

SANGGUNIANG BAYAN

TANGGAPAN NG KALIHIM

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION
FIRST SANGGUNIANG BAYAN OF ORMOG CITY, PHILIPPINES
HELD AT ITS SESSION HALL ON MAY 24, 1977

(Third Special Session, 1977)

PRESENT:

Hon. Dionisio B. Torrevillas,	Member, Presiding
Hon. Jesus B. Lladoc,	Member
Hon. Cristobal S. Mendola,	Member
Hon. Eduardo P. Tan,	Member
Hon. Albino P. Porcadilla,	Member
Hon. Cesar S. Samson,	Member
Hon. Rafael M. Mejia,	Member
Hon. Leonardo B. Aberilla,	Member
Hon. Anastacio D. Besabella,	Member
Hon. Jesus F. Doyon,	Member
Hon. Placido C. Enecio,	Member
Hon. Roneo M. Hermosilla,	Member
Hon. Jose S. Kangleon,	Member
Hon. Grace E. Mendola,	Member
Hon. Dionisio S. Santiago,	Member
Hon. Asela R. Villamor,	Member

ABSENT:

Hon. Inaki A. Larrazabal, Mayor & Presiding Officer
Hon. Jose C. Aviles, Member (O.B., in Cebu City)
Hon. Bruno T. Marquez, Jr., Member

RESOLUTION NO. 362

"WHEREAS, the City Planning and Development Board had submitted the comprehensive zoning ordinance for the City of Ormoc patterned after the model ordinance and guidelines of the Human Settlements Commission;

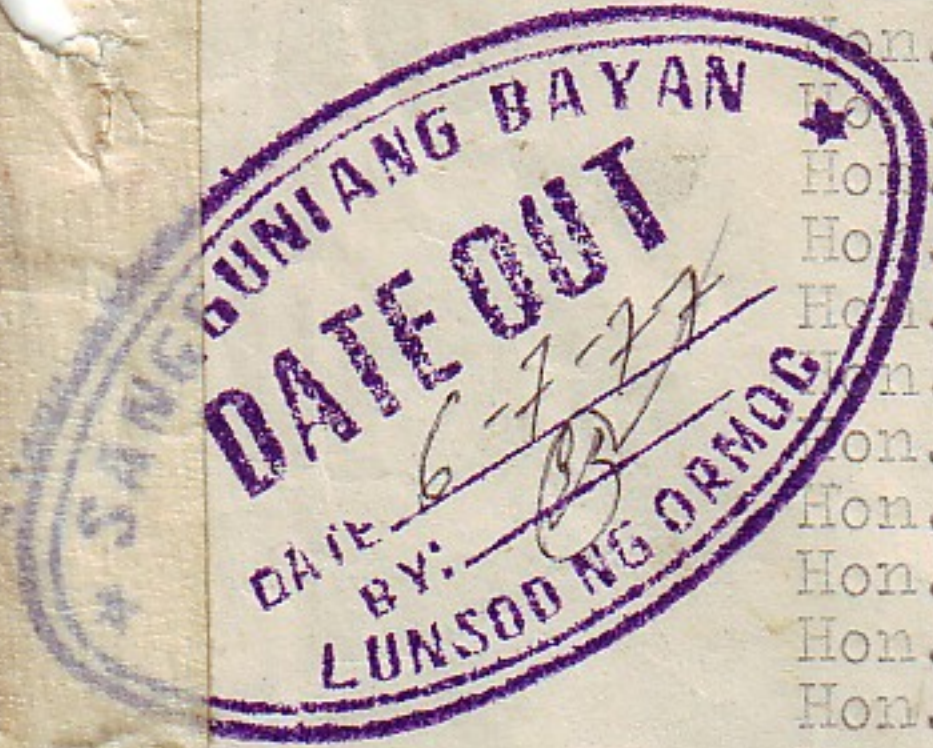
"WHEREAS, prior to and after the third and final reading of the proposed ordinance a series of public hearings have been conducted by the Committee on Zoning and Beautification in coordination with the City Planning and Development Board for the purpose of imparting to all and sundry the spirit of the ordinance in furthering the improvement of this ever-growing city in line with Presidential Decree No. 933;

"WHEREAS, this august Body as a whole conducted the last public hearing today wherein some rice millers, who felt they are the most affected, requested that the Commercial Districts from Cantubo Bridge up North to Barangay Valencia be amended to an Industrial District, and to include Barangay San Isidro in the Industrial District up West to Barangay Liloan, also from Cantubo Bridge, while one rice miller requested a status quo for mills now operating within the city proper, even as they requested that reconstruction expenses due to force majeure be at least 80% of the assessed value of the structure;

"WHEREAS, after a lengthy deliberation this august Body had decided once and for all to proceed with the enactment of the zoning ordinance as originally proposed considering the time-honored policy of greatest good for the greatest number;

"NOW, THEREFORE, on motion of Kagawad Santiago, seconded jointly by Mga Kagawad Enecio and Samson;

"RESOLVED, to adopt:



ORDINANCE NO. 9 ✓

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF ORMOC, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH

BE IT ORDAINED, by the Sangguniang Bayan of Ormoc City,
That:

ARTICLE I
TITLE AND SCOPE OF THE ORDINANCE

SEC. 1. TITLE OF THE ORDINANCE. - This shall be known as the Comprehensive Zoning Ordinance for the City of Ormoc.

SEC. 2. SCOPE. - From and after the date of adoption, this Ordinance shall govern all uses of lands and buildings in the City of Ormoc intended for residential, commercial, industrial, institutional and recreational purposes.

ARTICLE II
AUTHORITY AND PURPOSES

SEC. 1. AUTHORITY. - This Ordinance is enacted pursuant to Section 3 of Republic Act No. 2264, otherwise known as the Local Autonomy Act, authorizing cities to adopt zoning ordinances and regulations subject to the approval of the City Mayor and pursuant to Memorandum Circular No. 74-20 of the Secretary of the Department of Local Government and Community Development dated March 11, 1974, authorizing the then City Councils/Municipal Boards to create and organize their respective City Planning and Development Boards.

SEC. 2. PURPOSES. - This Ordinance is designed and enacted to:

1. Promote and protect the health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants;

2. Guide, control and regulate future growth and development in accordance with the development plan of the City;

3. Protect the character and stability of residential, commercial, industrial, institutional, agricultural, and open space areas within the City and promote the orderly and beneficial development of the same;

4. Provide adequate light, air, privacy, and convenience of access to property;

5. Prevent undue congestion of population; and

6. Regulate the location of buildings, and the use of buildings and lands adjacent to streets and thoroughfares in such manner as to obviate the danger to public safety caused by undue interference with existing or prospective traffic movements on such streets and thoroughfares.

SEC. 3. DECLARED ZONING PRINCIPLE. - Zoning is the division of the City into districts according to present and potential use of properties for the purpose of controlling and directing the use and development of these properties. Zoning is a tool to implement the development plan.

SEC. 4. DEVELOPMENT PLAN. - This Comprehensive Zoning Ordinance is based on the development plan prepared by the City Planning and Development Board.

ARTICLE III DEFINITION OF TERMS

SEC. 1. DEFINITIONS. - As used in this Ordinance, the following words or phrases shall have their respective meanings and definitions:

1. ACCESSORY OR ROW HOUSE - A house of not more than two storeys composed of a row of dwelling units entirely separated from one another by partition walls and with an independent entrance for each dwelling unit.

2. ACCESSORY USE - A use incidental and subordinate to the principal use of the building and/or land.

3. ADDITIONS, ALTERATIONS, REPAIRS - Changes in an existing building involving interior or exterior work and/or increase or decrease of the area of the building.

4. APARTMENT - A row of independent units designed and intended for, or occupied by, a family on a more or less permanent basis.

5. APARTMENT HOTEL - Any building containing several independent and furnished apartment units, regularly leased on a more or less permanent basis, and offering basic services to its tenants (e.g., dining services).

6. APARTMENT HOUSE - A building containing several independent residential suites, usually having facilities such as elevators, air-condition, etc., furnished in common.

7. BOARD - The Zoning Board of Appeals.

8. BOARDING HOUSE - A house which admits a small number of persons for compensation and where meals may or may not be served to them only.

9. BOTANICAL GARDEN - A tract of land used for the culture and study of plants, collected and grown for scientific and display purposes.

10. BUILDABLE AREA - The remaining space in a lot after deducting the required minimum open spaces.

11. BUILDABLE HEIGHT - The vertical distance from the established grade elevation to the average ceiling height of the building. In case of sloping ground, the average level shall be considered its established grade elevation.

12. BUILDABLE LINE - The line formed by the intersection of the outer surface of the enclosing wall of the building and the surface of the ground.

13. BUILDING - A constructed edifice, designed to stand more or less permanently, covering a space of land, usually covered by a roof, and more or less enclosed by walls and supported by columns, and serving as a dwelling, store, factory, shelter for animals, etc. .

14. BUILDING, ACCESSORY - A building, subordinated to the main building and located on the same lot, the use of which is necessary or incidental to the use and enjoyment of the main building, such as servants' quarters, garage, etc.

15. BUILDING, MAIN - One in which the principal use of the land on which it is situated is conducted.

16. BUS TERMINAL - A private station where public utility buses regularly discharge and receive passengers and/or where such vehicles are repaired and maintained.

17. COTTAGE INDUSTRY - Establishment or firm which conforms to the standards set forth by the National Cottage Industry Development Authority (NACIDA).

18. DISTRICT - Any area of land which may comprise a portion of a block.

19. DORMITORY - A building where many persons are provided with board and lodging facilities in common halls for a compensation.

20. DWELLING - A building or structure used for lawful residence.

21. DWELLING, ONE-FAMILY, DETACHED - A one-family house having one party wall and two side yards.

22. DWELLING, ONE-FAMILY, SEMI-DETACHED - A one-family house having one party wall and one side yard.

23. DWELLING, TWO-FAMILY, DETACHED - A house or structure divided into separate and independent living quarters by a wall extending from the floor to the ceiling, and provided with two side yards. Each portion provides complete living facilities for the households.

24. DWELLING, TWO-FAMILY, SEMI-DETACHED - A two-family house as above defined except that it is provided with one side yard.

25. DWELLING, MULTI-FAMILY - A building used as a house or residence of three or more families living independently from one another, each occupying one or more rooms as a single housekeeping unit.

26. EASEMENT - An encumbrance imposed on an immovable for the benefit of another immovable belonging to a different owner.

27. FAMILY - A group of individuals living under one roof and considered as part of a single housekeeping unit.

28. FILLING STATION - A retail station, servicing automobiles and other motor vehicles with gasoline and oil only.

29. GARAGE - A building or structure where cars and other motor vehicles are housed and maintained.

30. GARAGE, COMMERCIAL - A garage where motor vehicles are housed, maintained, equipped, repaired, or kept for remuneration or sale.

31. GARAGE, PRIVATE - A building or structure where cars and other vehicles used by the members of the family residing within the dwelling are housed and maintained.

32. GUARD HOUSE - An accessory building or structure used by a security guard while on duty.

33. HOME OCCUPATION - An occupation or business conducted within the dwelling unit.

34. HOSPITAL - An institution providing health services, primarily for in-patient, and medical or physical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, out-patient department, training facilities, and staff offices.

35. HOTEL - A building and its premises where persons may regularly be received, lodged, or harbored, as transients or guests, and provided with accommodation service and/or meals for a fee.

36. LODGING HOUSE - A building containing not more than fifteen (15) sleeping rooms where lodging is provided for a fixed compensation in accordance with previous agreement.

37. LOT - A parcel of land on which a principal building and its accessories are situated or may be situated, together with the required open spaces.

38. LOT, CORNER - A lot situated at the junction of two or more streets, forming an angle of not more than one hundred thirty-five (135) degrees.

39. LOT DEPTH - The mean horizontal distance between the front line and the rear lot line of a lot measured within the lot boundary.

40. LOT, INSIDE - Any lot other than a corner lot.

42. LOT WIDTH - The average horizontal distance between the side lot lines.

41. LOT, THROUGH - An inside lot with frontage on two (2) streets.

43. MANUFACTURING INDUSTRY - An industry which involves the chemical or mechanical transformation of inorganic or organic products, whether the transformation is done by a power-driven machine or by hand, or whether it is done in a factory or in the worker's house.

44. MOTEL - Any structure with several separate units, primarily located along the highway or close to a highway, where motorists may obtain lodging with parking space and, in some instances, meals.

45. MUSEUM - A non-profit, non-commercial establishment operated as a repository, or a collection of nature, scientific, or literary curiosity or objects of interest such as works of art. This does not include the regular sale or distribution of the objects collected.

46. NON-CONFORMING USE - A legal use of a structure or tract of land in existence at the date of adoption of this Ordinance, which does not conform to the use regulations of this Ordinance, or such use in existence at the date of adoption of amendments to the ordinance which does not conform to the use regulations of the ordinance as amended.

47. NURSERY/DAY CARE CENTER - A place where children are temporarily cared for and trained in the parents' absence.

48. PARK - A pleasure ground set apart for recreation of the public, to promote its health and enjoyment.

49. PRIVATE PET HOUSE - A building or structure for the keeping of domestic pets, for the enjoyment and/or protection of the members of the family residing within the dwelling.

50. PROFESSIONAL OFFICE - The office of a person engaged in any occupation, vocation or calling not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an act founded therein.

51. RECREATIONAL CENTER - A place, compound or building or a portion thereof, open to the public for recreational and entertainment purposes.

52. RESIDENTIAL CONDOMINIUM - A building containing at least five or more apartment units with common area and facilities, each apartment owner having exclusive ownership and possession of his apartment.

53. RESTAURANT/OTHER EATERIES - A retail establishment primarily engaged in the sale of prepared food and drinks for consumption on the premises.

54. SERVANTS' QUARTERS - A room within the dwelling, or in an accessory building where servants, maids, or helpers of the family are housed.

55. SERVICE STATION - A building and its premises where gasoline, oil, grease, batteries, tires and car accessories may be supplied and dispensed at retail and where, in addition, the following services may be rendered and sales made and no other:

- a) Sale and servicing of spark plugs, batteries, and distributor parts;
- b) Tire servicing and repair, but not recapping or regrooving;
- c) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluids, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel, bearing, mirrors, and the like;
- d) Radiator cleansing and flushing;
- e) Washing and polishing, and sale of automotive washing and polishing materials;
- f) Greasing and lubrication;
- g) Emergency wiring repairs;
- h) Minor services of carburetors;
- i) Adjusting and repairing brakes;
- j) Minor motor adjustments not involving removal of the head or crankcase, or raising the motor;
- k) Sales of soft drinks, packaged foods, tobacco and similar convenient goods for service station customers as accessory and incidental to the principal operations;
- l) Provision of road maps and other informational material to customers; and
- m) Provision of rest room facilities.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating conditions, or other works involving noise, glare, fumes, smoke or other characteristics to any extent greater than normally found in service stations. A service station is neither a repair garage nor a body shop.

56. SHOPPING CENTER - A group of not less than fifteen (15) contiguous retail stores, originally planned and developed as a single unit, with immediate adjoining off-street parking facilities.

57. STABLE - Any structure designed and intended for the enclosure, shelter or protection of any large cattle.

58. STABLE, COMMERCIAL - A stable wherein the animals kept are for business or racing purposes.

59. STORE - A building or structure devoted exclusively to the retail sale of of a commodity or commodities.

60. THEATER - A structure used for dramatic, operatic, motion picture and other performances for admission to which entrance money is received, and no audience participation and meal service are allowed.

61. TOURIST INN OR PENSION HOUSE - Any building or structure regularly catering to tourists and travellers, containing several independent rooms and kitchen, and where a combination of board and lodging may be provided.

62. WAREHOUSE - Any building, the primary purpose of which is the storage of goods, wares, merchandise, utilities and/or another personal belongings.

63. YARD - An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward.

64. YARD, FRONT - The yard lying between the side lot lines and between the front line of the lot and the nearest building line.

65. YARD, REAR - The yard lying between the side lot lines and between the rear line of the lot and the nearest building line.

66. YARD, SIDE - The yard lying between the side line of the lot and the nearest building line between the front ~~yard and the nearest building line between the front yard~~ yard and the rear yard lines, or between the front and rear lot lines in the absence of the front and the rear yards.

ARTICLE IV ZONING DISTRICTS

SEC. 1. DIVISION INTO DISTRICTS - To effectively carry out the provisions of this Ordinance, the City of Ormoc is hereby divided into the following districts:

RESIDENTIAL DISTRICT I for low density residential areas

RESIDENTIAL DISTRICT II for medium density residential areas

RESIDENTIAL DISTRICT III for high density residential areas

COMMERCIAL DISTRICT I for purely commercial uses

COMMERCIAL DISTRICT II for commercial and compatible industrial uses

INDUSTRIAL DISTRICT I for non-pollutive industrial uses

INDUSTRIAL DISTRICT II for pollutive industrial uses

INSTITUTIONAL DISTRICT I for government buildings and institutions of higher learning

INSTITUTIONAL DISTRICT II for special public and private institutions

PARKS AND OPEN SPACES DISTRICT

AGRICULTURAL DISTRICT

UNZONED AREA

SEC. 2. OFFICIAL ZONING MAP - The designation, location and boundaries of the districts herein established is shown in the Official Zoning Map of the City as prepared by the City Planning and Development Board and hereby adopted as an integral part hereof.

The Official Zoning Map shall be signed by the Mayor, attested by the Secretary to the Sangguniang Bayan and shall bear the seal of the City.

In the event that the Official Zoning Map is damaged, destroyed, lost, or becomes difficult to interpret because of the nature of the number of changes and additions, the Sangguniang Bayan may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SEC. 3. DISTRICT BOUNDARIES - TECHNICAL DESCRIPTION - For purposes of this Ordinance, the specific boundaries of each district are hereby described as follows:

a) RESIDENTIAL DISTRICT I (EAST PORTION):

This area is bounded from Corner Concepcion and Santiago Streets (which is equal to point 3 of Industrial District I as point (1)); thence, following Concepcion Street, due North, Harrison Street, across the Bridge of Pardon, Aviles Street, Aguadulce Street, San Pablo Street, Hermosilla Drive, Rizal Street Extension (Nadungholan Cockpit) to BBM No. 3 on Lot No. 2288, as point (2); thence, following the Himaagos River, water from Malbasag River, along the boundary lines of Corners 9, 8, 7, 6, 5, 4 and 3 of Lot No. 2919, as point (3); thence, following the boundary lines of Corners 7, 6, 5, 4, 3 and 2 of Lot No. 2918, as point (4); thence, following the boundary lines of corners 27, 26, 25, 24, 23, 22, and 21 of Lot No. 2919 as point (5); thence, following the Malbasag River, to Corner 8 of Lot No. 2922, as point (6) which is equal to point (10) of Industrial District II; thence, to point (9) of Industrial District II, common point of Lots Nos. 2848 and 2852 as point (7); thence, to point (8) of Industrial District II, on common point of Lots Nos. 3222 and 3223, side of the Ormoc-Mahayag Road passing the cemetery as point (8); thence, to point (7) of Industrial District I-a, on common point of Lots Nos. 3242 and 3244 of Panalian River as point (9); thence, to point 6 of Industrial District II, on common point of Lots Nos. 1938 and 1939 as point (10); thence, to Northwest, to point (4) of Industrial District I, on crossing of two cadastral roads of Lot No. 1593, as point (11); thence, to point of beginning which is equal to point (3) of Industrial District I, crossing Concepcion and Santiago Streets.

b) RESIDENTIAL DISTRICT I (WEST PORTION):

This area is bounded from Point (5) of Industrial District I of corner of Lot No. 5357 as point (1); thence, running half a kilometer parallel to Ormoc-Merida National Road due West, to common point of Lots Nos. 5490, 5489 and 5469 as point (2); thence, following the boundary lines of Lots Nos. 5490, 5469, 5489, to center of the Libertad-Airport Road on Lot No. 5489, as point

as point (3); thence, following the Libertad-Salvacion Road up to the crossing of San Isidro-Salvacion Road as point (4); thence, to point (1) of Commercial District I, and point (12) of Commercial District II as point (5); thence, to point (11) of Commercial District II as point (6); thence, to point (10) of Commercial District II as point (7); thence, to point (9) of Commercial District II as point (8); thence, to point (8) of Commercial District II at the crossing of Ormoc-Merida National Road and Cogon-Don Felipe Larrazabal Road of the Government Center near the Ormoc General Hospital, as point (9); thence, to point (7) of Commercial District II as point (10); thence, to point (6) of Commercial District II as point (11); thence, to point (5) of Commercial District II as point (12); thence, following the Ormoc-Nauñgan Road to point (15) of Industrial District II (West Portion) as point (13); thence, to point (15) of Industrial District II (West Portion) as point (14); thence, to point (14) of Industrial District II (West Portion) as point (15); thence, to point (13) of Industrial District II (West Portion) as point (16); thence, to point (12) of Industrial District II (West Portion) as point (17); thence to point (11) of Industrial District II (West Portion) as Point (18); thence, to point (10) of Industrial District II (West Portion) as point (19); thence, to point (9) of Industrial District II (West Portion) as point (20); thence, to point (6) of Industrial District II (West Portion) traversing Lots Nos. 5282, 5241, 5240 and 5239, as point (21); thence, to the point of beginning.

c) COMMERCIAL DISTRICT I:

This area is bounded from point (1) of Commercial District II as point (1); thence, running half a kilometer parallel to Ormoc-Palo-Carigara National Road, up to the boundary of Ormoc-Kananga, as point (2); thence, following the boundary line of Ormoc-Kananga, at Barangays Montebello and Valencia, half a kilometer due East as point (3); thence, running half a kilometer parallel to Ormoc-Carigara National Road due East, going to Ormoc City proper, up to one (1) kilometer on "Y" crossing from Simañgan-Dolores Road as point (4); thence, running half a kilometer parallel to Ormoc-Tuñigan National Road, due North up to common point of Lots Nos. 9154, 9081 and 9083 as point (5); thence, to crossing of Tuñigan-Cabingtán Road on "KM 112.000", on Lot No. 9078, as point (6); thence, to common point of Lots Nos. 7443 and 9070 as point (7); thence, following the Anilao River up to point (15) of Commercial District II, corner "52" of Lot No. 3083, edge of Anilao River, as point (8); thence, to the crossing of Simañgan-Dolores National Road which is equal to point (14) of Commercial District II as point (9); thence, to point (13) of Industrial District II on corner "3" of Lot No. 2582 as point (10); thence, to the point of beginning on Corner "1" of Lot No. 5550.

d) COMMERCIAL DISTRICT II:

This area is bounded from point (2) of Industrial District I (East Portion) at Can-adieng on Calle Santiago on Lot No. 1564 as point (1); thence, following the shoreline to the center of pier (Bonifacio Street) near the Seaside Hotel as point (2); thence, following the shoreline again to corner "8" of Lot No. 889, as point (3); thence, following the Anilao River course to corner "9" of Lot No. 889, as point (4); thence following the Anilao River course to corner "3" of Lot No. 1271, common point of Lots Nos. 1271 and 1270 as point (5); thence, to corner "3" of Lot No. 2257 opposite the edge of Anilao River as point (6); thence, following corners 3-2 and 2-3, of Lot No.

2257, coerner 1-5, 5-4 of Lot No. 2258, corner 5-4 of Lot No. 2259 (boundary line of Ormoc City High School), corner 10-9 of Lot No. 2261 (still O.C.H.S. boundary), corner 8-9 on center of the proposed Cogon-Don Felipe Larrazabal road as point (7); thence, following the 20-meter road of the Ormoc City Government Center at the back of the District Engineering Office, up to the crossing of Ormoc-Merida National Road as point (8); traversing Lots Nos. 2245, 2265, 2244, 2243, 2212-C, 2212-A, 2360, 11963-B, 11963-A, 2210, 2209, Psd. 226013 (Mejia Subdivision) and 5364; thence, following the Ormoc-Merida National Road due West, and following the boundary line of Lot No. 5364, which is on corners 14-15, 15-16 and 16-17, as point (9); thence, traversing Lot No. 5232 on corner 3 (said lot) and corner "8" of Lot No. 5365, and corner "7" of Lot No. 5362 as point (10); thence, following the boundary lines of Lots Nos. 5365, 5360, 11225, 5367, 5366, 5370, and 8928, then on 5528, 5529, 5609, 5530, to center of the six-meter cadastral road on Lot No. 6117 and Lot No. 5532, as point (11); thence to corner "1" of Lot No. 5550, which is a common point of Lots Nos. 5551, 5550, and 5630, as point (12); thence, to corner "3" of Lot No. 2582 as point (13); thence, to the crossing of Simañgan-Dolores National Road as point (14); thence, to corner "52" of Lot No. 3083, edge of Anilao River, as point (15); thence, following the Anilao River, downstream, to common point of Lots Nos. 1445 and 1443 as point (16); — thence, to the crossing of Hermosilla Drive and Rizal Street, as point (17); thence, following Hermosilla Drive, due East, San Pablo Street, Aguadulce Street, Aviles Street, across the Bridge of Pardon, Harrison Street, then to Santiago Street at Can-adieng, to the point of beginning.

~~(e) INDUSTRIAL DISTRICT I (EAST-PORTION)~~

~~This area is bounded from BBM No. 56 as point (1); thence, North Northwest, to Santiago Street going to the Cemetery on Lot No. 4564 as point (2), following the shoreline; thence, following the Ormoc-Mahayag Road, passing the Cemetery, to the crossing of the two cadastral roads on Lot No. 4593, as point~~

(e) INDUSTRIAL DISTRICT I (EAST PORTION):

This area is bounded from BBM No. 56 as point (1); thence, Northwest, following the shoreline, to Santiago Street corner as point (2); thence, Northeast to the cemetery on Lot No. 1564 as point (3); thence, following the Ormoc-Mahayag to the crossing of the two cadastral roads on Lot No. 1593 as point (4); thence, to point (6) of Industrial District II on Lots Nos. 1938 and 1939 as point (5); thence, following the Panalian River, to point (5) of Industrial District II, on the approach of the Panalian River Bridge, as point (6); thence, following the Panalian River to BBM No. 56, the point of beginning.

(f) INDUSTRIAL DISTRICT I (WEST PORTION):

This area is bounded from point (9) of Industrial District II (West Portion) on corner "8" of Lot No. 5244 which is a common point of Lot No. 5243 and 5244 as point (1); thence, to point (8) of Lots Nos. 6422 and 6434 as point (2); thence, to point (7) of Industrial District II (West Portion) on the crossing of Ormoc-Merida National Road and Liloan-Balion Road as point (3); thence, to point (6) of Industrial District II (West Portion) on corner "3" of Lot No. 6446, as point (4); thence, running parallel along Ormoc-Merida Road to corner "2" of Lot No. 5357 as point (5); thence, following San-Isidro-

Salvacion Road to the crossing of Ormoc-Merida National Road as point (6); thence, to the point of beginning traversing Lots Nos. 5282, 5241, 5240 and 5239.

(g) INDUSTRIAL DISTRICT I (NORTH PORTION):

This area is bounded from point 16 of Commercial District II on Lots Nos. 1445 and 1443 as point (1); thence, following to corner 12 of Lot No. 2148 on the edge of Himaagos River which is a common point of Lot No. 2147 as point (2); thence, following the Anilao River on the boundary lines of Lot No. 2148 which are corners 12-13, 13-14, 14-15, 15-16, 16-17, 17-18, 18-19, 19-20, and 20-21 as point (3); thence, following the Anilao River on the boundary lines of Lot No. 2149, on corners 3-4 and 4-3 as point (4); thence, following the Anilao River and the boundary lines of Lot No. 2286, on corners 2-3 and 3-4 as point (6); thence, following the river along the boundary lines of Lots Nos. 2969, 2968, 3138, 3137, 3152, 3153, 3154, 3157, and common point of Lots Nos. 3157 and 3154 as point (7); thence, following the river three (3) kilometers traversing Lots Nos. 3157, 2568, 2564, 2572, 3173, 7174, 4596, etc., etc., as point (8); thence, to point 11 of Industrial District II, traversing Lots Nos. 4843, 4842, 4840, as point (9); thence, following the Malbasag River, downstream to point 10 of Industrial District II, as point (10); thence, to point 5 of Residential District I as point (11); thence, to point 4 of Residential District II as point (12); thence, to point 3 of Residential District I as point (13); thence, to point 2 of Residential District I on BBM No. 3, as point (14); thence, to crossing of Hermosilla Drive and Rizal Street Extension as point (15); thence, to point of beginning.

(h) INDUSTRIAL DISTRICT II (NORTH PORTION):

This area is bounded from point 8 of Industrial District I as point (1); thence, to point 7 of Industrial District I as point (2); thence, to point 6 of Industrial District I as point (3); thence, following the Anilao River to point 3 of Commercial District II as point (4); thence, to corner "17" of Lot No. 4370 and corner "10" of Lot No. 4466 as point (5); thence, running half a kilometer parallel to Simaigan-Dolores National Road up to corner 1 of Lot No. 7419, corner 1 of Lot No. 7420, which is a common point of Lots Nos. 7417, 7420 and 7419 as point (6); thence to the point of beginning.

(i) INDUSTRIAL DISTRICT II (EAST PORTION):

This area is bounded from MBM No. 39 as point (1); of the Ormoc-Albuera boundary; thence to corner "5" of Lot No. 9164 as point (2), passing MBM Nos. 40 and 41 due South; thence, to BBM No. 59 as point (3); passing along the shoreline and the property line of Lot No. 3522, across Panalian River to Lots Nos. 3521, 3519, 3514, 3513, 3511, 3510, 3505, 3504, 3503, 3502, 3492, 3491, 3490, 3489, 3488, 3487, 3486, 3477, 3467, across Bagombong River to Lot No. 1771 and traversing Lot No. 1769, thence, to BBM No. 56 as point (4); passing along the shoreline and the property lines of Lots Nos. 1767, 1766, 1815, 1765, 1764, 1763, 1762, 1759, 1758, 1757, 1756, 1755, 1754, 1753, 1752, 1751, 1750, 1749, 1748, 1747, 1816, 1746 (1745 and 1301) of the Ormoc Sugar Company, foreshore Lease Application No. 929, and Lots Nos. 1301 and 1722, Barrio Road, along the shore connecting Calle Roque and Calle Filomena of Barangay Ipil, Lots Nos. 1695 and 1694, Ipil Creek, Lots Nos. 1693, 1691, 1689, 1688, 1687, 1686, 1673, 1672, across Panalian River; thence, to center of

National Road on the approach of the Panalian Bridge as point (5), passing property lines of Lots Nos. 1670, 1671, 1676 and 1677, thence, along Panalian River to common point of Lots Nos. 1938 and 1939 as point (6), passing the property lines of Lots Nos. 1884, 1885, 1886, 1887, 1894, 1895, 1815, 1922, 1921, 1923, 1919 and 1938, thence, to common point of Lots Nos. 3242 and 3244 as point (7), following the Panalian River course due North passing Lots Nos. 1939, 1944, 1942, 1953, 1616, (3242 and 3244), thence, to common point of Lots Nos. 3222 and 3223, side of the Ormoc-Mahayag Road passing the cemetery as Point (8), traversing Lots Nos. 3244, 3243, 3240, 3239, 1613, (School Site), 1615, 1612, 3225, 3224 and 3222; thence, to common point of Lots Nos. 2848, 2852, side of the Ormoc-Patag-Mahayag Road as point (9); traversing Lots Nos. 2784, 2783, 2818, 2819, 2810, 2809, 2808, (2848 and 2852), thence, the same straight line going Northeast up to Malbasag River as point (10); thence, following the Malbasag River up to Barangay Mahayag six (6) kilometers from the Bridge of Pardon as (point (11); thence, to BLIM No. 35 as point (12); thence, to corner "2" of Lot No. 4759 as point (13) at Barangay Patag; thence, to common corner of Lots Nos. 3258, 3259 and 3257 as point (14), following the Panalian River, downstream, passing the boundary lines of Lots Nos. 4759, 4757, 4756, 3461, 3446, 3445, 3409, 3408, 3407, 3406, (jump to Lots Nos. 3364, 3363, 3362, 3361, 3356, 3355, 3353, 3352, 3327, 3325, 3324, 3294, 3293, 3289, 3288, 3286, 3287) as point (15); thence to Lots Nos. 3258 and 3259 as point (16); thence, due East direct to MBM No. 38 of the Ormoc-Albuera boundary, as point (17); thence, following Panalian River downstream on Ormoc-Albuera boundary to point of beginning known as MBM No. 39 of the Ormoc Cadastre.

(j) INDUSTRIAL DISTRICT II (WEST PORTION):

This area is bounded from MBM No. 1 as point (1), near the Ormoc-Merida boundary, thence, to MBM No. 2 as point (2); thence, to corner "3" of Lot No. 6480 and corner "33" of Lot No. 6486 as point (3), thence, to BLIM No. 171 at Sitio Licoma, due North, as point (4), traversing Lots Nos. 6486, 6481, 6480, 6478, 6466, 6468, 6469 and 6456, Mas-in River, and along corner 9-8 of Lots Nos. 2548 and 6455, thence, to BLIM No. 169 on Lot No. 6446 as point (5); thence, to corner "3" of Lot No. 6446 as point (6); thence, following the Liloan-Balion Road, due South, to centerline of Ormoc-Merida National Road ~~which is a common point of Lots Nos. 6434 and 6435~~ as Point (7); thence to corner "6" of Lot No. 6434 on Pagsaingan River which is a common point of Lots Nos. 6422 and 6434 as point (8), traversing Lots Nos. 6437, 6436, 6427, and 6422, thence, due North running parallel to the Ormoc-Merida National Road to corner 8 of Lot No. 5244 which is a common point of Lots Nos. 5243 and 5244 as point (9); thence, following the San Isidro-Linao Road, to corner "5" of Lot No. 5111, on the Ormoc-Nauigan Road, as point (10); thence, to corner "1" of Lot No. 2382 as point (11); thence, to corner "4" of Lot No. 2382 as point (12); thence, following the shoreline going Northwest, up to the point of beginning known as BBM No. 1.

SEC. 4. INTERPRETATION ON BOUNDARIES. - Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

(a) Where district boundaries are so indicated that they approximately follow the center of streets or highways,

~~Street~~lines, or highway right-of-way lines, such center lines, streetlines or highway right-of-way lines shall be construed to be the boundaries.

(b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries.

(c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of street, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

(d) Where the boundary of a district follows a railroad line, such line (boundary) shall be deemed to be located in the middle of the main tracks of said railroad line.

(e) Where the boundary of a district 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 shorelines shall be construed to follow such shorelines and in the event of change in the shorelines, shall be construed as moving with the actual shorelines. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines. Boundaries indicated as parallel to, or extension of, indicated features not specifically indicated on the zoning map shall be determined by the scale of the map.

(f) Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be indicated upon the zoning map using the scale appearing on such map.

(g) Where a lot of one ownership, as of record at the effective date of this Ordinance, is divided by a district boundary line, the lot shall be construed to be within the district where the major portion of the lot is located. In case the lot is bisected by the boundary line, it shall fall in the district where the principal uses fall.

(h) Where a district boundary is indicated as one-lot-deep, said depth shall be construed to be the average lot depth of the lots involved within each particular city block. Where, however, any lot has a depth greater than said average, the remaining portion of said lot shall be construed as covered by the one-lot-deep zoning district if the remaining portion has an area less than fifty percent of the total area of the entire lot.

(i) Where a zoning district boundary line is indicated in the zoning map, one block deep or a fraction thereof, such boundary line shall be scaled or determined by the Zoning Administrator.

ARTICLE V
DISTRICT REGULATIONS

GENERAL PROVISION. - Notwithstanding the listing of allowable use enumerated herein per district, the Zoning Administrator may allow similar compatible land use using as basis the physical and performance standards prescribed for that district.

SECTION II. USE REGULATION IN RESIDENTIAL DISTRICT I. - This District shall be for exclusive residential purposes to maintain the peace and quiet of the area. The following shall be the allowable uses, subject to all the conditions herein enumerated:

1. One detached family dwelling
2. One semi-detached family dwelling
3. Two detached family dwellings
4. Two semi-detached family dwellings
5. Customary accessory uses like:
 - a. Servants' quarters
 - b. Private garage
 - c. Guard house
 - d. Private pet house
6. Home occupation like the practice of one's profession, dressmaking, tailoring, baking, sari-sari store and the like, provided that:
 - a. No person other than members of the family residing within the premises shall be engaged in such home occupation;
 - b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - c. As much as possible there shall be no change in the outside appearance of the building or premises;
 - d. No home occupation shall be conducted in any accessory building;
 - e. 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 in a required front yard;
 - f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in a place other than a single-family resident. In the case of electrical interference, no equipment or process shall be used in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.
7. Recreational facilities for the exclusive use of the members of the family residing within the premises, like:
 - a. Swimming pool
 - b. Mini-golf course
 - c. Pelota court

SEC. 2. USE REGULATION IN RESIDENTIAL DISTRICT II. - This District shall be for medium density residential area and other compatible uses as follows:

1. All uses allowed in Residential District I
2. Multi-family dwellings with not more than five (5) families residing
3. Apartment of not more than five (5) doors
4. Boarding houses with not more than five (5) boarders
5. Nurseries and day care centers
6. Elementary schools
7. Branch libraries and museums
8. Chapels, churches and other places of worship
9. Small clinics, hospitals, nursing and convalescing homes with not more than five-bed capacity
10. Drugstore
11. Filling stations
12. Service stations
13. Home occupation as provided for in Residential District I except that not more than two^e(2) outside or hired helpers, assistants, or employees may be employed.
14. Parks and playground for the community
15. Backyard gardens and raising of pigs, poultry and other animals and fowls provided that:
 - a. They are only for family consumption
 - b. No undue noise shall be created
 - c. No fowl smell shall be emitted
 - d. Other sanitary requirements enforced in the city must be complied with.

SEC. 3. USE REGULATION IN RESIDENTIAL DISTRICT III. - This District shall be for high density residential area and other compatible uses as follows:

1. All uses allowed in Residential Districts I and II
2. Multi-family dwellings
3. Residential condominiums
4. Hotels
5. Motels
6. Pension House
7. Homotel
8. Hotel apartments or apartels
9. Apartments
10. Boarding house
11. Dormitory
12. High school and vocational school
13. Branch libraries and museums
14. Clinics, hospitals, nursing or convalescing homes with not more than fifty (50) bed capacity
15. Drugstore
16. Home occupation as provided for in Residential District I except that not more than five (5) outside or hired helpers, assistants or employees may be employed
17. Club houses and lodges
18. Backyard raising of animals and fowls as provided for in Residential District II
19. Parks and Playground
20. Parking lots
21. Parking buildings
22. Filling stations
23. Service stations

(SB R-362-0-9, page 17) ORMOG CITY)
SEC. 4. USE REGULATION IN COMMERCIAL DISTRICT I. - This District shall be for purely commercial uses as follows:

1. Offices like:
 - a. office buildings
 - b. office condominiums
2. Stores and shops like:
 - a. department stores
 - b. bookstores and office supply shops
 - c. home appliances store
 - d. car shops
 - e. photo shops
 - f. shopping centers
3. Food markets and shops like:
 - a. markets
 - b. bakeries and bake shops
 - c. wine stores
 - d. groceries
 - e. supermarket
4. Recreational centers like:
 - a. movie houses and theaters
 - b. pelota courts
 - c. swimming pools
 - d. day and night clubs
5. Personal service shops like:
 - a. beauty parlor
 - b. barber shop
 - c. sauna bath and massage clinic
 - d. dressmaking and tailoring shops
6. Restaurant and other eateries
7. Short term special education like:
 - a. dancing school
 - b. schools for self-defense
 - c. driving schools
 - d. speech clinics

8. Storerooms and warehouses, but only as may be necessary for the efficient conduct of the business

SEC. 5. USE REGULATION IN COMMERCIAL DISTRICT II. - This District shall be for commercial and compatible industrial uses as follows:

1. All uses allowed in Commercial District I
2. Repair shops like:
 - a. Home appliances repair shop
 - b. Motor vehicles and accessory repair shop
 - c. Home furnishing repair shop
3. Funeral homes
4. Flower shops
5. Embalming establishments
6. Cottage industries
7. Manufacturing industries certified as non-pollutive and non-hazardous by the Human Settlements Commission
8. Stockyard and slaughterhouses
9. Cold storage and warehouses
10. Bus terminals and car barns

SEC. 5-A. USE REGULATION IN COMMERCIAL DISTRICT III. - Tertiary Commercial Zone - Characterized by heavy commercial developments usually trade service, entertainment on a metropolitan scale of operations.

SEC. 6. USE REGULATION IN INDUSTRIAL DISTRICT I. - This District shall be mainly for manufacturing industries as non-pollutive and non-hazardous (NP/NH), non-pollutive and hazardous (NP/H) and non-pollutive and extremely hazardous (NP/EX) by the Human Settlements Commission as follows:

1. Non-pollutive and non-hazardous (NP/NH) like:
 - a. manufacture of bakery products
 - b. costume tailoring and dressmaking shops
 - c. commercial and job printing
 - d. manufacture of musical instruments
2. Non-pollutive and hazardous (NP/H) like:

2. Non-pollutive and hazardous (NP/H) like:
 - a. garment factories
 - b. manufacture of pulp stationery, envelopes and related articles
 - c. manufacture of wooden shoes, shoe lace and similar products
 - d. manufacture of bamboo, rattan and other cane baskets and wares
3. Non-pollutive and extremely hazardous (NP/EH) like manufacture of compressed and liquified gases
4. Cottage industries

SEC. 7. USE REGULATION IN INDUSTRIAL DISTRICT II. -

This District shall be mainly for the manufacturing industries classified as pollutive and non-hazardous (P/NH), pollutive and extremely hazardous (P/EH), highly pollutive and non-hazardous (HP/NH), highly pollutive and hazardous (HP/H), and highly pollutive and extremely hazardous (NP/EH) by the Human Settlements Commission as follows:

1. Pollutive and non-hazardous (P/NH) like:
 - a. chocolate and cocoa factory
 - b. manufacture of furniture and fixtures primarily of metal
 - c. manufacture of electrical appliances and housewares
 - d. manufacture of motorcycles and bicycles
2. Pollutive and hazardous (P/H) like:
 - a. knitting mills
 - b. sawmills, planing and other wood mills
 - c. manufacture of containers and boxes of paper or paperboard
3. Pollutive and extremely hazardous (P/EH) like:
 - a. manufacture of paints, varnishes, lacquers and paint removers
 - b. manufacture of explosives and fireworks
 - c. manufacture of tires and inner tubes
 - d. manufacture of processed natural rubber not in rubber plantation
4. Highly pollutive and non-hazardous (HP/NH) like:
 - a. ice cream factory
 - b. preserving and canning of fruits and vegetables
 - c. manufacture of soft drinks and carbonated water
 - d. manufacture of dessicated coconut
5. Highly pollutive and hazardous (HP/H) like:
 - a. sugar factories and refineries
 - b. distilled, rectified, and blended liquors
 - c. tanneries and leather finishing plants
 - d. manufacture of soap and cleansing preparations
6. Highly pollutive and extremely hazardous (HP/EH) like:
 - a. petroleum refineries
 - b. manufacture of fertilizers and pesticides
 - c. manufacture of synthetic resins, plastic materials, and man-made fibers except glass
 - d. manufacture of industrial chemicals

SEC. 8. USE REGULATION IN INSTITUTIONAL DISTRICT I. - This District shall be for government buildings and institutions of higher learning like:

1. Government offices like:
 - a. city hall
 - b. police department
 - c. fire department
 - d. health and puericulture centers
 - e. main libraries and museums
 - f. telephone exchange
 - g. electric substations and generating stations
2. colleges
3. universities
4. seminaries
5. nunneries

SEC. 9. USE REGULATION IN INSTITUTIONAL DISTRICT II. - This District shall be for special public and private institutions like:

1. city hospitals
2. big private hospitals
3. special hospitals like:
 - a. hospital for the insane
 - b. hospital for the heart patients
 - c. hospital for lepers
4. orphanages
5. home for the aged and other welfare homes
6. rehabilitation centers like:
 - a. rehabilitation center for unwed mothers
 - b. rehabilitation center for drug addicts
 - c. rehabilitation center for alcoholics

SEC. 10. USE REGULATION FOR PARKS AND OPEN SPACE DISTRICT. - This District shall be mainly for parks and open spaces to provide ecological balance within the community and at the same time provide inexpensive recreation places for the inhabitants. The following shall be allowable uses:

1. parks and playgrounds
2. zoo
3. botanical gardens
4. city plaza
5. memorial parks
6. other similar uses

SEC. 11. USE REGULATION FOR AGRICULTURAL DISTRICT. - This District shall be for the commercial production of farm products like:

1. rice and corn
2. mango, coconut, coffee and other fruits
3. vegetables
4. poultry, piggery, and the raising of other animals and fowls
5. copra making
6. fishpond
7. saltbeds

SEC. 12. NUISANCE AND POLLUTION. - For all allowed uses in the Agricultural District, effective measures against pollution of the air and all waterways must be undertaken and the necessary safeguards must be instituted to prevent it from becoming a nuisance.

ARTICLE VII
SUPPLEMENTARY REGULATIONS

SEC. 1. APPLICATION OF DISTRICT REGULATIONS. - The regulations set by this Ordinance within each district, unless otherwise provided, shall apply uniformly to each class or kind of structure or land as follows:

a. No building, structure or land shall here~~in~~after be used, or occupied, and no building or structure or part thereof shall here~~in~~after be erected, constructed or reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located;

b. No building or other structure shall here~~in~~after be erected or altered:

1. to exceed the prescribed height or bulk

2. to accommodate or house a greater number of families

3. to occupy a greater percentage of lot area

4. to have narrower or smaller yard requirement or any other manner contrary to the provisions of this Ordinance;

c. No part of a yard, off-street parking, loading space, or other open spaces required of any building, shall for the purpose of complying with this Ordinance, be included as part of a yard, open space, off-street parking, loading space similarly required for any other building;

d. No yard or lot existing at the time of the passage of this Ordinance shall be reduced in dimension of area below the minimum requirements set forth herein.

SEC. 2. SPECIAL PERMIT USES. - The following shall require a special permit from the Zoning Administrator, in accordance with the criteria below prescribed:

1. Dumping sites:

a. Adequate fencing shall be put up to prevent undue wastes.

b. Poisoning of rats and spraying of flies and the general maintenance of the dumping site shall be the sole responsibility of the applicant.

c. The dumping site shall not be located outside of the applicant's premises if private, and shall be located within a reasonable distance from residential zones, if public.

d. Other sanitary requirements of the City shall be complied with.

2. Incinerator plants:

a. They shall not as far as practicable be located within residential zones.

b. A site inspection shall be required to determine that the proposed plant does not constitute safety hazards to the adjacent land uses and to the community in general.

c. Their sound maintenance shall be the sole responsibility of the applicant and/or the persons running them.

3. Cemeteries:

- a. They shall be located outside of, or within reasonable distance from residential zones.
- b. Their sound maintenance shall be the exclusive duty of the applicant or persons running them.

4. Radio transmitting stations:

- a. They shall be located within commercial zones.
- b. Their sound maintenance shall be the exclusive responsibility of the applicant and/or persons running them.
- c. Where public welfare demands, however, they may not be denied location in some residential zones provided the preceding condition is complied with.

5. Private landing strip, runways, heliports, and helipads:

- a. They shall not be located within residential zones.
- b. They must be at least 200 to 300 feet from the nearest residential zone or residence.
- c. A written authority to operate shall be obtained from the CAA Administrator by the applicant at least 90 days before the intended date of operation, and a notice shall be posted or published in at least one of the daily newspapers to determine public opposition to the proposed landing site.
- d. Sworn statements of the owners of the adjoining lands signifying their conformity or non-conformity to the proposed landing site shall be obtained by the applicant at least 30 days before the intended date of operation.

6. Filling stations:

- a. They shall be located within reasonable distance from schools, churches, hospitals, and other similar buildings.
- b. They shall not constitute safety hazards in a community developed entirely into residential purposes.

7. Open storage:

- a. They shall be located within reasonable distance from schools, churches, hospitals, and other similar buildings, preferably 200-300 feet away or more.
- b. Their sound maintenance shall be the sole responsibility of the applicant.

SEC. 3. TRAFFIC GENERATORS. - All traffic generating buildings and structures allowed in any of the district must provide for adequate parking spaces for their employees, clients, and visitors.

SEC. 4. POLLUTION CONTROL. - For effective pollution control, all manufacturing industries must apply for locational clearance from the Hyman Settlements Commission.

SEC. 5. ADVERTISING AND BUSINESS SIGNS. - Advertising and business signs to be displayed or put up for public view in any of the districts herein enumerated must comply with the rules and regulations on the matter.

SEC. 6. EXISTING NON-CONFORMING USES AND BUILDING. -
The lawful use of any building, structure or land at the time of the adoption of this Ordinance may be continued, although such use does not conform with the provisions of this Ordinance: PROVIDED:

1. That ~~no~~ such non-conforming use shall be enlarged or increased or extended to occupy a greater area of land than that already occupied by such use at the time of the adoption of this Ordinance, or be moved in whole or in part to any other portion of the lot or ~~parcel~~ of 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 for more than one (1) year or has been changed to a use permitted in the district in which it is located be again revived as non-conforming use.

3. That any non-conforming structure, or one or more of a group of non-conforming structures related to one use and under one ownership, which have been damaged by fire, flood, explosion, earthquake, war, riot or other such force majeure may be reconstructed and used as before provided that such reconstruction is not more than seventy-five percent (75%) of the assessed value of the structure or structures.

4. That the total structural repair and alteration that may be made in a non-conforming structure shall not, during the remaining lifetime, that is, subsequent to the adoption of this Ordinance exceed twenty-five percent (25%) of its assessed value.

5. That such non-conforming use may be enlarged or extended only if the entire building is thereafter devoted to conforming use.

6. That such non-conforming use may not be extended, enlarged, increased or moved to displace any conforming use.

7. That no such non-conforming use shall be changed to another non-conforming use.

8. That no such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

9. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

10. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is moved.

SEC. 7. VISIBILITY AT INTERACTING RESIDENTIAL DISTRICT. - On a corner lot in any residential district, nothing shall be erected, placed or planted or allowed to grow in such a manner as materially to impede vision between a height of two-and-a-half ($2\frac{1}{2}$) feet above the centerline grade of interacting streets in the area bounded by the street line of such corner lots and line joining points said street lines fifty (50) feet from the point of interaction.

SEC. 8. BUILDING PERMITS ISSUED PRIOR TO THE APPROVAL OF THIS ORDINANCE. - Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been duly granted prior to the adoption of this Ordinance, provided the construction of such building, structure or part thereof shall have been started within six (6) months from the date of the issuance of such permits. If construction is started after the six-month period, no construction shall be allowed unless a new building permit for the construction of the building in accordance with this Ordinance shall have been issued.

SEC. 9. EASEMENTS, STREETS AND OTHER PUBLIC LANDS NOT INCLUDED IN ANY DISTRICT. - Should a land, or any portion thereof revert to private ownership and the said public land or street does not appear on the zoning map as included in any district, the regulations provided for in this Ordinance which are applicable to the most restricted district immediately adjacent to the land under consideration shall be applied to such land or portion thereof.

SEC. 10. DWELLING ON REAR LOTS. - No building used or designated to be used as a residence shall be allowed in any rear lot unless such lot has an exclusive right-of-way easement over a path of at least four (4) meters leading for each easement. Two or more buildings, however, may be on a corner path if the right-of-way easement is at least six (6) meters wide.

SEC. 11. ACCESSORY BUILDING. - No accessory building shall be erected in any required yard and no separate accessory building shall be erected within five (5) feet of any other building.

SEC. 12. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE. - In any district where more than one structure may be permitted to be erected on a single lot, the yard and other requirements of this Ordinance shall be met for each structure as though it were erected on an individual lot.

SEC. 13. STRUCTURE TO HAVE ACCESS. - Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and shall have the required off-street parking.

SEC. 14. YARD REQUIREMENTS ALONG A DISTRICT BOUNDARY LINE. - Lots abutting on a district boundary line shall conform to the yard requirements of the more restrictive district bounded by the line.

cell

SEC. 15. DWELLING GROUP. - When it is impracticable to apply the requirements of this Ordinance to individual building unit in a residential compound consisting of two (2) or more buildings, a permit for the construction of such compound may be issued, provided that the plan thereof conforms to the following conditions:

1. That the buildings are to be used only for residential purposes and such accessory uses are permitted in the district where the compound is located.

2. That the average lot area per family or dwelling unit in the compound, exclusive of the area used, or to be used for streets or driveways, is not less than the lot area per family required in the district.

3. That there is provided, within the tract on which the residential compound is to be located, an open space for playground purposes within an area equivalent to at least an aggregate area of five percent (5%) of the required lot area per family, but in no case less than one hundred (100) square meters provided that where the residential compound is intended for less than ten (10) families, the setting aside of such area for playground purposes may be dispensed with, and provided, further, that when an open space for playground purposes is set aside, this open space may be used as part of the yard requirements for the compound.

4. That there is provided, within the track on which the residential compound is to be erected or immediately adjacent thereto, an adequate private garage or off-street parking area, depending on the needs of the residents and their visitors.

SEC. 16. CERTIFICATE OF NON-CONFORMANCE. - A certificate of non-conformance for all non-conforming uses shall be applied for by the owner or agent of the property involved within twelve (12) months from the approval of this Ordinance, otherwise, the non-conforming use may be condemned and removed at the owner's expense. The certificate of non-conformance may be renewable every year for which the applicant shall submit at least three (3) pictures of the property involved before certificate renewal.

ARTICLE VII ENFORCEMENT AND ADMINISTRATION

SEC. 1. ENFORCEMENT. - This Ordinance shall be enforced and administered by the Zoning Administrator who shall be appointed by the City Mayor.

SEC. 2. POWERS AND DUTIES. - The Zoning Administrator shall administer and enforce the provisions of this Ordinance, specifically:

1. To grant or deny, with or without conditions, applications for the granting of exceptions in accordance with the following criteria:

a. That the exception is essential to maintain the functional design and architectural integrity of the development;

b. That the exception shall not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;

c. That the exception will not alter the essential character of the district where the property for which exception is sought is located;

d. That the exception will not weaken the general purpose of the regulation herein established for the specific district;

e. That the exception will be in harmony with the spirit and purpose of this Ordinance;

f. That the exception will not adversely affect the public health, safety or welfare.

2. To grant or deny, with or without conditions, applications for the granting of a variance in accordance with the following criteria:

a. That the property be unique and different from other property nearby;

b. That because of uniqueness, the owners cannot obtain a reasonable return on the property;

c. That the hardship is not self-created;

d. That the proposed variance is the minimum variance necessary to permit a reasonable return on the property;

e. That the variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;

f. That the variance will not alter the essential character of the district where the property, for which variance is sought, is located;

g. That the variance will not weaken the general purpose of this Ordinance or the regulations herein established for the specific district;

h. That the variance will not adversely affect the public health, safety or welfare;

3. To issue certificate of zoning compliance as herein provided.

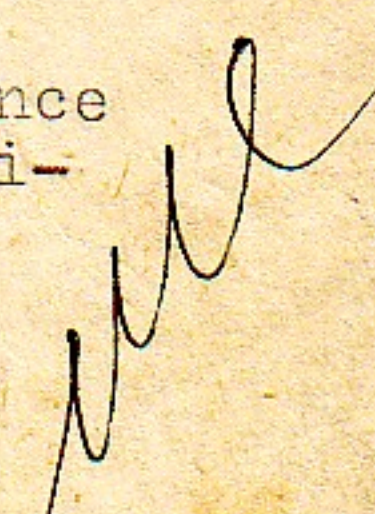
4. To serve notice requiring the removal of any use in violation of this Ordinance upon the owner, agent, or tenant of the building or land, or upon the architect builder, contractor, or other persons who commit or assist in any such violation.

5. To call upon the City Fiscal to institute any necessary legal proceeding to enforce the provision of this Ordinance. The City Fiscal is hereby authorized to institute the appropriate action to this end.

6. To call upon the Chief of Police and his authorized agents to assist in the enforcement of this Ordinance.

7. To report to the City Planning and Development Board and the Sangguniang Bayan all the exceptions and variances granted so that the zoning map can be correspondingly updated and also a report on the progress and problems encountered in the administration and enforcement of this Ordinance, making the necessary recommendations therefor.

8. To take any other action authorized by this Ordinance to ensure compliance with or prevent violation of its provisions.



SEC. 3. CERTIFICATE OF ZONING COMPLIANCE. - No building permit shall be issued unless a certificate of zoning compliance has been obtained from the Zoning Administrator. Such certificate shall show, among other things, that the building or part thereof and the proposed use of the same are in conformity with the provisions of this Ordinance. The Zoning Administrator shall maintain a record of all certificates of zoning compliance.

SEC. 4. EXPIRATION OF BUILDING PERMIT. - If the work described in any building permit has not begun within ninety (90) days from the date of the issuance thereof, said permit shall be cancelled by the Zoning Administrator and a written notice thereof shall be given to the persons affected.

If the work described in a building permit has not been substantially completed within two years from the date of its issuance, said permit shall be cancelled by the Zoning Administrator and a written notice thereof shall be given to the persons affected, together with a notice that further work as described in the cancelled permit shall not continue unless and until a new building permit has been obtained.

SEC. 5. ZONING BOARD OF APPEALS. - An administrative board known as the Zoning Board of Appeals is hereby created which shall consist of five (5) Members to be appointed by the City Mayor, confirmed by the Sangguniang Bayan, and the members to be selected from the different sectors of the community: one from each of the agricultural, industrial, labor, commercial business and civic and professional groups. The members shall serve for a term of three (3) years unless sooner removed from office for just cause after written charges had been filed and public hearing held for the purpose. Vacancies shall be filled up only for the unexpired terms of the members affected. The concurring vote of four members shall be necessary to reverse any order, decision or determination of the Zoning Administrator.

SEC. 6. PROCEDURE IN THE ZONING BOARD OF APPEALS. - The Board shall adopt rules necessary for the conduct of its affairs. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board shall keep a minute of its proceedings showing the vote of each member upon each question raised and shall keep a record of its official actions, all of which shall constitute a public record.

SEC. 7. APPEALS. - Any person aggrieved by the decision of the Zoning Administrator regarding the interpretation, administration or enforcement of this Ordinance may appeal to the Board of Zoning Appeals. Such appeal shall be taken up within a reasonable time but not exceeding sixty (60) days from the receipt of the notice of the decision of, or action taken by, the Zoning Administrator, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds therefor. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix the time and place for the hearing of the appeal, give due notice to the parties and decide the same within a reasonable time.

SEC. 8. POWERS. - The Zoning Board of Appeals shall have the powers to:

a. Hear and decide appealed cases where it is alleged that there is a substantial error in any decision, order or determination made by the Zoning Administrator in the enforcement of this Ordinance.

b. Grant variances and exceptions as provided for in this Ordinance.

SEC. 9. PROCEDURE. - The procedure for the granting of an exception and variance is as follows:

a. A written application for an exception or variance is filed with the Zoning Administrator indicating thereon the section of this Ordinance under which the same is sought and stating the ground therefor.

b. The Zoning Administrator shall fix the time and place for the hearing.

c. A written notice of the public hearing shall be served on the applicant and the owners of the properties adjacent to the property which is the subject of the application at least fifteen (15) days prior to the scheduled public hearing. Notice of such hearing shall be posted on the property for which the exception is sought, at the city hall, and in another public place at least fifteen (15) days prior to the said public hearing.

d. At the public hearing, any party may appear in person or by an agent or attorney.

SEC. 10. LIMITATIONS ON THE POWER AND AUTHORITY OF THE BOARD. - The Zoning Board of Appeals is a quasi-judicial body. As such, it shall have no power and authority to amend, alter, repeal or legislate a zoning ordinance. The territorial jurisdiction of the Board shall be limited to ~~City of Ormoc only.~~

SEC. 11. VIOLATION AND PENALTY. - Any person who violates any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of not less than fifty pesos (P50.00) but not more than two hundred pesos (P200.00) or by imprisonment of not less than one (1) month but not exceeding six (6) months, or both such fine and imprisonment 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.

SEC. 12. AMENDMENTS. - The City Sangguniang Bayan may, from time to time, on its own motion or upon recommendation by the Zoning Administrator amend, alter, supplement or repeal any provision of this Ordinance.

All proposed amendments shall be referred to the City Planning and Development Board for report and recommendation.

If the recommendation is favorable, the proposed amendment shall become effective upon resolution by a majority vote of all the members of the City Sangguniang Bayan. However, if the recommendation is unfavorable, it shall become effective only upon a resolution by three-fourths vote of the same.

SEC. 13. SEPARABILITY. - Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or null and void, such declaration shall not in any way affect the validity of this Ordinance as a whole or any part hereof other than the part so declared to be unconstitutional or null and void.

SEC. 14. REPEAL. - All other ordinances, rules or regulations in conflict with the provisions of this Ordinance are hereby repealed: Provided, however, that vested rights on the effectivity of this Ordinance shall not be impaired.

SEC. 15. EFFECTIVITY. - This Ordinance shall take effect immediately upon its approval.

ENACTED, May 24, 1977.

"RESOLVED, FURTHER, to print and furnish copies of this resolution-ordinance to the Honorable Chairman, Human Settlements Commission, P.O. Box 550, Araneta Center Post Office, Metro Manila; the Regional Executive Director, NEDA, and the Regional Director, DLGOD, both in Tacloban City; His Honor, the City Mayor, the City Engineer, the City Planning and Development Board, the City Planning and Development Staff, and the City Development Officer, all in the City of Ormoc;

"RESOLVED, FINALLY, to post copies of this ordinance in all public and semi-public buildings in the City of Ormoc;

"CARRIED UNANIMOUSLY."

I HEREBY CERTIFY to the correctness of the above-quoted resolution-ordinance.

Victoriano L. Loyola
VICTORIANO L. DE LOYOLA
Secretary

ATTESTED:

Dionisto B. Torrevillas
DIONISTO B. TORREVILLAS
Member, Presiding

APPROVED 6-17, 1977

Inaki A. Larrazabal
INAKI A. LARRAZABAL
City Mayor

ATTESTED AS APPROVED:

Sotero M. Pepito
SOTERO M. PEPITO
Secretary to the City Mayor

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