



Republic of the Philippines
OFFICE OF THE SANGGUNIANG BAYAN
Province of Camarines Sur
MUNICIPALITY OF CAMALIGAN

MUNICIPAL ORDINANCE NO. 010-99

Series of 1999

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

BE IT ORDAINED enacted by the Sangguniang Bayan of Camaligan, Camarines Sur.

WHEREAS, the implementation of a comprehensive Land Use Plan would require the enactment of regulatory measure to translate its planning goals and objectives into reality and a Zoning Ordinance is one such regulatory measure which is an important tool for the implementation of the comprehensive Land Use Plan.

WHEREAS, the Local Government Code authorities Local Government Units and now to enact Zoning Ordinance subject to end an accordance with existing laws.

WHEREAS, the Housing and Land Use Regulatory Board has spearheaded and now assists in and coordinate the activities of Local Government Units in Comprehensive Land Use Planning.

NOW THEREFORE, the Sangguniang Bayan of Camaligan in the session assembled hereby adopts the following ZONING ORDINANCE.

ARTICLE I

TITLE OF THE ORDINANCE

SECTION 1. TITLE OF THE ORDINANCE: This Ordinance shall be known as the COMPREHENSIVE ZONING ORDINANCE of the Municipality of Camaligan and shall be referred to as the ORDINANCE.

ARTICLE II

AUTHORITY AND PURPOSE

SECTION 2. AUTHORITY: This **ORDINANCE** is enacted pursuant to the provisions of the new Local Government Code, Republic Act. No. 7160, Section 458 a. 2 (7-9) and 477 a.2 (7-9) dated October 10, 1991, authorizing the Municipality through the Sangguniang Bayan to adopt a Zoning Ordinance subject to the provision of existing laws and conformity with Executive Order No. 72, series of 1999.

SECTION 3. PURPOSES: This **ORDINANCE** is enacted for following purposes:

- 1.) Guide, Central and Regulate future growth and development of Camaligan in accordance with its comprehensive Land Use Plan.
- 2.) Protect the character and stability of residential, commercial, industrial, institutional, forestry, agricultural, open spaces and other functional area

within the locality and promote the orderly and beneficial development of the same, and

- 3.) Promote and protect the health, safety, place, comport, convenience, and general welfare of the inhabitants in the locality.

SECTION 4. GENERAL ZONING PRINCIPLE: This Zoning Regulations is based on the approved general and Urban Land Use Plan as per Sangguniang Bayan Resolution No. 067-99 dated May 3, 19999 for the Municipality of Camaligan.

ARTICLE III

DEFINITION OF TERMS

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

- 1) **AGRICULTURAL ZONE** – An area within the Municipality intended for cultivation/fishing and pastoral activities e.g. fish, farming, cultivation of crops, goat/cattle raising, etc.
- 2) **INDUSTRIAL ZONE** – An area within the Municipality intended primarily for non-pollutive and non-hazardous types of industries.
- 3) **BUFFER AREA** – These are yards, parks or open spaces intended incompatible elements or uses to control the pollution/nuisance and identifying and defining development areas or zones where no permanent structures are allowed.
- 4) **BUILD-UP AREA** – A contiguous grouping of ten (10) or more structures.
- 5) **CERTIFICATE OF NON-CONFORMANCE** – A certificate issued to owners of all uses existing prior to the approval of the Zoning Ordinance which do not confirm in a Zone as per provision of the said ordinance.
- 6) **COMPATIBLE USE** – Uses or land activities capable of existing together harmoniously e.g. residential use and Parks and Playground.
- 7) **COMPREHENSIVE LAND USE PLAN** – A document embodying specific proposal for guiding and regulating growth and/or development. The main components of the Comprehensive Land Use Plan in this usage are the sectoral studies e.g. Demography Socio-Economic, Infrastructure, Utilities, Local Administration and Land Use.
- 8) **CONFLICTING USES** – Uses or Land activities with contracting characteristics adjacent to each other e.g. residential use adjacent to industrial plants.
- 9) **ONFORMING USE** – A use that is in accordance with the Zone classification as provided for in the ordinance.
- 10) **EASEMENT** – Open space imposed on any land use activities sited along waterways, road right-of-ways, cemeteries, memorial parks and utilities.
- 11) **ENVIRONMENTALLY CRITICAL AREAS** – Refers to those areas which are environmentally sensitive and listed under proclamation 2146 dated December 14, 1981 and the NIPA'S Law.
- 12) **ENVIRONMENTALLY CRITICAL PROJECTS** – Refers to those projects which have potential for negative environmental impacts and listed under proclamation 2114 dated December 14, 1981 and NIPA'S Law.
- 13) **EXCEPTION** – A device which grants properly owner relief from certain provision of Zoning ordinance where because of he specific use would result in particular hardship upon the owner, as distinguished form a more inconvenience or a desire to make more money.

- 14) **FLOR 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 can support.
- 15) **COMMERCIAL ZONE** – An area intended within the Municipality intended primarily for trading, services or business purposes.
- 16) **INSTITUTIONAL ZONE** – An area within the Municipality intended principally for institutional establishment e.g. government offices, schools, hospitals, clinics, research, convention centers, etc.
- 17) **RESIDENTIAL ZONE** – An area within the Municipality intended principally dwelling or housing purposes.
- 18) **GENERAL ZONING MAP** – A duly authenticated map delineating the different zone in which the whole city or Municipality is divided.
- 19) **URBAN ZONING MAP** – A duly authenticated map delineating the different zones in which the urban area of the Municipality is divided.
- 20) **GROSS FLOOR AREA** – Is the total floor area space within the perimeter of the permanent external building walls occupied by the Office areas, Residential areas, Corridors, Lobbies, Mezzanine, Vertical Penetrations e.g. stairs, fire escape, elevators, shafts, Vertical ducts and the like together with their enclosing walls, Restrooms or toilets, machine rooms, storage rooms and clothes, covered balconies and interior walls together with columns and other interior features, but excluding covered areas used for parking and driveways including vertical penetrations in parking floors where no Residential or Office units are presents, Uncovered areas for cooling towers, overhead water tank, roof decks, laundry areas for and cages, wading or swimming pools, whirlpools or Jacuzzis, garden, court, or plazas.
- 21) **INNOVATIVE DESIGN** – Introduction and/or application of new creative designs and techniques on development projects e.g. Planned Unit Development (PUD), new town, etc.
- 22) **LOCATION CLEARANCE** – A clearance issued to a project that is allow under the provision of this zoning ordinance as well as other standard, rules and regulations on land use.
- 23) **METIGATING DEVICE** – A means to grant relief in complying with certain provision of the ordinance.
- 24) **NEWTOWN** – Shall refer to a town, deliberately planned and built which provides, in addition to houses, employment, shopping, education, recreation, culture, and other services normally associated with a City or Town.
- 25) **NON-CONFORMING USE** – Existing non-conforming uses or establishments in an area allowed to operate despite of the non-conformity to the provisions of the ordinance subject to the conditions stipulated in the Zoning Ordinance.
- 26) **PARKS AND RECREATION ZONE** – An area designed for diversion/amusement and for the maintenance of ecological balance of the community.
- 27) **PLANNED UNIT DEVELOPMENT** – It is a land development scheme wherein a project Site is comprehensive planned as an entity via unitary site plan which permits Flexibility in Planning design, building sitting, complementarily of building types and Land Uses, usable opera spaces and the preservation of significant natural land Features.
- 28) **REZONING** – A process of introducing amendments to or a change in the next and maps of Zoning ordinance. It also includes amendments or change in view of reclassification under section 20 of Republic Act 7160.
- 29) **RURAL AREA** – Area outside of designated urban area.

- 30) **SETBACK** – The open space left between the building and lot boundary lines.
- 31) **SOCIALIZED HOUSING ZONE** – Shall be used principally for socialized housing or dwelling Purposes for the underprivileged and homeless as defined under Republic Act 7279.
- 32) **TOURIST ZONE** – Are site within a Municipality endowed with natural or man made physical attributes and resources that are conducive to recreation, leisure and other wholesome activities.
- 33) **URBAN AREA** – Shall include all barangays or portion thereof which comprises the Poblacion, Central Business District (CBD) and other built-up areas including urbanizable land in and adjacent to said areas where at least more than fifty percent (50%) of the population are engaged in non-agricultural activities, CBD shall refer to those areas designated principally for trade services or business purposes.
- 34) **URBANIZABLE LAND** – Area designated as suitable for urban expansion by virtue of Land use studies conducted.
- 35) **VARIANCES** – A special location clearance which grants a properly owner relief from certain Provisions of zoning ordinance where, because of the particular physical surrounding Shape of 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 more inconvenience or desire to make more money.
- 36) **WATER ZONE** – Are bodies of water within the municipality which includes rivers, stream, lakes and seas except those included in other zone classification.
- 37) **ZONE or DISTRICT** – An area within the municipality designated for a specific land use as Defined by man-made or natural boundaries.
- 38) **ZONING ADMINISTRATOR or ZONING OFFICER** – A municipal employees responsible for the implementation and enforcement of the zoning ordinance within the Municipality.
- 39) **ZONING ORDINANCE** – A local legal measure that embodies regulation affecting land Use.
- 40) **STRATEGIC AGRICULTURE and FISHERIES DEVELOPMENT ZONE** – Agriculture zone within highly restricted agricultural zone as defines under Republic Act 8435.

ARTICLE IV

ZONE CLASSIFICATION

SECTION 5. DIVISION INTO ZONES OR DISTRICT – To effectively carry out the Provisions of this ordinance, the Municipality is hereby divided into the following zones or districts as shown in the official zoning maps (General and Urban) Residential Zone, Socialized Housing Zone, Commercial Zone, Institutional Zone, Agricultural Zone, Industrial Zone, Parks and Recreation Zone, Water Zone, Tourist Zone, and Strategic Agricultural and Fisheries Development Zone.

SECTION 6. ZONING MAPS – It is hereby adopted as an integral part of this ordinance, the official zoning maps for urban areas and for whole Municipality or General wherein the designated location and boundaries of the district or zones herein established are shown and indicated. Such official zoning maps shall be signed by the Local Chief Executive and duly approved by the Sangguniang Bayan.

SECTION 7. ZONE BOUNDARIES – The location and boundaries of the various zones or district into which the Municipality has been divided are hereby identified and specified in the attached **ZONE BOUNDARIES** which is also made an integral part of this ordinance.

SECTION 8. INTERPRETATION OF THE ZONE BOUNDARY – In the interpretation of the boundaries for any of the zones indicated in the zoning maps, the following rules shall apply:

- 1) Where zone boundaries are so indicated that they approximately follow the center of streets or highways, such streets or highways right-of-way lines shall be constructed to be the boundaries.
- 2) Where zone boundaries are so indicated that they approximately follow the lot line, such lot lines shall be constructed to be boundaries.
- 3) Where zone boundaries are so indicated that they are approximately parallel to the centerlines or right-of-way lines of streets and highways, such zone boundaries shall be constructed as being parallel thereto and as such distance there from as indicated in the zoning map. If no distance is given, such dimension shall be determined by use of the scale shows in the said zoning map.
- 4) Where the boundaries of zone follows approximately on railroad line, such boundary shall be deemed to be the railroad right-of-way.
- 5) Where the boundary of a zone follows a stream, lake or other bodies of water, said boundary line should be deemed to be a limit of the political jurisdiction of the community unless otherwise indicated Boundaries indicated, as following shoreline shall be constructed to follow such shoreline.
- 6) Where a zone boundary line divides a lot of one ownership, as of record at the effective Date of this ordinance, the lot shall be constructed 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.
- 7) Where zone boundary is indicated as one-lot deep, said depth shall be constructed to be the average lot depth of the lot involved within each particular Municipal block. Where, However, any lot has depth greater than said average, the remaining portion of said lot shall be constructed a covered by one-lot deep zoning district provided the remaining portion has an area than fifty percent (50%) of the total area of the area of the entire lot. If the remaining portion has an area equivalent to fifty percent (50%) or more of the total area of the lot, then the average lot depth shall apply to the lot which shall become a lot divided and covered by two or more different zoning districts, as the case maybe.
- 8) In case of any remaining doubt as to be the location of any property zone boundary lines such property shall be considered as falling within the less restrictive zone.
- 9) The textual description of the zone boundaries shall prevail over that of the official zoning Maps.

ARTICLE V

ZONE REGULATIONS

SECTION 9. GENERAL PROVISION. The uses enumerated in the succeeding provision of this article are neither exhaustive nor all inclusive. The **LOCAL ZONING BOARD OF ADJUSTMENT AND APPEAL (LZBAA)** shall subject to the requirements of this article, allow other uses not enumerated hereunder provided that they are compatible with the uses expressly allowed. Allowance of further uses shall be based on the intrinsic qualities of the land and the socio-economic potential of the locality with due regard to the maintenance of the essential qualities of the zone. Specific uses or

activities of lesser density within a particular zone e.g. Residential – 1) maybe allowed within the zone of higher density e.g. residential – 2) or residential – 3) but not vice versa, nor in another zone and its subdivisions e.g. General Commercial, commercial – 1 or commercial – 2, except for uses expressly allowed in said zones, such that the cumulative effect of zoning shall be intra-zonal and inter-zonal.

SECTION 10. Use Regulation in RESIDENTIAL ZONE. A residential zone shall be used principally for dwelling or housing purposes so as to maintain peace and quite of the area within the zone. The following are the allowable uses:

- 1) Detached family dwelling.
- 2) Multi-family dwelling e.g. row houses or apartments;
- 3) Residential Condominium;
- 4) Apartment;
- 5) Motel;
- 6) Pension House;
- 7) Hotel Apartment or Apartel;
- 8) Dormitory;
- 9) Boarding House;
- 10) Libraries and Museum;
- 11) Customary accessories like Servant's quarters, Boarding House or Guard House;
- 12) Home occupation for the practice of one's profession or for engaging in home business such as dressmaking, tailoring, baking, running sari-sari store and the like provided that;
 - a) That number of persons engaged in such business or industry shall nor 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 that normally be expected in a residential neighborhood and any use for parking generated by the conduct of such home occupation shall be not off the street and in a place other home occupation than the required front yard; and
 - e) No equipment process shall be used in such home occupation which creates noise, vibration, glares, odors, fumes, electrical interference detectable to the normal senses and visual or audible interference in any ratio or television receiver which causes fluctuation in line voltage of the premises.
- 13) Home industry classified as cottage industry provided that
 - a) Such home industry shall not occupy more than fifty percent (50%) of the area floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall be not be a hazard or nuisance;
 - b) Allotted capitalization shall not exceed the capitalization set by the **Department of Trade and Industry (DTI)** and
 - c) Such shall consider same provision as enumerated in letters c,d, and e number 12, home occupation this section;
- 14) Recreational facilities for exclusive use of the members of the family residing within the premises such as:
 - a) Swimming and memorial chapels
 - b) Parking lots or garage facilities and
 - c) Other commercial activities not elsewhere classified.

SECTION 11. Use Regulation in INSTITUTIONAL ZONE: In Institutional Zone, the following uses shall be allowed.

- 1) Government Offices (National, Regional, or Local Office)
- 2) College, Universities, Business or Professional Schools, Vocational or Trade Schools and other Institution of higher learning;
- 3) Hospitals, Medical Center or Multi-Purpose clinics,
- 4) Scientific, Cultural and Academic Centers or Research Facilities except nuclear radioactive, chemical and biological warfare facilities;
- 5) Convention Centers and related facilities;
- 6) Religious Structures (Church, Seminary or convents)
- 7) Museum,
- 8) Embassies or consulates;
- 9) Student housing (dormitories or boarding house) and
- 10) Other related Institutional establishment or facilities not classified.

SECTION 12. Use Regulation in PARES AND RECREATION ZONE: The following uses shall be allowed in parks and recreation zones.

- 1) Parks or Garden,
- 2) Resorts Areas (beaches, spring, etc. including accessory uses);
- 3) Open air or outdoor sport activities and support facilities such as low rise stadium gym, amphitheater and swimming pools,
- 4) Golf course;
- 5) Ball courts;
- 6) Race tracks;
- 7) Memorial shrines, monuments, kiosk and other parks structure;
- 8) Sports club and
- 9) Under-ground Parking structure of facilities.

SECTION 13. Use Regulations in AGRICULTURAL ZONE: In agriculture zone, the following uses shall be permitted

- a. Cultivation, raising and growing of staple crops such as rice, corn, camote, cassava, vegetables and the like;
- b. Growing of diversified plants and trees such as fruits and flower-bearing trees, coffee, tobacco, and the like;
- c. Silviculture, mushrooms culture, fishing and fish culture, snake culture, crocodile farm, monkey raising and the like;
- d. Customary support facilities such as palay dryers and threshers and storage barns and warehouse
- e. Ancillary dwelling units/farms houses for tillers and laborers;
- f. Agricultural research and experimentation facilities such as breeding stations, fish farm, and nurseries demonstration farm, etc.
- g. Pastoral activities such as goat raising and cattle fattening;
- h. Home occupation for the practice of one's profession or engaging in the home business such as those provided for in section 10. Use regulations and residential zone (allowable uses no.12);
- i. Home industrial classified as those who provided for in section 10. Use regulation and residential zone (allowable uses no.13)
- j. Backyard raising of livestock and fowl, provided that;
 - a) for livestock-a minimum of ten (10) heads and
 - b) for fowl-a minimum of fifty (50) birds and
- k. Other agricultural activities not classified elsewhere.

SECTION 14. Use Regulation in INDUSTRIAL ZONE: In industrial zones, the following uses shall be permitted;

- 1) Drying fish;

- 2) Biscuit factory-manufacture of biscuits, cookies, crackers and other similar dried bakery products;
- 3) Doughnut and hopia factory;
- 4) Manufacture of Macaroni, spaghetti and vermicelli and other noodles;
- 5) Other bakery products not elsewhere classified;
- 6) Life belts factory;
- 7) Manufacture of luggage, handbags, wallets and small leather goods;
- 8) Manufacture of miscellaneous products of leather and leather substitute and not included elsewhere;
- 9) Manufacture of shoes except rubber, plastic, and wood;
- 10) Manufacture of slipper and sandal except rubber and plastic;
- 11) Manufacture of footwear parts except rubber and plastic;
- 12) Printing, publishing and allied industrial and not included elsewhere;
- 13) Manufacture or Assembly of typewriters, cash registers, weighing, duplicating and accounting machine;
- 14) Manufacture or Assembly of electronic data processing machinery and accessories;
- 15) Renovation and repair of office machinery;
- 16) Manufacture or Assembly of miscellaneous office machine and those, not included elsewhere;
- 17) Manufacture of rowboats, bancas, sailboats;
- 18) Manufacture of animal drawn vehicles;
- 19) Manufacture of children vehicles and baby carriages;
- 20) Manufacture of measuring and controlling equipment, plumb bomb, rain gauge, taxi meter, thermometer, etc.
- 21) Manufacture or Assembly of surgical, medical, dental equipment, and medical furniture.
- 22) Quick freezing and cold packaging for fish and other seafood's.
- 23) Quick freezing and cold packaging for fish and vegetables.
- 24) Popcorn/rice factory
- 25) Manufacture of medical/surgical supplies; adhesive tapes, antiseptic dressing, sanitary napkins, surgical gauge, etc.
- 26) Manufacture of orthopedic and prosthetic appliances (abdominal supporter, ankle supports, arch support, artificial limb, kneecap supporters etc.
- 27) Manufacture of photographic equipment and accessories,
- 28) Manufacture or assembly of optical equipment
- 29) Manufacture of optical lenses
- 30) Manufacture of watches and clocks;
- 31) Manufacture of pianos
- 32) Manufacture of string instrument
- 33) Manufacture of wind and percussion instruments
- 34) Manufacture or assembly of electronic organs
- 35) Manufacture of sporting gloves and witts
- 36) Manufacture of sporting balls (not of rubber or plastic)
- 37) Manufacture of gym and playground equipment
- 38) Manufacture of sporting tables (billboards, ping pong, pool)
- 39) Manufacture of other sporting and athletic goods, not included elsewhere
- 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 fastener and zippers
- 46) Manufacture of insignia, badge and similar emblems (except metals)
- 47) Manufacture of sign and advertising displays (except printed)
- 48) Small-scale manufacture of ice cream

- 49) Warehousing facilities and
- 50) Other industrial activities which are also classified as non-pollutive and non-hazardous not classified elsewhere

SECTION 15. *Use Regulations in WATERZONE:* The utilization of the water resources for domestic and industrial use shall be provided it is consonance with the development regulation of **DENR**, provision of the water code and the revised forestry code as amended and provided further that it is subjected to an environment impact assessment prior to the approval of its use. Other uses as recreation, fishing and related activities, floatage, transportation and mining e.g. offshore oil exploitation shall be allowed provided it is in consonance with the provision of the water code and the revised forestry code as amended. Such bodies of water shall include streams, creeks, rivers, lake and sea.

SECTION 16. *Regulation in TOURIST ZONE:* No tourist project or tourist related activities should be allowed in tourist zones unless development or undertaken in accordance with the Department of Tourism (DOT) guidelines and standards and granted approval by the tourist state department of DOT.

SECTION 17. *Regulation in STRATEGIC AGRICULTURE AND FISHERY DEVELOPMENT ZONE:* Allowable uses within the strategic Agriculture and Fishery Development Zone shall be in consonance with the provision of Republic Act 8435 and its implementing rules and regulations as well as those allowable uses within agriculture zones.

ARTICLE VI

GENERAL DISTRICT REGULATIONS

SECTION 18. *DEVELOPMENT DENSITY:* Permitted or allowable density for each zone shall be based on the zone capacity to support development in accordance with the Municipal Comprehensive Land Use Plan.

SECTION 19. *HEIGHT REGULATIONS:* Building height must conform to height restrictions and requirements of the Air Transportation Office (ATO) as well as the requirements of the National Building Code, structural code as well as all laws, ordinances, design standards, rules and regulations related to land development and building construction and various safety codes.

SECTION 20. *AREA REGULATIONS:* Area Regulations in all zone shall conform with the minimum requirements of the existing laws such as PD 957, BP 220, Plumbing Code, Structural Code, Executive Order No. 648 and other relevant guidelines promulgated by the national agencies concerned.

SECTION 21. *EXEMPTION FROM HEIGHT REGULATION:* Exempted from the imposition of height regulation in residential zones are the following: Towers, Church steeples, Water tanks and other utilities and such other structures that are covered by the height regulations of the National Building Code or the Air Transportation Office.

SECTION 22. *ROAD SETBACK REGULATION:* The following road setback regulation shall be applied.

ROAD SETBACK

ZONE	: Major Thoroughfare	: Secondary Road	: Tertiary road 6 meter
CLASSIFICATION	: 30m & above such as	: Such as Provincial	: & above such as
	: Diversion of Railways	: Road	: Municipal or Barangay
			: Road

Residential	: 10m	: 10m	: 3m
Commercial	: 20m	: 20m	: 7m
Industrial	: 30m	: 25m	: 10m
Agro-Industrial	: 30m	: 25m	: 10m
Parks and Recreation	: 10m	: 10m	: 3m
Forest	: 30m	: 25m	: 10m

SECTION 23. BASEMENT: Pursuant to the provisions of the water code, the banks of rivers and streams and the shore of the seas and lakes throughout their entire length and within a zone of tree (3) meters in urban areas, twenty (20) meters in agriculture areas and forty (40) meters in forest areas, along their margins are subject to easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for space or recreation, navigation, floatage, fishing or salvage or to build structure of any kind.

Mandatory five (5) meter easement shall be provided along fault traces on the ground identified by PHILVOLCS.

SECTION 24. BUFFER REGULATIONS: A buffer of the three (3) meter shall be provided along entire boundary length between two or more conflicting zones allocating one and one-half meter (1.5) from each side of the district boundary. Such buffer strip should be open and not enriched upon by any building or structure and should be a part of the yard or open space.

SECTION 25. Specific Provision in the NATIONAL BUILDING CODE: Specific provision stipulated in the national building code as amended thereto relevant to traffic generators, advertising, business signs, erection of more than one principal structure, dwelling or rear lots, access yard requirements and dwelling groups, which are not in conflict with the provision of the zoning ordinance, shall be observed.

ARTICLE VII

INNOVATIVE TECHNIQUES

SECTION 26. Innovative Techniques or Designs: For projects that introduce flexibility and creativity and design or plan such as but not limited to planned unit development housing projects covered by new town development under R.A. 7279, BLISS commercial.

Complex, etc. the zoning administrator or zoning officer shall on grounds of innovative development techniques, forward the application to HLRB for appropriate section, unless the Local Government Unit has the capacity to process the same.

ARTICLE VIII

MISCELLANEOUS PROVISION

SECTION 27. *Project of National Significance:* Projects may be declared by the NEDA pursuant to section 3 of Executive Order No. 72. When a project is declared by the NEDA board as a project of National Significance, the location clearance shall be issued by the HLRB pursuant to Executive Order No. 72.

SECTION 28. *Environmental compliance Certificate:* Notwithstanding the issuance of Locational Clearance under Section 36 of this ordinance, no environmentally critical projects nor projects located in environmentally critical areas shall be commenced, developed or operated unless the requirements of Environmental Compliance Certificate have been complied with.

SECTION 29. *Subdivision Projects:* All owner and/or developers of subdivision projects shall in addition to securing a Locational Clearance under section 36 of this ordinance, be required to secure a development permit pursuant to the provisions of PD 957 and its implementing rules and regulation as well as the procedures laid down in Executive Order No. 71, series of 1993.

ARTICLE IX

MITIGATING DEVICES

SECTION 30. *Deviation:* Any or variance from the provisions of this ordinance may be allowed by the Local Zoning Board of Adjustment and Appeals (LZBAA) only when the following terms and conditions are existing

- 1) For variances the property is unique and different from other properties in the adjacent locality and because of its uniqueness, the owner cannot obtain a reasonable return on the property. This condition shall include at least (3) of the following criteria;
 - a) Conformance to the provision of this ordinance will cause undue hardship on the part of the owner or occupant of the property due to physical condition of the property e.g. topography, shape, etc. which is not self-created;
 - b) The proposed variance is the minimum deviation necessary to permit reasonable use of the property;
 - c) The variance will not alter the physical character of the district or zone where the property for which the variance sought is located, and will not substantially or permanently inquire the use of the properties in the same districts or zone.
 - d) The variance will not weaken the general purpose of the ordinance and will not adversely affect the public health, safety of welfare;
 - e) The variance will be in harmony with the spirit of this ordinance, and
- 2) For exceptions, at least three (3) of the following criteria;
 - a) The exception will not adversely affect public health safety, welfare and is in keeping with the general pattern of development in the community,
 - b) The project shall support economic based activities, provides livelihood and vital community service/facilities while at the time, pesos no adverse affect on the zone or community;
 - c) The exception will not adversely affect the appropriate use of adjoining property in the same district; and
 - d) The exception will not alter the essential character and general purpose of the district where the exception sought is located.

SECTION 31. *Procedure for Granting an Exception or Variance:* The procedure for granting of exception or variance is as follows:

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

ARTICLE X

ADMINISTRATION AND ENFORCEMENT

SECTION 32. *Locational Clearance:* All owners/developers shall secure locational clearance from the Zoning Administrator/Zoning Officer or in case of variances and exceptions from the Local Zoning of Adjustment and Appeals (LZBAA) prior to conducting any activity or construction on their property/land.

SECTION 33. *Building Permit:* No building permit shall be issued by the Local Building Official without a valid locational clearance in accordance with this ordinance.

SECTION 34. *Non-User of Locational Clearance:* Upon Issuance of a Locational Clearance, the grantee thereof shall have one (1) year within which to commence or undertake the use, activity or development covered by such clearance on this property. Non-use of said clearance within said period shall result in its automatic expiration; cancellation in the grantee shall not proceed with this project without applying for a new clearance.

SECTION 35. *Certificate of Non-Conformance:* A certificate of non-conformance shall be applied for the owner of the structure or operation of the activity involved within six (6) months from the ratification of this zoning ordinance by the Sangguniang Bayan. Failure on the part of the owner to register or apply for a certificate of non-conformance shall be considered in violation of the Zoning Ordinance and is subject to fine or penalties.

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

SECTION 36. *Exiting Non-Conformance Uses and Building:* The lawful uses of any building structures or land at the time of adoption or amendment of this ordinance may continued, although such uses do not conform with the provision of this ordinance, provided;

- 1) That no such non-conforming use shall be enlarged or extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this ordinance or moved in whole or in part to any other portion of the lot or parcel of the land where such non-conforming uses exists at the time of the adoption of this ordinance,
- 2) That no such non-conforming use which has ceases operation for more than one (1) year be again revived as non-conforming use,
- 3) An idle or vacant structure may not be used for non-conforming activity;
- 4) That any non-conforming structure under one ownership which has been damaged may be reconstructed and used as before provided that such reconstruction is not more than fifty percent (50%) of replacement cost;
- 5) That should such non-conforming portion of structure be destroyed by any means to an extend of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provision of this ordinance,
- 6) That no such non-conforming use maybe moved to displace any conforming use;
- 7) That no such conforming use may be moved to displace any conforming use;
- 8) That no such non-conforming structure may be enlarge or altered in a way which increases its non-conformity, but any structure or porting thereof maybe altered to decrease its non-conformity; and
- 9) That should not structure be moved for any reason to whatever distance, it shall thereafter conform to the district in which it is moved or relocated. In addition, the owner or such non-conforming use shall program the phase-out and relocation of the non-conforming use with ten (10) years from the effectivity of this ordinance.

SECTION 37. *Responsibility for Administration and Enforcement:* This ordinance shall be enforced and administered by the Local Chief Executive through the Zoning Administrator or Zoning Officer who shall be appointed by the former preferably the MPDC, in accordance with the existing rules and regulations on the subject.

SECTION 38. *Power and Function of a ZONING ADMINISTRATOR OR ZONING OFFICER:* Pursuant to the provision of Executive Order No. 72 implementing Republic Act 7160 in relation to section 5, paragraph A and D and Section 7 of Executive Order No. 648 dated 07 February 1981, the ZONING ADMINISTRATOR or ZONING OFFICER shall perform the function, duties, and responsibilities;

- 1) Enforcement, the Zoning Administrator or Zoning Officer shall
 - A) Set all application for locational clearances for all projects to cover,
 - a. Issuance of Local clearance to projects conforming with zoning regulations; and
 - b. Recommended to the Zoning Board of Adjustment and Appeals (LZBAA) the grant or denial of applications or variances or exceptions and issuances of non-conformance for non-conforming projects lawfully existing at time of the adoption of the zoning ordinance, including clearances for repairs or renovations of non-conforming uses consistent with the guidelines therefore;
 - B) Monitor on-going or existing projects within their respective jurisdiction and issue notice of violation and show cause to owners, developers or mangers or projects that are violative of the zoning ordinance and if necessary pursuant to section 3 of Executive Order No. 72, refer subsequent actions thereon to the HLRB.
 - C) Call the coordinate with the Philippine National Police for enforcement of all orders and processes for other legal action/remedies to the foregoing and
 - D) Coordinate with the Municipal Attorney for other legal actions or remedies relative to the foregoing, and

2) Planning, the Zoning Administration or Zoning Administrator or Zoning Officer shall coordinate with the regional office of the Housing and Land Use for Regulatory Board (HLRB) regarding proposed amendments to the zoning ordinance prior to the adoption by the Sangguniang Bayan.

SECTION 39. *Actions on Complaints and Oppositions:* A complaint related to any provisions of the zoning ordinance or of any clearance or permit issued pursuant thereto shall be filed with the LZBAA. However, oppositions to applications clearance variance or exception shall be treated as a complaint and dealt with the provision of this section.

SECTION 40. *Function 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; and d) Complaints and oppositions to applications; and
- 2) Act on appeal on grant or denial of Locational Clearance by the Zoning Administrator or officer. Decisions of the Local Zoning Board of Adjustment and Appeals shall be appealable to the HLRB.

SECTION 41. *Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA):* The Municipal Development Council shall create a sub-committee which shall act as the LZBAA compose of the following members:

- 1) Municipal Mayor as Chairman;
- 2) Municipal Legal Officer
- 3) Municipal Assessor
- 4) Municipal Engineer
- 5) Municipal Planning and Development Coordinator
- 6) Two (2) Representative of the Private Sector nominated by their respective organizations and confirmed by the Municipal Mayor. In the event of non-availability, the Sangguniang Bayan shall elect from among its members as maybe necessary to meet this requirements and
- 7) Two (2) Representatives from non-government organizations nominated by their representative organizations and confirmed by the Municipal Mayor. In the event of non-availability, the Sangguniang Bayan shall elect from among its member as may be necessary to meet this requirement. For purposes of policy coordination, said Committee should be attached to the Municipal Development Council.

SECTION 42. *Interior Provision:* Until such time that the Local Zoning Board of Adjustment and Appeals shall have constituted, the HLRB shall act as the Local Zoning Board of Adjustment and Appeals. The HLRB shall adopt its own rules of procedure to given the conduct of appeals arising from the administration and enforcement of this ordinance.

SECTION 43. *Review of the Zoning Ordinance:* The Municipal Development Council shall create a sub-economic, the Local Zoning Review Committee (LZRC) that shall review the Zoning Ordinance considering the comprehensive and use plan, as the need arises, based on the following reasons/situations; a) Change in Local Development Plan; b) Introduction of projects of National Significance; c) Petition for rezoning and d) Other reasons which are appropriate for consideration.

SECTION 44. *Composition of the Local Zoning Review Committee (LZRC):* The Local Zoning Review Committee shall composed of sectoral experts. These are the

Local Officials and civic leaders responsible for the operation, development and progress of all sectoral undertakings in the locality. Their compositions are as follows; a) Municipal Planning and Development Coordinator, b) Municipal Health Officer, c) Municipal Agriculturist; d) President, Associations of Barangay Captains, e) Municipal Engineer, f) Community Environment and Natural Resources Officer(CENRO), g) Municipal Agrarian Reform Officer(MARO), h) Districts School Supervisor; i) Three (3) Private Sector Representatives coming from the Local Chamber of Commerce, Housing and construction sector and Homeowner sectors and j) Two (2) NGO Representatives, For purposes policy and program coordinator, the LZRC shall be attached to the Municipal Development Council.

SECTION 45. *Functions of the Local Zoning Review Committee:* The Local Zoning Review Committee shall have the following powers and functions: a) Review the following ordinance for purposes of

- 1) Determining amendments or revisions necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan;
- 2) Determining changes to the introduced in the Comprehensive Land Use Plan in the light of permits given and exceptions or variances granted and
- 3) Identification of particular provisions in the ordinance which are difficult to enforce or are unworkable, b) Recommended to the Sangguniang Bayan necessary to legislative amendments and to the Local Planning and Development Staff the needed changes in the plan as a result of the review conducted; and c) Provide information to the HLRB that would be useful in the exercise of its functions.

SECTION 46. *Amendments of the Zoning Ordinance:* Changes in the zoning ordinance as a result of the review by the Local Zoning review committee shall be treated as an amendment, provided that any amendment to the zoning ordinance or provisions thereof shall be subject to public hearing and review evaluation of the Local Zoning review committee, and shall be carried out through a resolution of three-fourth votes of the Sangguniang Bayan. Said amendments shall take effect only after approval and authentication by the Sangguniang Bayan.

SECTION 47. *Violation and Penalty:* Any person who violates any of the provisions of this ORDINANCE shall upon conviction, be punished by a fine not exceeding TWO THOUSAND FIVE HUNDRED PESOS (2,500.00) or an IMPRISONMENT not exceeding six (6) months or both at the discretion of the court. In case of violation by a corporation, partnership or association, the penalty shall be imposed upon the herring officers thereof.

SECTION 48. *Suppletory Effect of Other Laws and Decrees:* The provision of this ordinance shall be without prejudice to the application of other laws, presidential decrees, letter of institutions and other executive or administrative orders vesting national agencies with jurisdiction over specific land areas, shall remain in force and effect, provided that land use decisions of the national agencies concerned shall be consistent with the Comprehensive Land Use Plan of the locality.

SECTION 49. *Separability Clause:* Should any section or provision of this ordinance declared by the courts to be unconstitutional or invalid, such decisions shall 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 50. *Repeating Clause:* All ordinances, rules or regulation in conflict with provision of this ordinance are hereby REPEALED; provided that the rights that are vested upon the effectivity of this ordinance shall not be impaired.

SECTION 51. Effectivity Clause: This ordinance shall take effect upon approval by the Sangguniang Bayan.

UNANIMOUSLY APPROVED:

DATE ENACTED: May 3, 1999

WE HEREBY CERTIFY to the correctness of the foregoing ordinance approved by the Sangguniang Bayan of Camaligan, Camarines Sur during its session dated May 3, 1999.

(sgd) JOY MARIE I. SAN BUENAVENTURA
Sangguniang Bayan – Secretary

(sgd) EDUARDO C. LORIAGA
Municipal Councilor

(sgd) MARIA SJ. AGUID
Municipal Councilor

(sgd) ROMEO M. SAN LORENZO
Municipal Councilor

(sgd) ALFREDO AL. ASICO
Municipal Councilor

(sgd) ANTONIO I. AGUILLON
Municipal Councilor

(sgd) JOSE JESUS E. DE GUZMAN
Municipal Councilor

(sgd) JESUS L. VILLAFUERTE
Municipal Councilor

(sgd) DOMINGO F. SALES
Municipal Councilor

(sgd) ROMULO O. CANDELARIA
LB- President

(sgd) RUDY C. PRADO, JR.
SK Federation – President

ATTESTED:

(sgd) JOSEFINA N. ASOR
Municipal Vice Mayor/Presiding Officer

APPROVED:

(sgd) ROLANDO C. EDUARDO
Municipal Mayor