

Republic of the Philippines
Region IV-A (Calabarzon)
Province of Cavite
Municipality of General Trias
OFFICE OF THE SANGGUNIANG BAYAN

RESOLUTION 05-105

Author: Committee of the Whole

ENACTING A MUNICIPAL ORDINANCE TO REVISE THE LAND DEVELOPMENT GUIDANCE SYSTEM FOR THE MUNICIPALITY.

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, the local government of General Trias, in pursuit of its development goals and objectives, formulated its Comprehensive Land Use and Development Plan which would require the enactment of regulatory measures to translate its planning goals and objectives into reality;

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

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

MUNICIPAL ORDINANCE NO. 05-04

ARTICLE I

TITLE OF THE ORDINANCE

Section 1. **Title of the Ordinance.** This Zoning Ordinance shall be known as the **General Trias Land Development Guidance System** and shall hereinafter be referred to as the **LDGS**.

ARTICLE II

AUTHORITY AND PURPOSE

Section 2. **Authority.** The LDGS is enacted pursuant to the provisions of the Local Government Code of 1991, R.A. 7160 Section 458 (2 ix) authorizing the Municipality through the Sangguniang Bayan to adopt a Zoning Ordinance in consonance with the approved Comprehensive Land Use and Development Plan and in conformity with Executive Order No. 72.

Section 3. **Purposes.** The LDGS is enacted for the following purposes:

1. Promote and protect the health, safety, peace, comfort, convenience and general welfare of the inhabitants of the Municipality;
2. Guide the growth and development of General Trias in accordance with its Comprehensive Land Use and Development Plan;

3. Provide the proper regulatory environment to maximize opportunities for creativity, innovation and make ample room for development within the framework of the Municipality's over-all goals and objectives;
4. Protect the character and stability of residential, commercial, industrial, institutional, open space and other functional areas within the Municipality and promote the orderly and beneficial development of the same; and
5. Guide the local government and the private sector in their development decisions.

Section 4. **General Principles.** The LDGS is based on the approved *General Trias Comprehensive Land Use and Development Plan* as per Municipal Development Council (MDC) Resolution No. 02-99.

1. The LDGS reflects the Municipality's vision of "a strong progressive town, a center of economic growth with sustainable industry and modern agricultural trends, with highly educated and God-fearing people living in a safe, peaceful and clean environment with sufficient social and physical infrastructure facilities."
2. The LDGS 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 the LDGS;
3. The LDGS gives the free market the maximum opportunity to spur the Municipality's development within a framework of environmental integrity and social responsibility;
4. The LDGS has been designed to encourage the evolution of high-quality developments rather than regulating against the worst type of projects;
5. The LDGS has been crafted in a manner that it is fully responsive to the ever-changing conditions that the Municipality continually face;
6. The LDGS functions as a tool for informed decision making on the part of the land use administrators by way of providing specific criteria to judge the acceptability of developments;
7. The LDGS provides a direct venue for community empowerment where the stakeholders become involved especially in critical development decisions;
8. The regulations in the LDGS are considered as land use management tools that are necessary to provide a clear guidance to land development in order to ensure the community's common good.

ARTICLE III DEFINITION OF TERMS

The definition of the technical terms used in the LDGS shall carry the same meaning given to them in already approved codes and regulations, such as but not limited to the National Building Code, Water Code, Philippine Environmental Code and the 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. Agricultural Zone (AGZ) – an area intended for cultivation/fishing and pastoral activities e.g. fish, farming, cultivation of crops, goat/cattle raising, etc.
2. Agro-Industrial Zone (AIZ)– an area intended primarily for integrated farm operations and related product processing activities such as plantation for bananas, pineapple, sugar, etc.
3. 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.
4. Buffer Area - these are yards, parks or open spaces intended to separate incompatible elements or uses and to control pollution/nuisance.
5. Building Height Limit (BHL) - the maximum height allowed for structures or buildings expressed as number of floors or storeys.
6. Central Business District - shall refer to areas designated principally for trade, services and business purposes (Commercial 1 Zone)
7. Certificate of Non-Conformance - certificate issued to owners of all uses existing prior to the approval of the LDGS which do not conform to the provisions herein provided.
8. Certificate of Zoning Classification – a document issued by the Zoning Administrator citing the zoning classification of the land based on this Ordinance.
9. Compatible Uses - uses or activities capable of existing together harmoniously e.g. residential use and parks and playground.
10. Comprehensive Land Use and Development Plan (CLUDP) - a document embodying specific proposals for guiding, regulating growth and/or development. The main components of the CLUDP in this usage are the sectoral studies i.e. Environment, Social, Economic, Land Use, Transport, Infrastructure and Local Administration.
11. Conflicting Uses - uses or activities with contrasting characteristics sited adjacent to each other e.g. residential units adjacent to industrial plants.
12. Conforming Use - a use that is in accordance with the zone regulations as provided for in the LDGS.
13. Easement - open space imposed on any land use/activities sited along waterways, road-right-of-ways, cemeteries/memorial parks, utilities and the like.
14. Environmentally Critical Areas - refers 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 classified as prime agricultural lands;
- h. Recharge areas of aquifers;
- i. Water bodies characterized 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.
- j. Mangrove areas characterized 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.
- k. Coral reef characterized 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.

15. Environmentally Critical Projects - refers 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.
- c. Fishery projects
- dikes for/and fishpond development projects
- d. Infrastructure projects
- major dams;
 - major power plants (fossil-fuelled, nuclear-fuelled, hydroelectric or geothermal); and
 - major roads and bridges.

e. Golf Courses

16. Exception- a device which grants a property owner relief from certain provisions of the LDGS where because of the specific use would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.
17. Floor/Area Ratio (FAR) - is the ratio between the Gross Floor Area of a building and the area of the lot on which it stands. Determined by dividing the Gross Floor Area of the building and the area of the lot. The Gross Floor Area of any building should not exceed the prescribed floor area ratio (FAR) multiplied by the lot area.
18. Forest Zone (FZ) – an area intended primarily for forest purposes.
19. General Commercial Zone (GCZ) – an area for trading, services and business purposes.
20. General Institutional Zone (GIZ) – an area principally for general types of institutional establishments e.g. government offices, schools, hospitals/clinics, academic/research, convention centers.
21. General Residential Zone (GRZ) – an area principally for dwelling/housing purposes.
22. 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 Jacuzzis, gardens, courts or plazas.
23. HLURB/BOARD - shall mean the Housing and Land Use Regulatory Board
24. Impervious Surface - type of man-made surface which does not permit the penetration of water.

25. Land Use Intensity Controls (LUIC) - refers to controls on open spaces (PLO), building bulk (FAR), building height (BHL) and impervious surfaces (AISAR). 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:

- a. Maximum Allowable Building Area Per Floor in Square Meters = Lot Area x Allowable PLO
- b. Maximum Allowable Gross Floor Area in Square Meters = Lot Area x Allowable FAR
- c. In determining the maximum number of floors per building, BHL regulations shall apply.

For planned unit development schemes, residential subdivisions and the like, the LUIC shall apply to individual lot 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 large scale projects on single blocks, i.e. those that have no lot/parcellary subdivisions, the LUIC shall mean to apply to the gross lot area of the block and the gross floor area of the buildings to be put up therein.

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

- a. non-pollutive/non-hazardous
- b. non-pollutive/hazardous

27. Locational Clearance - a clearance issued to a project that is allowed under the provisions of the LDGS as well as other standards, rules and regulations on land use. This clearance is required prior to issuance of building permit.

28. Medium Industrial Zone (I-2) – an area principally for the following types of industries:

- a. pollutive/non-hazardous
- b. pollutive/hazardous

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

30. 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 LDGS subject to the conditions stipulated in the Locational Clearance.

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

- a. All irrigated areas;
- b. All irrigable lands already covered by irrigation projects with firm funding commitments;
- c. All alluvial plain land highly suitable for agriculture whether irrigated or not;

- d. Agro-industrial croplands or lands presently planted to industrial crops that support the viability of existing agricultural infrastructure and agro-based enterprises;
- e. Highlands or areas located at an elevation of 500 meters or above and have the potential for growing semi-temperate and high-value crops;
- f. All agricultural lands that are ecologically fragile, the conversion of which will result in serious environmental degradation; and
- g. Mangrove areas and fish sanctuaries.

32. Official Zoning Map - a duly authenticated map delineating the different zones in which the whole Municipality is divided.

33. Parks and Recreation Zone (PRZ) - an area wherein uses are designed for diversion/amusements and for the maintenance of the ecological balance of the community.

34. 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.

35. 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.

36. 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.

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

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

39. Variance - a Special Locational Clearance granting a property owner relief from certain provisions of the LDGS 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.

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

41. Water Zone (WZ) - bodies of water that include rivers, streams, lakes and seas except those included in other zone classifications.

42. Zone - an area within the Municipality, as defined by man-made or natural boundaries, where specific land use regulations are applied.

43. Zoning Administrator - a Municipal government employee responsible for the implementation/enforcement of the LDGS.

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ARTICLE IV
ZONE CLASSIFICATIONS

Section 5. **Division into Zones.** The Municipality of General Trias is hereby divided into 14 general zones, namely, General Agricultural Zone, NPAAAD Zone, SAFDZ, Northern Mixed-Use Development Zone, Greater Poblacion Zone, New Residential Development Zone, Southern Mixed-Use Development Zone, Tourism Oriented and Recreation Zone, Agro-Industrial Development Zone, Government Institutional Expansion Zone, Micro, Small and Medium Enterprise Zone, Cemetery Zone and Waste Disposal Zone. Said divisions are for the purposes of the following:

1. implementing the General Trias CLUDP;
2. defining specific areas of the Municipality of General Trias, each requiring different standards of development to meet different circumstances present within the zone; and
3. serving the purposes and intent of the LDGS.

Unlike conventional zones, which segregated various land uses, the LDGS allows mixed uses and places the emphasis on minimizing or buffering any nuisance factors between such uses. The provisions contained herein anticipate the likelihood and desirability of mixing land uses. Further provisions impose criteria to resolve any possible problems and eliminate what might be negative impacts where dissimilar uses are located in proximity. Zones are distinguished according to allowable land use intensities, which are discussed in detail in succeeding articles.

Section 6. **Description of Zones.** The intent and purpose of each zone is described below. The regulations governing each zone are specified in the succeeding articles.

1. **Northern Mixed-Use Development Zone (NMUDZ)**

The Northern Mixed-use Development Area shall be the locus of future urban development in the municipality. Commercial and industrial developments are encouraged and the land use intensity control ratings are relaxed. The building height limit has been removed (subject, of course, to Air Transportation Office and related building regulations) and maximum floor area ratio requirement has been increased to four.

The Northern MUDA occupies portions of Barangays Tejero, Bacao II and Bacao I. Three major roads provide access to the area, namely the southwest-northeast running Tejero-Bacao-Noveleta Diversion Road, the Rosario-General Trias National Road, and the General Trias-Noveleta Provincial Road. This shall be supplemented by programmed by-pass roads near the Tejero area as well one parallel (300 meters distant) from the Diversion Road in anticipation of intensified developments.

The whole area occupied by the Northern MUDA has moderate development capability in as much as it occupies environmentally sensitive land (e.g., susceptible to flooding, unstable plains and, proximity to source of air and noise pollution). Developments in the flood prone areas will have to provide adequate drainage facilities while developments in areas with unstable plains will need special foundations. New non-industrial developments that will locate adjacent to the CEPZ will have to provide the necessary buffer yards.

2. Greater Poblacion Zone (GPZ)

The Greater Poblacion Area comprises the Poblacion and the urbanizing barangays of Navarro, Sta. Clara, San Juan I, Pinagtipunan and Pasong Camachile. The Land Use Plan allows the growth of the Poblacion, which is considered the Central Business District and currently the site of the public market, the Municipal Hall, and the church.

The GPA is considered to have low-to-moderate development capability primarily because of its susceptibility to flooding and its unstable soils. This area has been delineated to achieve uniform building density and to introduce urban development strategies that could further enhance its real estate and cultural values.

3. Network of Protected Areas for Agricultural and Agro-Industrial Development (NPAAAD) Zone

The NPAAAD is hereby incorporated into the Revised LDGS in order to identify areas that are highly restricted from conversion. The NPAAAD was delineated after deducting the re-classified properties and the special use zones from the previously designated NPAAAD areas.

4. Strategic Agriculture and Fisheries Development Zone (SAFDZ)

The SAFDZ is hereby integrated into the land use plan as required by the AFMA. As in NPAAAD, the SAFDZ was delineated after deducting the re-classified properties and the special zones from the previously designated SAFDZ areas.

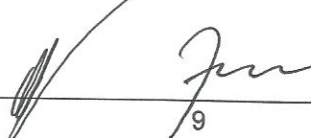
5. General Agricultural Zone

The General Agricultural Zone is the remaining area of the previously classified Agricultural Development Zone after deducting the SAFDZ, NPAAAD and re-classified properties. Allowed uses shall be under the General Agricultural classification of HLURB.

6. Southern Mixed-Use Development Zone (SMUDZ)

The southern half of the municipality may be characterized as dominated by industrial estates and new residential subdivisions. Most of these existing industries and residential subdivisions chose to locate in this area because of the accessibility provided by the east-west running Governor's Drive which stretches from Carmona to the provincial capital Trece Martires. This area consisting mostly of industrial estates and residential subdivisions has been recognized by the CLUDP and is known as the Southern Mixed-Use Development Area (Southern MUDA).

The terrain in Southern MUDA ranges in slope from relatively flat (0%-9% slope) to rolling to hilly (10%-20% slope). It occupies most of the municipality's Non-Environmentally Critical Areas (Non-ECA's). As a predominantly Non-ECA, this area is considered to have high development capability. Barangays included in the Southern MUDA in whole or in part are as follows: Buenavista I, Buenavista II, Buenavista III, Manggahan, San Francisco, Biclatan, Javalera, and Panungyanan.

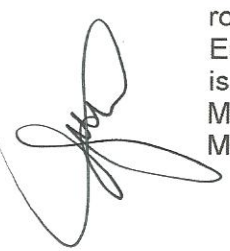

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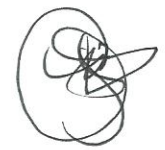


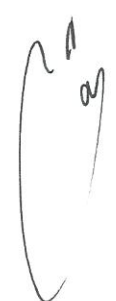












7. New Residential Development Zone (NRDZ)

An area for new residential subdivisions located in Barangays Santiago and San Francisco has been defined and will be known as the New Residential Development Zone (NRDS). This area could also serve as a transition zone between the predominantly natural Agricultural Preservation Area on the north and the more built-up Southern Mixed-Use Development Area on the south.

Barangays Santiago and some portions of San Francisco are rated as moderately suitable for urban development as they are located in unstable plains. The remaining southern portion of San Francisco is considered highly suitable for development with its more stable flood plains. This means that the southern half of this zone has a higher development capability than the northern half. The area as a whole is on a level to very gently sloping terrain with some undulating slopes.

8. Tourism-Oriented and Recreation Zone (TORZ)

The Tourism-Oriented and Recreation Zone (TORZ) is located in the southern tip of General Trias. The TORA covers areas in Barangays Biclatan, Javalera, Alingaro and Panungyanan. The total land area of the TORA is mostly made up of the Eagle Ridge and Golf and Country Club. Some grazing lands and orchards are part of this zone. These agricultural lands can have some tourism or leisure value if developed and marketed properly. The main access to the Tourism-Oriented and Recreation Zone is the General Trias-Amadeo Road which means it can be reached from the Governor's Drive junction at Barangay Manggahan and from the municipality of Amadeo in the south. The TORZ may also be reached from the west via some minor roads originating in Trece Martires City.

Because of the absence of any environmental hazard this zone is considered to have high development capability.

9. General Residential Zone

General Residential Zones comprise pockets of development that have been classified under the previous land use plan. These are residential in nature and the allowed activities shall be part the General Residential classification of the HLURB.

10. Agro-Industrial Development Zone

The AIDZ is the existing commercial piggery farm in barangay San Francisco and is located along Ilang-Ilang River, the boundary between General Trias and Dasmariñas. As the site is encircled by the New Residential Development Area, strict environmental control measures shall be observed for the AIDZ. Regular monitoring with regards to waste disposal, general hygiene, air quality, water quality and the like shall be undertaken.

11. Government Institution Expansion Zone

The GIEZ is located in Pasong Camachile I. Previously used as a dumpsite, this area is for rehabilitation and is held by the Municipal Government in reserve.

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12. Micro, Small and Medium Enterprise Zone

The MSMEZ in barangay San Francisco covers approximately 89.71 ha. This shall be developed for the use of micro, small and medium enterprises (as defined by the DTI) engaged in production, processing or manufacturing of products, including agro-processing, as well as trading and services.

13. Cemetery Zone

The Cemetery Zone is also located in Pasong Camachile II. This shall be developed according to the guidelines of the HLURB.

14. Waste Disposal Zone

The Waste Disposal Zones located in Barangay Tapia. This shall be devoted to solid waste facilities per the requirements of RA 9003 and the DENR.

15. Road Rights-of-Way Zone

Road Rights-of-Way Zones are hereby delineated to ensure the realization of the road network layout as envisioned in the CLUP.

Section 7. **Zoning Map.** It is hereby adopted as an integral part of the LDGS, the Official Zoning Map of the Municipality, 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. The following Appendices show the various zones of the municipality:

Appendix A: Revised Zoning Map (2006-2015)

Appendix B: Road Rights-of-Way Zone Map

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

1. **Northern Mixed-Use Development Zone (NMUDZ)** – bounded by Cañas River, Lot 292, 469, 481, 2256-A, 485, C2, C3, A7, A5, 486, 487, 489, 425, 467 (portion), 450, 553, 449 (portion), 435, 421 (portion), 352, 346 (portion), 351 (portion), 409-B, 411 (portion), 406, 414, 364, 1610, 1613, 1615, 1635, 1636, 1656, 1655, 1654, 1640, 1641, B28, B27, 1619, 1618, 1602, 1623, Ylang-ylang River, Boundary of Noveleta, Kawit, Rosario
2. **Greater Poblacion Zone (GPZ)** – bounded by Lot Numbers: 469-C-3, 303, C9, 509, 331, 316, 443, 445, 442, 323, 319-H, 1721, 1722, 1719, 1724, 1725, 1726 (portion), 1727, 3042, 1797, E25, E24, E23, E22, E21, 1756, 1767, 1786, 1788, G14, Grand Riverside Subd., Camachile Subd., H6, 1972, H8, H5, H4, 1944, 1815, 1805, G13, 1826, 1824, 1823, 1863, F13, F15, 1867-A, 1867-B, 1867-C, 1647, 1551, 1552, F6, F5, 1853, 269-C, 263, F2, 266, 268, C10, 271, C13, Cañas River
3. **Agricultural Development Zone (ADA) (composed of Network of Protected Areas for Agricultural and Agro-Industrial Development (NPAAAD) Zone, Strategic Agriculture and Fisheries Development Zone (SAFDZ) and General Agricultural Zone)** – bounded by 469-D, 470, 490-B, 2450, 472, 466, 467 (portion), 462, 460, 463, 451, 449, B23, 436, 421 (portion), 353-B, 345, 346 (portion), 351 (portion), 416, 420, B25, B24, 410, 411, 412, 414 (portion), 415, 356, 342, 336, 349, 348, 321, 322, B-26,

441, 444, 456, 463, 469-D, 470, 1657, 1658-A, 1658-B, 1663, 3040, 1665, 1642, 1633, 1620, 1621, 1623-A, 1626, 1627, 1628, 1629, 1646, 1647, 1674, 1676, 3131-A, 3131-B, 3131-C, 3131-D, 1711-A, 1711-B, 1711-C, E3, 2448, 2429, E8, 2464, 2625-C, 2625-A, 2471, 2424-B, H29, 2474, 2487-B, 2488-B-5, 2503, N30, N31, 2526, 2568, 2569-A, 2511, 2512, 2530, 2534, N12, 2535, 3161 (portion), K26, K40, K41, K42, 2574, 2417-A, 2417-B, 2421-E, 2421-D, 2421-C, 2421-G, 2420, 2436, 2442, K64, 3334, L29, L30, 2337, 3140, 2336, L28, L21, 3139-P, 2345, 2346, 2357, 2359, J22, J25, J26, 3296, 2324, 3261, 3287, J39, 3233, J37, J36, J34, J32, J33, Trece Martires City, 2675, 2676, J29, J30, 3299, J27, J24, J23, 2668-C, 2668 A, 3181, J50, J49, J45, J46, J47, J48, 2675, 2310, 2318, 2317, 2311, 2340, 2349, 2221, 2281, 2280, 2217, J1, I13, 2215, 2203, 1917, 1916, I7, I6, I5, I3, I1, 1887, 1886, 1871, 1863-C, 1863-B, F9, F8, F10, 1558, 1865(A-F), F12, F14, 1872, 1879, 1882, 1886-A, 1905, 1920, 1922, I11, 1912, 1931, 1933, 1843, H1, 1826, 1832, 1818, 1816, 1844, 2015, H41, H40, N7-N6, 2179, N5, 2256-A, 2369, K-21, 2374, 2417-B, 2414-A

4. **Southern Mixed-Use Development Zone (SMUDZ)** – bounded by Lot Numbers: 3307, 3139-R, 3139-Q, 3138, L23, L26, L27, Rio Grande River, 2339, Pabahay 2000, Maravilla Subdivision, Lot 2653, Ylang-ylang River, 2852, M25, Halang River, Golden Gate Phase 3, 2954-D, 2955, Amadeo Road, Lot 2931, 2930, Metro South Subdivision, Cañas River, Trece Martires City, Golden Gate Industrial Subdivision Phase 2
5. **New Residential Development Zone (NRDZ)** – bounded by Lot Numbers: 2443, 3079, K61, 2421-F, 2438, 2414-B, K46, Park Lane Subdivision, 2574, K35, K47, 2575, 2552-A, 2547, K27, 2536, 2545, 2537, N38, 2535, N34, 2510, 2514, 2532, N32, N33, 2513, Mary Cris Subdivision, Ylang-ylang River, 2554, 2556, K34, 2558, 2568, 2576, 2571, K49, K56, M23, 2612-B, 2613, M29, M18, M11, 2603, Tierra Nevada (all phases), Sunny Brooke, Halang River
6. **Tourism-Oriented and Recreational Zone (TORZ)** – Eagle Ridge, Lot 2975, 2971
7. **General Residential Zone** – described by Lot Numbers: 358, 362, 364, 636, 356 (portion), 354, 341, 338, 337, 335, 333, 1652 (portion), 1685 (portion), 1702 (portion), 1706-R (portion), 1706-D, 1706-C, 1706-A (portion), 1712, E1-E2, E4, E5, 3133 (portion), 1734 (portion), 1793A (portion), 1795 (portion), 2013 (portion), 2229 (portion), 2218 (portion), 2271 (portion), 2219 (portion), 3287 (portion), 2974 (portion), 2972 (portion), 2960-A (portion), 2961-B, 2961, 2960-D, 2960-E, 2967-C, 2967-B, 2967-A, 2966-J, 2966-I, 2966-G, 2966-E, 2966-C, 2966-B, 2966-D, 2966-F, 2966-H, 2966-A, 2326, 2356, 2324, Belvedere Subdivision, 2920 (portion), 2321, Robinsons South Square Subdivision, 2285, St. Augustine Subdivision, 2204 (portion), 2281, 2275, 2243-A, 2243-B, 2272 (portion), 1874, 1881, 1880-B, 1844, 2072, 2541-G, 2185, 2133, 2368, 2370, 2541-F, 2541-C, 2541-E, 2413, 2421, 2483, 3482 (portion), 2487-A, K23-25, N-9, 2529, 3161 (portion), J19, J20, J28, J15, 2229
8. **Agro-Industrial Development Zone** – Lot Number 2612-A
9. **Government Institution Expansion Zone** – Bounded by Lot Number 2437
10. **Micro, Small and Medium Enterprise Zone** – Lot Number 2658
11. **Cemetery Zone** – Described by Lot Numbers: 347, 1556, 3204-B, 3204-A, 2837-A-1, 2285, P18 (portion), P21 (portion), N29
12. **Waste Disposal Zone** – Lot Number 2038, N-7

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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 center of streets or highway, the street or highway right-of-way lines shall be construed to be the boundaries.
2. Where zone boundaries are so indicated that they approximately follow 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 center lines or right-of-way lines of streets and highways, such zone boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated in the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown in said zoning map.
4. Where the boundary of a zone follows 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 of single ownership, as of record at the effective date of the LDGS, 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 and overlaid to the former.
7. The mapped location of the property in consideration shall prevail over that of the textual description.

**ARTICLE V
GENERAL REGULATIONS**

Section 10. **General Provision.** The Municipality recognizes that any land use is a use by right but provides that the exercise of such right shall be subject to the review standards of the LDGS.

Section 11. **Classification of Uses.** Development proposals shall be classified according to the allowed uses within the following zones, as defined by the HLURB:

- General Residential Zone
- Socialized Housing Zone
- General Commercial Zone
- Light Industrial Zone
- General Institutional Zone
- Special Institutional Zone
- Agricultural Zone
- Agri-Industrial Zone

- Medium Industrial Zone
- Forest Zone
- Heavy Industrial Zone
- Parks and Recreation Zone

The definition as well as the list of allowable uses within each classification as provided by the HLURB to the above is adopted in this Ordinance and are exhibited in Appendix C.

Section 12. **Minimum Lot Size.** The minimum lot size for all types of uses is 75 square meters. This is in order to control the density of developments and prevent overcrowding.

Section 13. **Height Regulations.** Unless otherwise stipulated in this ordinance, building heights must conform with the height restrictions and requirements of the Air Transportation Office (ATO), the National Building Code, Structural Code and other rules and regulations related to land development and building construction.

Section 14. **Subdivisions, Condominiums, Economic and Socialized 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. Other pertinent government rules and regulations.

Section 15. **Building Setback Regulations.** Unless otherwise specified in this ordinance, building setback regulations shall be per the minimum requirements of the National Building Code.

All properties along Governor's Drive and Diversion Road with lot areas of at least 500 square meters shall provide a 5.0-meter front building line setback.

Section 16. **Easement.** Pursuant to the provisions of the Water Code, the following easements shall be observed:

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

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

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

Section 17. **Specific Provisions in the National Building Code.** Specific provisions stipulated in the National Building Code (P.D. 1096), as amended, relevant to traffic generators, advertising and business signs, erection of more than one principal structure, dwelling on rear lots, access yard requirements and dwelling groups, which are not in conflict with the provisions of the Zoning Ordinance, shall be observed.

Section 18. **Network of Green and Open Spaces.** All residential, commercial, industrial and mixed-use subdivisions, having total contiguous land area 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. Similar developments with total contiguous land areas greater than 10 hectares are required to provide, in addition to the above, landscaped forest parks for the use of occupants and/or the general public. The recommended planting materials are shown in Appendix D – Suitable Tree Species.

Section 19. **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 the HLURB pursuant to EO 72, in consultation with the Municipality of General Trias in order to ensure that the requirements of the LDGS are met.

Section 20. **Environmental Compliance Certificate.** Projects within the scope of the Environmental Impact Assessment System or those that are classified as Environmentally Critical Projects or those which 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 21. **Subdivision Projects.** All owners and developers of subdivision 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 Socialized Housing Projects in accordance with the procedures laid down in EO 71, Series of 1993.

Section 22. **Infrastructure Capacities.** 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 roads, water supply and the like) are within the capacities of the system/s serving them.

Section 23. **Traffic Impact Assessment.** Major, high intensity facilities such as commercial-residential buildings having four floors and above, shopping centers, schools, universities, industrial estates and/or other similar developments that are required to provide 20 or more vehicular parking slots by the National Building Code, shall be required to submit Traffic Impact Assessments which shall form part of the requirements for Locational Clearance. Other traffic generating developments, as determined by the Zoning Administrator, shall be required to submit the same.

Section 24. **Socio-Economic Impact Assessment.** Major facilities such as industrial estates, industrial establishments, shopping centers and/or similar facilities that require 50 or more employees during operations shall be required to submit Socio-Economic Impact Assessments which shall form part of the requirements for Locational Clearance. Proponents shall establish that their developments shall cause direct socio-economic benefits to the municipality such that they prioritize the hiring of qualified residents of the municipality, provide relevant employee housing facilities/assistance and/or prioritize the sourcing of materials and supplies from the municipality.

ARTICLE VI
INNOVATIVE TECHNIQUES

Section 25. **Innovative Techniques or Designs.** For projects that introduce flexibility and creativity in design or plan such as but not limited to Planned Unit Development, Housing projects covered by New Town Development under RA 7279, BLISS Commercial Complexes, etc., the Zoning Administrator shall on grounds of innovative development techniques forward applications to HLURB for appropriate action.

ARTICLE VII
PERFORMANCE STANDARDS

Section 26. **Buffer Yards.** Building setbacks 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, odor, 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. General Residential and General Commercial, the more intense 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.
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 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.
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.

Section 27. **Environmental Conservation and Protection Standards.** It is the intent of the LDGS to protect the natural resources of the Municipality. In order to achieve this objective, all development shall comply with the following regulations:

1. Views shall be preserved for public enjoyment especially in sites with high scenic quality by closely considering building orientation, height, bulk, fencing and landscaping.

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2. The utilization of the water resources of the Municipality for domestic and industrial use shall be allowed provided it is in consonance with the development regulations of the DENR, provisions of the Water Code, the Revised Forestry Code of the Philippines, as amended, and whenever necessary, be subjected to an Environmental Impact Assessment Study;
3. Heavy water using industrial (beverage plants), recreational (golf courses, water theme parks and the like) and other facilities shall be discouraged to locate within the Municipality;
4. 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, regraded, developed, piped, diverted or built upon;
5. 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; and
6. All developments shall undertake the protection of rivers, streams, lakes and ponds from sedimentation and erosion damage.
7. 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 Municipal Environmental Code – Revised Water Usage and Classification/Ambient Water Quality Criteria;
8. Municipal and industrial wastewater effluents shall not discharge into surface and groundwater unless it is scientifically proven that such discharges will not cause the deterioration of the water quality. Effluents shall be maintained according to DENR DAO No. 35 – 91 – Establishing Effluent Quality Standards for Class “C” Inland Waters;
9. Floodplains shall not be altered, filled and/or built upon without proper drainage design and without proper consideration of possible inundation effects on nearby properties;
10. 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 maintained at specified levels according to DENR DAO No. 14 - Revised Air Quality Standards of 1992.
11. Mature trees or those equal to or greater than 12 inches caliper measured 14 inches above the ground shall not be cleared or cut;
12. Easements shall at all times be observed along the banks of rivers and streams and the shores of the lake throughout their entire length pursuant to the provisions of the Water Code of the Philippines;

Section 28. **Agricultural Land Conservation and Preservation Standards.**
Agricultural lands are recognized as valuable resources which provide employment,

amenity and bio-diversity. All developments shall be guided by the following performance criteria:

1. All agricultural lands shall be kept in a productive state. Idle land taxes may be imposed to agricultural lands that are left idle for a period of one year.
2. Areas declared as SAFDZ and NPAAAD shall be conserved and preserved. The local government unit, in accordance with the provisions of the AFMA, CARL, LGC and other related laws, shall provide extensive provisions to ensure that these areas remain in agricultural production.
3. Re-classified agricultural lands, if undeveloped for a period of one year upon re-classification, shall be reinstated to agricultural classification.

Section 29. **Historical Preservation and Conservation Standards.** 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.

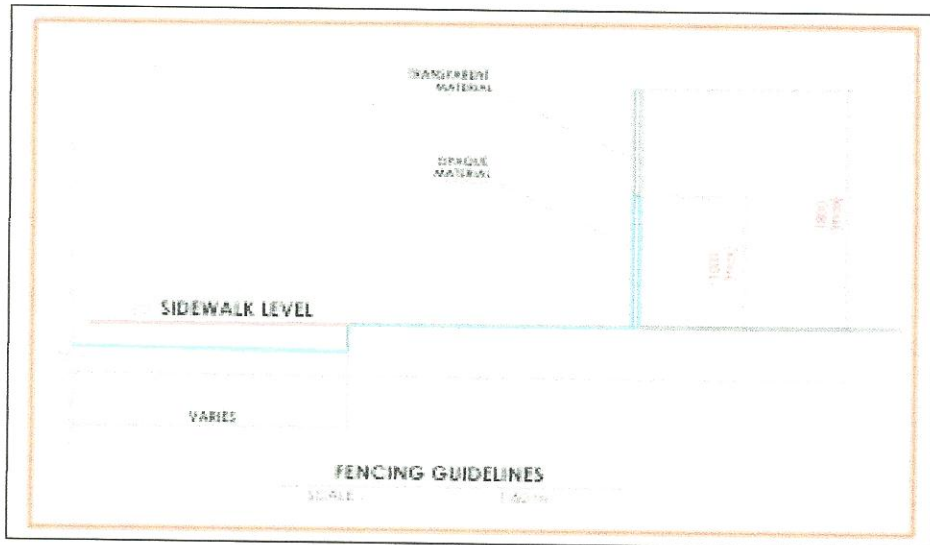
Section 30. **Site Performance Standards.** The Municipality considers it in the public interest that all projects are designed and developed in a safe, efficient and aesthetically pleasing manner. Site development shall consider the environmental character and limitations of the site and its adjacent 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 neighborhood 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 neighborhood. 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 neighborhood in particular and the community in general.

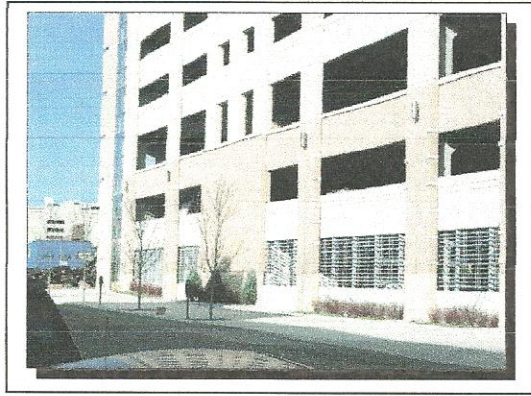
Further, designs should consider the following:

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.
3. Abutments to adjacent properties shall not be allowed without the neighbor's prior written consent which shall be required by the Zoning Administrator prior to the granting of a Locational Clearance; and

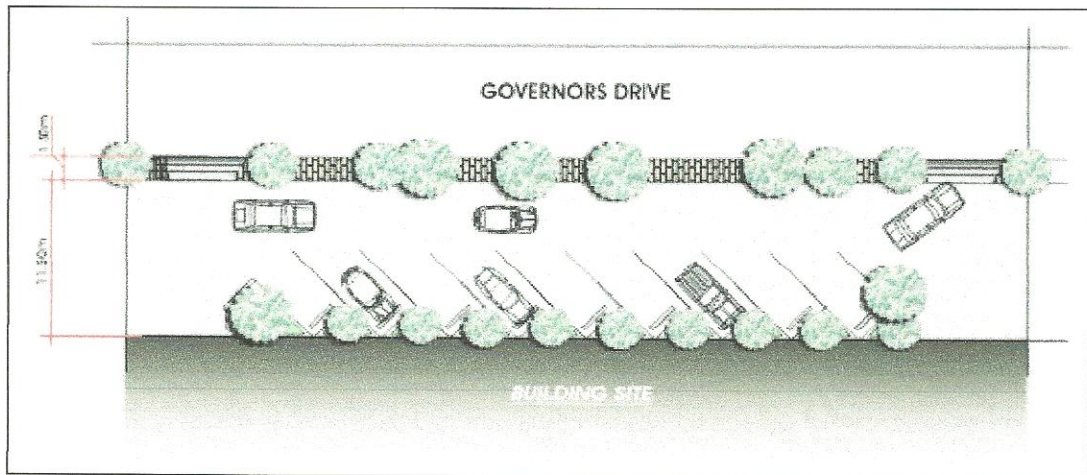
4. The capacity of parking areas/lots shall be above the minimum requirements of the National Building Code. These shall be located, developed and landscaped in order to enhance the aesthetic quality of the facility. In no case shall parking areas/lots encroach into street rights-of-way.
5. Developments that have lot areas of one hectare 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.
6. 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.
7. Glare and heat from any operation or activity shall not be radiated, seen or felt from any point beyond the limits of the property.
8. 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.



9. Cluster housing units or row apartments may be allowed provided that these shall not exceed six units per cluster or row.
10. Basement and upper level parking are encouraged. Parking buildings may also be built provided that these are designed to appear as regular buildings.



11. On-street parking or parking without buffer strips shall not be allowed along Governor's Drive and the Diversion Road. Parking spaces shall be buffered from the street shoulder by planting strips with distinct entry and exit points. Parking layouts that cause the backing of vehicles along these roads shall not be allowed.



ARTICLE VIII
SPECIFIC ZONE GUIDELINES

Section 31. **Northern Mixed-Use Development Zone (NMUDZ) Guidelines**

1. Allowed Uses

All uses allowed under the following classifications of the HLURB:

- a. Light Industrial Zone
- b. General Commercial Zone
- c. General Residential Zone
- d. Socialized Housing Zone
- e. General Institutional Zone
- f. Agricultural Zone
- g. Parks and Recreation Zone

2. Land Use Intensity Control Ratings

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

Maximum PLO	Maximum FAR	BHL	AISAR
0.60	None	None	Plus 10% of resultant PLO

Section 32. **Greater Poblacion Zone (GPZ) Guidelines**

1. Allowed Uses

All uses allowed under the following classifications of the HLURB:

- a. General Residential Zone
- b. General Commercial Zone
- c. General Institutional Zone
- d. Special Institutional Zone
- e. Parks and Recreation Zone
- f. Agricultural Zone

2. Land Use Intensity Control Ratings

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

Maximum PLO	Maximum FAR	BHL	AISAR
0.60	2.0	4.0 storeys	Plus 10% of resultant PLO

Section 33. **Network of Protected Areas for Agricultural and Agro-Industrial Development (NPAAAD) Zone**

1. Allowed Uses

All uses allowed under Agricultural Zone.

Section 34. **Strategic Agriculture and Fisheries Development Zone (SAFDZ) Guidelines**

1. Allowed Uses

All uses allowed under Agricultural Zone.

Section 35. **General Agricultural Zone Guidelines**

1. Allowed Uses

All uses allowed under Agricultural Zone.

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Section 36. **Southern Mixed-Use Development Zone (SMUDZ) Guidelines**

1. Allowed Uses

All uses allowed under the following classifications of the HLURB:

- a. Light Industrial Zone
- b. Medium Industrial Zone
- c. General Residential Zone
- d. Socialized Housing Zone
- e. General Commercial Zone
- f. General Institutional Zone
- g. Special Institutional Zone
- h. Agricultural Zone
- i. Parks and Recreation Zone

2. Land Use Intensity Control Ratings

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

Maximum PLO	Maximum FAR	Maximum BHL	AISAR
0.60	4.0	None	Plus 10% of resultant PLO

Section 37. **New Residential Development Zone (NRDZ) Guidelines.**

1. Allowed Uses

All uses allowed under the following classifications of the HLURB:

- a. General Residential Zone
- b. Socialized Housing Zone
- c. General Commercial Zone
- d. General Institutional Zone
- e. Agricultural Zone
- f. Parks and Recreation Zone

2. Land Use Intensity Control Ratings

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

Maximum PLO	Maximum FAR	Maximum BHL	AISAR
0.60	2.0	4.0	Plus 10% of resultant PLO

Section 38. **Tourism-Oriented and Recreation Zone (TORZ) Guidelines.**

1. Allowed Uses

All uses allowed under the following classifications of the HLURB:

- a. Parks and Recreation Zone
- b. Agricultural Zone

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- c. General Residential Zone
- d. General Commercial Zone
- e. General Institutional Zone

2. Land Use Intensity Control Ratings

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

Maximum PLO	Maximum FAR	Maximum BHL	AISAR
0.60	1.0	4.0	Plus 10% of resultant PLO

Section 39. **General Residential Zone**

1. Allowed Uses

All uses allowed under General Residential Zone.

2. Land Use Intensity Control Ratings

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

Maximum PLO	Maximum FAR	Maximum BHL	AISAR
0.60	2.0	4.0	Plus 10% of resultant PLO

Section 40. **Agro-Industrial Development Zone**

1. Allowed Uses

All uses allowed under Agro-Industrial Zone.

2. Land Use Intensity Control Ratings

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

Maximum PLO	Maximum FAR	Maximum BHL	AISAR
0.60	2.0	4.0	Plus 10% of resultant PLO

Section 41. **Government Institution Expansion Zone**

1. Allowed Uses

All uses allowed under General Institutional Zone.

2. Land Use Intensity Control Ratings

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

Maximum PLO	Maximum FAR	Maximum BHL	AISAR
0.60	2.0	4.0	Plus 10% of resultant PLO

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Section 42. **Micro, Small and Medium Enterprise Zone**

1. **Allowed Uses**

All uses allowed under Agro-Industrial Zone but with capitalization according to DTI definition of MSME.

2. **Land Use Intensity Control Ratings**

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

Maximum PLO	Maximum FAR	Maximum BHL	AISAR
0.60	2.0	4.0	Plus 10% of resultant PLO

Section 43. **Cemetery Zone**

1. **Allowed Uses**

All uses allowed under the guidelines of the HLURB.

Section 44. **Waste Disposal Zone**

1. **Allowed Uses**

All uses allowed under the guidelines of the DENR and Municipal Environment Code.

**ARTICLE IX
MITIGATING DEVICES**

Section 45. **Deviation**. The Local Zoning Board of Adjustment and Appeals (LZBAA) may allow exceptions, variances or deviations from the provisions of this Ordinance only when the following terms and conditions are existing:

1. **Variance**

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

This condition shall include at least three of the following provisions.

- Conforming to the provisions of the LDGS will cause undue hardship on the part of the owner or occupant of the property due to physical conditions of the property (topography, shape, etc.) which is not self-created.
- The proposed variance is the minimum deviation necessary to permit reasonable use of the property.
- The variance will not alter the physical character of the district or zone where the property for which the variance is sought is located, and will not

substantially or permanently injure the use of the other properties in the same zone.

- That the variance will not weaken the general purpose of the LDGS and will not adversely affect the public health, safety or welfare.
- The variance will be in harmony with the spirit of the LDGS.

2. **Exceptions**

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

Section 46. **Procedures for Granting Exceptions and Variances.** The procedure for the granting of exception and/or variance is as follows:

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

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ARTICLE X
ADMINISTRATION AND ENFORCEMENT

Section 47. **Locational Clearance.** All land owners/developers shall secure Locational Clearance from the Zoning Administrator or, in case of variances and exemptions, from the LZBAA prior to conducting any activity or construction on their property/land.

Section 48. **Building Permit.** The Local Building Official shall not issue a Building Permit without a valid Locational Clearance issued in accordance with the LDGS.

Section 49. **Business Permit.** The concerned local unit or department shall not issue a Business Permit unless a valid Locational Clearance has been issued.

Section 50. **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 said period shall result in its automatic expiration, cancellation and the grantee shall not proceed with his/her project without applying for a new Locational Clearance.

Section 51. **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 LDGS. 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 52. **Certificate of Non-Conformance.** The owner of the structure or operator of the activity involved shall apply for a certificate of Non-Conformance within six months from the ratification of the LDGS by the Sangguniang Panlalawigan. Failure on the part of the owner to register/apply for a Certificate of Non-Conformance shall be considered in violation of the LDGS and is subject to fine/penalties.

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

Section 53. **Existing Non-Conforming Uses and Buildings.** The lawful uses of any building, structure or land at the time of adoption or amendment of the LDGS may be continued, although such uses do not conform with the provision of the LDGS, provided:

1. That no such non-conforming use shall be enlarged or extended to occupy a greater area of land than that already occupied by such use at the time of the adoption of the LDGS 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 LDGS;
2. That no such non-conforming use which has ceased operation for more than one year be again revived as non-conforming use;

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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 LDGS;
6. That no such non-conforming use may be moved to displace any conforming use;
7. That no such non-conforming structure may be enlarged or altered in a way which 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.

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Section 54. **Responsibility for Administration and Enforcement.** The LDGS 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.

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Section 55. **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:

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 LDGS.
 - Recommend to the Local Zoning Board of Adjustment and Appeals (LZBAA) the grant or denial of applications for variances and exemptions and the issuance of Certificate of Non-Conformance for non-conforming projects lawfully existing at the time of the adoption of the zoning ordinance, including clearances for repairs/renovations on non-conforming uses consistent with the guidelines therefore.
 - b. Monitor on-going/existing projects within their respective jurisdictions and issue notices of violation and show cause order to owners, developers, or managers of projects that are in violation of the provisions of the LDGS 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 orders and processes issued in the implementation of this Ordinance.

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d. Co-ordinate with the Municipality Fiscal/Municipality 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 Bayan.

Section 56. **Action on Complaints and Oppositions.** A complaint for violation of any provisions of the LDGS or any clearance or permits issued pursuant thereto shall be filed with the LZBAA. Further, oppositions to application/s for Locational Clearance, Variance or Exception shall be treated as a complaint and dealt with in accordance with the provisions of this section.

Section 57. **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
 - c. Non-Conforming Uses
 - d. Complaints and oppositions to application/s
2. Act on appeals on Grant or Denial of Locational Clearance by the Zoning Administrator.

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

Section 58. **Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA).** The Municipality Development Council shall create a sub-committee that shall act as the LZBAA, composed of the following members:

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

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

Section 59. **Review of the Zoning Ordinance.** The Municipal Development Council shall create a sub-committee, the Local Zoning Review Committee (LZRC) that shall review the LDGS considering the CLUDP, 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 60. **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.:

1. Municipal Planning and Development Co-ordinator
2. Municipal Health Officer
3. Municipal Agriculturist
4. President, Association of Barangay Captains
5. Municipal Engineer
6. Municipal Environment and Natural Resources Officer (MENRO)
7. Municipal 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 Municipal Development Council.

Section 61. **Functions of the Local Zoning Review Committee.** The Local Zoning Review Committee shall have the following powers and functions:

1. Review the LDGS for the following purposes:
 - a. Determine amendments or revisions necessary in the LDGS because of changes that might have been introduced in the CLUDP;
 - b. Determine changes to be introduced in the CLUDP in the light of permits given, and exceptions and variances granted; and
 - c. Identify provisions of the LDGS that are difficult to enforce or are unworkable.
2. Recommend to the Sangguniang Bayan necessary legislative amendments and to the local planning and development staff the needed changes in the plan as a result of the review conducted.
3. Provide information to the HLURB that would be useful in the exercise of its functions.

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Section 62. **Amendments to the LDGS.** Changes in the LDGS, as a result of the review by the Local Zoning Review Committee shall be treated as an amendment, provided that any amendment to the LDGS or provisions thereof shall be subject to public hearing and review and evaluation of the Local Zoning Review Committee and shall be carried out through a resolution of three fourths vote of the Sangguniang Bayan. Said amendments shall take effect only after approval and authentication by the Sangguniang Panlalawigan.

Section 63. **Violation and Penalty.** Any person who violates any of the provisions of this Ordinance, shall, upon conviction, be punished by a fine not exceeding P2, 500.00 or an imprisonment for a period not exceeding six months or both at the discretion of the Court. In case of violation by a corporation, partnership or association the penalty shall be imposed upon the erring officers thereof.

Section 64. **Suppletory Effect of Other Laws and Decrees.** The provisions of the LDGS 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 CLUDP.

Section 65. **Separability Clause.** Should any section or provision of the LDGS be declared by the Court to be unconstitutional or invalid, such decision shall not affect the validity of the LDGS as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 66. **Repealing Clause.** All ordinances, rules or regulations in conflict with the provisions of the LDGS are hereby repealed, provided that the rights that are vested upon the effectivity of the LDGS shall not be impaired.

Section 67. **Effectivity Clause.** This Ordinance takes effect upon approval.

ENACTED by the Sangguniang Bayan in its Regular Session on 05 December 2005.

Miranda Amos

ATTESTED:

HON. FERNANDO P. CAMPAÑA
Municipal Vice Mayor/Presiding Officer

Hon. Amelia P. Madrona
SB Member

Hon. Armando D. Magsino
SB Member

Hon. Hernando M. Granados
SB Member

Hon. Carmelito B. Nocon
SB Member

Hon. Primitivo S. Porto
SB Member

Hon. Bayani B. Parin
SB Member

Hon. Carlos S. Viniestra II
SB Member

Hon. Alfredo L. Pozas
ABC President

Hon. Demetrio P. Trinidad
SB Member

Hon. Carleen J. Campaña
SKF President

CERTIFIED TRUE & CORRECT:

Wenceslao P. Camingay
SB Secretary

APPROVED:

Hon. Luis A. Ferrer IV
Municipal Mayor

December 9, 2005
Date