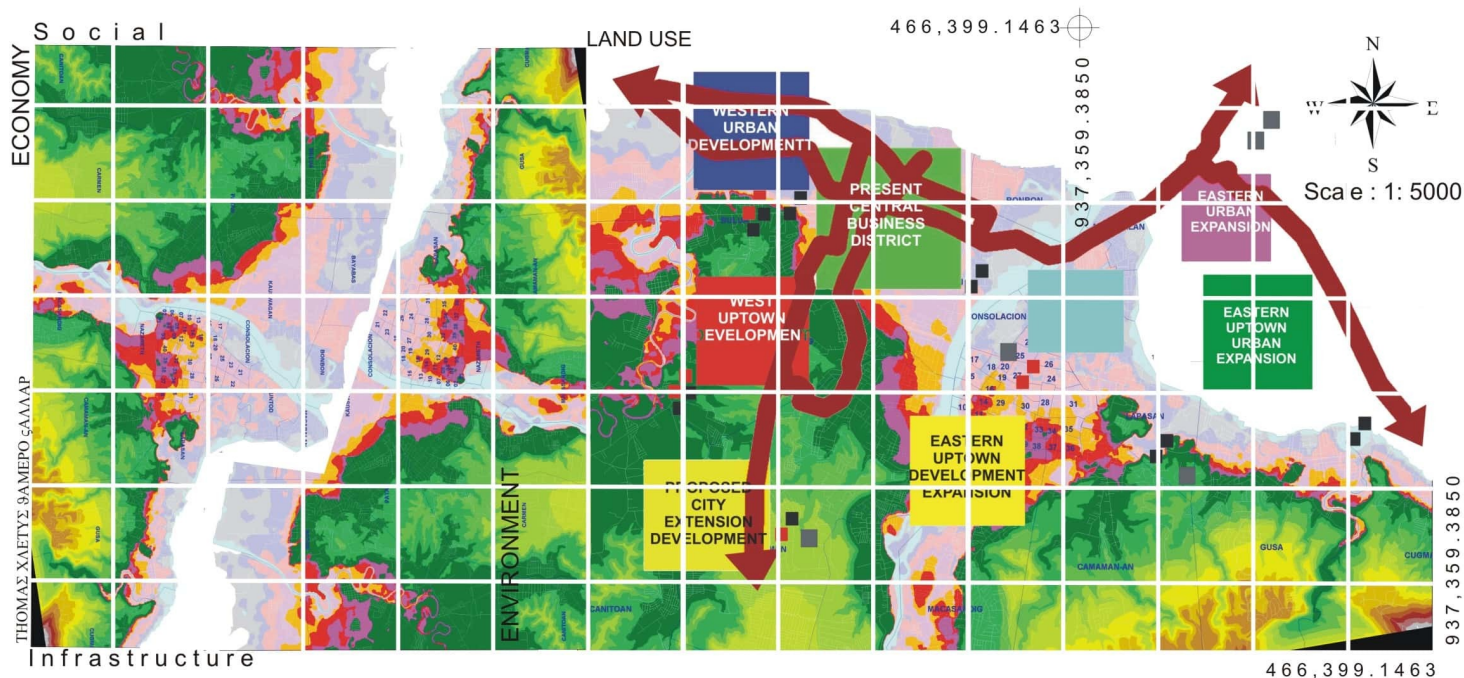




ZONING ORDINANCE

C a g a y a n d e O r o C i t y



2013 to 2022
CLUP
Volume 2

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Republic of the Philippines
City of Cagayan de Oro

OFFICE OF THE CITY COUNCIL
(Sangguniang Panlungsod)

On motion jointly made and jointly seconded by the members present, it was RESOLVED, as the City Council (Sangguniang Panlungsod) hereby resolves to adopt the following:

ORDINANCE NO. _____ - _____

AN ORDINANCE ADOPTING THE INTEGRATED ZONING REGULATIONS OF THE CITY OF CAGAYAN DE ORO AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.

Be it enacted by the Sangguniang Panlungsod of Cagayan de Oro City.

WHEREAS, the implementation of Comprehensive Land Use Plans would require the enactment of regulatory measures to translate its 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 local governments are mandated to mainstream disaster risk reduction and climate change adaptation in development processes such as policy formulation, socio-economic development planning, budgeting and governance, particularly in the areas of environment, agriculture, water, energy, health, education, poverty reduction, land use and urban planning, and public infrastructure and housing;

WHEREAS, this Integrated Zoning Ordinance is one such regulatory measure which is an important tool for the implementation of the approved Comprehensive Land Use Plan;

NOW THEREFORE, the City Council (Sangguniang Panlungsod) of the City of Cagayan de Oro in a session assembled hereby adopts the following Integrated Zoning Ordinance.

ARTICLE I TITLE OF THE ORDINANCE

Section 1. Title of the Ordinance

This Ordinance shall be known as the Integrated Zoning Ordinance of the City of Cagayan de Oro and shall be referred to as the Ordinance or IZO.

ARTICLE II AUTHORITY AND PURPOSE

Section 2. Authority

This Ordinance is enacted pursuant to the provisions of the Local Government Code of 1991, R.A. 7160 Section 458 a.2 (7-9) dated 10 October 1991, “Authorizing the City, through the Sangguniang Panlungsod, to adopt a Zoning Ordinance subject to the provisions of existing laws” and in accordance with related laws such as but not limited to Commonwealth Act 141, RA 8850 Fisheries Code, PD 705 Forestry Code, PD 1067 Water Code, PD 1096 National Building Code, Executive Order No. 72, RA 9729 Climate Change Act of 2009 and RA 10121 Disaster Risk Reduction and Management Act of 2010.

Section 3. Purposes

This ordinance is enacted for the following purposes:

1. Guide, control and regulate future growth and development of Cagayan de Oro City in accordance with its Comprehensive Land Use Plan.
2. Protect the character and stability of residential, commercial, industrial, institutional, forestry, agricultural, 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 and comfort, convenience and general welfare of the inhabitants in the locality.
4. Ensure the protection and sustainability of the environment taking into consideration climate change adaptation in synergy with disaster risk reduction and management, principles of biodiversity, and preservation of historical and cultural heritage in all development processes.
5. Achieve the City-Wide Planning Objectives which are hereby defined in Annex A

Section 4. General Zoning Principle

These Zoning Regulations are based on the principles provided for in the approved Comprehensive Land Use Plan as per Sangguniang Panlungsod Resolution No. _____ dated _____, as follows:

- 1.The Ordinance reflects the City’s vision to be “A city managed through good governance, empowering its citizenry to thrive in a highly competitive economy and a sustainable environment nurturing its diversity and multi-cultural heritage towards a resilient, progressive, and inclusive future.”
- 2.The local government unit recognizes that any land use is a use by right but provides however that the exercise of such right shall be subject to the review standards of this Ordinance;
- 3.The Ordinance gives the free market the maximum opportunity to spur the City’s development within a framework of environmental integrity and social responsibility;
- 4.The Ordinance has been designed to encourage the evolution of high-quality developments rather than regulating against the worst type of projects;
- 5.The Ordinance has been crafted in a manner that is fully responsive to the ever-changing conditions that the City continually face;
- 6.The Ordinance functions as a tool for informed decision-making on the part of land use administrators by way of providing specific criteria to judge the acceptability of developments;
- 7.The Ordinance provides a direct venue for community empowerment where the stakeholders become involved especially in critical development decisions; and
- 8.The regulations in the Zoning Ordinance are considered as land use management tools that are necessary to provide a clear guidance to land development in order to ensure the community’s common good.

ARTICLE III DEFINITION OF TERMS

The definition of the terms used in this Integrated Zoning Ordinance shall carry the same meaning given to them in already approved codes and regulations, such as but not limited to the National Building Code, Water Code, Philippine Environment Code, Climate Change Act of 2009, Disaster Risk Reduction and Management Act of 2010 and other Implementing Rules and Regulations, promulgated by the Housing and Land Use Regulatory Board. The words, terms and phrases used in this Ordinance shall be understood to have the meaning corresponding indicated and are hereby defined in Annex B, which is attached herewith and made an integral part of this Ordinance.

ARTICLE IV ZONE CLASSIFICATIONS

Section 5. Division into Zones or Sub-Zones or Overlay Zones

To effectively carry out the provisions of this Ordinance, the City is hereby divided into the following zones or districts as shown in the official Zoning Maps.

- Base Zones
- Sub-Zones
- Overlay Zones

Section 6. Base Zones

The following are designated as Base Zones:

1. Low Density Residential Zone (R1)
2. Medium Residential Zone (R2)
3. High Density Residential Zone (R3)
4. Socialized Housing Zone (SHZ)
5. Rural Settlements Zone (RSZ)
6. Low Density Commercial Zone (C-1)
7. Medium Density Commercial Zone (C-2)
8. High Density Commercial Zone (C-3)
9. Light Industrial Zone (I-1)
10. Medium Industrial Zone (I-2)
11. General Institutional Zone (GIZ)
12. Special Institutional Zone (SIZ)
13. Parks and other Recreation Zone (PRZ)
14. Agricultural Zone (AGZ)
15. Agro-Industrial Zone (AIZ)
16. Forest Zone (FZ)
17. Water Zone

Section 7. Overlay Zones

In addition to the identified zones within the City, overlay zones shall be designated to protect the health and safety of residents by preventing the creation or establishment of incompatible land use. The following are designated as Overlay Zones:

- a. Flood Overlay Zone
- b. Landslide Overlay Zone
- c. Historical or Heritage Overlay Zone
- d. Protection and Conservation Overlay Zone
- e. No Build Zone

Section 8. Zoning Maps

It is hereby adopted as an integral part of this Ordinance, the official Zoning Maps for urban areas and for the whole City (general), wherein the designation, location and boundaries of the Base Zones, Sub-zones and Overlay Zones herein established are shown and indicated and are hereby indicated in Annex C. Such official Zoning Maps are signed by the City Mayor, the Vice Mayor as presiding officer of the Sangguniang Panlungsod and duly authenticated by the HLURB.

Section 9. Zone Boundaries

The location and boundaries of the above mentioned various zones into which the city has been divided are hereby identified and specified on the official Zoning Map.

Section 10. Interpretation of Zone Boundary

In the interpretation of the boundaries for any of the zones indicated on the Official Zoning Maps, the following rule shall apply:

1. Where zone boundaries are so indicated that they approximately follow the center of streets or highways, the street or highway's right-of-way lines shall be construed to be the boundaries.
2. Where zone boundaries are so indicated that they approximately follow the lot lines, such lines shall be construed to be the boundaries.
3. Where zone boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets or highways, such zone boundaries shall be construed as being parallel thereto and at such a 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 said zoning map.
4. Where the boundary of zone follows approximately railroad line, such boundary shall be deemed to be the railroad right-of-way.
5. Where the boundary of zone follows a stream, lake or other bodies of water, said boundary line 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.
6. Where a lot of one's 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 falls.

7. Where zone boundary is indicated 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 has an area less than fifty percent (50%) of the total area of the entire lot. If the remaining portion has an area equivalent to fifty percent (50%) or more of the total area of the lot then the average lot depth shall apply to the lot which shall become a lot divided and covered by two or more different zoning districts, as the case may be.

In case of any remaining doubt as to the location of any property along zone boundary lines, such property shall be considered as falling within the less restrictive zone.

8. Where there is any change of parcel shape or missing parcel on the Zoning Map due to consolidation, error in technical description, missing data and other circumstances, such property shall be considered as falling within the less restrictive zone.

9. The textual description of the zone boundaries shall prevail over that of the Official Zoning Maps.

ARTICLE V ZONE REGULATIONS

Section 11. General Provision

Zone regulations refer to Use, Density and Bulk and Building/ Structure Design Regulations as described below:

Allowable Uses

The uses enumerated in the succeeding sections are neither exhaustive nor all-inclusive. The City Zoning Board of Appeals (CZBA) shall, subject to the requirements of this Article, allow other uses not enumerated hereunder provided that they are compatible with the uses expressly allowed.

Allowance of further uses shall be based on the intrinsic qualities of the land and the socio-economic and ecological/biophysical potential of the locality with due regard to the maintenance of the essential qualities of the zone.

Specific uses/activities for lesser density within a particular zone (R-1) may be allowed within the zone of higher density (R-2, R-3) but not vice

versa, nor in another zone and its subdivisions (e.g. GC, C1, C2), except for uses expressly allowed in said zones, such that the cumulative effect of zoning shall be intra-zonal and not inter-zonal.

Each zone lists land uses that are, may, and are not considered appropriate, i.e. lists of permitted, special permit and prohibited uses, as follows:

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
List of the uses that are considered to be <u>appropriate</u> in the zone.	Everything else not listed as 'allowable' or 'prohibited'.	List of the uses that are considered to be <u>inappropriate</u> in the zone.

The aim of the Ordinance is to give certainty to developers. Too much flexibility creates uncertainty and is therefore not going to encourage economic activity, or a reasonable standard of development.

Building Density and Bulk Regulations

Density regulations pertain to Building Height Limits and, for certain residential zones, to the number of allowed dwelling units per hectare. The application of Building Height Limit shall be in consonance with the related provisions of the NBC.

Building/ Structure Design Regulations

The design of buildings/ structures shall also be regulated to ensure harmony with the desired character of the zone in consideration.

Section 12. Regulations in Base Zones

Section 12.1. Regulations in Residential Zone

A RZ shall be used principally for dwelling / housing purposes so as to maintain peace and quiet of the area within the zone. The following are the allowable and prohibited uses:

Use Regulations in Residential Zone (RZ) - R1, R2, R3

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
<p>Residential 1 (R-1)</p> <p>Single-detached dwelling units</p> <p>Semi-detached family dwelling units, e.g. duplex</p> <p>PD 957 Subdivisions</p> <p>Customary accessory uses incidental to any of the principal uses provided that such accessory uses shall not include any activity conducted for monetary gain or commercial purposes such as:</p> <ul style="list-style-type: none"> ○ Servants quarters ○ Private garage ○ Guardhouse ○ Laundries ○ Non-commercial garages ○ Houses for pets such as dogs, birds, rabbits and the 	<p>Everything else not listed as 'allowable' or 'prohibited' that is compatible with residential uses, and that do not create noise, or other pollution, or major traffic congestion.</p> <p>Commercial larger than 10 square meters in floor area but less than 20 square meters</p> <p>Home occupation for the practice of one's profession such as offices of physicians, surgeons, dentists, architects, engineers, lawyers, and other professionals or for engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like, provided that:</p> <ul style="list-style-type: none"> ○ The number of persons engaged in such business/industry shall not exceed five (5), inclusive of owner; ○ There shall be no change in the outside appearance of the building premises; ○ That in no case shall more than 20% of the building be used for said home occupation; ○ No home occupation shall be conducted in any customary accessory uses cited above; ○ 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 	<p>Industry</p> <p>Agro-industry</p> <p>Commercial larger than 20 square meters in floor area</p>

<p>like of not more than 4.00 sq. m. in floor area</p> <ul style="list-style-type: none"> ○ Pump houses ○ Generator houses <p>Recreational facilities for the exclusive use of the members of the family residing within the premises, such as:</p> <ul style="list-style-type: none"> ○ Swimming pool ○ Tennis courts ○ Basketball courts ○ Religious use ○ Multi-purpose/ Barangay hall ○ Pre-school ○ Sports club ○ Plant nursery <p>Residential 2 (R-2)</p> <p>All uses allowed in R-1 Zone</p> <p>Townhouses</p> <p>Apartments</p> <p>Boarding houses</p>	<p>occupation shall be met off the street and in a place other than the required front yard; and</p> <ul style="list-style-type: none"> ○ No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors and electrical interference detectable to the normal senses and visual or audible interference in any radio or television receiver or causes fluctuations in line voltage off the premises. <p>Home Industry classified as cottage industry, provided that:</p> <ul style="list-style-type: none"> ○ Such home industry shall not occupy more than thirty percent (30%) of the floor area of the dwelling unit. There shall be no change or alteration in the outside appearance of the dwelling unit and shall not be a hazard or nuisance; ○ It shall be classified as non-pollutive/ non-hazardous as provided in this Integrated ZO; ○ Allotted capitalization shall not exceed the capitalization as set by the DTI; and ○ Such shall consider the provisions pertaining to customary accessory uses, traffic and equipment/ process under Home Occupation of this section. <p>Clinic, nursing and convalescing home, health center</p> <p>Elementary school</p> <p>High School</p> <p>All allowable uses in C-1</p> <p>Funeral homes</p>	<p>Industry</p>
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Dormitories Museums and libraries Elementary School High School Residential 3 (R-3) All uses allowed in R-1 and R-2 Zones Residential condominium Pension house Hotel apartments or apartels Hotels High school and vocational schools Parking buildings (aboveground/ underground)	All allowable uses in C-2 Funeral homes	Industry
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Building Density and Bulk Regulations

R1

Density: 20 dwelling units and below per hectare
Number of allowable storeys/ floors above established grade: three (3)
Building Height Limit: 10.00 meters above highest grade
As applicable provisions of PD 957

R2

Density: 21 to 65 dwelling units per hectare
Number of allowable storeys/ floors above established grade: five (5)
Building Height Limit: 15.00 meters above highest grade
As applicable provisions of PD 957

R3

Density: 66 or more dwelling units per hectare
Number of allowable storeys/ floors above established grade: twelve (12)
Building Height Limit: 36.00 meters above highest grade
As applicable provisions of PD 957

Section 12.2. Regulations in Socialized Housing Zone (SHZ).

A SHZ shall be used principally for socialized housing/dwelling purposes for the underprivileged and homeless as defined in RA 7279. Allowable uses:

All uses allowed according to the provisions of BP 220.

Building Density and Bulk Regulations

As applicable provisions of BP 220

Section 12.3. Regulations in Rural Settlements Zone (RSZ).

A RSZ shall be used principally for existing built-up areas in rural barangays. Allowable uses within this zone are the following:

Barangay facilities such as:

- Barangay hall
- Health center
- School
- Day care center
- Food terminals

Residential buildings

All allowable uses in Agricultural Zone

Building Density and Bulk Regulations

As applicable provisions of BP 220

Section 12.4. Regulations in C-1 Zone

Referred to as the Neighborhood Center, a C-1 zone shall be principally for trade, services and business activities at a neighborhood scale. Enumerated below are the allowable and prohibited uses:

Use Regulations in C-1 Zone

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
<p>General retail stores and shops like:</p> <ul style="list-style-type: none"> ○ Department stores ○ Bookstore and office supply shops ○ Art supplies and novelties ○ Home appliance stores ○ Photo shops ○ Flower shops ○ Curio or antique shops ○ Pet shops and aquarium stores ○ Jewelry shops <p>Food market and shops like:</p> <ul style="list-style-type: none"> ○ Bakery and bakeshops ○ Liquor and wine stores ○ Groceries ○ Supermarkets ○ Convenience stores <p>Showroom/ display store</p> <p>Personal service shops like:</p> <ul style="list-style-type: none"> ○ Beauty parlor ○ Barber shop ○ Spa ○ Wellness center ○ Sauna bath and massage clinic ○ Dressmaking and tailoring shop <p>Recreational center/ establishments like</p> <ul style="list-style-type: none"> ○ Playcourt e.g. tennis court, bowling lane, billiard hall ○ Swimming pool ○ Gymnasium <p>Other sports and recreational establishments</p> <p>Parks, playgrounds, pocket parks, parkways,</p>	<p>Everything else not listed as 'allowable' or 'prohibited'.</p> <p>Motel/Inn</p> <p>Funeral homes</p>	<p>Medium and Heavy industry</p> <p>Agro-industry</p>

<p>promenades and playlots</p> <p>Restaurants, canteens, eateries, delicatessen shops, confectionery shops and automats/ fastfoods</p> <p>Laundries and Laundromats</p> <p>Short term special education like:</p> <ul style="list-style-type: none"> ○ Dancing schools ○ Schools for self-defense ○ Driving school ○ Speech clinics <p>Vocational/ technical school</p> <p>Commercial housing like:</p> <ul style="list-style-type: none"> ○ Hotel ○ Apartment ○ Apartel ○ Boarding house ○ Dormitory ○ Pension house ○ Club house <p>Financial institutions/ services like:</p> <ul style="list-style-type: none"> ○ Banks/ stand-alone automated teller machines ○ Insurance ○ Foreign exchange ○ Money lending ○ Pawnshops <p>Courier services</p> <p>Embassy/ consulates</p> <p>Museums and libraries</p> <p>Medical, dental, optical and similar clinics</p> <p>Security agency</p> <p>Janitorial services</p> <p>Travel agencies</p> <p>Photo and portrait studios, shoeshine/ repair stands</p> <p>Retail drugstores</p> <p>Commercial job printing</p> <p>Typing and photo engraving services</p> <p>Repair of optical instrument and equipment and cameras</p> <p>Repair of clocks and watches</p>		
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<p>Manufacture of insignia, badges and similar emblems except metal</p> <p>Plant nurseries</p> <p>Scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities</p> <p>Stores for construction supplies and building materials such as electrical and electronics, plumbing supplies, ceramic, clay cement and similar products except CHBs, gravel and sand and other concrete products</p> <p>Transportation terminal/ garage</p> <p>Garage for jeepneys and taxis not greater than six [6] units in number</p> <p>Garage for bus and trucks not greater than three [3] units in number</p> <p>Parking buildings (aboveground/ underground)</p> <p>All uses allowed in R-1 and R-2 Zones</p> <p>Customary accessory uses incidental to any of the above uses such as:</p> <ul style="list-style-type: none"> ○ Staff houses/ quarters ○ Building garage ○ Storerooms and warehouses but only as be necessary for the efficient conduct of the business ○ Pump houses ○ Generator houses 		
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Building Density and Bulk Regulations

Number of allowable storeys/ floors above established grade: three (3)

Building Height Limit: 10 meters above highest grade.

Section 12.5. Regulations in C-2 Zone

A C-2 zone shall be for quasi-trade, business activities and service industries performing complimentary/supplementary functions to principally commercial C-3 Zone for the CBD and District Center Zone. Within the C-2 zone the following uses are allowed and prohibited:

Use Regulations in C-2 Zone

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
<p>All uses allowed in C-1 Zone</p> <p>Wholesale and retail stores</p> <p>Wet and dry markets</p> <p>Shopping centers, malls and supermarkets</p> <p>Warehouse/ storage facility</p> <p>Restaurants, drinking and dining establishments</p> <p>Dance halls and ballrooms</p> <p>Amusement halls and parlors</p> <p>Billiard halls, pool rooms and bowling alleys</p> <p>Golf clubhouses</p> <p>Cocktail lounge, disco, dance hall, KTV/ music bar</p> <p>Physical fitness gyms/ centers</p> <p>Gymnasia, pelota courts and sports complex</p> <p>Lotto terminals, off-fronton, on-line bingo outlets and off-track betting stations</p> <p>Bars, cocktails, sing-along lounges, bistros, pubs, beer gardens</p> <p>Massage and sauna parlors</p> <p>Employment/ recruitment agencies, news syndicate services and office equipment and repair shops and other offices</p> <p>Watch sales and services, locksmith and other related services</p> <p>Other stores and shops for conducting retail business and local shopping establishments</p>	<p>Everything else not listed as 'allowable' or 'prohibited'.</p> <p>Factory for other bakery products not elsewhere classified (n.e.c.)</p> <p>Gasoline filling and service stations</p> <p>Funeral homes</p>	<p>Medium and Heavy industry</p> <p>Agro-industry</p>

<p>Computer stores and video shops, including repair</p> <p>Internet café and cyber stations</p> <p>Repair shops like:</p> <ul style="list-style-type: none"> ○ House appliances ○ Motor vehicles and accessory ○ Home furnishing <p>Radio, television and other electrical appliance repair shops</p> <p>Furniture, repair and upholstering job</p> <p>Garment manufacturing with no more than twenty [20] machines</p> <p>Battery shops and repair shops</p> <p>Motorcycles/ bicycles repair shops</p> <p>Transportation terminals/ garage with repair</p> <p>Parking lots, garage facilities</p> <p>Commercial parking lots and garages</p> <p>Commercial garage and parking buildings, display for cars, tractors, etc.</p> <p>Car barns for jeepneys and taxis not more than six [6] units</p> <p>Auto repair, tire, vulcanizing shops and carwash with minimum 100 sq.m. service area</p> <p>Vehicle emission testing center</p> <p>Motorpool</p> <p>Hauling services and garage terminals for trucks, tow trucks and buses not exceeding three [3] units</p> <p>Auto sales and rentals, automotive handicraft, accessory and spare parts shops, marine craft, aircraft and sales yards</p> <p>Printing and publishing plants and offices</p> <p>Engraving, photo developing and printing shops</p> <p>Glassware and metalware stores, household equipment and appliance shops</p>		
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Machinery display shop/ center Hardware Gravel and sand Paint stores without bulk handling Gardens and landscaping supply/ contractors Manufacture of signs and advertising displays (except printed) Photographer and painter studios, tailoring and haberdashery shops Manufacture of insignia, badges and similar emblems except metal Signboard and streamer painting and silk screening Printing/ typesetting, copiers and duplicating services Photo supply and developing Chicharon factory Lechon stores Biscuit factory – manufacture of biscuits, cookies, crackers and other similar dried bakery products Doughnut and hopia factory Bakeries, pastry and bake shops Shops for repacking of food products e.g. fruits, vegetables, sugar and other related products Manufacture of ice, ice blocks, cubes, tubes, crush except dry ice Telephone and telegraph exchanges Police and fire stations Radio and television station All uses allowed in R-1 and R-2 Zones		
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Building Density and Bulk Regulations

Number of allowable storeys/ floors above established grade: six (6)

Building Height Limit: 18.00 meters above highest grade.

Section 12.6. Regulations in C-3 Zone

Referred to as the Central Business District (CBD), a C-3 zone shall be principally for trade, services and business activities that are regional in scope and where market activities generate traffic and require utilities and services that extend beyond local boundaries. Enumerated below are the allowable and prohibited uses:

Use Regulations in C-3 Zone

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit	Prohibited Uses, i.e. will not be approved and cannot be appealed
<p>All uses allowed in C-1 and C-2 Zones</p> <p>Department stores, shopping malls/ centers, commercial and sports complexes/ areas</p> <p>Commercial condominiums</p> <p>Residential condominium</p> <p>Museums and libraries</p>	<p>Everything else not listed as 'allowable' or 'prohibited'.</p> <p>Funeral homes</p>	<p>Medium and Heavy industry</p> <p>Agro-industry</p>

Building Density and Bulk Regulations

Number of allowable storeys/ floors above established grade: sixty (60)

Building Height Limit: 180 meters above highest grade

Section 12.7. Regulations in Light Industrial Zone (I-1)

An I-1 zone shall be for non-pollutive/ non-hazardous manufacturing/processing establishments, compatible with adjoining residential areas. Enumerated below are the allowable and prohibited uses:

Use Regulations in Light Industrial Zone (I-1)

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit	Prohibited Uses, i.e. will not be approved and cannot be appealed
<p>Drying fish</p> <p>Biscuit factory – manufacture of biscuits, cookies, crackers and other similar dried bakery products</p> <p>Doughnut and hopia factory</p> <p>Manufacture of macaroni, spaghetti, vermicelli and other noodles</p> <p>Other bakery products not elsewhere classified (n.e.c.)</p> <p>Life belts factory</p> <p>Manufacture of luggage, handbags, wallets and small leather goods</p> <p>Manufacture of miscellaneous products of leather and leather substitute and n.e.c.</p> <p>Manufacture of shoes except rubber, plastic and wood</p> <p>Manufacture of slipper and sandal except rubber and plastic</p> <p>Manufacture of footwear parts except rubber and plastic</p> <p>Printing, publishing and allied industries and those n.e.c.</p> <p>Manufacture or assembly of typewriters, cash registers, weighing, duplicating and accounting machines</p> <p>Manufacture or assembly of electronic data processing machinery and accessories</p> <p>Renovation and repair of office machinery</p> <p>Manufacture or assembly of miscellaneous office machines</p> <p>Manufacture of rowboats, bancas</p>	<p>Everything else not listed as 'allowable' or 'prohibited'.</p>	<p>List of the uses that are considered to be <u>inappropriate</u> in the zone.</p> <p>Non-pollutive but hazardous Industries.</p>

<p>and sailboats</p> <p>Manufacture of animal-drawn vehicles</p> <p>Manufacture of children vehicles and baby carriages</p> <p>Manufacture of laboratory and scientific instruments, barometers, chemical balance, etc.</p> <p>Manufacture of measuring and controlling equipment, plumb bob, rain gauge, taxi meter, thermometer, etc.</p> <p>Manufacture or assembly of surgical, medical, dental equipment and medical furniture</p> <p>Ice plants and cold storage buildings</p> <p>Quick freezing and cold packaging for fish and other seafoods</p> <p>Quick freezing and cold packaging for fruits and vegetables</p> <p>Popcorn/ rice factory</p> <p>Manufacture of medical/ surgical supplies, adhesive tapes, antiseptic dressing, sanitary napkins, surgical gauge, etc.</p> <p>Manufacture of orthopedic and prosthetic appliances (abdominal supporter, ankle supports, arch support, artificial limb, kneecap supporters, etc.)</p> <p>Manufacture of photographic equipment and accessories</p> <p>Manufacture or assembly of optical instruments</p> <p>Manufacture of eyeglasses and spectacles</p> <p>Manufacture of optical lenses</p> <p>Manufacture of watches and clocks</p> <p>Manufacture of pianos</p> <p>Manufacture of string instruments</p> <p>Manufacture of wind and percussion instruments</p> <p>Manufacture or assembly of electronic organs</p>		
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Manufacture of sporting gloves and mitts Manufacture of sporting balls (not of rubber or plastic) Manufacture of gym and playground equipment Manufacture of sporting tables (billiards, pingpong, pool) Manufacture of other sporting and athletic goods n.e.c. Manufacture of toys and dolls except rubber and mold plastic Manufacture of pens, pencils and other office and artist materials Manufacture of umbrella and canes Manufacture of buttons except plastic Manufacture of brooms, brushes and fans Manufacture of needles, pens, fasteners and zippers Manufacture of insignia, badges and similar emblems (except metal) Manufacture of signs and advertising displays (except printed) Small-scale manufacturing of ice cream Dairies and creameries		
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Building Density and Bulk Regulations

Building Height Limit: 15 meters above highest grade.

Section 12.8. Regulations in Medium Industrial Zone (I-2)

An I-2 zone shall be for non-pollutive/ hazardous industries and pollutive/ non-hazardous industries manufacturing and processing establishments. Enumerated below are the allowable and prohibited uses:

Use Regulations in Medium Industrial Zone (I-2)

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
<p><i>Non-Pollutive/ Hazardous Industries</i></p> <p>Manufacture of heating, cooking and lighting equipment except electrical</p> <p>Sheet metal works generally manual operation</p> <p>Manufacture of other fabricated metal products except machinery and equipment n.e.c.</p> <p>Manufacture or assembly of agricultural machinery and equipment</p> <p>Native plow and harrow factory</p> <p>Repair of agricultural machinery</p> <p>Manufacture or assembly of service industry machines</p> <p>Manufacture or assembly of sewing machines</p> <p>Manufacture of house furnishing</p> <p>Textile bag factories</p> <p>Canvass bags and other canvass products factory</p> <p>Manufacture of miscellaneous textile goods, embroideries and weaving apparel</p> <p>Manufacture of fiber batting, padding and upholstery filling except coir</p> <p>Men's and boys' garment factory</p> <p>Women's and girls' and ladies' garments factory</p> <p>Manufacture of hats, gloves, handkerchief, neckwear and related clothing accessories</p> <p>Manufacture of raincoats and waterproof outer garments except jackets</p>	<p>Everything else not listed as 'allowable' or 'prohibited'.</p>	<p>Pollutive/hazardous industries</p>

<p>Manufacture of miscellaneous wearing apparel except footwear</p> <p>Sawali, nipa and split cane factory</p> <p>Manufacture of bamboo, rattan and other cane baskets and wares</p> <p>Manufacture of miscellaneous wood products</p> <p>Manufacture of miscellaneous furniture and fixture except primarily of metals</p> <p>Manufacture of paper stationery, envelopes and related articles</p> <p>Repackaging of industrial products e.g. paints, varnishes and other related products</p> <p><i>Pollutive/ Non-Hazardous Industries</i></p> <p>Manufacturing and canning of ham, bacon and native sausage</p> <p>Poultry processing and canning</p> <p>Large-scale manufacturing of ice cream</p> <p>Ice plants and cold storage</p> <p>Corn mill/ rice mill</p> <p>Chocolate and cocoa factory</p> <p>Candy factory</p> <p>Chewing gum factory</p> <p>Peanuts and other nuts factory</p> <p>Other chocolate and confectionery products</p> <p>Manufacturing of flavoring extracts</p> <p>Manufacture of food products (vinegar, soy sauce)</p> <p>Manufacture of fish meal</p> <p>Manufacture of medicinal and pharmaceutical preparations</p> <p>Manufacture of stationery, art goods, cut stone and marble products</p> <p>Manufacture of abrasive products</p> <p>Manufacture of miscellaneous non-metallic mineral products n.e.c.</p> <p>Manufacture of cutlery, except table flatware</p> <p>Manufacture of hand tools</p>		
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<p>Manufacture of general hardware</p> <p>Manufacture of miscellaneous cutlery hand tools and general hardware n.e.c.</p> <p>Manufacture of household metal furniture</p> <p>Manufacture of office, store and restaurant metal furniture</p> <p>Manufacture of metal blinds, screens and shades</p> <p>Manufacture of miscellaneous furniture and fixture primarily of metal n.e.c.</p> <p>Manufacture of fabricated structural iron and steel</p> <p>Manufacture of architectural and ornamental metal works</p> <p>Manufacture of boilers, tanks and other structural sheet metal works</p> <p>Manufacture of other structural products n.e.c.</p> <p>Manufacture of metal cans, boxes and containers</p> <p>Manufacture of stamped coated and engraved metal products</p> <p>Manufacture of fabricated wire and cable products</p> <p>Manufacture of heating, cooking and lighting equipment except electrical</p> <p>Sheet metal works generally manual operation</p> <p>Manufacture of other fabricated metal products except machinery and equipment n.e.c.</p>		
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Building Density and Bulk Regulations

Building Height Limit: 21 meters above highest grade

Section 12.9. Regulations in General Institutional Zone (GIZ)

In GIZ, the following uses shall be allowed and prohibited:

Use Regulations in General Institutional Zone (GIZ)

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
<p>Government or civic centers to house national, regional or local offices in the area</p> <p>Police and fire stations</p> <p>Other types of government buildings</p> <p>Colleges, universities, professional business schools, vocational and trade schools, technical schools and other institutions of higher learning</p> <p>Learning facilities such as training centers, seminar halls and libraries</p> <p>Scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities</p> <p>Museums, exhibition halls and art galleries</p> <p>Convention center and related facilities</p> <p>Civic centers, clubhouses, lodges, community centers</p> <p>General hospitals, medical centers, multi-purpose clinics</p> <p>Churches, mosques, temples, shrines, chapels and similar places of worship</p> <p>Seminaries and convents</p> <p>Embassies/ consulate</p> <p>Parking buildings (aboveground and underground)</p> <p>Parks, playgrounds, pocket parks, parkways, promenades and playlots</p>	<p>Everything else not listed as 'allowable' or 'prohibited'.</p> <p>Support personal and business services related under allowable uses of this Zone.</p>	<p>Medium Industry (I-2)</p>

Building Density and Bulk Regulations

Building Height Limit: 15 meters above highest grade

Section 12.10. Regulations in Special Institutional (SI) Zone

In SI, the following uses shall be allowed and prohibited:

Use Regulations in Special Institutional (SI) Zone

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
Welfare home, orphanages, boys and girls town, homes for the aged and the like Rehabilitation and vocational training centers for ex-convicts, drug addicts, unwed mothers, physically, mentally and emotionally handicapped, ex-sanitaria inmates and similar establishments Military camps/ reservations/ bases and training grounds Jails, prisons, reformatories and correctional institution Mental hospitals, mental sanitaria and mental asylums Parks, playgrounds, pocket parks, parkways, promenades and playlots	Everything else not listed as 'allowable' or 'prohibited'. Support personal and business services related under allowable uses of this Zone.	Pollutive/ hazardous industries

Building Density and Bulk Regulations

Building Height Limit: 15 meters above highest grade

Section 12.11. Regulations in Parks and Recreation Zone (PRZ)

The following uses shall be allowed in parks and recreation zones:

Use Regulations in Parks and Recreation Zone (PRZ)

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
<p>Parks, playgrounds, pocket parks, parkways, promenades and playlots</p> <p>All types of resort complexes</p> <p>Open air or outdoor sports activities and support facilities, including low rise stadia, gyms, amphitheaters and swimming pools</p> <p>Ball courts, skating rinks and similar uses</p> <p>Memorial/ Shrines monuments, kiosks and other park structures</p> <p>Sports club</p> <p>Underground parking structures/ facilities</p> <p>Open space buffers and easements</p>	<p>Support personal and business services related under allowable uses of this Zone.</p>	<p>Everything else not listed as 'allowable' uses under Columns 1 & 2.</p>

Building Density and Bulk Regulations

Building Height Limit: 15 meters above highest grade

Section 12.12. Regulations in Agricultural Zone (AGZ)

In AG Zone the following uses shall be permitted or prohibited:

Use Regulations for Agricultural Zone (AGZ)

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
<ol style="list-style-type: none"> 1. Cultivation, raising and growing of staple crops such as rice, corn, camote, cassava and the like 2. Growing of diversified plants and trees, such as fruit and flower bearing trees, coffee, tobacco, etc. 3. Silviculture, mushroom culture, fishing and fish culture, snake culture, crocodile farm, monkey raising and the like 4. Customary support facilities such as palay dryers and rice threshers and storage barns and warehouses 5. Ancillary dwelling units/ farmhouses for tillers and laborers 6. Agricultural research and experimentation facilities such as breeding stations, fish farms, nurseries, demonstration farms, etc. 7. Pastoral activities such as goat raising and cattle fattening 8. Backyard raising of livestock and fowl, provided that: <ol style="list-style-type: none"> a. For livestock - a maximum of 10 heads b. For fowl – a maximum of 500 birds 	<p>Everything else not listed as 'allowable' or 'prohibited'.</p> <p>Support personal and business services related under allowable uses of this Zone.</p>	<p>List of the uses that are considered to be <u>inappropriate</u> in the zone.</p>

Building Density and Bulk Regulations

Building Height Limit: 15.00 meters above established grade.

Section 12.13. Regulations in Agro-Industrial Zone (AIZ)

In the AI zone the following uses shall be permitted or prohibited:

Use Regulations in Agro-Industrial Zone (AIZ)

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
<ol style="list-style-type: none">1. All uses allowed in agriculture2. Rice/corn mills (single pass)3. Drying, cleaning, curing and preserving of meat and its by products and derivatives4. Drying, smoking and airing of tobacco5. Flour mill6. Cassava flour mill7. Manufacture of coffee8. Manufacture of unprepared animal feeds, other grain milling, N.E.C.9. Production of prepared feeds for animals10. Cigar and cigarette factory11. Curing and re-drying tobacco leaves12. Miscellaneous processing tobacco leaves, N.E.C.13. Weaving hemp textile14. Jute spinning and weaving15. Manufacture of charcoal16. Milk processing plants (manufacturing filled, reconstituted or recombined milk, condensed or evaporated)17. Butter and cheese processing plants18. Natural fluid milk processing (pasteurizing, homogenizing, vitaminizing, bottling of natural animal milk and cream related	Everything else not listed as 'allowable' or 'prohibited'.	List of the uses that are considered to be <u>inappropriate</u> in the zone.

products) 19. Other dairy products, N.E.C. 20. Canning and preserving of fruits and fruit juices 21. Canning and preserving of vegetable and vegetable juices 22. Canning and preserving of vegetable sauces 23. Miscellaneous canning and preserving of fruit and vegetables N.E.C. 24. Fish canning 25. Patis factory 26. Bagoong factory 27. Processing, preserving and canning of fish and other seafoods N.E.C. 28. Manufacture of desiccated coconut 29. Manufacture of starch and its products 30. Manufacture of wines from juices of local fruits 31. Vegetable oil mills, including coconut oil 32. Sugarcane milling (centrifugal and refines) 33. Sugar refining 34. Muscovado sugar mill 35. Cotton textile mill 36. Manufacture / processing of other plantation crops e.g. Pineapple, bananas, etc. 37. Other commercial handicrafts and industrial activities utilizing plant or animal parts and/or products as raw materials, N.E.C. 38. Other accessory uses incidental to agro-industrial activities		
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Building Density and Bulk Regulations

Building Height Limit: 15.00 meters above established grade.

Section 12.14. Regulations in Forest Zones (FZ)

No development use, or activity shall be allowed in forest zones unless consistent with the department of environment and natural resources' (DENR) development regulations for forest zones and a permit, lease or license is issued by the DENR for the following:

Use Regulations in Forest Zones (FZ)

Column 1	Column 2	Column 3
Allowable Uses, i.e. will be approved with or without conditions	Uses that may or may not receive approval or require Special Permit approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
1. Contract reforestation with forest land management agreement [FLMA] 2. Commercial tree plantation and industrial forest plantation [IFP] 3. Integrated social forestry programs [ISF] 4. Community based forest management 5. Reforestation compliance by forest users by temporary lease agreement 6. Reforestation compliance by pasture lease agreement 7. Ecological revolution programs [ECOREV]	Everything else not listed as 'allowable' or 'prohibited'.	List of the uses that are considered to be <u>inappropriate</u> in the zone.

Other allowable uses such a mining, infrastructure development, fishpond and resettlement purposes should be in consonance with national policies as enumerated below:

1. Mining

No extraction excavation or other mining activity shall be undertaken except in accordance with the mining code and its implementing rules and regulations.

2. Fishpond purposes

Fishing activities within the Forest Zone shall be undertaken pursuant to the provisions of the fisheries code and its implementing rules and

regulations and the revised forestry code of the Philippines as amended.

3. Infrastructure and resettlement

Infrastructure development and resettlement undertaken within Forest Zones shall be consistent with the provisions of the revised forestry code of the Philippines, as amended, and subject to an environmental impact assessment, prior to the approval of such projects in order to determine their environmental impacts and social acceptability.

Building Density and Bulk Regulations

No permanent buildings or structures are allowed.

Building/ Structure Design Regulations

Buildings/ structures should be designed using traditional Filipino architectural style.

Section 12.15. Regulations in Water Zone (WZ)

The utilization of water resources for domestic and industrial use shall be allowed provided it is consonance with development regulation of DENR, provisions of the water code and the revised Forestry Code of the Philippines, as amended, and provided further, that it is subjected to an *assessment of its carrying capacity, environmental impact and vulnerability assessment* prior to the approval of its use.

Other uses such as recreation, fishing and related activities, floatage/transportation and mining (e.g. off shore oil exportation) shall also be allowed provided it is in consonance with provision of the water code, and the revised Forestry Code of the Philippines, as amended *as well as other laws and regulations such as Water Act, CCA and DRRM*.

Such bodies of water shall include rivers, streams and seas.

A. Marine Sanctuary Sub-Zone

Allowable Uses

- For regeneration of marine life

Building Density and Bulk Regulations

- Structures shall not be allowed.

B. Foreshore Land Sub-Zone

1. Foreshore Sub-Zone

Allowable Uses

- Open space
- Eco-tourism
- Reclamation
- Navigation structures (piers, docks, etc.)

Building Density and Bulk Regulations

- No structures shall be allowed except for navigation structures and emergency/ evacuation routes.

C. Mangrove Sub-Zone

Allowable Uses

- Mangrove plantations
- Eco-tourism

Building Density and Bulk Regulations

- No structures shall be allowed

D. Marine/ Fishery Reserve Sub-Zone

Allowable Uses

- For regeneration of marine life

Building Density and Bulk Regulations

- Structures shall not be allowed.

E. Delta/ Estuary Sub-Zone

Allowable Uses

- Open space

Building Density and Bulk Regulations

- Structures shall not be allowed.

F. Rivers & Creeks Sub-Zone

Allowable Uses

- Open space

Building Density and Bulk Regulations

- Structures shall not be allowed.

G. Mariculture and Parks Sub-Zone

Allowable Uses

- For regeneration of marine life
- Regulated fishing
- Eco-tourism

Building Density and Bulk Regulations

- Structures shall not be allowed.

H. Tourism/ Recreation Sub-Zone

Allowable Uses

- Eco-tourism
- Water-oriented recreation/ sports activities

Building Density and Bulk Regulations

- Ecotourism facilities such as resorts should have heights of no greater than 10 meters from highest grade to roof apex line.
- No permanent structures shall be allowed except for navigation structures (ports, harbors, fish landing and the like) and emergency/evacuation routes.

Building/Structure Density Regulations

- Ecotourism facilities such as resorts should be made of light indigenous materials.

I. Wharf/ Navigational Lanes Sub-Zone

Allowable Uses

- Navigation
- Docking of water vessels
- Fish landing facilities
- Navigation structures (piers, docks, etc.)

Building Density and Bulk Regulations

- No permanent structures shall be allowed except for navigation structures (ports, harbors, fish landing and the like) and emergency/evacuation routes.

J. Fishing Sub-Zone

Allowable Uses

- Aquaculture and marine culture
- Catch fishing

Building Density and Bulk Regulations

- Only fish cage and fish pen structures are allowed

Section 13. Regulations in Overlay Zones**Section 13.1. Flood Hazard Overlay Zone Regulations**

Hazard Overlay Zone	Allowable Uses	Potential Restrictions
Flood Overlay Zone	<p><i>Allowable Land Uses:</i></p> <ol style="list-style-type: none"> 1. Agriculture 2. Recreational 3. Residential* (Allowable uses shall be as provided in the respective Base Zones, R-1 and R-2) 4. Commercial* 5. Industrial* <p>*With appropriate density, building design, and environmental restrictions below:</p> <p>Building Design Standards</p> <ol style="list-style-type: none"> 1. Required elevation requirements for the lowest floor line of new constructed and improved buildings 2. Requirements for construction of structures on stilts where applicable 3. Limitations on uses of enclosed spaces below flood elevation (for parking, access, or limited storage only) 4. Wet and dry flood proofing measures such as backflow valves, waterproofing for doors and windows, elevated electric circuits, etc. 5. Measures to compensate storm 	<ol style="list-style-type: none"> 1.No development on floodways shall be done unless a registered professional (specify e.g. hydrogeologist) certifies that the proposed development will not result in any increase in flood levels. 2.All utilities, including electrical, heating, ventilation, plumbing, air conditioning, and other service facilities, including ductwork, shall be elevated or made of flood resistant materials up to one meter above highest flood elevation, and designed and located to prevent water from entering or accumulating within the components during conditions of flooding. 3.All new buildings and additions to existing buildings must be constructed on foundations that are approved by a licensed professional engineer. 4.Where new or replacement water and sewer systems, including on-site systems, are proposed in a flood hazard area, the applicant shall provide the zoning officer and the building official with assurance that these systems will be

	<p>water retention capacity of the building site due to infilling; and</p> <p>6. Measures to retrofit existing buildings on Floodplain Zones.</p> <p>Environmental Conservation and Protection Standards</p> <p>Developments shall:</p> <ol style="list-style-type: none"> 1. Preserve riparian strips/ ecological buffers along water channels 2. Not alter natural drainage patterns 3. Not alter or fill or build on the floodplain without proper drainage design and without proper consideration of possible inundation effects of nearby properties 4. Avoid/ minimize culverting or canalization of watercourses unless necessary for access 5. Use permeable pavement materials and sustainable urban drainage systems such as filtration trenches, retention ponds, swales, rainwater storage, green roofs and other related technologies that can improve storm water quality, decrease runoff, manage peak flows, and make productive use of stormwater. 6. Protect water bodies from sedimentation and erosion. 7. Design internal drainage so as not to increase turbidity, sediment yield, or discharge harmful substances. 	<p>designed to minimize or eliminate infiltration of flood waters into the systems to avoid contamination during periods of flood.</p> <ol style="list-style-type: none"> 5. Structures must be constructed using materials that are resilient to flood damage. 6. Any development within the overlay zone shall not contribute to the increase of flood levels especially during flood events. 7. Development activities must be sited and designed to minimize disruption to shorelines and their banks. 8. All new buildings and additions to existing buildings shall be designed with flood exit and approved by the City Building Official. 9. No new development intended for residential, commercial, institutional, or industrial purposes shall be allowed in high risk flood prone areas. 10. No permanent structure shall be allowed in riverbeds, accretion, or areas identified by competent authority as NO BUILD ZONE. 11. No development on floodways shall be done other than flood mitigation measures and bridges. 12. All areas declared by Pres. Aquino as "NO BUILD ZONE" should be specified. The NO BUILD ZONE AREAS are the following: Isla de Oro, Isla Delta, Isla
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	<p>8. Retain at least 10% of the property for open space.</p> <p>The following may also be required for the locational clearance of allowable residential, commercial, industrial uses:</p> <p>Drainage Impact Assessment Statement, Environmental Compliance Certificate, and evaluation existing of infrastructure capacity for drainage</p>	<p>Baksan, Isla Bugnao, Sitio Cala-cala in Macasandig,</p> <p>13. All new construction and addition to any residential or non-residential structure together with all utilities and other service facilities shall be constructed not lesser than 1.00 meter above the experienced maximum flood level.</p> <p>14. All major and principal rivers shall have a buffer zone/strip 20.00 meters from the marginal line of the ordinary water level on areas along the rivers with adjacent flood terrain and 3.00 meters on steep banks to provide maintenance, emergency use, and future development such as mitigation works. The width of the buffer zone may be increased on areas for construction of natural retarding basin. All titled lots affected by the buffer zone and proposed natural retarding basin shall be duly compensated.</p> <p>15. Remaining property of structure built must be in natural/retain soil or landscape, any parking or driveway must not be completely concreted. Paving blocks may be provided.</p> <p>16. Structures should provide rainwater collector/storage tank or detention tanks that can be used or recycled for domestic use.</p> <p>17. Restrict/regulate/prohibit housing development in</p>
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		<p>areas identified as highly susceptible to flooding.</p> <p>18. Appropriate structural mitigating measures shall be provided in any development.</p> <p>19. Dried up rivers/creeks shall be delineated in the preparation of barangay disaster risk maps and shall be considered in undertaking development projects.</p> <p>20. There shall be no new development and expansion allowed in high risk flood prone areas to include natural waterways other than the introduction of protective and mitigating measures.</p> <p>21. There shall be required Geohazard Susceptibility Plan/Study for any development projects in high risk flood prone areas.</p> <p>22. Current and future Housing Design shall adapt to Climate Change by constructing vertical housing and higher elevated ground.</p> <p>23. The highest experienced flood level shall be considered in any development projects to be undertaken.</p> <p>24. Consider the impact of any development (roads and bridges) to existing settlement.</p>
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Section 13.2. Landslide Hazard Overlay Zone Regulations

Hazard Overlay Zone	Allowable Uses	Potential Restrictions
Landslide Overlay Zone	<p><i>Allowable land uses</i></p> <ol style="list-style-type: none"> 1.Low-density residential (R-1) 2.Neighborhood commercial (C-1) <p>Site Development Requirements:</p> <ol style="list-style-type: none"> 1.Locate buildings away from steep slopes, streams and rivers, or the mouths of mountain channels 2.Maintain low density (as designated for R-1 use) 3. Employ slope stabilization measures such as control of surface and ground water drainage, earth buttresses, restraining walls, terracing, etc. 	<ol style="list-style-type: none"> 1.There shall be required a geotechnical study together with a plan on landslide measures for any development on the barangays as identified specifically those located at slopes of 18% and above. 2.There shall be provided on bulk density regulation for 20% of the lot coverage. 3.Plan on landslide protection measures shall be required for any development. 4.Engineering and vengeeering measures shall be required to very degraded slopes, gullies and slump areas, while moderately steep riverbanks, creek banks and patches of barren hilly areas shall have purely tree plantation. 5.Domestic agri-farm to include all CBFM areas shall strictly adopt contour-farming practices and siltdams/siltponds shall be constructed along its main drainage canal. 6.There shall be required a continuing maintenance to existing land use vegetation cover. 7.There shall be no expansion allowed to existing Housing Development in all high risk areas (Tablon and Carmen). 8.There shall be no further land disposition allowed for those areas located 30 % in slope and above and shall be designated as "No Build Zone" areas. 9.Only activities considered as protective measures classified as engineering or infra-development and vengeeering activities shall be allowed to the identified landslide hazard potential barangays;

		<p>a. Engineering/Infra Development – Riprapping, Terracing/ Benching, Contour Rock Walling</p> <p>b. Vengineering Activities – contour farming, tree parks and mini forest, urban greening/urban forest, tree planting of indigenous hardwood species (narra, molave, apitong and lauan), bamboo plantation</p>
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Section 13.3. Historical or Heritage Zone Regulations

Overlay Zone	Allowable Uses	Potential Restrictions
Historical or Heritage Zone	<p>Subject to the limitations or restrictions imposed by other codes, ordinances or laws, the following uses shall be permitted within the historical or heritage areas/sites:</p> <ul style="list-style-type: none"> a. Place of Religious worship b. Park, playground, sports/field court, garden c. Parking structure d. Public utility facility (low-medium scale operations of a public transport stop/waiting shed, loading/unloading bay) e. Convenience/retail store f. Restaurant, canteen or food-serving establishment g. Office h. Bank, finance i. Library, museum, exhibit area, art gallery j. Convention, Meetings facility k. Auditorium/Theater/entertainment facility l. Specialty school/training facility m. Hotel n. Apartments/residential inn/condominium o. College/University, cultural/educational center 	<p>The following are the general restrictions within the historical or heritage areas/sites:</p> <ul style="list-style-type: none"> a. Any demolition, repair, renovation, restoration, construction of any buildings or structures without prior consultation, clearance and approval by the Sangguniang Panlungsod upon the recommendation of the City Planning and Development Office b. Any building or a use which is not compatible with the essential character of

	<p>p. Fire/security station q. Utility installation for use of zone/lot occupants r. Preservation of old building design</p> <p>For declared houses of ancestry, Allowable Uses shall be limited to:</p> <ul style="list-style-type: none"> ○ Single-detached residential ○ Museum ○ Shops, offices, restaurants, craftsmen's workshops and retail outlets (only at the ground floor) <p>For new construction, Allowable Uses shall be as provided in the base R-1 Zones.</p>	<p>the historical or heritage area/site; and c. Billboards and huge signages</p>
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Section 13.4. Protection and Conservation Overlay Zone Regulations

Overlay Zone	Allowable Uses	Potential Restrictions
Protection and Conservation Overlay Zone	<ol style="list-style-type: none"> 1. Eco-Tourism 2. Historical/Heritage 	<ol style="list-style-type: none"> 1. Existing mangrove forests of the city shall be declared as marine parks and protected areas pursuant to RA 7586 and RA 8550. As such, no residential, commercial, and institutional development shall be allowed. Mangrove areas shall form part of the ecotourism destinations in the city. 2. Existing marine sanctuaries in Barangays Puerto, Tablon, Gusa, Lapasan, and Bayabas shall be supported with a specific local ordinance to effect the coastal law enforcement and protection and put in place the management system of

		<p>the forest. - Puerto 3 has., Tablon 3 has., Gusa 3 has., Lapasan 3 has., Bayabas 3 has.</p> <p>3. Prohibit the cutting and removal of beach species trees along the beaches in the city to protect and conserve the shoreline. Beaches with existing beach species shall be declared as Beach Park.</p> <p>4. Declare Malasag and Mahuganao of Barangay Cugman and Batinay of Barangay Tagpangi which are part of the Cagayan de Oro Watershed as a protected area/landscape and natural monument under RA 7586.</p> <p>5. Declare Cagayan de Oro River as protected area, archaeological and heritage site.</p> <p>6. Declare portion of the beach front of Zone 5 in Brgy Bayabas as critical habitat or nesting site for marine turtle as per recommendation of the DENR 10.</p> <p>7. Beaches along Bayabas and Bonbon shall be classified as Water Class "SB" - primary contact recreation (swimming, bathing, snorkelling, etc.). Set sanitation standards for beach operators.</p> <p>8. All flood prone areas declared as NO BUILD ZONE shall be developed into eco-tourism parks.</p> <p>9. Declare portion of Cagayan de Oro River specifically at the back of St. Agustin Cathedral as spawning area for endemic species "pigok" existing in the area. It shall</p>
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		<p>not be subject to quarrying or any kind of activities that destroy its habitat.</p> <p>10. Declare the following caves in Cagayan de Oro as conservation areas pursuant to RA 9072 National Cave and Cave Resources Management and Protection Act, to wit: 1. Huluga Cave 1 - Taguanao, Indahag; 2. Huluga Cave 2 - Taguanao, Indahag; 3. Monigue Cave - Monigue, Mambuaya; 4. Bulutohan Cave 1 & 2 - Taguanao, Indahag; 5. Liang Cave - Mangalay, Mambuaya; 6. Kalapat Cave - Mambuaya; 7. Tagbokbok Cave - Lumbia (Cueva de Oro); 8. Macahambus Cave; 9. Kalabera Cave - Indahag; Monigue Cave - Bayanga; 10. Derr Cave - Purok 7, Cugman</p> <p>11. Declare Isla de Oro, Baksan, Bugnaw, Delta and Puntod as critical habitat for endemic flora and fauna.</p> <p>12. Prohibit quarrying in Calacala, Macasandig and upstream of Isla Puntod in Brgy Balulang as risk exposed area. The area shall be designated as fish sanctuary.</p> <p>13. Declare downstream of Puntod-Kauswagan Bridge as spawning ground for endemic aquatic fishes. No fishing activity and quarrying shall be allowed except for boating as part of eco-tourism activity.</p>
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Section 13.5 No Build Zone Regulations

Overlay Zone	Allowable Uses	Potential Restrictions
No Build Zone	<p>The following uses may be allowed under certain conditions:</p> <p>Nature reserve Agriculture/ fisheries Parks and outdoor recreation spaces Access roads and pathways Memorial/ shrine monuments Docks, piers, wharves, and similar structures Non-structural industrial and commercial uses such as loading areas and open parking areas Extraction of sand and gravel</p>	<p>Under no circumstances shall the following uses be allowed:</p> <p>Hazardous uses such as solid waste disposal facilities, petroleum depots, sewage treatment plants, and the like</p> <p>Civil emergency structures such as evacuation centers, hospitals, fire stations, police stations and the like</p>

Section 14. Zoning Incentives

Density bonuses, such as through allowable building height increases, may be provided as incentives for projects that use CCA/ DRRM technology or innovations, i.e. use of solar panels, rainwater harvesting, smart urban drainage systems, green architecture/ building systems.

Similar incentives may also be given to projects that provide wider setbacks, increased ground level open spaces, provides public infrastructure or conserve heritage sites.

ARTICLE VI GENERAL REGULATIONS

Section 15. Height Regulations

Notwithstanding the Building Height provisions of this ordinance, building heights should also conform to the height restrictions and requirements of the Civil Aviation Authority of the Philippines (CAAP).

Exempted from the imposition of height regulations in residential zones are the following: towers, church, steeples, water tanks and other utilities and such

other structures not covered by the height regulations of the National Building Code and/or the CAAP.

Section 16. Area Regulations

Area regulations in all zones shall conform to the applicable minimum requirements of existing laws, codes and regulations such as:

1. PD 957, “Subdivision and Condominium Buyers’ Protective Law” and its revised implementing rules and regulations.
2. Batas Pambansa 220, “Promulgation of Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Projects” and its revised implementing rules and regulations.
3. RA 7279 – Urban Development and Housing Act;
4. PD 1096 – National Building Code
5. PD 1185 – Fire Code
6. PD 856 – Sanitation Code
7. RA 6541 – Structural Code
8. Batas Pambansa 344 – Accessibility Law
9. Rules and Regulations – HLURB Town Planning and Zoning Program
10. CA 141 or Public Land Act – public lands, including foreshore and reclaimed lands;
11. PD 705 or Revised Forestry Code – forestlands;
12. PD 1076 or Water Code of the Philippines – inland and coastal waters, shorelines and riverbank easements;
13. RA 6657 or Comprehensive Agrarian Reform Law – agrarian reform lands.
14. RA 7279 or Urban Development and Housing Act (UDHA) – socialized housing and settlements development;
15. RA 7586 or National Integrated Protected Areas Act – protected areas in both land and seas;
16. RA 7942 or Philippine Mining Act – mining areas;
17. RA 8371 or Indigenous People’s Rights Act (IPRA) – ancestral lands;

18. RA 8435 or Agri-Fisheries Modernization Act (AFMA) – SAFDZs and prime agricultural lands;
19. RA 8550 or Revised Fisheries Code – municipal waters and coastal zones;
20. RA 9593 or Philippine Tourism Act – tourism zones and estates
21. RA 9729 or Philippine Climate Change Act;
22. RA 10066 or Philippine Cultural Heritage Act – cultural and heritage zones/areas; and,
23. RA 10121 or Disaster Risk Reduction and Management Act – disaster-prone and geo-hazard areas.
24. Other relevant guidelines promulgated by the national agencies concerned.

Section 17. Easement

Pursuant to the provisions of the Water Code: 1) the banks of rivers and streams and the shores of the seas and lakes throughout their entire length within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to easements of public use in the interest of recreation, navigation, floatage, fishing and salvage.

No person shall be allowed to stay in this zone longer than what is necessary for space or recreation, navigation, floatage, fishing or salvage or to build structures of any kind.

Section 18. Buffer Regulations

A buffer of 3 meters shall be provided along entire boundary length between two or more conflicting zones allocating 1.5 meters from each side of the district boundary. Such buffer strip should be open and not encroached upon by any building or structure and should be a part of the yard or open space.

Section 19. Specific Provisions in the National Building Code

Specific provisions stipulated in the National Building Code (P.D. 1096), as amended thereto, relevant to traffic generators, advertising and business signs, erection of more than one principal structure, dwelling on rear lots, access yard requirements and dwelling groups, which are not in conflict with the provisions of the Zoning Ordinance, shall be observed.

Section 20. Advertising, Billboards and Business Signs

No advertising, billboards or business signs whether on or off premises of an establishment shall be displayed or put up for public view without clearance from the Zoning Administrator. Clearance for such signs or billboards may be granted only

when the same is appropriate for the permitted use for a zone and the size thereof is not excessive, taking into account the bulk or size of the building or structure and the business practices or usages of the locality and the same shall in no case obstruct the view of any scenic spot.

Obnoxious signs that would constitute nuisance to adjoining property owners, distract motorists or constitute as hazards to public safety shall not be allowed in any area. No sign should project to public property unless expressly allowed by the Zoning Administrator. Temporary signs and billboards for not more than two months may be allowed by the Zoning Officer/ Administrator upon payment of corresponding fees to the City.

The permit for such sign shall indicate the location, size, slope, contents and type of construction.

It shall be unlawful to maintain an obsolete sign by reason of discontinuance of business, service or activity for more than 60 days there from.

ARTICLE VII PERFORMANCE STANDARDS

Section 21. Application of Performance Standards

The following performance standards are intended to ensure land use and neighborhood compatibility. All developments shall exhibit compliance to these standards which shall form part of the requirements for Locational Clearance. These standards are by no means exhaustive or all inclusive. The City Zoning Board of Appeals (CZBA) may require other standards, when deemed necessary, to ensure land use and neighborhood compatibility.

Section 22. Environmental Conservation and Protection Standards

It is the intent of the ZO to protect the natural resources of the City. In order to achieve this objective, all developments shall comply with the following regulations:

- 1.Views shall be preserved for public enjoyment especially in sites with high scenic quality by closely considering building orientation, height, bulk, fencing and landscaping.
- 2.Heavy water using industrial (e.g. soft drink bottling), recreational (golf courses, water theme parks and the like) and other facilities that will cause excessive and non-sustainable draw-out of groundwater shall not be allowed to locate within the City unless the proponent proves that their water requirement will not be detrimental to the residents;
- 3.Land use activities shall not cause the alteration of natural drainage patterns or change the velocities, volumes, and physical, chemical, and biological

- characteristics of stormwater. Streams, watercourses, wetlands, lakes or ponds shall not be altered, regraded, developed, piped, diverted or built upon;
4. All developments shall limit the rate of stormwater runoff so that the rate of runoff generated is no more than that of the site in its natural condition;
 5. All developments shall undertake the protection of rivers, streams, lakes and ponds from sedimentation and erosion damage;
 6. The internal drainage systems of developments shall be so designed as not to increase turbidity, sediment yield, or cause the discharge of any harmful substances that will degrade the quality of water. Water quality shall be maintained according to DENR DAO No. 34 – Revised Water Usage and Classification/Ambient Water Quality Criteria;
 7. Municipal and industrial wastewater effluents shall not discharge into surface and groundwater unless it is scientifically proven that such discharges will not cause the deterioration of the water quality. Effluents shall be maintained according to DENR DAO No. 35 – 91 – Establishing Effluent Quality Standards for Class “C” Inland Waters;
 8. Developments that generate toxic and hazardous waste shall provide appropriate handling and treatment facilities which should be in accordance with the requirements of and approved by the DENR;
 9. Floodplains shall not be altered, filled and/or built upon without proper drainage design and without proper consideration of possible inundation effects on nearby properties;
 10. All developments, particularly those in sloping areas, shall undertake adequate and appropriate slope and erosion protection as well as soil conservation measures;
 11. Facilities and operations that cause the emission of dust, dirt, fly ash, smoke or any other air polluting material that may have harmful effects on health or cause the impairment of visibility are not permitted. Air quality at the point of emission shall be maintained at specified levels according to DENR DAO No. 14 - Revised Air Quality Standards of 1992.
 12. Industrial processes/ activities should not cause negative impacts to the environment. The Zoning Administrator may request for descriptions of these as part of the requirements for Locational Clearance.

Section 23. Agricultural Land Conservation and Preservation Criteria

Agricultural lands are recognized as valuable resources that provide employment, amenity and bio-diversity. All agricultural lands in the City shall not be prematurely re-classified. Requests for re-classification shall be evaluated on the merits of conditions prevailing at the time of application, subject to the provisions of the Memorandum Circular No. 54 Prescribing the Guidelines Governing Section 20

of RA 7160...Authorizing Cities and Municipalities to Reclassify Agricultural Lands into Non-Agricultural Uses.

Section 24. Network of Green and Open Spaces

All residential, commercial, industrial and mixed-use subdivisions, having total contiguous land areas of five hectares or less are respectively required to provide tree-planted strips along its internal roads having a spacing of not more than 10 meters per tree.

Similar developments with total contiguous land areas greater than five hectares are required to provide, in addition to the above, landscaped tree parks with areas not less than ten percent of the total land area of the property, for the use of the occupants and/or the general public. These tree parks may be made part of the open space requirements mandated by PD 957, BP220 and related laws.

These open spaces, along with parks, playgrounds, roads, alleys and sidewalks shall be classified as non-alienable public lands, and non-buildable. Upon completion of the project, these open spaces shall be donated by the owner or developer to the city government or to a duly organized Homeowner's Association with the prior written consent of the City government. These shall hereinafter be zoned as Parks and Recreation Zones. No portion of these donated open spaces may thereafter be converted to any other purpose or purposes.

Roof decks of all buildings shall be landscaped, as applicable.

Section 25. Site Development Standards

The City considers it in the public interest that all projects are designed and developed in a safe, efficient and aesthetically pleasing manner. Site development shall consider the environmental character and limitations of the site and its adjacent properties. All project elements shall be in complete harmony according to good design principles and the subsequent development must be visually pleasing as well as efficiently functioning especially in relation to the adjacent properties and bordering streets.

The quality of every neighborhood shall always be enhanced. The design, construction, operation and maintenance of every facility shall be in harmony with the existing and intended character of its neighborhood. It shall not change the essential character of the said area but will be a substantial improvement to the value of the properties in the neighborhood in particular and the community in general.

Further, designs should consider the following:

1. Sites, buildings and facilities shall be designed and developed with regard to safety, efficiency and high standards of design. The natural environmental character of the site and its adjacent properties shall be considered in the development of each building and facility.

2. The height and bulk of buildings and structures shall be so designed that it does not impair the entry of light and ventilation, cause the loss of privacy and/or create nuisances, hazards or inconveniences to adjacent developments.
3. Abutments to adjacent properties shall not be allowed without the neighbor's prior written consent which shall be required by the Zoning Administrator prior to the granting of a Locational Clearance;
4. The capacity of parking areas/lots shall be per the minimum requirements of the National Building Code. These shall be located, developed and landscaped in order to enhance the aesthetic quality of the facility. In no case shall parking areas/lots encroach into street rights-of-way.
5. Developments which attract a significant volume of different modes of transportation, such as tricycles, PUJs, buses, etc., shall provide on-site parking for the same. These should also provide vehicular loading and unloading bays so as through street traffic flow will not be impeded.
6. Buffers, silencers, mufflers, enclosures and other noise-absorbing materials shall be provided to all noise and vibration-producing machinery. Noise levels shall be maintained according to levels specified in DENR DAO No. 30 - Abatement of Noise and Other Forms of Nuisance as Defined by Law.
7. Glare and heat from any operation or activity shall not be radiated, seen or felt from any point beyond the limits of the property.
8. Fencing along roads shall be see-through.

Section 26. Infrastructure Capacities

All developments shall not cause excessive requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. All developments shall exhibit that their requirements for public infrastructure (such as roads, water supply and the like) are within the capacities of the system/s serving them.

The Zoning Administrator shall require the following:

1. Drainage Impact Assessment Study

All development proposals in flood prone areas and all major proposals likely to affect the existing drainage regime, including commercial-residential buildings, shopping centers, office areas and business parks, residential areas, schools, universities, and industrial estates, shall be required to submit Drainage Impact Assessment Studies. These should be prepared, signed and sealed by duly licensed Civil Engineers, Sanitary Engineers or Environmental Planners.

2. Traffic Impact Statement

Major, high intensity facilities such as commercial-residential buildings having four floors and above, shopping centers, public markets, transportation terminals/ garages, schools, universities, industrial estates, cock fighting stadia, sports stadia and other similar developments shall be required to submit Traffic Impact Statements. Other traffic generating developments, as determined by the Zoning Administrator, shall be required to submit the same.

ARTICLE VIII MITIGATING DEVICES

Section 27. Deviation

Variances and/ or Exceptions from the provisions of this Ordinance may be allowed by the City Zoning Board of Appeals (CZBA) only when the following terms and conditions exist:

1. Variance (deviation from applicable Bulk and Density Regulations, Building Design Regulations and Performance Standards)

Variance may be allowed provided that proposals satisfy all of the following provisions:

- a. Conforming to the provisions of the Ordinance will cause undue hardship on the part of the owner of the property due to physical conditions of the property (topography, shape, etc.), which is not self-created.
- b. The proposed variance is the minimum deviation necessary to permit reasonable use of the property.
- c. The variance will not alter the intended physical character of the zone and adversely affect the use of the other properties in the same zone such as blocking-off natural light, causing loss of natural ventilation or encroaching in public easements and the like.
- d. That the variance will not weaken the general purpose of the Ordinance and will not adversely affect the public health, safety or welfare.
- e. The variance will be in harmony with the spirit of this Ordinance.

2. Exceptions (deviations from allowed use provisions)

Exceptions may be allowed provided that proposals satisfy all of the following conditions:

- a. 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. The proposed project shall support economic based activities/ provide livelihood, vital community services and facilities while at the same time posing no adverse effect on the zone/community.
- c. The exception will not adversely affect the appropriate use of adjoining properties in the same zone such as generating excessive vehicular traffic, causing overcrowding of people or generating excessive noise and the like.
- d. The exception will not alter the essential character and general purpose of the zone where the exception sought is located.

Section 28. Procedures for Evaluating Variances and/ or Exceptions

The procedure for evaluating applications for Variances and/ or Exceptions is as follows:

- a. The project proponent shall file a written application for Variance and/ or Exception with the CZBA citing the section(s) of this Ordinance under which the same is sought and stating the ground/s thereof.
- b. Upon filing of application, a visible project sign, (indicating the name and nature of the proposed project) shall be posted at the project site. This sign shall be maintained until the CZBA has rendered a decision on the application.
- c. The CZBA shall conduct preliminary studies on the application. These application papers shall be made accessible to the public.
- d. A written affidavit of no objection to the project by the owners of the properties immediately in front of and abutting the project site shall be filed by the applicant with the CZBA within fifteen (15) days upon filing of application.
- e. The CZBA shall hold public hearing(s).
- f. At the hearing, any party may appear in person, or be represented by agent/s. All interested parties shall be accorded the opportunity to be heard and present evidences and testimonies.
- g. The CZBA shall render a decision within thirty (30) days from the filing of the application, exclusive of the time spent for the preparation of written affidavit of non-objection and the public hearing(s).

All expenses to be incurred in evaluating proposals for Variances and/ or Exceptions shall be shouldered by the owner/ developer.

ARTICLE IX ADMINISTRATION AND ENFORCEMENT

Section 29. Approved Zoning Maps

The Approved City Zoning Maps, with sizes of 2.40m x 2.40m, shall be posted at conspicuous locations at the City Hall.

Zoning Maps for each barangay shall be posted at barangay halls for public information and guidance of barangay officials. These shall be printed in standard color codes and of sizes similar to the City Zoning Maps.

Section 30. Locational Clearance

All owners/ developers shall secure Locational Clearance from the Zoning Administrator or, in cases of Variances and/ or Exceptions, from the CZBA prior to conducting any activity or construction on their property/land. This will include property/ land located in Forest Lands, Special Economic Zones and other areas administered by national and special agencies, except for facilities for national security as certified by the Department of National Defense.

Section 31. Projects of National Significance

Projects may be declared by the NEDA Board as Projects of National Significance pursuant to Section 3 of Executive Order No. 72. When a project is declared by the NEDA Board as a Project of National Significance, the Locational Clearance shall be issued by HLURB pursuant to EO 72.

Section 32. Major and/ or Innovative Projects

The Zoning Administrator or the CZBA, as the case may be, may seek the assistance of the HLURB or external consultants in the evaluation of proposed Major and/ or Innovative Projects such as seaports, airports, oil depots, reclamation areas, shopping malls, environmentally-critical projects, special economic zones, tourism enterprise zones, new towns and the like.

Section 33. Subdivision Projects

All owners and/ or developers of subdivision projects shall, in addition to securing a Locational Clearance, be required to secure a Development Permit pursuant to the provisions of PD 957 and its Implementing Rules and Regulations or BP 220 and its Implementing Rules and Regulations and in accordance with the procedures laid down in EO 71, Series of 1993.

Proposed subdivision projects shall prepare their respective Deed Restrictions (to include, among others, regulations pertaining to allowable uses within their project sites. The list of allowable uses within subdivisions shall be within the list of allowable uses within the Zone. Proof of compliance of future projects with

the provisions of Deeds of Restriction for the said subdivision shall form part of the requirements for Locational Clearance.

Section 34. Temporary Approval

An activity or an establishment not listed as Allowable Use in the Zone Regulations within any zone hereof may, on application by the interested party with the Zoning Administrator shall be allowed on a temporary basis under the following conditions:

- a. The Zone or area in which the property subject of the application is located, or the area within the immediate vicinity, or a radius of five (5) kilometers from such property, is not yet built up or being developed according to the original trend, projection or pattern envisioned in the Ordinance, or no noticeable and desirable dominant trend has been observed in the area for a period of at least two (2) years where a non-built up area is one where the dominant use is less than 40% of the area;
- b. The temporary use permit shall be valid for a maximum of one year subject to the terms and conditions stipulated in the permit;
- c. The proposed project shall not in any way pose danger or hazard to the health and safety of its environment and surrounding neighborhood;
- d. The proposed activity shall be subject to the requirements of favorable initial and ongoing environmental examination and environmental impact assessment;
- e. The proponent shall submit a quarterly report of the progress of its operations; and,
- f. The proponent shall relocate the project facilities and equipment to another site at his own cost, in the event the CPDO find that the project's continued existence and operation are undesirable.

Section 35. Community Consultation

An application for any proposal listed as 'Uses that may or may not receive approval or require Special Permit approval' or 'Prohibited' within any Zone hereof shall be applied for and involve the community as follows:

- a. A satisfactory proof of posting of a conspicuous notice on the project site attesting, in essence, to the fact that an application has been filed with the CPDO specifying the date of such an application, the nature and expected level of operation of the establishment, the name of the project owner/proponent and his/its exact address and telephone and other important information.
- b. If the project is at least citywide in expected impact, the CPDO, through the Zoning Administrator/Officer, may also require the publication of such a notice

in a newspaper of general circulation within the City at least once a week for two consecutive weeks.

- c. In case of objection lodged within two weeks of the latest notice, the City Zoning Board of Appeals shall determine the matter as outline within this Ordinance.

Section 36. Environmental Compliance Certificate

No Locational Clearance shall be issued to proposals covered by the EIS System unless the requirements of ECC have been complied with.

Section 37. Barangay Clearance

Project proponents are required to secure a Barangay Clearance for the proposed development, signed by the Punong Barangay, which is a requirement for applications for Locational Clearance.

Section 38. Building Permit

No Building Permit shall be issued by the City Building Official without a valid Locational Clearance in accordance with the Integrated ZO.

Section 39. Business Permit

The Business and Licensing Division shall not issue a Business Permit unless a valid Locational Clearance has been issued.

Section 40. Occupancy Permit

No Occupancy Permit shall be issued by the Local Building Official without certification from the Zoning Administrator that the building has complied with the conditions stated in the Locational Clearance.

Section 41. Validity of Locational Clearance

The Locational Clearance shall be valid for one year from the date of issuance. Should there be any change in the activity or expansion of the area subject of the Locational Clearance, the owner/ developer shall apply for a new Locational Clearance.

Section 42. Notice of Non-Conformance

Upon approval of this Ordinance, the Zoning Administrator shall immediately issue Notices of Non-Conformance to existing non-conforming uses, buildings or structures. The said Notice of Non-Conformance shall cite provisions of this Ordinance to which the existing use, building or structure does not conform to. The same Notice shall also inform the owner of said non-conforming use, building or

structure of the conditions for the continued use of the same as provided in the following section.

Section 43. Existing Non-Conforming Uses, Buildings and Structures

The lawful uses of any building, structure or land at the time of adoption or amendment of this Ordinance may be continued, although such uses do not conform to the provisions of the Integrated ZO, provided:

1. That no such non-conforming use shall be enlarged or extended to occupy a greater area of land than that already occupied by such use at the time of the adoption of this Ordinance or 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 operation for more than one (1) year be again revived as non-conforming use.
3. A vacant/idle building or structure may not be used for non-conforming activity;
4. That any non-conforming building/ structure under one ownership which has been damaged maybe reconstructed and used as before provided that such reconstruction is not more than fifty percent (50%) of the replacement cost. That should such non-conforming portion of any building/ 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.
5. That no such non-conforming use maybe moved to displace any conforming use;
6. That no such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
7. That should such structure be moved for any reason to whatever distance, it shall thereafter conform to the regulation of the zone in which it is moved or relocated.
8. That such non-conforming use and/ or structure should not cause nuisance effects to its neighborhood, such as but not limited to pollution of whatever form (air, noise, land, water, etc.), undesirable traffic (whether vehicular or pedestrian) and the like and should further not pose health and safety hazards and as further provided in the Performance Standards provision of this Ordinance.
9. The owner of a non-conforming use shall program the phase-out and relocation of the non-conforming use within ten (10) years from the effectivity of this Ordinance.

Section 44. Responsibility for Administration and Enforcement

This Ordinance shall be enforced and administered by the Local Chief Executive through the City Planning and Development Coordinator who shall be designated by the former as the Zoning Administrator in accordance with existing rules and regulations on the subject.

Section 45. Qualifications of the Zoning Administrator

The Zoning Administrator should have at least five years relevant experience in the field of development planning, zoning and related fields and preferably with background in Architecture, Civil Engineering, Environmental Planning, and Law.

Section 46. Powers and Functions of a Zoning Administrator

Pursuant to the provisions of EO 72 implementing RA 7160 in relation to Sec. 5, Paragraph a and d, and Section 7 of Executive Order No. 648 dated 07 February 1981, the Zoning Administrator shall perform the following functions, duties and responsibilities:

1. Enforcement

- a. Act on all applications for Locational Clearance.
 - f Issuance of Locational Clearance for projects conforming with the zoning regulations;
 - f Issuance of Notice of Non-Conformance to uses, buildings or structures that is non-conforming to the applicable provisions of this Ordinance.

b. Monitor on-going/existing projects and issue notices of violation and show cause order to owners, developers, or managers of projects that are in violation of the provisions of the Integrated ZO and if necessary, pursuant to Section 3 of EO No. 72 and Section 2 of EO 71.

c. Call and coordinate with the Philippine National Police for enforcement of all orders and processes issued in the implementation of this Ordinance.

d. Coordinate with the City Fiscal and/or City Legal Officer for other legal actions/remedies relative to the foregoing.

2. Planning

a. Coordinate with the Regional Office of the HLURB regarding proposed amendments to the Integrated ZO prior to adoption by the Sangguniang Panlungsod.

Section 47. Complaints and Oppositions

A complaint for violation of any provisions of the Integrated ZO or any clearance or permits issued pursuant thereto shall be filed with the CZBA.

Oppositions to applications for Locational Clearance, Variance or Exception shall be treated as a complaint and shall likewise be filed with the CZBA.

Section 48. Functions and Responsibilities of the City Zoning Board of Appeals

There is hereby created a CZBA which shall perform the following functions and responsibilities:

- Act on applications of the following nature:
 - Variances
 - Exceptions
 - Complaints and oppositions to application/s
- Act on appeals on Grant or Denial of Locational Clearance by the Zoning Administrator.
- Act on appeals regarding the non-conformity of existing uses, buildings or structures to the applicable provisions of this Ordinance.

Decisions of the CZBA shall be carried by an absolute majority vote (50% + 1) of its members.

Section 49. Appeals to CZBA Decisions

Decisions of the CZBA shall be appealable to the HLURB.

Section 50. Composition of the City Zoning Board of Appeals (CZBA)

The CZBA shall be composed of the following members:

1. City Mayor as Chairman
2. SP Committee Chairperson on Land Use/Zoning (If said committee is non-existent, the SP/SB may elect a representative)
3. City Legal Officer
4. City Assessor
5. City Engineer
6. City Local Environment and Natural Resources Officer
7. City Disaster Risk Reduction and Management Officer

8. Two (2) representatives of the private sector nominated by their respective organizations
9. Two (2) representatives from non-government organizations nominated by their respective organizations.

The City Planning and Development Office shall serve as the Secretariat to the CZBA. The CZBA may invite resource persons in the course of the performance of its functions.

Section 51. Interim Provision

Until such time that the City Zoning Board of Appeals shall have been constituted, the HLURB shall act as the City Zoning Board of Appeals. As an appellate Board, the HLURB shall adopt its own rules of procedure to govern the conduct of appeals arising from the administration and enforcement of this Ordinance.

Section 52. Review of the Zoning Ordinance

The Local Zoning Review Committee (LZRC) is hereby created under the City Development Council, to review the Integrated ZO considering the CLUP, based on the following reasons/ situations:

- 1.Updating/ Revision of the CLUP
- 2.Introduction of projects of national and/ or local significance
- 3.Force majeure events with City-wide land use implications
- 4.Petition for re-zoning/ re-classification with City-wide implications
- 5.Increasing number of applications/ issuances invoking Variances and Exceptions

Section 53. Composition of the Local Zoning Review Committee (LZRC)

The Local Zoning Review Committee shall be composed of the following:

1. Sangguniang Panlungsod Chairperson on Land Use/ Zoning (or equivalent committee)
2. City Planning and Development Coordinator
3. City Zoning Administrator
4. City Assessor
5. City Legal Officer
6. City Engineer
7. City Local Environment and Natural Resources Officer/ Disaster Risk Reduction and Management Officer
8. City Agriculturist
9. Municipal Agrarian Reform Officer
10. President, Association of Barangay Captains
11. Three (3) Private Sector Representatives such as from Local Chamber of Commerce, local housing industry, federation of homeowner's associations, and academe
12. Two (2) NGO representatives

The City Planning and Development Office shall serve as the Secretariat to the LZRC. The LZRC may invite resource persons in the course of the performance of its functions.

Section 54. Functions of the Local Zoning Review Committee

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

1. Review the Zoning Ordinance for the following purposes:
 - a. Determine amendments or revisions necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan.
 - b. Recommend changes to be introduced in the Comprehensive Land Use Plan in the light of permits given, variances and exceptions granted and increasing applications for rezoning/ re-classification.
2. Recommend to the Sangguniang Panlungsod necessary legislative amendments on the needed changes in the Integrated ZO as a result of the review conducted.
3. Inform HLURB of the recommended changes to the Integrated ZO as a result of its review.

Section 55. Amendments to the Integrated ZO

Changes in the Integrated ZO, as a result of the review by the LZRC shall be treated as an amendment, provided that any proposed amendment to the Zoning Ordinance or provisions thereof shall be subject to public hearing and shall be carried out through a resolution of three-fourths vote of the Sangguniang Panlungsod. Said amendments shall take effect only after approval and authentication by HLURB.

Section 56. Violation and Penalty

Any person who violates any of the provisions of this Ordinance, shall, upon conviction, be punished by a fine not exceeding P5,000 or an imprisonment for a period not exceeding one (1) year or both at the discretion of the Court. In case of violation by a corporation, partnership or association the penalty shall be imposed upon the erring officers thereof.

Section 57. Suppletory Effect of Other Laws and Decrees

The provisions of this Ordinance shall be without prejudice to the application of other laws, presidential decrees, letters of instruction and other executive or administrative orders vesting national agencies with jurisdiction over Cagayan de Oro City

specific land areas, which shall remain in force and effect, provided that land use decisions of the national agencies concerned shall be consistent with the Comprehensive Land Use Plan of the locality.

Section 58. Non-Diminution of National Standards

The rules and standards provided in this ZO shall conform to the rules and standards provided by national agencies and shall not in any way diminish those that have been set by national laws and regulations.

Section 59. Consistency between National and Local Plans, Programs and Projects

Plans, programs and projects of national agencies that will be implemented within the locality, shall as much as practicable, be consistent with the provisions of the ZO.

Section 60. Separability Clause

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

Section 61. Repealing Clause

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

Section 62. Effectivity Clause

This Ordinance takes effect upon approval by the Housing and Land Use Regulatory Board and after compliance with the publication requirements of the Local Government Code.

Annex A

City-Wide Planning Objectives

The following objectives shall be used to assess the appropriateness of 'Uses that may or may not receive approval or require Special Permit approval' listed in Column 2 in each zone:

Form of Development

Objective 1: The development of the City in accordance with the Structure Plan.

Objective 2: Orderly and economic development.

Objective 3: A proper distribution and segregation of living, working and recreational activities by the allocation of suitable areas of land for those purposes, and the proper location of public and community facilities by the reservation of suitable land in advance of need.

Objective 4: Maintenance of the long-term operational, safety and commercial aviation requirements.

Land Division

Objective 5: Land in appropriate localities divided into allotments in an orderly and economic manner.

Residential Development

Objective 6: A compact urban area.

Objective 7: A variety and choice of dwelling types to meet the needs and preferences of all sections of the community.

Objective 8: Containment of housing costs through the encouragement of a full range of design and development techniques.

Objective 9: Safe, pleasant, convenient and efficient residential zones.

- (a) Residential development in residential zones adjacent to non-residential zones should be designed and sited to protect residents from any adverse effects of non-residential activities.
- (b) Non-residential development in residential zones should provide adequate protection for residents from air and noise pollution, traffic disturbance and other harmful effects on health or amenity.
- (c) Landscaping of development in residential zones should:
 - 1. enhance residential amenity;
 - 2. screen storage, service and parking areas; and
 - 3. provide protection from sun and wind.

- (d) Within residential zones, open space should provide for recreational activities, pedestrian links, and the preservation of natural features.
- (e) Dwellings should be supplied with adequate energy, water, waste disposal and drainage facilities to serve the needs of the prospective users.
- (f) Residential development should minimize the potential for personal and property damage arising from natural hazards including landslip, bushfires, and flooding.

Centers and Commercial Development

Objective 10: Shopping, administrative, cultural, community, entertainment, educational, religious, and recreational, facilities located in integrated centers which are distributed rationally throughout the urban area.

Objective 11: Centers established and developed in accordance with a hierarchy based on function, so that each type of center provides a proportion of the total requirement of goods and services commensurate with its role.

Objective 12: A hierarchy of centers located in center or commercial zones.

Centers within the urban area are of the following type:

- a. The Central Business District;
- b. District Center;
- c. Other Commercial areas;

Objective 13: The Central Business District to provide the principal focus for the economic, social and political life of the City.

Objective 14: District Centers to function as the main centers outside the Central Business District for a full range of shopping, administrative, cultural, community, entertainment, education, religious and recreational facilities, as public transport interchanges and focus of public transport networks and public and private office development.

Community Facilities

Objective 15: Appropriate community facilities conveniently accessible to the population they serve.

Transportation

Objective 16: A comprehensive, integrated, and efficient, public and private transport system which will:

- (a) provide access to adequate transport services for all people, at an acceptable cost;
- (b) effectively support the economic development of the City;
- (c) ensure a high level of safety; and
- (d) maintain the options for the introduction of suitable new transport technologies.

Objective 17: A road hierarchy to form the basis of development controls and serve as a guide to the investment of road funds in order to ensure a safe and efficient traffic flow and to promote the saving of fuel and time.

Objective 18: A network of roads, paths and tracks, to accommodate satisfactorily a variety of vehicular and pedestrian traffic.

Objective 19: A compatible arrangement between land uses and the transport system which will:

- a. ensure minimal noise and air pollution;
- b. protect amenity of existing and future land uses;
- c. provide adequate access; and
- d. ensure maximum safety.

Objective 20: A form of development adjoining main roads which will:

- 1. ensure traffic can move efficiently and safely;
- 2. discourage commercial ribbon development;
- 3. prevent large traffic-generating uses outside designated center/commercial zones;
- 4. provide for adequate off-street parking; and
- 5. provide limited and safe points of access and egress.

Industrial Development

Objective 21: Industrial development located in suitable areas.

Infrastructure

Objective 22: Economy in the provision of infrastructure.

Mining

Objective 23: The continued availability of metallic, industrial and construction, minerals by preventing development likely to inhibit their exploitation.

Objective 24: The protection of the landscape from undue damage from quarrying and similar extractive and associated manufacturing industries.

Conservation

- Objective 25:** The conservation, preservation, or enhancement, of scenically attractive areas, including land adjoining coastal and river water, and scenic roads.
- Objective 26:** The preservation of buildings or sites of architectural, historical, or scientific, interest.
- Objective 27:** The retention of environmentally-significant areas of native vegetation.
- Objective 28:** The retention of native vegetation where clearance is likely to lead to problems of soil erosion, soil slip, flooding or deterioration in the quality of surface waters.
- Objective 29:** The retention of native vegetation for amenity purposes, for livestock shade and shelter and for the movement of native wildlife.

Open Space

- Objective 30:** Adequate public parks and recreation areas conveniently located.

Open spaces are needed in a city for outdoor recreation, and all age groups must be catered for. The size of the open spaces must be adequate, and they must be located conveniently for the people who use them. Suitable land must be acquired or reserved long before the need becomes evident and long before funds for development are available. If such action is not taken, then the cost involved will be prohibitive as values rise, or the land will have been used for other purposes. Consequently, land acquisition should be programmed for a considerable number of years ahead.

Appearance of Land and Buildings

- Objective 31:** The amenity of localities not impaired by the appearance of land, buildings and objects.

Coastal Areas

- Objective 32:** Preserve and manage coastal areas to sustain or enhance the remaining natural coastal environment.
- Objective 33:** Maintain and improve public access to and enjoyment of, the coast in keeping with other objectives.
- Objective 34:** Due recognition of and allowance for hazards to coastal development such as inundation by storm tides or combined storm tides and storm water, coastal erosion and sand drift, including an allowance for changes in sea level due to natural subsidence and

predicted climate change during the first 100 years of the development.

Objective 35: To avoid the community incurring cost for the protection of private development or the environment from the effects of coastal processes.

Objective 36: To use urban coastal zones only for development appropriate to a coastal location.

Outdoor Advertisements

Objective 37: An urban environment and rural landscape not disfigured by advertisements.

Objective 38: Advertisements in commercial and industrial urban areas, and center zones, designed to enhance the appearance of those areas.

Annex B

Definition of Terms

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

Absolute Majority Vote - means that the “in favor” votes represent more than 50 percent of the valid votes. This is also called the 50% + 1 vote.

Accessory Use - pertains to those that are customarily associated with the Principal Use application (such as a garage is accessory to a house).

Actual Use – refers to the purpose for which the property is principally or predominantly utilized by the person in possession of the property.

Adaptive Reuse – utilization of buildings, other built-structures, and sites of value for purposes other than that for which they were originally intended, in order to conserve the site, its engineering integrity and authenticity of design.

Agricultural Activity – per the Comprehensive Agrarian Reform Law of 1988 (RA 6657), means the cultivation of the soil, planting of crops, growing of fruit trees, raising of livestock, poultry or fish, including the harvesting of such farm products, and other farm activities and practices performed by a farmer in conjunction with such farming operations done by persons whether natural or juridical.

Agricultural Land – per RA 6657, refers to land devoted to agricultural activity and not classified as mineral, forest, residential, commercial or industrial land.

Agricultural Land Use Conversion – per RA 6657, refers to the process of changing the use of agricultural land to non-agricultural uses.

Agricultural Zone (AGZ) - an area with a City intended for cultivation/ fishing and pastoral activities, e.g. fishing, farming, cultivation of crops, goat/ cattle raising, etc.

Agri-Forestry – land management which combines agricultural crops with tree crops and forest plants and/or animals simultaneously or sequentially and applies management practices which are compatible with the cultural patterns of the local population.

Agri- Industrial Zone - an area within a City intended primarily for integrated farm operations and related product processing activities such as plantation for bananas, pineapple, sugar, etc.

Agri-Industrial Zone – includes processing of agricultural products within 0-18% slope on agricultural lands (A&D lands).

Agro-Industrial Zone – includes processing of forestry products and agriculture on slopes 18-50%.

Agri-Processing Activities– refers to the processing of raw agricultural and fishery products into semi-processed or finished products which include materials for the manufacture of food and/or non-food products, pharmaceuticals and other industrial products.

Allowable Uses - uses that conform to those allowed in a specific zone.

Ancestral Domains – per the Indigenous Peoples Rights Act of 1997 (RA 8371), these refer to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs.

Ancestral Lands Sub-Zone – refers to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs per the provisions of the IPRA.

Aquaculture – fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas.

Base Zones – refers to the primary zoning classification of areas within the City and that are provided with a list of allowable and conditional uses, as applicable.

Buffer Area/ Greenbelts Zone – are yards, parks or open spaces intended to separate incompatible elements or uses to control pollution/nuisance and for identifying and defining development areas or zones where no permanent structures are allowed.

Building Height Limit (BHL) - per the National Building Code, this is “the maximum height to be allowed for buildings/ structures...and shall be generally measured from the established grade line to the topmost portion of the proposed building/ structure. If applicable, the BHL may be subject to clearance requirements of the Civil Aviation Authority of the Philippines (CAAP) or the concerned military/ security authorities.” BHL is expressed as the number of allowable storeys/ floor above established grade and/ or meters above highest grade.

Cemetery Zone – an area in cities/ municipalities intended for the interment of the dead.

Certificate of Non-Conformance – certificate issued to Owners of non-conforming uses as provided in this Zoning Ordinance.

Central Business District CBD – shall refer to areas designated principally for trade, services and business purposes.

Civil Reservation – refers to lands of public domain which have been proclaimed by the President of the Philippines for specific purpose such as town sites, resettlement areas, ancestral lands, etc.

Commercial 1 (C-1) Zone – a low density commercial area within the city intended for neighborhood or community scale trade, service and business activities.

Commercial 2 (C-2) Zone – a medium to high density commercial area within the city intended for trade, service and business activities performing complementary/supplementary functions to the CBD.

Commercial 3 (C-3) Zone – a high density commercial area within the city intended for regional shopping centers such as large malls and other commercial and business activities which are regional in scope or where market activities generate traffic and require utilities and services that extend beyond local boundaries and requires metropolitan level development planning and implementation. High rise hotels, sports stadium or sports complexes area also allowed in this zone. This zone may also be called as the Central Business District (CBD).

Commercial Garage – a garage where automobiles and other motor vehicles are housed, cared for, equipped, repaired or kept for remuneration, for hire or sale.

Community Mortgage Program – a low-income home financing scheme that allows an undivided tract of land to be acquired by several beneficiaries through community mortgage.

Compatible Uses – different uses capable of existing harmoniously within a zone, e.g. residential and parks and playground uses subject to the conditions stipulated in the Zoning Ordinance.

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

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

Conforming Use – a use that is in accordance with the zone regulations as provided for in the Ordinance.

Deed Restrictions - written agreements that place limitations on the use of property in order to maintain the intended character of a neighborhood.

Delta – a landform at the mouth of a river where it flows into an ocean, sea, estuary, lake or reservoir that is formed by deposition of sediments carried by the river.

Easement – open space imposed on any land use/activities sited along waterways, fault lines, road-rights-of-way, cemeteries/memorial parks, utilities and the like.

Established Grade – the finish ground level of a proposed development which shall be determined according to the provisions of the latest edition of the National Building Code.

Ecotourism – a form of sustainable tourism within a natural and cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics, as well as economic benefits are fostered and pursued for the enrichment of host communities and the satisfaction of visitors.

Environmentally Constrained Areas – areas prone to natural hazards, such as those related to weather, hydrologic, and geologic disturbances. These hazards cover those that are weather and water-related, earthquake-induced, volcanic and erosion-related.

Environmentally Critical Areas (ECA) – refers to those areas which are environmentally sensitive and are listed in Presidential Proclamation 2146 dated December 1981, as follows:

- a. All areas declared by law as national parks, watershed reserves, wildlife preserve and sanctuaries;
- b. Areas set aside as aesthetic potential tourist spots;
- c. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna);
- d. Areas of unique historic, archaeological, or scientific interests;
- e. Areas which are traditionally occupied by cultural communities or tribes;
- f. Areas frequently visited and/or hard-hit by natural calamities (geologic hazards, floods, typhoons, volcanic activity, etc.);
- g. Areas with critical slopes;
- h. Areas classified as prime agricultural lands;
- i. Recharge areas of aquifers;
- j. Water bodies characterized by one or any combination of the following conditions:
 - tapped for domestic purposes;
 - within the controlled and/or protected areas declared by appropriate authorities; and
 - which support wildlife and fishery activities.
- k. Mangrove areas characterized by one or any combination of the following conditions:
 - with primary pristine and dense young growth;
 - adjoining the mouth of major river systems;
 - near or adjacent to traditional productive fry or fishing grounds;
 - which act as natural buffers against shore erosion, strong winds and storm floods; and
 - on which people are dependent on their livelihood.

I. Coral reef characterized by one or any combination of the following conditions:

- with 50% and above live coralline cover;
- spawning and nursery grounds of fish; and
- which acts as natural breakwater of coastlines.

Proponents of Project within ECAs are required to submit Initial Environmental Examinations to DENR Regional Offices. They may later be required by the DENR to submit an EIS, if necessary.

Environmentally Critical Projects (ECP) – refers to those projects which have high potential for negative environmental impacts and are listed in Presidential Proclamation 2146 dated December 14, 1981, as follows:

a. Heavy industries

non-ferrous metal industries;
iron and steel mills;
petroleum and petro-chemical industries including oil and gas; and
smelting plants.

b. Resource extractive industries

major mining and quarrying projects; and
forestry projects such as logging, major wood processing, introduction of fauna (exotic animals) in public/private forests, forest occupancy, extraction of mangroves and grazing.
fishery projects (dikes for/and fishpond development projects)

c. Infrastructure projects

major dams;
major power plants (fossil-fuelled, nuclear-fuelled, hydroelectric or geothermal);
major reclamation projects, and
major roads and bridges.

d. Golf course projects

Proponents of ECPs are required to submit an EIS to the Environmental Management Bureau (EMB) of the DENR.

Environmental Impact Statement (EIS) System – pursuant to PD 1586 of 1978, refers to the entire process of organization, administration and procedure institutionalized for the purpose of assessing the significance of the effects of physical developments on the quality of the environment. Projects that fall within the purview of the EIS System include:

a. Environmentally Critical Projects

b. Projects located in Environmentally Critical Areas

Estuary – a partially enclosed body of water along the coast where freshwater from rivers and streams meets and mixes with salt water from the ocean.

Exception – a device which grants a property owner relief from certain provisions of the Ordinance where because of the specific use would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

Fisheries Code – shall refer to the Philippine Fisheries Code of 1998 (RA 8550).

Fish Pond – a land-based facility enclosed with earthen or stone material to impound water for growing fish.

Flood Overlay Zone (FLD-OZ) – an area in the city that have been identified as prone to flooding and where specific regulations are provided in order to minimize its potential negative effect to developments.

Flood Protection Elevation (FPE) – the elevation which is two feet above the Regional Flood Elevation.

Floor Area Ratio or “FAR” – is the ratio between the gross floor area of a building and the area of the lot on which it stands, determined by dividing the gross floor area of the building and the area of the lot. The gross floor area of any building should not exceed the prescribed floor area ratio (FAR) multiplied by the lot area. The FAR of any zone should be based on its capacity to support development in terms of the absolute level of density that the transportation and other utility networks can support.

Foreshore Land Sub-Zone – an area within the Water Zone of the city defined as a “string of land margining a body of water; the part of a seashore between the low-water line usually at the seaward margin of a low tide terrace and the upper limit of wave wash at high tide usually marked by a beach scarp or berm” (Fisheries Code).

Forest Buffer Sub-Zone (FB-SZ) – an area intended to be a Buffer Zone which, as defined in the NIPAS Act, are “areas outside the protected area but adjoining it that are established by law (pursuant to Section 8 of the NIPAS Act)...” These areas need special development control in order to prevent or minimize harm to the protected area.

Forest Reserve – refers to forest lands which have been reserved by the President of the Philippines for any specific purpose or purposes.

Forest & Forest Land Zone (FFLZ) – an area within the city intended primarily for forest purposes.

Forestry Code – refers to Presidential Decree No. 705 or the Revised Forestry Code of the Philippines, as amended.

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

General Residential Zone (GRZ) – an area within the city intended principally for dwelling/ housing purposes.

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

Office areas

Residential areas

Corridors

Lobbies

Mezzanine

Vertical penetrations, which shall mean stairs, fire escapes, elevator shafts, flues, pipe shafts, vertical ducts, and the like, and their enclosing walls

Rest rooms or toilets

Machine rooms and closets

Storage rooms and closets

Covered balconies and terraces

Interior walls and columns, and other interior features

But excluding:

Covered areas used for parking and driveways, including vertical penetrations in parking floors where no residential or office units are present

Uncovered areas for AC cooling towers, overhead water tanks, roof decks, laundry areas and cages, wading or swimming pools, whirlpools or jacuzzis, gardens, courts or plazas.

Heritage Zone – shall refer to historical, anthropological, archaeological, artistic geographic areas and settings that are culturally significant to the country, as declared by the National Museum and/ or the National Historic Institute.

Historic Center – 1) historic zone, district, core, precinct, town, legacy zone, heritage area, zone or town; 2) a designated area with historical and other special significance, consisting of buildings or group of buildings and their environs that collectively contribute to the area's importance and character; 3) a place where a significant event in history occurred; 4) any town, district, or ancient settlement site with specific history and/ or cultural significance. Historic centers are sometimes called living museums, outdoor museums, or museum preserves. Whether inhabited or un-inhabited, historic centers are preservation areas.

Impervious Surface – type of man-made surface which does not permit the penetration of water.

Industrial 1 (I-1) Zone – an area within the city intended for light manufacturing or production industries that are:

a. non-pollutive/ non-hazardous

Industrial 2 (I-2) Zone – an area within the city intended for medium intensity manufacturing or production industries that are:

- b. pollutive/ non-hazardous; and
- c. non-pollutive/ hazardous

Inland Fishery – the freshwater fishery and brackish water fishponds.

Innovative Design – introduction and/ or application of new/ creative designs and techniques in development projects e.g. Planned Unit Development.

Landslide Overlay Zone (LSD-OZ) – an area in the city that have been identified as highly susceptible to landslides and where specific regulations are provided in order to minimize its potential negative effect to developments.

City Zoning Board of Appeals (CZBA) – a local special body created by virtue of this Ordinance mandated to, among others, handle appeals for Variances and Exceptions.

Locational Clearance (LC) – a clearance issued by the Zoning Administrator to a project that is allowed under the provisions of this Ordinance.

Locational Clearance (Variance) (LV-V) – a clearance issued by the CZBA to a project that is allowed under the Mitigating Device/ Variance provision of this Ordinance.

Locational Clearance (Exception) (LC-E) – a clearance issued by the CZBA to a project that is allowed under the Mitigating Device/ Exception provision of this Ordinance.

Locational Clearance – Variance & Exception (LC-VE) – a clearance issued by the CZBA to a project that is allowed under the Mitigating Device/ Variance and Exception provision of this Ordinance.

Mariculture and Parks Sub-Zone – an area in the city designated for the cultivation of marine organisms and for the preservation of specific coastal habitats.

Marine Sanctuary Sub-Zone – an area in the city where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted.

Mining Sub-Zone – an area in the city that has been designated for mining purposes.

Military and Naval Reservation – refers to land of the public domain which has been proclaimed by the President of the Philippines for military purposes such as Airbase, Campsite, Docks and Harbors, Firing Ranges, Naval Base, Target Range, Wharves, etc. (NSCB).

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

National Integrated Protected Areas System (NIPAS) – pursuant to RA 7586, this is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.

National Park - refers to a forest land reservation essentially of primitive or wilderness character which has been withdrawn from settlement or occupancy and set aside as such exclusively to preserve the scenery, the natural and historic objects and the wild animals or plants therein, and to provide enjoyment of these features in such a manner as will leave them unimpaired for future generations (NSCB).

Navigational Lane – areas in the city designated for the passage of water vessels.

New Town – a planned urban community that combines residential, commercial, and recreational areas.

Non-Conforming Use – uses existing prior to the approval of this Zoning Ordinance that are not in conformity with its provisions but are allowed to operate subject to the conditions of this Zoning Ordinance.

Non-NIPAS Areas – areas yet un-proclaimed by law, presidential decree, presidential proclamation or executive order as part of the NIPAS Areas. Per the National Physical Framework Plan, these areas should be given equal importance, as in NIPAS Areas, in terms of conservation and protection. These include:

- a. Reserved second growth forests;
- b. Mangroves;
- c. Buffer strips;
- d. Freshwater swamps and marshes; and
- e. Un-proclaimed watersheds.

Notice/Certificate of Non-Conformance – notice/certificate issued to owners of all uses existing prior to the approval of the Ordinance which do not conform to the provisions herein provided.

Network of Protected Areas for Agriculture and Agro-Industrial Development (NPAAAD) – refers to agricultural areas identified by the Department of Agriculture in coordination with the National Mapping and Resource Information Authority in order to ensure the efficient utilization of land for agriculture and agro-industrial development and promote sustainable growth. The NPAAAD covers the following:

- a. All irrigated areas;
- b. All irrigable lands already covered by irrigation projects with firm funding commitments;

- c. All alluvial plain land highly suitable for agriculture whether irrigated or not;
- d. Agro-industrial croplands or lands presently planted to industrial crops that support the viability of existing agricultural infrastructure and agro-based enterprises;
- d. Highlands or areas located at an elevation of 500 meters or above and have the potential for growing semi-temperate and high-value crops;
- f. All agricultural lands that are ecologically fragile, the conversion of which will result in serious environmental degradation; and
- g. Mangrove areas and fish sanctuaries.

Official Zoning Map – a duly authenticated map delineating the different zones into which the whole City is divided.

Overlay Zones (OZ) – a “transparent zone” that is overlain on top of the Basic Zone or another Overlay Zone that provides an additional set (or layer) of regulations.

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

Permanent Forest or Forest Reserves – refer to those lands of the public domain, which have been the subject of the present system of classification and determined to be needed for forest purposes.

Protected Areas – areas declared as belonging to the NIPAS System per RA 7586. These areas are those that have been designated or set aside pursuant to a law, presidential decree, presidential proclamation or executive order. These include:

- a. Strict nature reserves;
- b. Natural parks;
- c. National monuments;
- d. Wildlife sanctuary;
- e. Protected landscapes and seascapes;
- f. Resource reserves;
- g. Natural biotic areas; and
- h. Other categories established by law, conventions or international agreements which the Philippine Government is a signatory

Rainfed Agricultural Land Sub-Zone – an area within the Agriculture Zone of the city that is neither irrigated nor irrigable.

Reclassification of Agricultural Lands – the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, and commercial as embodied in the CLUP.

Residential 1 (R-1) Zone – an area within the city intended for low density residential use of 20 dwelling units per hectare. Per the National Building Code, R-1

Zone is characterized mainly by low-rise single-detached and duplex residential buildings for exclusive use as single (nuclear) family dwellings.

Residential 2 (R-2) Zone – an area within the city intended for medium density residential use of 21 to 65 dwelling units per hectare. Per the National Building Code, R-2 Zone is characterized mainly by low-rise single-attached, duplex or multi-level structures residential buildings for exclusive use as multi-family dwellings.

Residential 3 (R-3) Zone – an area within the city intended for medium to high density residential use of 66 or more dwelling units per hectare. Per the National Building Code, R3 Zone is characterized mainly by low-rise or medium-rise residential buildings for exclusive use as multi-family dwellings with mixed housing types.

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

Rural Settlements Zone

Socialized Housing Zone (SHZ) – shall be used principally for socialized housing/ dwelling purposes for the underprivileged and homeless as defined Batas Pambansa 220.

Socialized Housing – in accordance with the UDHA, this refers to housing [programs and] projects covering houses and lots or home lots only undertaken by the Government or the private sector for the underprivileged and homeless citizens.

Special Institutional Zone (SIZ) – an area within the city intended principally for particular types of institutional establishments e.g. welfare homes, orphanages, home for the aged, rehabilitation and training centers, military camps/ reservation/ bases/ training grounds, etc.

Strategic Agriculture and Fisheries Development Zone (SAFDZ) – refers to areas within the NPAAAD identified for production, agro-processing and marketing activities to help develop and modernize, with the support of government, the agriculture and fisheries sectors in an environmentally and socio-culturally sound manner.

Sustainable Urban Drainage System(SUDS) – a low impact system intended to drain surface water run-off through a series of collection, storage and cleaning stages before it is released back into the environment.

Urban Regeneration – urban renewal with emphasis on historic preservation.

Urban Renewal – regeneration, modernization, or revitalization of an old, deteriorated or blighted portion of a town or city, with the objective of preparing the town or city for present and future demands of urban living. Urban renewal is also

implemented to address urban problems or upgrade existing conditions that are no longer compatible with modern times, provided old buildings are adaptively re-used.

Utilities, Transportation and Services Zone (UTSZ) – an area in cities/ municipalities designated for “a range of utilitarian/ functional uses or occupancies, characterized mainly as a low-rise or medium-rise building/ structure for low to high intensity community support functions, e.g. terminals, inter-modals, multi-modals, depots, power and water generation/ distribution facilities, telecommunication facilities, drainage/ wastewater and sewerage facilities, solid waste handling facilities and the like.” (NBC)

Variance – a device which grants a property owner relief from certain provisions of the Zoning Ordinance where, because of the particular physical surrounding, shape or topographical condition of the property, compliance on applicable Building Bulk and Density Regulations, Building Design Regulations and Performance Standards would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

Vulnerability is a function of three elements: the exposure and sensitivity of a system to hazardous conditions and the ability or capacity of the system to cope adapt or recover from the effects of those conditions (IPCC, 2007). The IPCC defines Vulnerability to climate change as the degree to which geophysical, biological and socio-economic systems are susceptible to, and unable to cope with, adverse impacts of climate change. The Planning for Climate Change tool of UN Habitat defined the three elements of vulnerability, as follows:



Exposure: How a city is exposed to changes in the climate: what changes can already be observed, what will the climate be like in the future? Exposure considers both current and projected changes based on a review of historic and current climate information (e.g., precipitation, temperature, extreme weather events) and projected climate scenarios for the city or region. It also identifies the climate change hazards associated with the change (drought, flooding, sea level rise, increased frequency in storms) their biophysical manifestations (groundwater depletion, landslides, riverbank erosion, coastal erosion, etc.), including their current and future magnitude and frequency.



Sensitivity: The degree to which exposed people, places, institutions and sectors are impacted, either positively or negatively, by climate change today and the degree to which they could be impacted in the future. Sensitivity may be immediately related to a change in climate (e.g. a change in city water supply due to climate change related decreases in precipitation may leave 50% of the population without drinking water for 20 hours per day during dry season).



Adaptive Capacity: The degree to which people, places, institutions, and sectors are able to adapt and become more resilient to climate change impacts.

Adaptive capacity typically is indicated by socio-economic and environmental factors and local realities that enable a city or community to adjust its system in view of current and future risks.

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

Water Zone (WZ) – an area within cities and municipalities comprising bodies of water such as rivers, streams, lakes, seas, deltas, estuaries and foreshore.

Yard – as defined in the National Building Code, this is “the required open space left between the outermost face of the building/ structure and the property lines, e.g. front, rear, right and left side yards. The width of the yard is the setback.”

Zone/ Sub-Zone – an area within the city for specific land use as defined by manmade or natural boundaries.

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

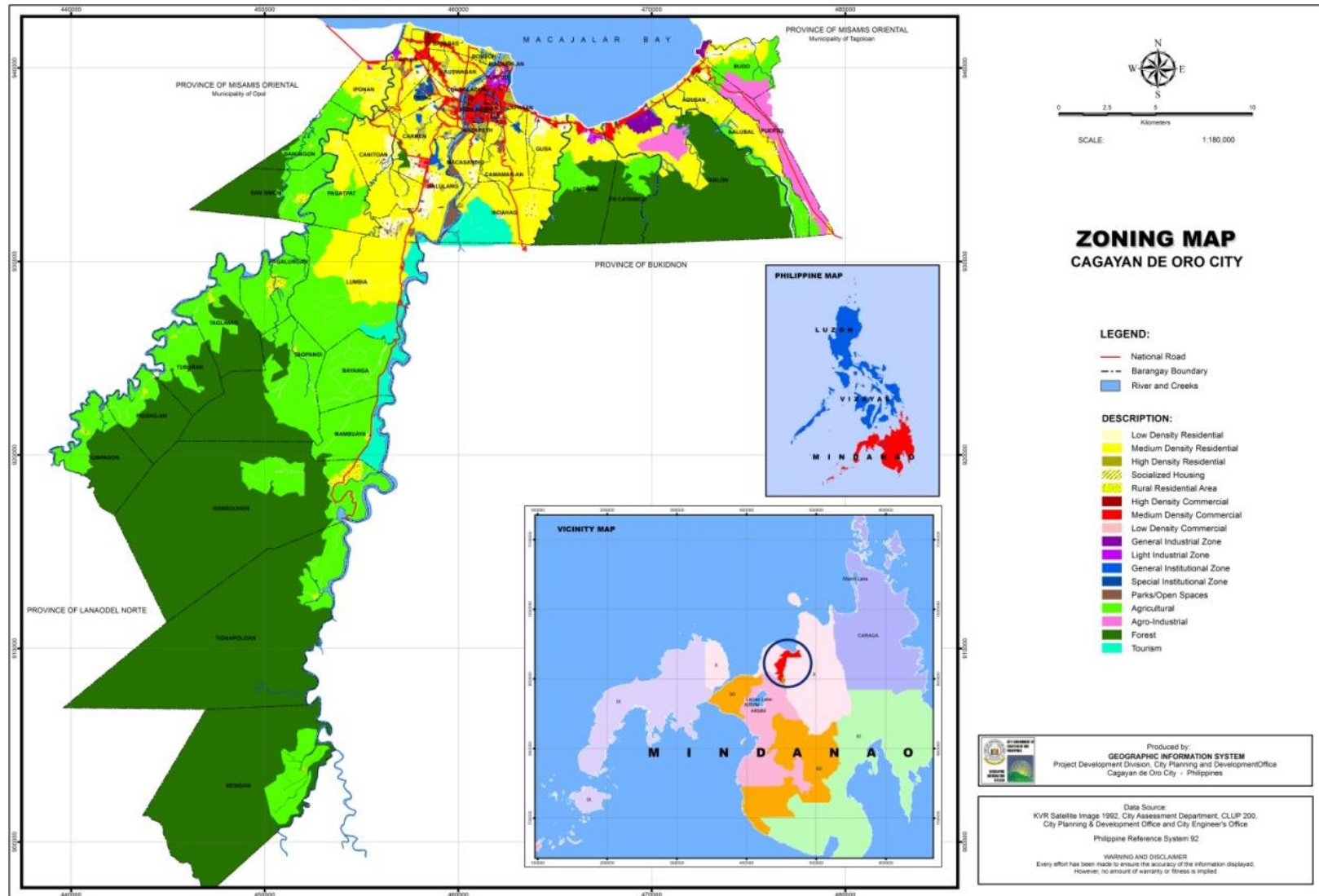
Zoning Certificate – a document issued by the Zoning Administrator citing the zoning classification of the land based on this Ordinance.

Zoning Map – a duly authenticated map delineating the different zones to which the whole city is divided into.

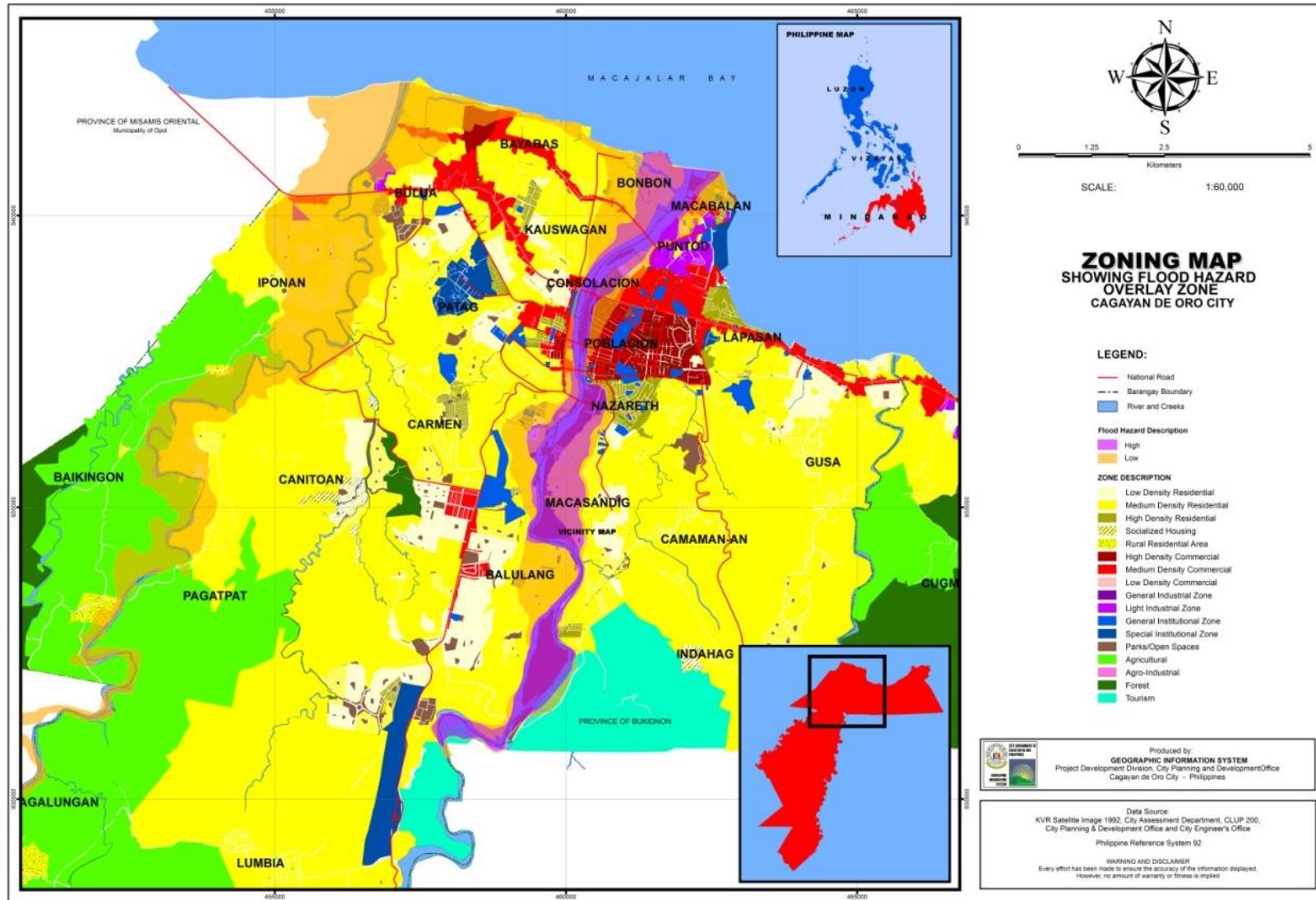
Annex C

Zoning Maps

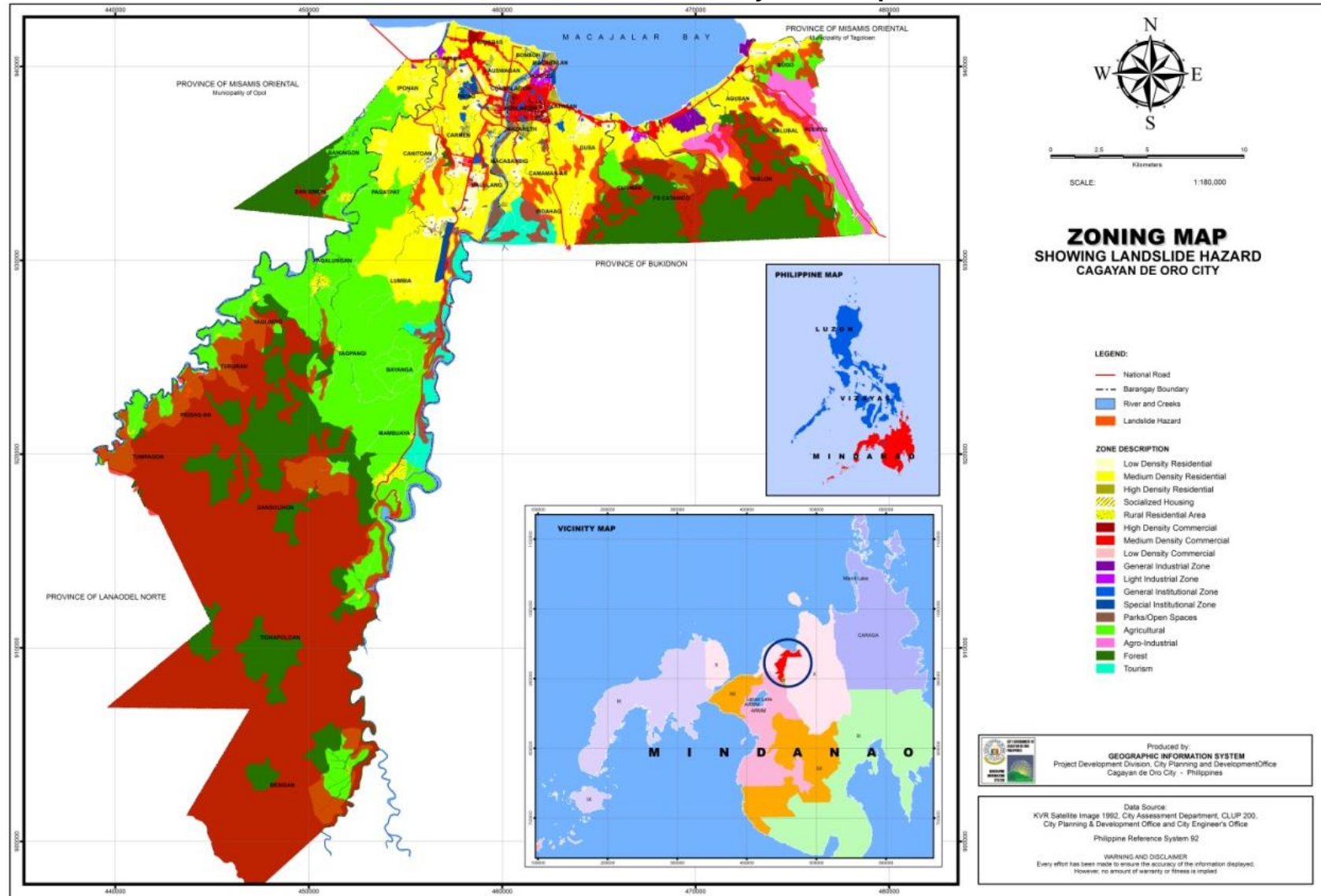
Map 1 Zoning Map



Map 2 Flood Hazard Overlay Zone Map

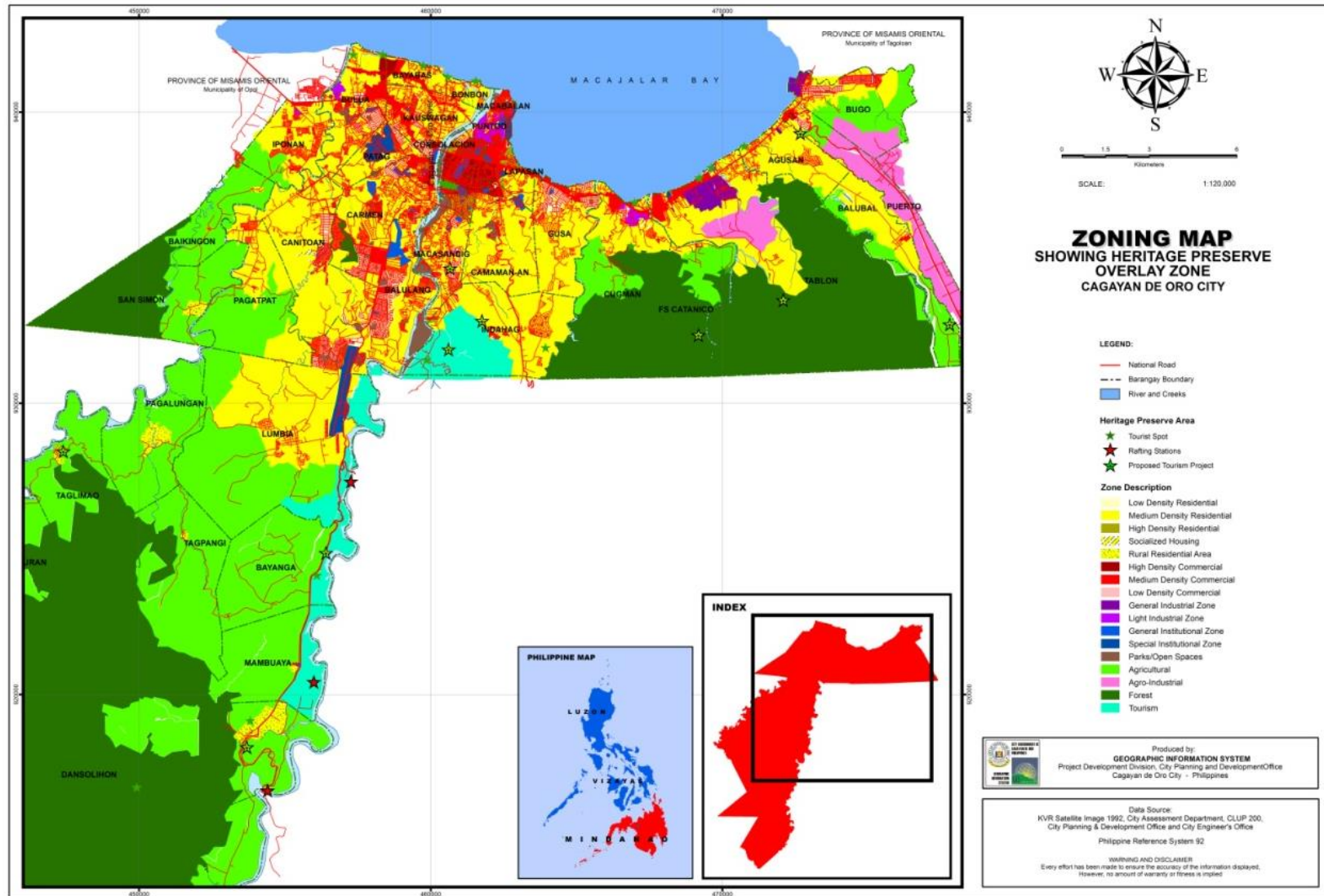


Map 3
Landslide Hazard Overlay Zone Map



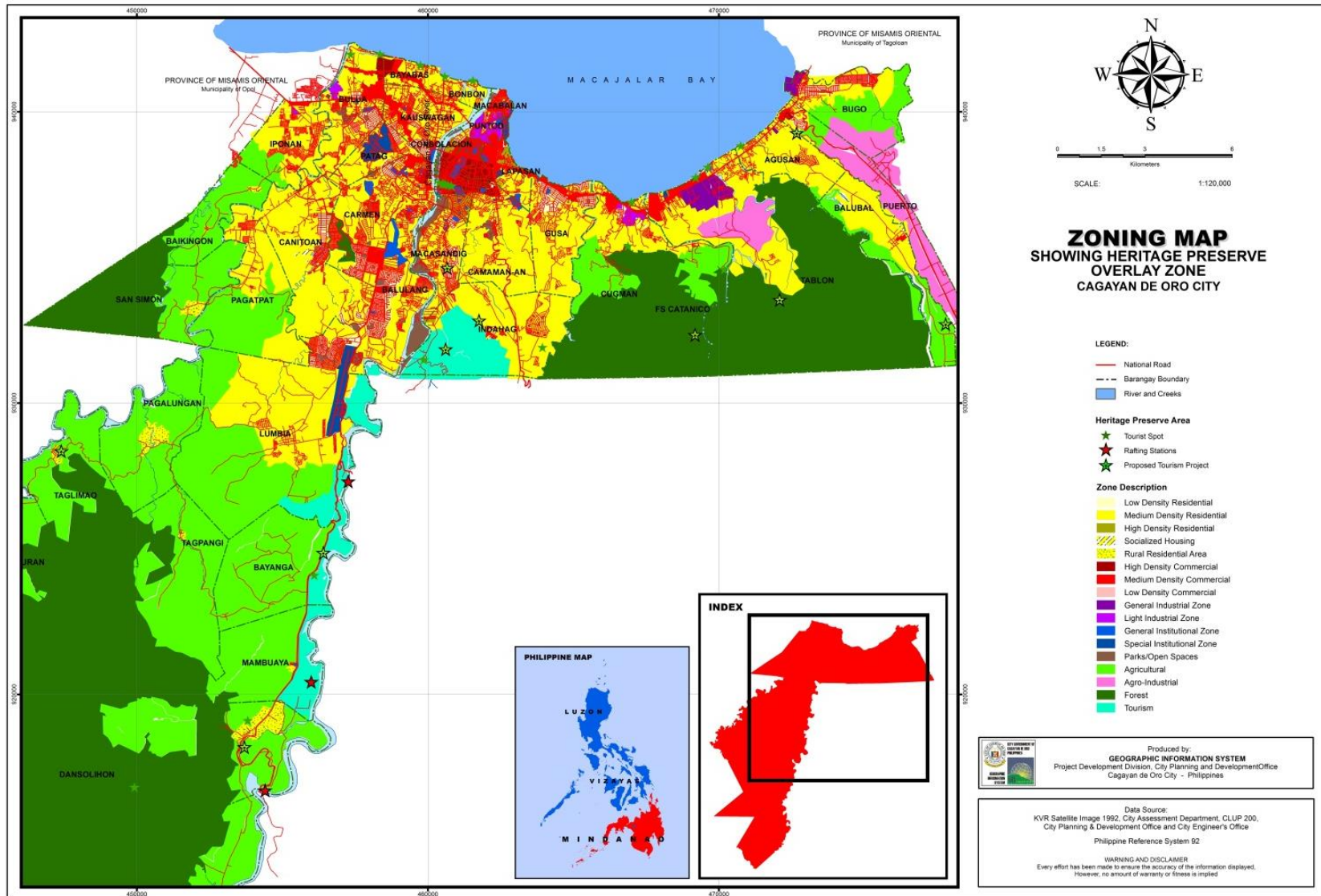
2013-2022

Map 4
Historical/Heritage Overlay Zone Map



2013-2022

Map 5
Protection and Conservation Overlay Zone Map



Map 6 No Build Zone Map

