



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 2000-071

AN ORDINANCE ESTABLISHING AND ADOPTING A REVISED COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF NAGA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, AND FOR OTHER PURPOSES: -

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Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

WHEREAS, R.A. 7160 otherwise known as the Local Government Code of 1991 (LGC), provides that local government units (LGUs) shall in conformity with existing laws, continue to prepare their respective comprehensive land use plans enacted through zoning ordinances which shall be the primary and dominant bases for the future use of land resources;

WHEREAS, the LGC further provides that the requirements for food production, human settlements, and industrial expansion shall be taken into consideration in the preparation of comprehensive land use plans;

WHEREAS, the city's comprehensive land use plan can only be effectively carried out and implemented by enacting regulatory measures to translate its planning goals and objectives into reality;

WHEREAS, the Local Government Code also provides that the powers and duties for the proper enforcement of the zoning rules and regulations have been devolved to the local government units as part of its primary responsibilities;

WHEREAS, a zoning ordinance is one of the regulatory powers of the government to protect and enhance the public health, safety, morals and general welfare of its citizens;

SECTION 1. - The following Ordinance establishing and adopting a Revised Comprehensive Zoning Regulations for the City of Naga and providing for the administration enforcement and amendment thereof, and for other purposes, is hereby enacted, to wit:

ARTICLE I - TITLE

SECTION 1. - TITLE. - This Ordinance shall be known as the 2000 Comprehensive Zoning Ordinance of Naga City.

ARTICLE II - AUTHORITY AND PURPOSE

SECTION 2. - AUTHORITY. - This Ordinance is enacted pursuant to the provisions of Section 20 of Republic Act No. 7160 and DILG Memorandum Circular No. 99-234 promulgated last December 14, 1999.

SECTION 3. - PURPOSE. - This Ordinance is enacted to achieve the following purposes:

- a. To promote and protect public health, safety, peace, morals, comfort, convenience and the general welfare of inhabitants of Naga City;
- b. To guide, control and regulate future physical growth and development in accordance with the Land Use and Infrastructure Plans of Naga City;
- c. To protect the character and stability of residential, commercial, industrial, institutional, parks and open spaces and areas within Naga City and promote the orderly and beneficial development of the areas;
- d. To promote adequate light, air, privacy and convenience of access to property and ensure safety from fire and other dangers;
- e. To prevent over crowding on land and undue concentration of population;
- f. To regulate the location and use of buildings and land in such a manner as to obviate the danger to public safety caused by undue interference with existing or prospective traffic movements on streets and thoroughfares.

SECTION 4. - DECLARED ZONING PRINCIPLES. - Zoning is a division of the City into Land Use Zones, the specifications, patterns, nature and characteristics of uses and provision of density, and environmental regulations in consonance with the approved development plans and strategies, as well as land use policies and objectives of the community which have been adopted by the City Development Council (CDC) and the Sangguniang Panlungsod.

The City's Declared Zoning Principles are as follows, to wit:

- a. Land is a limited resource and as such must be managed for the welfare of all in accordance with the community's comprehensive development plan;
- b. The environment provides man with life supporting systems and as such it must be conserved and developed to enhance the quality of life;
- c. Man's well-being is the ultimate consideration of development. This being the case, there is a need for regulatory measures which shall ensure the protection of his immediate environment;
- d. Land must be used in a most beneficial, efficient and rational manner as to prevent the mixture of incompatible land uses, environmental hazards, blight, depression and artificial scarcity of land resources. Thus, there is a need for regulatory measures which shall promote such pattern of development;
- e. This comprehensive zoning ordinance is one such regulatory measure which is enacted to identify the various land uses in the districts designated, the allowable uses therein and prescribe physical standards based on the development plan.

SECTION 5. - COMPREHENSIVE LAND USE PLAN. - The 2000 Comprehensive Zoning Ordinance of Naga City is based on the Comprehensive Land Use Plan formulated by the City Planning and Development Office and adopted by the City Development Council and the Sangguniang Panlungsod.

ARTICLE III - DEFINITION OF TERMS AND RULES OF CONSTRUCTION

SECTION 1. - DEFINITION OF TERMS. - Words and phrases used in this ordinance are hereby defined in Annex "C" of this ordinance, which is attached herewith and made an integral part hereof, and they shall be construed as being covered by such terms.

SECTION 2. - CONSTRUCTION AND INTERPRETATION OF TERMS. - Words and phrases used/employed in this ordinance shall be interpreted and understood liberally in the generic sense unless otherwise indicated and shall as far as practicable be construed in favor of applicants seeking to comply with the provisions hereof. The listing of uses shall unless otherwise indicated, be similarly construed. In addition, the following rules shall be observed:

- a. generic terms, such as others and the like, etc., shall be construed to mean as including all specific terms similar to or compatible with those enumerated;
- b. the singular includes the plural, subject to density regulations;
- c. the present tense includes the future sense;
- d. the word person includes both natural and juridical persons;
- e. the word lot includes the phrases, plot and parcel;
- f. the term shall always be mandatory; and
- g. the word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged", designed to be "used" or "occupied."

SECTION 3. - INTERPRETATION OF ZONE BOUNDARIES. - Whenever it is or become difficult or impracticable to determine the accurate location of zone boundaries, or determine the land use zone to which lots are located at or near such boundaries belong, the following rules shall be applicable:

- a. Where zone 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, street lines or highway right-of-way lines shall be construed to be the boundaries;
- b. When zone boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries;
- c. When zone boundaries are so indicated that they are approximately parallel to the centerlines or street lines or streets, or the centerlines or right-of-way lines of highways, such zone 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. When the zone boundaries follow a railroad line, such boundary shall be deemed to be located in the middle of the main tracts of said railroad line;
- e. When the boundary of a district follows a stream or other bodies of water, said boundary lines 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 shoreline and in the event of change in the shoreline as moving with the actual shorelines, boundaries indicated as

approximately following the center lines of streams, rivers, canals, and 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. When a boundary line divides a lot or crosses subdivided property, the location of such boundary shall be indicated upon the zoning map using the scale appearing on such maps;
- g. When a lot of one ownership, as of 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 in the district where the principal uses fall;
- h. When a zone boundary is indicated as one-lot deep, said depth shall be construed to be the average lot depth of the lots involved within each particular city block. Where, however, any lot has a depth greater than said average, the remaining portion of the 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. If the remaining portion has an area equivalent to fifty percent or more of the total area of the lot, then the average depth shall apply to the lot which shall become a lot divided and covered by two or more different zoning boundaries, as the case may be;
- i. When a zoning 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 City Zoning Administrator;
- j. All areas already declared or identified as blighted and/or suitable for socialized housing or resettlement shall remain classified as a Socialized Housing Zone.

ARTICLE IV - ZONE CLASSIFICATION

SECTION 1. - ZONE CLASSIFICATIONS. - In order to effectively carry out the purposes and objectives of this Zoning Ordinance, the City of Naga is hereby divided into major zones consisting of areas with determined predominant uses as well as Special Zones. Major zones shall include:

- R-1 District for low density residential areas
- R-2 District for medium density residential areas
- R-3 District for high density residential areas
- C-1 District for light commercial uses on a neighborhood scale
- C-2 District for purely commercial and compatible industrial uses
- C-2A District for metropolitan/arcaded high intensity commercial zone
- I-1 District for industrial uses
- IZ District for institutional uses
- AIZ District for agro-industrial uses
- AGZ District for agricultural uses
- PRZ District for Parks/Plazas, Open Spaces and Recreation areas
- CMZ District for Cemeteries and Memorial Parks
- FZ District for Forest Park and Preservation areas
- ETZ District for Eco-Tourism areas
- TAZ District for Transition areas

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

The Official Zoning Map shall be signed by the City Mayor and bear the seal of the City.

In the event that the Official Zoning Map is damaged, destroyed, lost or become difficult to interpret because of the nature of number of changes and additions, the Sangguniang Panlungsod 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.

SECTION 3. - PATTERN OF LAND USES. - The uses which are permissible within each zone are hereunder identified and the patterns of land uses accordingly specified. The permissible uses per zone as appearing in the Zoning Map are incorporated in a list of Permitted Uses which appear in the matrix which is attached herewith as Annex "D" and made an integral part hereof.

1. R-1 LOW DENSITY RESIDENTIAL ZONE - a subdivision of an area principally for dwelling/housing purposes with a density of 20 dwelling units and below per hectare.
2. R-2 MEDIUM DENSITY RESIDENTIAL ZONE - characterized mainly by medium-density housing like two-family dwellings, townhouses, accessories or row houses and other low area medium rise multi-family dwellings on a limited scale with usual community ancillary uses and support facilities designed for the needs of a barangay scale with limited height of 4-storey structure.
3. R-3 HIGH DENSITY RESIDENTIAL ZONE - a subdivision of an area principally for dwelling/housing purposes with a density of 66 or more dwelling units per hectare.
4. C-1 LIGHT INTENSITY COMMERCIAL ZONE - medium density structure characterized by commercial and trade activities on a neighborhood scale including retail outlets, professional offices, personal and home service shops and eateries on small-scale with limited height of 4-storey structure.
5. C-2 HIGH INTENSITY COMMERCIAL ZONE - characterized by commercial development which is a mixture of retail and wholesale trade and may contain the service and entertainment industries, such as restaurants, shopping centers sufficient to provide the needs of the district level with limitation of 12-storeys.
6. C-2A METROPOLITAN/ARCADED HIGH INTENSITY COMMERCIAL ZONE - characterized by heavy commercial development and high use commercial structures, including trade, service and entertainment on a metropolitan (regional) scale of operations, as well as miscellaneous support services; increasingly commercial in nature without necessary limitation in height.
7. I-1 LIGHT INDUSTRIAL ZONE - a subdivision of area principally for non-pollutive/non-hazardous and non-pollutive/hazardous types of industries.
8. IZ INSTITUTIONAL ZONE - shall be characterized by governmental and protective uses as well as institutional and social services for the entire community and shall be

characterized further by specialized governmental agencies providing institutional, protective, security and social services for the region or the country, as a whole, and which are governed by specialized regulations, including mental, hospitals, rehabilitation and training centers, military and security services.

9. AIZ AGRO-INDUSTRIAL ZONE - an area intended primarily for integrated farm operations and related product processing such as plantation for bananas, sugar, pineapple, etc.
10. AGZ AGRICULTURAL ZONE - an area intended for cultivation/fishing and pastoral activities such as but not limited to farming, fishing, cultivation of crops, goat/cattle raising, etc.
11. PRZ PARKS/PLAZAS, OPEN SPACES AND RECREATION ZONES - an area designated for diversion/amusements and for the maintenance of the ecological balance of the community.
12. CMZ CEMETERIES AND MEMORIAL PARKS AREAS - an area consisting of public and private graveyards and burial areas.
13. FZ FOREST PARK AND PRESERVATION ZONE - an area intended primarily for the preservation/conservation of forest and watershed.
14. ETZ ECO-TOURISM ZONE - sites within the City endowed with natural or man-made physical attributes and resources that are conducive to recreation, leisure and other wholesome activities.
15. TAZ TRANSITION ZONE - For purposes of this Ordinance, these are formerly agricultural areas, which were already reclassified by the city to non-agricultural use for which no specific development is planned at a given period in time.
16. NVT INNOVATIVE TECHNIQUES AREAS - these are planned areas for necessary development; characterized by the planned development unit concept and innovative development techniques, including mixed dwelling, commercial, institutional and other compatible uses.

SECTION 4. - LIST OF PERMITTED USES. - The uses allowable for each zones/districts and area hereby identified in accordance with the above patterns of land uses. The list of Permitted Uses enumerated in the matrix, which is herewith attached in Annex "D" and made an integral part hereof.

SECTION 5. - ZONING DISTRICT BOUNDARIES. - The Zoning District Boundaries for the City of Naga as reflected in the Official Zoning Map is herewith attached as Annex "A" and made an integral part hereof.

ARTICLE V - GENERAL DISTRICT REQUIREMENTS

SECTION 1. - BUILDING OR STRUCTURE USE. - No building, structure or land shall hereafter be occupied or used and no building, structure, or part thereof shall be erected, constructed, moved or structurally altered except in conformity with the provisions of this zoning ordinance.

SECTION 2. - YARD, OFF-STREET PARKING SPACE. - No part of a road, off-street parking space, loading space, or other open space required of any building shall, for the

purpose of complying with this Ordinance, be included as part of the yard, open space, off-street parking or loading space similarly required of any adjacent neighboring building. However, this shall not apply to building/s with common party walls or adjacent building lines, in which case, only the yard for the free or non-abutting sides will be required.

SECTION 3. - TRAFFIC GENERATORS. - All traffic-generating buildings and structures allowed in any of the districts must provide for adequate parking spaces for their employees, clients and visitors. Such shall, however, be subject to additional parking requirements as evaluated by the Office of the City Zoning Administrator and the Sangguniang Panlungsod based on PD 1096 and other related laws or ordinances.

SECTION 4. - 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 existing laws, rules and regulations. The City Zoning Administrator shall determine the proper location, height and size of the advertising signs. Further, they shall not be allowed along scenic areas or parks and recreation zones.

SECTION 5. - 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 to be erected on an individual lot.

SECTION 6. - DWELLING ON REAR LOTS. - No building used or designated to be used, as residence shall be allowed in any rear lots unless such lot has a right-of-way easement over a path of at least four (4) meters leading to a street. Two (2) or more buildings, however, may be allowed on a common path if the right-of-way easement is at least six (6) meters wide.

SECTION 7. - ACCESSORY BUILDING. - No accessory building shall be erected in any required yard and no separate accessory building shall be erected within five (5 ft.) feet of any other building.

SECTION 8. - STRUCTURE TO HAVE ACCESS. - Every building hereafter erected or moved shall have access to a public street or to a private street open to the public and all structures shall be located on lots so as to provide safe and convenient access for reserving fire protection units.

SECTION 9. - YARD REQUIREMENTS ALONG BOUNDARY LINE. - Lots abutting on a district boundary line shall conform to the yard requirements of the more restrictive district bounded by the line.

SECTION 10. - DWELLING GROUP. - When it is impractical to apply the requirements of these Zoning Regulations to individual building unit in a residential compound, consisting of two or more buildings, a permit for the construction of such compound may be issued, provided that the plan conform to the following conditions:

- a. That the buildings are to be used for residential purposes and such uses are permitted in the district where the compound is located;
- b. That the average lot area per family of dwelling unit in the compound, exclusive of the area used or to be used for street or driveways, is not less than the lot area per family required in the district;
- c. That there is provided within the tract on which the residential compound is to be located an open space for playground purposes with an area equivalent to at least

an aggregate area of five (5%) percent of the required lot area per family, but in no case less than one hundred square meters; provided that where the residential compound is intended for less than ten families, the setting aside of such area for playground purposes may be dispensed with; and provided further, that an open space may be used as part of the yard requirements for the compound; and

- d. That there is provided within the tract 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.

SECTION 11. - HEIGHT REGULATIONS. - Where an R-2 district adjoins a C2 or C2A without an intervening street or permanent open spaces over 3 meters in width, the proposed structure of C2 or C2A district adjacent to R2 zone shall be limited to a height of 15 meters or 5-storey building whichever is lesser.

SECTION 12. - VISIBILITY AT INTERSECTION RESIDENTIAL DISTRICT. - On a corner lot in any residential district, nothing shall be created, placed or planted or allowed to grow in such manner as materially to impede vision between a height of two and a half (2 ½ feet) above the center line grade of interacting streets in the area bounded by the street lines of such corner lots and a line joining points said street lines fifty (50 ft.) feet from the point of the interaction.

SECTION 13. - EASEMENTS, STREETS AND OTHER PUBLIC LAND NOT INCLUDED IN ANY DISTRICT. - Should land, or any portion thereof revert to private ownership and the said street or public land does not appear on the zoning map as included in any district, the regulation 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.

SECTION 14. - PROVISION FOR BUFFER ZONES. - Existing area with extremely conflicting land uses must be separated with the use of buffer zone, such as: parks, tree-lined avenue, tree-shaded parking space or any such form of green open spaces of size that existing land space allows in the case of already built-up areas and a maximum of 50 meters width where areas for development exist.

SECTION 15. - ROAD SETBACK. - The following road setback shall be applied:

ROAD SETBACK

Zoning Classification	Major Thoroughfare (30 m. above)	Secondary Road	Tertiary Road (6 m. & below)
	Diversion/Railways	Provincial	City/Brgy.
Residential	10 m.	10 m.	3 m.
Commercial	20 m.	20 m.	7 m.
Industrial	30 m.	25 m.	10 m.
Agricultural	20 m.	20 m.	7 m.
Agro-industrial	30 m.	25 m.	10 m.
Institutional	20 m.	20 m.	10 m.
Forest	30 m.	10 m.	3 m.
Parks & Recreation	10 m.	25 m.	10 m.

Source: DPWH

ARTICLE VI - INNOVATIVE TECHNIQUES

SECTION 1. - INNOVATIVE TECHNIQUES. - Projects that introduce flexibility and creativity in design or plan such as but not limited to Planned Unit Development, Housing projects covered by the New Town Development under RA 7279, BLISS Commercial Complexes, the City Zoning Administrator shall on grounds of innovative development techniques forward applications to the City Zoning Review Committee for further studies and the Committee on Land Use and Zoning of the Sangguniang Panlungsod for consideration.

Innovative techniques such as Planned Unit Development (PUD) areas involve the development of mixed-use large-scale projects on a single tract of land or in a particular compact integrated areas employing creativity, flexibility and economy in land uses. Conventional standards and criteria are liberalized in an area where innovative techniques are employed.

SECTION 2. - REQUIREMENTS AND PROCEDURES FOR GRANTING OF PERMITS TO INNOVATIVE TECHNIQUES. - Before any projects involving innovative techniques may be permitted, the owner or developer must first submit his plans to the City Zoning Administrator who will review the zoning viability of the site and discuss with the City Planning and Development Office and other concerned public officials and agencies on the viability of the project. In addition, he may conduct a public hearing on the application, following the procedures prescribed for the conduct of hearings prior to the grant of variances as set forth in Article IX herein.

SECTION 3. - CONDITIONS FOR THE ALLOWANCE OF INNOVATIVE TECHNIQUES.
- The establishment of projects employing innovative techniques in any area shall be permitted only if the following conditions are complied with:

- a. It would be economically impracticable to apply the conventional standards of this Ordinance to a particular area or the compliance with such requirements would render it less efficient, less economical in design, space utilization and creativity.
- b. The owner/developer must submit to the City Council and the City Zoning Administrator, preliminary and final plans including the project feasibility study for review:
 - b.1. The preliminary plan must generally set forth any existing or proposed arrangements of lots, streets, access points, buffer strips and rail, water, highway or other transport arrangements, and the relation (in terms of existing and potential economic influence and environmental impact) of the tract of land involved with the surrounding properties;
 - b.2. The final plan must, in addition to the above requirements, describe the noise, odor, smoke, vibrations, dust, noxious gases, glare and heat, fire hazards, industrial wastes and traffic which may be produced by the development.
- c. The proposed development will not be incompatible with existing and proposed adjacent and surrounding uses, and it should not defeat the purposes and objectives of the development plan and Zoning Ordinance of the City;
- d. The area of the proposed projects employing innovative techniques shall be a consolidated parcel of land measuring at least two (2) hectares.

SECTION 4. - PERMIT FOR INNOVATIVE TECHNIQUES. -

- a. INITIATION - Any person who wishes to apply for a permit for innovative techniques shall secure the appropriate form from the Office of the City Zoning Administrator provided that the terms and conditions specified in this Article are satisfactorily met.
- b. PROCEDURE FOR APPLICATION -
 1. Together with a vicinity map drawn to the scale of 1:10,000 meters which shows the land use of the adjacent area, approximately 100 meters radius distance from the proposed site, the applicant shall submit the form containing the detailed description of the project.
 2. The Office of the City Zoning Administrator and the Sangguniang Panlungsod shall evaluate the viability of the proposed project in relation to its environmental impact.
 3. The Office of the City Zoning Administrator and the Sangguniang Panlungsod shall then decide and describe such terms and conditions under which the project may be allowed to locate and operate.

ARTICLE VII - ENVIRONMENTAL MANAGEMENT

SECTION 1. - PERFORMANCE STANDARDS. - The following are the criteria established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in uses of land or buildings, developments or other constructions:

- a. NOISE and VIBRATIONS. All noise and vibration-producing machinery shall be enclosed by a building and shall be provided with effective noise-absorbing materials, noise silencers and mufflers, and an open yard of a distance not less than twenty (20) meters from the street or adjoining property lines or property planted to dense trees as buffers. A machinery should be mounted on shock-absorbing mountings, such as cork set on reinforced concrete foundations of a floating isolated foundation set on piles, as needed by the machinery concerned, to reduce all noise and vibration to a reasonable minimum. Noise which is objectionable due to intermittence beat frequency or high pitch shall not be allowed unless enclosed in soundproof buildings as tested and approved by the city officials concerned.
- b. SMOKE. Any smoke emitted from any source for a period aggregating seven (7) minutes in any thirty-minute interval particularly when starting a new fire, shall have a density not greater than No. 2 of the Ringlemann Chart.
- c. DUST, DIRT AND FLY ASH. The emission of dust, dirt or fly ash from any sources or activity which shall pollute the air and render it unclean, destructive, unhealthful or hazardous, or cause visibility to be impaired, shall not be permitted. In no case whatsoever shall dust, dirt or fly ash be allowed to exceed 0.68 gram per cubic meter of fuel gas at stack temperature at 60 degrees centigrade or to create a haze with opacity equivalent to or greater than No. 1 of the Ringlemann Chart.
- d. ODORS AND GASES. The emission of foul odors and gases deleterious to public health, safety and general welfare shall not be permitted. Activities emitting foul odors and obnoxious gases shall be enclosed by airtight buildings provided with air conditioning system, filters, deodorizing and other air cleaning equipment.

- e. **GLARE AND HEAT.** Glare and heat from any operation or activity shall not be allowed to be radiated, seen or felt from any point beyond the limits of the property which shall not create any nuisance or danger to adjoining properties or to the community in general.
- f. **INDUSTRIAL WASTES.** Industrial plant wastes shall be disposed of only in a manner which shall not create any nuisance or danger to adjoining properties or to the community in general.
- g. **SEWAGE DISPOSAL.** No sewerage dangerous to the public health, safety and general welfare shall be discharged into any public sewer system, natural waterways or drainage channel. In addition to the following requirements, all sewerage shall comply with pertinent requirements of the DENR-EMB, the National Pollution Control Commission and the Local Ordinance.

Acidity or alkalinity shall be neutralized to a PH of between 6.5 and 8.5 as daily average to volumetric basis with temporary variations of 5.0 to 10.0 PH. Wastewater shall not contain substances at levels considered toxic to whatever organisms are considered benefited by the receiving waters which maybe by man, fishes or other organisms. Wastewaters shall not contain oil and grease in excess of 300 PPM or exceed a daily average of 10 PPM.

SECTION 2. - ENVIRONMENTAL IMPACT ASSESSMENT/STATEMENT. - Major constructions/development/activities may be required by the City Zoning Administrator or by the local government to submit an Environmental Impact Statement for review by the authorities concerned. The following requirements shall be submitted by the applicants:

- a. Detailed description of the proposed development or activity.
- b. Detailed description of the physical, biological, social environment within which the proposed development or activity will be placed.
- c. Detailed description of the existing plants, if there is any, which will be affected by the proposed development or activity.
- d. Detailed description of probable direct or induced impact of the proposed activity on the physical, biological and social environment.
- e. Comparison of impact of alternative actions.
- f. Detailed description of the proposed measures that will be provided or to be incorporated in the project development to ensure the environmental soundness and acceptability of the project.

SECTION 3. - BUFFER STRIPS/EASEMENTS. - In the utilization, exploitation, development, conservation and protection of water resources, the following setbacks and/or easements along the entire length of the banks of rivers, creeks, and streams shall be observed:

- a. Three (3) meter-setback for all urban use
- b. Twenty (20) meter-setback for all agricultural uses
- c. Forty (40) meter-easement for all forest uses

No person shall be allowed to stay in these easement zones longer than what is necessary for space or recreation, navigation, floatage, fishing, salvage or to build structures of any kind and other similar activities.

SECTION 4. - ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC). - Notwithstanding the issuance of locational clearance, development permit and building permit, no environmentally critical projects nor projects located in environmentally critical areas as defined by Presidential Proclamation No. 2146 and listed in Annex E which is made an integral part of this Ordinance shall be commenced, developed or operated unless the requirements of ECC have been satisfactorily complied with.

SECTION 5. - "GREEN" AREAS. - In conformance to the provisions of the Naga City Investment Incentives Code such as, but not limited to, the provision/planting of green patches/strips, tree/plant boxes to enhance environmental aesthetics in all new and existing establishments in Naga City, this Ordinance hereby provides for the responsible observance of said provisions regardless of incentives.

ARTICLE VIII - SUPPLEMENTARY REGULATIONS

SECTION 1. - SPECIAL USE PERMITS. - A special use permit shall be required for each of the following uses, subject to such terms and conditions as are hereunder prescribed:

a. RADIO TRANSMITTING STATIONS

1. Radio transmitting stations shall be located within transport/utilities and/or commercial zones.
2. The sound maintenance of such station shall be the exclusive responsibility of the proponent and/or persons operating them.
3. When the public welfare demands, however, radio transmitting stations may be located in some residential zones provided the preceding conditions are complied with strictly and no interference or damage to local electrical appliances or other property will likely result.
4. Radiation and other emissions produced by these facilities/stations should be strictly monitored and reported to the City ENRO and other concerned offices/agencies from time to time.

b. HELIPORTS/HELIPADS/RUNWAYS AND PRIVATE LANDING STRIPS

1. They may be allowed along commercial, industrial or institutional buildings, except residential zones, provided rigid safety requirements are complied with.
2. They must be at least 200-300 meters from the nearest residential zone or residence.
3. A written authority to operate shall be obtained from the Civil Aeronautics Administration (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.

4. Sworn statements of the owners of the adjoining lands signifying their conformity to the proposed landing site shall be obtained by the applicant at least 30 days before the intended date of operation.

c. FILLING STATIONS

1. They must conform to the standards set by the Department of Energy.
2. Filling stations shall be located at least 200-meter distance from the nearest schools, churches, hospitals and other similar buildings/institutions.
3. They shall not constitute safety hazards in a community developed entirely for residential purposes.
4. Buffer strip and adequate fire fighting equipment must be provided.

d. OPEN STORAGE

1. An open storage shall be located within at least two to three hundred meters from schools, churches, hospitals and other similar institutions.
2. Their sound maintenance shall be the sole responsibility of the applicant.

e. ABATTOIR/SLAUGHTERHOUSE

1. Abattoir shall be located within a reasonable distance from residential and commercial areas as determined by the Office of the City Zoning Administrator and the Sangguniang Panlungsod, provided that they shall not be located within the same premises as public markets.
2. A written authority to operate shall be secured from the local health and sanitation office by the applicant at least 120 days before the intended date of operation, and a notice shall be posted in the City Hall to determine public opposition, if any, to the proposed abattoir.
3. Proper waste disposal, odor control and other abatement procedures must be adopted.
4. The proponent shall obtain sworn statements of owners of land immediately adjacent to the proposed site signifying their conformity or non- conformity to the proposed activity as one of the pre-requisites for the granting of a special use permit.

f. COCKPITS

1. They shall be located in parks and recreation zones and shall at least be two hundred (200) meters away from the nearest residence or institutional use;
2. Adequate parking space and loading/unloading areas capable of accommodating the maximum expected number of aficionados/spectators during major derbies shall be provided;
3. The applicant shall have the duty of maintaining the premises in sanitary condition;

4. Other pertinent laws, rules and regulations of the national and local governments shall be complied with.
- g. DUMPING SITES
1. Adequate fencing shall be put up to prevent undue scattering of wastes.
 2. Poisoning of rats and spraying of flies and the general maintenance of the dumping site shall be the sole responsibility of the applicant.
 3. The dumping site shall not be located outside the applicant's premises, if private, and shall be located within a reasonable distance from residential zones, if public.
 4. Other sanitary requirements of the City shall be complied with.
- h. INCINERATOR PLANTS
1. They shall not as far as practicable be located within residential zone.
 2. A site inspection by the City Zoning Administrator and other concerned agencies/offices 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.
 3. Their sound maintenance shall be the sole responsibility of the owner-applicant and/or the operator.
 4. Their architectural and structural designs should strictly conform to the existing international/national standards.
- i. NIGHT CLUBS, CABARETS, BARS, VIDEOKES, PUB HOUSES, SAUNA BATHS, or DISCOTHEQUES
1. No night clubs, cabarets, bars, videokes, pub houses, sauna baths or discotheques shall be established and maintained within a distance of two hundred (200) lineal meters from any public office, church, mosque, hospital, public or private school, seminary, missionary (charitable) houses, and other similar moral institutions.
 2. Night clubs, cabarets, bars, videokes, pub houses, sauna baths or discotheques already existing prior to the enactment of this Ordinance are hereby given a period of one (1) year from effectivity hereof within which to relocate or stop operations.
 3. Adequate spaces and lighting properly ventilated and shall be maintained under satisfactory sanitary conditions at all times.
 4. Adequate parking spaces for vehicles, dressing rooms for ladies, clean kitchen, regularly-sanitized and separate lavatories for male and female, emergency lights, medical kits and communications facilities, fire exits, fire fighting equipment and adequate sound-proofing shall be provided by the owner/operator.

5. The building shall be properly enclosed or fenced, provided with a single ingress and egress and shall have no direct or indirect communication whatsoever with any dwelling place, house or building except the single ingress and egress.
6. The building or premises shall be certified safe and suited for the purpose by the City Engineer, City Health and the local Labor and Employment office.

SECTION 2. - INITIATION AND PROCEDURE. -

- a. The applicant shall secure the appropriate form for such application from the City Zoning Administrator. The application form shall contain but not be limited to the following:
 - Description of the project, its nature of operation or use, location, boundaries and size or volume of operations;
 - Probable impacts/consequences of the projects to the environment;
 - The identification of the components which shall be affected by the project.

Such form shall be supplemented by a vicinity map showing the location of the proposed project and a layout showing the physical plan of the project.

The certificate shall be valid for a period of two (2) years from the date of issuance after which it shall be deemed null and void unless the same be renewed within three (3) months prior to its expiration.

The application shall be filed with the Office of the City Zoning Administrator for evaluation and transmitted to the Sangguniang Panlungsod for appropriate action.

SECTION 3. - TEMPORARY USE PERMIT. - A temporary use permit to establish a use or activity not allowed under the list of Permitted Uses in a given area or zone may on application by the interested party with the Office of the City Zoning Administrator, be allowed, subject to the following conditions:

1. That the proposed project shall not in any way pose danger or hazard to the health and safety of its environment and surrounding neighborhood;
2. That the return on investment is capable of achievement within the maximum period allowed for temporary uses by this Ordinance;
3. That the proposed activity shall be subjected to the requirements of initial environmental examination and environmental impact assessment;
4. That the permit shall be granted on annual basis and may be renewed from year to year upon satisfactory showing of compliance with all the conditions imposed by this Ordinance and permit, for a minimum period of five (5) years;
5. That the proponent shall submit a semi-annual/annual report of the progress of its operations; and
6. That the proponent shall relocate the project facilities and equipment to another site at his own cost in the event that the Office of the City Zoning Administrator finds that its continued existence is undesirable wherein the relocation shall take place upon the expiration of the permit, such other period stated in the notice of relocation which

will be given not earlier than 3 months nor later than 6 months before the expiration of the permit.

SECTION 4. - INITIATION AND PROCEDURE. -

- a. INITIATION. - Any person who wishes to set up a project which would not conform to the zoning district regulations may apply for a permit for temporary operations, provided that the conditions set forth in this Article are satisfactorily met.
- b. PROCEDURE.
 1. Applicant shall secure the appropriate form for such application from the City Zoning Administrator. The application form shall contain but not be limited to the following:
 - A complete description of the proposed project showing in the processes and machineries involved therein;
 - A vicinity map showing existing facilities, structures and uses from 100 meter-radius distance from the proposed site;
 - A certificate obtained from the homeowner's association and/or barangay to the said effect that said organizations pose no objection to the establishment of the proposed activity.

Upon receipt of the application, the City Zoning Administrator shall undertake site inspection of the proposed site and evaluate all pertinent records, including an environmental impact assessment on the proposed activity.

The City Zoning Administrator and the Sangguniang Panlungsod shall then decide on the merits of the application and if found favorable shall set the terms and conditions under which the Permit for Temporary Operations shall be granted, including the number of years for which the permit shall be valid.

ARTICLE IX - NON-CONFORMING USES, EXCEPTIONS AND VARIANCES

SECTION 1. - 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:

- a. 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 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.
- b. 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.
- c. That any non-conforming structure, or one or more of a group of non-conforming structure 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 fifty (50%) percent of the assessed value of the structure/s.

- d. That the total structure 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 (25%) percent of its assessed value.
- e. That such non-conforming use may be extended enlarged or extended only if the entire building is thereafter devoted to conforming use.
- f. That such non-conforming use may be enlarged increased or moved to displace any conforming use.
- g. That no such non-conforming use shall be changed to another non-conforming use
- h. No such non-conforming structure may be enlarged or altered in a way which increased its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- i. Should such non-conforming structures or non-conforming portion of structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- j. 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 located after it is moved.

In addition, the owner of a non-conforming use shall program the phase-out and relocation of the non-conforming use within ten (5) years from the effectivity of this Ordinance.

SECTION 2. - 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 from the City Zoning Administrator within twelve (12) months from the approval of this Ordinance, otherwise, the non-conforming use may be condemned at the owner's expense. Failure on the part of the owner to register/apply for a Certificate of Non-Conformance shall be considered in violation of the Zoning Ordinance and is subject to fine/penalties.

Immediately upon approval of this Ordinance, the City Zoning Administrator shall immediately notify owners of known existing non-conforming use to apply for a certificate of non-conformance.

- a. INITIATION. - A certificate of all non-conformance uses shall be applied for by the owners/agents of the property involved.
- b. PROCEDURE.
 - 1. A certificate of non-conformance shall be secured from the Office of the City Zoning Administrator;
 - 2. All requests for such certificate shall be made in writing, stating the reasons for non-conformance and accompanied by a 1:10,000 vicinity map showing the exact location of the non-conforming use, lot or structure and the accurate distances from nearby landmarks such as roads, intersections, rivers, existing buildings etc.;

3. The request for such certificate shall be acted upon and transmitted to the SP Land Use Committee within fifteen (15) days from receipt of the request;

The certificate shall be valid for a period of two (2) years from the date of issuance after which it shall be deemed null and void unless the same be renewed within three (3) months prior to its expiration.

SECTION 3. - DEVIATIONS. - Exceptions and variances or deviations from the provisions of this Ordinance may be allowed by the City Zoning Administrator only when the following terms and conditions obtain:

A. VARIANCES:

- a.1. The property is unique and different from other properties in the adjacent locality and because of its uniqueness; the owners cannot obtain a reasonable return on the property.
- a.2. Conforming to the provisions of the Ordinance will cause undue hardship on the part of the owner or occupant of the property.
- a.3. The hardship is not self-created.
- a.4. The proposed variance is the minimum deviation necessary to permit a reasonable use of the property.
- a.5. The variance will not alter the essential character of the district or zones where the property for which the variance sought is located, and will not substantially or permanently injure the use of other property in the same district or zone.
- a.6. The variance will not weaken the general purpose of the Ordinance and will not adversely affect the public health, safety and welfare.
- a.7. The variance will be in harmony with the spirit of this Ordinance.

B. EXCEPTIONS:

- b.1. The exception will not adversely affect the public health, safety and welfare and is in keeping with the general pattern of development in the community.
- b.2. The exception will not adversely affect the appropriate use of either property in the same district/zone.
- b.3. The exception will not alter the essential character of the district/zone where the exception sought is located, and will be in harmony with the general purpose of the Ordinance.
- b.4. The exception will not weaken the general purpose of the regulation established for the specific district/zone.

SECTION 4. - EXCEPTIONS AND VARIANCES, PROCEDURES FOR GRANTING THE SAME. - The procedure for the granting of an exception and/or variance is as follows:

- a. A written application for an exception or variance is filed with the City Zoning Administrator, indicating the section of this Ordinance under which the same is

sought and stating the grounds therefore. The application forms for said certificate of variance or exception/deviation may be secured from the City Zoning Administrator. Substantial justification for the need to construct, alter or repair the structure within the district shall include, but not limited to the following:

- Description of the project, its boundaries, nature of operation or use and the like;
- Description of the objectives to be achieved in the proposed project;
- Statement as to why the project cannot fulfill its objectives under zoning regulations

The information shall be supplemented by a 1:10,000 vicinity map showing the exact location of the non-conforming use, lot or structure and the accurate distances from nearby landmarks such as roads, intersections, rivers, existing buildings, etc.;

- b. Upon filing of the application, a visible project sign (indicating the name and nature of the proposed project) shall be posted at the project site.
- c. The City Zoning Administrator shall make preliminary studies on the application. A written affidavit of non-objection of the project by the owners of adjacent properties shall be filed by the applicant with the City Zoning Administrator and if there are objections, the administrator shall then transmit the same to the City Zoning Board of Adjustment and Appeals which shall fix the time and place for the hearing.
- d. 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 also be posted on the property for which the exception is sought, at the City Hall, and in other public places at least fifteen (15) days prior to said public hearing.
- e. At the public hearing, any party may appear in person, or by an agent or attorney.
- f. At the hearing, all interested parties shall be afforded the opportunity to be heard and based on the evidence and testimonies presented, the City Zoning Board of Adjustment and Appeals shall decide on whether or not to grant variances.
- g. The City Zoning Board of Adjustment and Appeals shall render a decision within sixty (60) days from the filing of the application, exclusive of the time spent for public hearing.

The certificate shall be valid for a period of two (2) years from the date of issuance after which it shall be deemed null and void unless the same is renewed within three (3) months prior to its expiration.

ARTICLE X - ADMINISTRATION AND ENFORCEMENT

SECTION 1. - CREATION OF THE CITY ZONING ADMINISTRATION DIVISION. - The administration and enforcement of this Ordinance shall be vested in the City Zoning Administration Division, which is hereby created. It shall be directly under the administrative and technical supervision of City Planning and Development Office.

Thereupon, all projects requiring clearance from any national government agency including the development projects on government-owned lands shall be required to secure locational clearance from the City Zoning Administrator.

SECTION 2. - POWERS AND DUTIES. - The City Zoning Administration through the City Zoning Administrator shall administer and enforce the provisions of the Ordinance, specifically:

- a. To grant or deny, with or without exceptions, applications for the granting of exceptions in accordance with the criteria set forth in this Ordinance within 15 days upon receipt of application, otherwise, the application shall be deemed approved;
- b. To grant or deny, with or without conditions, application for the granting of a variance in accordance with the criteria set forth in this Ordinance within 15 days upon receipt of application, otherwise, the application shall be deemed approved;
- c. To issue Locational Clearance;
- d. 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;
- e. To call upon the City Legal Officer and the City Prosecutor to institute any necessary legal proceedings to enforce the provisions of this Ordinance. The City Legal Officer and the City Prosecutor are hereby authorized to institute the appropriate action to this end;
- f. To call upon the Chief of Police of the PNP, his authorized agents and the law enforcement units of the DAR, DENR and other concerned authorities to assist in the enforcement of this Ordinance;
- g. To report to the City Zoning Review Committee regularly every quarter 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 thereof;
- h. To submit a semestral report on the status of the land uses of the city including the number, nature and character of permits granted or denied, non-conforming uses, variances, exceptions, innovative techniques, special and temporary uses and conditions imposed thereon to the Mayor and the Sanggunian.

SECTION 3. - LOCATIONAL CLEARANCE. -

- a. **PRE-REQUISITE FOR BUILDING PERMIT.** - No building permit shall be issued unless a Locational Clearance has been obtained from the City Zoning Administrator. Such locational clearance shall show among other things that the building or part thereof and the proposed uses of the same are in conformity with the provisions of this Ordinance. The City Zoning Administrator shall maintain a record of all Locational Clearances and a copy shall be furnished upon the request of any interested person.
- b. **EXPIRATION OF LOCATIONAL CLEARANCE.** - If the Locational Clearance is not used for one year from the date of issue, said permit shall be cancelled by the City Zoning Administrator and a notice thereof shall be given to the persons concerned.
- c. **CONDUCT OF ACTIVITY OR CONSTRUCTION.** - All owners/developers shall secure locational clearance from the City Zoning Administrator or in cases of

variances and exemptions from the City Zoning Board of Adjustments and Appeals (CZBAA) prior to conducting any activity or construction on their property/land.

SECTION 4. - PRELIMINARY APPROVAL FOR LOCATIONAL CLEARANCE. - Prior to the issuance of a Preliminary approval for Locational Clearance (PALC), Development Permit for subdivisions, and PUDs by the Sangguniang Panlungsod, Locational Clearance shall be secured first from the City Zoning Administrator.

SECTION 5. - 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 of his property. Non-use of said clearance within said period shall result in its automatic expiration, cancellation and the grantee shall not proceed with his project without applying for a new clearance.

SECTION 6. - COLLECTION OF PROCESSING FEES. - The administration and collection of processing fees for locational clearance in the City of Naga by the City Zoning Administrator for its personnel, maintenance and operating expenses shall be as follows:

A. Application/Filing Fee:	
1. For Locational Clearance	P 500.00
2. For Motion for Consideration	1,000.00
3. For Petition/Request for reclassification	1,500.00
4. For filing complaint, except those involving pauper litigant which shall be free of charge	1,500.00

The processing fees shall be collected by the City Treasurer. Surcharge of twenty five (25%) percent based and added to the corresponding processing fee plus interest of fourteen (14%) percent per annum shall be imposed on all development/structures/operations without any locational clearance, certificate of conformance/non-conformance, building permit, license or permit to operate to operate upon implementation of this Ordinance.

SECTION 7. - CREATION OF THE CITY ZONING BOARD OF ADJUSTMENT AND APPEALS. - The City Mayor shall designate the members of the City Zoning Board of Adjustments and Appeals composed of the following members: City Mayor as Chairman and the City Legal Officer, City Assessor, City Engineer, City Zoning Administrator, City Planning and Development Coordinator, Two (2) Private Sector Representatives, and Two (2) NGO Representatives as members. The City Planning and Development Staff shall serve as its Secretariat.

Members of the Board may be removed from office for just cause after written charges had been filed and a hearing held for the purpose. The concurring vote of eight (8) members shall be necessary to reverse the order, decision or determination of the City Zoning Administrator.

SECTION 8. - POWERS. - The Zoning Board of Adjustments and Appeals shall, after prior review and recommendation by the City Zoning Administrator 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 City Zoning Administrator in the enforcement of this Ordinance;
- B. Grant variance and exceptions as provided for in this Ordinance;

- c. Act on applications for complaints and opposition to applications.

SECTION 9. - PROCEDURE IN THE ZONING BOARD OF ADJUSTMENT AND 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 keep a record of its official actions, all of which shall constitute a public record.

SECTION 10. - APPEALS. - Any person aggrieved by the decision of the City Zoning Administrator regarding the interpretation, administration or enforcement of this Ordinance may appeal to the City Zoning Board of Adjustment and Appeals. Such appeal shall be taken within a reasonable time, but not exceeding sixty (60) days from the receipt of the notice of the decision or action taken by the City Zoning Administrator, by filing with the same and with the Board, a notice of appeal specifying the grounds therefore. The City Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment and 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. Decision of the Board shall be final and executory.

SECTION 11. - LIMITATIONS ON THE POWER AND AUTHORITY OF THE BOARD. - The Zoning Board of Adjustments and 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 the City from which it derives its authority.

Decisions of the City Zoning Board of Adjustment and Appeals shall be appealable to the HLURB.

SECTION 12. - CREATION OF THE CITY ZONING REVIEW COMMITTEE. - The Mayor shall designate the members of the City Zoning Review Committee composed of the Chairman of the SP Land Use Committee, City Zoning Administrator, City Planning and Development Coordinator, City Health Officer, City Agriculturist, President of the Association of Barangay Captains, City Engineer, PNP Chief of Police, ENRO Officer, Agrarian Reform Officer, District School Supervisor, Three (3) Private Sector Representatives (Metro Naga Chamber of Commerce and Industry, Housing Industry, and Federation of Homeowner's Association) and Two (2) NGO Representatives. The City Planning and Development Office shall serve as its Secretariat. The Review Committee shall convene quarterly.

SECTION 13. - FUNCTIONS OF THE CITY ZONING REVIEW COMMITTEE. - The City Zoning Review Committee shall have the following powers and functions:

- A. Review the zoning ordinance for the following purposes:
 - a.1. Determine what amendments or revisions are necessary in the zoning ordinance because of changes that might have been introduced in the local development plan.
 - a.2. Determine what changes would have to be introduced in the local development plan in the light of permits given exceptions and variances granted.
 - a.3. Identify what provisions of the Ordinance have been difficult to enforce or are unworkable.
 - a.4. Upon petition for rezoning

- a.5. Due to introduction of projects of national significance
- a.6. Other reasons which are appropriate for consideration
- B. Recommend to the Sangguniang Panlungsod necessary legislative amendments and to the City Development Council the needed changes in the plan as a result of the review conducted by it.
- C. Provide information to the Housing and Land Use Regulatory Board that would be useful in the exercise of the functions of the Commission.

The Committee shall, in its review and evaluation, enforce this Ordinance to the fullest flexibility in a logical and practical manner whereby it will not be detrimental to the public nor discriminatory in its evaluation of each and every applications for locational clearances notwithstanding the provisions set forth in this Ordinance.

SECTION 14. - UPDATING THE ZONING ORDINANCE. - The City Zoning Review Committee shall meet every six months to review the nature of developments that have occurred during the preceding 6 months period and the corresponding effects of all exceptions, variances and special use permits granted on the areas where they have been allowed to locate and to determine whether there is a need to make necessary changes in the zoning classifications and/or zoning boundaries.

SECTION 15. - PROCEDURES FOR REZONING. - Any association or group of persons, who wishes to propose a rezoning or reclassification of a certain area, may file a petition with the City Zoning Administrator and Sangguniang Panlungsod for initial evaluation.

The City Zoning Administrator shall then endorse the proposal together with its preliminary findings to the Sangguniang Panlungsod for further evaluation. Site inspection of the vicinity subject to rezoning shall be made.

After preliminary findings and recommendations, a public hearing shall be conducted, especially in the community affected by the rezoning. The Sangguniang Panlungsod then approves and adopts through an ordinance any amendments to the Zoning Ordinance.

SECTION 16. - UPDATE OF ZONING MAPS. - Once all rezoning have been finalized and all amendments have been duly approved, the necessary changes shall be reflected on the official zoning maps.

ARTICLE XI - SPECIAL PROVISIONS

SECTION 1. - MAINTAINING A LINEAR PARK ALONG NAGA AND BICOL RIVERS AND OTHER MAJOR WATERWAYS WITHIN NAGA CITY. - In consonance with the provisions of P.D. 296 (Water Code), Executive Order creating the Committee of Salvar Salog) and other legislations, a minimum setback of 3 meters from existing shoreline banks or streams shall be maintained as linear park.

Should there be a change in the existing shorelines or banks of the rivers or streams, the setback shall be construed as moving with the actual riverbanks or shorelines.

SECTION 2. - VIOLATIONS AND PENALTIES. - Any violation of the provisions hereof, shall be subject to penalty clause of the aforementioned Decrees and Article 10, Section 1 of this Ordinance.

ARTICLE XII - FINAL PROVISIONS

SECTION 1. - PENAL PROVISION. - Any person violating any provisions of this Ordinance, shall upon conviction, be punished by a fine of not more than five thousand pesos (P5,000.00) or by imprisonment for not more than six (6) months, or both such fine and imprisonment, at the discretion of the court.

If the violation is committed by firm, corporation, or partnership, institution or any other juridical person, the manager, managing partner, director, superior or any other person charged with management of such firm corporation, or partnership, institution or any other juridical person shall be criminally responsible thereof.

SECTION 2. - SEPARABILITY CLAUSE. - If any portion or provision of this Ordinance is declared invalid or unconstitutional, the remaining portions or provisions shall not be affected thereby.

SECTION 3. - REPEALING CLAUSE. - Ordinance No.78-, Series of 1978, Ordinance No. 94-076, Series of 1994, and all other Ordinances and Resolutions, rules and regulations inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 4. - EFFECTIVITY CLAUSE. - This Ordinance shall take effect upon approval by the Housing and Land Use Regulatory Board.

ENACTED: November 15, 2000.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

J. ANTONIO A. AMPARADO
Secretary to the
Sangguniang Panlungsod

ESTEBAN R. ABONAL
City Vice-Mayor & Presiding Officer

APPROVED:

SULPICIO S. ROCO, JR.
City Mayor