

ZONING ORDINANCE

for the Municipality of Lamut

MUNICIPAL ORDINANCE NO. _____
Series of 2013

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

Be it ordained enacted by the Municipality Council of Lamut that:

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

WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991 authorizes local government units to enact zoning ordinances subject to and in accordance with existing laws;

WHEREAS, the Housing and Land Use Regulatory Board (HLRB) has spearheaded and now assists in and coordinates the activities of local governments in Municipality land Use Planning;

NOW THEREFORE, the Municipality Council of Lamut, in a session assembled, hereby adopts the following Zoning Ordinance.

ARTICLE I
TITLE OF THE ORDINANCE

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

ARTICLE II
AUTHORITY AND PURPOSE

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

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

1. Guide, control and regulate the future growth and development of Lamut in accordance with its Municipality Land Use Plan.
2. Protect the character and stability of the urban uses such as residential, commercial, open space, institutional, and other non-urban uses such as forestry and agricultural zones within the locality and promote the orderly and beneficial development of the same.
3. Promote and protect the health, safety, peace, comfort, convenience and general welfare of the inhabitants in the locality.
4. Ensure and protect the sustainable growth and development of the community.

Section 4. General Zoning Principle. This Zoning Regulation is based on the approved Municipality Land Use Plan per Resolution No. _____ dated _____ for the Municipality of Lamut.

ARTICLE III
DEFINITIONS OF TERMS

The definition of the technical terms used in the Zoning Ordinance shall carry the same meaning given to them in already approved codes and regulations, such as but not limited to the National Building Code, the Water Code, the Philippine Environmental Code, the Urban and Housing Development Act, and their implementing Rules and Regulations. The words, terms and phrases enumerated here under shall be understood to have the meaning indicated as follows:

Ancestral Domain (AD)–Subject to Section 56 of RA 8371, refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional

activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.

Agricultural Zone (AGZ) – An area within the Municipality intended for cultivation, fishing and other pastoral activities.

Agro-Forestry Zone (AFZ) - An area within the Municipality intended for the cultivation of woody perennials (trees, shrubs, palms, bamboos, etc.) and agricultural crops and/or animals, in a spatial arrangement or temporal sequence. This also refers to indigenous intercropping practices and other sustainable systems such as boundary plantings, fodder banks, woodlots, fruit orchards, bio-fuel blocks, and shifting cultivation/fallow systems.

Agro-Industrial Area (AIA-1) – An area within the Municipality intended primarily for integrated farm operations and related product processing activities such as plantation for bananas, pineapple, mango, fisheries. *Note: Fishponds smaller than 500 square meters may be classified as AGZ, etc.*

Agro-Industrial Area (AIA-2) – An area within the Municipality intended primarily for integrated farm operations and related product processing activities that are pollutive in nature such as poultry, piggery, etc. Piggeries with less than 10 heads and poultries with less than 500 birds shall be classified under AGZ as backyard raising.

Buffer Area – Open spaces (parks, yards) intended to separate incompatible elements or uses to control pollution/nuisance and for identifying and defining areas or zones where NO PERMANENT STRUCTURES ARE ALLOWED.

Built-up Area – A contiguous grouping of 10 or more structures.

Certificate of Non-Conformance – certificate issued to owners of all uses existing prior to the approval of the Zoning Ordinance which do not conform in a zone as per provision of the said ordinance.

Comprehensive Land Use Plan (CLUP) - a document embodying specific land use plan and development proposals for guiding, regulating growth and/or development. The main elements of the CLUP are the sectoral components (land use, socio-economic, infrastructure and utilities, environment, local administration and the capital investment program) and the consolidated BLUPs with their corresponding Municipality Zoning Ordinances.

Commercial Area 1 (C-1) – for trading/services/business purposes

Commercial Area 2 (C-2) – Quasi-trade, business activities and service industries performing complementary/supplementary functions to principal commercial area (C-1). This includes pollutive but non-hazardous industries such as furniture shops and rice mills.

Conflicting Uses – Uses or land activities with contrasting and incompatible characteristics sited adjacent to each other. e.g. residential units, schools adjacent to industrial plants such as rice mills, piggeries.

Confirming Use – a use which is in accordance with the zone classification as provided for in the Zoning Ordinance.

Easement – open space imposed on any land use/activities sited along waterways, road-right-of-ways, cemeteries/memorial parks and utilities.

Ecological Development Area (EDA) – areas intended primarily for agro forestry uses and/or for forest purposes that maybe designated for educational tourism purposes. In the urban plan, these are reserved spaces for greening and as buffer areas.

Ecological Tourism Area (ETA) – areas intended primarily for the development of low-density tourist facilities compatible with the natural setting and environment. All uses shall be in conformance with the definition that “ecotourism is an environmentally sound tourism activity in a given ecosystem yielding socio-economic benefits and enhancing natural and cultural diversity conservation.”

Environmentally Critical Areas – refer to those areas, which are environmentally sensitive and are listed in Presidential Proclamation 2145 dated December 14,1981.

Environmentally Critical Projects – refer to those projects, which have high potential for negative environment impacts and are listed in Presidential Proclamation 2146 dated December 14, 1981.

Exception – a device which grants a property owner relief from certain provisions of the Zoning Ordinance where because of the specific use would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

Forest Zone (FZ) – An area in the Municipality protected for its natural forest growth. It is also an area reserved for reforestation.

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 multiplied by the lot area.

Free and Prior Informed Consent - as used in RA 8371 shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community.

Greenbelt Strip (GS) - defined by the strip along the National Road traversing Barangay Poblacion East, Poblacion West, Mabatobato, Payawan and Nayon, and a major greening area of the Municipality to serve as a buffer from the main highway, and shall also be known as the “Gateway” Development Strip. It shall also include strips along the riverbanks delineated as greening areas to mitigate scouring or soil erosion.

General Development Area (GDA) – designated or delineated areas in the rural barangays intended primarily for dwelling/housing with easy access to the barangay hall, day care centers, barangay health stations, multi-purpose pavements, schools, and commercial units if they exist. In the urban barangays, this may be designated as an area to redevelop within a subdivision or a delineated expansion site planned with its own green areas and to allow easy access to community establishment and government offices, schools, hospitals/clinics, academic/research, religious facilities, convention centers, and to other low to medium density commercial establishments.

General Institutional Zone (GIZ) – principally for general types of institutional establishments. Ex: Government offices, schools, hospitals, academic/research, convention center.

Individual Claims –as used in RA 8371 refer to claims on land and rights there on which have been devolved to individuals, families and clans including, but not limited to, residential lots, rice terraces or paddies and tree lots;

High Risk Areas – areas in the Municipality prone to flooding, erosion and/or with existing fault lines.

Impervious Surface – type of surface which does not permit the penetration of water; the area coverage shall be considered as outside of the building envelop and is not included in PLO and FAR computations.

Innovative Design – introduction and/or promotion of new/creative designs and techniques in development projects e.g. Climate Change resilient development, Planned Unit Development (PUD), New Town, etc.

Land Use and Zoning Map – a duly authenticated map delineating the different Zones or Areas into which the Municipality is divided, attached hereto as Exhibit 1.

Locational Clearance – a clearance issued to a project that it is allowed under the provisions of this Zoning Ordinance and the other rules and regulation on land use.

Low Density Residential Zone (R-1) – Term for subdivision zones wherein the density is 20 dwelling units and below per hectare

Medium Density Residential Zone (R-2) – Term for subdivision zones wherein the density 21 to 65 dwelling units per hectare

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

Parks and Recreation Zone (PRZ) – designed for diversion/amusements and for the maintenance of ecological balance of the community

Percentage of Land Occupancy (PLO) – defined as percentage of the maximum allowable area of any building at any floor level to the total lot size.

Rezoning – a process of introducing amendments to or a change in the text and maps of the zoning ordinance. It also includes amendment of change arising from land re-classification under section 20 of RA 7160.

Rural Area – area outside of designated urban area.

Setback – open space left between the building and lot lines

Socialized Housing Zone (SHZ) – shall be used principally for socialized housing/dwelling purposes for the under privileged and homeless as defined by RA 7279.

Special Institutions Zone (SIZ) – areas where church-related facilities such as retreat houses, shrines, *rehab and training centers, military camps, training grounds* etc. under a rural setting shall be established. For this particular zoning plan, region-wide and provincial-wide government service centers shall be classified here as SIZ.

Tourist Zone (TZ) –these are sites endowed with natural or manmade physical attributes and resources that are conducive to recreation, leisure, and other wholesome activities. Example: Resorts

Urbanizable Land (UL) – area designates as suitable for urban expansion by virtue of land use studies conducted.

Variance – a special locational clearance which grants a property owner relief from certain provisions of Zoning Ordinance where, because of the particular physical surrounding, shape or topographical conditions of the property, compliance with the height, area, setback, bulk and/or density requirements would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to gain benefits or profits.

Water Zone (WZ) – area where bodies of water are located within the Municipality which includes rivers, and streams except those included in other zone classification.

Zone/Area – an area within the Municipality delineated for specific land use as defined by this Ordinance.

Zoning Administrator/Zoning Officer– a Municipality/municipal government employees responsible for the implementation /enforcement of the Zoning Ordinance in the community.

Zoning Ordinance – a local legal measure which embodies regulations affecting land use.

ARTICLE IV ZONE CLASSIFICATIONS

Section 5.Division into Zones or Areas. To effectively carry out the provisions of this Ordinance, the Municipality is hereby divided into the following zones or areas as shown in the Official Land Use and Zoning Map.

- Agricultural Zone (AGZ)
- Agro-Forestry Zone (AFZ)
- Agro-Industrial Area (AIA-1)
- Agro-Industrial Area (AIA-2)
- Agro-Industrial Area (AIZ-3)
- Commercial Area 1 (C-1)
- Commercial Area 2 (C-2)
- Ecological Development Area (EDA)
- Ecological Tourism Area (ETA)
- Forest Zone (FZ)
- General Development Area (GDA)
- Greenbelt Strip (GS)
- General Institutional Zone (GIZ)
- Low Density Residential Zone (R-1)
- Medium Density Residential Zone (R-2)
- Parks and Recreation Zone (PRZ)
- Socialized Housing Zone (SHZ)
- Special Institutions Area (SIA)
- Tourist Zone (TZ)

Section 6.Zoning Map. The official zoning map for the entire Municipality, wherein the designation, location and boundaries of the districts/zones herein established are shown, are hereby adopted as an integral part of this Ordinance. Such official zoning maps shall be signed by the local chief executive and duly authenticated by the Sangguniang Panlalawigan.

Section 7. Zone/Area Boundaries. The locations and boundaries of the zones or areas into which the Municipality has been divided are hereby identified and specified as follows:

LAND USES/ZONES	LOCATION
Agricultural Zone (AGZ)	Within all barangays
Agro-Industrial Area (AIA-1)	<p>Within Payawan, Dunuan Farm bounded on the North, East & South by the Bunog Creek; on the West by road from the school to barangay Lucban</p> <p>Farmland bounded on the North by the Naban-ngan to Hapid Road; on the East by the farm boundary and hil ridge (90 meters average from barangay Sanafe); on the South by Poblacion West; on the West by the gully that extends to Bannit, and farmlot boundary at Naban-ngan</p> <p>Within Mabatobato, Bounded on the North by Bannit creek and National Road,</p> <p>Within Poblacion West Bounded on the North by Payawan, irrigation line, and Sanafe; on the West by Kinawayanan Creek; on the South by Kinawayanan Creek, National Road, and property line of private lots; on the East by the National Road</p> <p>Within Pugol, Sanafe, Hapid, Salamague, Poblacion East.</p>
Agro-Industrial Area (AIA-2)	<p>Within Pugol, Sanafe, Salamague, Payawan, and Mabatobato</p> <p>Boundaries for AIA 1 & 2</p> <p><u>North:</u>Hapid Irrigation branch <u>East:</u> Bimpal to Compra Road <u>West:</u>Hapid Irrigation branch, Kinawayanan Creek, Poblacion West <u>South:</u>Poblacion East, Barangay Salamague, Pugol (Happy Family and Resettlement)</p>
Agro-Forestry Zone	Bimpal, Nayon, Payawan, Holowon, Panopdopan, Umilag, Lucban, Magulon, Ambasa, Mabatobato, Sanafe, Hapid, Salamague vs. Pugol Area
Commercial Area 1 (C-1)	Poblacion, Nayon, Mabatobato
Commercial Area 2 (C-2)	Poblacion, Payawan
Ecological Development Area (EDA)	Nayon, Bimpal
Ecological Tourism Area (ETA)	Holowon, Umilag, Magulon, Ambasa, Hapid, Bimpal, Sanafe, Lawig
Forest Zone (FZ) -	Ambasa, Magulon, Umilag
Forest Development Zone	Bimpal, <u>Hapid</u> , Payawan

General Development Area	All Barangays
Greenbelt Strip (GS)	Poblacion East & West, Mabatobato, Payawan, Nayon
General Institutional Zone (GIZ)	Poblacion West, Mabatobato, Nayon
Low Density Residential Zone (R-1)	Classified in the Poblacion (Urban Areas) and in the Housing Development Areas
Medium Density Residential Zone (R-2)	Classified in the Poblacion (Urban Areas) and in the Housing Development Areas
Parks and Recreation Zone (PRZ) /Area	All barangays (some are integrated in the General Development Area
Pastureland/Open Space for development	Mabatobato, Sanafe, Payawan, Hapid, Bimpal
Socialized Housing Zone (SHZ)	Mabatobato, Payawan
Special Institutions Area (SIZ)	Pieza, Poblacion West, Mabatobato
Tourist Zone (TZ)	Poblacion West, Mabatobato, Poblacion East, selected agricultural areas

Section 8. Interpretation of the Zone Boundary. In the interpretation of the boundaries for any of the zones indicated in the zoning map, the following rules shall apply:

- 1) Where zone boundaries indicate that they approximately follow the center of the street or highway, the street or highway right-of-way lines shall be constructed to be the boundaries;
- 2) Where zone boundaries indicate that they approximately follow the lot lines, such lot shall be construed to be the boundaries.
- 3) Where zone boundaries indicate that they are approximately parallel to the center lines or right-of-way lines of streets and highways, such zone boundaries shall be constructed as being parallel thereto and at such distance there from as indicated in the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown in the said zoning map.
- 4) Where the boundary of a zone follows approximately a railroad line, such boundary shall be deemed to be the railroad right-of-way.
- 5) Where the boundary of a zone follows a stream, lake or other bodies of water, said boundary line should deemed to be at the limit of the political jurisdiction of the community unless otherwise indicated. Boundaries indicated, as following the shorelines shall be construed to follow such shorelines. In the event of change in the shorelines, the boundaries shall be constructed as moving with the actual shorelines.
- 6) Where the lot of one owner on record at the effective date of this Ordinance is divided by a zone boundary line, the lot shall be constructed to be within the zone where the major portion of the lot is located. In case the lot is bisected by the boundary line; it shall fall within the zone where the principal structure falls.
- 7) Where the zone boundary is indicated as one-lot-deep, said depth shall be constructed to be the average lot depth of the lots involved within each particular Municipality block. Where, however, any lot has a depth greater than said average, the remaining portion of said lot shall be constructed as covered by the one-lot-deep zoning district. Provided, that the remaining portion has an area less than fifty percent (50%) of the total area of the entire lot. If the remaining portion has an area equivalent to fifty percent (50%) or more of the total area of the lot, then the average lot depth shall apply to the lot which shall become a lot divided and covered by two or more different zoning districts, as the case may be. In case of any remaining doubt as to the location of any property along zone boundary lines, such property shall be considered as falling within the less restrictive zone.
- 8) The textual description of the zone boundaries shall prevail over that of the official zoning maps.

ARTICLE V ZONE REGULATIONS

Section 9. General Provision. The uses enumerated in the succeeding sections are not exhaustive nor all-inclusive. The Local Zoning Board of Adjudication and Appeals (LZBAA) shall, subject to the requirements of this Article, allow other uses not enumerated here under 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 regards to the appropriate sustainable Development principles and the maintenance of the essential qualities of the zone.

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

Section 10. Use Regulations in Agricultural Zone (AGZ)

Allowable Uses

1. Cultivation , raising and growing of staple crops such as rice, corn, camote, cassava and the like; growing of diversified plans and trees, coffee, tobacco ,ect.; and customary support facilities such as palay dryers and rice threshers and storage bars and warehouse; and ancillary dwelling units /farm houses for tillers and laborers.
 - a. Sericulture, mushroom culture, fishing, fish culture and the like;
 - b. Agricultural research and experimentation facilities such as breeding station, nurseries, demonstration farm, etc.
2. Pastoral activities such as goat raising and cattle fattening
3. Home occupation for the practice of one's profession or engaging in home business such as dressmaking, tailoring, baking, running, a sari-sari store and the like, subject to the following condition:
4. That there shall be no change in the outside appearance of the building premises;
5. That no home occupation shall be conducted in any customary accessory uses cited above;
6. That no traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met by off street parking and in places other than the front yard;
7. That no equipment or process shall be used in such occupation which creates noise, vibration, glare fumes, odors and electric interference detectable to the normal senses; cause visual or audible interference in any radio or television receiver, and fluctuations in line voltage of the premises.
8. Home industry classified as micro industry e.g. mat weaving, pottery, making, food preservation, etc. subject to the following conditions:
 - a. That such home industry shall not occupy more than thirty (30%) of the floor area of the dwelling unit. There shall be no change or alteration in
 - b. The outside appearance of the dwelling unit and shall not be a hazard or nuisance;
 - c. That the allotted capitalization shall not exceed the capitalization set by the Department of Trade and Industry (DTI); and
 - d. That such use shall consider comply with the same provisions enumerated in letters c, d, and e of section 10 a paragraph 4 on Home Occupation
9. Backyard raising of livestock and fowl subject to the following limitations in number:
 - a. For livestock – a maximum of 10 heads

- b. For fowl – a maximum of 500 birds
- 10. Further, adequate septic tanks and other proper environmental management measures shall be provided.
- 11. Fencing
 - Fencing shall be see-through and have a maximum height 1.80 meters;
- 12. Parking
 - Parking area requirements shall be per the minimum requirements of the National Building Code;
- 13. Setbacks
 - Minimum building setback shall be per the requirements of the National Building Code and the provisions of Sec. 26 - Road Setback Regulations. In cases of discrepancy, the wider requirements shall be deemed applicable.
- 14. Building Color
 - Building color specifications are defined by each barangay ordinance

Section 11. Use Regulations in Agro-Forestry Zone (AFZ)

1.Allowable uses

- 1.1 Forestry and agro-forestry
- 1.2 Ancillary dwelling units of the owners, tillers and laborer

Section 12. Use Regulations in Agro-Industrial Area (AIA-1)

1.Allowable Uses

- 1.1 Fruit and Vegetable Plantations
- 1.2 Fishpond with more than 500 sq. meters in area.
- 1.3 All uses allowed in Agriculture
- 1.4 Rice/Corn Mills
- 1.5 Production of prepared feeds for animals
- 1.6 Food processing
- 1.7 Ancillary dwelling units of the owners, tillers and laborer

Section 13. Use Regulations in Agro-Industrial Area

(AIA-1 & AIA-2)

1.Allowable Uses

- 1.1 Poultry with more than 500 birds and Piggery with more than 10 heads
- 1.2 All uses allowed in AGZ and AIA
- 1.3 Rice/Corn Mills
- 1.4 Production of prepared feeds for animals

- 1.5 Food processing
- 1.6 Ancillary dwelling units of the owners, tillers and laborer subject to other Municipality ordinances on structure and location before operation, and Environmental Compliance Certificate

Section 14. Use Regulations in Commercial Area (C-1)

1. Allowable Uses

- 1.1 Office buildings, Office condominiums
- 1.2 General retail stores and shops such as department stores, bookstores, photo shops, computer shops
- 1.3 Food markets and shops such as bakery and bakeshops, grocery, and Supermarket
- 1.4 Personal service shops such as beauty parlor, barber shops, dressmaking and tailoring shops
- 1.5 Recreational center and establishments such as play courts (basketball court, tennis court, billiard halls) swimming pool, gymnasium, etc.
- 1.8 Restaurants and other eateries
- 1.9 Short term special education like dancing schools, speech clinic, driving schools.
- 1.10 Commercial housing such as boarding houses, hotels, and apartments
- 1.11 Filling station/service station
- 1.12 Clinic
- 1.13 Vocational/Technical school
- 1.14 Convention Center and related facilities
- 1.15 Bank and other financial institutions
- 1.16 Radio and television station
- 1.17 Commercial job printing
- 1.18 Repair of optical instruments, equipment and cameras
- 1.19 Repair of clocks and watches
- 1.20 Manufacture of insignia, badges, and other emblems except metal
- 1.21 Transportation terminal/garage
- 1.22 Plant nurseries
- 1.23 Videoke bars provided that, These establishments are located at least 200 meters away from school perimeter, churches, government institutions and general residential areas.

The operation of these establishments is subject to their respective barangay ordinance

Section 15. Use Regulations in Commercial Area (C-2)

1. Allowable Uses

- 1.1 All uses in C-1
- 1.2 Repair shops like house appliances, motor vehicles and accessory, home furnishing shops
- 1.3 Transportation terminal/garage with repair
- 1.4 Publishing
- 1.5 Medium scale junkshop
- 1.6 Machinery display shop/center
- 1.7 Gravel and sand
- 1.8 Lumber and hardware
- 1.9 Manufacture of ice
- 1.10 Manufacture of signs and advertising displays

- 1.11 Chicharon factory
- 1.12 Welding shops
- 1.13 Machine shop service operations (repairing, rebuilding or custom job orders)
- 1.14 Repair of motorcycles
- 1.15 Lechon or whole pig roasting
- 1.16 Other bakery products not elsewhere classified
- 1.17 Repacking of food products (vegetables, fruits, sugar, etc)
- 1.18 Funeral parlors, mortuaries, crematory services, memorial chapel
- 1.19 Parking lots and garage facilities
- 1.20 Furniture manufacturing
- 1.21 Other commercial activities not elsewhere classified

2. Parking

Parking area requirements shall be per the minimum requirements of the National Building Code;

3. Setbacks

Minimum building setback shall be per the requirements of the National Building Code and the provisions of Sec. 26 - Road Setback Regulations. In cases of discrepancy, the wider requirements shall be deemed applicable.

4. Building Color and Height

The painting of establishments found along the “Gateway” strip shall be subject to a proposed Gateway Strip Development Plan.

Building height limit (BHL) of establishments along the National Road shall not exceed 16 meters (4 storeys).

Section 16. Use Regulations in Ecological Development Area (EDA)

No development use or activity shall be allowed unless consistent with DENR’s development regulations for forest zones:

1. Allowable Uses

- 1.1 Forestry and agro-forestry
- 1.2 Crop production on suitable sites. In steep areas, SALT must be employed.
- 1.3 Ancillary dwelling units of lot owners, tillers and laborers.

Section 18. Use Regulations in Ecological Tourism Area (ETA)

1.Allowable Uses

- 1.1 All uses allowed in EDA.
- 1.2 Low density and ecologically friendly tourism facility.

Section 19. Use Regulations in Forest Zone

No development use shall be allowed unless consistent with the DENR’s development regulations for forest zones and a permit, lease or license, is issued by the DENR for the following:

- 1. Contract reforestation with Forest Land Management Agreement (FLMA)
- 2. Commercial Tree Plantation and Industrial Forest Plantation (ITP/IFP)
- 3. Integrated Social Forestry Programs (ISF)
- 4. Community-Based Forest Management

5. Reforestation Compliance by forest users by temporary lease agreement
6. Ecological Revolution Programs (ECOREV)/Greening Program

1. Allowable Use

1. No extraction, excavation or other mining activity shall be undertaken except in accordance with the Mining Code and implementing rules and regulations, and without the Free and Prior Informed Consent of the community.
2. Infrastructure development and resettlement undertaken within forest zones shall be consistent with the provisions of the Revised Forestry Code of the Philippines, as amended, and subject to an Environmental Impact Assessment, prior to the approval of such projects in order to determine their environmental impacts and social acceptability.
3. Indigenous settlements within delineated forest zones and slopes above 18 degrees shall be subject to the barangay ordinance on dwelling units or their General Development Area.

Section 20. Use Regulations in Greening Strip

1. Allowable Use

“Gateway” Strip

It is the intent of this provision to create a sense of place and the role of Lamut in the development direction of the Province through the development of a green strip along the National Road that has bisected the municipality.

1. All uses allowed in C-1 and C-2 provided that they conform to the special provisions of the proposed Gateway development strip on setbacks, signage, building façade and building height.
2. Landscaping that shall include soft scaping (vegetation) and hard landscaping (pavements, streetlights, street benches, etc.)

Greenbelt strip – along the riverbanks

Landscaping with flood control and scouring control measures

Section 21. Use Regulations in Residential Area (RA)

1. Allowable Uses

- 1.1 Detached family dwelling
- 1.1 Family dwelling e.g. row-houses, apartments
- 1.2 Apartment and Dormitory
- 1.3 Boarding house
- 1.4 Home occupation for the practice of one’s profession or for engaging in home business such as dressmaking, tailoring , baking, running a sari-sari store and the like subject to the following conditions:
- 1.5 That the number of person engaged in such business/industry shall not exceed 5 persons, inclusive of the owner;
- 1.6 That there shall be no change in the outside appearance of the building premises;
- 1.7 That no home occupation shall be conducted in any customary accessory uses cited above;
- 1.8 That no traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation

shall be met off the street and in a place other than the required front yard;
and

- 1.9 That no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and p electrical interference detectable to the normal sense and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage of the premises.
- 1.10 Home industry classified as micro industry:
- 1.11 Such home industry shall not occupy more than thirty percent (30%) of the floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance;
- 1.12 Allotted capitalization shall not exceed the capitalization set by the Department of Trade and Industry (DTI);
- 1.13 It shall comply with the same provision enumerated in paragraph 12c, d and e on home occupation.
- 1.14 Backyard livestock and fowl raising provided that the total number of heads does not exceed six (6) and provided that adequate sanitation facilities (e.g. septic tanks) are provided; permit to engage in such activities may be revoked by the Zoning Administrator upon proper justification should the activity become a nuisance to the public in general and the neighbors in particular.
- 1.15 Recreational facilities for the exclusive use of the members of the family residing within the premises, such as swimming pool and half basketball court
- 1.16 Nursery/elementary school, high school, vocational school
- 1.17 Buildings for religious use, multi-purpose hall/barangay halls
- 1.18 Clinic, nursing, health center, day care center
- 1.19 Plant nurseries, ecological development areas (EDA), ecological tourism areas (ETA)
- 1.20 Multi-purpose pavement that shall be located in an area accessible to the majority of the Municipality citizens
- 1.21 Pre-schools, primary schools, secondary schools, day care centers, public utilities, civic centers and cultural facilities.
- 1.22 Government buildings and offices
- 1.23 Other uses similar, related or directly incidental to the above.

2. Bulk and Density

It is the intent of this provision to limit occupancy as a safety measure that discourages high concentration on structures in order to prevent casualties in cases where there is fire, earthquake, etc.

For areas that are not classified as Residential Subdivisions, the FAR shall be 2.0; the BHL shall be 16 meters or four (4) storeys;

In Low Density Residential Zones (R-1), no building or structure for human occupancy whether public or private shall be higher than 10 meters above the highest natural grade line in the property or front sidewalk (Main Entry) level; Low rise dwellings are up to three storeys.

In Medium Density Residential Zones (R-2), no building or structure for human occupancy whether public or private shall be higher than 21 meters above the highest natural grade line in the property or front sidewalk (Main Entry) level; Mid-rise dwellings are four to seven storeys.

Cluster housing units or row apartments shall be allowed provided that these shall not exceed six (6) units per cluster or row.

3. Impervious Surface

Impervious surface area shall not be more than 5% of the allowed PLO.

4. Fencing

Fencing along roads shall be see-through and have a maximum height of 1.80 meters from the finished grade line and shall be of good quality such as wrought iron; cyclon wire fences are also allowed; fence base made of concrete, hollow blocks, rock or any material shall have a height of not more than 0.40 meters from the finished grade line; side fencing between adjacent lots (not facing a road) shall also have a maximum height of 1.80 meters and may be of solid construction.

5. Parking

Parking area requirements shall be per the minimum requirements of the national Building Code; No on-street parking nor parking without buffer strip shall be allowed; instead, parking spaces shall be buffered from the street shoulder by planting strip with district entry and exit points.

6. Setbacks

Minimum building setback shall be per the requirements of the National Building Code and the provisions of Sec.33 – Road Setback Regulations. In cases of discrepancy, the wider requirement shall be deemed applicable.

7. Waste Management

Material Recovery Facility (MRF) pick-up points shall be required in each Purok/Zone

8. Greening/House Buffers

Each house/cluster of houses is required to plant trees around it to serve as buffer.

In villages found in steeper slopes, trees must be planted at a safe distance from dwelling units to minimize disastrous incidents during typhoons.

9. Building Color

Building colors shall be subject to the provisions of the barangay ordinances
Section 22. Use Regulation in Socialized Housing Zone (SHZ)

All relevant ancillary uses of the RA shall be allowed. The Floor Area Ratio (FAR) shall be 2.0.

Section 23. Use Regulation in General Institutional Zone (GIZ)

Allowable uses are Government offices, schools, hospitals, academic/research, convention center.

Section 24. Use Regulation in Parks and Recreation Zone

All relevant ancillary uses of the EDA and TZ shall be allowed

Section 25. Use Regulation in Special Institutional Zone

All relevant ancillary uses of the GIZ shall be allowed provided that the Impervious Surface shall not exceed 30 percent of the delineated area.

Section 26. Use Regulation in Tourism Zone

1. Allowable Uses

- 1.1 Commercial Housing
- 1.2 Hotel, Apartel
- 1.3 Club house
- 1.4 Commercial condominium (with residential units in the upper floors)
- 1.5 Restaurants and other eateries

- 1.6 Recreational areas like:
- 1.7 Play court e.g. tennis court, swimming pool, horseback riding
- 1.8 Parks and Playgrounds
- 1.9 Vacation Houses

2. Bulk and Density

Building Height Limits (BHL) shall be two (2) storeys but not more than eight(8) from the natural grade line up to the building's highest point; Percentage of Land Occupancy (PLO) shall be no more than 40% of the total lot area.

3. Impervious Surfaces

Impervious surface area shall not be more than 5% of the allowed PLO.

4. Fencing

Fencing shall be see-through and have a maximum height of 1.80 meters from the finished grade line and shall be of good quality such as wrought iron; cyclone wire fences are also allowed; fence base made of concrete, hollow blocks, rock or any material shall have a height of no greater than 0.40 meters from the finished grade line; side fencing between adjacent lots (not facing a road) shall also have a maximum height of 1.80 meters and may be of solid construction.

5. Landscaping

A landscaping plan shall be prepared for approval by the private developer or the Office of the Zoning Administration; Each development shall be required to plant at least ten (10) trees within its premises.

6. Parking

Parking area requirements shall be per the minimum requirements of the National Building Code; No on-street parking nor parking without buffer strip shall be allowed; instead, parking spaces shall be buffered from the street shoulder by planting strip with district entry and exit points.

7. Setbacks

Minimum building setback from the front and rear property lines shall be per the requirements of the National Building Code and the provisions of Sec. 33– Road Setback Regulations. In cases of discrepancy, the wider requirement shall be deemed applicable. Minimum building setback from the side property lines shall be four (4)meters.

8. Building Color

All buildings shall be of earth tone or nature color.

Section 27. Use Regulation in Water Zone

The utilization of the water resources for domestic and industrial use shall be allowed provided it is in consonance with the development regulations of DENR, provisions of the Water Code, and the Revised Forestry Code of the Philippines, as amended, and provided further, that it is subjected to an Environmental Impact Assessment prior to the approval of its use.

Other uses such as recreation, fishing and related activities, float age/transportation, mining and quarrying shall also be allowed provided it is in consonance with the provisions of the water code, RA 8371 and the Revised Forestry Code of the Philippines, as amended.

Such bodies of water shall include rivers and streams.

ARTICLE VI
GENERAL DISTRICT REGULATION

Section 28. Development Density. The permitted density shall be based on the regulations specified in the previous section on Use Regulation.

Section 29. Height Regulation. Building height shall conform to the height restrictions as provided by article V of this ordinance, and the pertinent provision of the National Building Code, Structural Code as well as the laws, ordinance, design standard, and rules and regulations related to land development and building construction and the various safety codes.

Other vertical structure such as steeples, water tanks and other utilities not covered by the height regulations of this ordinance, the National Building Code shall seek relief under the provisions of Art. IX. Mitigating Devices.

Section 30. Private Landing Strips, Heliports and Helipads

These shall be subject to the conditions/rules prescribed the Bureau of Air Transportation (BAT). (Note: While this type of development is unlikely to happen in Lamut, it is best to have this an existing regulation prepare for such special cases).

Section 31. Area Regulations. Area regulation in all zones shall conform with the minimum requirements of existing codes such as:

1. P.D. 957 - the "Subdivision and Condominium Buyer's Protective Law" and its revised implementing rules and regulations.
2. B.P. 220 - "Promulgation of Different Levels of standards and technical Requirements for Economic and Socialized Housing Projects" and its revised implementing rules and regulations.
3. P.D. 1096 - National Building Code
4. Fire Code
5. Sanitation Code
6. Plumbing Code
7. Structural Code
8. Philippine Electrical Code
9. Philippine Environmental Code
10. Executive Order No. 648 – Charter of the HLRB
11. Other relevant guidelines promulgated by the national and the local agencies concerned.
12. All pertinent provision of this ordinance

Section 32. Advertising, Billboards and Business Signs. No advertising, billboards or business signs whether on or off premises of an establishment shall be displayed or put for public view without clearance from the Zoning Administrator. Clearance for such signs or billboards maybe granted only when the same is appropriate for the permitted use for a zone and the sign thereof is not excessive, taking into account the bulk or the size of the building or structure and the business practices or usage's of the locality and same shall in no case obstruct the view of the lake and other scenic spots.

Obnoxious signs that would constitute nuisance to adjoining property owners, distract motorists or constitute as hazards to public safety shall not be allowed in any area and no sign project or extend to public property. Temporary sign and billboards for not more two (2) months may be allowed by the Zoning Administrator upon payment of corresponding fees to Municipality. The permit for such sign shall indicate the location, size, slope, contents and type of construction.

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

Section 33. Road Setback Regulations. The following road setback regulation shall be applied.

Zoning Classification	Major Thoroughfare 30 meters & above National Roads	Secondary Road Provincial Roads	Tertiary Road 6 meters & below Barangay Roads
Tourism zone	10m	10m	3m
Urban Areas	20m	20m	7m
Residential Area	20m	20m	7m
High Density Housing Area	10m	10m	3m
Agricultural Zone	20m	20m	7m
Institutional Area	20m	20m	10m
Agro-Industrial Area	30m	25m	10m
Parks & Recreation	10m	10m	3m
Conservation Areas (Forest, Eco-Tourism, EDA)	30m	25m	10m

The above setback requirements starts from the edge of the road right-of-way.

For major thoroughfares and roads with established grade, a 5 meter setback is already annotated on the titles of the affected property owner. In case of conflict between regulations on parking specified as specified in previous section and the above, the former shall be deemed as applicable.

Setbacks that are less than the above requirements shall seek relief under the provisions of Art. IX. Mitigating Devices.

Section 34.Easement.Pursuant to the provisions of the Water Code:

- 1.) The banks of rivers and streams throughout their entire length and within a zone of three (3) meters in urban area; twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to the easement of public use in the interest of creation, navigation, float age, fishing and salvage.
- 2.) No person shall be allowed to stay in this zone longer than is necessary for space or creation, navigation, float age, fishing or salvage or to build structures of any kind.

Section 35.Buffer Regulations. A buffer of at least 8 meters shall be provided along the entire boundary length between two or more conflicting zones, allocating 4 meters from each side of the district boundary. Such buffer strip shall be open and not encroached upon by any building or structure and shall be a part of the yard or open space.

In case where different uses are located within the same zone (e.g. residential institutional) a buffer of at least 6 meters shall be provided, allocating 3 meters from each side of the boundary.

Section 36.Specific Provisions in the National Building Code. Specific provisions of the National Building Code (P.D. 1096), as amended, concerning traffic generators, advertising and business signs, construction of more than one principal structure, dwelling or rear lots, access yard requirements and dwelling groups, which are not in conflict with the provisions of this Zoning Ordinance, shall be observed.

ARTICLE VII INNOVATIVE TECHNIQUES

Section 37.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 by New Town Development under RA 7279;BLISS Commercial Complexes, etc., the Zoning Administrator/Zoning official shall submit the

applications to HLRB for appropriate action, unless the local government units concerned has the capacity to process the same.

ARTICLE VIII MISCELLANEOUS PROVISIONS

Section 38. Projects of National Significance. Projects may be declared by the NEDA Boards as projects of national significance, pursuant to section 3 of EO72. When so declared by the NEDA Board, the locational clearance shall be issued by HLRB pursuant to EO 72.

Section 39. Environmental Compliance Certificate (ECC).

Notwithstanding the issuance of locational clearance as provide in this Ordinance, no environmentally critical projects nor projects located in environmentally critical areas shall be commenced, developed or operated unless the requirements of an Environmental Compliance Certificate have been complied with.

Section 40. Subdivisions Projects. All owners and/or developers of subdivisions projects shall, in addition to securing a locational clearance under Section 44 of this ordinance be required to secure a development permit pursuant to provisions of PD 957 and its implementing rules and the regulations.

They shall also comply with the provisions of BP 220 and its implementing rules and regulations in the case of socialized housing, and in accordance with the procedures laid down in EO 71, series of 1993.

ARTICLE IX MITIGATING DEVICES

Section 41. Deviation. Exceptions, variances or deviations from the provisions of this Ordinance may be allowed by the Local Zoning Board of Adjustments and Appeal (LZBAA) only when the following terms and conditions exist:

1. Variance

1. 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 his/their property.

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

a. Conforming to the provisions of the Ordinance will cause undue hardship on the part of the owner or occupant of the property due to the physical conditions of the property (topography, shape, etc.) which is not self-created.

b. The proposed variance is the minimum deviation necessary to allow the 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 is sought is located, and will not substantially or permanently injure the use of the other properties in the same district or zone.

d. The variance will not weaken the general purpose of the Ordinance and will not adversely affect the public health, safety or welfare.

The variance will be in harmony with the spirit of this Ordinance.

2. Exceptions

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

Section 42. Procedures For The Grant Of Exceptions And Variances.

The procedure for the granting of exception and/or variance shall be as follows:

A written application for an exception or variance shall be filled with the Local Zoning Board of Adjustment and Appeals (LZBAA) citing the section of this Ordinance under which the same is sought, and stating the ground/s thereof.

1. Upon the filing of the application, a visible project sign, (indicating the name and nature of the proposed project) shall be posted at the project site.
2. The Local Zoning Board of Adjustment and Appeals shall undertake preliminary studies on the application, including the conduct of ocular survey.
3. A written affidavit of non-objection to 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. In case of objection coming from any of the adjacent owners, THE LZBAA shall hold public hearing/s. 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 to present evidences and testimonies.
4. The LZBAA shall render a decision within thirty (30) days from the filing of the application. Exclusive of the time spent for the preparation of the written affidavit of non-objection and the public hearing in case of any objection to the grant of the exception/variance

ARTICLE X ADMINISTRATION AND ENFORCEMENT

Section 43. Locational Clearance. All owners/developers shall secure a locational clearance of Zoning Compliance from the Zoning Administrator/Zoning Office or, in cases of variance and exemptions, from the Local Zoning Board of Adjustment and Appeals (LZBAA) prior to conducting any activity or undertaking construction on their property/land.

1. non-conforming use which has ceased operation for more than one (1) year be revived as non-conforming use.
2. That an idle/vacant structure may not be use for non-conforming activity.
3. That any non-conforming structures 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 the replacement cost.

Section 44. Building Permit. No building permit shall be issued by the local building officer without a valid locational clearance granted in accordance with this Ordinance.

Section 45. 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 and cancellation. The grantee shall not proceed with his project without applying for a new clearance.

Section 46. Certificate of Non-Conformance. A certificate of Non-Conformance shall be applied for by the owner of the structure or operator of the activity involved within six (6) months from the ratification of the zoning ordinance by the Sangguniang Panlalawigan (SP). Failure on the part of the owner to register/apply for a certificate of Non-Conformance shall be considered in violation of the Zoning Ordinance and is subject to fine/penalties.

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

Section 47. Existing Non-Conforming Uses and Buildings. The lawful use of any building, structure or land at the time of the adoption or amendment of this Ordinance may be continued, although such use does conform with the provision of this Ordinance, Subject to the following conditions:

1. That no such non-conforming use shall be enlarged or extended to occupy a greater area of land than that already occupied by such use at the time of the adoption of this ordinance, or move in whole or in part, of any other portion of the lot or parcel or land where such non-conforming use exists at the time of the adoption of this Ordinance.
2. That no such non-conforming use which has ceased operation for more than one (1) year be revived as non-conforming use.
3. That an idle/vacant structure may not be used for non-conforming activity.
4. That any non-conforming structure, or 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 the replacement cost. That should such non-conforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provision of this Ordinance.
5. 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.
6. That no such non-conforming use may be moved to another site to displace any conforming use.
7. That should such structure be for any reason moved to whatever distance, it shall thereafter conform to the regulation of the district to which it is moved or relocated.
8. In cases where the non-conforming structure becomes extremely hazardous to public health, public safety and contrary to the greater interest of the Municipality, the Municipality government reserves the right to institute legal proceedings to ensure conformity and exercise other powers as mandated by RA 7160.

The owner of a non-conforming use shall program the phase-out and relocation of the non-conforming use within the ten (10) years from the effectivity of this Ordinance.

Furthermore, all such non-conforming use shall be required to conform to the requirements of sustainable development as specified by the IEMSD Guidebooks.

Section 48. Responsibility for Administration and Enforcement. This Ordinance shall be enforced and administered by the local chief executive through the Zoning Administrator/Zoning Officer who shall be appointed by the former in accordance with existing rules and regulations on the subject.

Section 49. Powers and Functions of a Zoning Administrator.

1. Enforcement

1.1 Act on all applications for locational clearances for all projects by:

- 1.1.1 Issuing locational clearances for projects conforming with the zoning regulations.
- 1.1.2 Recommending to the Local Zoning Board of Adjustments and Appeals (LZBAA) the grant or denial of applications for variances and exemptions and the issuance of Certificates of Non-Conformance for non-conforming projects lawfully existing at the time of the adoption nor amendment of the zoning ordinance, including clearances for repairs/renovations on non-conforming uses consistent with the guideline therefore
- 1.1.3 Monitor on-going/existing projects within their respective jurisdiction and issue notices and show cause to owners, developers, or managers of projects that are violative of zoning ordinance and where necessary, pursuant to Sec. 3 of EO 72 and Sec. 2 of EO 71, refer subsequent actions there on to the HLRB.
- 1.1.4 Call and coordinate with the Philippine National Police for enforcement of all orders and processes issued in the implementation of this ordinance.
- 1.1.5 Coordinate with the Municipality Fiscal/Attorney for other legal actions/remedies relative to the foregoing.

2. Planning:

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

Section 50. Action of Complaints and Oppositions. Any complaint for violation of any provision of the zoning ordinance or of any clearance or permits issued pursuant thereto shall be filed with the LZBAA.

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

Section 51. Functions and Responsibilities of the Local Zoning Board of Adjustment and Appeals. There is hereby created a LZBAA which shall perform the following functions and responsibilities:

- 1. Act on applications of the following nature and complaints and opposition to such applications:
 - 1.1 Variances
 - 1.2 Exceptions
 - 1.3.1.1 Non-Conforming Uses
- 2. Act on appeals on the grant or denial of locational clearance by the zoning administrator/zoning officer. The decision of the Local Zoning Board of Adjustment and Appeals shall be appealable to the HLRB.

Section 52. Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA). The Municipal Development Council shall create a sub-committee, which shall act as the LZBAA composed of the following members:

1. Municipal Mayor as Chairman
2. Municipal Legal Officer
3. Municipal Assessor
4. Municipal Engineer
5. Municipality Planning and Development Coordinator (if other than the Zoning Administrator.
6. Two (2) representatives of the private sector nominated by their respective organizations and confirm by the Municipality mayor. In case of non-availability of any of the officials enumerated above, the Sangguniang Bayan shall elect as representative such number of its member as may be necessary to meet the total number above set forth

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

Section 53. Interim Provision. Until such time that the Local Zoning Board of Adjustment and Appeals shall have been constituted, the HLRB shall act as the LZBAA. As an appellate Board, the HLRB shall adopt its own rules of procedure to govern the conduct of appeals arising from the administration and enforcement of this Ordinance.

Section 54. Review of the Zoning Ordinance. The Municipal Development Council shall create a sub-committee to be known as the Local Zoning Review Committee (LZRC) that shall review the Zoning Ordinance considering the Comprehensive Land Use Plan, as the need arises, based on the following reasons/situations:

1. Change in local development plans
2. Introduction of projects of national significance.
3. Petition for rezoning
4. Other strong and valid reasons which justify consideration

Section 55. Composition of the local Zoning Review Committee.

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 Coordinator
2. Municipal Health Officer
3. Municipal Agriculturist
4. President, Association of Municipality Captains
5. Municipality Engineer
6. Officer, National Commission on Indigenous Peoples (NCIP)
7. Community Environment and Natural Resources Officer (CENRO)
8. District School Supervisor
9. Two (2) Private Sectoral Representatives (Local Chamber of Commerce and Housing Industry)
10. Two (2) NGO representatives

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

Section 56. Functions of the Local Review Committee. The Local Zoning Review Committee shall have the following powers and functions:

1. Review the Zoning Ordinance for the following purposes:
 - a. Determine amendments or revision necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan.
 - b. Determine changes to the introduced in the Comprehensive Land Use Plan in the light of permits given, and exceptions and variances granted.
 - c. Identify provision of the Ordinance, which 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 view conducted.
3. Provide information to the HLRB that would be useful in the exercise of its functions.

Section 57. Amendments to the Zoning Ordinance. Changes in the Zoning Ordinance as a result of the view by the Local Zoning Review Committee shall be treated as an amendment, provided that any amendment to the provisions of the Zoning Ordinance shall be carried out through a resolution three-fourths vote of the Sangguniang Bayan. Said amendments shall take effect only after approval and authentication by the Sangguniang Panlalawigan.

Section. 58. Violation and Penalty. Any person who violates any of the provision of this Municipality Ordinance, shall upon conviction, be punishable by a fine not exceeding P1,000 or an imprisonment for a period not exceeding one (1) year 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 59. Suppletory Effect of Other Laws and Decrees. The provision of this Ordinance shall be without prejudice to the application of others laws, presidential decrees, letters of instructions and other executive or administrative orders vesting national agencies concerned shall be consistent with the Comprehensive Land Use Plan of the LGU.

Section 60. Separability Clause. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to/be unconstitutional or invalid.

Section 61. Repealing Clause. All ordinance, rules or regulations in conflict with the provisions of this Ordinance are hereby repealed; provided, that the rights that are vested upon the effectively of this Ordinance shall not be impaired.

Section 62. Effectivity Clause. This Ordinance shall take effect upon approval by the Housing and Land Use Regulatory Board and the Provincial Land Use Council.

B. The Zoning Map/Plan

To be placed in the final draft : “This is the Official Zoning Map enacted by the LGU and duly ratified and authenticated by the approving body (Sangguniang Panlalawigan/HLURB) which is an integral part of the Zoning Ordinance. It is the graphic presentation of the zone classifications/designations, location and boundaries of the districts/zones that were duly established in the zoning ordinance.”