormitory

f. pension house

g. club house

h. motel

11. Library

12. Clinic

13. Vocational/technical school

14. Convention Center and related facilities

15. Messengerial service

16. Security Agency

17. Janitorial Service

18. Bank and other financial institutions

19. Radio and television station

20. Building garage, parking lot

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

22. Custom dressmaking shop

23. Custom tailoring shop

24. Commercial and job printing

25. Typing and photo engraving services
26. Repair of optical instruments and equipment and cameras
27. Repair of clocks and watches
28. Manufacture of insignia, badges and similar emblems except metal
29. Transportation terminals/garage with and without repair
30. Repair shops like:
 - a. house appliances repair shops
 - b. motor vehicles and accessory repair shops
 - c. home furnishing shops
31. Printing/publishing
32. Machinery display shop/center
33. Gravel and sand
34. Lumber/hardware
35. Manufacture of ice, ice blocks, cubes, tubes, crush except dry ice.
36. Printing and publishing of books and pamphlets, printing cards and stationary
37. Manufacture of signs and advertising displays (except printed)
38. Chicharon factory

39. Manufacture of wood furniture including upholstered
40. Manufacture of rattan furniture including upholstered
41. Manufacture of box beds and mattresses
42. Welding shops
43. Machine shop service operation (repairing/rebuilding, or custom job orders)
44. Medium scale junk shop
45. Repair of motorcycles
46. Lechon or whole pig roasting
47. Biscuit factory - manufacture of biscuits, cookies, crackers and other dried bakery products
48. Doughnut and hopia factory
49. Other bakery products not elsewhere classified (n.e.c)
50. Repacking of food products e.g. fruits, vegetables, sugar and other related products
51. Plant nursery
52. Parking lots, garage facilities
53. Filling station/service station
54. Other commercial activities not elsewhere classified

Section 12. Use Regulations in General Institutional (GIZ) Zone. In GI Zone, the following uses shall be allowed:

1. Government center to house national, regional or local offices in the area
2. Colleges, universities, professional business schools, vocational and trade schools, technical schools and other institutions of higher learning
3. General Hospitals, medical centers, multipurpose clinics
4. Scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities
5. Convention centers and related facilities
6. Religious structures e.g. church, seminary, convents
7. Museums
8. Student housing e.g. dormitories, boarding houses

Section 13. Use Regulations in Parks and Recreation Zone (PRZ). The following uses shall be allowed in Parks and Recreation Zones:

1. Parks/gardens
2. Resort areas e.g. beaches, including accessory uses
3. Open air or outdoor sports activities and support facilities, including low rise stadia, gyms, amphitheatres and

swimming pools

4. Golf courses, ball courts, race tracks and similar uses
5. Memorial/Shrines monuments, kiosks and other park structures
6. Sports Club
7. Underground parking structures/facilities

Section 14. Use Regulations for Agricultural (Agr.) Zone (AGZ). In Agr. Zones the following uses shall be permitted:

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

- a. Number of persons engaged in such business/industry shall not exceed five (5), inclusive of the owner;
 - b. There shall be no change in the outside appearance of the building premises;
 - c. No home occupation shall be conducted in any customary accessory uses cited above;
 - d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street in a place other than the required front yard;
 - e. No equipment or process shall be used in such occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage off the premises.
9. Home industry classified as cottage industry e.g. mat weaving, pottery making, food preservation, etc. provided that:
- a. Such home industry shall not occupy more than thirty (30%) of floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance;
 - b. Alloted capitalization shall not exceed the capitalization as set by the Department of Trade and Industry (DOT);

c. Such shall consider same provisions as enumerated in letters c, d and e of Home Occupation, this section.

10. Backyard raising of livestock and fowl, provided that:

- a. For livestock – 1 sow and 10 heads or less
- b. For fowl – a maximum of 500 birds

Section 15. Use Regulations in Forest Zone (FZ). No development use, or activity shall be allowed in forest zones unless consistent the Department of Environment and Natural Resources (DENR) development regulations for forest zones and a permit, lease or license is issued by the DENR for the following:

1. Contract reforestation with Forest Land Management Agreement (FLMA)
2. Commercial Tree Plantation and Industrial Forest Plantation (ITP/IFP)
3. Integrated Social Forestry Programs (ISF)
4. Community-based forest management
5. Reforestation compliance by forest users by temporary lease agreement
6. Reforestation compliance by pasture lease agreement
7. Ecological Revolution Programs (ECOREV)

Other allowable uses such as mining, infrastructure development, fishpond and resettlement purposes should be in

consonance with national policies as enumerated below:

1. Mining. No extraction excavation or other mining activity shall be undertaken except in accordance with the mining code and implementing rules and regulations.
2. Fishpond Purposes. Fishing activities within the forest zone shall be undertaken pursuant to the provisions of the fisheries code and its implementing rules and regulations and the revised forestry code of the Philippines as amended.
3. Infrastructure and Resettlement. Infrastructure development and resettlement undertaken within forest zones shall be consistent with the provisions of the Revised Forestry Code of the Philippines, as amended, and subject to an environmental impact assessment, prior to the approval of such projects in order to determine their environmental impacts and social acceptability.

Section 16. Use Regulations in Water Zone (WZ).

1. The utilization of the water resources for domestic and industrial use shall be allowed provided it is in consonance with the development regulations of DENR, provisions of the Water Code, and the Revised Forestry Code of the Philippines, as amended, and provided further, that it is subjected to an environmental impact assessment prior to the approval of its use.
2. Other uses such as recreation, fishing and related activities, floatage/transportation and mining (e.g. off shore oil

exploration) shall also be allowed provided it is in consonance with the provisions of the Water Code, and the Revised Forestry Code of the Philippines, as amended.

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

Section 17. Regulations in Tourist Zone (TZ)

No tourism project or tourist related activities shall be allowed in tourist zones unless developed or undertaken in accordance with the Department of Tourism (DOT) guidelines and standards and granted approval by the Tourism Estate Department of DOT.

ARTICLE VI GENERAL DISTRICT REGULATION

Section 18. Development Density. Permitted density shall be based on the zones capacity to support development.

Section 19. Height Regulations. Building height must conform to the height restrictions and requirements of the National Building Code, the Structural Code as well as all laws, ordinances, design standards, rules and regulations related to land

development and building construction and the various safety codes.

Section 20 Exemptions from Height Regulation in General Residential Zone. Exempted from the imposition of height regulations in residential zones are the following: towers, church steeples, water tanks and other utilities and such other structures not covered by the height regulations of the National Building Code.

Section 21. Area Regulations. Area regulation in all zones shall conform with the minimum requirement of the existing codes such as:

- a. P.D. 957 - the “Subdivision and Condominium Buyers’ Protective Law” and its revised implementing rules and regulations
- b. B.P. 220 - “Promulgation of Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Projects” and its revised implementing rules and regulations.
- c. P.D. 1096 - National Building Code
- d. Fire Code
- e. Sanitation Code
- f. Plumbing Code
- g. Structural Code

- h. Executive Order No. 648
- i. Other relevant guidelines promulgated by the national agencies concerned

Section 22. Road Setback Regulations. The following road setback regulations shall be applied:

ROAD SETBACK

Zoning Classification	Major Thoroughfare 30 m and above	Secondary Road	Tertiary Road 6 m and below
	Diversion/Highways	Provincial	Municipal/Barangay
Residential	10 m	10 m	3 m
Commercial	20 m	20 m	7 m
Industrial	30 m	25 m	10 m
Agriculture	20 m	20 m	7 m
Agro-Industrial	30 m	25 m	10 m
Institutional	20 m	20 m	10 m
Parks and Recreation	10 m	10 m	3 m
Forest	30 m	25 m	10 m

Source: DPWH

Section 23. Easement. Pursuant to the provisions of the water code:

1. The banks of rivers and streams and the shores of 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 easement of public use in the interest of recreation, navigation, floatage, fishing and salvage.

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

Section 24. Buffer Regulations. A buffer of 3 meters shall be provided along entire boundary length between two or more conflicting zones allocating 1.5 meters from each side of the district boundary. Such buffer strip should be open and not encroached upon by any building or structure and should be a part of the yard or open space.

Section 25. 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 or rear lots, access yard requirements and dwelling groups, which are not in conflict with the provisions of the Zoning Ordinance, shall be observed.

ARTICLE VII SUPPLEMENTARY REGULATIONS

Section 26. Special Permit Uses - The following shall require a special permit from the Local Zoning Board of Adjustment and Appeals in accordance with the criteria below prescribed:

1. Dumpsite and Sanitary Landfill

- a. Shall be preferably lie on flat or gently rolling area that is not subject to flooding.
- b. Location shall not be closer than 200 meters from waterways or any water surface resources, aquifer or ground water reservoir and not be located within a watershed area. Likewise, it shall not be located closer than 200 meters from any dwelling house or unit, commercial establishment, any recreational area or institution.
- c. Shall not be within any functional area of the city but must be accessible from collection point through an all weather road.
- d. To minimize leachate and spread of vectors a dumpsite/landfill shall be enclosed by a perimeter fence made of durable materials.
- e. General maintenance of the site shall be the sole responsibility of the applicant.
- f. Other sanitary requirements of the municipality shall be complied with.

3. Cemeteries/Memorial Parks

- a. It shall conform with the pertinent provisions of the Sanitation Code, Water Code, Executive Order 648 and applicable laws and rules affecting related services.
- b. It shall be located on the periphery of town center or nearest sparsely inhabited and where little hazard to human life or health could result.

It shall therefore be located in areas zoned for cemetery purposes and may be allowable in areas zoned as open space or agricultural.

- c. Chapter XXI, Sec. 90, b, c of PD 856. (Sanitation Code) A burial ground shall at least be 25 meters distance from any dwelling house and no house shall be constructed within the same distance from any burial ground. No burial ground shall be located 50 meters from either side of the river or within 50 meters from any source of water supply.
- d. It must be located on ground when the water value is not higher than four point twenty five (4.25) meters below the ground surface and is certified by the National Water Resources Board.
- e. It shall not be allowed in environmentally critical areas as defined in Proclamation 2146.
- f. If located along national, primary, secondary roads as defined by EO 113, as amended, and identified as such by DPWH, a distance of at least twenty five (25) meters from the edge of the road right of way shall be imposed when no burial shall be allowed provided that it shall conform with the pertinent provisions of the Sanitation Code and Water Code.

g. It shall be totally enclosed by a perimeter fence of strong materials and all gates provided with a strong door and lock. Perimeter wall shall not exceed 3.00 meters in height.

h. Where cemetery is enclosed by a solid reinforced concrete wall at least 2 meters high, but not exceeding 3 meters, it is allowed to construct tombs, vaults, mausoleums or other types of sepulchers for the dead up to the walls. Otherwise a clearance of 5 meters shall be maintained between the perimeter fence and the nearest interment plot.

3. Funeral Establishments

a. Funeral establishments shall be classified as follows:

a.1 Category I - funeral establishments with chapels embalming facilities and offering funeral services;

a.2 Category II - funeral establishments with chapels and offering funeral services without embalming facilities;

a.3 Category III - funeral establishments offering only funeral services from the house of the deceased to the burial place.

b. Funeral establishments shall be allowed in the following zones:

- Category I – General Commercial Zone (GCZ)
- Category II - GCZ and General Institutional Zone
- Category III - GCZ and General Institutional Zone

c. Category II and III must have an existing valid contracts with a category I establishment for embalming purposes.

d. Funeral establishments shall be at minimum radial distance from the following:

d.1 restaurants, food center and other food establishments at least 25 meters.

d.2 markets at least 50 meters.

d.3 abattoirs, schools and hospitals at least 200 meters.

The funeral establishments shall conform with existing laws, rules and regulations such as PD 825 (Provident Penalty for improper disposal of garbage and other forms of uncleanliness and for other purposes), PD 856 (Code on Sanitation of the Philippines and other related rules and regulations of appropriate agencies.)

4. Piggery and Poultry

a. Piggery and poultry farm shall be situated in an area with good drainage. Flood prone areas, and other environmentally critical areas shall be avoided.

b. The farm shall preferably be at least 500 to 1000 meters away from the built-up areas (residential, commercial, institutional and industrial).

c. The piggery shall be 500 meters away from the major roads and/or highways. For poultry farm, it shall be 200 meters away from the major roads and/or highways.

5. Land Transportation, Terminals and Garages.

a. The location of bus stations/terminals, freight trucks terminals should be at the periphery of a commercial zone.

- b. Jeepney/Taxi terminal maybe located within the commercial zone provided that it should not be near major intersection where traffic congestion occurs.
- c. Garage must be located at the outskirts of the commercial zone.

6. Warehouse

- a. Warehouse shall be classified as follows regardless whether they are privately or publicly owned.

- a.1 Factory-Oriented - This type of warehouse serves two purposes: storage of raw materials and fabricate parts until they are needed for manufacture, and serves as distribution center for finished products.

- a.2 Market-Oriented - This is designed to collect the products of one or more manufacturers in or near the market served before shipping the goods short distance to customers.

Goods stored are non-hazardous and not obnoxious materials and are for wholesale and retail trade purposes.

- a.3 Distribution Center - a compromise between market-oriented and factory - oriented. it contains goods on the move. The objective is to efficiently move large quantities of products into the warehouse and customerized orders of products out of the warehouse.

- a.4 Bulk storage - provides tank storage of bulk liquids such as chemicals, oil syrups and molasses, their services may, include tilling drums and bulk or mixing one type of chemicals with the others to provide new compound and mixtures.

a.5 Special Commodity - provides storage for commodities needing special treatment such as perishable goods, grains, cement, chemicals and many other items requiring controlled temperatures.

a.6 Container Yard/Container Freight Station (CY/CFS) - this is designed for the storage of container/containerized cargo(es) and extension of the customs zone.

b. Location

b.1 The following warehouse may be located within the commercial zone:

b.1.1 Market-Oriented

b.2 To be located within the industrial zone are as follows:

b.2.1 Special Commodity

b.2.2 Factory Oriented

b.2.3 Distribution Center

b.2.4 Bulk-Storage

b.2.5 Container Yard/Container Freight Station (CY/CFS) - as per requirement of the Bureau of Customs, the CY/CFS shall be within a reasonable radius of 5 kilometers from the Customs Zone and conveniently accessible from the same in order that physical transfer of the container/containerized cargoes and its document processing can be done and the least possible delay.

7. Base Stations of Cellular Mobile Telephone Services, Paging Services, Trucking Services, Wireless Local Loop Service and other Wireless Communication Services.

a. May be located in the following zones/sites unless there are expressed prohibitions under existing laws and regulations.

a.1 On the Ground

a.1.1 Air rights of transportation routes and railroads;

a.1.2 Within commercial, industrial, residential, institutional zones;

a.1.3 Within agricultural zones

a.1.4 Along existing buffer strips

a.2 On top existing structures which are structurally sound as attested and signed by a duly licensed/registered structural engineer.

b. Shall conform with the setback requirements of the National Building Code and the DOH.

c. A perimeter fence as specification in the DOH radiation protection evaluation report shall be constructed to prevent access of the public to the antenna.

8. Cockpit

a. Site should preferably be located outside of the urban area and served major road.

b. Must be situated at a distance of 200 to 500 meters from the national highway to avoid congestion and obstruction destruction to smooth traffic flow. It should be accessible to transportation.

- c. Shall be constructed at least 200 meters away from any existing residential or commercial area, school building, churches or other public buildings.
- d. A planting screen/buffer is 3-5 meters wide along the perimeter of the site shall be provided to protect both the cockpit and the adjacent land uses.

ARTICLE VIII INNOVATIVE TECHNIQUES

Section 27. Innovative Techniques or Design. For projects that introduce flexibility and creativity in design or plan such as but not limited to Planned Unit Development, housing projects covered by New Town Development under RA 7279, etc., the Zoning Administrator/Zoning Officer shall on grounds innovate development techniques forward applications to HLRB for appropriate action, unless the Local Government Units concerned has the capacity to process the same.

ARTICLE IX MISCELLENEOUS PROVISIONS

Section 28. Projects of National Significance. Projects may be declared by the NEDA Board as Projects of National Significance pursuant to Section 3 of EO 72. When a project is declared by the NEDA Board as a project of national significance, the Locational Clearance shall be issued by HLRB pursuant to EO 72.

Section 29. Environmental Compliance Certificate (ECC). Notwithstanding the issuance of Locational Clearance under Section 33 of this Ordinance, no environmentally critical projects nor projects located in environmentally critical areas shall be commenced, developed or operated unless the requirements of ECC have been complied with.

Section 30. Subdivision Projects. All owners and/or developers of subdivision projects shall in addition to securing a Locational Clearance under Section 33 of this Ordinance be required to secure a Development Permit pursuant to provisions of PD 957 and its implementing rules and regulations or BP 220 and its implementing rules and regulations in the case of Socialized Housing Projects in accordance with the procedures laid down in EO 71, series of 1993.

ARTICLE X MITIGATING DEVICES

Section 31. Deviation. Exceptions, variances or deviations from the provisions of this Ordinance may be allowed by the Local Zoning Board of Adjustment and Appeals (LZBAA) only when the following terms and conditions are existing:

1. Variance

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

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

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

2. Exceptions

- a. The 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 the adjoining property in the same district.

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

Section 32. Procedures for Granting Exceptions and Variances. The procedure for the granting of exception and/or variance is as follows:

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

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

ARTICLE XI ADMINISTRATION AND ENFORCEMENT

Section 33. Locational Clearance. All owners/developers shall secure Locational Clearance from the Zoning Administrator/Zoning Officer or in cases of variances and exemptions, from the Local Zoning Board of Adjustment and Appeals (LZBAA) prior to conducting any activity or construction on their property/land.

Section 34. Building Permit. No Building Permit shall be issued by the Local Building Officer without a valid Locational Clearance in accordance with this ordinance.

Section 35. Non-User Of Locational Clearance. Upon issuance of a Locational Clearance, the Grantee thereof shall have one year within which to commence or undertake the use, activity or development covered by such clearance on his property. Non-use of said clearance within said period shall result in its automatic expiration, cancellation and the Grantee shall not proceed with his project without applying for a new clearance.

Section 36. Certificate of Non-Conformance. A certificate of Non-Conformance shall be applied for by the owner of the structure or operator of the activity involved within six (6) months from the ratification of the zoning ordinance by the Sangguniang Panlalawigan (SP). Failure on the part of the owner to register/apply for a Certificate of Non-Conformance shall be considered in violation of the Zoning Ordinance and is subject to fine/penalties.

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

Section 37. Existing Non-Conforming Uses and Buildings. The lawful uses of any building, structure or land at the time of adoption or amendment of this Ordinance may be continued, although such uses do not conform with the provision of this ordinance, provided:

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

3. An idle/vacant structure may not be used for non-conforming activity.
4. That any non-conforming structure, or structures under one ownership which has been damaged maybe reconstructed and used as before provided that such reconstruction is not more than fifty percent (50%) of the replacement cost.

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

5. That no such non-conforming use maybe moved to displace any conforming use.
6. That no such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
7. That should such structure be moved for any reason to whatever distance, it shall thereafter conform to the regulation of the district in which it is moved or relocated.

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

Section 38. 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 39. Powers and Functions of a Zoning Administrator/Zoning Officer. Pursuant to the provisions of EO 72 implementing RA 7160 in relation to Sec. 5, Paragraph a and d, and Section 7 of Executive Order No. 648 dated 07 February 1981 The Zoning Administrator/Zoning Officer shall perform the following functions, duties and responsibilities.

1. Enforcement

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

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

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

B. Monitor on-going/existing projects within their respective jurisdictions and issue notices of violation and show cause order to owners, developers, or managers of projects that are violative of zoning ordinance and if necessary, pursuant to Sec. 3 of EO 72 and Sec. 2 of EO 71 refer subsequent actions thereon to the HLRB.

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

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

II. Planning

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

Section 40. Action on Complaints and Oppositions. A complaint for violations of any provision of the Zoning Ordinance or of any Clearance or Permits issued pursuant thereto shall be filed with the LZBAA.

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

Section 41. Functions and Responsibilities of the Local Zoning Board of Adjustment and Appeals (LZBAA). There is hereby created a LZBAA which shall perform the following functions and responsibilities:

A. Act on application of the following nature:

1. Variances
2. Exceptions
3. Non-Conforming Uses
4. Complaints and opposition to applications
5. Special Use Permits

B. Act on appeals on grant or denial of Locational Clearance by the Zoning Administrator/Zoning Officer.

Decision of the Local Zoning Board of Adjustment and Appeals shall be appealable to the HRLB.

Section 42. Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA). The Municipal Development Council shall create a sub-committee which shall act as the LZBAA composed of the following members:

1. Municipal Mayor as Chairman
2. Municipal Legal Officer
3. Municipal Assessor
4. Municipal Engineer
5. Municipal Planning and Development Coordinator (if other than the Zoning Administrator)
6. Two (2) representatives of the private sector, nominated by their respective organizations and confirmed by the municipal mayor. In the event of non-availability of any of the officials enumerated above, the Sangguniang Bayan

shall elect the number of its members as may be necessary to meet the total number above set forth, as representatives.

7. Two (2) representatives from non-government organizations, nominated by their respective organizations and confirmed by the municipal mayor.
8. Two (2) members of the Sangguniang Bayan nominated among themselves

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

For the purposes of policy coordination, said committee shall be attached to the Municipal Development Council.

Section 43. Interim Provision. Until such time that the Local Zoning Board of Adjustment and Appeals shall have been constituted, the HLRB shall act as an appellate Board, the HLRB shall adopt its own rules of procedure to govern the conduct of appeals arising from the administration and enforcement of this Ordinance.

Section 44. Review of the Zoning Ordinance. The Municipal Development Council shall create a sub-committee, the Local Zoning Review Committee (LZRC) that shall review the Zoning Ordinance considering the Comprehensive Land Use Plan, as the need arises, based on the following reasons/situations:

- a. Change in local development plans
- b. Introduction of projects of national significance
- c. Petition for rezoning
- d. Other reasons which are appropriate for consideration

Section 45. Composition of the Local Zoning Review Committee (LZRC). The Local Zoning Review Committee shall be composed of sectoral experts:

- a. Municipal Planning and Development Coordinator
- b. Municipal Health Officer
- c. Municipal Agriculturist
- d. President, Association of Barangay Captains
- e. Municipal Engineer
- f. Community Environment and Natural Resources Officer (CENRO)
- g. Municipal Agrarian Reform Officer (MARO)

- h. District School Supervisor
- i. Three (3) Private Sector Representatives [Local Chamber of Commerce, Housing Industry and Homeowner's Association]
- j. Two (2) NGO Representatives

For the purpose of policy and program coordination, the LZRC shall be attached to the Municipal Development Council.

Section 46. Functions of the Local Zoning and Review Committee. The Local Zoning Review Committee shall have the following powers and functions:

A. Review the Zoning Ordinance for the following purposes:

1. Determine amendments or revisions necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan.
2. Determine changes to be introduced in the Comprehensive Land Use Plan in the light of permits given, and exceptions and variances granted.
3. Identify provisions of the Ordinance difficult to enforce or are unworkable.

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

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

Section 47. Amendments to the Zoning Ordinance. Changes in the Zoning Ordinance as a result of the review by the Local Zoning Review Committee shall be treated as an amendment, provided that any amendment to the Zoning Ordinance or provisions thereof shall be subject to public hearing and review and evaluation of the Local Zoning Review Committee and shall be carried out through a resolution of three fourths vote of the Sangguniang Bayan. Said amendments shall take effect only after approval and authentication by the Sangguniang Panlalawigan.

Section 48. Violation and Penalty. Any person who violates any of the provisions of this Ordinance, shall, upon conviction, be punished by a fine not exceeding P2,500 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 49. Supplementary 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 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 50. 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 51. 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 52. Effectivity Clause. This Ordinance shall take effect upon approval by the SANGGUNIANG PANLALAWIGAN.