



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(088)857-4029; 857-4035; 857-2258; 857-4032



ORDINANCE NO. 13032-2016

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 ORDAINED by the City Council (*Sangguniang Panlungsod*) of the City of Cagayan de Oro in session assembled that:

Whereas, the implementation of Comprehensive Land Use Plan 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. Purpose

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,



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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. 11914 - 2015 dated 26 January 2015, 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 base zones, sub-zones and 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.

- o Base Zones
- o Sub-Zones
- o Overlay Zones



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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.



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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:



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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.

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
<i>Residential 1 (R-1)</i> <ul style="list-style-type: none">• Single-detached dwelling units• Semi-detached family dwelling units, e.g. duplex• PD 957 Subdivisions• Customary accessory	<ul style="list-style-type: none">• 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.• commercial larger than 10 square meters in floor area but less than 20 square meters• home occupation for the practice of one's profession such as offices of physicians,	<ul style="list-style-type: none">• Industry• Agro-industry• Commercial larger than 20 square meters in floor area



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<p>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 like of not more than 4.00 sq. m. in floor area○ Pump houses○ Generator houses• recreational facilities for the exclusive use of the members of the family residing within the premises, such as:• swimming pool• tennis courts• basketball courts• religious use• multi-purpose/barangay hall• pre-school• sports club• plant nursery <p>Residential 2 (R-2)</p> <ul style="list-style-type: none">• All uses allowed in R-1 Zone	<p>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 occupation shall be met off the street and in a place other than the required front yard; and○ 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.• home industry classified as cottage industry, provided that:○ 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.• clinic, nursing and convalescing home, health center• Elementary school• High school <p>Residential 2 (R-2)</p> <ul style="list-style-type: none">• All allowable uses in C-1• Funeral homes	<p>Industry</p> <ul style="list-style-type: none">• Industry
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<ul style="list-style-type: none">• Townhouses• Apartments• Boarding houses• Dormitories• Museums and libraries• Elementary School• High School <p>Residential 3 (R-3)</p> <ul style="list-style-type: none">• 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)	<ul style="list-style-type: none">• All allowable uses in C-2• Funeral homes	<ul style="list-style-type: none">• Industry
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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.

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

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:



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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	Prohibited Uses, i.e. will not be approved and cannot be appealed
<ul style="list-style-type: none">• General retail stores and shops like:<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• Food market and shops like:<ul style="list-style-type: none">○ Bakery and bakeshops○ Liquor and wine stores○ Groceries○ Supermarkets○ Convenience stores• Showroom/ display store• Personal service shops like:<ul style="list-style-type: none">○ Beauty parlor○ Barber shop○ Spa○ Wellness center○ Sauna bath and massage clinic○ Dressmaking and tailoring shop• Recreational center/ establishments like<ul style="list-style-type: none">○ Playcourt e.g. Tennis court, bowling lane, billiard hall○ Swimming pool○ Gymnasium• Other sports and recreational establishments• Parks, playgrounds, pocket parks, parkways, promenades and playlots• Restaurants, canteens, eateries, delicatessen shops, confectionery shops and automats/ fastfoods	<ul style="list-style-type: none">• Everything else not listed as 'allowable' or prohibited.• Motel/Inn• Funeral Homes	<ul style="list-style-type: none">• Medium and Heavy industry• Agro-Industry



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

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
<ul style="list-style-type: none">• All uses allowed in c-1 zone• Wholesale and retail stores• Wet and dry markets• Shopping centers, malls and supermarkets• Warehouse/ storage facility• Restaurants, drinking and dining establishments• Dance halls and ballrooms• Amusement halls and parlors• Billiard halls, pool rooms and bowling alleys• Golf clubhouses	<ul style="list-style-type: none">• Everything else not listed as 'allowable' or 'prohibited'.• Factory for other bakery products not elsewhere classified (n.e.c.)• Gasoline filling and service stations• Funeral homes	<ul style="list-style-type: none">• Medium and Heavy industry• Agro-industry



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<ul style="list-style-type: none">• Cocktail lounge, disco, dance hall, KTV/ music bar• Physical fitness gyms/ centers• Gymnasia, pelota courts and sports complex• Lotto terminals, off-fronton, on-line bingo outlets and off-track betting stations• Bars, cocktails, sing-along lounges, bistros, pubs, beer gardens• Massage and sauna parlors• Employment/ recruitment agencies, news syndicate services and office equipment and repair shops and other offices• Watch sales and services, locksmith and other related services• Other stores and shops for conducting retail business and local shopping establishments• Computer stores and video shops, including repair• Internet café and cyber stations• Repair shops like:<ul style="list-style-type: none">○ House appliances○ Motor vehicles and accessory○ Home furnishing• Radio, television and other electrical appliance repair shops• Furniture, repair and upholstering job• Garment manufacturing with no more than twenty [20] machines• Battery shops and repair shops• Motorcycles/ bicycles repair shops• Transportation terminals/ garage with repair• Parking lots, garage facilities• Commercial parking lots and garages• Commercial garage and parking buildings, display for cars, tractors, etc.• Car barns for jeepneys and taxis not more than six [6] units• Auto repair, tire, vulcanizing shops and carwash with minimum 100 sq.m. Service area		
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<ul style="list-style-type: none">• Vehicle emission testing center• Motorpool• Hauling services and garage terminals for trucks, tow trucks and buses not exceeding three [3] units• Auto sales and rentals, automotive handicraft, accessory and spare parts shops, marine craft, aircraft and sales yards• Printing and publishing plants and offices• Engraving, photo developing and printing shops• Glassware and metalware stores, household equipment and appliance shops• 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		
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<ul style="list-style-type: none">• Police and fire stations• Radio and television station• All uses allowed in R-1 and R-2 zones		
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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 approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
<ul style="list-style-type: none">• All uses allowed in C-1 and C-2 Zones• Department stores, shopping malls/ centers, commercial and sports complexes/ areas• Commercial condominiums• Residential condominium• Museums and libraries	<ul style="list-style-type: none">• Everything else not listed as 'allowable' or 'prohibited'.• Funeral homes	<ul style="list-style-type: none">• Medium and Heavy industry• Agro-industry

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 approval	Prohibited Uses, i.e. will not be approved and cannot be appealed
<ul style="list-style-type: none">• Drying fish• Biscuit factory - manufacture of biscuits, cookies, crackers and other similar dried bakery products• Doughnut and hopia factory• Manufacture of macaroni,	<ul style="list-style-type: none">• Everything else not listed as 'allowable' or 'prohibited'.	<ul style="list-style-type: none">• List of the uses that are considered to be <u>inappropriate</u> in the zone.• Non-Pollutive



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<p>spaghetti, vermicelli and other noodles</p> <ul style="list-style-type: none">• Other bakery products not elsewhere classified (n.e.c.)• Life belts factory• Manufacture of luggage, handbags, wallets and small leather goods• Manufacture of miscellaneous products of leather and leather substitute and n.e.c.• Manufacture of shoes except rubber, plastic and wood• Manufacture of slipper and sandal except rubber and plastic• Manufacture of footwear parts except rubber and plastic• Printing, publishing and allied industries and those n.e.c.• Manufacture or assembly of typewriters, cash registers, weighing, duplicating and accounting machines• Manufacture or assembly of electronic data processing machinery and accessories• Renovation and repair of office machinery• Manufacture or assembly of miscellaneous office machines• Manufacture of rowboats, bancas and sailboats• Manufacture of animal-drawn vehicles• Manufacture of children vehicles and baby carriages• Manufacture of laboratory and scientific instruments, barometers, chemical balance, etc.• Manufacture of measuring and controlling equipment, plumb bob, rain gauge, taxi meter, thermometer, etc.• Manufacture or assembly of surgical, medical, dental equipment and medical furniture• Ice plants and cold storage buildings• Quick freezing and cold packaging for fish and other seafoods		<p>but hazardous industries.</p> <p>✓ DS CH R</p>
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<ul style="list-style-type: none">• Quick freezing and cold packaging for fruits and vegetables• Popcorn/ rice factory• Manufacture of medical/ surgical supplies, adhesive tapes, antiseptic dressing, sanitary napkins, surgical gauge, etc.• Manufacture of orthopedic and prosthetic appliances (abdominal supporter, ankle supports, arch support, artificial limb, kneecap supporters, etc.)• Manufacture of photographic equipment and accessories• Manufacture or assembly of optical instruments• Manufacture of eyeglasses and spectacles• Manufacture of optical lenses• Manufacture of watches and clocks• Manufacture of pianos• Manufacture of string instruments• Manufacture of wind and percussion instruments• Manufacture or assembly of electronic organs• 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		
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<ul style="list-style-type: none">• 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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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
<i>Non-Pollutive/ Hazardous Industries</i> <ul style="list-style-type: none">• Manufacture of heating, cooking and lighting equipment except electrical• Sheet metal works generally manual operation• Manufacture of other fabricated metal products except machinery and equipment N.E.C.• Manufacture or assembly of agricultural machinery and equipment• Native plow and harrow factory• Repair of agricultural machinery• Manufacture or assembly of service industry machines• Manufacture or assembly of sewing machines• Manufacture of house furnishing• Textile bag factories• Canvass bags and other canvass products factory• Manufacture of miscellaneous textile goods, embroideries and weaving apparel• Manufacture of fiber batting, padding and upholstery filling except coir	<ul style="list-style-type: none">• Everything else not listed as 'allowable' or 'prohibited'.	<ul style="list-style-type: none">• Pollutive/hazardous industries



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<ul style="list-style-type: none">• Men's and boys' garment factory• Women's and girls' and ladies' garments factory• Manufacture of hats, gloves, handkerchief, neckwear and related clothing accessories• Manufacture of raincoats and waterproof outer garments except jackets• Manufacture of miscellaneous wearing apparel except footwear• Sawali, nipa and split cane factory• Manufacture of bamboo, rattan and other cane baskets and wares• Manufacture of miscellaneous wood products• Manufacture of miscellaneous furniture and fixture except primarily of metals• Manufacture of paper stationery, envelopes and related articles• Repackaging of industrial products e.g. paints, varnishes and other related products <p><i>Pollutive/ Non-Hazardous Industries</i></p> <ul style="list-style-type: none">• Manufacturing and canning of ham, bacon and native sausage• Poultry processing and canning• Large-scale manufacturing of ice cream• Ice plants and cold storage• Corn mill/ rice mill• Chocolate and cocoa factory• Candy factory• Chewing gum factory• Peanuts and other nuts factory• Other chocolate and confectionery products• Manufacturing of flavoring extracts• Manufacture of food products (vinegar, soy sauce)• Manufacture of fish meal• Manufacture of medicinal and pharmaceutical preparations• Manufacture of stationery, art goods, cut stone and marble products• Manufacture of abrasive products• Manufacture of miscellaneous non-metallic mineral products N.E.C.• Manufacture of cutlery, except table flatware• Manufacture of hand tools		
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<ul style="list-style-type: none">• Manufacture of general hardware• Manufacture of miscellaneous cutlery hand tools and general hardware N.E.C.• Manufacture of household metal furniture• Manufacture of office, store and restaurant metal furniture• Manufacture of metal blinds, screens and shades• Manufacture of miscellaneous furniture and fixture primarily of metal N.E.C.• Manufacture of fabricated structural iron and steel• Manufacture of architectural and ornamental metal works• Manufacture of boilers, tanks and other structural sheet metal works• Manufacture of other structural products n.e.c.• Manufacture of metal cans, boxes and containers• Manufacture of stamped coated and engraved metal products• Manufacture of fabricated wire and cable products• Manufacture of heating, cooking and lighting equipment except electrical• Sheet metal works generally manual operation• Manufacture of other fabricated metal products except machinery and equipment n.e.c.		
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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
<ul style="list-style-type: none">• Government or civic centers to house national, regional or local offices in the area• Police and fire stations• Other types of government	<ul style="list-style-type: none">• Everything else not listed as 'allowable' or 'prohibited'.	<ul style="list-style-type: none">• Medium industry (I-2)



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buildings		
<ul style="list-style-type: none">• Colleges, universities, professional business schools, vocational and trade schools, technical schools and other institutions of higher learning• Learning facilities such as training centers, seminar halls and libraries• Scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities• Museums, exhibition halls and art galleries• Convention center and related facilities• Civic centers, clubhouses, lodges, community centers• General hospitals, medical centers, multi-purpose clinics• Churches, mosques, temples, shrines, chapels and similar places of worship• Seminaries and convents• Embassies/ consulate• Parking buildings (aboveground and underground)• Parks, playgrounds, pocket parks, parkways, promenades and playlots	<ul style="list-style-type: none">• Support personal and business services related under allowable uses of this zone.	

Section 12.10. Regulations in Special Institutional (SIZ) Zone

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

Use Regulations in Special Institutional (SIZ) 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
<ul style="list-style-type: none">• Welfare home, orphanages, boys and girls town, homes for the aged and the like	<ul style="list-style-type: none">• Everything else not listed as 'allowable' or 'prohibited'.	<ul style="list-style-type: none">• Pollutive/hazardous industries



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<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• Support personal and business services related under allowable uses of this zone.	
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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
<ul style="list-style-type: none">• Parks, playgrounds, pocket parks, parkways, promenades and playlots• All types of resort complexes• Open air or outdoor sports activities and support facilities, including low rise stadia, gyms, amphitheaters and swimming pools• Ball courts, skating rinks and similar uses• Memorial/ shrines monuments, kiosks and other park structures• Sports club• Underground parking structures/ facilities• Open space buffers and easements	<ul style="list-style-type: none">• Support personal and business services related under allowable uses of this zone.	<ul style="list-style-type: none">• Everything else not listed as 'allowable' uses under Columns 1 & 2.



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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 like2. 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 like4. Customary support facilities such as palay dryers and rice threshers and storage barns and warehouses5. Ancillary dwelling units/farmhouses for tillers and laborers6. Agricultural research and experimentation facilities such as breeding stations, fish farms, nurseries, demonstration farms, etc.7. Pastoral activities such as goat raising and cattle fattening8. Backyard raising of livestock and fowl, provided that:<ol style="list-style-type: none">a. For livestock - a maximum of 10 headsb. 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>

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 agriculture	Everything else not listed as	List of the uses that are



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	'allowable' or 'prohibited'.	considered to be inappropriate in the zone.
2. Rice/corn mills (single pass)		
3. Drying, cleaning, curing and preserving of meat and its by products and derivatives		
4. Drying, smoking and airing of tobacco		
5. Flour mill		
6. Cassava flour mill		
7. Manufacture of coffee		
8. Manufacture of unprepared animal feeds, other grain milling, N.E.C.		
9. Production of prepared feeds for animals		
10. Cigar and cigarette factory		
11. Curing and re-drying tobacco leaves		
12. Miscellaneous processing tobacco leaves, N.E.C.		
13. Weaving hemp textile		
14. Jute spinning and weaving		
15. Manufacture of charcoal		
16. Milk processing plants (manufacturing filled, reconstituted or recombined milk, condensed or evaporated)		
17. Butter and cheese processing plants		
18. Natural fluid milk processing (pasteurizing, homogenizing, vitaminizing, bottling of natural animal milk and cream related 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		



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animal parts and/or products as raw materials, N.E.C.		
38. Other accessory uses incidental to agro-industrial activities		

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 inappropriate in the zone.

Other allowable uses such as 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.



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

B. Foreshore Land Sub-Zone

1. Foreshore Sub-Zone

Allowable Uses

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

C. Mangrove Sub-Zone

Allowable Uses

- Mangrove plantations
- Eco-tourism

D. Marine/ Fishery Reserve Sub-Zone

Allowable Uses

- For regeneration of marine life

E. Delta/ Estuary Sub-Zone

Allowable Uses

- Open space

F. Rivers & Creeks Sub-Zone

Allowable Uses

- Open space

G. Mariculture and Parks Sub-Zone

Allowable Uses

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



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H. Tourism/ Recreation Sub-Zone

Allowable Uses

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

I. Wharf/ Navigational Lanes Sub-Zone

Allowable Uses

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

J. Fishing Sub-Zone

Allowable Uses

- o Aquaculture and marine culture
- o Catch fishing

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. Agriculture2. Recreational3. Residential* <p>(Allowable uses shall be as provided in the respective Base Zones, R-1 and R-2)</p> <ol style="list-style-type: none">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 buildings2. Requirements for construction of structures on stilts where applicable3. 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.	<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 designed to minimize or eliminate infiltration of flood waters into the systems to avoid contamination during periods of flood.



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<p>5. Measures to compensate storm 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 channels2. Not alter natural drainage patterns3. Not alter or fill or build on the floodplain without proper drainage design and without proper consideration of possible inundation effects of nearby properties4. Avoid/ minimize culverting or canalization of watercourses unless necessary for access5. 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.8. Retain at least 10% of the property for open space. <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>5. Structures must be constructed using materials that are resilient to flood damage.</p> <p>6. Any development within the overlay zone shall not contribute to the increase of flood levels especially during flood events.</p> <p>7. Development activities must be sited and designed to minimize disruption to shorelines and their banks.</p> <p>8. All new buildings and additions to existing buildings shall be designed with flood exit and approved by the city building official.</p> <p>9. No new development intended for residential, commercial, institutional, or industrial purposes shall be allowed in high risk flood prone areas.</p> <p>10. No permanent structure shall be allowed in riverbeds, accretion, or areas identified by competent authority as no build zone.</p> <p>11. No development on floodways shall be done other than flood mitigation measures and bridges.</p> <p>12. All areas declared by pres. Aquino as "no build zone" should be specified.</p> <p>The no build zone areas are the following: isla de oro, isla delta, isla 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 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</p>
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		<p>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>Allowable land uses</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 channels2. 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 vengeengineering 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.



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		<p>9. Only activities considered as protective measures classified as engineering or infra-development and vengineering activities shall be allowed to the identified landslide hazard potential barangays;</p> <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 worshipB. Park, playground, sports/field court, gardenC. Parking structureD. Public utility facility (low-medium scale operations of a public transport stop/waiting shed, loading/unloading bay)E. Convenience/retail storeF. Restaurant, canteen or food-serving establishmentG. OfficeH. Bank, financeI. Library, museum, exhibit area, art galleryJ. Convention, meetings facilityK. Auditorium/theater/entertainment facilityL. Specialty school/training facilityM. HotelN. Apartments/residential inn/condominiumO. College/university, cultural/educational centerP. Fire/security stationQ. Utility installation for use of zone/lot occupantsR. Preservation of old building design <ul style="list-style-type: none">• For declared houses of ancestry, allowable uses shall be limited to:<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>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 OfficeB. Any building or a use which is not compatible with the essential character of the historical or heritage area/site; andC. Billboards and huge signages



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	<ul style="list-style-type: none">For new construction, allowable uses shall be as provided in the base r-1 zones.	
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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">Eco-tourismHistorical/Heritage	<ol style="list-style-type: none">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.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 the forest. - Puerto 3 has., Tablon 3 has., Gusa 3 has., Lapasan 3 has., Bayabas 3 has.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.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.Declare Cagayan de Oro River as protected area, archaeological and heritage site.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.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.All flood prone areas declared as no build zone shall be developed into



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		<p>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 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 Cala-Cala, 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> <ul style="list-style-type: none">• Nature reserve• Agriculture/ fisheries• Parks and outdoor recreation spaces• Access roads and pathways• Memorial/ shrine monuments• Docks, piers, wharves, and similar structures	<p>Under no circumstances shall the following uses be allowed:</p> <ul style="list-style-type: none">• Hazardous uses such as solid waste disposal facilities, petroleum depots, sewage treatment plants, and the like• Civil emergency structures such as evacuation centers,



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	<ul style="list-style-type: none">• Non-structural industrial and commercial uses such as loading areas and open parking areas• Extraction of sand and gravel	hospitals, fire stations, police stations and the like
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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;



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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. Development Density

Permitted density shall be based on the zones capacity to support development.

A. Residential zones

1. High-density residential development allowed density is more than sixty five (65) dwelling units per hectare.
2. Medium density residential development allowed density is twenty one to sixty five (21 to 65) dwelling units per hectares;
3. Low density residential development allowed density is twenty (20) dwelling units and below per hectare;

B. All other zones

There is no fixed maximum density but should be based on the planned absolute level of density that is intended for each concerned zone based on the comprehensive land use plan.

SECTION 18. Building Density Regulations

The allowable building densities in the zones and subzones defined in this Ordinance are enumerated below. Building density shall be controlled by the maximum Floor Area Ratio (FAR) and maximum lot coverage.

FAR is defined as the ratio between the Gross Floor Area (GFA) of a building and the area of the lot on which it is built. The total GFA of any building or buildings in a lot should not exceed the prescribed maximum FAR multiplied by the lot area. Unless otherwise prescribed in this Ordinance, prescribed maximum FARs shall apply only to developable lots and not to roads and other lots or parcels of land not intended for vertical development.



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Maximum lot coverage shall be prescribed for zones and subzones in order to preserve the open space character of the area and to provide better ventilation of the building. Lot coverage is defined as the percentage of total area covered by the building in the lot on which it is built.

Building Density

Zone		Maximum FAR	Maximum Lot Coverage
Residential Zone	Low Density Residential Zone (R-1)	2.0	65%
	Medium Density Residential Zone (R-2)	2.0	75%
	High Density Residential Zone (R-3)	3.0	80%
	Socialized Housing Zone (SHZ)	1.6	80%
	Rural Settlements Zone (RSZ)	1.0	65%
Commercial Zone	Low Density Commercial Zone (C-1)	4.0	80%
	Medium Density Commercial Zone (C-2)	5.0	80%
	High Density Commercial Zone (C-3)	10.0	
Industrial Zone	Light Industrial Zone (I-1)		65%
	Medium Industrial Zone (I-2)		65%
Institutional Zone	General Institutional Zone (GIZ)		60%
	Special Institutional Zone (SIZ)		60%
Parks and Recreation Zone (PRZ)			20%
Agricultural Zone (AGZ)			
Agro-Industrial Zone (AIZ)			50%
Forest Zone (FZ)			
Areas with slope more than 18%		0.6	30%

SECTION 19. 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 20. 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 21. 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 22. 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.



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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 23. 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 24. 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.



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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 28. 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 29. 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 30. 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.



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- 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 31. 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 32. 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 33. 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 34. 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 35. 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.



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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 36. 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 37. 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 38. 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.



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SECTION 39. 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 40. 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 41. Business Permit

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

SECTION 42. 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 43. 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 44. 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 45. 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;



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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 46. 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 47. 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 48. 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.
 - Issuance of Locational Clearance for projects conforming with the zoning regulations;
 - 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.



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SECTION 49. 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 50. Functions and Responsibilities of the City Zoning Board of Appeals

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

- o Act on applications of the following nature:
 - o Variances
 - o Exceptions
 - o Complaints and oppositions to application/s
- o Act on appeals on Grant or Denial of Locational Clearance by the Zoning Administrator.
- o 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 51. Appeals to CZBA Decisions

Decisions of the CZBA shall be appealable to the HLURB.

SECTION 52. 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 53. 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.



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SECTION 54. 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 55. 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 56. 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 57. 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.



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SECTION 58. 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 59. Suppletory Effect of Other Laws and Decrees

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

SECTION 60. 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 61. 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 62. 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 63. 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 64. 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.

UNANIMOUSLY APPROVED.

Present:

1ST District:

- Councilor Lourdes Candy R. Darimbang
- Councilor Edna M. Dahino
- Councilor Dante B. Pajo
- Councilor Annie Y. Daba
- Councilor Roger G. Abaday
- Councilor Adrian L. Barba

2ND District:

- Councilor Ramon G. Tabor
- Councilor Leon D. M. Gan, Jr.
- Councilor Enrico D. Salcedo
- Councilor President D. Elipe
- Councilor Teodulfo E. Lao, Jr.
- Councilor Dometilo C. Acenas, Jr.
- Councilor Alexander S. Dacer

Ex-Officio Member: - Councilor Yan Lam Lim, *Liga Ng Mga Barangay President*

Absent:

- Councilor Zaldy O. Ocon
- Councilor Nadya Emano- Elipe
- Councilor Alden D. Bacal, *Indisposed*



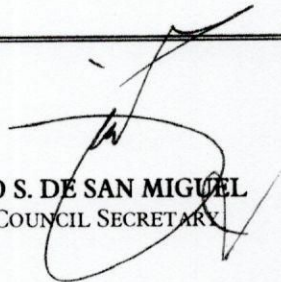
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ENACTED this 1ST day of February 2016 in the City of Cagayan de Oro.


I hereby certify to the correctness of the foregoing Ordinance.


ARTURO S. DE SAN MIGUEL
CITY COUNCIL SECRETARY

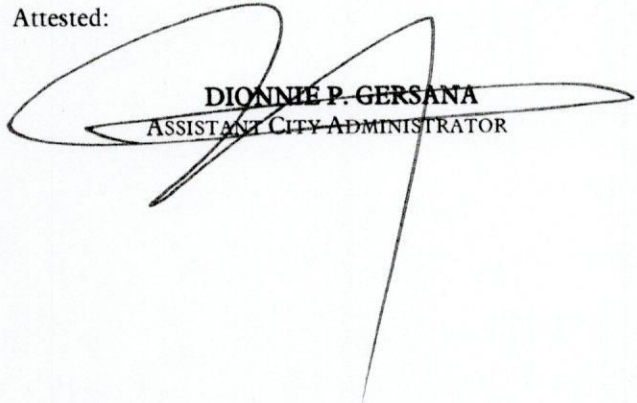
Attested as duly enacted:


CAESAR IAN E. ACENAS
CITY VICE MAYOR
PRESIDING OFFICER

Approved:


OSCAR S. MORENO
CITY MAYOR

Attested:


DIONNE P. GERSANA
ASSISTANT CITY ADMINISTRATOR