

ORDINANCE NO. 161  
Series of 2006

ORDINANCE ADOPTING THE 2006 COMPREHENSIVE ZONING REGULATIONS FOR MARIKINA CITY AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.

Sponsored by: Councilor SERAFIN Y. BERNARDINO  
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Vice-Mayor MARION S. ANDRES, M.D.

WHEREAS, the implementation of Comprehensive Land Use Plans would require the enactment of regulatory measures to translate the planning goals and objectives into reality; and a Zoning Ordinance is one such regulatory measure which is an important tool for the implementation of the comprehensive land use plan;

WHEREAS, the Local Government Code authorizes local government units to enact zoning ordinances subject to and in accordance with existing laws;

WHEREAS, the Housing and Land Use Regulatory Board (HLURB) has spearheaded and now assists in and coordinates the activities of local governments in comprehensive land use planning;

WHEREAS, the city government of Marikina enacted Ordinance No. 111, Series of 2000 entitled "*Adopting the Revised Zoning Regulations for Marikina City and Providing for the Administration, Enforcement and Amendment Thereof and for the Repeal of all Ordinances in Conflict therewith*";

WHEREAS, it is necessary for the city government to revise said Ordinance No. 111 to consider amendments based on specific comments by the HLURB, the Metro Manila Development Authority (MMDA) and the Honorable Marikina City Mayor Bayani P. Fernando;

NOW THEREFORE, the Sangguniang Panglungsod of Marikina City in a session duly assembled, hereby adopts the following Zoning Ordinance.

ARTICLE I

TITLE

SECTION I. **Title of the Ordinance.** This ordinance shall be known as the Revised Comprehensive Zoning Ordinance of the City of Marikina and shall be referred to as the Ordinance.

## ARTICLE II

### AUTHORITY AND PURPOSE

**SECTION 2. Authority.** This Ordinance is enacted pursuant to the provisions of the Local Government Code of 1991, otherwise known as RA 7160 particularly of Sections 458 a.2 (7-9) and 447 a.2 (7-9), "Authorizing the City/Municipality through the Sangguniang Panglansod/Bayan to adopt Zoning Ordinance subject to the provisions of existing laws," and in conformity with Executive Order No. 72.

**SECTION 3. Purposes.** This ordinance is enacted to achieve the following purposes:

1. Guide, control and regulate future growth and development of Marikina City in accordance with its Comprehensive Land Use Plan.
2. Protect the character and stability of residential, commercial, industrial, institutional, open space and other functional areas within the locality and promote the orderly and beneficial development of the same.
3. Promote and protect the health, safety, peace, comfort, convenience and general welfare of inhabitants in the locality.
4. Regulate the location, use, and density of buildings and land in such a manner as to avoid unnecessary congestion and demand on utilities and services, and to enhance convenience of access to property and to safety from fire and other dangers.
5. Encourage and develop the participation and cooperation of the City's residents in the development of their communities.

**SECTION 4. General Zoning Principle.** This Zoning Regulations are based on the approved Land Use Plan for Marikina City as per Resolution No. 290 dated June 23, 2000.

## ARTICLE III

### DEFINITION OF TERM

The definition of technical terms used in the Zoning Ordinance shall carry the same meaning given to them in already approved codes and regulations, such as but not limited to the National Bldg. Code, Water Code, Philippine Environmental Code and other Implementing Rules and Regulations, promulgated by the HLRB. The words, terms and phrases enumerated hereunder shall be understood to have the meaning corresponding as follows:

**SECTION 5. Definition of terms.** Words and phrases used in this Ordinance are hereby defined in Annex "A" which is attached hereto and made an integral part of this Ordinance.

**SECTION 6. Construction and Interpretation of terms.** The words and terms employed in this Ordinance shall be interpreted as follows:

1. 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.

2. The singular includes the plural, subject to density regulations;
3. The present tense includes the future tense;
4. The word "person" includes both natural and juridical persons;
5. The word "lot" includes the phrase "plot parcel";
6. The term "shall" is always mandatory; and
7. 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".

#### ARTICLE IV

#### ZONE CLASSIFICATIONS

**SECTION 7. Division into Zone or District.** To effectively carry out the provisions of the Ordinance, the City is hereby divided into the following zones as shown in the official Zoning Maps.

1. Residential:
  - a. Low Density Residential (R-1)
  - b. Medium Density Residential (R-2)
  - c. High Density Residential (R-3)
2. Socialized Housing Zone
3. Commercial:
  - a. Low Density Commercial (C-1)
  - b. Medium Density Commercial (C-2)
  - c. High Density Commercial (C-3)
4. Industrial:
  - a. Low Density Industrial (I-1)
  - b. Medium Density Industrial (I-2)
  - c. High Density Industrial (I-3)
5. Institutional (Infs.)
6. Park/Open Space/Recreation
7. Cemeteries
8. Cultural Heritage Zone

**SECTION 8. Zoning Maps.** It is hereby adopted as an integral part of this Ordinance, the Official Zoning Map for Marikina City is hereby adopted, wherein the designation, location, and boundaries of the zones herein established are shown and indicated. Such Official Zoning Map shall be signed by the City Mayor and duly authenticated by the HLRB/Sangguniang Panglungsod.

**SECTION 9. Zone Boundaries.** The locations and boundaries of the above mentioned zones and sub-zones are hereby defined in the list of Zone Boundaries which is hereto attached as Annex B and made an integral part of this Ordinance.

**SECTION 10. Interpretation of Zone Boundaries.** In the interpretation of the boundaries of any of the zones indicated on the Zoning Map, the following rules shall apply:

1. When zone boundaries are so indicated that they approximately follow the center line of streets or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines, shall be construed to be such boundaries.
2. Where zone boundaries are so indicated that they are approximately parallel to the center lines or right-of-way line, it shall be construed as being parallel thereto and at such distance there from as indicated in the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown in the zoning map.
3. Where zone boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries.
4. Where the boundary of a zone follows a river, stream or creek, said boundary line shall be deemed to be at the limit of the political jurisdiction of the City, unless otherwise indicated. Boundaries indicated as following the bank or side of a river, stream or creek, shall be construed to follow such banks or sides, provided that uses along such boundaries shall have to comply with the easements and setbacks imposed by the Water Code and other applicable laws or regulations. Should there be alteration in the existing banks or sides of rivers or creeks, the boundaries shall be construed as moving with the actual banks or sides.
5. Where the boundary of a zone follows approximately a railroad line, such boundary shall be deemed to be the railroad right-of-way.
6. Where a lot of one ownership, as of record at the effective date of this Ordinance, is divided by a city boundary line, only that portion falling within the city boundary line shall be covered by this Ordinance.
7. Where 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 zone where the principal structure lies.
8. Should there be any discrepancy between the zoning boundaries indicated in the Zoning Map, the description of the zoning boundaries shall govern.

## ARTICLE V

### ZONE REGULATIONS

**SECTION 11. General Provisions.** The allowable land uses and maximum building densities/heights in the zones defined in this Ordinance are enumerated in the succeeding sections.

1. Allowable land uses are specified according to Principal Uses and Accessory Uses.
  - a. A Principal Use shall be the dominant use or activity in a lot. An Accessory Use should support the Principal Use/s allowed in a lot or in a zone.
  - b. Unless otherwise specified, an Accessory Use may be established in a lot without the presence of a Principal Use, provided that the Accessory Use is only temporary until the lot is further developed and a Principal Use is established in the lot.
  - c. The land or building area occupied by a Principal Use may be converted into an accessory Use in the future, provided that in zones where an Accessory Use is allowed only with the presence of a Principal Use, the lot conforms with Section 11, Number 1-c of this Ordinance.
2. In zones where no maximum Floor Area Ratio is prescribed, building density is limited by maximum building height and yard/setback restrictions.
3. Park, Cemetery and Utilities zones do not have maximum FARs or building height restrictions because these zones are only allowed a minimum of structures above the ground level.

**SECTION 12. Height Regulations.** In all cases, building height must conform to the height restrictions and requirements of the Air Transportation Office (ATO) as well as the requirements of the National Building Code, the Structural Code as well as all laws, ordinances, design standards, rules and regulations related to land development and building construction and the various safety codes.

**SECTION 13. Low Density Residential Zone (R-1).** An R-1 zone shall be used principally for single detached dwellings with customary ancillary uses, and compatible accessory uses on a neighborhood scale so as to maintain the peace and tranquility of the area within the zone with a density of 20 dwelling units and below per hectare.

**A. Principal Use :**

1. Single family dwelling
2. Customary accessory uses like :
  - a. Servants quarter
  - b. Private garage
  - c. Guardhouse

**B. Accessory Uses which can be established in individual lots within the zone only with the presence of the Principal Use :**

1. Professional home occupation/office for the practice of one's profession or for engaging an in-house business such as dressmaking, tailoring, baking, running, a sari-sari store and the like, provided that:
  - a. The number of persons engaged in such business/industry shall not exceed five (5) inclusive of the owner.
  - b. The area allotted for commercial use shall be opened to the public while maintaining the residential nature of the area not allotted to such use.



- c. The amount of traffic generated by the professional home office will not inconvenience or disrupt access to adjacent properties and its vicinity and any need for parking generated by the office shall be met off the street and in a place other than in a required front yard; in accordance with the requirements of P.D. 1096 and City Ordinance No. 192, Series of 1994;
- d. No equipment or process shall be used in such professional home office which creates noise, vibration, glare fumes, odors or electrical interference in any radio, television or other electronic home device or appliance, or causes fluctuation in line voltage of the premises.
- e. Such business shall have the clearance/recommendation of the Homeowner's Association President (having been deputized as Building Official) prior to the issuance of building permit in order to protect their interest. In the absence of a legitimate Homeowners Association the Community Relations Office (CRO) shall issue the required clearances.

Failure however by the Homeowner's Association of the CRO to act on the application within five (5) days of receipt shall be considered as no objection to the application. The Building Official, however may exercise his discretion to decide on the building permit application should the affected party fail to secure said clearance/recommendation.

2. Pre-school/kindergarten school (maximum of two classrooms)
3. Convenience store (neighborhood use only)
4. Day Care Center

#### B: Accessory Uses

Additional: Business that can be permitted abutting the property line as provided under Sec. 41 of this ordinance.

- # 5 Internet Computer Service
- # 6 Water Refilling Station
- # 7 Beauty Parlor

Provided that:

1. Area to be used on business shall be strictly specified. Expansion of the business without prior approval from the Business Permit & Licensing Office will result to the revocation nullification of business license.
2. Garage can be converted for any commercial purposes.
3. Videoke, video games is not allowed in R-1 zones.
4. One side parking is allowed
5. All new business license shall secure clearance from the City Engineer & CRO prior to approval of BPLC.

C. Accessory Uses which can be established in individual lots of the appropriate size within the zone without the presence of Principal Use:

1. All customary uses allowed in C-1 and C-2 zones and buildings incidental to any of the above permitted uses.

# 1 for deletion

2. Barangay hall/village association office