

# ZONING ORDINANCE

for  
TAGAYTAY CITY

## CITY ORDINANCE NO. 97-93

Series of 1997

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

Be it ordained enacted by the Sangguniang Panlungsod of Tagaytay that:

**WHEREAS**, the implementation of the Comprehensive 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 Comprehensive 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 comprehensive land use planning;

**NOW THEREFORE**, the Sangguniang Panlungsod of Tagaytay, in a session assembled, hereby adopts the following Zoning Ordinance.

### **ARTICLE I TITLE OF THE ORDINANCE**

**Section 1. Title of the Ordinance.** This Ordinance shall be known as the Comprehensive Zoning Ordinance of the City 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 447 a.2 (7-9), dated 10 October 1991, Authorizing the City, through the Sangguniang Panlungsod 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 Tagaytay City in accordance with its Comprehensive 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 Land Use Plan per Resolution No. \_\_\_\_\_ dated \_\_\_\_\_ for the City of Tagaytay.

## **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 hereunder shall be understood to have the meaning indicated as follows:

1. Agricultural Development Area (ADA) – areas intended for cultivation and pastoral activities e.g. farming, cultivation of crops, backyard goat/cattle raising, etc.
2. HLRB/Board – shall Mean the Housing and Land Use Regulatory Board.
3. Buffer Area – these are yards, parks or open spaces intended to separate incompatible elements or uses to control pollution/nuisance and for identifying and defining development areas or zones where no permanent structures are allowed.
4. Building Height Limitation (BHL) – the maximum height allowed for buildings as specified in the conditions of this Ordinance.
5. Built-up Area – a contiguous grouping of ten (10) or more structures.
6. Certificate of Non-Conformance – certificate issued to owners of all uses existing prior to the approval of this Zoning Ordinance which do not conform to the zone per provision of the same Ordinance.
7. Compatible Use – uses or lands activities capable of existing together harmoniously e.g. residential use and parks and playground.
8. 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.
9. Conflicting Uses – uses or land activities with contrasting and incompatible characteristics located adjacent to each other e.g. residential units adjacent to industrial plants.
10. Confirming Use – a use which is in accordance with the zone classification as provided for in the Zoning Ordinance.
11. Easement – open space imposed on any land use/activities sited along waterways, road-right-of-ways, cemeteries/memorial parks and utilities.
12. Ecological Development Area (EDA) – areas intended primarily for agro-forestry uses and/or for forest purposes as enumerated in the IEMSD Guidebook.
13. 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.”

14. Environmentally Critical Areas – refer those areas, which are environmentally sensitive and are listed in Presidential Proclamation 2145 dated December 14, 1981.
15. 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.
16. Exception – a device which grants a properly 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.
17. Floor Area Ration (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.
18. Geometric Center – the centroid of a buildings or structure’s elevation projected to a line defining the natural gradient.
19. General Development Area (GDA) – areas intended primarily for dwelling/housing; institutional establishments e.g., government offices, schools, hospitals/clinics, academic/research, religious facilities, convention centers; and low to medium density commercial establishments.
20. Greenbelt Zone (GZ) – areas intended as Buffer Areas along the City boundary.
21. Gross Floor Area (GFA) – The GFA of a building is the total floor space within the perimeter of the permanent external building walls, occupied by:
  - Office area;
  - Residential areas;
  - Corridors;
  - Lobbies;
  - Mezzanine;

- Vertical penetrations, which shall mean stairs, fire escapes, elevator shafts, flues, pipe shafts, vertical ducts, and the like, and their enclosing walls;
- Rest rooms or toilets;
- Machine rooms and closets;
- Storage rooms and closets;
- Covered balconies and terraces;
- Interior walls and columns, and other interior features;

But exclude:

- Covered areas used for parking and driveways, including vertical penetrations in parking floors where no residential or office units are present;
- Uncovered areas for cooling towers, overhead water tanks, roof decks, laundry areas and cages, wading or swimming pools, whirlpools or Jacuzzis, gardens, courts or plazas.

22. High Density Housing Area (HDHA) – shall be principally for socialized housing/dwelling purposes for the underprivileged and homeless as defined in R.A. 7279.

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

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

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

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

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

28. Non-Confirming Use – existing non-confirming use/establishments in an area allowed to operate in spite of their non-conformity to the provisions of the Ordinance, subject to the conditions stipulated in this Zoning Ordinance.
29. 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.
30. Planned Unit Development (PUD) – it is a land development scheme wherein the project is comprehensively planned as an entity via unitary site plans which permits flexibility in planning/design; siting of buildings; complementary of building types and land uses; usable open spaces and the preservation of significant natural land failures.
31. Primary Urban Core (PUC) – this shall be the City’s central business district to developed as a PUD.
32. 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 reclassification under section 20 of RA 7160.
33. Rural Area – area outside of designated urban area.
34. Setback – the open space left between a building and lot lines.
35. Secondary Urban Core (SUC) – areas which quasi-trade business and service activities performing complementary/supplementary functions to the PUC; the SUC is further divided into two, SUC 1 which are areas on the northern side of the Tagaytay-Nasugbu-Calamba Road and SUC 2 which are areas to the south of the said road.
36. Special Conservation Area (SCA) – area defined by one (1) kilometer radius from the center of the People’s Park as provided in Proclamation No. 740 dated Feb. 16, 1996.
37. Special Institutions Area (SIA) – areas where church-related facilities such as retreat houses, shrines, etc. under a rural setting shall be established.
38. Tourism Strip (TS) – defined by the strip along Tagaytay-Nasugbu and Tagaytay-Calamba Roads which shall be the major tourism development area of the City; the TS is divided into two, the Northern TS which located north of the Tagaytay-Nasugbu-Calamba Roads and the Southern TS which is south of the said roads.
39. 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.

40. Water Zone (WZ) – area where bodies of water are located within cities and municipalities which includes rivers, streams, lakes and seas, except those included in other zone classification.
41. Zone/Area – an area within the city for delineated for specific land use as defined by this Ordinance.
42. Zoning Administrator/Zoning Officer – a municipal/city/government employees responsible for the implementation/enforcement of the Zoning Ordinance in a community.

## **ARTICLE IV ZONE CLASSIFICATIONS**

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

1. Tourism Strip
2. Primary Urban Core
3. Secondary Urban Core
4. General Development Area
5. Agricultural Development Area
6. Ecological Development Area
7. High Density Area
8. Special Conservation Area
9. Ecological-Tourism Area
10. Greenbelt Zone
11. Special Institutional Area

**Section 6. Zoning Map.** The official zoning map for the entire city, 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 city has been divided are hereby identified and specified as follows:

<b>ZONE</b>	<b>LOCATION</b>
<p><b>1) Tourism Strip</b></p>	<p><b>Northern Tourism Strip</b>  Bounded on the <b>North</b> by a 60 meter distance from the road right-of-way line of Tagaytay-Nasugbu and Tagaytay-Calamba Roads;  Bounded on the <b>South</b> by the Tagaytay-Nasugbu and Tagaytay-Calamba Roads;  Bounded on the <b>West</b> by Tagaytay City's boundary with the Municipality of Alfonso;  Bounded on the <b>East</b> by the Special Conservation Area (SCA).</p> <p><b>Southern Tourism Strip</b>  Bounded on the <b>North</b> by the Tagaytay-Nasugbu and Tagaytay-Calamba Roads;  Bounded on the <b>South</b> by slopes having a downward gradient of more than 18% from the road right-of-way line of the Tagaytay-Nasugbu and Tagaytay-Calamba Roads;</p>
<p><b>2) Primary Urban Core</b></p>	<p>Bounded on the <b>North</b> by Mahogany Ave.;</p> <p>Bounded on the <b>South</b> by the Tagaytay-Nasugbu Road;</p> <p>Bounded on the <b>East</b> by the junction of Mahogany Ave. and Tagaytay-Nasugbu Road</p> <p>Bounded on the <b>West</b> by the junction of Mahogany Ave. and Tagaytay-Nasugbu Road.</p>
<p><b>3) Secondary Urban Core</b></p>	<p><b>Mendez Crossing SUC</b>  Bounded on the <b>North</b> by a 50 meter</p>

distance from the road right-of-way from the Tagaytay-Nasugbu Road;  
Bounded on the **South** partly by the Tagaytay-Sambong Road partly by a downward gradient of more than 18% from the road right-of-way line of the Tagaytay-Nasugbu Road;  
Bounded on the **East** by the road going to Mendez Crossing Elementary School;  
**Western** Boundary shall be as scaled in the Map.

**Mahogany SUC**

Bounded on the **North** by Heroes Farm Road up to the rear property line of the Mahogany Market Compound;  
Bounded on the **South** by J.P. Rizal Avenue;  
Bounded on the **East** by the Mahogany Wet market Compound;  
Bounded on the **West** by Heroes Farm Road.

**Silang Crossing SUC**

Bounded on the **North** by Tagaytay's boundary with the Municipality of Silang;  
Bounded on the **South** by the Tagaytay-Nasugbu and Tagaytay-Calamba Roads;  
Bounded on the **East** by a 50 meter distance from the road right-of-way line of the Tagaytay-Silang Road, Cityland and Foggy Heights Subdivisions;  
Bounded on the **West** by Tagaytay Country Homes Ph.I and road leading to Ridge Resort.

**Sta. Rosa Junction SUC**

Northern boundary shall be as scaled in the Map;  
Bounded on the **South** by the Tagaytay-Calamba Road;  
Bounded on the **East** by the Tagaytay-Sta. Rosa Road;  
Bounded on the **West** by the Malabag

<p><b>4) General Development Area</b></p>	<p>2<sup>nd</sup> Road.</p> <p>Bounded on the <b>North</b> by the general direction defined by the following: Tagaytay Country Homes Ph.II; westward extension of Tagaytay-Neogan St.; road linking Tagaytay-Zambal and Tagaytay-Neogan Roads; Tagaytay-Zambal Road; Asisan barrio road; northern boundary of JAKA Property; St. Joseph Subd.; Sarmiento Subd. Projected to Tagaytay-Indang Road; Martha Royale as projected to existing road going to Patutong Malaki South; Llamado Poultry Farm; RFM Breeding Farm; Kaybagal-PC Camp Road; road leading to Metro Gate Subdivision; Sta. Rita Road from Tagaytay-Amadeo Road to Magallanes Drive; road connecting Magallanes and Bonifacio Drives; boundary of Maitim 2<sup>nd</sup> Central and Silang Junction West; Maitim 2<sup>nd</sup> Central and Maitim 2<sup>nd</sup> East boundary; SVD-Trucking Road to Tagaytay-Calamba Road; Francisco Tolentino Road to Tagaytay-Sta. Rosa Road; proposed Arterial Highway to Tagaytay-Kabangaan Road.</p> <p>Bounded on the <b>South</b> by the Tagaytay-Nasugbu and Tagaytay-Canlubang Roads;</p> <p>Bounded on the <b>East</b> by the Tagaytay-Kabangaan Road;</p> <p>Bounded on the <b>West</b> by Tagaytay City's boundary with the municipality of Alfonso.</p> <p>The following are spot-zoned: Woodsborough; Cityland; Guinhawa Village; 50 meter deep strip along Tagaytay-Asisan Road to Guinhawa Tropical Green Subdivision; 50 meter deep strip along the Tagaytay-Mendez Road up to the Tagaytay-Mendez boundary; JAKA property up to Heroes Farm Road;</p> <p>Metrogate Subdivision; Nueva Villa Subdivision; 50 meter strip along</p>
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<p><b>5) Agricultural Development Area</b></p>	<p>Tagaytay-Amadeo Road; Alta Monte Subdivision; Antonio Ricafrente Subdivision; Divine World Village; Buenavista Subdivision; St. Gabriel Subdivision; 100 meter strip along Malabag Road; 50 meter strip along Tolentino Road up to Silang boundary; Herbal Cove subdivision; Crosswinds Subdivision; Tagaytay Development Corporation Subdivision; Katigbak Subdivision; Hollywood Subdivision; Mote Vista Subdivision; Kawilihan Subdivision; Regalado Pasos Subdivision; 50 meter strip along Ligaya Drive; Ridge View Subdivision.</p> <p>Bounded on the <b>North</b> by Tagaytay City's boundary with the municipalities of Mendez, Indang, Amadeo and Silang;</p> <p>Bounded on the South by the general direction defined by the following: Tagaytay Country Homes Ph. II: westward extension of Tagaytay-Neogan St.; road linking Tagaytay-Zambal and Tagaytay-Neogan Roads; Tagaytay-Zambal Road; Asisan barrio road; northern boundary of JAKA Property; St. Joseph Subd. Sarmiento Subd. Projected to Tagaytay-Indang Road; Martha Royale as projected to existing road going to Patutong Malaki South; Llamdao poultry Farm; RFM Breeding Farm; Kaybagal-PC Camp Road; road leading to Metro Gate Subdivision; Sta. Rita Road from Tagaytay-Amadeo Road to Magallanes Drive; road connecting Magallanes and Bonifacio Drives; boundary of maitim 2<sup>nd</sup> Central and Silang Junction West; Maitim 2<sup>nd</sup> Central and Maitim 2<sup>nd</sup> East boundary; SVD-Trucking Road to Tagaytay-Calamba Road; Francisco Tolentino Road to Tagaytay-Sta. Rosa Road; proposed Arterial Highway to Tagaytay-Kabangaan Road.</p> <p>Bounded on the East by the Tagaytay-Kabangaan Road;</p>
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<p><b>6) Ecological Development Areas</b></p>	<p>Bounded on the West by the Tagaytay City-Alfonso boundary.</p> <p>Bounded on the <b>North</b> by the Tourism Strip;</p> <p>Bounded on the <b>South</b> by Tagaytay City's boundary with the municipalities of Laurel and Talisay;</p> <p>Bounded on the <b>East</b> by the Tagaytay-Banawan Road and the Special Conservation Area;</p> <p>Bounded on the <b>West</b> by Tagaytay City's boundary with the municipality of Alfonso</p>
<p><b>7) High Density Housing Area</b></p>	<p><b><i>Sungay HDHA (10 ha.):</i></b></p> <p>Bounded on the <b>North</b> by Matang Tubig Creek;</p> <p>Bounded on the <b>South</b> by the Picnic Grove-Kaykulot Road</p> <p>Bounded on the <b>East</b> by the 7<sup>th</sup> BCT Subdivision;</p> <p>Bounded on the <b>West</b> by the Matang Tubig Creek.</p> <p>Two other sites in Kaybagal (1 ha.) and Zambal (3 has.), respectively, shall be located within the ADA.</p>
<p><b>8) Special Conservation Area</b></p>	<p>Defined by a one (1) kilometer radius from the People's Park per Proclamation No. 740 dated Feb. 16, 1996.</p>
<p><b>9) Ecological Tourism Area</b></p>	<p>Bounded on the <b>North</b> by the Special Institutional Area;</p> <p>Bounded on the <b>South</b> by Tagaytay City's boundary with the municipality of Talisay;</p>
<p><b>10) Greenbelt Zone</b></p>	<p>Bounded on the <b>East</b> by Tagaytay City's boundary with the municipality of Calamba;</p> <p>Bounded on the <b>Northwest</b> by Tagaytay-Kabangaan and Tagaytay-Banawan Roads.</p>
<p><b>11) Special Institutional Area</b></p>	<p>Thirty (30) meters deep from the Northern, Eastern and Western</p>

	<p>boundaries of Tagaytay City</p> <p>Bounded on the <b>North</b> by Tagaytay City's boundary with the municipality of Cabuyao;</p> <p>Bounded on the <b>South</b> by the ETA (as scaled from the northern City boundary);</p> <p>Bounded on the <b>East</b> by Tagaytay City's boundary with the municipality of Calamba;</p> <p>Bounded on the <b>West</b> by the Tagaytay-Kabangaan Road.</p>
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**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 construed 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 construed as being parallel thereto and at such distance therefrom as indicated in the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown in said zoning map.
- 4) Where the boundary of a zone follows approximately a railroad line, such boundary shall be deemed to be the railroad right-of-way.
- 5) Where the boundary of a zone follows a stream, lake or other bodies of water, said boundary line 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 construed 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 construed to be within the zone where the major portion of the lot is located. In case the lot is bisected by the boundary line, it shall fall within the zone where the principal structure falls.

- 7) Where the zone boundary is indicated as one-lot-deep, said depth shall be construed to be the average lot depth of the lots involved within each particular city block. Where, however, any lot has a depth greater than said average, the remaining portion of said lot shall be construed 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 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 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 Tourism Strips (TS)**

#### **1. Allowable Uses**

- 1.1 Commercial Housing
  - a. hotel, motel, apartel
  - b. club house
- 1.2 Commercial condominium (with residential units in the upper floors)

- 1.3 Restaurants and other eateries
- 1.4 Recreational areas like:
  - a. play court e.g. tennis court, swimming pool, horseback riding
- 1.5 Parks and Playgrounds
- 1.6 Vacation Houses/Holiday Villas

## **2. Bulk and Density**

### **Northern Tourism Strip**

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.

### **Southern Tourism Strip**

It is the intent of these provisions to develop an unobstructed view of Taal Lake at any point along the Tagaytay-Nasugbu and Tagaytay-Calamba Roads for the enjoyment of all;

The siting of structures shall ensure that the above view is not obstructed, unless otherwise properly justified as unavoidable;

The Reference Elevation shall be the existing street crown level of the Tagaytay-Nasugbu and Tagaytay-Calamba Roads, reckoned for the purposes of this Ordinance as 0.00 meter elevation: any point of a structure higher than the Reference Elevation shall cause the same structure to be classified as Obstructive and any point of a structure with an elevation equal to 0.00 meters or more or less shall cause the same to be classified as Non-Obstructive;

### **Obstructive Structure**

Obstructive Structures shall be allowed upon proper justification to and prior approval is granted by the Zoning Administrator; however, the spacing in-between buildings and/or in-between buildings on adjacent properties shall be sufficient to allow lateral unobstructed views of Taal Lake from the Tagaytay-Nasugbu and Tagaytay-Calamba Roads, for this purpose, Obstructive Structures are required to have a maximum PLO of 30% and a BHL of five (5) meters from the geometric center of the structure.

In case of sites where the natural grade line is higher than the Reference Elevation, structures therein shall be considered as obstructive and subject to the same provisions regarding PLO and BHL.

No structure shall be laid out in an extremely linear manner along the Tagaytay-Nasugbu and Tagaytay-Calamba Roads though complying with the requirements on PLO and BHL.

### **Non Obstructive Structures**

Non-Obstructive structures shall have a PLO of 50% and a BHL of eight (8) meters from the geometric center of the structure; structures shall be terraced and working along with the terrain with minimal cut-and-fill operations;

Only park and park-like facilities, as well as guardhouses, may be allowed to go beyond the Reference Elevation provided that these are adequately designed to enhance the view of the horizon and of Taal Lake.

### **Viewing Decks**

It is further required that viewing decks be provided by developments which are for public use.

### **Slope Orientation**

These provisions shall apply to all sites within Tourism Strip 2 whether slopes are oriented to the North, East, West or South.

## **3. Impervious Surfaces**

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

## **4. Fencing**

Fencing along the Tagaytay-Nasugbu and Tagaytay-Calamba Roads, as well as those directly viewing Taal Lake, 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 Office of the Zoning Administration;

Each development shall be required to plant at least ten (10) trees within its premises.

No planting development shall be allowed which shall obstruct the view of Taal Lake from the road; recommended height of planting materials (except trees) such as bushes along the Tagaytay-Nasugbu Road is 0.80 meters.

## **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. 26 – 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 11. Use Regulations in Primary Urban Core (PUC).** The PUC shall be a Planned Unit Development but subject to the following general regulations:

### **1. Allowable Uses**

#### 1.1 Commercial housing

- a. hotel, motel, apartel
- b. clubhouse

#### 1.2 Commercial condominium (with residential units in the upper floors)

#### 1.3 Office building/condominium

#### 1.4 General retail/store and shops like:

- a. Department store/shopping center, bookstore and office supply shop
- b. Car shop
- c. Home appliance store
- d. Photo shop
- e. Flower shop

#### 1.5 Food markets and shops like:

- a. bakery, bakeshop and wine store
- b. grocery and supermarket

1.6 Personal Service shops like:

- a. beauty parlor and barber shops
- b. sauna bath and massage clinic
- c. dressmaking and tailoring shop

1.7 Recreational centers/establishments like:

- a. movie house/theater
- b. play court e.g. tennis court, swimming pool, bowling alleys, billiard halls
- c. day and night clubs
- d. stadium, coliseum, gymnasium
- e. other sports and recreational establishments

1.8 Restaurants and other eateries

1.9 Short-term educational facilities like:

- a. dancing and driving schools
- b. school for self defense
- c. speech clinic

- 1.10 Storeroom and warehouse but only as may be necessary for the efficient conduct of business
- 1.11 Embassy/Consulate
- 1.12 Library, museum, scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities
- 1.13 Filling/Service Stations
- 1.14 Clinic
- 1.15 Bank and other financial institutions
- 1.16 Radio and Television stations
- 1.17 Building garage, transportation terminal/garage
- 1.18 Repair of optical instruments and equipment's and cameras, clocks and watches
- 1.19 Government centers to house national, regional or local offices in the area
- 1.20 Colleges, universities, professional business schools, vocational and trade schools, technical schools and other institutions of higher learning
- 1.21 General hospitals, medical centers, multipurpose clinics
- 1.22 Convention centers and related facilities
- 1.23 Other uses similar, related or directly incidental to the above uses.

## **2. Bulk and Density**

The Floor Area Ratio (FAR) shall be 5.0 and the BHL shall be fifteen (15) storeys but not more than sixty (60) meters above the Reference Elevation (as defined in Section 10). The PLO shall be 60%.

## **3. Impervious Surface**

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

## **4. Fencing**

Fencing along Tagaytay-Nasugbu Road and J.P. Rizal Ave. 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 no greater than 0.40 meters from the finished grade line.

## **5. Landscaping**

A landscaping plan shall be prepared for approval by the office of the Zoning Administrator.

## **6. Parking**

Parking area requirements shall be the per 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 phone.

Basement and upper level parking are encouraged; parking buildings may also be built provided that these are designed to appear as regular buildings.

Open and unlandscaped parking lots are not allowed; should open parking be provided, these shall be so landscaped to have a park-like character.

## **7. 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 requirement shall be deemed applicable.

## **8. Building Color**

All buildings shall be of earth tone or nature color.

## **Section 12. Use Regulations in Secondary Urban Core (SUC)**

### **1. Allowable Uses**

#### ***SUC 1***

- 1.1 All uses in PUC except those that are institutional in nature;
- 1.2 Shops such as:
  - a. repair shops for house appliances
  - b. motor vehicles and accessory shops
  - c. home furnishing shops
- 1.3 Transportation terminal/garage with repair;
- 1.4 Publishing companies;
- 1.5 Medium scale junk shop;
- 1.6 Machinery display shop/canteen;
- 1.7 Gravel and sand stores, lumber/hardware;
- 1.8 Manufacture of ice, ice blocks, cube, tubes, crushed except dry ice;
- 1.9 Manufacture of signs and advertising displays (except printed);
- 1.10 Welding shops, machine shops service operations (repair/rebuilding or customs job orders), repair of motorcycles;
- 1.11 Lechon or whole pig roasting stalls;
- 1.12 Factory engaged in the manufacture of biscuits, cookies, crackers and other similar dried bakery products, doughnuts, hopia factory, other bakery products not elsewhere classified;
- 1.13 Repacking of food products, e.g. fruits vegetables, sugar and other related products;
- 1.14 Parking lots, garage facilities;
- 1.15 Wet and dry market (limited to their presents sites in the Tagaytay-Amadeo and Sta. Rosa junctions);
- 1.16 Other commercial activities not elsewhere classified.

#### ***SUC 2***

Uses shall be limited to those allowed in Tourism Strip and PUC (except those that are institutional in nature)

### **2. Bulk and Density**

The FAR shall be 2.40; the PLO shall be 60%; and the BHL shall be 16 meters or four (4) storeys.

### **3. Impervious surfaces**

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; 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 office of the Zoning Administrator

#### **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 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 requirement shall be deemed applicable.

#### **8. Building Color**

All buildings shall be earth tone or nature color.

### **Section 13. Use Regulation in General Development Area (GDA)**

#### **1. Allowable Uses**

- 1.1 Detached family dwelling
- 1.2 Multi-family dwelling e.g. row-houses, apartments
- 1.3 Residential condominium
- 1.4 Apartment
- 1.5 Homestay
- 1.6 Pension house
- 1.7 Hotel apartment or apartel
- 1.8 Dormitory
- 1.9 Boarding house

- 1.10 Branch libraries and museums
- 1.11 Customary accessory uses such as:
  - a. Servants quarter
  - b. Private garage
  - c. Guard house
- 1.12. 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:
  - a. That the number of person engaged in such business/industry shall not exceed five (5), inclusive of the owner;
  - b. That there shall be no change in the outside appearance of the building premises;
  - c. That no home occupation shall be conducted in any customary accessory uses cited above;
  - d. 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
  - e. That no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal sense and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage of the premises.
- 1.13. Home industry classified as cottage industry:
  - a. Such home industry shall not occupy more than thirty percent (30%) of the floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance;
  - b. Allotted capitalization shall not exceed the capitalization set by the Department of Trade and Industry (DTI);
  - c. It shall comply with the same provision enumerated in paragraph 12c, d and e on home occupation.
  - d. 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.
- 1.14. Recreational facilities for the exclusive use of the members of the family residing within the premises, such as swimming pool and pelota court
- 1.15. Nursery/elementary school, high school, vocational school
- 1.16. Sports club
- 1.17. Buildings for religious use multi-purpose hall/barangay halls
- 1.18. Clinic, nursing and convalescing home, health center
- 1.19. Plant nurseries

- 1.20. College, universities, professional business schools, vocational and trade schools and other institutions of higher learning.
- 1.21. General hospitals, medical centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities
- 1.22. Convention centers and related facilities
- 1.23. Religious structures limited to churches and convents
- 1.24. Museums
- 1.25. Embassies/Consulate
- 1.26. Parks/gardens; memorial/shrines/monuments, kiosk and other park structure
- 1.27. Open air or outdoor sports activities and support facilities, including low rise stadium, gyms, amphitheaters, swimming pools, basketball courts and similar uses.
- 1.28. Pre-schools, primary schools, secondary schools, day care centers, public utilities, civic centers and cultural facilities.
- 1.29. Government buildings and offices
- 1.30. Other uses similar, related or directly incidental to the above.

## **2. Bulk and Density**

For areas that are not classified as Residential Subdivisions, the FAR shall be 2.0; the PLO shall be 50%; and the BHL shall be 16 meters or four (4) storeys;

Areas that are classified as Residential Subdivisions shall be governed by the respective Deeds of Restriction which shall be subject to the review and approval of the Zoning Administrator to ensure conformity to the provisions of this Ordinance; further, residential structures within Subdivisions shall be required to have a PLO of 50% and a BHL of eight (8) meters.

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. Landscaping**

A landscaping plan shall be prepared for approval by the office of the Zoning Administrator

## **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 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 requirement shall be deemed applicable.

## **8. Building Color**

All buildings shall be of earth tone or nature color.

### **Section 14. Use Regulation in High Density Housing Areas (HDHA)**

This shall be for socialized housing/dwelling purposes for the underprivileged and homeless as defined in RA 7279. All relevant ancillary uses of the GDA shall be allowed in the HDHA. The Floor Area Ratio (FAR) shall be 2.0

### **Section 15. Use Regulation in Agricultural Development Area**

#### **1. Allowable Uses**

- 1.1 Cultivation , raising and growing of stable 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 /farmhouses for tillers and laborers
- 1.2 Sericulture, mushroom culture, fishing, fish culture and the like;
- 1.3 Agricultural research and experimentation facilities such as breeding station, nurseries, demonstration farm, etc.
- 1.4 Pastoral activities such as goat raising and cattle fattening
- 1.5 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:

- a. That there shall be no change in the outside appearance of the building premises;
  - b. That no home occupation shall be conducted in any customary accessory uses cited above;
  - c. 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;
  - d. 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 off the premises.
- 1.6 Home industry classified as cottage 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 the outside appearance of the dwelling unit and shall not be a hazard or nuisance;
  - b. That the allotted capitalization shall not exceed the capitalization set by the department of Trade and Industry (DTI); and
  - c. That such use shall consider comply with the same provisions enumerated in letters c, d, and e of section 10a paragraph 4 on Home Occupation
- 1.7 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

Further, adequate septic tanks another proper environmental management measures shall be provided.

## **2. Fencing**

Fencing shall be see-through and have a maximum height 1.80 meters;

## **3. Parking**

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

## **4. 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.

## **5. Building Color**

All buildings shall be of earth-tone or nature color.

## **Section 16. Use Regulation in Special Institutional Area**

### **1. Allowable Use**

- 1.1 All uses allowable in ADA;
- 1.2 Religious Structure e.g. church, seminary, convents

### **2. Bulk and Density**

The BHL shall be four (4) storeys but no greater than 16 meters; the PLO shall be 40%.

### **3. Fencing**

Fencing along streets shall be see-through and have a maximum height of 1.80 meters;

### **4. 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.

### **5. 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.

### **6. Building Color**

All buildings shall be of earth-tone or nature color.

**Section 17. 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 provided then SALT is employed
- 1.3 Ancillary dwelling units of lot owners, tillers and laborers.

## **2. Impervious Surface**

Impervious surface area shall not exceed 30% of the land area.

## **3. Fencing**

Fencing along streets shall be see-through and have a maximum height of 1.80 meters;

## **4. 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.

## **5. 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.

## **6. Building Color**

All buildings shall be of earth-tone or nature color.

## **Section 18. Ecological Tourism Area (ETA)**

### **1. Allowable Use**

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

### **2. Bulk and Density**

BHL shall be eight (8) meters from the geometric center; PLO shall be 30%.

### **3. Impervious Surface**

Impervious surface area shall not exceed 30% of the land area.

#### **4. Fencing**

Fencing along streets shall be see-through and have a maximum height of 1.80 meters;

#### **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. 26 - Road Setback Regulations. In cases of discrepancy, the wider requirements shall be deemed applicable.

#### **7. Building Color**

All buildings shall be of earth-tone or nature color.

### **Section 19. Special Conservation Area (SCA)**

#### **1. Allowable Uses**

All uses allowed in EDA;  
All uses specified in Proclamation No. 740 i.e., recreational , tourism, scientific, planned area for a new development and other similar purposes.

#### **2. Bulk and density**

BHL shall be eight (8) meters from the geometric; PLO shall be 30%.

#### **3. Impervious Surfaces**

Impervious surface area shall not exceed 5% of the allowable PLO

#### **4. Fencing**

Fencing along the streets shall be see-through and have a maximum height of 1.80 meters.

#### **5. Parking**

Parking area requirements shall be per the minimum requirements for 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 planning 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. 26 – Road Setback Regulations. In cases of discrepancy, the wider requirements shall be deemed applicable.

#### **7. Building Color**

All buildings shall be earth tone or nature color.

### **Section 20. Greenbelt Zone (GZ)**

#### **1. Allowable Uses**

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

## **ARTICLE VI GENERAL DISTRICT REGULATION**

**Section 21. Development Density.** The permitted density shall be based on the regulations specified in the previous section on Use Regulation.

**Section 22. Height Regulation.** Building height shall conform to the height restrictions as provided by article V of this ordinance, regulations of the Air Transportation Office (ATO) 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.

Tower shall have a maximum height of 50 meters. Other vertical structure such as steeples, water tanks and other utilities not covered by the height regulations of this ordinance, the National Building Code and/or the ATO shall seek relief under the provisions of Art. IX. Mitigating Devices.

**Section 23. Private Landing Strips, Heliports and Helipads**

These shall be subject to the conditions/rules prescribed the Bureau of Air Transportation (BAT).

**Section 24. Area Regulations.** Area regulation in all zones shall conform with the minimum requirements of Volume II, III and IV of the IEMSD Guidebooks and of existing codes such as:

- a. P.D. 957 - the "Subdivision and Condominium Buyer's Protective Law" and its revised implementing rules and regulations.
- b. B.P. 220 - "Promulgation of Different Levels of standards and technical Requirements for Economic and Socialized Housing Projects" and its revised implementing rules and regulations.
- c. P.D. 1096 - National Building Code
- d. Fire Code
- e. Sanitation Code
- f. Plumbing Code
- g. Structural Code
- h. Philippine Electrical Code
- i. Philippine environmental Code
- j. Executive Order No. 648 – Charter of the HLRB
- k. Other relevant guidelines promulgated by the national and the local agencies concerned.
- l. All pertinent provision of this ordinance

**Section 25. 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 City. 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 therefrom.

**Section 26. Road Setback Regulations.** The following road setback regulation shall be applied.

**ROAD SETBACK**

Zoning Classification	Major Thoroughfare	Secondary Road	Tertiary Road
	30 m. & above		6m. & below
	National Roads	City Roads	Barangay Roads
Tourism Strip	10m.	10m.	3m.
Primary Urban Core	20m.	20m.	7m.
General Development Area	20m.	20m.	7m.
High Density Housing Area	10m.	10m.	3m.
Agricultural Development Area	20m.	20m.	7m.
Special Institutional Area	20m.	20m.	7m.
Ecological Developmental Area	30m.	25m.	10m.
Ecological Tourism Area	30m.	25m.	10m.
Special Conservation Area	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.

**Section 27. Easement.** Pursuant to the provisions of the Water Code: 1.) The banks of rivers and streams and shores of the seas and lakes 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, floatage, fishing and salvage.

1. No person shall be allowed to stay in this zone longer than is necessary for space or creation, navigation, floatage, fishing or salvage or to build structures of any kind.
2. There shall be a mandatory five-meter easement on both sides of the Marikina fault trace and such other fault traces on the ground as may have been identified by PHILVOCS.

**Section 28. 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 29. 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 30. 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 31. Projects of National Significance.** Projects may be declared by the NEDA Boards as projects of national significance, pursuant to section 3 of EO 72. When so declared by the NEDA Board, the locational clearance shall be issued by HLRB pursuant to EO 72.

**Section 32. 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 33. Subdivisions Projects.** All owners and/or developers of subdivisions projects shall, in addition to securing a locational clearance under Section 37 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 34. 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**

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

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

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

- ❖ The proposed variance is the minimum deviation necessary to allow the reasonable use of the property.
- ❖ The variance will not alter the physical character of the district or zone where the property for which the variance is sought is located, and will not substantially or permanently injure the use of the other properties in the same district or zone.
- ❖ 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 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 35. Procedures For The Grant Of Exceptions And Variances.**

The procedure for the granting of exception and/or variance shall be 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 section of this Ordinance under which the same is sought, and stating the ground/s thereof.
2. 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.
3. The Local Zoning Board of Adjustment and Appeals shall undertake preliminary studies on the application, including the conduct of ocular survey.
4. 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.
5. In case of objection coming from any of the adjacent owners, THE LZBAA shall hold public hearing/s.
6. At the hearing, any party may appear in person, or be represented by agent/s. All interested parties shall be accorded the opportunity to be heard and to present evidences and testimonies.

7. The LZBAA shall render a decision within thirty (30) days from the filing of the application. Exclusive of the time spent for the preparation of 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 36. 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 37. 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 38. 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 39. Certificate of Non-Conformance.** A certificate of Non-Conformance shall be applied for by the owner of the structure of 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 consider 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 40. 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 of 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 City, the City 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 41. 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 42. Powers and Functions of a Zoning Administrator.** Pursuant to the provisions of EO 72 implementing RA 7160 in relation to Sec.5, Paragraphs a and d, and Section 7 of EO 648 dated 07 February 1981, the Zoning Administrator shall perform the following functions, duties and responsibilities.

## **1. Enforcement**

- A. Act on all applications for locational clearances for all projects by:
    - 1. Issuing locational clearances for projects conforming with the zoning regulations.
    - 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 or amendment of the zoning ordinance, including clearances for repairs/renovations on non-conforming uses consistent with the guideline therefore.
  - B. 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 thereon to the HLRB.
  - C. Call and coordinate with the Philippine National Police for enforcement of all orders and processes issued in the implementation of this ordinance.
  - D. Coordinate with the City Fiscal/Attorney for other legal actions/remedies relative to the foregoing.
- II. Planning: Coordinate with the Regional Office of the HLRB regarding proposed amendments to the zoning ordinance prior to its adoption by the Sangguniang Panlungsod.

**Section 43. 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 44. 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:

- A. Act on applications of the following nature and complaints and opposition to such applications:
  - 1. Variances
  - 2. Exceptions
  - 3. Non-Conforming Uses
- B. 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 45. Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA).** The City Development Council shall create a sub-committee, which shall act as the LZBAA composed of the following members:

- 1. City Mayor as Chairman
- 2. City Legal Officer
- 3. City Assessor
- 4. City Engineer
- 5. City Planning and Development Coordinator (if other than the Zoning Administrator.
- 6. Two (2) representatives of the private sector nominated by their respective organizations and confirm by the city mayor. In case of non-availability of

any of the officials enumerated above, the Sangguniang Panlungsod 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 City Development Council.

**Section 46. 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 47. Review of the Zoning Ordinance. The City 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:

- a. Change in local development plans
- b. Introduction of projects of national significance.
- c. Petition for rezoning
- d. Other strong and valid reasons which justify consideration

**Section 48. 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.:

- a. City Planning and Development Coordinator
- b. City Health Officer
- c. City Agriculturist
- d. President, Association of Barangay Captains
- e. City Engineer
- f. Community Environment and Natural Resources Officer (CENRO)
- g. District School Supervisor
- h. Two (2) Private Sectoral Representatives [Local Chamber of Commerce and Housing Industry]
- i. Two (2) NGO representatives

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

**Section 49. Functions of the Local Review Committee.** The Local Zoning Review Committee shall have the following powers and functions:

- A. Review the Zoning Ordinance for the following purposes:
  - 1. Determine amendments or revision necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan.
  - 2. Determine changes to the introduced in the Comprehensive Land Use Plan in the light of permits given, and exceptions and variances granted.
  - 3. Identify provision of the Ordinance, which are difficult to enforce or are unworkable.
- B. Recommend to the Sangguniang Panglungsod necessary legislative amendments and to the local planning and development staff the needed changes in the plan as a result of the view conducted.
- C. Provide information to the HLRB that would be useful in the exercise of its functions.

**Section 50. 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 Panglungsod. Said amendments shall take effect only after approval and authentication by the Sangguniang Panlalawigan.

**Section. 51. Violation and Penalty.** Any person who violates any of the provision of this Ordinance, shall upon conviction, be punishable by a fine not exceeding P5,000 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 52. Supplementary 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 53. 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 54. 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 55. Effectivity Clause.** This Ordinance shall take effect upon approval by the Housing and Land Use Regulatory Board.

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