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**Lungsod ng San Jose del Monte**  
**SANGGUNIANG PANLUNGSOD**

EXCERPTS FROM THE MINUTES OF THE 113<sup>th</sup> REGULAR SESSION OF THE 5<sup>th</sup> SANGGUNIANG PANLUNGSOD OF THE CITY OF SAN JOSE DEL MONTE, BULACAN DULY HELD AT THE SANGGUNIANG PANLUNGSOD SESSION HALL ON 18 APRIL 2016 AT 2:10 IN THE AFTERNOON.

**RESOLUTION NO. 2016-1267-04**  
**ORDINANCE NO. 2016-84-04**

**AN ORDINANCE ADOPTING A ZONING ORDINANCE FOR THE CITY OF SAN JOSE DEL MONTE AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.**

Be it ordained and enacted by the *Sangguniang Panlungsod* of San Jose del Monte:

**WHEREAS**, Section 20-c of the Local Government Code provides that local government units shall continue to prepare their respective Land Use Plans enacted through Zoning Ordinances which shall be the primary and dominant bases for the future use of land resources;

**WHEREAS**, due to spill over effect of the development in Metro Manila, the City Government of San Jose Del Monte, Bulacan, in pursuit of its development goals and objectives, updated/revised its Comprehensive Land Use Plan which would require the enactment of regulatory measures to translate its planning goals and objectives into reality giving consideration in the requirements for food production, human settlements, ecological balance and industrial exportation;

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

**NOW THEREFORE**, the *Sangguniang Panlungsod of San Jose del Monte* in a session assembled hereby **adopts** the following Zoning Ordinance.

**ARTICLE I**

**TITLE OF THE ORDINANCE**

**SECTION 1. Title of the Ordinance.** This Zoning Ordinance shall be known as the Revised Zoning Ordinance of *City of San Jose del Monte* shall hereinafter be referred to as the **Ordinance**.

**ARTICLE II**

**AUTHORITY AND PURPOSE**

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

**SECTION 3. Purposes.** The ORDINANCE is enacted for the following purposes:



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The ZO is enacted for the following purposes:

1. Promote and protect the health, safety, peace, comfort, convenience and general welfare of the inhabitants in the City of San Jose Del Monte;
2. Guide, control and regulate the growth and development of public and private lands in the City of San Jose Del Monte 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
4. Enhance the character and stability of residential, commercial, industrial, institutional, forestry, agricultural, open space and other functional areas within the City of San Jose Del Monte and promote the orderly and beneficial development of the same.

**SECTION 4. *General Zoning Principles.*** The Zoning Regulations is based on the Revised Comprehensive Land Use Plan as per Resolution No. 2015-61-11 dated 2015 for the City of San Jose Del Monte, Bulacan.

1. The ORDINANCE reflects the City's vision to be **“A People-centered City with renewed hope and transformation towards a vibrant and inclusive economy.”**
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 Ordinance gives the free market the maximum opportunity to spur the City's development within a framework of environmental integrity and social responsibility;
4. The Ordinance has been designed to encourage the evolution of high-quality developments rather than regulating against the worst type of projects;
5. The Ordinance has been crafted in a manner that is fully responsive to the ever-changing conditions that the City continually face;
6. The Ordinance 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 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**



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The definition of technical terms used in the Zoning Ordinance shall carry the same meaning given to them in already approved codes and regulations, such as but not limited to the National Building Code, Sanitation Code, Fire Code, Water Code, Philippine Environmental Code, National Disaster Risk Reduction and Management Act, Solid Waste Management Act, Clean Air Act, Climate Change Act, Renewable Energy Act, Forestry Code, Agriculture and Fisheries Modernization Act, Fisheries Code, Urban Development and Housing Act, and other Implementing Rules and Regulations, promulgated by the HLURB. The words, terms and phrases enumerated hereunder shall be understood to have the meaning corresponding indicated as follows:

1. Accessory Use- pertains to those that are customarily associated with the Principal Use application (such as a garage is accessory to a house).
2. Actual Use – refers to the purpose for which the property is principally or predominantly utilized by the person in possession of the property.
3. Adaptive Reuse – utilization of buildings, other built-structures, and sites of value for purposes other than that for which they were originally intended, in order to conserve the site, its engineering integrity and authenticity of design.
4. AFMA – refers to the Agriculture and Fisheries Modernisation Act of 1997 (RA 8435).
5. Agrarian Reform Communities – selected by the Agrarian Reform Communities Project financed by the ADB were among the most disadvantaged communities in the Philippines, both in terms of income and living standards. This could be attributed to the lack of agriculture support services, rural infrastructure development, and policy reforms in the sector that could have complemented land distribution in the past. Though many beneficiaries had already received titles to their lands, their agrarian reform communities lacked farm-to-market roads, potable water, communal irrigations, post-harvest facilities, and ancillary support services. The government's strategy for agrarian reform community development was meant to complement the land distribution activity.
6. Agricultural Activity – per the Comprehensive Agrarian Reform Law of 1988 (RA 6657), means the cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry or fish, including the harvesting of such farm products, and other farm activities and practices performed by a farmer in conjunction with such farming operations done by persons whether natural or juridical.
7. Agricultural Land – per RA 6657, refers to land devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial land.
8. Agricultural Land Use Conversion – per RA 6657, refers to the process of changing the use of agricultural land to non-agricultural uses.



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9. Agricultural Zone (AGZ) – an area within a city 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-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.
11. Agri-Processing Activities – refers to the processing of raw agricultural and fishery products into semi-processed or finished products which include materials for the manufacture of food and/or non-food products, pharmaceuticals and other industrial products.
12. Alienable and Disposable (A and D) Lands – refers to those lands of the public domain which have been the subject of the present system of classification and declared as not needed for forest purposes (PD 1559).
13. Allowable Impervious Surface Area Ratio (AISAR) - the ratio between the coverage of ground level impervious surfaces to the total lot area. This is expressed as a percentage over and above the resultant Percentage of Land Occupancy (PLO) for each development. The computation of impervious surface area coverage shall include spaces outside the building envelope, such as driveways, walks, parking areas, etc.
14. Ancestral Domains - per the Indigenous Peoples Rights Act of 1997 (RA 8371), these refer to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/Ips) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/Ips.
15. Aquaculture – fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.
16. Basic Zones – refers to the primary zoning classification of properties within the City.
17. Buffer Zones – an area within a city 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.
18. Building Height Limit (BHL) - per the National Building Code, this is “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, 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’s/floor above established grade and/ or meters above highest grade.
19. CARL – shall mean the Comprehensive Agrarian Reform Law (RA 6657) of 1988.
20. Cemetery/Memorial Park Zone (C/MP-Z) – an area in a city/municipality intended for the interment of the dead.



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21. Certificate of Ancestral Domain Title (CAD/T) – 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)
22. Certificate of Ancestral Lands Title (CAL/T) – refers to a title formally recognizing the rights of ICCs/Ips over their ancestral lands (RA 8371)
23. Certificate of Non-Conformance – certificate issued to Owners of non-conforming uses as provided in this Zoning Ordinance.
24. Certificate of Zoning Classification – a document issued by the Zoning Administrator citing the zoning classification of the land based on this Ordinance.
25. 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 Coastal),and Special Area Studies such as Climate Change Adaptation, Disaster Risk Reduction and Management, Ancestral Domain, Biodiversity, Heritage Conservation and Green Urbanism.
26. Commercial Uses – uses that pertain to business, trade and service activities.
27. Commercial-1 Zone (C1-Z) – a low density commercial area within a city/municipality intended for hectares hood or community scale trade, service and business activities.
28. Commercial-2 Zone (C2-Z) – a medium to high density commercial area within a city/municipality intended for trade, service and business activities performing complementary/supplementary functions to the CBD.
29. Community Mortgage Program (CMP) – is a mortgage financing program of the Social Housing Finance Corporation (SHFC) which assists legally organized associations of underprivileged and homeless citizens to purchase and develop a tract of land under the concept of community ownership.
30. Compatible Uses – uses or activities capable of existing together harmoniously e.g. residential use and parks and playground.
31. Conflicting Uses – uses or activities with contrasting characteristics sited 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. DAR – shall mean the Department of Agrarian Reform.
34. Deed Restrictions – written agreements that impose limitations on the use of property in order to maintain the intended character of a hectares hood.
35. DENR – shall mean the Department of Environment and Natural Resources.



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36. District – a subdivision within the various land use zones of the City having specific land use regulations. District 1 includes the following Barangays Ciudad Real, Dulong Bayan, Gaya-Gaya, Guijo, Graceville, Gumaoc Central East and West, Kaybanban, Kaypian, Maharlika, Muzon, Narra, Paradise 3, Poblacion, Poblacion 1, San Manuel, Mulawin, San Isidro, San Roque, Sto. Cristo, Tungkong Mangga, Yakal. District 2 includes the following barangays: Assumption, BagongBuhay 1-3, Citrus, Fatima 1-5, Lawang Pare, Minuyan 1-5, Minuyan Proper, San Martin de Porres, San Martin 1-4, San Rafael 1-5, San Pedro, Sto. Nino 1-2, Sta.Cruz 1-5, Sapang Palay Proper.
37. Dominant Use – the principal use classification in mixed-use developments.
38. Easement – open space imposed on any land use/activities sited along waterways, faultlines, road-right-of-ways, cemeteries/memorial parks, utilities and the like.
39. Ecotourism – a form of sustainable tourism within a natural and cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics, as well as economic benefits are fostered and pursued for the enrichment of host communities and the satisfaction of visitors.” (Tourism Act and DENR AO2013-19 Guidelines on Ecotourism Planning and Management in Protected Areas)
40. Engineered Bamboo – is a low cost product manufactured from bamboo. It is designed to be a replacement for wood or engineered wood, but is used only when high load bearing strength is not required because building standards for this type of use have not been agreed by regulatory bodies.
41. Engineering Geological and Geohazard Assessment Report (EGGAR) – a report prepared by the project proponent that focuses on potential geologic hazards that may have direct or indirect impact to the project, and their appropriate mitigating measures. The EGGAR undergoes a technical review by an MGB panel (TRC) after which a revision may be made before the report is evaluated and finally endorsed to the Environment Management Bureau (EMB) for consideration in the issuance of the ECC (Environmental Clearance Certificate).
42. 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.
43. Environmentally Critical Areas (ECA) – refer to those areas which are environmentally sensitive and are listed in Proclamation 2146 dated 14 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;



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- j. Water bodies characterised by one or any combination of the following conditions:
  - tapped for domestic purposes;
  - within the controlled and/or protected areas declared by appropriate authorities; and
  - which support wildlife and fishery activities.
- k. Mangrove areas characterised by one or any combination of the following conditions:
  - with primary pristine and dense young growth;
  - adjoining the mouth of major river systems;
  - near or adjacent to traditional productive fry or fishing grounds;
  - which act as natural buffers against shore erosion, strong winds and storm floods; and
  - on which people are dependent on their livelihood.
- l. Coral reef characterised by one or any combination of the following conditions:
  - with 50% and above live coralline cover;
  - spawning and nursery grounds of fish; and
  - which acts as natural breakwater of coastlines.

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

44. Environmentally Critical Projects (ECP) – refer to those projects which have high potential for negative environmental impacts and are listed in Presidential Proclamation 2146 dated 14 December 1981, as follows:
- a. Heavy industries
    - non-ferrous metal industries;
    - iron and steel mills;
    - petroleum and petro-chemical industries including oil and gas; and
    - smelting plants.
  - b. Resource extractive industries
    - major mining and quarrying projects; and
    - forestry projects such as logging, major wood processing, introduction of fauna (exotic animals) in public/private forests, forest occupancy, extraction of mangroves and grazing.
    - fishery projects (dikes for/and fishpond development projects)
  - c. Infrastructure projects
    - major dams;
    - major power plants (fossil-fuelled, nuclear-fuelled, hydroelectric or geothermal);
    - major reclamation projects, and
    - major roads and bridges.
  - d. Golf course projects

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

45. Environmental Impact Statement (EIS) System – pursuant to PD 1586 of 1978, refers to the entire process of organisation, administration and procedure institutionalised for the



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purpose of assessing the significance of the effects of physical developments on the quality of the environment. Projects that fall within the purview of the EIS System include:

- a. Environmentally Critical Projects
  - b. Projects located in Environmentally Critical Areas
46. 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.
  47. 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.
  48. Faultline Overlay Zone (FLT-OZ) – an area in a city 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.
  49. Fisheries – refers to all activities relating to the act or business of fishing, culturing, preserving, processing, marketing, developing, conserving and managing aquatic resources and the fishery areas, including the privilege to fish or take aquatic resource thereof.
  50. Fisheries Code – shall refer to the Philippine Fisheries Code of 1998 (RA 8550).
  51. Fish Pond – a land-based facility enclosed with earthen or stone material to impound water for growing fish.
  52. Flood Protection Elevation – the minimum elevation to which developments are required by this Ordinance to be elevated, with reference to the Base Flood Elevation, in order to be flood proofed.
  53. 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.
  54. 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 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 (DENR DAO No. 99-53).
  55. Forest Lands – include the public forest, permanent forest or forest reserves, and forest reservations.





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56. Forest Reservations – refers to forest lands which have been reserved by the President of the Philippines for any specific purpose or purposes.
57. Forestry Code – refers to Presidential Decree No. 705 or the Revised Forestry Code of the Philippines, as amended.
58. Forest Zone (FZ) – an area within a city/municipality which are intended primarily for forest purposes. This includes Forest Lands and areas outside of Forest Lands that are declared for forest purposes by this Ordinance
59. General Institutional Zone (GI-Z) – an area within a city/municipality intended principally for general types of institutional establishments, e.g. government offices, hospitals/clinics, academic/research and convention centers.
60. Grazing Land – refers to those lands of the public domain which have been set aside, in view of the sustainability of its topography and vegetation, for the raising of livestock.
61. Gross Floor Area (GFA) - the GFA of a building is the total floor space within the perimeter of the permanent external building walls (inclusive of main and auxiliary buildings), 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, pipe shafts, vertical shafts, vertical ducts, and the like and their enclosing walls;
  - g. Machine room and closets;
  - h. Storage rooms and closets;
  - i. Covered balconies and terraces; and
- J. INTERIOR WALLS AND COLUMNS, AND OTHER INTERIOR FEATURES.***
- Excluding the following:
- k. Covered areas used for parking and driveways, including vertical penetrations in parking floors where no residential or office units are present; and
  - l. Uncovered areas for AC cooling towers, overhead water tanks, roof decks, laundry areas and cages, wading or swimming pools, whirlpool or Jacuzzi, gardens, courts or plazas.
62. HLURB/BOARD – shall mean the Housing and Land Use Regulatory Board.
63. Impervious Surface – type of man-made surface which does not permit the penetration of water.
64. Indigenous Materials – refers to native materials or originating in and characteristic of a particular region or country;
65. Inland Fishery – the freshwater fishery and brackish water fishponds.



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66. Institutional Uses – uses that pertain to the provision of government, social, religious, educational, cultural, police/military and other services such as, but not limited to, government offices, schools, hospitals/clinics, academic/research, convention centres and police stations.
67. Investment Code – refers to the Revised Local Investment Incentives Code of the City of San Jose Del Monte, Bulacan with Resolution No. 2015-860-04, City Ordinance No. 2015-43-04
68. Land Use Intensity Controls (LUIC) – refer to controls on open spaces, building bulk (Floor Area Ratio), building height (BHL), allowable impervious surfaces (AISAR) and allowable permeable surfaces (MAPSA). The LUIC is imposed to control, among others, traffic generation, requirements on utilities, over-building, over-crowding, visual access and to attain the desired zone character. The LUIC is applied as follows:
- Maximum Allowable Building Area Per Floor in Square Meters = Lot Area x Allowable PLO
  - Maximum Allowable Gross Floor Area in Square Meters = Lot Area x Allowable FAR
  - In determining the maximum number of floors per building, BHL regulations shall apply.
  - Minimum Allowable Permeable Surface Area (MAPSA) = difference of the total lot area - the resultant PLO and AISAR.

For special development zones, residential and commercial subdivisions and other developments that have been subdivided into individual lots/parcels, the LUIC shall apply to individual parcels. Gross open spaces (defined as common areas, roads, etc.) shall be governed by the requirements of PD 957, BP 220 and related regulations.

For a parcel of land that has no lot/parcellary subdivisions, the LUIC shall apply to the gross lot area of the parcel and the gross floor area of the building to be put there. In the event that such a parcel of land is developed into individual lots as part of Special Development Zone such as mixed use, residential or commercial subdivisions, LUIC shall apply as follows:

- The FAR of all the individual lots in the Special Development Zones, derived by dividing the total gross floor area of the individual lots in the SDZ by their total gross land area, shall not exceed the maximum FAR (as prescribed in Article VIII of this Ordinance) that applies to the entire Special Development Zone, or, in equation form:

$$\frac{\text{Total gross area of individual lots in SDZ}}{\text{SDZ}} \leq \text{Maximum FAR for entire SDZ}$$
$$\frac{\text{Total gross floor area of individual lots in SDZ}}{\text{Total gross land area of individual lots in SDZ}}$$

- No individual lot shall exceed a FAR that is three times the maximum FAR that applies to the entire SDZ.



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- g. The owner/developer of the subdivided SDZ shall show and declare in the development plan that it submits to the LGU that such subdivision is part of a SDZ development.
  - h. PLO, BHL, and AISAR controls shall apply to the SDZ.
69. LGC – shall mean the Local Government Code of 1991 (RA 7160).
70. Light Industrial Zone (LIZ) – refers to industrial manufacturing/processing activities that are non-pollutive/non-hazardous and non-pollutive/hazardous.
71. Locational Clearance – a clearance issued to a project that is allowed under the provisions of the ORDINANCE as well as other standards, rules and regulations on land use. This clearance is required prior to the issuance of a building permit.
72. 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.
73. Locational Clearance (Exception) (LC-E) – a clearance issued by the Local Zoning Board of Adjustment and Appeals (LZBAA) to a project that is allowed under the Mitigating Device/Exception provision of this Ordinance.
74. Minimum Allowable Permeable Surface Area (MAPSA) – the minimum allowable area that should be provided with permeable surfaces. This is equal to the difference of the total lot area minus the resultant PLO and the AISAR.
75. Mitigating Device – a means to grant relief in complying with certain provisions of the ORDINANCE.
76. National Integrated Protected Areas System (NIPAS) – pursuant to RA 7586, this is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.
77. NEDA – shall mean the National Economic and Development Authority.
78. NIPAS Act – shall mean the National Integrated Protected Areas Systems Act of 1992 (RA 7586).
79. Non-Conforming Use – existing non-conforming uses/establishments in an area allowed to operate in spite of the non-conformity to the provisions of the ORDINANCE subject to the conditions stipulated in the Locational Clearance.
80. Non-NIPAS Areas – areas yet unproclaimed 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:
- a. Reserved second growth forests;
  - b. Mangroves;
  - c. Buffer strips;
  - d. Freshwater swamps and marshes; and



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- e. Unproclaimed watersheds.
81. Notice of Non-Conformance – certificate issued to owners of all uses existing prior to the approval of the ORDINANCE which do not conform to the provisions herein provided.
  82. Official Zoning Map – a duly authenticated map delineating the different zones into which the whole City is divided.
  83. Overlay Zones – pertains to the secondary zoning classification of certain properties within each Basic Zone. As provided in the ORDINANCE, the zoning requirements for Overlay Zones either adds on to or superimposes those of the Basic Zone to which a property belongs.
  84. Parks and Recreation Uses – uses that pertain to activities that provide diversion/amusements as well as for the maintenance of the ecological balance of the community.
  85. Percentage of Land Occupancy (PLO) - defined as a percentage of the maximum allowable floor area of any building (at any floor level) to the total lot size. This includes the main and auxiliary buildings. In case of discrepancy between the specified PLO in this Ordinance and the Light and Ventilation provisions of the National Building Code, the lesser allowable floor area shall prevail.
  86. Permanent Forest or Forest Reserves – refer to those lands of the public domain, which have been the subject of the present system of classification and determined to be needed for forest purposes.
  87. Priority Development Enterprises- Any person, natural or juridical, except joint ventures, who are doing business or establishing a business venture within the territorial jurisdiction of the City on the following business activities are qualified to avail the incentives provided in Chapter VIII of RESOLUTION NO. 2015-860-04, CITY ORDINANCE NO. 2015-43-04, known as the REVISED LOCAL INVESTMENT INCENTIVES CODE OF THE CITY OF SAN JOSE DEL MONTE, BULACAN, to wit:
    - a. Manufacturing or processing enterprise maximizing the use of raw materials that are locally produced, as may be applicable.
    - b. Agribusiness Enterprise maximizing the use of raw materials that are locally produced and/or increasing the yield of agricultural products of the city, as may be applicable.
    - c. Tourism-Related Projects/Activities Enterprise that has a significant effect in the city's economy.
    - d. Information and Communication Technology Enterprise, which may include Business Process Outsourcing (BPO), software development, IT hardware development, telecommunications development and such other similar activities.
    - e. Recycling Enterprise whose primary business is to reprocess used or abandoned waste materials into new and useful products to prevent waste of potentially useful materials, reduce the consumption of fresh raw materials, reduce energy



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usage, reduce air and water pollution by reducing the need for “conventional” waste disposal, and lower greenhouse gas emission.

For this purpose, to be considered as a recycling enterprise one must show that it adopts a technology to process waste materials to new and useful products that has economic value. Junkshop, sanitary landfill, waste recovery facility and other facilities that do not adopt technology to process waste materials to new and useful products are beyond the scope of this definition.

- f. Biodiversity (BD)-Friendly Enterprises that has a concrete program for the preservation of the environment integrated in their business process and/or as one of their primary business activity.
- g. Enterprises that are under the Technological Assistance Contracts as defined in this code, wherein one of the primary agreements thereof is the transfer of technology.
- h. Pioneer Enterprises that are duly registered in the Board of Investments (BOI).
- i. Enterprise that employs a minimum of five hundred (500) employees, wherein eighty percent (80%) of its employees are “*bona fide*” residents of the city.
- j. Enterprise that employs a minimum of two hundred (200) employees, wherein thirty percent (30%) of its employees are Persons with Disabilities (PWDs) who are all *bona fide* residents of the city.
- k. Enterprise that employs a minimum of two hundred (200) employees, wherein ten percent(10%) of its employees are members of Indigenous Community recognized by the National Commission for Indigenous People (NCIP) who are all *bona fide* residents of the city.

Such other enterprises approved by the Board that are deemed to have significant effect on the economic growth of the city.

88. Production Forest – an area within a city/municipality which are “forestlands tended primarily for the production of timber. These are areas below 50% in slope and less than 1,000 meters in elevation. This includes natural and man-made forests.”(DENR DAO 9515) Forest land available for timber and agro-forestry production, range lands for grazing and other forest lands special uses. (FM Technical Bulletin No.5 as cited in ITTD PD 222/03 Rev.1)
89. Protected Areas – areas declared as belonging to the NIPAS System per RA 7586. These areas are those that have been designated or set aside pursuant to a law, presidential decree, presidential proclamation or executive order. These include:
  - a. Strict nature reserves;
  - b. Natural parks;
  - c. National monuments;
  - d. Wildlife sanctuary;
  - e. Protected landscapes and seascapes;
  - f. Resource reserves;



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- g. Natural biotic areas; and
  - h. Other categories established by law, conventions or international agreements which the Philippine Government is a signatory.
90. Protection Forest – an area within a city/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 manage 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)
91. Public Forest – is the mass of lands of the public domain which has not been the subject of the present system of classification for the determination of which lands are needed for forest and which are not.
92. Reserved Second Growth Forests – residual forests with slope of 50 percent and above and with elevation of 1,000 meters and higher.
93. Reclassification of Agricultural Lands – the act of specifying how agricultural lands shall be utilised for non-agricultural uses such as residential, industrial, and commercial as embodied in the CLUP. It also includes the reversion of non-agricultural lands to agricultural use. The Local Development Council shall be consulted in the process of Reclassification. It is also necessary to conduct sieve mapping analysis before the decision to approve or deny the application for the reclassification/ Rezoning of Land of concerned authority.
94. Residential Uses – uses that pertain to dwelling/housing purposes and their customary accessory facilities.
95. Residential-1 Zone (R1) – an area within a city/municipality intended for low density residential use. Per the National Building Code, R-1 Zone is characterized mainly by low-rise single-detached and duplex residential buildings for exclusive use as single (nuclear) family dwellings.
96. Residential-2 Zone (R2) – an area within cities or municipalities intended for medium density residential use. Per the National Building Code, R-2 Zone is characterized mainly by low-rise single-attached, duplex or multi-level structures residential buildings for exclusive use as multi-family dwellings.
97. Revised Investment Code of City of San Jose Del Monte- RESOLUTION NO. 2015-860-04, CITY ORDINANCE NO. 2015-43-04, known as the REVISED LOCAL INVESTMENT INCENTIVES CODE OF THE CITY OF SAN JOSE DEL MONTE, BULACAN aims to accelerate the sound development of the local economy in consonance with the principles and objectives of economic nationalism and in pursuance of a planned economically feasible and practical dispersal of industries and the promotion of small and medium scale industries, under conditions which will encourage competition and discourage monopolies, the following are declared policies of the city.
98. Rezoning – a process of introducing amendments to or 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.



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99. Strategic Agriculture and Fisheries Development Zone (SAFDZ) – refers to “areas within the NPAAAD identified for production, agro-processing and marketing activities to help develop and modernize, with the support of government, the agriculture and fisheries sectors in an environmentally and socio-culturally sound manner” (AFMA).
100. Setback - the open space left between the building and lot lines.
101. Socialised Housing – as defined in the UDHA, this 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. Special Development Zone – Agri-Innovation Hub (SDZ-1)- is the agricultural and food security backbone of the city that potentially provides income for the farmers and other beneficiaries. Aside from economic gains, it also balances the development of the city, provides adequate drainage, open space and potential future expansion.
103. Special Development Zone – Mixed Use (SDZ-2)- This shall be an integrated development composed of residential, commercial, retail, other support uses, and integrated transportation hub. With its strategic and central location, and with main transportation links to connect the City to the Province and the Region, this Hub will become the new ‘face’ of the City and will serve as a main anchor.
104. Social Entrepreneurship – is the attempt to draw upon business techniques to find solutions to social problems. This concept may be applied to a variety of organizations with different sizes, aims and beliefs.
105. Traffic Impact Assessment (TIA) – a traffic impact study (TIA) is a technical appraisal of the traffic and safety implications relating to a specific development.
106. UDHA – refers to the Urban Development and Housing Act (RA 7279) of 1992.
107. Variance – a Special Locational Clearance granting a property owner relief from certain provisions of the ORDINANCE where, because of the particular physical surrounding, shape or topographical conditions of the property, compliance on height, area, setback, bulk and/or density would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.
108. Warehouse – refers to a storage and/or depository of those in business of performing warehouse services for others, for profit.
109. Zone - an area within the City, as defined by manmade or natural boundaries, where specific land use regulations are applied.
110. Zone of Zero Land Use Intensity – a zone intended to be a permanent open space such as parks, protection forests and the like.
111. Zoning Administrator – a City government employee responsible for the implementation/enforcement of the ORDINANCE deputized by City Mayor to act.

#### **ARTICLE IV**

#### **ZONE CLASSIFICATIONS**



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**SECTION 5. *Division into Zones.*** To effectively carry out the provisions of this Ordinance, the City is hereby divided into the following zones as shown in the Official Zoning Maps.

1. Agri-Industrial Zone (AIZ)
2. Buffer Zone (BZ)
3. Cemetery/Memorial Park Zone (CPZ)
4. Commercial Zone (C-1)
5. Commercial – Industrial Zone (C-2)
6. Forest Zone (FZ)
  - 6.1 Protection Forest Sub-Zones: Forest Reserve Sub-Zone (FR-SZ)
  - 6.2 Production Forest Sub-Zones: Forest Buffer Sub-Zone (FB-SZ)
7. General Agricultural Zone (GAZ)
  - a. Production Agri-Subzone/Agriculture Reform Zone (ARZ)
8. General Institutional Zone (GIZ)
9. Light Industrial Zone (LIZ)
10. Parks and Recreation Zone (PRZ)
11. Residential Zone- Low-Density (R-1)
12. Residential Zone- Medium Density (R-2)
13. Socialized Housing Zone (SHZ)
14. Solid Waste Disposal Zone (SWDZ)
15. Special Agricultural and Fisheries Development Zone/Protection Agri-Subzone (SAFDZ)
16. Special Development Zone- 1 Agri-Tourism/Innovation Hub (SDZ-1)
17. Special Development Zone- 2 Mixed Use Development (SDZ-2)
18. Special Development Zone – 3 Transport Hub (SDZ-3)
19. Special Ecotourism Development Zone (SEDZ)
20. Utilities Zone (UZ)
21. Water Zone (WZ)

**SECTION 6. *Description of Zones and Districts.*** The respective intents for and purposes of each Zone and District are described below.

### 1. Basic Zones

#### a. Agri-Industrial Zone (AIZ)

##### Location

Area allotted for AIZ are zoned at the portions of Brgy. Muzon along Tungkong Mangga-Sta. Maria Road, Sitio Tubigan at Brgy. Gaya-Gaya and at Sitio Himpot and Linawan at Brgy.Dulong Bayan.

##### Intent

These are areas intended primarily for integrated farm operations and related product processing activities such as plantation for bananas, pineapple, sugar, etc. As per Provincial Physical Framework Plan (2010-2030), CSJDM is identified as one (1) of the proposed sites for livestock production, including piggery and poultry.





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### b. Buffer Zone (BZ)

#### Location

The Buffer Zone covers the 40-meterwide Metropolitan Waterworks and Sewerage System (MWSS) aqueduct easement that traverses the middle portion of San Jose del Monte from north to south (i.e. Norzagaray to Caloocan). It also covers the National Grid Corporation of the Philippines (NGCP) right-of-way, the easements along Santa Maria, Kipungoc and other rivers and surface water bodies (per provisions of the Philippine Water Code) and the private memorial parks in Poblacion I and Barangay Muzon. It also includes buffer zones for the West Valley Fault, agri-industrial zones, forestland, waterways, industrial and waste facilities, among others.

#### Intent

The Buffer Zones shall be maintained as 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.

### c. Cemetery/Memorial Park Zone (CPZ)

#### Location

Providence Memorial Park and Our Lady of Eternal Peace were found along Sta. Maria-Tungkong Mangga National Road at Barangays Gaya-Gaya and Muzon; Old and new public cemetery were situated at Brgy. Poblacion adjacent with Holy Haven Memorial Park and San Jose Cemetery. In District 2, Citrus Public cemetery was renovated and re-planned to accommodate the people of Sapang Palay.

#### Intent

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

### d. Commercial Zone (C-1)

#### Location

The C-1 zone covers the following in whole or in part:

Kaypian, Sto. Cristo, Sapang Palay Proper and Sampol Market (Brgys. Bagong-Buhay I & II, Sta. Cruz I, San Martin III)

Other Commercial Zone (C-1) are found in the following locations:

- Kaypian Road
- Adalia Francisco Avenue

This shall be reckoned from the road right-of-way.

#### Intent

Low-density commercial area with corresponding institutional and residential use shall be recommended on this zone. Complete facilities shall be encouraged to serve the need of the public.



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The overall urban environment shall be upgraded through urban renewal programs, particularly the improvement of public parks and recreational facilities, roads, lighting, sidewalks and utilities.

### e. Commercial – Industrial Zone (C-2)

#### Location

The C-2 zone covers the following in whole or in part:

- Areas that lie 100 meters on both sides of Quirino Highway
- Areas that lie 50 meters on both sides of F. Halili Avenue
- Areas that lie 50 meters on both sides of San Jose-Marilao Provincial Road
- Provincial Road (Dulong Bayan to Sapang Palay Proper)
- Provincial Road (Sapang Palay Proper to Bulac, Santa Maria)
- EVR Avenue formerly Bagong Buhay Avenue
- Eduardo Manalo Avenue

#### Intent

A C-2 Zone shall be for quasi-trade, business activities and service industries performing complimentary/supplementary functions to principally commercial zone. Low to medium-density developments, such as multiple-dwelling units, townhouses and the like shall be encouraged. Proper setback shall be maintained along major roads and requirement of garage and parking area shall be observed.

#### Priority Investment Enterprise

- a. Enterprise that employs a minimum of five hundred (500) employees, wherein eighty percent (80%) of its employees are “*bona fide*” residents of the city.
- b. Enterprise that employs a minimum of two hundred (200) employees, wherein thirty percent (30%) of its employees are Persons with Disabilities (PWDs) who are all *bona fide* residents of the city.
- c. Enterprise that employs a minimum of two hundred (200) employees, wherein ten percent (10%) of its employees are members of Indigenous Community recognized by the National Commission for Indigenous People (NCIP) who are all *bona fide* residents of the city.
- d. Such other enterprises approved by the Board that are deemed to have significant effect on the economic growth of the city.

### f. Forest Zone (FZ)

#### Intent

The Forest Zone includes the Protection Forest and Production Forest. 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 City Forest Land Use Plan (FLUP), if any.



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### **f.1. Protection Forest Sub-Zone: Forest Reserve Sub-Zone (FR-SZ)**

#### Location

Under this classification fall the public forest, permanent forest or forest reserves, and forest reservations as designated by the Department of Environment and Natural Resources. About 95 percent of this zone is located on the very steep areas of the City that have slopes of 50 percent and above. The eastern portions of Barangay San Isidro are designated as part of the FZ. The Ancestral Domain being claimed by the Indigenous People's of the City of San Jose del Monte, also known as the Dumagat, which consists of lands within the adjacent municipality of Norzagaray, falls partly within this area, specifically in Sitio Karahume, Barangay San Isidro.

#### Intent

The FR-SZ is delineated to protect the upland areas of the City of San Jose del Monte from further environmental damage, such as the erosion of the slopes. Reforestation shall be promoted. To preserve these areas, further encroachment of settlements is strictly prohibited. The forest zone is delineated to protect these areas from environmental degradation. Settlements within the area are strictly prohibited. The zoning will be cognizant of the land rights of the city's indigenous peoples to their ancestral lands, when they obtain approval of their Certificate of Ancestral Domain Title (CADT).

As per the Revised Forestry Code, these are "lands of the public domain" which have been the subject of the present system of classification and determined to be needed for forest purposes. It is also called Permanent Forest.

Allowable Uses/Activities in this zone include:

- Reforestation
- Religious ceremonies of Indigenous Peoples (Ips)
- Burial sites of Ips
- Scientific studies that do not involve gathering of species or any alteration in the area Building Regulations

No permanent buildings or structures are allowed.

### **f.2. Production Forest Sub- Zone: Forest Buffer Sub-Zone (FB-SZ)**

#### Location

The Production Forest Sub-Zone covers portions of Barangay, San Isidro that are rolling to steep (i.e. 18 to 50% slopes).

#### Intent

These areas are classified as Production Forests per the National Physical Framework Plan (NFPF) for 1993–2022. The objective for production forest is to enhance forest productivity through sustainable management and development to support domestic requirements for timber, fuel wood and non-wood products.



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In consonance with the provisions of the Revised Forestry Code, developments on titled properties, should be of extremely low density with particular attention to soil conservation and slope protection. These areas may be used for agricultural purposes or as pasture lands subject to soil conservation measures.

Per the NIPAS Act, this 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.” Per the NIPAS Act’s IRR, these are “areas outside the protected area but adjoining it that are established by law (Section 8 of the Act) and under the control of the DENR through the Park Area Management Board. These are effectively multiple-use zones that are to be managed to provide a social fence to prevent encroachment into the protected area by outsiders.

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, agro forestry, extraction activities and other income generating or livelihood activities.

Building Regulations • When allowed, buildings and structures shall be designed, constructed and operated in accordance with the requirements of the PAMP, NBC and with the provisions of this Ordinance.

### **g. General Agricultural Zone (GAZ)**

#### Location

The General Agricultural Zone consists of areas that are outside the identified preservation and conservation areas of the City (i.e. SAFDZ, Forest, areas of 18 percent and above slopes, ancestral domain, etc.), and those that have been delineated for urban uses. The GAZ are found in the barangays east of Quirino Highway, specifically in Sto. Cristo, Kaybanban, San Roque.

#### **g.1. Production Agri-Subzone/Agriculture Reform Zone (GAZ-ARZ)**

#### Location

Kaybanban, San Roque, Paradise III and San Isidro.

#### Intent

Agricultural resource management with community-level urban uses shall be pursued within the GAZ.

### **h. General Institutional Zone (GIZ)**

#### Location

All existing Barangay halls, schools, churches in the city.

#### Intent



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An area within the city intended principally for particular types of institutional establishments e.g. welfare homes, orphanages, home for the aged, rehabilitation and training centers, military camps/reservation/bases/training grounds, etc.

### i. Light Industrial Zone (LIZ)

#### Location

The Light Industrial Zones (LIZ) are situated at the following: Minuyan Proper (New Town, NHA property), Minuyan II and Minuyan IV (NHA property), Muzon.

#### Intent

The development of light industrial parks and establishments. The provision of infrastructure facilities (i.e. roads, water, power and telecommunication facilities) shall be prioritized while adequate environmental management measures in all industrial facilities shall be enforced.

#### Priority Investment Enterprise

- b. Manufacturing or processing enterprise maximizing the use of raw materials that are locally produced, as may be applicable.
- c. Enterprise that employs a minimum of five hundred (500) employees, wherein eighty percent (80%) of its employees are “*bona fide*” residents of the city.
- d. Enterprise that employs a minimum of two hundred (200) employees, wherein thirty percent (30%) of its employees are Persons with Disabilities (PWDs) who are all *bona fide* residents of the city.
- e. Enterprise that employs a minimum of two hundred (200) employees, wherein ten percent (10%) of its employees are members of Indigenous Community recognized by the National Commission for Indigenous People (NCIP) who are all *bona fide* residents of the city.
- f. Such other enterprises approved by the Board that are deemed to have significant effect on the economic growth of the city.

### j. Parks and Recreation Zone (PRZ)

#### Location

In area of subdivision allocated as Parks and Playground found in Minuyan II and Sapang Palay Proper and Kaypian.

#### Intent

An area designed for diversion/amusements and for the maintenance of ecological balance in the community. Parks and Recreation Zone shall not be converted to any use or permanent roofed structures.

### k. Residential Zone Low Density (R-1)



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### Location

The Low Density Residential Zones are found in the following:

- Portions of Barangays Ciudad Real, Dulong Bayan, Guijo, Graceville, Kaybanban, Kaypian, Maharlika, Minuyan Proper, Mulawin, Yakal, Narra, Sto. Cristo, San Manuel, Sapang Palay Proper and Tungkong Mangga. (Currently, these areas primarily accommodate low density residential subdivisions.

### Intent

The development and maintenance of low density residential areas under PD 957 shall be promoted within the R-1. Commercial and institutional facilities shall be hectares hood in scale.

### **1. Residential Zone Medium Density (R-2)**

#### Location

The Medium Density Residential Zones are found in the following:

- Whole or Portions of all Barangays in District II
- Gumaoc Central, East and West, Muzon, Poblacion, Poblacion 1, San Manuel
- All subdivisions developed under BP220

#### Intent

The development and maintenance of medium density residential areas shall be promoted within the R-2. Commercial and institutional facilities shall be hectares hood in scale. BP220 projects shall be allowed in R-2.

### **m. Socialized Housing Zone (SHZ)**

#### Location

Graceville, Gaya-Gaya, Gumaoc West, Kaybanban, Kaypian, Minuyan Proper, Muzon, San Manuel, Sto. Cristo and all relocation sites and Community Mortgage Program (CMP) Area.

The Socialised Housing Zone (SHZ) covers all resettlement project sites of the National Housing Authority (NHA), Socialised Housing Finance Corporation (SHFC) and socialized housing residential subdivisions developed under Batas Pambansa 220 (BP 220). Included also are CMP projects.

#### Intent

To encourage the development of low to medium rise socialised housing sites with complete community facilities. All development applications within the NHA housing sites shall be subject to the regulations of this housing agency.

### **n. Solid Waste Disposal Zone (SWDZ)**



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### Location

The Solid Waste Disposal Zone comprises the existing sanitary landfill/material recovery center located in Brgy. Minuyan.

### Intent

The conversion of the identified SWDZ in Minuyan II into a sanitary landfill and the establishment of a Material Recovery Centre within the area would be prioritised. For both SWDZs, compliance with existing environmental laws and standards on proper solid waste storage and disposal will be primary concerns. All developments and activities within the SWDZ shall be in strict observance of the provisions of R.A. 9003 or the Ecological Solid Waste Management Act of 2000. The site would be strictly regulated to prevent squatting and scavenging.

### Priority Investment Enterprise

Recycling Enterprise whose primary business is to reprocess used or abandoned waste materials into new and useful products to prevent waste of potentially useful materials, reduce the consumption of fresh raw materials, reduce energy usage, reduce air and water pollution by reducing the need for “conventional” waste disposal, and lower greenhouse gas emission.

For this purpose, to be considered as a recycling enterprise one must show that it adopts a technology to process waste materials to new and useful products that has economic value. Junkshop, sanitary landfill, waste recovery facility and other facilities that do not adopt technology to process waste materials to new and useful products are beyond the scope of this definition.

## **o. Strategic Agriculture and Fisheries Development Zone (SAFDZ)**

### Location

The designated Strategic Agriculture and Fisheries Development Zone of San Jose del Monte is based on the identified prime agricultural lands of the 2015 Zoning Ordinance and the land capability assessment that was undertaken to locate the prime agricultural areas of the City. The assessment was based on slope, land management unit, geomorphologic units, land classification, water resources, etc. Of SJDM.

The SAFDZ covers, in whole or in part, Dulong Bayan, Gaya-Gaya, Kaypian, Muzon, Poblacion, Poblacion I, Sapang Palay Proper, Sto. Cristo, Yakal. Most of these areas have slopes that range from level to nearly level (0-3%).

### Intent

Areas within the SAFDZ have been identified as the most productive agricultural lands of the city and hence, shall be protected and preserved as provided by the Agriculture and Fisheries Modernisation Act of 1997 (RA 8435). These areas shall serve as, ‘centres where development in the agriculture and fisheries sector are catalysed in an environmentally and socio-cultural manner.’ All development



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applications within the SAFDZ shall be subject to the regulations of the DA, DAR and other concerned agencies.

### p. Special Development Zone -1 Agri-Innovation Hub (SDZ-1)

#### Location

The Agri-Innovation Hub comprises some portions of barangays Tungkong Mangga, Paradise III, and San Isidro, San Roque, Kaybanban and Sto. Cristo.

#### Intent

The Agri-Innovation Hub is the agricultural and food security backbone of the city that potentially provides income for the farmers and other beneficiaries. Aside from economic gains, it also balances the development of the city, provides adequate drainage, open space and potential future expansion. It covers the following barangays and Agrarian Reform Communities: Paradise III, Tungkong Mangga, Ciudad Real.

The Agri-Innovation Hub aims to create a more sustainable approach in preserving the remaining agriculture and croplands of the City by creating a more innovative approach to farming. By harnessing the value-chain system of integrating production – processing – marketing and linkage, technology and knowledge transfer can add value to traditional farming and potentially increase income of the farmers. It is important to not just increase the yield, but to harvest high-value crops and possibly ‘productize’, market and sell into local products. What is important is the over-all system of training the communities, making available technology and market. Urban farming is also a strategy to train communities produce their own food, and market them for additional income and business opportunities.

#### Priority Investment Enterprise

- a. Agribusiness Enterprise maximizing the use of raw materials that are locally produced and/or increasing the yield of agricultural products of the city, as may be applicable.
- b. Enterprises that are under the Technological Assistance Contracts as defined in this code, wherein one of the primary agreements thereof is the transfer of technology.
- c. Pioneer Enterprises that are duly registered in the Board of Investments (BOI).
- d. Enterprise that employs a minimum of five hundred (500) employees, wherein eighty percent (80%) of its employees are “*bona fide*” residents of the city.
- e. Enterprise that employs a minimum of two hundred (200) employees, wherein thirty percent (30%) of its employees are Persons with Disabilities (PWDs) who are all *bona fide* residents of the city.
- f. Enterprise that employs a minimum of two hundred (200) employees, wherein ten percent(10%) of its employees are members of Indigenous Community





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recognized by the National Commission for Indigenous People (NCIP) who are all *bona fide* residents of the city.

- g. Such other enterprises approved by the Board that are deemed to have significant effect on the economic growth of the city.

### q. Special Development Zone -2 Mixed Use Development (SDZ-2)

#### Location

The Special Development Zone for Mixed Used Development comprises portions of Barangays Sapang Palay Proper (Manila New Town), Tungkong Mangga and Kaybanban and Sto. Cristo and portion of Dulong Bayan and Kaypian.

#### Intent

This shall be an integrated development composed of residential, commercial, retail, other support uses and integrated transportation hub. With strategic location, and with main transportation links to connect the different parts of the City, these Hubs will become the new ‘face’ of the City and will serve as a main anchors and catalysts for the development of other areas.

#### Priority Investment Enterprise

- a. Information and Communication Technology Enterprise, which may include Business Process Outsourcing (BPO), software development, IT hardware development, telecommunications development and such other similar activities.
- b. Enterprise that employs a minimum of five hundred (500) employees, wherein eighty percent (80%) of its employees are “*bona fide*” residents of the city.
- c. Enterprise that employs a minimum of two hundred (200) employees, wherein thirty percent (30%) of its employees are Persons with Disabilities (PWDs) who are all *bona fide* residents of the city.
- d. Enterprise that employs a minimum of two hundred (200) employees, wherein ten percent (10%) of its employees are members of Indigenous Community recognized by the National Commission for Indigenous People (NCIP) who are all *bona fide* residents of the city.
- e. Such other enterprises approved by the Board that are deemed to have significant effect on the economic growth of the city.

### r. Special Development Zone -3 Transport Hub (SDZ-3)

#### Location

The Special Development Zone – 3 (Commercial and Transport Hub) also comprise the new MRT-7 property within San Jose Del Monte.

#### Priority Investment Enterprise

- a. Enterprise that employs a minimum of five hundred (500) employees, wherein eighty percent (80%) of its employees are “*bona fide*” residents of the city.



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- b. Enterprise that employs a minimum of two hundred (200) employees, wherein thirty percent (30%) of its employees are Persons with Disabilities (PWDs) who are all *bona fide* residents of the city.
- c. Enterprise that employs a minimum of two hundred (200) employees, wherein ten percent (10%) of its employees are members of Indigenous Community recognized by the National Commission for Indigenous People (NCIP) who are all *bona fide* residents of the city.
- d. Such other enterprises approved by the Board that are deemed to have significant effect on the economic growth of the city.

### s. Special Ecotourism Zone (SEZ)

#### Location

Most area and portion of Brgy. San Isidro and portion of Paradise III, excluding areas classified as Forest Zone.

#### Intent

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

#### Priority Investment Enterprise

- a. Tourism-Related Projects/Activities Enterprise that has a significant effect in the city’s economy.
- b. Biodiversity (BD)-Friendly Enterprises that has a concrete program for the preservation of the environment integrated in their business process and/or as one of their primary business activity.
- c. Enterprise that employs a minimum of five hundred (500) employees, wherein eighty percent (80%) of its employees are “*bona fide*” residents of the city.
- d. Enterprise that employs a minimum of two hundred (200) employees, wherein thirty percent (30%) of its employees are Persons with Disabilities (PWDs) who are all *bona fide* residents of the city.
- e. Enterprise that employs a minimum of two hundred (200) employees, wherein ten percent (10%) of its employees are members of Indigenous Community recognized by the National Commission for Indigenous People (NCIP) who are all *bona fide* residents of the city.
- f. Such other enterprises approved by the Board that are deemed to have significant effect on the economic growth of the city.

### t. Utilities Zone (UZ)

#### Location

The Utilities Zone covers the lands occupied by the two substations of the National Grid Corporation of the Philippines (NGCP). The first is partly located Barangays Dulong Bayan, Kaypian. It also covers the water filtering plant of the Local Waters Utilities Administration System located in Barangay Minuyan II.



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### Intent

To be developed and maintained to accommodate public infrastructure utilities and facilities (i.e. power, water, and telecommunication) that are vital to the overall growth, welfare and development of the people of the City.

### u. Water Zone (WZ)

#### Location

Bodies of water shall include rivers, streams, lakes and seas.

#### Intent

The utilization of the water resources for domestic and industrial use shall be allowed provided that it is in consonance with the development regulations of provisions of the Water Code of the Philippines, Clean Air Act, 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.

**SECTION 7. Zoning Map.** It is hereby adopted as an integral part of the ORDINANCE, the Official Zoning Map of the City, duly signed by the Mayor and authenticated by the Sangguniang Panlalawigan. The designation, location and boundaries of the zones herein established are shown and indicated in the said Official Zoning Map. Appendix A shows the various Zones of the City.

**SECTION 8. Zone and District Boundaries.** The locations and boundaries of the above mentioned zones into which the City has been subdivided are presented in the attached Zoning Map. In order to determine where individual lot parcels fall, the City Tax Map shall be overlain to the said Zoning Map.

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

1. Where zone boundaries are so indicated that they approximately follow the centre of streets or highway, the street or highway right-of-way lines shall be construed to be the boundaries.
2. Where zone boundaries are so indicated that they approximately follow barangay boundary lines, the delineation shall be based on those indicated on the cadastral maps.
3. Where zone boundaries are so indicated that they are approximately parallel to the centrelines 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 Official Zoning Map. If no distance is given, such



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- dimension shall be determined by the use of the scale shown in said zoning map.
4. Where the boundary of a zone follows a stream, lake or other bodies of water, said boundary line should be deemed to be at the limit of the political jurisdiction of the community unless otherwise indicated. Boundaries indicated as following 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. Boundaries following bodies of water shall be subject to public easement requirements as provided in the Water Code, in the provisions of this Ordinance and with other applicable regulations.
  5. Where a zone boundary line divides a lot, the lot shall be construed to be within the zone where the major portion of the lot is located. In case the boundary line bisects the lot, it shall fall in the zone where the principal structure falls.
  6. Where zone boundaries are said to be as indicated in the Official Zoning Map, the location of the parcel in consideration shall be referred to from the cadastral map as overlain to the former.

### ARTICLE V

#### **GENERAL REGULATIONS**

**SECTION 10. 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. Those uses identified under **Non-Allowable (Non-Conforming) Uses** are automatically deemed as non-compatible with the allowed uses enumerated herein.

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

**SECTION 11. Classification of Uses.** Development proposals shall be classified according to the following uses/activities:

- Residential Uses
- Commercial Uses
- Mixed Uses
- Light Industrial Uses
- Agri-Industrial Uses
- Agricultural Uses
- Institutional Uses
- Socialised Housing Uses
- Parks and Recreation Uses
- Agri-Forestry

**SECTION 12. Height Regulations.** Unless otherwise stipulated in this Ordinance, building heights must conform with the height restrictions and requirements of the Civil Aviation Authority of the Philippines



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(CAAP), the National Building Code, Structural Code and other rules and regulations related to land development and building construction.

**SECTION 13. *Area Regulations.*** Area regulations in all zones shall conform to the applicable minimum requirements of existing codes 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 Socialised Housing Projects” and its revised implementing rules and regulations;
3. RA 7279, “Urban Development and Housing Act;”
4. PD 1096 – National Building Code;
5. Fire Code;
6. Sanitation Code;
7. Plumbing Code;
8. Structural Code;
9. HLURB Guidelines for Base Stations of Cellular Mobile Telephone Service, Paging Service, Trunking Service, Wireless Local Loop Service & other Wireless Communication Services; Funeral Establishments, Markets, Memorial Parks and Cemeteries, Poultry and Piggery; and Slaughterhouse/ Abattoir;
10. PD 1216 Open Space and other relevant guidelines promulgated by the national agencies concerned.

**SECTION 14. *Specific Provisions in the National Building Code.*** Specific provisions stipulated in the National Building Code (PD 1096), as amended, relevant to traffic generators, advertising and business signs, erection of more than one principal structure, dwelling on rear lots, building setbacks and dwelling groups, which are not in conflict with the provisions of the ORDINANCE, shall be observed.

In particular, Land Use Intensity Controls are intended to enhance the provisions of Rule XVI of the NBC. However, in case of discrepancy between the PLO and the NBC’s Percentage of Site Occupancy, the lesser requirement on building footprint shall prevail. The Ordinance further provides that the resultant footprint shall be applied at all levels of the structure.

For residential buildings, yard requirements shall be construed as equivalent to those in R-2, as provided by PD 1096, unless specified in the deeds of restriction of established and proposed subdivisions. For commercial, industrial, institutional and recreational buildings, the yard requirements specified in PD 1096 shall be observed.

**SECTION 15. *Projects of National Significance.*** Projects may be declared by the NEDA Board as Projects of National Significance pursuant to Section 3 of Executive Order No. 72. When a project is declared as such by the NEDA Board, the Locational Clearance shall be issued by HLURB pursuant to EO 72, in consultation with the City of San Jose del Monte.



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**SECTION 16. Environmental Compliance Certificate (ECC).** Projects within the scope of the Environmental Impact Assessment System, those that are classified as Environmentally Critical Projects or those that are located in Environmentally Critical Areas shall not be commenced, developed or operated unless the requirements of the Environmental Compliance Certificate have been complied with.

**SECTION 17. Subdivisions, Condominiums, Economic and Socialised Housing.** Projects classified as Subdivisions and Condominiums or Economic and Socialized Housing shall conform to the rules and regulations of the following:

1. PD 957, “Subdivision and Condominium Buyers’ Protective Law” and its 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;” and
4. PD 1216 Open Space
5. Other pertinent government rules and regulations.

**SECTION 18. Development Permit.** All owners and developers of subdivision, including memorial/cemetery projects shall, in addition to securing a Locational Clearance as provided by this Ordinance 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 in the case of Socialised Housing Projects in accordance with the procedures laid down in EO 71, Series of 1993.

**SECTION 19. Easement.** The following easements shall be observed:

1. Pursuant to the provisions of the Water Code, the following easements of public use in the interest of recreation, navigation, floatage, fishing and salvage shall be observed throughout the entire lengths of the banks of rivers and streams and the shores of seas and lakes: three metres in urban areas, 20 metres in agricultural areas and 40 metres in forest areas. The Ordinance further provides that major irrigation canals of the National Irrigation Administration shall be provided with similar easements.

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.



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2. Mandatory twenty (20) meters easement on both sides of earthquake fault traces on the ground identified by PHIVOLCS.

**SECTION 20. Ancestral Domains.** The development and utilisation of lands with Certificates of Ancestral Domain Titles (CADT) shall be per the provisions of The Indigenous Peoples Rights Act of 1997 (RA 8371).

**SECTION 21. Agricultural Land Use Conversion.** The conversion of agricultural lands to non-agricultural uses shall be subject to the provisions of the CARL, its implementing rules and regulation as well as the rules and regulations of the DAR and other concerned agencies.

**SECTION 22. Use Regulations in Water Bodies.** The utilisation of city waters (i.e. rivers, streams, lakes) shall be in accordance with the provision of the Fisheries Code, Water Code and related laws.

**SECTION 23. Innovative Techniques or Designs.** For projects that introduce flexibility and creativity in design or plan such as but not limited to Special Development Zones, Housing projects not covered by New Town Development under RA 7279, the Zoning Administrator may, on grounds of innovative development techniques, forward applications to HLURB for appropriate action. 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.

### ARTICLE VI

#### **PERFORMANCE CRITERIA**

**SECTION 24. Application of Performance Criteria.** The following sections provide for performance criteria which are intended to ensure land use and neighbourhood compatibility. All developments shall exhibit compliance to these criteria, which shall form part of the requirements for Locational Clearance. These criteria are by no means exhaustive or all inclusive. The Local Zoning Board of Adjustment and Appeals (LZBAA) may require other criteria, when deemed necessary, to ensure land use and neighbourhood compatibility.

**SECTION 25. Buffer Yards.** Building setbacks or yards shall be considered as buffer yards. Aside from providing light and ventilation, buffers can mitigate adverse impacts and nuisances between two adjacent developments. Whenever necessary, buffers shall be required to be extended and/or provided with planting materials in order to ameliorate said negative conditions such as, but not limited to, noise, odour, unsightly buildings or danger from fires and explosions. A buffer may also contain a barrier, such as a berm or a fence, where such additional screening is necessary to achieve the desired level of buffering between various activities.

1. Buffers Between Adjoining Properties. Between two different developments, e.g. Residential and Commercial, the more intense



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land use shall provide the proper buffer design and materials. If a development shall occur beside a vacant lot, the owners of the properties in consideration may submit a contractual agreement whereby the required buffer for the first area to develop shall be reduced or waived. If additional buffer will be required at the time the vacant lot develops, it shall be provided by the latter development.

The hierarchy of land use intensities, from most to least intensive, is provided below:

- Agri-Industrial Uses
  - Light Industrial Uses
  - Commercial Uses
  - Institutional Uses
  - Parks and Recreation Uses
  - Agri-Forestry Uses
  - Agricultural Uses
  - Residential Uses
2. Buffers on Simultaneous Developments. The more intense use shall provide the necessary buffer in cases when two developments occur simultaneously.
  3. Location of Buffers. The building setbacks or yards shall serve as buffer locations, at the outer perimeter of a lot or parcel. In no case shall buffers occupy public or private street rights-of-way.
  4. Types of Buffers. Landscaped buffers with suitable foliage are encouraged. On developments where it may not be possible to put in landscaped buffers (such as narrow lots), the developer may put up a fence provided the fencing material is compatible with the design of the building and is in consonance with the provisions of this Ordinance.
  5. Land Uses in Buffer Areas. Buffers are part of yards and open spaces and in no case shall buildings encroach upon it. It may, however, be used for passive recreation such as gardening, pedestrian trails, etc.
  6. Buffers in Industrial Establishments. A planted buffer strip of not less than three meters wide is required along the periphery of industrial areas and buildings.

**SECTION 26. *Environmental Conservation and Protection Criteria.*** It is the intent of the ORDINANCE to protect the natural resources of the City. In order to achieve this objective, all developments shall comply with the following regulations:





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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. Heavy water using industrial (e.g. soft drink bottling), recreational (golf courses, water theme parks and the like) and other facilities that will cause excessive and non-sustainable draw out of groundwater shall be discouraged to locate within the City unless a certification is obtained from the NWRB that these shall not cause detrimental effects to the City's water resources.
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 stormwater. Streams, watercourses, wetlands, lakes or ponds shall not be altered, re-graded, developed, piped, diverted or built upon;
4. All developments shall limit the rate of stormwater runoff so that the rate of runoff generated is no more than that of the site in its natural condition;
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 DENR DAO No. 34 – Revised Water Usage and Classification/Ambient Water Quality Criteria;
7. City and industrial wastewater effluents shall not discharge into surface and groundwater unless it is scientifically proven that such discharges will not cause the deterioration of the water quality. Effluents shall be maintained according to DENR DAO No. 35 – 91 – Establishing Effluent Quality Standards for Class “C” Inland Waters;
8. 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;
9. All developments, particularly those in sloping areas, shall undertake adequate and appropriate slope and erosion protection as well as soil conservation measures.
10. Facilities and operations that cause the emission of dust, dirt, fly ash, smoke or any other air polluting material that may have deleterious effects on health or cause the impairment of visibility are not permitted. Air quality at the point of emission shall be



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maintained at specified levels according to DENR DAO No. 14  
– Revised Air Quality Standards of 1992.; and

11. Trees shall not be cleared or cut without permission from the DENR.

### **SECTION 27. Agricultural Land Conservation and Preservation Criteria.**

Agricultural lands are recognised as valuable resources that provide employment, amenity and bio-diversity. All agricultural lands in the City shall not be prematurely re-classified. Requests for re-classification shall be evaluated on the merits of conditions prevailing at the time of application, subject to the provisions of the Department of Agriculture, Department of Agrarian Reform and other concerned agencies.

All developments shall be guided by the following criteria:

1. All agricultural lands shall be kept in a productive state. Idle land taxes may be imposed on agricultural lands that are left idle for a period of one year.
2. Re-classified agricultural lands, if undeveloped for a period of one year upon re-classification, shall be reinstated to agricultural classification. Owners of such properties shall be required to apply for a re-classification and shall be evaluated based on the prevailing conditions at the time of new application.

### **SECTION 28. Network of Green and Open Spaces.** Aside from complying with the open space requirements of PD 957, BP 220 and other related issuance, the following shall apply:

1. All residential, commercial, industrial and mixed-use subdivisions, having total contiguous land areas of 10 hectares or less are required to provide tree-planted strips along its internal roads having a spacing of not more than 10 meters per tree.
2. Similar developments with total contiguous land areas greater than 10 hectares are required to provide, in addition to the above, landscaped forest parks of not less than 500 square meters for the use of the occupants and/or the general public.
3. Residential compounds, regardless of total lot area, shall provide an open space for playground purposes with an area equivalent to at least five percent of the required lot area per family. Where the residential compound is intended for less than ten families, the setting aside of such area for playground purposes may be dispensed with provided that an open space may be used as part of the yard requirement for the compound. All designated open spaces shall not be converted to other uses.

These open spaces, along with parks, playgrounds, roads, alleys and sidewalks shall be classified as non-buildable. Upon



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completion of the project, these open spaces shall be donated by the owner or developer to the city government or to a duly organised Homeowner's Association with the prior written consent of the city government. No portion of these donated open spaces may thereafter be converted to any other purpose or purposes.

### **SECTION 29. Historical Preservation and Conservation Criteria.**

Historic sites and facilities shall be conserved and preserved. These shall, to the extent possible, be made accessible for the educational and cultural enrichment of the general public.

The following shall guide the development of historic sites and facilities:

1. Sites with historic buildings or places shall be developed to conserve and enhance their heritage values.
2. Historic sites and facilities shall be adaptively re-used.

### **SECTION 30. Site Performance Criteria.**

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

The quality of every neighbourhood shall always be enhanced. The design, construction, operation and maintenance of every facility shall be in harmony with the existing and intended character of its neighbourhood. It shall not change the essential character of the said area but will be a substantial improvement to the value of the properties in the neighbourhood in particular and the community in general.

Further, designs should consider the following:

1. Sites, buildings and facilities shall be designed and developed with regards to safety, efficiency and high standards of design. The natural environmental character of the site and its adjacent properties shall be considered in the site development of each building and facility.
2. The height and bulk of buildings and structures shall be so designed that it does not impair the entry of light and ventilation, cause the loss of privacy and/or create nuisances, hazards or inconveniences to adjacent developments.



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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.
4. Developments that have lot areas of two hectares or more and which attract a significant volume of public modes of transportation, such as tricycles, PUJs, buses, etc., shall provide on-site parking for the same. These should also provide vehicular loading and unloading bays so as through street traffic flow will not be impeded.
5. Buffers, silencers, mufflers, enclosures and other noise-absorbing materials shall be provided to all noise and vibration-producing machinery. Noise levels shall be maintained according to levels specified in DENR DAO No. 30 – Abatement of Noise and Other Forms of Nuisance as Defined by Law.
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 and have a maximum height of 1.80 meters from the finished grade line. Fence base made of concrete, hollow blocks, rock or any opaque material shall have a height of no greater than 1.00 meter. Side fencing between adjacent lots (not facing a road) shall also have a maximum height of 1.80 meters and may be of opaque construction material.
8. Basement and upper level parking are encouraged. Parking buildings may also be built provided that these are designed to appear as regular buildings.

Design guidelines, deeds of restriction, property management plans and other regulatory tools that will ensure high quality developments shall be required from developers/home owners associations of proposed and existing residential/commercial subdivisions, condominiums and PUDs. These are hereinafter referred to as Internal Development Controls (IDC) and shall be submitted to the Sangguniang Panlungsod for review and approval.

**SECTION 31. Public Infrastructure Impact Statement.** All developments shall not cause excessive requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. All developments shall exhibit that their requirements for public infrastructure (such as drainage, roads, water supply and the like) are within the capacities of the system/s serving them. The Zoning Administrator may require Impact Statements for the following:



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1. Commercial-residential buildings having four floors and above;
2. Shopping centres;
3. Schools and universities;
4. Industrial facilities and estates;
5. Warehouses;
6. Residential-commercial subdivision/housing projects; and
7. Others as determined by the Zoning Administrator

These Impact Statements may be required in any of the following forms:

1. Water Supply
2. Storm Drainage
3. Liquid Waste
4. Solid Waste
5. Roads and Transport
6. Power Supply
7. Public School Facilities (including day care centres)

The proponent shall warrant the mitigation of negative impacts which shall become a condition in the granting of Locational Clearance.

**SECTION 32. Socio-Economic Impact Statement.** Major facilities such as industrial estates, industrial establishments, shopping centres and/or similar facilities that require 50 or more employees during operations as well as housing projects shall be required to submit Socio-Economic Impact Statements which shall form part of the requirements for Locational Clearance. Proponents shall, among others, establish that their developments shall cause direct socio-economic benefits to the City such that they prioritise the hiring of qualified residents of the City, provide relevant employee housing facilities/assistance, prioritise the sourcing of materials and supplies from the City and/or provide adequate community facilities for their users.

### ARTICLE VII SPECIFIC ZONE GUIDELINES

**SECTION 33. Application of Specific Zone Guidelines.** Application of the Specific Zone Guidelines shall be made with specific reference to the General Regulations (Article V), Performance Criteria (Article VI), Specific Zone Guidelines (Article VII) and the Zoning Map as set out in the ORDINANCE and as may be subsequently amended.

Applications that are not within the list of allowed uses within the zone in consideration, or those who are seeking relief from any of the provisions of this Ordinance, shall be processed according to the provisions of Article VIII Mitigating Devices.

Further, notwithstanding the list of allowed uses, all applications for Locational Clearance shall be evaluated for compliance with the



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provisions of the Revised Forestry Code, Water Code, CARL, AFMA and other pertinent laws governing land reclassification and land use.

### *Basic Zone Guidelines*

#### **SECTION 34. Use Regulations in Low-Density Residential Zone (R-1):**

##### **Allowable Uses:**

1. Single-detached dwelling units
2. Semi-detached family dwelling units, e.g. duplex
3. Residential Subdivisions approved per P.D. 957 standards
4. Home occupation for the practice of one's profession such as offices of physicians, surgeons, dentists, architects, engineers, lawyers, and other professionals or for engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like, provided that:
  - The number of persons engaged in such business/industry shall not exceed five (5), inclusive of owner;
  - There shall be no change in the outside appearance of the building premises;
  - That in no case shall more than 20% of the building be used for said home occupation; t No home occupation shall be conducted in any customary accessory uses cited above;
  - No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential ectares hood 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
  - 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.
5. Home Industry classified as cottage industry, provided that:
  - 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;
  - It shall be classified as non-pollutive/non-hazardous as provided in this integrated ZO;
  - Allotted capitalization shall not exceed the capitalization as set by the DTI; and
  - Such shall consider the provisions pertaining to customary accessory uses, traffic and equipment/process under Home Occupation of this section.



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

- Swimming pool
- Tennis courts
- Basketball courts • Parks and Open Spaces

### Building Regulations

- Per the relevant provisions of the NBC, PD 957 and this Ordinance.
- The number of allowable storeys/floors above established grade is four (4) as provided in the NBC

### a. Commercial Uses

1. General retail stores and shops like:
  - a. bookstore and office supply shop
  - b. photo shop
  - c. flower shop
2. Food and market shops like:
  - a. bakery and baking of bread, cake, pastries, pies and other similar perishable products
3. Restaurant and other eateries
4. Personal service shops like:
  - a. beauty parlour
  - b. barber shop
5. Commercial housing like:
  - a. Pension house
  - b. Dormitory or boarding house
6. Clinic
7. Messengerial services
8. Janitorial service
9. Dressmaking shop
10. Tailoring shop
11. Commercial job printing
12. Typing and photo engraving services
13. Repair of optical instruments
14. Repair of clocks and watches
15. Repair shops like:
  - a. house appliances repair shop
  - b. home furnishing shops
16. Plant nursery

### b. Institutional Uses

1. Nursery/Elementary School
2. Chapel/Church
3. Special schools such as performing arts school, speech clinics, schools for the handicapped and schools for self-defence

### c. Parks and Recreation Uses

1. Parks and gardens
2. Land Use Insity Control Ratings

Following is the LUIC rating that shall be observed in R-1:



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Maximum PLO	Maximum FAR	BHL	AISAR	MAPSA
75	None	12 m	Plus 20% of resultant PLO	Lot Area – (PLO + AISAR)

**A. Yards, Building Setbacks and Parking Requirements**

Yards, building setbacks and parking provisions shall be per the provisions of sections 14 and 25 of this Ordinance. Parking provisions shall be per the minimum requirements of the National Building Code.

**SECTION 35. Use Regulations in Medium Residential Zone (R-2):**

An area within the city intended for medium density residential use. Per the National Building Code, R-2 Zone is characterized mainly by low-rise single attached, duplex or multi-level structures residential buildings for exclusive use as multifamily dwellings.

**Allowable Uses:**

- All uses allowed in R-1 Zone
- Apartments
- Boarding houses
- Dormitories
- Museums
- Libraries
- High School
- Vocational School

**Building Regulations**

- Per the relevant provisions of the NBC, PD 957 and this Ordinance.
- The number of allowable storeys/floors above established grade is six(6) as provided in the NBC.

\*The Building Height Limit is 24.00 meters above highest grade as provided in the NBC.

**SECTION 36. Use Regulations in Socialized Housing Zone (SHZ).**

An area within the city 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).

**Allowable Uses:**

- All uses allowed according to the provisions of BP 220 (Socialized Housing).





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**a. Commercial Use**

1. General retail stores and shops like:
  - bookstore and office supply shop
  - photo shop
  - flower shop
2. Food and market shops like:
  - bakery and baking of bread, cake, pastries, pies and other similar perishable products
  - Restaurant and other eateries
3. Personal service shops like:
  - beauty parlour
  - barber shop
4. Commercial housing like:
  - a. Pension house
  - b. Dormitory or boarding house
5. Clinic
6. Messengerial services
7. Janitorial service
8. Dressmaking shop
9. Tailoring shop
10. Commercial job printing
11. Typing and photo engraving services
12. Repair of optical instruments
13. Repair of clocks and watches
14. Repair shops like:
  - house appliances repair shop
  - home furnishing shops
15. Plant nursery

**b. Institutional Uses**

1. Nursery/Elementary School/ High School
2. Chapel/Church
3. Special schools such as performing arts school, speech clinics, schools for the handicapped and schools for self-defence

**c. Parks and Recreation Uses**

1. Parks and gardens
2. Land Use Intensity Control Ratings

Following is the LUIC rating that shall be observed in SHZ:

Maximum PLO	Maximum FAR	BHL	AISAR	MAPSA
75	None	24 m	Plus 20% of resultant PLO	Lot Area – (PLO + AISAR)

**SECTION 37. Use Regulations in Commercial Zone (C-1).**



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A low density commercial area within the city intended for neighborhood or community scale trade, service and business activities.

### Allowable Uses:

1. Retail stores and shops like
  - Department stores
  - Bookstores and office supply shops
  - Art supplies and novelties
  - Home appliance stores
  - Car display and dealer stores
  - Photo shops
  - Flower shops
  - Curio or antique shops
  - Pet shops and aquarium stores
  - Jewelry shops
  - Consumer electronics such as cellular phones, cameras, laptops, home appliances and the like
  - Drugstores
2. Food market and shops like:
  - Bakery, cake, pastry and delicatessen shops
  - Liquor and wine stores
  - Groceries
  - Supermarkets
  - Convenience stores
3. Product showroom/display store
4. Personal service shops like:
  - Medical, dental, and similar clinics
  - Beauty parlor
  - Barber shop
  - Wellness facilities such as sauna, spa, massage and facial clinics
  - Dressmaking and tailoring shop
5. Bayad centers
6. Laundries
7. Internet café and cyber stations
8. Photo/video, lights & sounds services
9. Catering services
10. Event planners
11. Water stations
12. Courier services
13. Security agencies
14. Janitorial services
15. Travel agencies
16. Photo and portrait studios
17. Repair shops like:
  - House furniture and appliances repair shops;
  - Motor vehicles and accessory repair shops;
  - Battery shops and repair shops;
  - Bicycle repair shops;



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- Repair shops for watches, bags, shoes, cellular phones, cameras, computers and the like
- 18. Recreational centers/establishments like
  - Play courts e.g. tennis court, bowling lane, billiard hall
  - Swimming pool
  - Gymnasium
- 19. Restaurants and other eateries
- 20. Lotto terminals, off-fronton, on-line bingo outlets and off-track betting stations
- 21. Parks, playgrounds, pocket parks, parkways, promenades and play lots
- 22. Plant nurseries
- 23. Vocational/technical school
- 24. Special Education (SPED) school
- 25. Short term special education like:
  - Dance schools
  - Schools for self-defense
  - Driving school
  - Speech clinics
  - Tutorial centers
- 26. Libraries/museums
- 27. Financial institutions/services like:
  - Banks
  - Stand-alone automated teller machines
  - Insurance
  - Foreign exchange
  - Money lending
  - Pawnshops
- 28. Offices
- 29. Parking lots/garage facilities
- 30. Parking buildings (aboveground/underground)
- 31. Engraving, photo developing and printing shops
- 32. Printing, publication and graphics shops
- 33. Manufacture of insignia, badges and similar emblems except metal
- 34. Construction supply stores/depots
- 35. Commercial housing like:
  - Hotel
  - Apartment
  - Apartel
  - Boarding house
  - Dormitory
  - Pension house
  - All uses allowed R-1 Zones
- 36. Customary accessory uses incidental to any of the above uses such as:
  - Staff houses/quarters
  - Parking lots/Building garage
  - Storerooms and warehouses but only as may be necessary for the efficient conduct of the business
  - Pump houses
  - Generator houses



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### \*Building Regulations

- Per the relevant provisions of the NBC and this Ordinance.
- The number of allowable storeys/floors above established grade is three (3) as provided in the NBC
- The Building Height Limit is 12.00 meters above highest grade as provided in the NBC.
- Subject to national locational guidelines and standards of concerned agencies.

### Special Provision

All developments within the C-1 shall observe the following:

- a. Medium density urban developments shall be encouraged, interspersed with large open spaces; and
- b. Deep building setbacks for all developments shall be required.
- c. All projects not mentioned above, but similar in use, are subject for review as provision of other Local and National Law.

### SECTION 38. Use Regulations in Commercial Zone (C-2).

A medium to high density commercial area within the city intended for trade, service and business activities performing complementary/supplementary functions to the CBD.

#### Allowable Uses:

1. All uses allowed in C-1 Zone 2.
2. Wholesale stores
3. Wet and dry markets
4. Shopping centers, malls and supermarkets
5. Recreational center/establishments like:
  - Movie house/hectare
  - Stadium, coliseum
  - Tennis courts and sports complex
  - Billiard halls, pool rooms and bowling alleys
  - Sports clubhouses
  - Other sports and recreational establishments: Bars, sing-along lounges, bistros, pubs, beer gardens, disco, dance halls
  - Exhibit halls
  - Convention centers and related facilities
  - Business Process Outsourcing services
  - Radio and television stations
6. Transportation terminals/garage with and without repair
7. Display for cars, tractors, etc.
8. Motorpool
9. Hauling services and garage terminals for trucks, tow trucks and buses
10. Auto sales and rentals, automotive handicraft, accessory and spare parts shops, marine craft and aircraft sales yards
11. Boat storage



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12. Vehicle emission testing center
13. Machinery display shop/center
14. Welding shops
15. Machine shop service operation (repairing/rebuilding or custom job orders)
16. Medium scale junk shop
17. Glassware and metal ware stores, household equipment and appliances
18. Signboard and streamer painting and silk screening
19. Printing/typesetting, copiers and duplicating services
20. Recording and film laboratories
21. Gravel and sand stores
22. Lumber/hardware
23. Paint stores without bulk handling
24. Gardens and landscaping supply/contractors
25. Manufacture of ice, ice blocks, cubes, tubes, crush except dry ice
26. Lechon stores
27. Chicharon factory
28. Biscuit factory—manufacture of biscuits, cookies, crackers and other similar dried bakery products
29. Doughnut and hopia factory
30. Other bakery products not elsewhere classified (n.e.c.)
31. Shops for repacking of food products e.g. fruits, vegetables, sugar and other related products
32. Manufacture of wood furniture including upholstered
33. Manufacture of rattan furniture including upholstered
34. Manufacture of box beds and mattresses
35. Metal Fabrication
36. Auto repair, tire, vulcanizing shops and car wash (with garage/ parking area)
37. Commercial condominium (with residential units in upper floors)
38. Commercial housing like:
  - Motel
  - Condotel
39. All uses allowed in R-1 and R-2 Zones Building Regulations •
  - Per the relevant provisions of the NBC and this Ordinance.
  - The number of allowable storeys/floors above established grade is six (6) as provided in the NBC
  - The Building Height Limit is 18.00 meters above highest grade as provided in the NBC.
  - Subject to national locational guidelines and standards of concerned agencies.

### Special Provision

All developments within the in Commercial Zone C-2 shall observe the following:

- a. Medium density urban developments shall be encouraged, interspersed with large open spaces; and
- b. Deep building setbacks for all developments shall be required.



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- c. All projects not mentioned above, but similar in use, are subject for review as provision of other Local and National Law.

**SECTION 39. General Agricultural Zone (GAZ)**

**Allowable Uses:**

1. Dying, cleaning, curing and preserving of meat and its by-products and derivatives
2. Flour mill
3. Cassava flour mill
4. Manufacture of coffee
5. Production of prepared feeds for animals
6. Weaving hemp textile
7. Jute spinning and weaving
8. Milk processing plants (Manufacturing filled, reconstituted or recombined milk, condensed or evaporated)
9. Butter and cheese processing plants
10. Natural fluid milk processing (pasteurizing, homogenizing, vitamizing, bottling of natural animal milk and cream related products)
11. Other dairy products
12. Canning and preserving of fruits and fruit juices
13. Canning and preserving of vegetables and vegetable juices
14. Canning and preserving of vegetable sauces
15. Miscellaneous canning and preserving of fruit and vegetables
16. Manufacture of desiccated coconut
17. Manufacture of starch and its products
18. Manufacture of wines from juices of local fruits
19. Vegetable oil mills, including coconut oil
20. Manufacture/processing of other plantation crops, e.g. pineapple, bananas, etc.
21. Other commercial handicrafts and industrial activities utilizing plant or animal parts and/or products as raw materials

**SECTION 40. Use Regulations in General Institutional Zone (GIZ).**

An area within the city intended principally for general types of institutional establishments, e.g. government offices, hospitals/ clinics, academic/ research and convention centers.

**Allowable Uses:**

1. Government or civic centers to house national, regional or local offices in the area
2. Police and fire stations
3. Other types of government buildings
4. Colleges, universities, professional business schools, vocational and trade schools, technical schools and other institutions of higher learning
5. Learning facilities such as training centers, seminar halls and libraries
6. Scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities



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7. Museums, exhibition halls and art galleries
8. Convention center and related facilities
9. Civic centers and community centers
10. General hospitals, medical centers, specialty hospitals, medical, dental and similar clinics,
11. Places of worship, such as churches, mosques, temples, shrines, chapels • Seminaries and convents
12. Customary accessory uses incidental to any of the above uses such as:
  - Staff houses/quarters
  - Offices
  - Eateries/canteens
  - Parking lots/garage facilities
  - Storerooms and warehouses but only as may be necessary for the efficient conduct of the business
  - Pump houses
  - Generator houses

The 20-hectare Shrine of Our Lady of Lourdes Grotto located in Barangay Graceville shall be maintained as a low intensity development area within General Institutional Zone.

#### Building Density and Bulk Regulations

- Per 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 national locational guidelines and standards of concerned agencies.

### **SECTION 41. Use Regulations in Parks and Recreation Zone (PRZ).**

#### **Allowable Uses:**

1. Parks, playgrounds, pocket parks, parkways, promenades and play lots, gardens
2. All types of resort complexes such as those providing accommodation, sports, dining and other leisure facilities
3. Open air or outdoor sports activities and support facilities, including low rise stadia, gyms, amphitheatres and swimming pools
4. Ball courts, skating rinks and similar uses
5. Memorial/Shrines monuments, kiosks and other park structures
6. Sports clubs
7. Parking structures/facilities
8. Open space buffers and easements
9. Customary accessory uses incidental to any of the above uses such as:
  - Staff houses/quarters
  - Administration Office
  - Eateries/canteens
  - Parking lots/garage facilities
  - Storerooms and warehouses but only as may be necessary for the efficient conduct of the business
  - Pump houses, Generator houses Building Density and Bulk Regulations



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**SECTION 42. Use Regulations in Cemetery/Memorial Park Zone (CPZ).**

**Allowable Uses:**

1. Memorial Parks
2. Cemetery
3. Columbarium
4. Crematorium
5. Ossuary
6. Customary accessory uses such as crypts, chapels, parks, playgrounds, pocket parks, parkways, promenades, parking, and toilet facilities

**Building Density and Bulk Regulations**

- Per the relevant provisions of the NBC and this Ordinance.
- 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 43. Use Regulations in Buffer Zone (BZ)**

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.

**Allowable Uses:**

1. Open spaces/gardens
2. Parks and park structures such as playgrounds, jogging trails, bicycle lanes
3. Plant nurseries
4. Ground-level or underground parking structures/facilities
5. Agriculture, silviculture, horticulture
6. Customary accessory uses incidental to any of the above such as offices, eateries/ canteens, parking, kiosks, retail stores and toilet facilities

**Building Density and Bulk Regulations**

- Per the relevant provisions of the NBC and this Ordinance.
- Subject to national locational guidelines and standards of concerned agencies.

**SECTION 44. Use regulations in Utilities Zone (UZ).**

**Allowed Uses**

1. Bus and railway and terminal





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2. All other types of transportation complex
3. Pumping plant
4. Liquid and solid waste management facility
5. Climate monitoring facilities
6. Telecommunication facilities
7. All other types of large complexes for public services
8. Customary accessory uses incidental to any of the above uses

#### Building Density and Bulk Regulations

- Per the relevant provisions of the NBC and this Ordinance.
- Subject to national locational guidelines and standards of concerned agencies.

**SECTION 45. Use Regulations in Agro-Industrial Zones (AIZ).** Enumerated below are the allowable uses:

#### **Allowed Uses:**

1. All uses allowed in agriculture
2. Rice/corn mills (single pass)
3. Dying, cleaning, curing and preserving of meat and its by-products and derivatives
4. Flour mill
5. Cassava flour mill
6. Manufacture of coffee
7. Production of prepared feeds for animals
8. Weaving hemp textile
9. Jute spinning and weaving
10. Milk processing plants (Manufacturing filled, reconstituted or recombined milk, condensed or evaporated)
11. Butter and cheese processing plants
12. Natural fluid milk processing (pasteurizing, homogenizing, vitamizing, bottling of natural animal milk and cream related products)
13. Other dairy products,
14. Canning and preserving of fruits and fruit juices
15. Canning and preserving of vegetables and vegetable juices
16. Canning and preserving of vegetable sauces
17. Miscellaneous canning and preserving of fruit and vegetables
18. Manufacture of desiccated coconut
19. Manufacture of starch and its products
20. Manufacture of wines from juices of local fruits
21. Vegetable oil mills, including coconut oil
22. Manufacture/processing of other plantation crops, e.g. pineapple, bananas, etc.
23. Other commercial handicrafts and industrial activities utilizing plant or animal parts and/or products as raw materials, n.e.c.
24. Other accessory uses incidental to agro-industrial activities
25. Piggery
26. Poultry



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**SECTION 46. Use Regulations in Light Industrial Zone (LIZ).**

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

- A. Non-Pollutive/Non-Hazardous
1. Biscuit factory –manufacture of biscuits, cookies, crackers and other similar dried bakery products
  2. Doughnut and hopia factory
  3. Manufacture of macaroni, spaghetti and vermicelli and other noodles
  4. Other bakery products not elsewhere classified (n.e.c.)
  5. Life belts factory
  6. Manufacture of luggage, handbags, wallets and small leather goods
  7. Manufacture of miscellaneous products of leather and leather substitute and n.e.c.
  8. Manufacture of shoes except rubber, plastic and wood
  9. Manufacture of slipper and sandal except rubber and plastic
  10. Manufacture of footwear parts except rubber and plastic
  11. Printing, publishing and allied industries and those n.e.c.
  12. Manufacture or assembly of typewriters, cash registers, weighing, duplicating and accounting machines
  13. Manufacture or assembly of electronic data processing machinery and accessories
  14. Renovation and repair of office machinery
  15. Manufacture or assembly of miscellaneous office machines and those n.e.c.
  16. Manufacture of animal drawn vehicles
  17. Manufacture of children vehicles and baby carriages
  18. Manufacture of laboratory and scientific instruments, barometers, chemical balance, etc.
  19. Manufacture of measuring and controlling equipment, plumb bob, rain gauge, taxi meter, thermometer, etc.
  20. Manufacture or assembly of surgical, medical, dental equipment and medical furniture
  21. Quick freezing and cold packaging for fish and other seafoods
  22. Quick freezing and cold packaging for fruits and vegetables
  23. Popcorn/rice factory
  24. Manufacture of medical/surgical supplies: adhesive tapes, antiseptic dressing, sanitary napkins, surgical gauge, etc.
  25. Manufacture of orthopedic and prosthetic appliances (abdominal supporter, ankle supports, arch support, artificial limb, kneecap supporters, etc.)
  26. Manufacture of photographic equipment and accessories
  27. Manufacture or assembly of optical instruments
  28. Manufacture of eyeglasses and spectacles
  29. Manufacture of optical lenses
  30. Manufacture of watches and clocks
  31. Manufacture of pianos
  32. Manufacture of string instruments
  33. Manufacture of wind and percussion instruments



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34. Manufacture of assembly of electronic organs
35. Manufacture of sporting gloves and mitts
36. Manufacture of sporting balls (not of rubber or plastic)
37. Manufacture of gym and playground equipment
38. Manufacture of sporting tables (billiards, pingpong, pool)
39. Manufacture of other sporting and athletic goods, n.e.c.
40. Manufacture of toys and dolls except rubber and mold plastic
41. Manufacture of pens, pencils and other office and artist materials
42. Manufacture of umbrella and canes
43. Manufacture of buttons except plastic
44. Manufacture of brooms, brushes and fans
45. Manufacture of needles, pens, fasteners and zippers
46. Manufacture of insignia, badges and similar emblems (except metal)
47. Manufacture of signs and advertising displays (except printed)
48. Small-scale manufacture of ice cream

### B. Non-Pollutive/Hazardous

1. Manufacture of house furnishing
2. Textile bag factories
3. Canvass bags and other canvass products factory
4. Jute bag factory
5. LPG/Oxygen Refilling
6. Manufacture of miscellaneous textile goods, embroideries and weaving apparel
7. Manufacture of fiber batting, padding and upholstery filling except coir
8. Men's and boy's garment factory
9. Women's and girls' and ladies' garment factory
10. Manufacture of hats, gloves, handkerchief, neckwear & related clothing accessories
11. Manufacture of raincoats and waterproof outer garments except jackets
12. Manufacture of miscellaneous wearing apparel except footwear
13. Manufacture of miscellaneous fabricated mill work
14. Manufacture of wooden and cane containers
15. Sawali, nipa and split cane factory
16. Manufacture of bamboo, rattan and other cane baskets and wares
17. Manufacture of cork products
18. Manufacture of wooden shoes, shoe lace and other similar products
19. Manufacture of miscellaneous wood products and those n.e.c.
20. Manufacture of miscellaneous furniture and fixture except primarily of metals and those n.e.c.
21. Manufacture of paper stationary, envelopes and related articles
22. Manufacture of dry ice
23. Repacking of industrial products e.g. paints, varnishes and other related products
24. Warehouses for construction materials such as cement, paint, varnish, lacquer, lumber and steel
25. Warehouses, milling and buying stations for agricultural products such as palay, rice, corn, and copra



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### C. Welding Shops

#### Building Density and Bulk Regulations

- Per 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 national locational guidelines and standards of concerned agencies.

### SECTION 47. Use Regulations in Special Ecotourism Development Zone (EZ)

#### Tourism Built-up Area/s (As per DENR Ecotourism Guidelines)

Tourism built-up areas will be the center of development for the tourist facilities, access infrastructure (e.g. parking lot), and administrative facilities. Built-up areas are designed to concentrate development and restrict high-level of impacts to a little area as possible to prevent creating impacts to a wider coverage. Tourism built-up areas are also designed to absorb the most number of visitors and use it as a takeoff point to various attractions within the ecotourism site.

#### Development and Design Regulations

Development limitations are formulated to prevent unnecessary degradation of the environment because of tourism development. It already sets the limits of development for obvious development possibilities. Examples include setting up of structure at the base of waterfalls, building of structures that will affect the aesthetic value of the sites, limited or no entry to sensitive areas.

- Ecotourism facilities such as hotels, resorts, should be made of light indigenous and engineered materials;
- Designs should conform to the applicable standards of the Department of Tourism;
- The use of impermeable paving materials outside of building envelopes shall not be allowed;
- The use of firewalls along property lines shall not be allowed.
- In designing facilities and infrastructure consider minimal cost for operation and maintenance.
- Any infrastructure must integrate harmoniously with the natural and cultural environment. The natural contour of the landscape should not be significantly altered in the design of any infrastructure.
- Flooring of vertical infrastructure shall be of suspended type and style, elevated by at least 1.0 m from the ground, for flat areas. The flooring shall adjust to the contour in the case of sloping ground. There shall be no alteration of



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ground contour to accommodate floors of structures on sloping ground.

- The facade should blend with the surrounding area to complement the natural landscape. The emphasis on the design is that the structure should harmonize with the area and its cultural resources in proportion, color and texture.
- Architectural design should blend with the surroundings. It should adapt to the specific site and contour;
- Color used on exterior of the structures and facilities should blend, not contrast with the colors of the natural environment.
- Major facilities should be placed only in appropriate management areas prescribed by the management plan and after consideration of carrying capacities;
- The main characteristics of the landscape (site topography) should be recorded. The nature of site boundaries with the characteristics of adjoining development will determine the points of access to the site and will influence the road planning and laying out of infrastructure within the site. They will also determine the degree to which the site can be linked to or separated from adjoining development.
- Any infrastructure should follow the policies on easements, i.e, they should be at least 40.00 m away from the highest high water mark; 20.00 m from the edge of the riverbank or 3.00 m from the edge of any existing creek.

### Specifications

- Construction of high structures should be avoided. The maximum height of all building or structure shall be 10.00 m from the Natural Ground Line (NGL) to the roof top or highest part of the building/structure. Said structure should not interfere with the profile of the landscape.
- Construction processes should combine traditional and modern technologies.
- Excavation of septic tank, foundation/footings, compost pit and the like shall be limited to a maximum depth of 3.00 m below NGL.
- New construction should, as much as practicable, take place in areas where infrastructure already exist or previously existed or in areas with degraded vegetation to avoid opening up of new spaces.
- The materials to be used should be indigenous, durable and fire resistant, however, concrete with simulated finish and steel reinforcement shall be considered when necessary.



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No development shall be allowed in the following: identified watershed areas, forest land, protected areas, agrarian reform communities, hazard prone areas, areas with slopes higher than 18 degrees unless supported by an EGGAR and approved ECC, and CADT areas.

### Ecotourism Products

This refers to a combination of ecotourism resources, facilities, activities and services resulting in enhanced commitment to protect the natural and cultural heritage areas. Natural attractions such as mountains, lakes and the unique flora and fauna are the main reasons why tourists visit an area; therefore, product development shall focus on these attractions, supplemented subsequently by services and activities that will enhance visitor satisfaction. Trekking, bird watching, and other recreational activities are some examples of experience-based products that can be developed.

### Allowed 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 Special Ecotourism Development Zone (SEZ):

1. Single-detached or duplex structures under PD957
2. Agri-tourism
3. Resorts and other tourism related facilities
4. Boardwalks
5. Dining and retail facilities
6. Water-oriented recreation/sports rental equipment shops
7. Other related activities such as tree parks and botanical gardens
8. Tourism accommodation facilities such as:
  - Cottages,
  - Treetels
  - Home stays
  - Souvenir shops
  - Food production activities such as vegetables, fruits and plantation crop to sustain tourism industry
9. Other services and support facilities (i.e. commercial activities, institutional uses, transport facilities)

### Building Density and Bulk Regulations

- Per the relevant provisions of the NBC and this Ordinance.
- The area will have low-density development
- Subject to national locational guidelines and standards of concerned agencies.

## SECTION 48. Special Development Zone -1 Agri-Innovation Hub (SDZ-1)



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### **Allowed Uses:**

1. All uses allowed in agriculture
2. Rice/corn mills (single pass)
3. Dying, cleaning, curing and preserving of meat and its by-products and derivatives
4. Flour mill
5. Cassava flour mill
6. Manufacture of coffee
7. Production of prepared feeds for animals
8. Weaving hemp textile
9. Jute spinning and weaving
10. Milk processing plants (Manufacturing filled, reconstituted or recombined milk, condensed or evaporated)
11. Butter and cheese processing plants
12. Natural fluid milk processing (pasteurizing, homogenizing, vitaminizing, bottling of natural animal milk and cream related products)
13. Other dairy products, n.e.c.
14. Canning and preserving of fruits and fruit juices
15. Canning and preserving of vegetables and vegetable juices
16. Canning and preserving of vegetable sauces
17. Miscellaneous canning and preserving of fruit and vegetables n.e.c.
18. Manufacture of desiccated coconut
19. Manufacture of starch and its products
20. Manufacture of wines from juices of local fruits
21. Vegetable oil mills, including coconut oil
22. Manufacture/processing of other plantation crops, e.g. pineapple, bananas, etc.
23. Other commercial handicrafts and industrial activities utilizing plant or animal parts and/or products as raw materials, n.e.c.
24. Other accessory uses incidental to agro-industrial activities
25. Agri-Technology Innovation Center
26. Agri-Industrial Center
27. Agri-Business Processing Hubs
28. Weekend farming, Leisure farms, Residential Developments, Retirement village
29. Holistic Centers
30. Farm Community markets
31. Agricultural Schools
32. Outdoor recreation and nature parks
33. Ecotourism hotels and facilities
34. Urban Homestead
35. Farm Tourism site
36. Recreational facilities

### **Building Density and Bulk Regulations**

- Per the relevant provisions of the NBC and this Ordinance.
- The Building Height Limit is 12meters above highest grade as provided in the NBC.
- Subject to national locational guidelines and standards of concerned agencies.



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**SECTION 49. Special Development Zone -2 Mixed Use Development (SDZ-2)**

**Allowed Uses:**

**a. Residential Uses**

1. Detached family dwelling
2. Multi-family dwelling e.g. row houses, apartments
3. Residential Condominium
4. Customary accessory use like:
  - a. Servants quarter
  - b. Private quarter
  - c. Guard house
5. Home occupation for the practice of one's profession provided that:
  - a. The number of persons engaged in such business/industry shall not exceed five, inclusive of 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 neighbourhood 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
  - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odours 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.
6. Recreational facilities for the exclusive use of the members of the family residing within the premises, such as:
  - a. Swimming Pool
  - b. Pelota Court/Tennis Court

**b. Commercial Uses**

1. Office like:
  - a. office building
  - b. office condominium
2. Shopping Mall
3. Spa
4. Recreational centre/establishments like:
  - a. movie house/theatre
  - b. play court e.g. tennis court, bowling lane, billiard hall
  - c. swimming pool
  - d. stadium, coliseum, gymnasium
5. Restaurant, bars and other eateries
6. Commercial condominium (with residential units in upper floors)
7. Commercial housing like:





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- a. Hotel
- b. Apartelle
- c. Pension house
- d. Dormitory or boarding house
8. Bank and financial institution
9. Radio and television station
10. Production Studios
11. Carpark building and parking lot/space

### c. Institutional Uses

1. Government centre 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. Nursery/Elementary School
4. High School
5. General hospitals, medical centres, multi-purpose clinics
6. Scientific, cultural and academic centres and research facilities except nuclear, radioactive, chemical and biological warfare facilities
7. Convention centre and related facilities
8. Churches
9. Libraries and museums
10. Embassies/consulate
11. Special schools such as performing arts school, speech clinics, schools for the handicapped and schools for self-defence

### d. Parks and Recreation Uses

1. Parks and gardens
2. Indoor or outdoor sports activities and support facilities, including low rise stadia, gyms, amphitheatre and swimming pools
3. Theme parks
4. Coliseums
5. Memorial/Shrine monuments, kiosk and other park structures
6. Sports Club

### e. Utility Uses

1. Antenna Tower
2. Helipad
3. Transport Terminal

The following shall be integrated into the development:

SYSTEMS	BUILDINGS	TRANSPORT	OPEN SPACE	UTILITES
<b>ENERGY</b>	>Building envelope >Efficient windows >Building Design >Energy-Efficient	>Bike infrastructure >Pedestrian only streets and	>Energy-efficient >Streetlighting >Green parks (urban forestry,	



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	Lighting	streetscapes	farms)	
<b>WASTE</b>	>Waste segregation >Waste recycling			>Composting
<b>WATER</b>	>Green roofs >Rainwater Collection	Permeable pavement	Catchment	>Recycling/gray water system

**Special Provision**

All developments within the Special Development Zone for Mixed Use shall observe the following:

- a. No parking facilities shall be located directly fronting the major roads but shall be located at the back of each building/property;
- b. Medium density urban developments shall be encouraged, interspersed with large open spaces; and
- c. Deep building setbacks for all developments shall be required.

**SECTION 50. Special Development Zone- 3 Transport Hub (SDZ-3)**

**A. Allowed Uses:**

1. MRT Station
2. Transport terminal

**B. Commercial Uses**

1. Office like:
  - a. office building
  - b. office condominium
2. Shopping Mall
3. Spa
4. Recreational centre/establishments like:
  - a. movie house/theatre
  - b. play court e.g. tennis court, bowling lane, billiard hall
  - c. swimming pool
  - d. stadium, coliseum, gymnasium
5. Restaurant and other eateries
6. Commercial condominium (with residential units in upper floors)
7. Commercial housing like:
  - a. Hotel
  - b. Apartel
  - c. Pension house
  - d. Dormitory or boarding house
8. Bank and financial institution
9. Carpark building and parking lots/space



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**SECTION 51. Use Regulations in Special Agricultural and Fisheries Development Zone (SAFDZ)**

**A. Allowed Uses:**

1. Cultivation, raising and growing of staple crops such as rice, corn, camote, cassava and the likes
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, and the like
4. Customary support facilities such as palay dryers and rice threshers and storage barns and warehouses
5. Agricultural research and experimentation facilities such as breeding stations, fish farms, nurseries, demonstration farms, etc.
6. Pastoral activities such as goat raising and cattle fattening
7. Home occupation for the practice of one's profession or engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like, provided that:
  - 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; and
  - 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 fluctuations in line voltage off the premises.
8. 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); and
  - c. Such shall consider same provisions as enumerated in as enumerated in letters I, (d) and (e) number 12, home occupation, this section.
9. Backyard raising of livestock and fowl, provided that:
  - a. For livestock – a maximum of 10 heads
  - b. For fowl- a maximum of 500 birdsLivestock production including hogs and poultry, provided that it shall conform with HLURB standards on poultry and piggery activities.

**SECTION 52. Use Regulations in Forest Zones (FZ)**



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No development use, or activity shall be allowed in forest zones unless consistent with 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 (TTP/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. 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, Urban Development and Housing Act (UDHA), National Building Code (NBC) and, Implementing Rules and Regulations for telecommunications, as amended, and subject to an Environmental Impact Assessment (EIA), prior to the approval of such projects in order to determine their environmental impacts and social acceptability.

### **SECTION 53. Use Regulations in Water Zone (WZ)**

The utilization of the water resources for domestic and industrial use shall be allowed provided that it is in consonance with the development regulations of provisions of the Water Code of the Philippines, Clean Air Act, 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.

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

#### **A. Allowed Uses:**

1. Domestic water use
2. Irrigation water use
3. Industrial water use

#### **B. Allowable/Non-conforming uses:**

1. Water supply infrastructure such as river intake structures, water treatment plant, reservoir, infiltration gallery and appurtenances, provided that it conforms with existing laws and regulations.



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2. Sand and gravel quarrying for the following rivers, provided that it conforms with existing laws and regulations.

**C. Non-allowable/Non-conforming uses:**

1. No development is allowed in this zone, permanent or temporary in nature except those mobile/ floatage facilities for recreation purposes.

**SECTION 54. Overlay Zone Guidelines**

**A. Faultline Overlay Zone (FLT-OZ)**

**Objective**

Areas within the City defined by five (5)-meter wide strips on both sides of and running along identified location of the West Valley. The objective of this overlay zone is to minimize the possible harmful effects of fault movements to properties.

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.

**Allowable Uses:**

Only the following uses shall be allowed within identified FOZs:

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

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

**Building Density and Bulk Regulations**

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

**B. Landslide Overlay Zone (LSD-OZ)**

**Objective**

LSD-OZ regulations are applied in areas identified in the CLUP as highly susceptible to landslides such as barangays San Isidro, Minuyan Proper, Minuyan V, Paradise III, Tungkong Mangga, Sto. Cristo. The objectives of these regulations are to avoid/minimize potentials for landslide occurrence, and to protect lives and properties from its impacts.

**Allowable Uses:**

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

**Building Density and Bulk Regulations**



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- The Maximum Allowable Percentage of Site Occupancy (MAPSO) (defined in the NBC as the area of ground coverage 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.

- 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 NBC, USA is the “true open space which should be of exposed soil and planted.” The USA is located outside the building envelope.

### **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.

- Buildings and structures should be laid out and designed to harmonize with the terrain to minimize earth moving activities
- Appropriate slope, erosion and soil stabilization measures shall be applied, either through hard or soft engineering measures
- Indigenous and mature vegetation should be retained
- Natural drainage patterns should not be altered; and
- 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.

### **C. Flood Overlay Zone (FLD-OZ)**

#### **Objective**

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

#### **Allowable Uses**

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

### **Building/Structure Design Regulations**

- Buildings shall be made flood proof through any or combination of the following means:  
-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;  
-Providing roof decks that can be used for evacuation purposes;



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- Building utility connections such as those for electricity, potable water and sewage shall be located at elevations higher than the FPE;
- Natural drainage patterns should not be altered; and
- 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.

### D. Heritage Overlay Zone (HTG-OZ)

#### Objective

The HTG-OZ is applied in areas with houses of ancestry. The objectives are: 1) to preserve existing historic structures; and 2) to harmonize the design and construction of new ones with the design of these historic structures.

#### Allowable Uses:

- For declared houses of ancestry, Allowable Uses shall be limited to:
  - Single-detached residential
  - Museum
  - Shops, offices, restaurants, craftsmen's workshops and retail outlets (only at the ground floor)
- For new construction
  - Allowable Uses shall be as provided in the base R-1 Zones.

-BHL: Building height limit for buildings within the buffer zone shall not be more than the roof apex of the declared heritage structure (Guidelines, Policies and Standards for the Conservation and Development of Historic Centers/Heritage Zones, NHCP 2012)

#### Building/Structure Design Regulations

- For declared houses of ancestry:
  - Repair and renovation works, to include building and landscape, shall ensure that the original architectural design at the interior and exterior are maintained.
  - The size and appearance of business and other signs shall be made to blend with the period design of the house.
- For new construction:
  - Designs, to include building and landscape, shall be made similar to the period designs of the declared houses of ancestry.

#### Other Regulations

The gathering of natural and historical artifacts shall be subject to the provisions of RA 10066.

### E. Ancestral Domain Overlay Zone (AD-OZ)

#### Objectives



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A portion or portions of the Special Ecotourism Development Zone is hereby overlain with an Ancestral Lands Overlay Zone. The objective for this Overlay Zone is to preserve the traditional way of life of Ips.

### Allowable Uses:

Allowable uses shall be limited to:

- Traditional dwellings of Ips
- Traditional livelihood activities of Ips
- Traditional/customary religious ceremonies or rituals of Ips

### Building Density and Bulk Regulations

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

## ARTICLE VIII

### MITIGATING DEVICES

**SECTION 55.** ***Deviation.*** An applicant may apply for a Special Locational Clearance if the proposed development deviates from the technical requirements (variance) such as PLO, FAR, BHL, AISAR, MAPSA, Performance Criteria or allowed use provisions (exception) of this Ordinance. The Local Zoning Board of Adjustment and Appeals (LZBAA) may allow exceptions or variances from the provisions of this Ordinance only when the following terms and conditions are existing:

1. Variance (deviation from technical requirements)

Variance may be allowed provided that proposals satisfy at least three of the following provisions:

- a. The conditions of the property (topography, shape, etc.) which is not self-created, will inhibit the proper layout/design of facilities, per the LUIC, Yards, Building Setback and Parking Requirements and other pertinent provisions of this Ordinance.
- b. The proposed variance is the minimum deviation necessary to permit reasonable use of the property.
- c. The variance will not substantially or permanently injure the use of the other properties in the same zone such as blocking off natural light, causing loss of natural ventilation or encroaching in public easements and the like.
- d. That the variance will not adversely affect the public health, safety or welfare.

2. Exceptions (deviations from allowed use provisions)

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





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- 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, 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 56.** *Procedures for Granting Exceptions, Variances and Special Use Permits.* The procedure for the granting of Variances and/or Exceptions is as follows:

1. If an applicant should appeal the decision of the Zoning Administrator regarding the latter's decision on the application for Locational Clearance, a written application for a Variance or Exception shall be filed with the Local Zoning Board of Adjustment and Appeals (LZBAA). The written application should cite the section of the ORDINANCE under which the same is sought and stating the ground/s thereof. Upon receipt of the said application, the LZBAA shall require the Zoning Administrator to turnover all pertinent documents of the proposal.
2. Upon receipt of the written application for Variance and/or Exception, the LZBAA shall require the following from the proponent:
  - a. To post a visible project sign indicating the name and nature of the proposed project at the project site and indicating that comments regarding the proposal are being solicited by the LZBAA. Comments will be solicited within a period of 15 days from the date of posting.
  - b. To submit duly notarised Affidavits of No Objection to the project by the owners of the properties adjacent to the project site, Homeowners' Association (if applicable) and the Barangay Chairman.
3. The LZBAA shall conduct preliminary studies on the application. These studies shall be based on the ability of the proposal to meet the criteria indicated in Section 37 of this Article.



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4. During the course of its studies, the LZBAA may request the applicant for a conference/s to thresh out issues in the application.
5. In case objections from the public are received by the LZBAA, it shall hold a public hearing. The notice for the hearing shall be published at least once in a newspaper of local circulation. It shall also be posted at the main entrances of the City and Barangay Halls. All costs to be incurred in the publication shall be to the account of the applicant. 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.
6. The LZBAA shall render a decision within 30 days upon receipt of all required documents, exclusive of the time spent for the public hearing/s in case of any objection to the granting of exception/variance.

### ARTICLE IX ADMINISTRATION AND ENFORCEMENT

**SECTION 57. Locational Clearance.** All land owners/developers shall secure Locational Clearance from the Zoning Administrator or, in case of variances, exemptions and special uses, from the LZBAA prior to conducting any activity or construction on their property/land. Except for extension in Socialized Housing area that are below 10 square meters.

**SECTION 58. Processing Fees for Locational Clearance.** The following fees for Locational Clearance for land use within the City shall be based from approved 2013 revised schedule of fees, Resolution No. 912 Series 2013, and shall be collected by the City Treasurer or its authorised deputies from the owners and/or contractors of land development, construction, renovation and expansion projects, as follows:

1. **Applicant/Filing Fee.** For every application for Locational Clearance, Preliminary Approval and Development Permits irrespective of whether approved or not; motions for reconsideration, reclassification and for filing of complaint are as follows:

#### I. ZONING / LOCATIONAL CLEARANCE

A. Single residential structure attached or detached, the project cost of which is:

P100,000.00 and below	P240.00
Over P100,000.00	P240.00+50% of 1% of cost in excess of P100,000.00

B. Apartments/Townhouses, the project cost of which is:

P500,000.00 and below	P1,440.00
Over P500,000.00 to P2 Million	P2,160.00



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Over P2 Million	P3,600.00+(10% of 1% of cost in excess of P 2Million regardless of the number or doors)
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**C. Institutional (i.e. schools, hospitals, etc.), the project cost of which is:**

i. P100,000.00 and below	P300,00
ii. Over P100,00.00	P300.00+50% of 1% of cost in excess of P100,000

**D. Commercial, Industrial, Agro-Industrial, the project cost of which is:**

i. P100,000.00 and below	P500.00
ii. Over P100,000.00	P500.00+50% of 1% of cost in excess of P100,000.00
iii. For lease project	50% of 1% of the project cost

**E. For Special Locational Clearance, (Gasoline Station, Cell sites, Slaughterhouse, Treatment Plant, Etc.), the project cost of which is:**

i. P100,000.00 and below	P1,400.00
ii. Over P100,000.00	P1400.00+50% of 1% of cost in excess of P100,000.00

**F. Alteration / Expansion (Affected areas/cost of expansion only) – Same as the original application**

**II. APPROVAL OF SUBDIVISION PROJECTS/ACTIVITIES UNDER PD 957 (INCLUDING TOWNHOUSES)**

**A. Subdivision under PD957**

A. Preliminary Approval and Locational Clearance	
i. one hectare or less	P2,000.00
ii. over hectare but not exceeding two hectares	3,000.00
iii. over 2 has. But not exceeding 3 has.	4,000.00
iv. over 3 has. But not exceeding 5 has.	5,000.00
v. over 5 has. But not exceeding 7.5 has.	6,000.00
vi. over 7.5 has. But exceeding 10 has.	10,000.00
vii. over 10 has. But not exceeding 15 has.	14,000.00
viii. over 15 has. But not exceeding 20 has.	20,000.00
ix. over 20 has.	30,000.00plus P1,500.00/ha. In excess of 20 hectares
B. Final Approval and Development Permit	
i. Fee applied on land area	P2.00/sq. m.
ii. Additional fee on floor area of houses/buildings sold with the lot	3.00/sq. m.
C. Inspection fee	P1,500.00/hectare
D. Alteration of plans (affected areas only)	Same as development permit

**B. Condominium Project under PD 957**

A. Preliminary Approval and Locational Clearance	
i. Fee applied on land area	P500.00/ha.
ii. Fee applied on total building area	200.00/floor
B. Final Approval and Development Permit	
i. Fee applied on land area	P7.20/sq.m.



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ii. Additional cost on the area of the building	23.05/sq. m. of GFA
C. Inspection fee	P10.00/sq. m. of gross floor area
D. Alteration of plans (affected areas only)	Same as development permit
E. Conversion (affected areas only)	Same as development permit

**III. APPROVAL OF SUBDIVISION PROJECTS/ACTIVITIES UNDER BP 220  
(INCLUDING CONDOMINIUM PROJECTS)**

**A. Subdivision under BP 220**

A. Preliminary Approval and Locational Clearance	
i. Socialized Housing	P90/ha.
ii. Economic housing	215/ha.
B. Final Approval and Development Permit	P100.00 for every housing unit
C. Inspection Fee	
i. Socialized Housing	1,500.00/ha.
ii. Economic Housing	1,500.00/ha.
D. Alteration of plans (affected areas only)	Same as development permit

**B. Condominium Project under BP 220**

E. Preliminary Approval and Locational Clearance	Php 720.00
A. Final Approval & Development Permit	
i. Fee applied on land area	Php7.20/sq.m.
ii. Fee applied on saleable floor area of building	Php5.80/sq.m.
iii. Number of floor	144/floor
B. Inspection Fee	Php2.40/sq. m. of saleable building area
C. Alteration of Plans (affected areas only)	Same as Development Permit

**IV. APPROVAL OF INDUSTRIAL/COMMERCIAL SUBDIVISIONS**

A. Preliminary Approval & Locational Clearance	
i. First five hectares	Php432/ha.
ii. Every additional hectare or a fraction thereof	Php100.00/ha
B. Final Approval & Development Permit	
i. First five hectares	Php4,000.00/ha.
ii. Every additional hectare or a fraction thereof	Php3,000.00/ha
C. Inspection Fee	Php1,500/ha.
D. Alteration of Plans (affected areas only)	Same as Development Permit

**V. APPROVAL OF FARM LOT SUBDIVISION**

A. Preliminary Approval & Locational Clearance	
i. First five hectares	Php288/ha.



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ii. Every additional hectare or a fraction thereof	Php100/ha
B. Final Approval & Development Permit	P1,440/ha
C. Inspection Fee	Php1,500/ha
D. Alteration of Plans (affected areas only)	Same as Development Permit

**VI. APPROVAL OF MEMORIAL PARK/ CEMETERY/ COLUMBARIUM PROJECTS**

A. Preliminary Approval & Locational Clearance	
i. Memorial Parks	Php4,000.00/ha
ii. Cemeteries	2,000/ha
iii. Columbarium	3,600/ha
B. Final Approval & Development Permit	
i. Memorial Parks	Php5.00/sq.m.
ii. Cemeteries	1.50/sq. m.
iii. Columbarium	7.20/sq. m. of land area 3.00/floor 23.05/sq.m. of GFA
C. Inspection Fee	
i. Memorial Parks	Php1,500/ha.
ii. Cemeteries	1,500/ha
iii. Columbarium	14.40/sq.m. of GFA
D. Alteration of Plans (affected areas only)	Same as Development Permit

**VII. For Petition/Request for Reclassification**

A. Change of usage.....	1,000.00
B. Change of name.....	500.00
C. Change of ownership/management.....	1,000.00
D. Exemption (housing units of residential subdivision issued locational clearance).....	50.00/unit

This excludes the cost of reclassification proceedings such as production/reproduction of maps and other documents; public hearings and publication, which shall likewise be charged to the account of the applicant/proponent.

Commercial activities and auxiliary uses that form part of a residential building or, customarily conducted in dwelling on houses, shall be treated as application for the construction of a residential house and shall pay the amount corresponding to such use, except when the maximum floor area devoted to such commercial activities or auxiliary uses exceeds thirty percent of the total area of the whole residential building.

**VIII. Certificate Fee.** For each of the following certifications:

1. Zoning Certification .....	PhP240.00/ Hectare
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**SECTION 59.** **Time of Payment.** The prescribed processing fees shall be paid to the City Treasurer or its duly authorized deputies before any land development construction or renovation project is lawfully begun or pursued within the territorial jurisdiction of the City.

**SECTION 60.** **Exemption.** All government projects whether local or national shall be exempted from the prescribed fees.

**SECTION 61.** **Building Permit.** The Locational Clearance shall be a requirement to the issuance of a Building Permit.

**SECTION 62.** **Business Permit.** The Business and Licensing Division shall not issue a Business Permit unless a valid Locational Clearance and Occupancy Permit have been issued.

**SECTION 63.** **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/her property.

Non-use of said clearance within the said period shall result in its automatic cancellation and the grantee shall not proceed with his/her project without applying for a new Locational Clearance.

**SECTION 64.** **Issuance of Zoning Classification.** An applicant may request from the Office of the Zoning Administrator the status of their land/property in relation to the ORDINANCE. Such document shall not be used as a Locational Clearance but as reference only for planning and may be amended by the Local Zoning Review Committee without any prior notice from the owner or applicant as the need arises based on the reasons/situations stated herein.

**SECTION 65.** **Notice of Non-Conformance.** Upon approval of this Ordinance, the Zoning Administrator shall immediately notify owners of known existing non-conforming use to respectively apply for Certificates of Non-Conformance. Within one month upon receipt of this official notification, the owners involved shall secure a Certificate of Non-Conformance from the Zoning Administrator. Failure on the part of the owner to register/apply for a Certificate of Non-Conformance shall be considered in violation of the ORDINANCE and is subject to fine/penalties.

**SECTION 66.** **Existing Non-Conforming Uses and Buildings.** The lawful uses of any building, structure or land at the time of adoption or amendment of the ORDINANCE may be continued, although such uses do not conform with the provision of the ORDINANCE, provided:



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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 the 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 the ORDINANCE;
2. That no such non-conforming use which has ceased operation for more than one 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;
5. That should such non-conforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the ORDINANCE;
6. That no such non-conforming use maybe moved to displace any conforming use;
7. That no such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity; and
8. That should such structure be moved for any reason to whatever distance, it shall thereafter conform to the regulation of the district in which it is moved or relocated.

### **SECTION 67. Responsibility for Administration and Enforcement.**

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

A Zoning Unit under the Office of the Zoning Administrator is also hereby established. This unit shall be composed of Evaluation, Monitoring and Inspection Sections to be staffed by personnel per the requirements of the Civil Service Commission.

### **SECTION 68. Powers and Functions of a Zoning Administrator.**

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



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### 1. Enforcement

- a. Act on all applications for Locational Clearances for all projects.
  - Issuance of Locational Clearance for projects conforming to the regulations of the ORDINANCE.
  - Recommend to the Local Zoning Board of Adjustment and Appeals (LZBAA) the grant or denial of applications for variances, exceptions and special uses 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.
  - Whenever required, secure outside Technical Assistance for the evaluation of applications and/or monitoring the compliance of granted applications.
- 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 in violation of the provisions of the ORDINANCE and if necessary, pursuant to Section 3 of Executive Order No. 71 refer subsequent actions thereon to the HLURB.
- c. Call and co-ordinate with the Philippine National Police for enforcement of all directives orders and processes issued in the implementation of this Ordinance.
- d. Co-ordinate with the City Fiscal/City Legal Officer for other legal actions/remedies relative to the foregoing.

### 2. Planning

- a. Co-ordinate with the Regional Office of the HLURB regarding proposed amendments to the Zoning Ordinances prior to adoption by the Sangguniang Panlungsod.

**SECTION 69.** *Action on Complaints and Oppositions.* A complaint for violation of any provisions of the ORDINANCE or any clearance or permits issued pursuant thereto shall be filed with the LZBAA who shall issue a decision on the matter. The decision of the LZBAA, on the other hand, may be appealed to the *Sangguniang Panlalawigan* within a period of 90 days from the issuance of the same.

**SECTION 70.** *Functions and Responsibilities of the Local Zoning Board of Adjustments and Appeals.* There is hereby created a LZBAA which shall perform the following functions and responsibilities:

1. Act on applications of the following nature:
  - a. Variances
  - b. Exceptions





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- c. Special Uses
  - d. Non-Conforming Uses
  - e. Complaints and oppositions to application/s
2. Act on appeals on Grant or Denial of Locational Clearance by the Zoning Administrator.

Decisions of the LZBAA can be appealed to the HLURB.

**SECTION 71. Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA).** The City Development Council shall create a sub-committee that shall act as the LZBAA, composed of the following members:

1. City Mayor as Chairman;
2. City Legal Officer;
3. City Assessor;
4. City Engineer;
5. City Planning and Development Co-ordinator (if other than the Zoning Administrator);
6. Two representatives of the private sector nominated by their respective organisations and confirmed by the City or City mayor. In the event of non-availability of any of the officials enumerated above, the Sangguniang Panlungsod shall elect the number of its members as may be necessary to meet the total number above set forth, as representatives; and
7. Two representatives from non-government organisations nominated by their respective organisations and confirmed by the City mayor. In the event of non-availability of any of the officials enumerated above, the Sangguniang Panlungsod shall elect the number of its members as may be necessary to meet the total number above set forth, as representatives.

For purposes of policy co-ordination, the LZBAA shall be attached to the City Development Council.

**SECTION 72. Review of the ORDINANCE.** The City Development Council shall create a sub-committee, the Local Zoning Review Committee (LZRC) that shall review the ORDINANCE considering the CLUP, and as the need arises, based on the following reasons/situations:

1. Change in local development plans;
2. Introduction of projects of national significance;
3. Petition for rezoning; and
4. Other reasons which are appropriate for consideration.

**SECTION 73. Composition of the Local Zoning Review Committee (LZRC).** The Local Zoning Review Committee shall be composed of sectoral experts.

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



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1. City Planning and Development Co-ordinator
2. City Health Officer
3. City Agriculturist
4. President, Association of Barangay Captains
5. City Engineer
6. Community Environment and Natural Resources Officer (CENRO)
7. City Agrarian Reform Officer (MARO)
8. District School Supervisor
9. Three Private Sector Representatives (Local Chamber of Commerce, Housing Industry and Homeowner's Association)
10. Two NGO Representatives

For purposes of policy and program co-ordination, the LZRC shall be attached to the City Development Council.

**SECTION 74. Functions of the Local Zoning Review Committee.**

The Local Zoning Review Committee shall have the following powers and functions:

1. Review the ORDINANCE for the following purposes:
  - a. Determine amendments or revisions necessary in the ORDINANCE because of changes that might have been introduced in the CLUP;
  - b. Determine changes to be introduced in the CLUP in the light of permits given, and exceptions and variances granted; and
  - c. Identify provisions of the ORDINANCE that are difficult to enforce or are unworkable.
2. Recommend to the Sangguniang Panlungsod necessary legislative amendments and to the local planning and development staff the needed changes in the plan as a result of the review conducted. It is also necessary to conduct sieve mapping analysis on the part of the proponent before the decision to approve or deny the application for the reclassification/ Rezoning of Land of concerned authority.
3. Provide information to the HLURB that would be useful in the exercise of its functions.

**SECTION 75. Amendments to the ORDINANCE.** Changes in the 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 ORDINANCE or provisions thereof shall be subject to public hearing and review and evaluation of the Local Zoning Review Committee.

As a minimum, any proposal to amend the Zoning Ordinance shall include a submission to, and for the evaluation of, the Local Zoning Review Committee of sufficient evidence and justification: that the proposal is consistent with the development goals, objectives, and strategies of the Comprehensive Land Use Plan; the traffic, utility (water, power, sewerage, waste disposal, etc.), environmental and other impacts of the proposal are acceptable; and the proposal took



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into account consultations with affected neighbourhood, homeowners' or community associations.

Approval of any proposed amendment shall require a three-fourths vote of approval by the Sangguniang Panlungsod.

**SECTION 76. Violation and Penalty.** Any applicant, proponent, proprietor, owner or representative who violates any of the provisions of this ORDINANCE shall after due notice be punished by a fine in accordance with the following schedule:

1. Non-Compliance with approved development plan.....	PhP 10,000.00
2. Non-Compliance in securing locational clearance.....	300.00
3. Without Locational Clearance	
a. Residential Purposes.....	500.00
b. Commercial/Industrial.....	1,000.00
4. Violation as to land use.....	10,000.00
5. Violation as to area.....	8,000.00
6. Violation as to location.....	8,000.00

If the violation is committed by a firm, corporation or partnership, the managing partners, directors or any person in charge with the management thereof shall be held responsible. Professionals who are in charge of the project, if found to be constructing any structure without the necessary Locational Clearance in violation of this Regulation, shall be held liable and the case will be referred to the Professional Regulation Commission (PRC) for appropriate action. Building officials found to be issuing building permits without the required Locational Clearance shall likewise be held liable and the case will be referred to the City Mayor for appropriate action.

**SECTION 77. Supplementary Effect of Other Laws and Decrees.** The provisions of the ORDINANCE shall be without prejudice to the application of other laws, presidential decrees, letter of instructions and other executive or administrative orders vesting national agencies with jurisdiction over specific land areas, which shall remain in force and effect, provided that land use decisions of the national agencies concerned shall be consistent with the CLUP.

**SECTION 78. Separability Clause.** Should any section or provision of the ORDINANCE be declared by the Court 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 79. Repealing Clause.** All Ordinances, rules or regulations in conflict with the provisions of the ORDINANCE are hereby repealed, provided that the rights that are vested upon the effectivity of the ORDINANCE shall not be impaired.



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**SECTION 80. *Effectivity Clause.*** This Ordinance takes effect upon approval by the Sangguniang Panlalawigan and will be valid up to Year 2025.

Approved this 18 April 2016 in San Jose del Monte City, Bulacan.

**EDUARDO S. ROQUERO, JR., MD.**

City Vice Mayor  
*Presiding Officer*

**MEMBERS OF THE SANGGUNIANG PANLUNGSOD**

**FIRST DISTRICT**

*Absent*

**EFREN C. BARTOLOME, JR.**

Member

**JANET DS. REYES**

Member

*Absent*

**RICHARD MAURICE M. ROBES**

Member

**JOSE J. ABELA**

Member

*Absent*

**GIOVANNY B. CAPRICHIO**

Member

**LIEZL N. AGUIRRE-ABAT**

Member

**SECOND DISTRICT**

**BENJAMIN G. ACIBAL, JR.**

Member

**EUMIR B. SAMERA**

Member

**REYNALDO H. POLICARPIO**

Member

*Absent*

**ROMEO N. AGAPITO**

Member

**IRENE B. DEL ROSARIO**

Member

*Absent*

**ARGEL JOSEPH V. DRIO**

Member

**EX-OFFICIO MEMBER**

**NOEL B. SAGALA**

LIGA President



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**ATTESTED BY:**

**FELIX P. CADIZ**

Sangguniang Panlungsod Secretary

**APPROVED BY:**

**REYNALDO S. SAN PEDRO**

City Mayor

FPC/yna