

**EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION
OF THE SANGGUNIANG BAYAN OF ORION, BATAAN HELD AT
THE SESSION HALL OF THE ORION MUNICIPAL LEGISLATIVE
BUILDING, ARELLANO, ORION ON JULY 21, 2009**

PRESENT:

Hon. Virgilio B. Isidro	-	Municipal Vice Mayor and Presiding Officer
Hon. Isagani B. de Leon	-	SB Member
Hon. Virgilio S. Catalan	-	SB Member
Hon. Eugenia E. Mariano	-	SB Member
Hon. Reynaldo S. Waje	-	SB Member
Hon. Danilo D. Bunsoy	-	SB Member
Hon. June D. Hernandez	-	SB Member
Hon. Luz D. Austria	-	SB Member
Hon. Donald R. Chan	-	SB Member
Hon. Mercelita D. Cruz	-	Ex-Officio SB Member, President – Orion Liga ng mga Barangay

ABSENT:

Hon. Jerzon Paul V. Ramirez-	Ex-Officio SB Member, President – Orion PPSK
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**AN ORDINANCE ENACTING THE COMPREHENSIVE ZONING
ORDINANCE OF THE MUNICIPALITY OF ORION, BATAAN**

Sponsors: Hon. Danilo D. Bunsoy, Hon. Isagani B. de Leon,
Hon. Reynaldo S. Waje, Hon. Eugenia E. Mariano, Hon. Luz D. Austria,
Hon. Donald R. Chan, Hon. Virgilio S. Catalan,
Hon. June D. Hernandez, Hon. Mercelita D. Cruz,

WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that local government units (LGUs) shall, in conformity with existing laws, continue to prepare their respective land use plans, which shall be the primary and dominant basis for the future use of land resources;

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;

WHEREAS, a Zoning Ordinance is one such regulatory measure specifically identified in the Local Government Code for the implementation of the Comprehensive Land Use Plan;

WHEREAS, the Local Government Code further provides that the powers and responsibilities for the proper enforcement of the Zoning Rules and Regulations have been devolved upon the local government;

WHEREAS, the Housing and Land Use Regulatory Board spearheads, assists in and coordinates the activities of local governments in comprehensive land use planning;

On motion duly seconded, be it

RESOLVED, as it is hereby resolved by the Sangguniang Bayan of Orion, Bataan in session duly assembled, to enact on third and final reading the following Zoning Ordinance;

Be it ordained by the Sangguniang Bayan of Orion, Bataan that:

ARTICLE I TITLE OF ORDINANCE

SECTION 1. Title of the Ordinance.

This Ordinance shall be known as the “Comprehensive Zoning Ordinance of the Municipality of Orion, Bataan” 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 Local Government Code of 1991 (R. A. 7160), Sections 20 (c) and 458 (a) (2) (vi-ix), dated 10 October 1991, authorizing the Municipality, through the Sangguniang Bayan, to enact a Zoning Ordinance, subject to the provisions of existing laws.

SECTION 3. Purposes.

This Ordinance is enacted for the following purposes:

1. To guide, control and regulate the future growth and development of the Municipality of Orion in accordance with its Comprehensive Land use Plan;
2. To protect the character and stability of the urban uses such as residential, commercial, industrial, open space, institutional, and non-urban uses such as fishery, tourism and agriculture within the Municipality and promote the orderly and beneficial development of the same;
3. To promote and protect the health, safety, peace, comfort, convenience and general welfare of the inhabitants of the Municipality;
4. To ensure and protect the sustainable growth and development of the Municipality; and
5. To enhance the participation of the Municipality's constituents in the development of their communities.

SECTION 4. General Zoning Principle.

This Zoning Ordinance is based on the Comprehensive Land Use Plan 2005 – 2035 of the Municipality of Orion approved by the Sangguniang Panlalawigan of the Province of Bataan under Resolution No. 133 dated October 13, 2008.

ARTICLE III DEFINITION OF TERMS

SECTION 5. Technical terms and concepts used in this Ordinance are compiled and defined in Annex A which is made an integral part of this Ordinance.

ARTICLE IV ZONE CLASSIFICATION

SECTION 6. Division into Zones/Areas.

To effectively carry out the provisions of this Ordinance, the Municipality is hereby divided into the following zones/areas:

1. Protected Areas
 - 1.1 Parks
 - 1.2 River Easements
 - 1.3 Salvage zone
 - 1.4 Environmentally constrained areas
 - 1.5 Protected croplands
 - 1.6 Protected fishponds
 - 1.7 Marshland
 - 1.8 National road easements
 - 1.9 Heritage and historic preservations

2. Production Areas
 - 2.1 Commercial
 - 2.2 Industrial
 - 2.3 Agricultural croplands
 - 2.4 Agricultural fishponds
 - 2.5 Tourism
 - 2.6 Municipal waters

3. Settlement Areas
 - 3.1 Private Subdivisions
 - 3.2 Self-built houses
 - 3.3 Public housing (socialized housing)
 - 3.4 Transient housing

4. Infrastructure Areas
 - 4.1 Economic infrastructure
 - 4.2 Social infrastructure
 - 4.3 Administrative infrastructure
 - 4.4 Utilities and transportation

5. Planned Unit Development (PUD)
 - 5.1 Barangay Cluster 3 Growth Center
 - 5.1.1 Daan Bago
 - 5.1.2 Lusungan
 - 5.1.3 Capunitan
 - 5.1.4 Puting Buhangin (East)
 - 5.1.5 Sta. Elena (East)
 - 5.1.6 Daan Pare (East)
 - 5.2 Barangay Cluster 3 Growth Center
 - 5.2.1 Balut
 - 5.2.2 Balagtas
 - 5.2.3 San Vicente
 - 5.2.4 Arellano
 - 5.2.5 Bagumbayan
 - 5.2.6 Lati
 - 5.2.7 Villa Angeles
 - 5.2.8 Wakas
 - 5.2.9 Daan Bilolo

The definitions of the above zones/areas are found in Article V – District Use Regulations.

SECTION 7. Zoning Map.

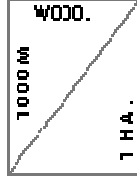
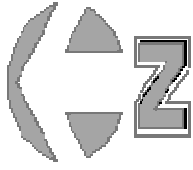
The official zoning map for the entire Municipality wherein the designation, location and boundaries of the zones/areas herein established are shown, is hereby adopted as an integral part of this Ordinance. Such official zoning map shall be signed by the Municipal Mayor and duly authenticated by the Regional Development Council (RDC).

SECTION 8. Interpretation of Zone Boundaries.

In the interpretation of the boundaries for any of the zones indicated on the zoning map, the following rules shall apply:

1. Where the boundary of a zone follows a stream, lake or other bodies of water, said boundary shall be 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 shorelines or stream banks, the boundaries shall be construed as moving with the actual shorelines or stream banks.
2. 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.
3. In case of any remaining doubt as to the location of any property along the zone boundary lines, such property shall be considered as falling within the less restrictive zone.

The textual description of the zone boundaries shall prevail over that of the official zoning map.



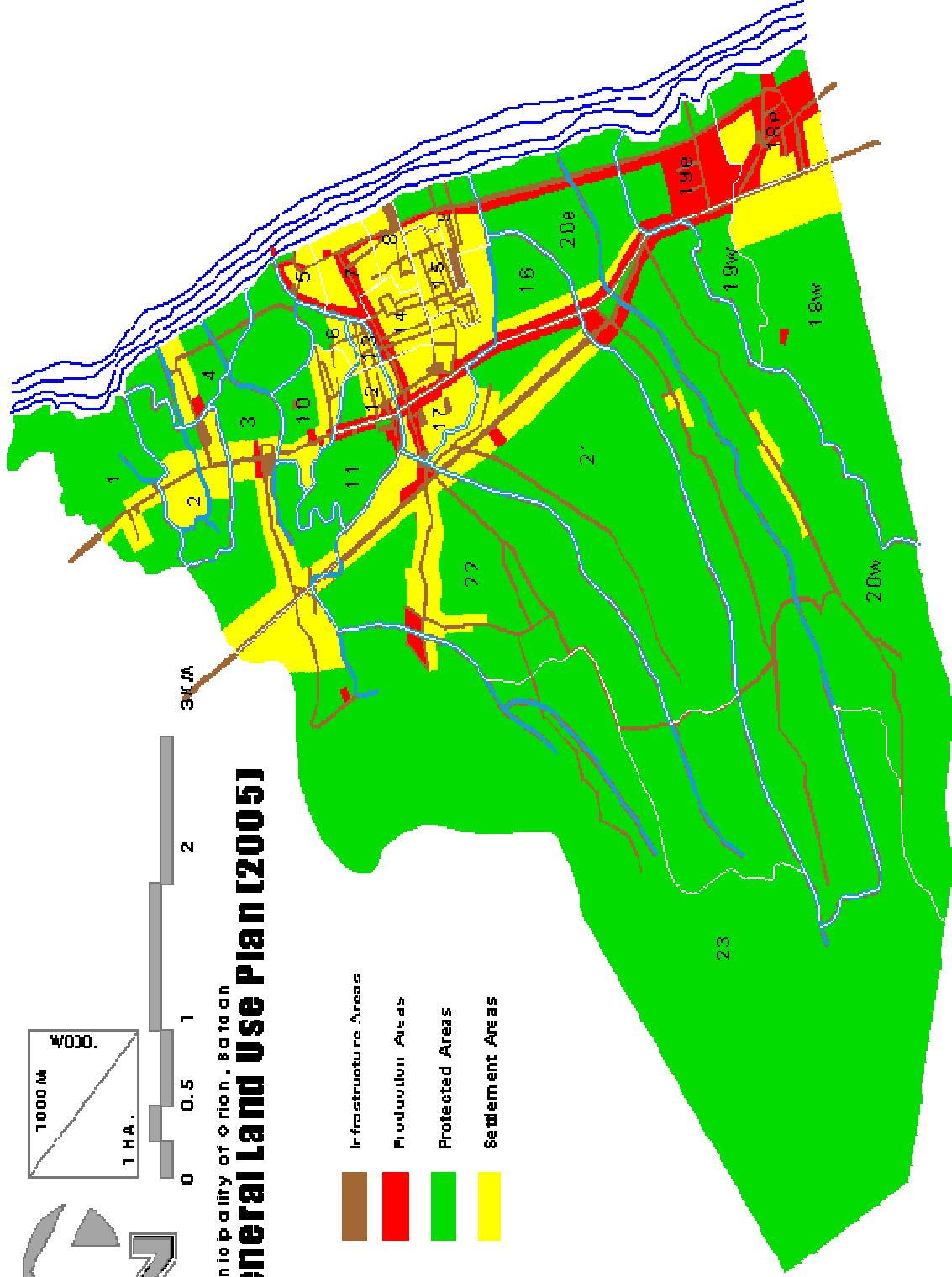
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KM

Municipality of Marikina City, Batangas

General Land Use Plan (2005)

1. Bantam Grande
2. Culingwan
3. Sto. Domingo
4. Calinchile
5. Malva
6. Balut
7. Daan Bago
8. Lusingan
9. Capuntan
10. Balagtas
11. San Vicente
12. Arallano
13. Bagumbayan
14. Lati
15. Villa Angeles
16. Makas
17. Daan Bilola
18. Puting Buhangin East
19. Puting Buhangin West
- 19a. Sta. Elena East
- 19b. Sta. Elena West
20. Daan Pare East
- 20a. Daan Pare East
- 20b. Daan Pare West
- 20c. Daan Pare West
21. Bagataan
22. Bilola
23. General Lim

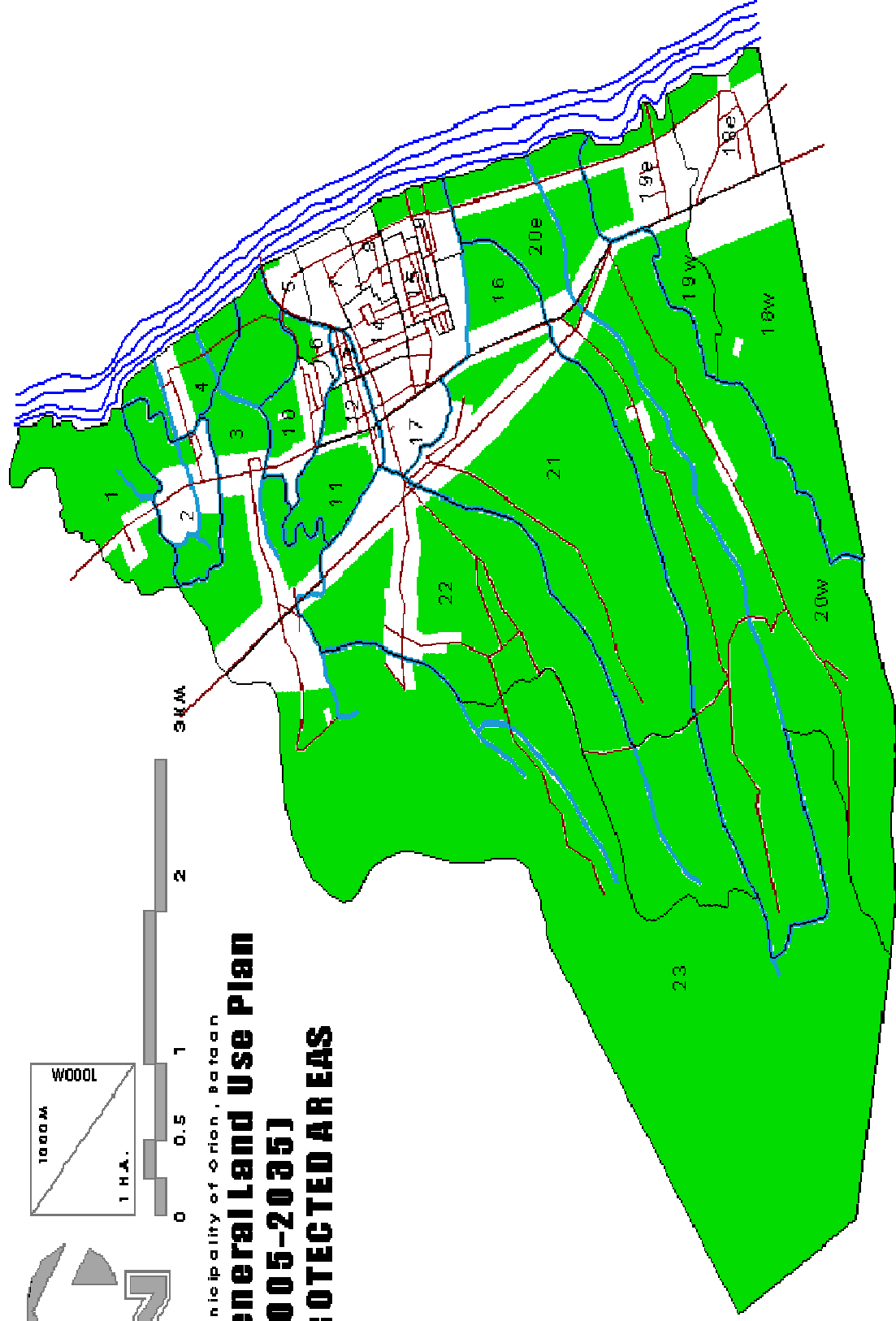
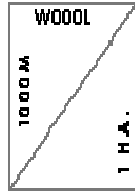
- Infrastructure Areas
- Production Areas
- Protected Areas
- Settlement Areas



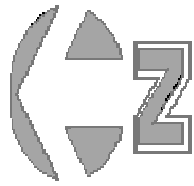


Municipality of Orion, Batangas

General Land Use Plan (2005-2035) PROTECTED AREAS

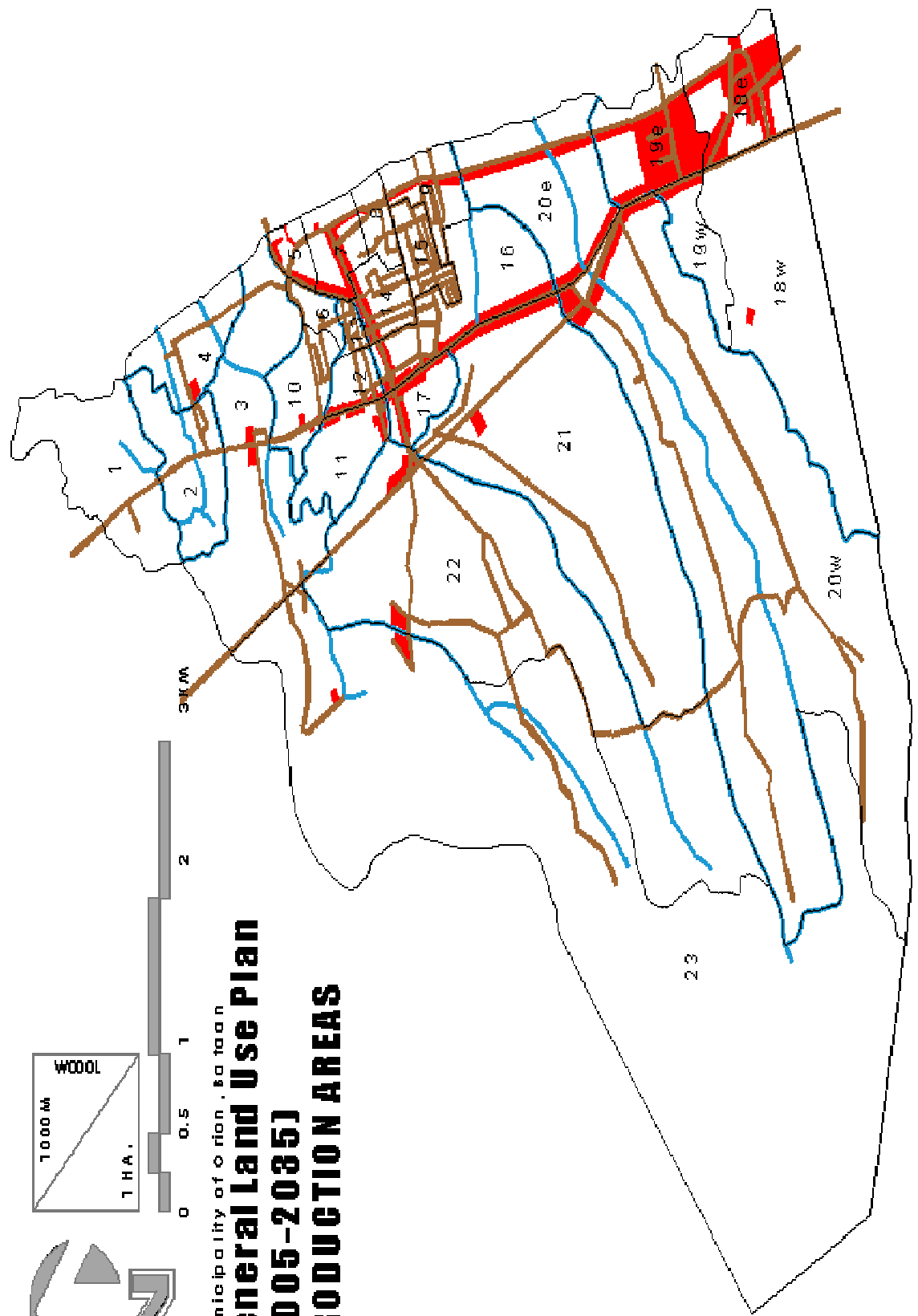
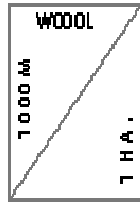


1. San Juan Grande
2. Calunabon
3. San Domingo
4. Comanchie
5. Molva
6. Molva
7. Doon Lase
8. Iurungan
9. Calunabon
10. Balatras
11. San Vicente
12. Atellana
13. Magum Bayan
14. Ieri
15. Villa Angeles
16. Wacas
17. Doon Milla
- 18a. Puring Puring in East
- 18b. Puring Puring in West
- 19a. Sto. Elena East
- 19b. Sto. Elena West
- 20a. Doon Para East
- 20b. Doon Para West
21. Sabara
22. Milla
23. Generaline



Municipality of Orion, Ilocos Norte

General Land Use Plan [2005-2035] PRODUCTION AREAS

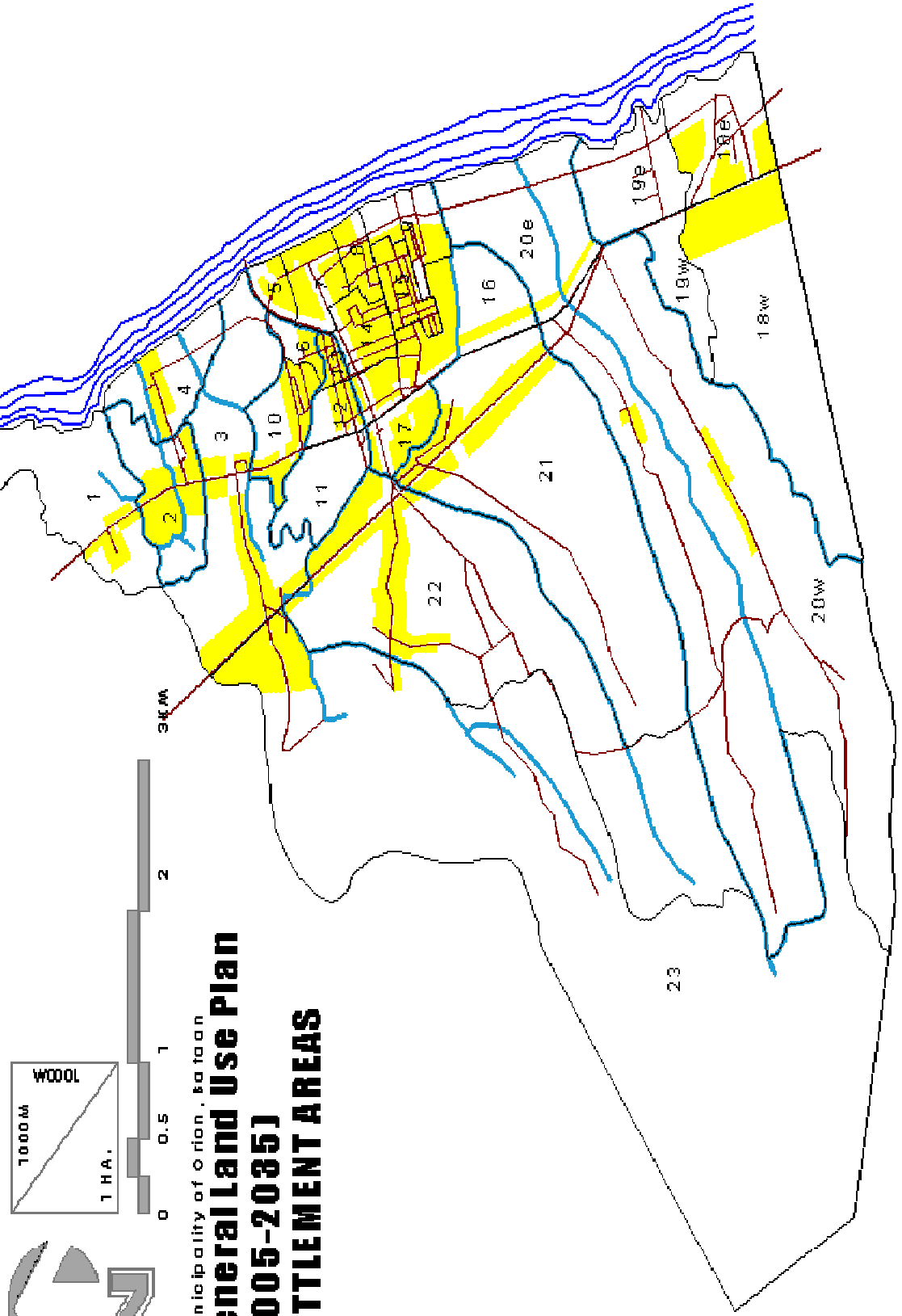


- 1. Bantay Grande
- 2. Catunguan
- 3. Sto. Domingo
- 4. Camachile
- 5. Wawa
- 6. Balut
- 7. Bajah Bago
- 8. Luungan
- 9. Capunitan
- 10. Balagtas
- 11. San Vicente
- 12. Arellano
- 13. Bagumbayan
- 14. Lati
- 15. Villa Angeles
- 16. Wakas
- 17. Paan Bilo
- 18e. Puting Buhangin East
- 18w. Puting Buhangin West
- 19e. Sta. Elena East
- 19w. Sta. Elena West
- 20e. Paan Pare East
- 20w. Paan Pare
- 21. Sabatan
- 22. Bilo
- 23. General Lim

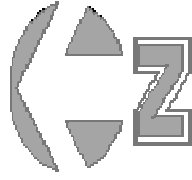


Municipality of Orion, Isabela

General Land Use Plan [2005-2035] SETTLEMENT AREAS

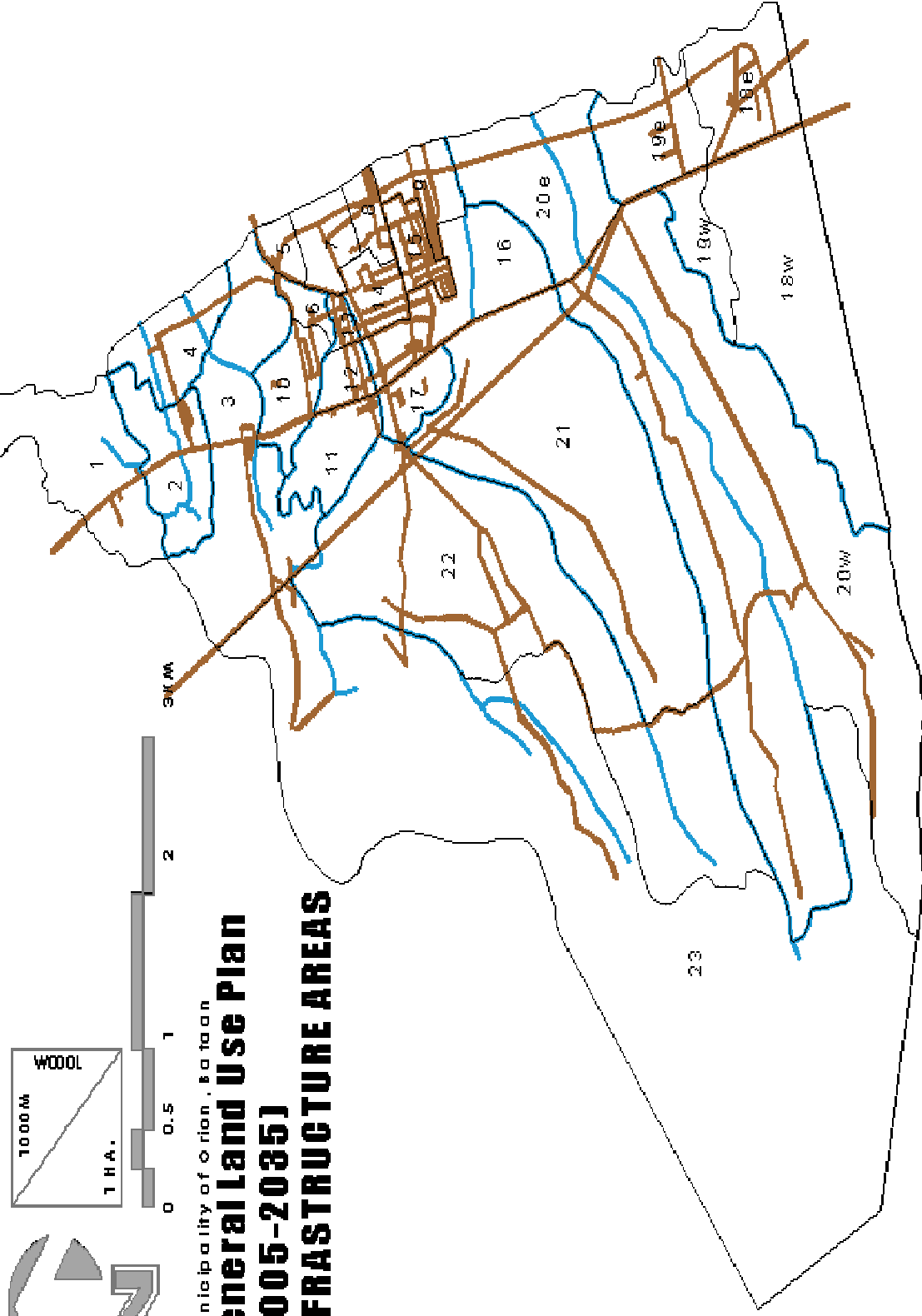


1. Bantón Grande
2. Calungusan
3. Sta. Dominga
4. Camachile
5. Wawa
6. Balut
7. Baan Bago
8. Lusungan
9. Capunitan
10. Salagtas
11. San Vicente
12. Arellano
13. Bagumbayan
14. Lati
15. Villa Angeles
16. Wakas
17. Baan Bilelo
- 18e. Puting Buhang In East
- 18w. Puting Buhang In West
- 19e. Sta. Elena East
- 19w. Sta. Elena West
- 20e. Baan Pare East
- 20w. Baan Pare
21. Sabatan
22. Bilelo
23. General Lim



Municipality of Orion, Batangas

General Land Use Plan (2005-2035) INFRASTRUCTURE AREAS



1. Bantón Grande
2. Calungusan
3. Sto. Domingo
4. Camachile
5. Wawa
6. Balut
7. Daan Raga
8. Lusungan
9. Capunitan
10. Salagtas
11. San Vicente
12. Arellano
13. Bagumbayan
14. Lati
15. Villa Angeles
16. Wakas
17. Daan Bilelo
- 18e. Puting Buha ng In East
- 18w. Puting Buha ng In West
- 19e. Sta. Elena East
- 19w. Sta. Elena West
- 20e. Daan Pare East
- 20w. Daan Pare
21. Sabatan
22. Bilelo
23. General Lim

ARTICLE V DISTRICT USE REGULATIONS

SECTION 9. Use Regulations in Protected Areas.

1. Parks and Open Spaces

Parks and Open Spaces

The following uses shall be allowed in this zone:

- 1.1.1 Parks/Gardens
- 1.1.2 Open air or outdoor sports activities and support facilities, including amphitheatres and swimming pools
- 1.1.3 Golf Courses, ball courts, race tracks and similar uses
- 1.1.4 Memorial/Shrines Monuments, kiosks and other park structures
- 1.1.5 Sports club
- 1.1.6 Uncovered parking structures and facilities
- 1.1.7 Evacuation purposes during disaster occurrence

2. River Easements

This Ordinance hereby adopts the provision of Article 51 of the Philippines Water Code to wit: “the banks of rivers and streams and the shores of the seas and lakes throughout their entire length and within a zone of three (3) meters in urban areas, 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 recreation, navigation, floatage, fishing and salvage. No person shall be allowed to stay in this zone longer than what is necessary for recreation, navigation, floatage, fishing or salvage.”

Building structures of any kind in this zone are absolutely prohibited, except for bank or shore stabilization structures, fences to set off the easement from private property lines or footpaths and walkways in case such easements are developed into public parks, promenades and the like. Allowable activities/uses include linear parks, tree planting and riverside vegetation.

3. Salvage Zone

Salvage zone refers to the twenty meters landward from the high tide mark of the foreshore land. Foreshore land refers to that part of the shore which is alternately covered and uncovered by the ebb and flow of the tide. (This is a Webster's Dictionary definition which has been adopted by the Land Management Bureau).

To allow the public free and untrammelled access to the surrounding areas of foreshore lands, especially the sea and the beaches, fencing-off leased salvage zone land by the lessee is strictly prohibited.

4. Environmentally Constrained Areas

4.1 Areas exposed to storm surges must be kept in their open natural state, and if built upon, must be restricted to low density developments.

4.2 Liquefaction-prone areas must undergo geo-technical studies before they are allowed to be built upon. A local building ordinance shall be formulated by the City to define regulations appropriate for this specific area, taking into consideration the unique geo-physical characteristics of the city.

4.3 Flood prone areas may be used for human settlements provided the dwellers therein shall adopt measures to minimize losses such as adaptive building designs, multistory constructions, and the like.

5. Protected Croplands

The identified protected croplands (rice lands and crop lands) shall be non-negotiable for conversion to urban uses.

A single residential house and related farm buildings may be allowed within the protected croplands provided that the total area utilized for such residential purposes shall not exceed 100 sq. m. per lot.

6. Protected Fishponds

Protected fishponds identified in this Ordinance shall be non-negotiable for conversion to urban uses.

7. Marshlands

Fishpen operations shall not be allowed at all times.

Fishing and hunting and similar activities must be regulated through enactment of a specific ordinance by the Sangguniang Bayan.

Use of the area for recreational purposes shall be limited to angling, bird watching, strolling, and related activities and only at daytime.

Harvesting of mangrove products must be limited to domestic household use only.

8. National Road Easement

The 20-meter regulatory setback from the edge of the road Right-of-Way (ROW) as provided in the Revised Forestry Code as amended (PD 705) shall be adopted and enforced by this Ordinance.

9. Heritage and Historic Preservations

Heritage and historic preservation sites/structures shall be protected from any form of desecration and vandalism through proper markers and public informational materials. Preservation/rehabilitation of the same shall be undertaken through the formulation of guidelines which shall focus on adaptive re-use concepts and design controls.

Section 10. Use Regulations in Production Areas.

1. Commercial Zone.

A commercial zone shall be devoted to business/trade/service uses. Within the zone, the following types of establishments shall be allowed:

- 1.1 All uses permitted in residential zone
- 1.2 Office buildings, office condominiums
- 1.3 General retail stores and shops like:
 - 1.3.1 Department store, bookstore and office supply shop
 - 1.3.2 Home appliance store
 - 1.3.3 Car sales and display shop
 - 1.3.4 Photo shop
 - 1.3.5 Flower shop

- 1.4 Food markets and shops like:
 - 1.4.1 Bakery and bake shops
 - 1.4.2 Wine store
 - 1.4.3 Grocery and supermarket
- 1.5 Personal service shops like:
 - 1.5.1 Beauty parlor and barber shop
 - 1.5.2 Sauna bath and massage clinic
 - 1.5.3 Dressmaking and tailoring shop
- 1.6 Recreational centers/establishments such as:
 - 1.6.1 Movie houses/theaters
 - 1.6.2 Playcourt, e.g. tennis court, swimming pool, bowling lanes, billiard hall
 - 1.6.3 Day and night clubs and bars (subject to limitations to be established by the Sangguniang Bayan)
 - 1.6.4 Stadium, coliseum, gymnasium
 - 1.6.5 Other sports and recreational establishments
- 1.7 Restaurants and other eateries
- 1.8 Short term special educational institutions such as:
 - 1.8.1 Dancing schools and driving schools
 - 1.8.2 School for combative sports
 - 1.8.3 Speech clinics
 - 1.8.4 Computer training schools
 - 1.8.5 Call center training schools
- 1.9 Storerooms, but only as may be necessary for the efficient conduct of business
- 1.10 Medium-rise commercial condominium (with residential units in the upper floors)
- 1.11 Commercial housing like:
 - 1.11.1 Hotel and motel
 - 1.11.2 Apartment and apartel
 - 1.11.3 Boarding house, dormitory, pension house
 - 1.11.4 Club house
- 1.12 Library/museum, convention center and related facilities
- 1.13 Hospitals, Medical and dental clinics
- 1.14 Vocational/technical schools
- 1.15 Janitorial service, messenger service, security agency
- 1.16 Bank and other financial institutions
- 1.17 Radio and television studios
- 1.18 Building garage, parking lot, transportation terminals/garage, with or without repair facilities
- 1.19 Bakery and shops for baking of bread, cakes, pastries, pies and other similar perishable products; biscuit factory for manufacture of

- biscuits, cookies, crackers; doughnuts and hopia factory and other similar dried bakery products
- 1.20 Custom dressmaking shop, tailoring shop
- 1.21 Commercial and job printing, printing/publishing
- 1.22 Typing and photo engraving services
- 1.23 Manufacture of insignia, badges and similar emblems except metal
- 1.24 Repair shops like
 - 1.24.1 Repair of optical instruments and equipment and cameras, clocks and watches
 - 1.24.2 House appliances repair shops
 - 1.24.3 Motor vehicles and accessory repair shops
 - 1.24.4 Home furnishing shops
 - 1.24.5 Repair of motorcycles
 - 1.24.6 Electrical motor and battery repair shops
 - 1.24.7 Cell phone repair shops
- 1.25 Machinery display shop/center
- 1.26 Gravel and sand sales
- 1.27 Lumber/hardware store
- 1.28 Printing and publishing of books and pamphlets, printing cards and stationary
- 1.29 Manufacture of signs and advertising displays (except printed)
- 1.30 Welding shops, machine shop service operation (repairing/rebuilding, or custom job orders), small scale fabrication shops
- 1.31 Medium scale junk shop
- 1.32 Lechon or whole pig roasting stalls, roasted chicken/beef stalls
- 1.33 Repacking of food products, e.g. fruits, vegetables, sugar and other related products
- 1.34 Plant nursery
- 1.35 Funeral parlor, mortuaries and crematory services and memorial chapels
- 1.36 Parking lots, garage facilities
- 1.37 Water refilling stations
- 1.38 Other commercial activities not elsewhere classified (n. e. c.)

All existing light industries within the commercial area may be allowed to stay the period of which shall be determined by the Local Zoning Board of Adjustment and Appeals (LZBAA). Provided, however, that no expansion of whatever nature will be permitted.

2. Industrial Zone. Barangays Sta. Elena (East), Daan Pare (East), Puting Buhangin (East), Bilolo (Upper) and General Lim are declared as industrial zone to

accommodate both light and medium industries, and agro-industrial activities.

2.1 Light Industries allowed in the zone are enumerated below.

2.1.1 Non-pollutive/Non-hazardous

- i. Factories engaged in the manufacture of biscuits, cookies, crackers and other similar dried bakery products, doughnut and hopia factory, other bakery products.
- ii. Manufacture of macaroni, spaghetti, vermicelli and other noodles
- iii. Life belts factory
- iv. Manufacture of luggage, handbags, wallets and small leather goods; manufacture of miscellaneous products of leather and leather substitutes, manufacture of shoes except rubber, plastic and wood slippers and sandals.
- v. Printing, publishing and allied industries
- vi. Manufacture/assembly of typewriters, cash registers, weighing, duplicating and accounting machines; electronic data processing machinery and accessories
- vii. Renovation and repair of office machinery; manufacture or assembly of miscellaneous office machines
- viii. Manufacture of rowboats, bancas, sailboats, animal drawn vehicles, children's vehicles and baby carriages
- ix. Manufacture of laboratory and scientific instruments, barometers, chemical balance, etc.; manufacture of measuring and controlling equipment, plumb bob, rain gauge, taxi meter, thermometer, etc.
- x. Manufacture or assembly of surgical, medical, dental equipment and medical furniture, medical/surgical supplies, adhesive tapes, antiseptic dressing, sanitary napkins, surgical gauge, etc.; orthopedic and prosthetic appliances (abdominal supporter, ankle supports, arch support, artificial limb, kneecap supporters, etc.)
- xi. Quick freezing and cold packaging for fish and other seafoods, for fruits and vegetables

- xii. Fish drying
- xiii. Popcorn/poprice factory
- xiv. Manufacture of photographic equipment and accessories; manufacture or assembly of optical instruments; manufacture of eyeglasses and spectacles, and optical lenses
- xv. Manufacture of watches and clocks
- xvi. Manufacture of pianos, string instruments, wind and percussion instruments, manufacture or assembly of electronic organs
- xvii. Manufacture of sporting gloves and mitts, sporting balls (not of rubber or plastic), gym and playground equipment
- xviii. Manufacture of sporting tables (billiards, ping pong, pool, other sporting and athletic goods, n.e.c.)
- xix. Manufacture of toys and dolls except rubber and mold plastic
- xx. Manufacture of pens, pencils and other office and art materials
- xxi. Manufacture of umbrellas and canes
- xxii. Manufacture of buttons except plastic, manufacture of needles, pins, fasteners and zippers
- xxiii. Manufacture of brooms, brushes and fans
- xxiv. Manufacture of insignia, badges and similar emblems (except metal)
- xxv. Manufacture of signs and advertising displays (except printed)
- xxvi. Small-scale manufacture of ice cream
- xxvii. Manufacture of crates, boxes and other types of container except of plastic and metal

2.1.2 Non-Pollutive/Hazardous

- i. Manufacture of house furnishing
- ii. Textile bag factories, canvas bags and other canvas product factory, jute bag factory
- iii. Manufacture of miscellaneous textile goods, embroideries and wearing apparel
- iv. Manufacture of fiber matting, padding and upholstery filling except coir
- v. Men's and boy's garment factory; and girl's and ladies' garment factory

- vi. Manufacture of hats, gloves, handkerchiefs, neckwear and related clothing accessories; of raincoats and waterproof outer garments except jackets; of miscellaneous wearing apparel except footwear
- vii. Manufacture of miscellaneous fabricated mill work
- viii. Manufacture of bamboo, rattan and other cane baskets and wares;
- ix. Manufacture of cork products, of wooden shoes, shoe lace and other similar products; of miscellaneous wood products
- x. Manufacture of miscellaneous furniture and fixture except primarily of metals
- xi. Manufacture of paper stationery, envelopes and related articles
- xii. Manufacture of dry ice and repacking of industrial products e.g. paints, varnishes and other related products

2.2 Medium Industries allowed in the zone are enumerated below.

2.2.1 Pollutive/Non-hazardous industries

- i. Manufacture and canning of ham, bacon and native sausage
- ii. Poultry processing and canning
- iii. Large-scale manufacture of ice cream
- iv. Corn mill/ricemill
- v. Chocolate and cocoa factory, candy factory; chewing gum factory; peanuts and other nuts factory
- vi. Other chocolate and confectionery products, flavoring extracts
- vii. Manufacture of food products n.e.c. (vinegar, vetsin); of fish meal
- viii. Oyster shell grading
- ix. Manufacture of medicinal and pharmaceutical preparations and of abrasive products
- x. Manufacture of stationary, art goods, cuts stone and marble products
- xi. Manufacture of miscellaneous non-metallic mineral products n.e.c; of cutlery, except table flatware, hand tools; of general hardware

- xii. Manufacture of miscellaneous cutlery hand tools and general hardware n.e.c.
- xiii. Manufacture of household metal furniture; of office, store and restaurant metal furniture; of metal blinds, screens and shades; of miscellaneous furniture and fixture primarily of metal n.e.c.; of fabricated structural iron and steel products
- xiv. Manufacture of architectural and ornamental metal works
- xv. Manufacture of boilers, tanks and other structural sheet metal works, other structural products n.e.c.
- xvi. Manufacture of metal cans, boxes and containers
- xvii. Manufacture of stamped, coated and engraved metal products
- xviii. Manufacture of fabricated wire and cable products
- xix. Manufacture of heating, cooking and lighting equipment except electrical
- xx. Sheet metal works generally for manual operation
- xxi. Manufacture of other fabricated metal products except machinery and equipment n.e.c.
- xxii. Manufacture or assembly of agricultural machinery and equipment; of native plow and harrow factory
- xxiii. Repair of agricultural machinery
- xxiv. Manufacture or assembly of service industry machines; of elevators and escalators
- xxv. Manufacture or assembly of sewing machines, cooking ranges
- xxvi. Manufacture or assembly of water pumps
- xxvii. Refrigeration industry
- xxviii. Manufacture or assembly of other machinery and equipment except electrical n.e.c.
- xxix. Manufacture and repair of electrical apparatus, electrical cables and wires; of other electrical industrial machinery and apparatus n.e.c.
- xxx. Manufacture or assembly of electric equipment, radio and television, tape recorders, stereo; of radio and television transmitting, signaling and detection equipment

- xxxi. Manufacture or assembly of telephone and telegraphic equipment; of other electronic equipment and apparatus n.e.c.
- xxxii. Manufacture of industrial and commercial electrical appliances; of household cooking, heating and laundry appliances; of other electrical appliances n.e.c.; and
- xxxiii. Manufacture of electric lamp fixtures

2.2.2 Pollutive/Hazardous Industries

- i. Flour mill, cassava flour mill
- ii. Manufacture of coffee
- iii. Manufacture of unprepared animal feeds, other grain milling n.e.c.
- iv. Production of prepared feeds for animals
- v. Cigar and cigarette factory; curing and re-drying tobacco leaves
- vi. Miscellaneous processing tobacco leaves n.e.c. weaving hemp textile: jute spinning and weaving
- vii. Miscellaneous spinning and weaving mills n.e.c., hosiery mill
- viii. Underwear and outwear knitting mills, fabric knitting mills, miscellaneous knitting mills n.e.c.
- ix. Manufacture of mats and mattings; of carpets and rugs; of cordage, rope and twine; and of related products from abaca, sisal, henequen, hemp, cotton, paper, etc.
- x. Manufacture of linoleum and other surface coverings
- xi. Manufacture of artificial leather, oil cloth and other fabrics except rubberized, miscellaneous textile n.e.c.
- xii. Manufacture of coir
- xiii. Manufacture of rough lumber, unworked, worked lumber
- xiv. Resawmills
- xv. Manufacture of veneer, plywood and hardwood and treating and preserving of wood
- xvi. Manufacture of doors, windows and sashes
- xvii. Manufacture of charcoal (subject to limitations set by DENR)
- xviii. Manufacture of wood and cane blinds, screens and shades

- xix. Manufacture of containers and boxes of paper and paper boards, miscellaneous pulp and paper products n.e.c.
- xx. Manufacture of perfumes, cosmetics and other toilet preparations
- xxi. Manufacture of waxes and polishing
- xxii. Manufacture of inks and of miscellaneous chemical products n.e.c.
- xxiii. Tire retreading and rebuilding
- xxiv. Manufacture of rubber shoes and slippers; of plastic footwear, plastic furniture; of other fabricated plastic products, n.e.c.
- xxv. Manufacture of industrial and moulded rubber products
- xxvi. Manufacture of table and kitchen articles, pottery, china and earthenware n.e.c.; of flat glass, glass containers, miscellaneous glass and glass products, n.e.c.
- xxvii. Manufacture of clay bricks, clay tiles and hollow clay tiles, miscellaneous structural clay products, n.e.c.
- xxviii. Manufacture of structural concrete products, asbestos products
- xxix. Manufacture of engines and turbines except motor vehicles, marine and aircraft
- xxx. Manufacture of metal cutting, shaving and finishing machinery, wood working machinery
- xxxi. Manufacture, assembly, rebuilding, and repairing of food and beverage making machinery, textile machinery
- xxxii. Manufacture of equipment, paper industry, construction machinery
- xxxiii. Manufacture of machinery of printing, trade machinery and equipment, miscellaneous special industrial machinery and equipment, n.e.c.
- xxxiv. Manufacture of rice mills
- xxxv. Manufacture of machines for leather and leather products
- xxxvi. Manufacture of machines for clay, stove and glass industries
- xxxvii. Manufacture of dry cells, storage battery and other batteries
- xxxviii. Boat building and repairing; ship repairing industry, dock yards, dry dock, shipways; miscellaneous shipbuilding and repairing, n.e.c.

- xxxix. Manufacture of locomotives and parts railroad and street cars, assembly of automobiles, cars, buses, trucks; and of trailers
- xl. Manufacture of wood and rattan furniture including upholstered ones; and of box beds and mattresses

2.2.3 Agro-Industrial Activities allowed in the zone

- i. All uses allowed in the agricultural areas – croplands zone except home occupation
- ii. Rice/corn mills (single pass)
- iii. Drying, cleaning, curing and preserving of meat and its by products and derivatives; and drying, smoking and airing of tobacco; curing and redrying of tobacco leaves
- iv. Flour mill/cassava flour mill
- v. Manufacture of coffee
- vi. Manufacture of unprepared animal feeds, other grain milling
- vii. Production of prepared feeds for animals
- viii. Cigar and cigarette factory
- ix. Miscellaneous processing of tobacco leaves
- x. Jute spinning and weaving/weaving hemp textile
- xi. Manufacture of charcoal (subject to regulations of the DENR)
- xii. Milk processing plants (manufacturing filled, reconstituted or recombined milk, condensed or evaporated)
- xiii. Butter and cheese processing plants
- xiv. Natural fluid milk processing plants (pasteurizing, homogenizing, vitaminizing, bottling of natural animal milk and cream related products); and other dairy products
- xv. Fish canning/patis factory; and bagoong factory/processing, preserving and canning of fish and other seafoods
- xvi. Manufacture of dessicated coconut; and manufacture of starch and its products
- xvii. Manufacture of wines from juices or local fruits
- xviii. Vegetable oil mills, including coconut oil
- xix. Sugarcane mill (centrifugal and refined) sugar refining/muscovado sugar mill
- xx. Cotton textile mill

- xxi. Manufacture/processing of other plantation crops e.g. pineapple, bananas, etc.
- xxii. Other commercial handicrafts and industrial activities using plant or animal parts and/or products as raw materials
- xxiii. Other accessory uses similarly related or directly incidental to agro-industrial activities

3. Agricultural Areas-Croplands. In this Ordinance, agricultural areas-croplands refer to agricultural lands not otherwise protected. In this zone, the following uses shall be permitted:

- 3.1 Cultivation, raising and growing of staple crops such as rice, corn, camote, cassava and the like; growing of diverse plants and trees, such as fruit and flower bearing trees, coffee and tobacco; the customary support facilities such as palay dryers and rice threshers and storage barns and warehouses; and ancillary dwelling units/farmhouse for tillers and laborers.
- 3.2 Mushroom culture, fishing and fish culture, snake culture, crocodile farm, Monkey training and the like
- 3.3 Agricultural research and experimentation facilities such as breeding stations, fish farms, nurseries, demonstration farms, etc.
- 3.4 Pastoral activities such as goat raising and cattle fattening
- 3.5 Raising of livestock and fowl with no limitations in number

4. Agricultural Areas-Fishponds. In this Ordinance, agricultural areas fishponds refer to the protected fishponds as found in Section 9. Use regulations for the protected fishponds shall apply in this zone.

Other regulations for this zone shall emanate from the Municipal Ordinance No. 94-020-007, entitled "An Ordinance Regulating Fishing and/or Fisheries in the Municipality of Orion, Province of Bataan, and for Other Purposes", enacted on February 17, 1994 as amended by Municipal Ordinance No. 94-020-009 entitled "An Ordinance Amending certain Provisions of Municipal

Ordinance No. 94-020-007 “Basic Fishery Ordinance of the Municipality of Orion, Bataan” enacted on July 14, 1994.

5. Tourism. This zone shall include tourism and other outdoor recreation areas not specified in Section 9 (1.2) of this Ordinance. The municipal-wide tourism plan shall be formulated which will spell out the necessary guidelines for the use and development of areas for tourism and other recreational areas. Initially, allowable uses include tourism-support facilities such as hotels, convention facilities, restaurants, shopping centers, souvenir shops, tourism information office and the like.
6. Water Zone. This zone includes such bodies of water as rivers, streams, lakes and seas except those included in other zone classifications. The utilization of these water resources for domestic and industrial purposes shall be allowed provided it is in consonance with the provisions of the Philippines Water Code (P.D. 1067) and the Revised Forestry Code of the Philippines (P.D. 705), as amended, and provided further, that it is subjected to an environmental impact assessment prior to the approval of its use.

No illegal fishing within the Municipal waters is allowed. Other uses such as recreation, fishing and related activities, floatage/transportation shall be allowed, provided it is in consonance with the provisions of the Philippines Water Code and the Revised Forestry Code of the Philippines, as amended, the Philippine Fisheries Code of 1998 (RA 8550), and the Local Government Code.

Section 11. Use Regulations in Settlement Areas.

In this ordinance, settlement areas refer to areas used principally for dwelling/housing purposes. Included in this area are low density residential zone (R1), medium density residential zone (R2), and socialized housing.

1. Allowable uses in R1 zone are enumerated below.
 - 1.1 Single detached single family dwelling
 - 1.2 Semi-detached family dwelling e.g. duplex
 - 1.3 Customary accessory uses such as:
 - 1.3.1 Servant’s quarter
 - 1.3.2 Private garage

- 1.3.3 Guard 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, a carinderia and the like, subject to the following conditions:
 - 1.4.1 That the number of persons engaged in such business/industry shall not exceed five (5), inclusive of the owner;
 - 1.4.2 That there shall be no change in the outside appearance of the building premises;
 - 1.4.3 That no home occupation shall be conducted in any customary accessory uses cited above;
 - 1.4.4 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
 - 1.4.5 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 which causes fluctuations in the line voltage of the premises.
- 1.5 Home industry classified as cottage industry:
 - 1.5.1 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;
 - 1.5.2 Allotted capitalization shall not exceed the capitalization set by the Department of Trade and Industry (DTI);
 - 1.5.3 It shall comply with the same provisions enumerated in paragraph 1.4.3, 1.4.4 and 1.4.5.
- 1.6 Recreational facilities for the exclusive use of the members of the family residing within the premises, such as swimming pool, pelota court, basketball half court, slides and swings and children's playground.

- 1.7 Pre-school
 - 1.8 Sports club
 - 1.9 Buildings for religious use, multi-purpose hall/barangay halls
 - 1.10 Clinic, nursing and convalescing home, health center
 - 1.11 Plant nurseries not engaged in any commercial activity
2. Allowable uses for R2 zone are enumerated below.
- 2.1 All uses permitted in R1 zone
 - 2.2 Residential condominium of medium-rise type, apartment hotels, hometels, mixed-used development having 70% of gross generated floor area for residential use
 - 2.3 Apartment houses, townhouses
 - 2.4 Multi-family dwellings, row houses
 - 2.5 Boarding houses, dormitories
 - 2.6 Family planning clinics
 - 2.7 Community civic centers, community auditoriums, halls and exhibition areas, branch library and museum
 - 2.8 Customary incidental home occupations such as barber and beauty shops, tailoring and dress shops, neighborhood convenience stores, retail drug stores
 - 2.9 Ballet, dance and voice studios provided that the classes or instructions are held in sound-proofed and air-conditioned buildings
 - 2.10 Philanthropic or charitable institutions upon approval of site development and building plan by the zoning administrator and subject to such conditions and safeguards as deemed appropriate by the same administrator
 - 2.11 Offices with no actual display, sale, transfer or handling of the office commodities in the premises
 - 2.12 Elementary schools and high schools with adequate open space provided, and in consonance with the Department of Education regulations
3. Allowable uses in public socialized housing area are enumerated below.
- 3.1 Dwelling units as provided for in B.P. 220
 - 3.2 Parking space, pocket garden
 - 3.3 Health/community clinic
 - 3.4 Children's playground

- 3.5 Cooperative store
 - 3.6 Community halls/clubhouse
 - 3.7 Other customary uses as provided for in R.A. 7279
- 4. Regulations/guidelines for transient housing shall be formulated by the Municipality to cover, among others, minimum requirements or room size, maximum number or occupants, lighting and ventilation, fire exit and fire safety equipment, parking and open space, gender-sensitive facilities, etc.
 - 5. Self-built houses shall conform with the supplemental housing code to be formulated by the Municipality which shall contain, among others, requirements on setbacks, firewalls, open space, building heights, building bulk, etc.

Section 12. Use Regulations in Infrastructure Areas.

In this Ordinance, infrastructure areas include institutional uses including memorial parks and cemeteries; sports and recreational facilities; and utilities and transportation.

- 1. Allowable institutional uses in this zone are enumerated below.
 - 1.1 Government center to house national, regional or local offices in the area
 - 1.2 Colleges, universities, professional business schools, vocational and trade schools, technical schools and other institutions of learning
 - 1.3 General hospitals, medical center and multi-purpose clinics
 - 1.4 Scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities
 - 1.5 Convention centers and related facilities
 - 1.6 Religious structures e.g. church, seminary, convents
 - 1.7 Museum/public libraries, reading centers
 - 1.8 Student housing, e.g. dormitories, boarding house
 - 1.9 Cemeteries and similar burial grounds
 - 1.10 Welfare houses, orphanages, boys and girls town, home for the aged and the like
 - 1.11 Rehabilitation and vocational training centers for ex-convicts, drug addicts, unwed mothers, physically, mentally and emotionally handicapped, ex-sanitarium inmates and similar establishments
 - 1.12 Penitentiary and correctional institutions

2. Sports and recreational facilities allowed are:
 - 2.1 All uses allowed in Section 10 (1.2)
 - 2.2 Resort areas including accessory uses
 - 2.3 Fishing parks
 - 2.4 Other uses similar, related or directly incidental to the above uses

3. Utilities and transportation facilities allowed are:
 - 3.1 Domestic water supply system installations including tube well drilling fields and storage tanks and reservoirs
 - 3.2 Radio, television and television transmitter, receiver and repeater facilities
 - 3.3 Electrical power plant, substation, and power distribution lines with a rated capacity in excess of 64 KVA
 - 3.4 Roads and streets of all types and related fixtures within the legal right of way, including off-street parking facilities and transport terminals
 - 3.5 Telecommunications facilities, provided that an easement of 100 meter radius or equivalent to the height of the tallest tower structure, as the case may be, the transmission towers shall be reserved and protected. No residential houses or trees exceeding 5 meters in height shall be allowed within the easement
 - 3.6 Transmission line of utility companies like the National Power Corporation, provided that an easement of 15-75 meters along or below the high-tension power transmission lines depending on the rated capacity of the line shall be reserved and protected. No residential houses or trees that exceed 5 meters in height shall be allowed within the easement

ARTICLE VI GENERAL AREA REGULATIONS

Section 13. Height Regulations.

Building height must conform to the height restrictions and requirements of the National Building Code, the Structural Code as well as all laws, ordinances, design standards, rules and regulations related to land development and building construction and the various safety codes.

1. Residential Zones
 - 1.1 Structures within R-1 zones shall not exceed three (3) storeys or a height of ten (10) meters from the highest natural gradeline in the property or front sidewalk (main entry) level to the topmost of the structure whichever is lower.
 - 1.2 Structures within R-2 zones shall not exceed five (5) storeys or a height of fifteen (15) meters from the highest natural gradeline in the property or front sidewalk (main entry) level to the topmost of the structure whichever is lower.
2. All Other Zones
 - 2.1 There is no building height limits except those prescribed by other government regulations.

Section 14. Exemptions From Height Regulations.

Exempted from the imposition of height regulations are the following: towers, church steeples, water tanks and other utilities and such other structures not covered by the height regulations of the National Building Code.

Section 15. Area Regulations.

Area regulation in all zones shall conform to the minimum requirements of the existing codes such as:

1. PD 957 – The “Subdivision and Condominium Buyers’ Protective Law” and its revised implementing rules and regulations.
2. BP 220 – “Promulgation of Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Project” and its revised implementing rules and regulations.
3. PD 1096 – National Building Code
4. Fire Code
5. Sanitation Code
6. Plumbing Code
7. Structural Code
8. Other relevant guidelines promulgated by the National Agencies concerned.

SECTION 16. Road Setback Regulations.

The following road setback regulations shall be applied:

ZONING CLASSIFICATION	MAJOR THOROUGH-FARE 30 M. & ABOVE	SECONDARY ROAD	TERTIARY ROAD 8 M. & ABOVE
	DIVERSIONS/ HIGHWAYS	MUNICIPAL	BARANGAY
RESIDENTIAL	10 m.	8 m.	3 m.
COMMERCIAL	20 m.	10 m.	7 m.
INDUSTRIAL	30 m.	25 m.	10 m.
INSTITUTIONAL	20 m.	20 m.	10 m.
PARKS AND RECREATION	10 m.	10 m.	3 m.
PROJECT OF NATIONAL SIGNIFICANCE	Refer to Specific Guidelines	Refer to Specific Guidelines	Refer to Specific Guidelines

Section 17. Traffic Generators.

Based on Presidential Decree No. 1096, all traffic generating buildings and structures allowed in any of the zones must provide for adequate spaces for their employees, clients and visitors, subject to the following provisions:

1. Multi-storey apartment buildings for residential purposes shall provide one parking space per two apartment units;
2. Hotels, Inns, Pension Houses, Motels, one parking space per 2 rooms for the first 40 rooms and one parking space for 4 rooms for the remaining rooms;
3. Shopping Centers, provide 4 parking spaces per 100 sq. m. of rentable floor area;
4. Retail Stores, one parking space per 30 sq. m. of floor area;
5. Restaurants and supper clubs, one parking space for every 10 customer seats or 10 sq. m. of customer area;
6. For buildings in the central business where mass transit is available, provide one parking space for every 60 sq. m. rentable floor area;
7. For office buildings and general business, provide one parking space per 50 sq. m. or rentable floor area;
8. For banks, other related financial institutions, and service shops including medical and dental clinics, provide one parking space per 25 sq. m. of gross floor area;
9. For public assembly buildings such as theater, auditoria, and stadia, provide one parking space per 20 fixed seats;
10. For movie houses, provide one parking space per 35 sq. m. of viewer's area;
11. For churches and other places of worship, one parking space for every 25 sq. m. of gross floor area;

12. For warehouses, provide one parking space per 100 sq. m. of gross floor area;
13. For Schools:
 - 13.1 Elementary – one parking space per 5 classrooms
 - 13.2 High School & Trade School – one parking space per 3 classrooms
 - 13.2 Colleges – one parking space per 35 students
14. For Hospitals, provide one parking space for every five (5) patients – rooms and two (2) parking spaces for the whole ward patients

All other buildings/structures not mentioned in the section shall be subject to the provisions on minimum off-street requirements stipulated under Section 803 of the National Building Code (PD1096).

ARTICLE VII MITIGATING DEVICES

Section 18. Deviation.

Exceptions, variances or deviations from the provisions of this Ordinance may be allowed by the Local Zoning Board of Adjustment and Appeals (LZBAA) only when the following terms and conditions exist:

1. Variance

When the property is unique and different from other properties in the adjacent locality and because of its own uniqueness, the owner/s cannot obtain a reasonable return on his/their property, variance maybe granted if at least three (3) of the following conditions are satisfied:

- 1.1. 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 are not self-created.
- 1.2. The proposed variance is the minimum deviation necessary to allow the reasonable use of the property.
- 1.3. The variance will not alter the physical character of the district or zone where the property for which the variance sought is located, and will not substantially or permanently injure the use of the properties in the same district or zone.

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

2. Exception

Exception from compliance with certain provisions of this Ordinance is allowed if the following conditions are present:

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

Section 19. 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 filed 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 therefore
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 VIII PLANNED UNIT DEVELOPMENT

Unless otherwise herein provided, the following supplementary regulations shall be uniformly applied in zones where the Planned Unit Development (PUD) approach shall be applied in site development.

Section 20. General Policies.

1. The PUD approach seeks to promote a more economical and efficient use of the land by permitting greater flexibility in space allocation and mix of activities and encouraging a more creative and imaginative site design. A typical PUD integrates residential and nonresidential uses in a harmonious manner while providing a higher level of urban amenities, and circulation systems within an open space framework.
2. Within the PUD areas the use of individual parcels shall not be subject to zoning regulations but all development proposals shall conform with the approved site development plan. The site development plan shall be consistent with the CLUP and Zoning Ordinance.
3. For the proper regulation of development in PUD areas, development proposals should be submitted for review and approval under this section of the Ordinance. All proposals must be submitted in a form which will satisfy the requirements imposed by this section of the Ordinance as well as by other relevant existing laws regarding subdivision, condominium, economic and socialized housing. All actions of the Zoning Administrator pertaining to compliance with these requirements shall be based upon the recommendation of the PUD review committee established in Section 4 hereunder of this Article.
4. Since time costs money, it is in the interest of all participants that the review procedure for PUD applications be managed efficiently and adequately, giving all parties sufficient time and

opportunity to present and fully evaluate the design elements without unnecessary delays.

Section 21. PUD Objectives.

1. To promote flexibility in design and permit planned diversification in the location of structures;
2. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities;
3. To preserve existing desirable landscape features and open spaces and to utilize such features in a harmonious manner;
4. To provide for more usable and suitably located recreational facilities and other public and common facilities and coordinate them within an overall site plan;
5. To combine and coordinate architectural styles, building forms and building relationships.

Section 22. PUD Guidelines.

1. Uses and Density Factors

Allowable uses and densities shall be recommended by the Municipal Planning and Development Office in accordance with the CLUP and approved by the Sangguniang Bayan as supplementary to this Ordinance. In general, proposals shall comply with both the General Evaluation Criteria and Project Evaluation Criteria and based on an approved Site Development Plan as well as the procedural and regulatory provisions hereinafter set forth.

2. Performance Standards

Performance standards specifying limits on, among others, buffer yards, site quality, water quality, resource protection and environmental nuisances such as, among others, noise and vibration, smoke, dust, odor and gases, glare and heat, and sewage disposal shall be pursuant to the procedural and regulatory provisions hereinafter set forth.

3. Availability of Public Services

Any PUD project shall be so located with respect to major streets or accessible through the highway or other

transportation facilities as to provide access to such areas without creating traffic along minor streets especially in the residential zones. A PUD proposal must also be located in relation to sanitary sewer, water lines, storm and surface drainage systems, and other utility systems and installations that neither extension nor enlargement of such systems in the future will result in incursion of public cost. Costs for making such determinations, as may be required prior to approval, shall be paid by the applicants. The determination shall be made by the PRC through experts acceptable to the municipality.

4. Ownership

The applicant/s must show evidence of full ownership interest in the land – legal title or the execution of a binding sales agreement – prior to the preparation and approval of the final Site Development Plan. To prevent the possibility that one of the owners of a property becomes insolvent or withdraws from the project leaving it dangling and thus affecting the future use of land, this Ordinance requires that the project be in single ownership by the time the final Site Development Plan is approved.

5. Processing Fees

Upon filing of formal application for a PUD, the applicant must pay a filing fee to be determined by the PRC. The fees shall be used to defray costs of reviewing PUD proposals. The use of sliding scales above a minimum base amount according to the number of hectares included in the project is hereby established and made part of this Ordinance.

Section 23. Site Development Plan Review And Approval Procedures.

1. There is hereby created a PUD Review Committee (PRC) composed of the MPDC as Chairman, with the following as members: Municipal Engineer, Sangguniang Bayan Member-Chairman of the Committee on Public Works & Infrastructure, a representative each from the private sector and civil society groups, and the Zoning Administrator, in case another person is designated, who serves as a non-voting member. The Office of the MPDC shall provide secretariat support to the Committee. The Committee's main functions include:

- 1.1 Formulate PUD-related planning guidelines;
- 1.2 Review all PUD applications

- 1.3 Endorse PUD application to the Sangguniang Bayan for approval;
 - 1.4 Inform PUD applicant about relevant national and local laws and policies as well as PUD guidelines
 - 1.5 Inform the applicant regarding the committee action on his/her PUD application;
 - 1.6 Prepare forms and application materials, compliance checklists, etc.;
 - 1.7 Prepare printed procedural guidelines including a checklist of submission requirements for various stages of the review; and
 - 1.8 Conduct public hearings and consultations to give the public a fair opportunity to participate in the review process
2. The review process shall lead to the full and complete evaluation of the design elements of PUD applications without creating unnecessary delays. A three-step review process for the evaluation of PUD applications is hereby established:
 - (1) A Pre-application Conference;
 - (2) A preliminary Site Development Plan review; and
 - (3) A final Site Development Plan approval.
 3. During the Pre-application Conference, it shall be the responsibility of the PRC to lead in coordinating all relevant activities and agencies concerned. Before filing any application for PUD, the prospective applicant shall submit to the PRC preliminary plans and sketches and basic site information for consideration and advice as to the relation of the proposal to the CLUP. During this meeting, the applicant shall present his/her initial proposal to the PRC prior to the submission of the PUD application. Thereafter, the PRC shall provide the applicant with its written comments within ten (10) working days after the pre-application conference.
 4. During the preliminary site development plan review, the proposed preliminary site development plan shall be formally presented to the PRC for substantive comments and recommendations. The proposal shall be reviewed and action thereon taken within a period not more than ninety (90) days. Failure to act within the period stipulated shall result in automatic approval of the proposed development.
 5. All existing laws and regulations that have bearing on the application shall be taken into consideration during the review. Whenever the PRC deems it necessary,

consultants shall be invited to assist in evaluating the application. The review by the consultants should take a maximum of 30 days reckoned from the date of invitation. The consultants' findings and recommendations shall be conveyed in writing to the PRC. The length of time it took the consultants to review the application shall not be counted for purposes of determining the period of review as per paragraph 4.4 of this section.

6. A public hearing is conducted as part of the preliminary review stage. During the public hearing, the PUD applicant shall be given sufficient time to present his/her proposal. The applicant shall also present before the public the recommendations of the PRC or its consultants who should also be present during the hearings.
7. After weighing all the evidence, the PRC must take formal action in writing, either approving the preliminary plan as presented, approving it subject to certain modifications, or disapproving it.
8. Within a maximum period of six (6) months following approval of the preliminary development plan, the PUD applicant shall file with the PRC a final development plan containing in a final detailed form the information required as outlined in Section 5 of this Article. At its discretion and for good cause, the PRC may extend for an additional six (6) months the period for filing of the final development plan.
9. If the applicant fails to apply for final approval for any reason, the tentative approval shall be deemed revoked and all that portion of the area included in the development plan for which final approval has not been given shall be assessed in its original state.
10. For the final development plan review, the applicant must submit two (2) sets of the final development proposal to the PRC which is required to make a substantive review within 30 days after its acceptance of these documents.
11. All schematic plans presented in the preliminary development plan stage must be presented in their detailed form. Any new document must be reviewed, and any final plans and public dedication documents should also be submitted for review by the PRC.

12. The final approval should be determined by the PRC with the assistance of its consultants. The PRC must ensure that the final development plan does not vary substantially from the previously approved preliminary development plan. The final development plan shall be deemed in substantial compliance with the preliminary development plan, provided that modifications made by the applicant does not involve a change in one or more of the following forms:
 - 12.1 Violate any provision of this Article of the Ordinance
 - 12.2 Vary the lot area requirement by more than ten (10) percent
 - 12.3 Involve a reduction of more than ten (10) percent of the area reserved for the common open space and/or usable open space
 - 12.4 Increase the total ground area covered by buildings by more than five (5) percent

In case substantial compliance with the preliminary development plan is not established, the final development plan shall undergo another public hearing for the review of changes as deemed necessary by the PRC.

13. After review by the PRC, the final development plan should be approved, approved with modifications, or disapproved. The PRC shall be responsible for recommending the appropriate action.
14. Only after formal acceptance and recording of the final development plan by the PRC can the existing land use map be modified to reflect the new developments and the issuance of building permits be authorized.
15. Final approval subject to modifications or conditions should be agreed to in writing by the developer before recording and formal acceptance. Those that are disapproved on substantive matters can revise their designs and re-apply for final development plan review provided that the proponent/s pay an appropriate filing fee to be used to defray the costs of reviewing the PUD proposal again.
16. The appropriate fees and charges to defray the cost of review, public hearings and final approval shall be based on sliding scales above a minimum base amount according to the number of hectares included in the

project. The schedule of fees and charges shall be determined by the PRC.

17. Since the final development plan for the PUD does not require a zoning change, the Sangguniang Bayan's final approval constitutes the only legal control over the property.

Section 24. Written Documents Required For Site Development Plan Review And Approval.

During the preliminary review, the PRC shall require the PUD applicant to submit six (6) copies of the following requirements:

1. Written Documents
 - 1.1 A legal description of the total site proposed for development, including a statement of present and proposed ownership and present zoning classification.
 - 1.2 Names and addresses of all owners of adjacent property
 - 1.3 A statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. Also included should be a description of character of the proposed development and the rationale behind the assumptions and choices made by the applicant to determine his/her intentions.
 - 1.4 A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.
 - 1.5 A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.
 - 1.6 Quantitative data for the following:
 - 1.6.1 Total number and type of dwelling units as well as proposed parcel sizes
 - 1.6.2 Proposed floor-area-ratios and open space coverage for non-residential spaces
 - 1.6.3 Approximate gross and net residential densities
 - 1.6.4 Total amount of open space including a separate figure for functional open spaces such as parks, playgrounds, roads, easements, or as classified in the approved CLUP;

- 1.6.5 Total amount of non-residential construction (including a separate figure for commercial or institutional facilities)
- 1.6.6 Economic feasibility studies or market analysis, where necessary;
- 1.6.7 Initial environmental examination (IEE) prepared in accordance with the Environmental Management Bureau guidelines;
- 1.6.8 Other studies as required by the review committee.

2. Site Plan and Supporting Maps

- 2.1 The existing site conditions including contours at one to five meter intervals (depending on local topographic condition), water course, flood plains, unique natural features, and forest cover, among others.
- 2.2 Proposed lot lines and plot designs.
- 2.3 The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per type, and nonresidential structures, including commercial facilities.
- 2.4 Preliminary architectural renderings of typical structures and improvements as well as landscaping options.
- 2.5 The location and size in hectares or square meters of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, school sites, socialized housing sites, and similar public and semi-public uses.
- 2.6 The existing and proposed circulation system of arterial, collector, and local streets, including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way, notations of proposed ownership -public or private- should be included where appropriate.
- 2.7 The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric and telephone lines, etc.
- 2.8 A general landscape plan, in schematic form, indicating the treatment of materials used for private and common open spaces.
- 2.9 Sufficient information on land uses within and surrounding the property including zoning

- classifications, densities, circulation systems, public facilities, and unique natural features.
- 2.10 The proposed treatment of the perimeter of the PUD, including materials and techniques used such as screens, beams, fences and walls.
 - 2.11 A preliminary environmental management plan indicating measures to be taken to minimize or mitigate environmental degradation during the construction phase.
 - 2.12 Any additional information as required by the PRC which are necessary to evaluate the character and impact of the proposed PUD or considered essential to the decision of approving the general intent and character of the proposed development.

These sets of information must be submitted for all parcels of land intended to be included in the PUD application. A formal public hearing shall be initiated by the PRC, after it makes its own review, to inform the public about the proposal and to generate feedback from those affected by the proposed development.

ARTICLE IX MISCELLANEOUS PROVISIONS

Section 25. Projects of National Significance.

Projects may be declared by the NEDA Board 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, provided that consultations with the LZBAA shall be made prior to the issuance of the locational clearance.

Section 26. Environmental Compliance Certificate (ECC).

Notwithstanding the issuance of locational clearance under Section 28 of 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 and the said plans shall be made to conform with the CLUP and this Zoning Ordinance.

Section 27. Subdivision Projects.

All owners and/or developers of subdivision projects shall, in addition to securing a locational clearance under Section 28 of this

Ordinance, be required to secure a development permit pursuant to the provisions of Presidential Decree 957 and its implementing rules and regulations or Batas Pambansa 220 and its implementing rules and regulations in the case of socialized housing projects in accordance with the procedures laid down in EO 71, series of 1993.

ARTICLE X ADMINISTRATION AND ENFORCEMENT

Section 28. Locational Clearance.

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

Section 29. 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 30. Non-Use 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 31. 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 Regional Development Council (RDC). Upon approval of this Ordinance, the zoning administrator/zoning officer shall immediately notify owners of known existing non-conforming uses to apply for a certificate of non-conformance. 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 the fine/penalties stipulated in Sec. 44 hereof.

Section 32. 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 not 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 greater area of land than that already occupied by such use at the time of the adoption of this Ordinance, or moved in whole or in part, to any other portion of the lot or parcel 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 nonconforming activity.
4. That any non-conforming structure, or 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.
5. That should such non-conforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of the destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
6. 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 maybe altered to decrease its nonconformity.
7. That no such non-conforming use may be moved to another site to displace any conforming use.
8. That should such structure be for any reason moved to whatever distance, it shall thereafter conform to the regulation of the zone to which it is moved or relocated. The owner of non-conforming use shall program the phase-out and relocation of the non-conforming use from the effectivity of this Ordinance, the exact period to be determined by the LZBAA.

Section 33. Responsibility for Administration and Enforcement.

This Ordinance shall be enforced and administered by the Municipal Mayor through the Zoning Administrator/Zoning Officer who shall be appointed by the former in accordance with existing rules and regulations.

Section 34. Duties and Functions of a Zoning Administrator/Zoning Officer.

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/Zoning Officer shall perform the following functions, duties and responsibilities.

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 Adjustment and Appeals (LZBAA) the grant or denial of application for variances and exceptions 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 clearance for repairs/renovations on nonconforming uses consistent with the guidelines therefore.
 - 1.2 Monitor on-going/existing projects within the Municipality's jurisdiction and issue notices of violation and show cause orders to owners, developers, or managers of projects that are violative of the 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.
 - 1.3 Call on and coordinate with the Philippine National Police for enforcement of all orders and processes issued in the implementation of this ordinance.
 - 1.4 Coordinate with the Provincial/Municipal Attorney/Legal Officer for other legal actions/ remedies relative to the foregoing.
2. Planning
 - 2.1 Coordinate with the Municipal Development Council regarding proposed amendments to the Zoning

Ordinance prior to its adoption by the Sangguniang Bayan.

Section 35. Complaints and Oppositions.

A 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, oppositions to applications for clearances, variances or exceptions shall be treated as complaints and dealt with in accordance with this section.

Section 36. 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 on complaints and oppositions to such applications:
 - 1.1 Variances
 - 1.2 Exceptions
 - 1.3 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 37. Composition of the Local Zoning Board of Adjustment and Appeals (LZBAA).

There shall be created a LZBAA composed of the following:

1. Municipal Mayor as Chairman
2. SB Member, Chairman – Committee on Rules
3. SB Member, Chairman – Committee on Environment & Natural Resources
4. Municipal Assessor
5. Municipal Engineer
6. Municipal Planning and Development Coordinator (if other than the Zoning Administrator)
7. Two (2) representatives of the private sector chosen from the non-government and people’s organizations.

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

Section 38. 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 39. Review of the Zoning Ordinance.

There shall be created another functional 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, revision or amendment of the CLUP;
2. Change in local conditions as a result of the implementation of development plans, programs and projects;
3. Introduction into the municipality of projects of national significance;
4. Petition for rezoning from a significant representation of affected property owners; and
5. Other strong and valid reasons which justify consideration.

Section 40. Composition of the Local Zoning Review Committee (LZRC).

The Local Zoning Review Committee shall be composed of 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, Liga ng Mga Barangay
5. Municipal Engineer
6. Municipal Government Environment and Natural Resources Officer (MG-ENRO)
7. School District Supervisor
8. Two (2) Private Sector Representatives (Local Chamber of Commerce and Housing Industry)
9. Two (2) NGO Representatives
10. One member of the SB preferably the Chairman of the Committee on Land Use or its equivalent

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

Section 41. Functions of the Local Zoning Review Committee.

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

1. Review the Zoning Ordinance for the following purposes:
 - 1.1 Determine amendments or revisions necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan.
 - 1.2 Determine changes to be introduced in the Comprehensive Land use Plan in the light of permits given, and exceptions and variances granted.
 - 1.3 Identify provisions of the Ordinance which are difficult to enforce or are unworkable.
2. Recommend to the Sangguniang Bayan the adoption of necessary legislative amendments, and to the Municipal Planning and Development Office the needed changes in the plan as a result of the review conducted.

Section 42. Amendments to the Zoning Ordinance.

Changes in the Zoning Ordinance as a result of the review by the Local Zoning Review Committee shall be treated as an amendment, provided that any amendment to the provisions of the Zoning Ordinance shall be carried out through an Ordinance approved by at least three-fourths (3/4) vote of the Sangguniang Bayan. Said amendments shall take effect only after approval and authentication by the Regional Development Council.

Section 43. Violation and Penalty.

Any person who violates any of the provisions of this Ordinance shall, upon conviction, be punishable by a fine not exceeding Two Thousand Five Hundred Pesos (PhP 2,500.00), or imprisonment of not exceeding six (6) months or both, at the discretion of the Court. In case of violation by a corporation, partnership or association, the penalty shall be imposed upon the erring officers thereof.

Section 44. No Contest Provision.

Any person, individual or entity, who is apprehended or cited for violation and who do not wish to contest the violation and is willing to pay voluntarily the minimum fine imposed upon him prior to the filing of formal charges with the proper court shall be allowed to pay said fine with the Municipal Treasurer's Office to avoid being prosecuted within three (3) days from apprehension or otherwise the case shall be prosecuted.

Section 45. Suppletory Effect of Other Laws and Decrees.

The provisions of this Ordinance shall be without prejudice to the application of other laws, presidential decrees, letters of instruction and other executive or administrative orders vesting national agencies with jurisdiction over specific land areas which shall remain in force and effect, provided that land use decisions of the national agencies concerned shall be consistent with the Comprehensive Land Use Plan of Orion.

Section 46. Separability Clause.

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 47. Repealing Clause.

All ordinances, rules or regulations in conflict with the provisions of this Ordinance are hereby repealed, amended or modified accordingly; provided that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

Section 48. Effectivity Clause.

This Ordinance shall take effect upon approval and upon compliance with posting/publication provision of the Local Government Code of 1991.

RESOLVED FURTHER, that copy of this Ordinance be forwarded to the Sangguniang Panlalawigan, thru the Hon. Serafin Q. Roman, Vice Governor and Presiding Officer, for their review and favorable approval;

RESOLVED FURTHERMORE, that a copy of this Ordinance be posted at the Bulletin Boards of the Orion Municipal Building and the Orion Municipal Legislative Building;

RESOLVED FINALLY, that copy of this Ordinance be furnished the Hon. Mayor Antonio L. Raymundo Jr, the MPDC, the Municipal Engineer, and all the Hon. Barangay Captains for their information and appropriate action.

ENACTED. 21 JULY 2009.

I hereby certify that the Sangguniang Bayan of Orion duly enacted the foregoing Municipal Ordinance No. 09 – 020 – 063 on the date specified therein.

CARLOTA T. VALERIO
Secretary to the Sangguniang Bayan

ATTESTED BY:

VIRGILIO B. ISIDRO
Municipal Vice Mayor/Presiding Officer

APPROVED:

ANTONIO L. RAYMUNDO JR.
Municipal Mayor

Date: _____

Annex A

DEFINITION OF TERMS

For purposes of this Ordinance, certain words and terms are hereby defined. The definitions set forth in the National Building Code, Water Code, Philippine Environmental Code and other Implementing Rules and Regulations promulgated by the HLRB are also applicable, where appropriate, with respect to words and terms not defined herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word “lot” includes “plot”, the word “building” includes “structure”; the word “occupied” includes “designed, arranged,” or “intended to be occupied”. Where the verb “use” is employed it shall be construed as if followed by the words “or is intended, arranged, designed, built, altered, converted, rented, or leased to be used”, the word “shall” is mandatory and “may” is permissive or discretionary.

Agricultural Zone (AGZ) – an area within the Municipality of Orion intended for cultivation/fishing and pastoral activities e.g. fish, farming, cultivation of crops, goat/cattle raising, etc.

Agro-Industrial Zone (AIZ) – an area within the Municipality of Orion intended primarily for integrated farm operations and related product processing activities such as plantation for bananas, pineapple, sugar, etc.

HLRB/Board – shall mean the Housing and Land Use Regulatory Board.

Buffer Area – 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.

Built-Up Area – a contiguous grouping of ten (10) or more structures.

Central Business District – shall refer to areas designated principally for trade, services and business purposes (Commercial 1 Zone).

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.

Compatible Use – uses or land activities capable of existing together harmoniously e.g. residential use and parks and playground.

Comprehensive Land use Plan (CLUP) – a document embodying specific proposals for guiding, regulating growth and/or development. The main component of the Comprehensive Land Use Plan in this usage is the sectoral studies i.e. Demography, Socio-Economic, Infrastructure and Utilities, Local Administration and Land Use.

Conflicting Uses – uses or land activities with contrasting characteristics sited adjacent to each other e.g. residential units adjacent to industrial plants.

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

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

Environmentally Critical Areas – refers to those areas which are environmentally sensitive and are listed in Presidential Proclamation 2146 dated December 14, 1981.

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

Exception – a device which grants a property owner relief from certain provisions of a 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.

Floor Area Ratio – the ratio between the gross floor area of a building and the area of the lot on which it stands, determined by

dividing the gross floor area of the building and the area of the lot. The gross floor area of any building should not exceed the prescribed floor area ratio (FAR) multiplied by the lot area. The FAR of any zone should be based on its capacity to support development in terms of the absolute level of density that the transportation and other utility networks can support.

General Commercial Zone (GCZ) – an area within the Municipality of Orion for trading/services/business purposes.

General Institutional Zone (GIZ) – an area within the Municipality of Orion principally for general types of institutional establishments e.g. government offices, school, hospitals/clinics, academic/research, convention centers.

General Residential Zone (GRZ) – an area within the Municipality of Orion principally for dwelling/housing purposes.

General Zoning Map – duly authenticated map delineating the different zones in which the entire municipality is divided.

Gross Floor Area – the GFA of a building is the total floor space within the perimeter of the permanent external building walls, occupied by:

- Office Areas;
- 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 shall not include:

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

Heavy Industrial Zone (I-3) – a subdivision of an area principally for the following types of industries:

- Highly pollutive/non-hazardous
- Highly pollutive/hazardous
- Highly pollutive/extremely hazardous
- Pollutive/extremely hazardous
- Non-pollutive/extremely hazardous

High Density Commercial Zone (C-3) – an area within the Municipality of Orion intended for regional shopping centers such as large malls and other commercial activities which are regional in scope or where market activities generate traffic and require utilities and services that extend beyond local boundaries and requires Metropolitan level Development Planning and Implementation. High rise hotels, sports stadium or sports complexes are also allowable in this zone.

High Density Residential Zone (R-3) – a subdivision of an area principally for dwelling/housing purposes with a density of 66 or more dwelling units per hectare.

Innovative design – introduction and/or application of new/creative designs and techniques in development projects e.g. Planned Unit Development (PUD), Newtown, etc.

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

- Non-pollutive/non-hazardous
- Non-pollutive/hazardous

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

Low Density Commercial Zone (C-1) – an area within the Municipality of Orion principally for trade, services and business activities ordinarily referred to as the Central Business District.

Low Density Residential Zone (R-1) – an area within the Municipality of Orion principally for dwelling/housing purposes with a density of 20 dwelling units and below per hectare.

Medium Density Commercial Zone (C-2) – an area within the Municipality of Orion with quasi-trade business activities and service industries performing complementary/supplementary functions to principally commercial zone (CBD).

Medium Density Residential Zone (R-2) – an area within the Municipality of Orion principally for dwelling/housing purposes with a density of 21 – 65 dwelling units per hectare.

Medium Industrial Zone (I-2) – an area within the Municipality of Orion principally for the following types of industries:

- a. Pollutive/Non-hazardous
- b. Pollutive/Hazardous

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

New Town – shall refer to a town or zone deliberately planned and built which provides, in addition to houses, employment, shopping, education, recreation, culture and other services normally associated with a city or town.

Non-Conforming Use – existing non-conforming uses/establishments in an area allowed to operate in spite of the non-conformity to the provisions of the Ordinance subject to the conditions stipulated in this Zoning Ordinance.

Parks and Recreation Zone (PRZ) – an area designated for diversion/amusements and for maintenance of ecological balance of the community.

Planned Unit Development - a land development project/scheme wherein project site is comprehensively planned as an entity via unitary site plan which permits flexibility in planning/design, building siting, complementarity of building types and land uses, usable open spaces and the preservation of significant natural land features.

Rezoning – a process of introducing amendments to or a change in the text and maps of the Zoning Ordinance. It also includes amendment or change in view of reclassification under Section 20 of Ra 7160.

Rural Area – an area outside of designated urban area.

Setback – the open space left between the building and lot lines.

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

Special Institutional Zone (SIZ) – an area within the Municipality of Orion principally for particular types of institutional

establishments e.g. welfare homes, orphanages, home for the aged, rehabilitation and training centers, military camps/reservation/bases/training grounds, etc.

Tourist Zone (TZ) – a site within the Municipality of Orion endowed with natural or manmade physical attributes and resources that are conducive to recreation, leisure and other wholesome activities.

Urban Area (s) – include all barangay(s) or portion(s) of which comprising the Poblacion, Central Business District (CBD) and other built-up areas including the Urbanized land in and adjacent to said areas and where at least more than fifty percent (50%) of the population are engaged in non-agricultural activities. CBD shall refer to the area designated principally for trade, services and business purposes.

Urban Zoning Map – a duly authenticated map delineating the different zones into which the urban area and its expansion area are divided.

Urbanized Land – an area designated 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 the Zoning Ordinance where, because of the particular physical surrounding, shape or topographical conditions of the property, compliance on height, area, setback, bulk and/or density, would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

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

Water Zone (WZ) – are bodies of water within the Municipality of Orion which include creeks, rivers, streams, lakes and seas except those included in other zone classification.

Zone-District – an area within the Municipality of Orion for specific land use as defined by man-made or natural boundaries.

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

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