

16th City Council
7th Special Session
Series of 2013

Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod ng Dabaw

PRESENT:

Councilor	J. Melchor V. Quitain
Councilor	Nilo M. Abellera Jr.
Councilor	Victorio U. Advincula Jr.
Councilor	Bernard E. Al-ag
Councilor	Al Ryan S. Alejandre
Councilor	Dante L. Apostol Sr.
Councilor	Conrado C. Baluran
Councilor	Joanne M. Bonguyan
Councilor	Louie John J. Bonguyan
Councilor	Pilar C. Braga
Councilor	Arnolfo Ricardo B. Cabling
Councilor	April Marie C. Dayap
Councilor	Jimmy G. Dureza
Councilor	Emmanuel D. Galicia Sr.
Councilor	Jashera L. Gonzales
Councilor	Edgar R. Ibuyan Sr.
Councilor	Leah A. Librado-Yap
Councilor	Rene Elias C. Lopez
Councilor	Berino L. Mambo-o Sr.
Councilor	Tomas J. Monteverde IV
Councilor	Myrna G. L'Dalodo-Ortiz
Councilor	Jackson V. Reyes
Councilor	Marissa P. Salvador-Abella
Councilor	Jose Louie P. Villafuerte
Councilor	Rachel P. Zozobrado

- Temporary Presiding Officer

ON OFFICIAL BUSINESS:

Councilor	Karlo S. Bello
Councilor	Paolo Z. Duterte

ABSENT:

Vice Mayor	Rodrigo R. Duterte
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- On Vacation Leave

ORDINANCE NO. 0546-13
Series of 2013

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE (CZO) OF THE CITY OF DAVAO AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENTS THEREOF AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH, NOW OTHERWISE KNOWN AS THE "COMPREHENSIVE ZONING ORDINANCE OF DAVAO CITY FOR 2013-2022", INCORPORATING AS INTEGRAL PART THEREOF VOLUME I (COMPREHENSIVE LAND USE PLAN) AND VOLUME III (SECTORAL STUDIES) OF THE COMPREHENSIVE LAND USE PLAN OF DAVAO CITY FOR 2013-2022



Republic of the Philippines
City of Davao

COMPREHENSIVE ZONING ORDINANCE OF DAVAO CITY 2013-2022

GP

Be it ordained by the Sangguniang Panlungsod of Davao City in session assembled that :

ARTICLE I

PRELIMINARY

SECTION 1. TITLE OF THE ORDINANCE. This Ordinance shall be known as ***“AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE (CZO) OF THE CITY OF DAVAO AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENTS THEREOF AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH, NOW OTHERWISE KNOWN AS THE “COMPREHENSIVE ZONING ORDINANCE OF DAVAO CITY FOR 2013-2022”, INCORPORATING AS INTEGRAL PART THEREOF VOLUME I (COMPREHENSIVE LAND USE PLAN) AND VOLUME III (SECTORAL STUDIES) OF THE COMPREHENSIVE LAND USE PLAN OF DAVAO CITY FOR 2013-2022”;***

SECTION 2. AUTHORITY AND ENACTMENT. This Ordinance is enacted pursuant to the provisions of Republic Act 7160, otherwise known as the Local Government Code of 1991;

The Comprehensive Zoning Ordinance of Davao City for the year 2013-2022 is hereby enacted, incorporating as integral part thereof Volume I (Comprehensive Land Use Plan) and Volume III (Sectoral Studies) of the Comprehensive Land Use Plan of Davao City for 2013-2022;

SECTION 3. PURPOSE. This Ordinance is enacted for the following purposes;

1. Guide, control and regulate future growth and development of Davao City in accordance with its Comprehensive Land Use Plan.
2. Define and delineate the land use for Residential, Commercial, Industrial, Institutional, 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 environment, health, sanitation, safety, peace, comfort, convenience and general welfare of the inhabitants in the locality.
4. Provide adequate natural light and air ventilation, maximum privacy and convenience of access to property;
5. Prevent undue concentration of activities which may collectively cause undue harm to the city's populace;
6. Regulate the location and use of buildings and lands in such a manner as to obviate the danger to public safety caused by undue interference with existing or prospective traffic movements on such streets and thoroughfares.
7. Provide safety from fire, pollution and other environmental hazards to life and property;
8. Ensure the protection and sustainability of the environment taking into consideration climate change adaptation in synergy with disaster risk reduction and management, principles of biodiversity and preservation of historical and cultural heritage in all development processes; and
9. Harmonize pertinent provisions of this Zoning Ordinance with relevant provisions embodied in the Urban Development and Housing Act of 1992 (RA 7279), the National Building Code of the Philippines (P. D. 1096), the Code on Sanitation of the Philippines (P. D. 856), the Philippine Environment Code (P. D. 1152), the Water Code of the Philippines (P.D. 1067), the National Pollution Control Decree of 1976 (P.D. 984), the Provincial Water Utility Act of 1973 (P. D. 198) as amended and pertinent provisions of the following local ordinances such as the Watershed Code, the Water Code, the Fisheries Code, the Sanitation Code, the Shelter Code and the Marine Protected Areas Ordinance.

SECTION 4. **GENERAL PRINCIPLE.** This Zoning Ordinance is a regulatory measure which is enacted to identify, administer and control the various land zone classifications, designate and manage the allowable uses therein and prescribed physical and performance standards and restrictions based on the approved land use plans as reflected in the Comprehensive Land Use Plan of the City.

ARTICLE II

DEFINITION OF TERMS

SECTION 1: **USAGE**

The definition of technical terms used in the Zoning Ordinance shall carry the same meaning given to them in already approved codes, rules and regulations, such as but not limited to the National Building Code, the Water Code, the Philippine Environment Code, the Climate Change Act 2009, the Disaster Risk Reduction and Management of 2010, the Code on Sanitation, the National Pollution Control Act of 1976, the Provincial Water Utility Act of 1973 as amended, and the Urban Development and Housing Act of 1992 and other Implementing Rules and Regulations, promulgated by the HLURB. The words, terms and phrases enumerated hereunder shall be understood to have the meaning correspondingly indicated as follows;

SECTION 2: **PRIMARY TERMS**

1. *Agritourism* – involves any agriculturally-based operation or activity that brings visitors to a farm or ranch. Agritourism includes a wide variety of activities, including buying produce direct from a farm stand, navigating a corn maze, picking fruit, feeding animals, or staying at a Bread and Breakfast (B&B) on a farm.
2. *HLURB*- shall mean the Housing and Land Use Regulatory Board.
3. *Central Business District (CBD)* - it shall refer to areas designed principally for trade, services and business purposes
4. *Compatible Use* - uses or land activities capable of existing together harmoniously e.g. residential and parks and playground.
5. *Comprehensive Land Use Plan (CLUP)* - a document embodying specific proposal for guiding, regulating growth and /or development. The main components of the Comprehensive Land Use Plan are the following:
 - Volume 1 - Comprehensive Land Use Plan
 - Volume 2 - Zoning Ordinance
 - Volume 3 - Sectoral Studies
6. *Conflicting Uses* - uses or land activities with contrasting characteristics sited adjacent to each other e.g. residential units adjacent to industrial plants.
7. *Conforming Use* - a use, which is in accordance with the zone classification as provided for in the Ordinance.
8. *Ecotourism* – is a form of tourism involving visiting fragile, pristine, and relatively undisturbed natural areas, intended as a low-impact and often small scale alternative to standard commercial (mass) tourism, tourism that is designed to be environmentally friendly.

9. *Environmentally Critical Areas* - refer to those areas which are environmentally sensitive and are listed in Presidential Proclamation 2146 dated December 14, 1981.
10. *Environmentally Critical Projects* - refer to those projects which have high potential for negative environmental impacts and are listed in Presidential Proclamation 2146 dated December 14, 1981.
11. *Green Architecture* – building and structure design philosophy that aims at minimal use of non-renewable and/or polluting materials and resources/energy in construction and use of a facility when completed.
12. *Green Space* – community space consisting of land (as parks) rather than buildings
13. *Heritage* – refers to something inherited from the past. The word has several different senses, including :
 - Natural heritage, an inheritance of fauna and flora, geology, landscape and landforms, and other natural resources
 - Cultural heritage, the legacy of physical artifacts and intangible attributes of a group or society
 - man-made heritage
 - Food heritage
 - Industrial heritage, monuments from industrial culture
14. *Heritage site* – is a location designated by the governing body of a township, country, province, state or country as important to the cultural heritage of a community. The term usually refers to any non-movable object with a specific location such as any preserved landscape containing important artifacts such as historic gardens, nature preserves, or archeological sites. The whole ensemble may be preserved separately as a historic site, landmark or national monument, but it may include multiple sites under various protection schemes grouped together such as fortifications or building situated along special roadways. Heritage sites are generally protected by the local town's protection agency but, for objects that are nationally or internationally protected, sometimes more than one agency is involved in their protection.
15. *Highly Urbanized Cities* - cities with a minimum population of 200,000 inhabitants as certified by the National Statistics Office and with the latest annual income of at least P 50,000,000 based on 1996 constant prices as certified by the City Treasurer (RA 7160).
16. *Historic Site* – is an official location where pieces of political, military or social history have been preserved. Historic sites are usually protected by law, and many have been recognized with the official National Historic Site status. A historic site is any building, landscape, site or structure of local, regional, or national significance.
17. *Reclassification* – is the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, commercial, as embodied in the land use plan. It also includes the reversion of non-agricultural lands to do agricultural use.
18. *Re-zoning* - a process of introducing amendments to or a change in the text and maps of the Zoning Ordinance by changing the classification of an area from one general zone to another general zone; major urban sub-zone to another major urban sub-zone, or any other change in zone classification.
19. *Wetland*- A lowland area, such as a marsh or swamp, that is saturated with moisture, especially when regarded as the natural habitat of wildlife.

20. *Zoning Map*- a duly authenticated map delineating the different zone classifications into which the whole city is divided.

21. *Urban Area* :

The National Statistical Coordination Board had approved a new definition of urban area, as follows:

1. If a barangay has a population size of 5,000 or more, then a barangay is considered urban, or
2. If a barangay has at least one establishment with a minimum of 100 employees, a barangay is considered urban, or
3. If a barangay has 5 or more establishments with a minimum of 10 employees, and 5 or more facilities within the two-kilometer radius from the barangay hall, then a barangay is considered urban.

Barangays which do not have any one of those criteria are considered as **RURAL BARANGAYS**.

SECTION 3: SUPPLEMENTAL TERMS

1. *Accessory/Incidental Use* - A use incidental and subordinate to the principal use of the building and/or land.
2. *Accretion* - The gradual and imperceptible accumulation of land on existing property by natural cause in the case of lands located along rivers, lakes or other bodies of waters.
3. *Additional, Alterations, Repairs* - Changes in an existing building involving interior or exterior work and/ or increase or decrease in its area.
4. *Alley* - Any public space or thoroughfare which has been dedicated or deeded to the public or public use as a passageway with a width of not more than 3.00 meters.
5. *Apartel* - Any building or edifice containing several independent and furnished or semi-furnished apartments, regularly leased to tourists and other travelers for dwelling on a more or less long term basis, and offering basic services to its tenant, similar to hotels.
6. *Apartment* - A room or suite of two or more rooms designed and intended for, or occupied by one family for living, sleeping and cooking purposes.
7. *Arcaded Sidewalk*- A public right-of-way along the side of a structure with a roof or overhang sheltering pedestrians from sun and precipitation.
8. *Boarding House* - is a house (often a family home) in which lodgers rent one or more rooms for one or more nights, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. They normally provide "bed and board", that is, at least some meals as well as accommodation.
9. *Booking/Contact Office*- An office and/or residence used as contact address in assigning orders or business engagements.
10. *Botanical Garden* - A tract of land used for the culture and study of plants, collected and grown for scientific study and display purposes.
11. *Building* - A constructed edifice designed to stand more or less permanently, covering a space of land, usually covered by a roof, more or less enclosed by walls and supported by columns, and serving as a dwelling, factory, shelter for animals, etc.

12. *Building Accessory* - A building subordinate to the main building located on the same lot, the use of which is necessary/ incidental to the use and enjoyment of the main building. Example: servant's quarter, garage, etc.
13. *Building Area* - The remaining space in a lot after deducting the required minimum open space.
14. *Building Main* - The principal structure wherein the prime use of the land on which it is situated is conducted.
15. *Building Setback* - the open space left between the building and lot lines.
16. *Cottage Industry* - A usually small-scale industry carried on at home by family members using their own equipment or a small, loosely organized, yet flourishing complex of activity or industry.
17. *Dormitory* - is defined as a building in which many people live and sleep, particularly at a college; a room where number of beds are kept for sleeping, often applied to student accommodation of this kind.
18. *Dwelling* - Any building or any portion thereof intended or designated to be built, used, rented, leased, lent or hired out to be occupied, or which are occupied for living or residential purposes.
19. *Dwelling, One -Family Detached* - A one family house having one party wall and two side yards.
20. *Dwelling, One- Family Semi-Detached* - A one family dwelling as above defined except that it is provided with one side yard.
21. *Dwelling, Two Family Detached* - A house or structure divided into two separate and independent living quarters by a wall extending from the floor to the ceiling and provided with two side yards. Each portion provided complete living facilities for one household.
22. *Dwelling, Multi- Family* - A building used as a house or residents of three (3) or more families living independently from one another, each occupying one or more rooms as a single housekeeping unit.
23. *Family* - A group of individuals related by blood, living under one roof and condensed as part of a single housekeeping unit.
24. *Filling Station* - A retail station serving automobiles and other motor vehicles with gasoline and oil only.
25. *Foreshore* - The strip of land that lies between the high and low water marks and that is alternately wet and dry according to the flows of the tide.
26. *Garage, Commercial* - A garage where automobiles and other types of motor vehicles are housed, maintained, equipped, repaired or kept for remuneration, hire or sale.
27. *Garage, Private* - A building or portion of a building in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.
28. *Guard House* - An accessory building or structure used by a security guard while on duty.
29. *Home Occupations* - An occupation or business conducted within the dwelling unit.
30. *Hospital* - An institution that provides health services, primarily for inpatient, and medical or physical care of the sick or the injured including all related integral parts thereof, such as laboratories, outpatient department, training facilities, and staff offices.
31. *Hotel* - A building or a part thereof with rooms occupied or intended to be occupied for hire as temporary abiding place of individuals. It is usually provided with a general kitchen and public dining room service without provision for cooking in any individual suite or room.

32. *Lot* - A parcel of land on which a principal building and its accessories are placed or may be placed together with the required open space.
33. *Manufacturing Industry* - An industry which involves the chemical or mechanical transformation of inorganic products whether it is done in house or in a factory.
34. *Mini-Mart*- A convenience store of not more than 200 sq. meters in any community that allows people to buy common things usually comes with higher price that they need conveniently since they are open 24 hours a day. It should be located with a minimum distance of 500 meters interval along thoroughfares in a residential area.
35. *Motel* - Any structure with several separate units with sufficient parking space primarily located along the highway or close to a highway where motorist may obtain lodging and in some instances, meals.
36. *Museum* - A non-profit, non-commercial establishment operated as a repository or a collection of natural scientific, literacy or cultural objects or interest such as work of art. This does not include the regular sale distributions of objects collected.
37. *Nursery/ Day Care Centers* - a place where the pre-school children are temporarily trained and cared for in the absence of their parents.
38. *Open Storage* - A designated open area for storing bulks of any particulars stock without any roof and exposed to the natural elements.
39. *Park* - A pleasure ground set apart for recreation of the public to promote sound health and enjoyment.
40. *Parking, MultiLevel* - A building of several floors used for temporary parking motor vehicles which may be provided with services allowed in a service stations.
41. *Parking Lot* - An offstreet open area, principally used for parking motor vehicles whether for compensation or not, by the public clients or customer.
42. *Private Pet House* - A building or structure for keeping domestic pets, for the enjoyment as well as protection of the residents family members.
43. *PUB Terminal* - A main station or designated place where public utility buses/ vehicles shall only load or unload passengers and/ or goods.
44. *Public Warehouse* - refers to a storage and/or depository of those in business of performing warehouse services for others for profit
45. *Reclamation* - Land reclaimed from the sea and other bodies of water.
46. *Recreational Center* - A place, compound or building or a portion thereof, open to the public for recreational and entertainment purposes.
47. *Residential Condominium* - A building containing at least five or more apartment units with common areas and facilities, where each apartment owner having exclusive ownership and possession of apartment.
48. *Servant's Quarter* - A room within the dwelling or in an accessory building where servants, maids, or helpers of the family are housed.
49. *Service Station* - A building and its premises where gasoline, oil, batteries, tires and car accessories may be supplied and dispensed at retail and where, in addition, the following services may be rendered among others;
 - Sale and serving of minor motion components and accessories such as spark plugs, batteries and distributor.
 - Tire servicing and repair, but not recapping or regrooving.
 - Radiator cleansing and flushing
 - Washing and polishing, and sale of automotive washing and polishing materials, greasing and lubrication.
 - Sales of soft drinks, package foods, tobacco and similar convenient goods for service station customers as accessory and incidental to the principal operations.

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- Provisions of road maps and other informational materials to customers. Provisions of rest room facilities.

Note : Major, mechanical and body work, straightening of body parts, painting, welding, storage of automobiles which are not in operating conditions, or other works involving noise, glare, fumes, smoke of other characteristics to any extent greater than normally found in service stations are not permitted at a service station.

46. *Shopping Center* - A group of (not less than 15) contiguous retail stores, originally planned and developed as a single unit, with immediate adjoining offstreet parking facilities.
47. *Store* - A building or structure devoted exclusively to the retail sale of a commodity or commodities.
48. *Theater* - A structure used for dramatic, operatic, motion picture and other performances for admission to which entrance fee or money is received but no audience participation and meal service are allowed.
49. *Tourist Inn or Pension House* - Any building or structure regularly catering to tourist and travelers, containing several independent rooms, providing common facilities such as toilet rooms, living and dining rooms and kitchen, and where a combination of board and lodging may be provided.
50. *Warehouse* - Any building/structure, the primary or principal purpose of which is the storage in bulk or in large quantities of goods, wares, merchandise, utilities including hemp, cement, fertilizer, carbon, forest products, etc. Said building/structures must be of such size that it can accommodate inside and within its premises, cargo/delivery trucks to facilitate the loading and unloading of the stored items/commodities therein.
51. *Yard*- An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward.

ARTICLE III

ZONE CLASSIFICATIONS

SECTION 1. DIVISION INTO GENERAL ZONES, AGRICULTURAL LAND SUB-ZONES, MAJOR URBAN SUB-ZONES, ENVIRONMENT MANAGEMENT SUB-ZONES AND COASTAL WATER SUB-ZONES. To effectively carry out the provisions of this Ordinance, the city is hereby divided into the following zone classifications.

GENERAL ZONES

1. Forest Zone (FZ)
2. Conservation Zone (CZ)
3. Agro-Industrial Zone
4. Tourism Development Zone
5. Open Space/Easement Zone
6. Buffer/Green Zone
7. Water Resource Zone
8. Rural Settlement Zone
9. Waste Management Zone
10. Parks and Recreation Zone

11. Agricultural Land Zone (AG) which is further subdivided into :
 - a. Prime Agricultural Land Sub-zone
 - b. Agri-non Tillage Land Sub-zone
 - c. Marginal Agricultural Land Sub-zone
12. Major Urban Zone which is further subdivided into:
 - a. Low Density Residential Sub-zone (R-1)
 - b. Medium Density Residential Sub-zone (R-2)
 - c. High Density Residential Sub-zone (R-3)
 - d. Socialized Housing Sub-zone (SHZ)
 - e. Planned Unit Development (PUD)
 - f. Minor Commercial Sub-zone (C-1)
 - g. Major Commercial Sub-zone (C-2)
 - h. Light Industrial Sub-zone (I-1)
 - i. Medium Industrial Sub-zone (I-2)
 - j. Heavy Industrial Sub-zone (I-3)
 - k. General Institutional Sub-zone (Gins)
 - l. Special Institutional Sub-zone (Sins)
 - m. Infrastructure Utilities Sub-zone (IU)
13. Environment Management Zone which is further subdivided into:
 - a. Landslide mitigation sub-zone
 - b. Flood way mitigation sub-zone
 - c. Urban Ecological Enhancement Sub-zone
14. Coastal Water Zone which is further subdivided into the following water sub-zones:
 - a. Aquaculture/Mariculture Sub-zone
 - b. Marine Protected Sub-zone
 - i. Mangrove Protection and Rehabilitation area
 - ii. Species Conservation area
 - iii. Fish Sanctuary area
 - c. Fishing Sub-zone
 - d. Recreation Sub-zone
 - e. Industrial Sub-zone
 - f. Multiple Use Sub-zone
 - g. Eco-Tourism & Research Sub-zone

15. Inland Water Zone

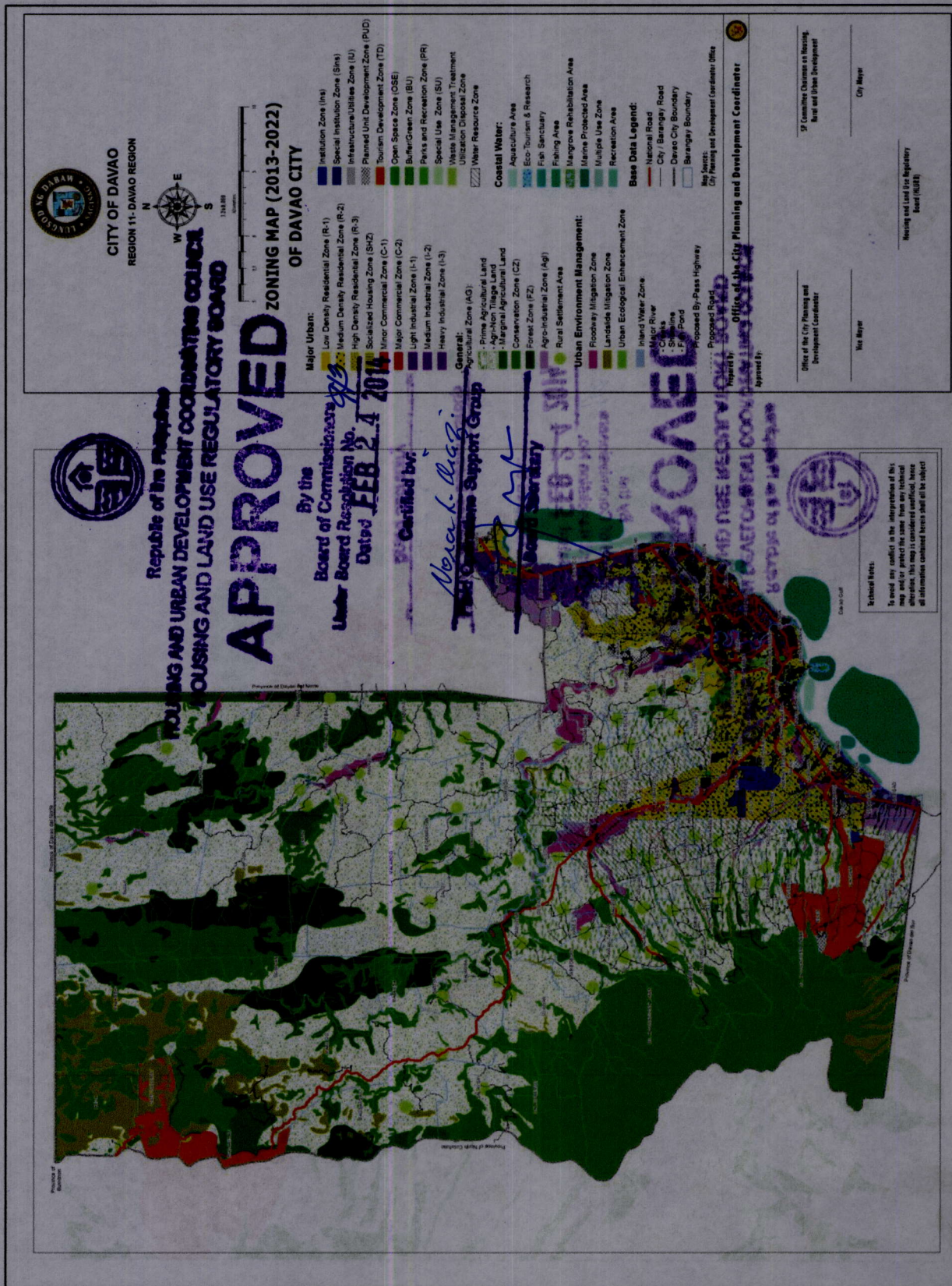
SECTION 2. **ZONING MAPS.** It is hereby adopted as an integral part of this Ordinance, the Official Zoning Maps for the general zones, agricultural land sub-zones, major urban sub-zones, environment management sub-zones and coastal water sub-zones for all the zone classifications of the whole city; for each administrative districts; and for the entire City of Davao duly prepared by the Office of the City Planning and Development Coordinator, wherein the designation, location and boundaries of the zone classifications herein established and shown are indicated. Such Official Zoning Maps shall bear the signature of the City Mayor, Vice Mayor, SP Committee Chairman on Housing, Rural and Urban Development and City Planning Development Coordinator and to be authenticated by the designated official of the Housing and Land Use Regulatory Board (HLURB)

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SECTION 3. **ZONE BOUNDARIES.** The locations and boundaries of the above mentioned various zones classifications indicated in the above-cited maps into which the city has been divided are hereby identified and specified in pages 111 to 1222 in this Zoning Ordinance.

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Fig. 2.1 Zoning Map of Davao City (2013-2022)



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Fig. 2.2 Detailed Urban Zoning Map of Davao City (2013-2022)

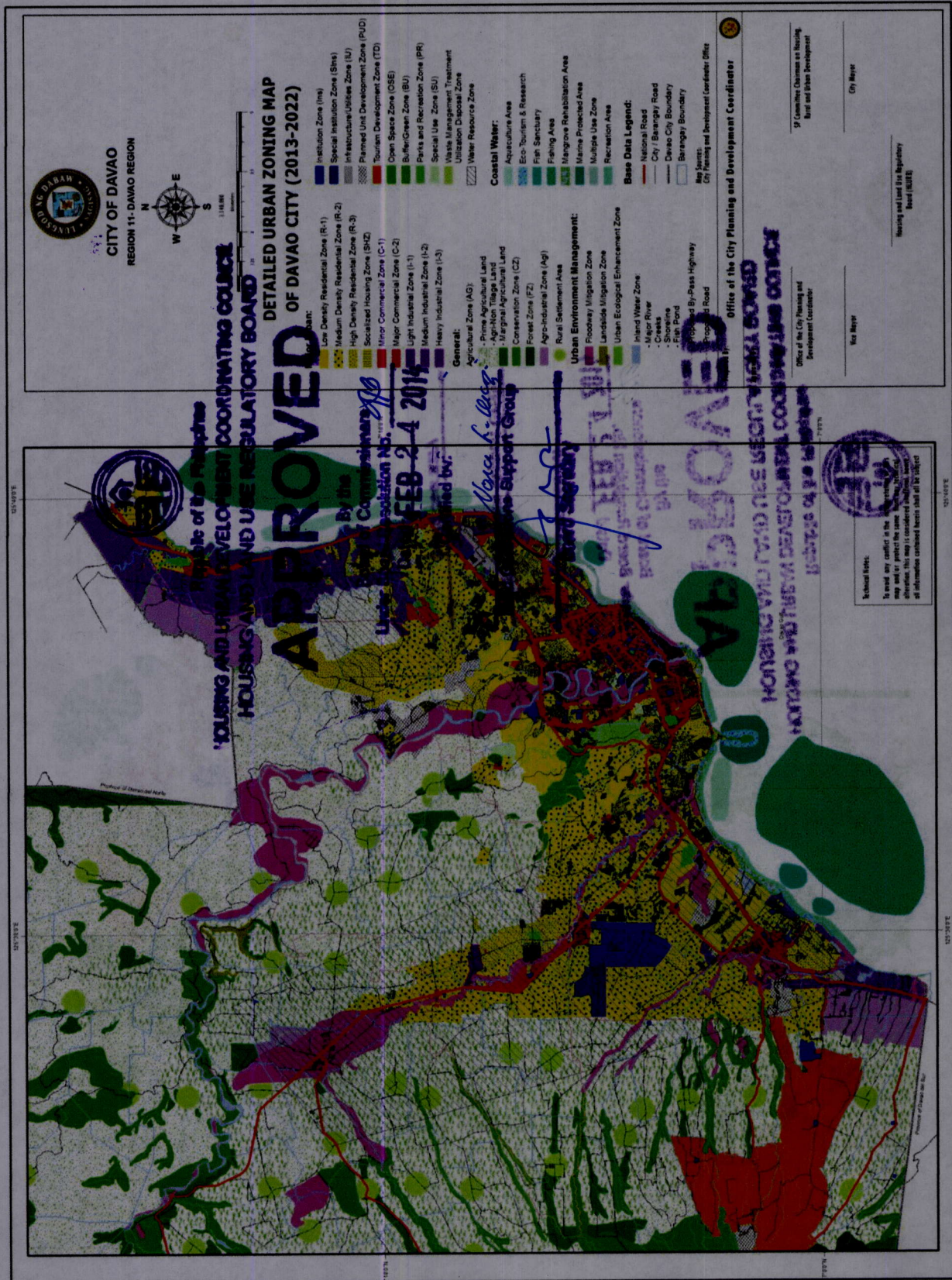
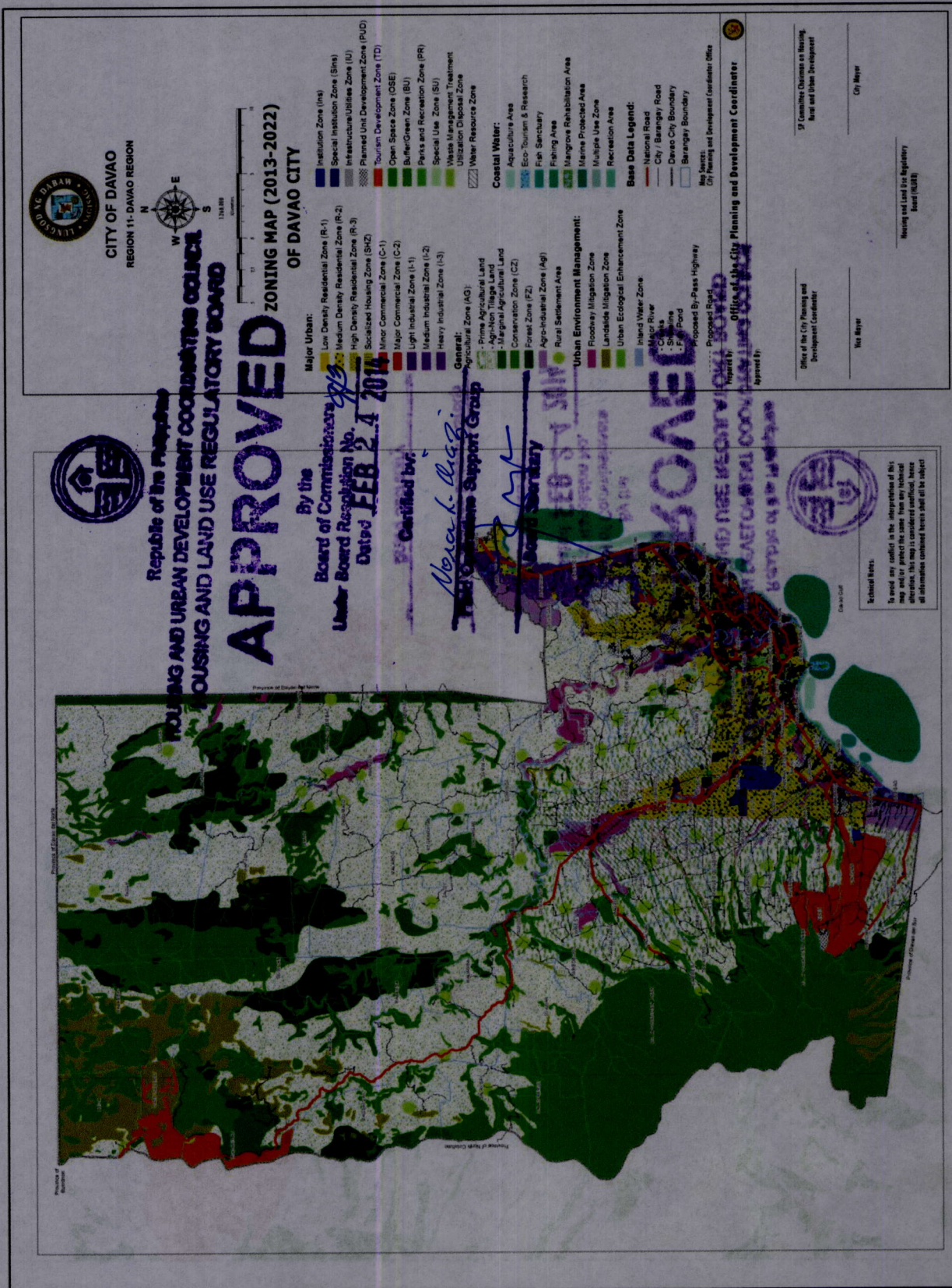


Fig. 2.1 Zoning Map of Davao City (2013-2022)



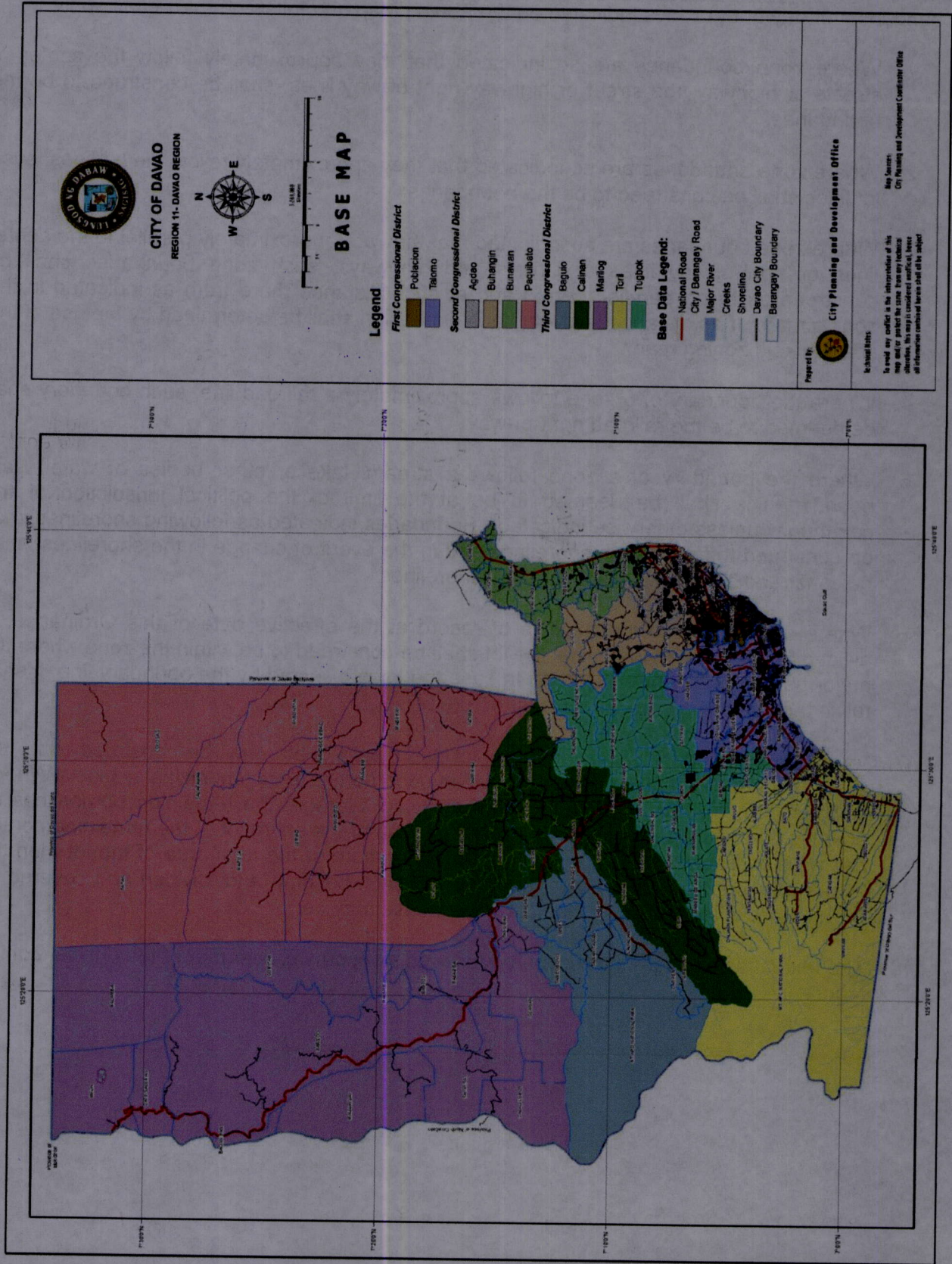
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SECTION 4. **INTERPRETATION OF THE ZONE BOUNDARY.** In the interpretation of the boundaries for any of the zones indicated on the Zoning Map, the following rules shall apply:

1. Where zone boundaries are so indicated that they approximately follow the center of streets or highway, the street or highway right-of-way lines, shall be construed to be the boundaries.
2. Where zone boundaries are so indicated that they approximately follow the lot lines, such lot 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 and highways, such zone boundaries shall be construed as being parallel thereto and at such distance there from as indicated in the zoning map. If no distance is given, such dimension shall be determined by the use of the scale in said zoning map.
4. Where the boundary of a zone follows approximately a railroad line, such boundary shall be deemed to be the railroad right-of-way.
5. Where the boundary of a 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 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/municipality 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.
8. The textual description of the zone boundaries shall prevail over that of the Official Zoning Maps.



Fig. 2.3 Base Map of Davao City (2013-2022)



ARTICLE IV

GENERAL ZONES

To effectively carry out the provisions of this Ordinance, the city, is hereby divided into the following general zones as shown in the Official Zoning Maps.

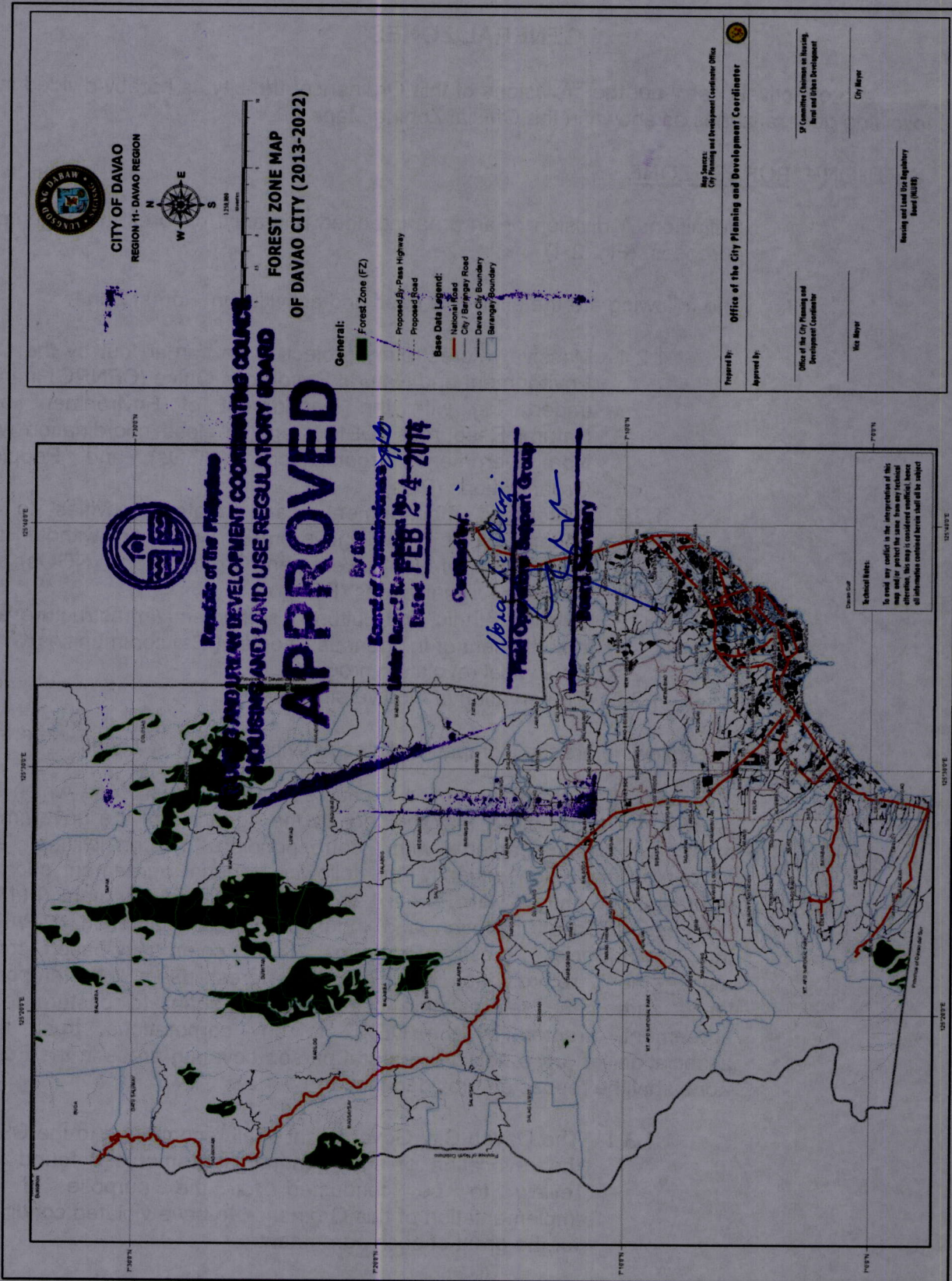
SECTION 1: FOREST ZONE

- 1.1. Definition: A division of an area intended primarily for forest management purposes. (Fig. 2.4)
- 1.2. The following are the allowable uses and activities in Forest Zone :
 - 1.2.1. Massive reforestation project to be carried out by the City Environment and Natural Resources Office (CENRO) in joint undertaking with the Department of Environment and Natural Resources (DENR) and in close coordination with Non-government Organizations (NGOs) and People's Organizations (POs);
 - 1.2.2. Watershed management and related activities to be undertaken by the government with or without the cooperation of Non-government Organizations (NGOs) and People's Organizations (POs);
 - 1.2.3. Existing ethnic and cultural settlement /infrastructure and resettlement of Indigenous Peoples (IPs) communities;
 - 1.2.4. Ecological revolution program;
 - 1.2.5. Preservation of biodiversity areas
- 1.3. The following are the Compatible Uses/Activities in Forest Zone:

The right to the uses of the resources in the Forest Zone which are given to the other direct stakeholders by the agencies of the government must be accompanied with corresponding responsibilities and accountabilities. Consequently, the following tenurial agreement such as reforestation contract with Forest Land Management Agreement (FLMA), Commercial Tree Plantation and Industrial Forest Plantation (ITP/IFP), Integrated Social Forestry Programs (ISF), community-based forest management, reforestation compliance by forest users with temporary lease agreement, reforestation compliance pursuant to pasture lease agreement, granted by the DENR to any corporations, trust, firm, association, or any juridical or natural person covering areas in the Forest Zone shall be respected provided that:

- 1.3.1. The Davao City Government shall recommend to the DENR the revocation of such tenurial agreements if found in a review to be conducted for the purpose of the implementation of this Ordinance to have violated conditions for the grant of such agreement

Fig. 2.4 Forest Zone Map of Davao City (2013-2022)



- 1.3.2. No new application by any juridical or natural person for any form of tenurial agreement shall be approved without the recommendation of the Davao City Government;
- 1.3.3. The Davao City Government and DENR shall enter into a co-management agreement in the protection, conservation and management of the watershed areas not covered by any tenurial agreement.
- 1.4. The following activities/uses are prohibited in Forest Zone :
 - 1.4.1. Any change from forest zone to another general zone
 - 1.4.2. Commercial tree farming except those related to reforestation and those with tenurial agreement with DENR.
 - 1.4.3. Water drilling except for household use;
 - 1.4.4. Hunting, destroying, disturbing or mere possession of any plant or animal or products derived therefrom without permit from the Watershed Management Council;
 - 1.4.5. Dumping or disposing of any waste products detrimental to plants and animals and inhabitants thereon;
 - 1.4.6. Use of motorized equipment without permit from the concerned government agencies;
 - 1.4.7. Mutilating, defacing, destroying objects of natural beauty, burial grounds, religious sites, artifacts or other objects belonging to cultural communities;
 - 1.4.8. Damaging or destroying roads and trails;
 - 1.4.9. Squatting, mineral exploration and extraction or illegal occupation;
 - 1.4.10. Constructing or maintaining any kind of structure, fence or enclosure and conducting any business enterprise;
 - 1.4.11. Altering, removing, destroying or defacing boundary marks or signs;
 - 1.4.12. Exploitation of quarry resources and commercial sand and gravel resources.
- 1.5. The following are the Special Requirements for activities in Forest Zone:
 - 1.5.1. 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 upon favorable indorsement by the City of Davao through a City Council Resolution;
 - 1.5.2. 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.
 - 1.5.3. 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 Environment Impact Assessment and vulnerability assessment, prior to the approval of such projects in order to determine their environmental impacts and social acceptability

SECTION 2: CONSERVATION ZONE (CZ)

- 2.1. Definition : Those areas consisting of 34,254 hectares identified and declared as Environmentally Critical Areas (ECA) in the Watershed Code of Davao City and areas declared by laws as national parks, watershed reserves, wildlife preserves and sanctuaries including recharge areas for water requirement where rainwater or seepage actually enters the aquifers. (Fig. 2.5)
- 2.2. The following are the allowable uses and activities in Conservation Zone:
 - 2.2.1. Development and maintenance of Mt. Apo National Park
 - 2.2.2. Preservation of existing cultural settlements
 - 2.2.3. Improvement and maintenance of all waterway easements
 - 2.2.4. Reforestration development projects
 - 2.2.5. Preservation of biodiversity areas
- 2.3. The following are the compatible uses/activities in Conservation Zone:
 - 2.3.1. The right to the uses of the resouces in Conservation Zone which are given to the other direct stakeholders by the agencies of the government must be accompanied with corresponding responsibilities and accountabilities. Consequently tenurial agreement granted by the DENR to any corporations, trust, firm, association, or any juridical or natural person covering areas in the Forest Zone shall be respected provided that:
 - 2.3.1.1. The Davao City Government shall recommend to the DENR the revocation of such tenurial agreements if found in a review to be conducted for the purpose of the implementation of this Ordinance to have violated conditions for the grant of such agreement.
 - 2.3.1.2. No new application by any juridical or natural person for any form of tenurial agreement shall be approved without the recommendation of the Davao City Government;
 - 2.3.1.3. The Davao City Government and DENR shall enter into a co-management agreement in the protection, conservation and management of the watershed areas not covered by any tenurial agreement.
 - 2.3.2. The rights over ancestral domain of the indigenous peoples as enshrined in the Indigenous Peoples Rights Acts (IPRA) of 1997 or RA 8371 shall be respected. This Ordinance strongly supports the protection of the rights of the indigenous peoples to their ancestral domains to ensure their economic, social and cultural well-being; and the recognition of customary laws governing property rights in determining the ownership and extent of ancestral domains; provided that :

5

- 2.3.2.1. Any lease granted to any juridical and natural person by the Indigenous Tribal Council over any portion of the Ancestral Domain in Conservation Zone shall be in consultation with the Watershed Management Council;
- 2.3.2.2. No such lease shall be granted in any part of the Conservation Areas, except to juridical and natural persons engaging in reforestation projects and other activities on the protection and conservation of the watershed areas;
- 2.3.2.3. No such lease in any part of the Conservation Areas shall be granted to any entity engaged in monocrop agriculture.

2.4. The following acts are prohibited in Conservation Zone:

- 2.4.1. Any change from Conservation Zone to another General Zone
- 2.4.2. Commercial tree farming except those related to reforestation and those covered with tenurial instruments with the DENR;
- 2.4.3. Water drilling except for household use;
- 2.4.4. Hunting, destroying, disturbing or mere possession of any plant or animal or products derived therefrom without permit from the Water Management Council;
- 2.4.5. Dumping or disposing of any waste products detrimental to plants and animals and inhabitants thereon;
- 2.4.6. Use of motorized equipment without permit from the Watershed Management Council;
- 2.4.7. Mutilating, defacing, destroying objects of natural beauty, burial grounds, religious sites, artifacts or other objects belonging to cultural communities;
- 2.4.8. Damaging or destroying roads and trails;
- 2.4.9. Squatting, mineral exploration or illegal occupation;
- 2.4.10. Constructing or maintaining any kind of structure, fence or enclosure and conducting any business enterprise;
- 2.4.11. Altering, removing, destroying or defacing boundary marks or signs;
- 2.4.12. Exploitation of quarry resources and commercial sand and gravel resources.

- 2.5. Requirements for introduction of any development: Introduction of any development in the area must have a favorable indorsement from the Watershed Management Council in accordance with the Watershed Code of Davao City.



Fig. 2.5 Conservation Zone Map of Davao City (2013-2022)



SECTION 3: AGRO-INDUSTRIAL ZONE (Agl)

- 3.1. Definition : A division of an area designed primarily for integrated farm operations and related product, processing activities for farm products such as bananas, pineapple, sugarcanes, etc. (Fig. 2.6)
- 3.2. The following are the Allowable Uses/Activities in Agro-industrial Zone:
- 3.2.1. All uses allowed in agricultural zone
 - 3.2.2. Rice/corn mills (single pass)
 - 3.2.3. Drying, cleaning, curing and preserving of meat and its by products and derivatives
 - 3.2.4. Drying, smoking and airing of tobacco
 - 3.2.5. Flour mill
 - 3.2.6. Cassava flour mill
 - 3.2.7. Manufacture of coffee
 - 3.2.8. Manufacture of unprepared animal feeds, other grain milling, n.e.c.
 - 3.2.9. Production of prepared feeds for animals
 - 3.2.10. Cigar and cigarette factory
 - 3.2.11. Curing and redrying tobacco leaves
 - 3.2.12. Miscellaneous processing tobacco leaves, n,e,c
 - 3.2.13. Weaving hemp textile
 - 3.2.14. Jute spinning and weaving
 - 3.2.15. Manufacture of charcoal
 - 3.2.16. Milk processing plants (manufacture filled, reconstituted or recombined milk, condensed or evaporated)
 - 3.2.17. Butter and cheese processing plants
 - 3.2.18. Natural fluid milk processing (pasteurizing, homogenizing, vitaminizing, bottling of natural animal milk and cream related products)
 - 3.2.19. Other dairy products, n,e,c
 - 3.2.20. Canning and preserving of fruits juices
 - 3.2.21. Canning and preserving of vegetables and vegetable juices
 - 3.2.22. Canning and preserving of vegetable sauces
 - 3.2.23. Miscellaneous canning and preserving of fruit and vegetables, n,e,c
 - 3.2.24. Fish canning
 - 3.2.25. Patis factory
 - 3.2.26. Bagoong factory
 - 3.2.27. Processing, preserving and canning fish and other seafood, n.e.c.
 - 3.2.28. Manufacture of starch and its products
 - 3.2.29. Manufacture of wines from juices of local fruits
 - 3.2.30. Vegetable oil mills, including coconut oil
 - 3.2.31. Sugarcane milling (centrifugal and refines)
 - 3.2.32. Sugar refining
 - 3.2.33. Muscovado sugar mill
 - 3.2.34. Cotton textile mill

- 3.2.35. Manufacture/processing of other plantation crops e.g. pineapple, bananas, etc.
- 3.2.36. Other commercial handicrafts and industrial activities from plant or animal parts and/or products as raw materials, n.e.c
- 3.2.37. Other accessory uses incidental to agro-industrial activities.

3.3. The following are the compatible uses/activities in Agro-industrial Zone:

Uses/activities in Prime Agricultural Sub-zone, Agri-non Tillage Sub-zone and Marginal Agricultural Land Sub-zone (AG).

3.4. The following are restricted and prohibited in Agro-industrial Zone:

No business permit shall be issued unless:

- 3.4.1. the manufacturing/ processing plant, poultry and piggery put up solid waste and liquid waste treatment facilities
- 3.4.2. the entity maintains a buffer zone of at least 20.00m from other general zones which must be planted with trees
- 3.4.3. the poultry and piggery put up biogas and other waste to energy facilities
- 3.4.4. the entity maintains a rainwater harvesting system
- 3.4.5. the entity submits a tree planting program plan
- 3.4.6. new structures must have green architectural component in the building design and plan

SECTION 4: TOURISM DEVELOPMENT ZONE(TDZ)

4.1. Definition: refers to areas where major tourism projects or tourist related activities shall be allowed provided that the structures and facilities for tourists shall be in accordance with the Department of Tourism (DOT) guidelines and standards and shall have secured special local government requirements subject to an environmental impact and vulnerability assessment. (Fig. 2.7)

4.2. The following are the Allowable Uses/Activities in Tourism Development Zone (TDZ):

- 4.2.1. eco-tourism
- 4.2.2. agri-tourism
- 4.2.3. beach resort
- 4.2.4. mountain resort
- 4.2.5. theme parks
- 4.2.6. other related activities such as tree parks and botanical gardens
- 4.2.7. heritage and historical sites

4.3. The following are the Compatible Uses/Activities in Tourism Development Zone (TDZ):

Allowable uses/activities in Parks and Recreation Zone and Urban Ecological Enhancement sub-zone are also allowed in Tourism Development Zone.

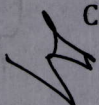
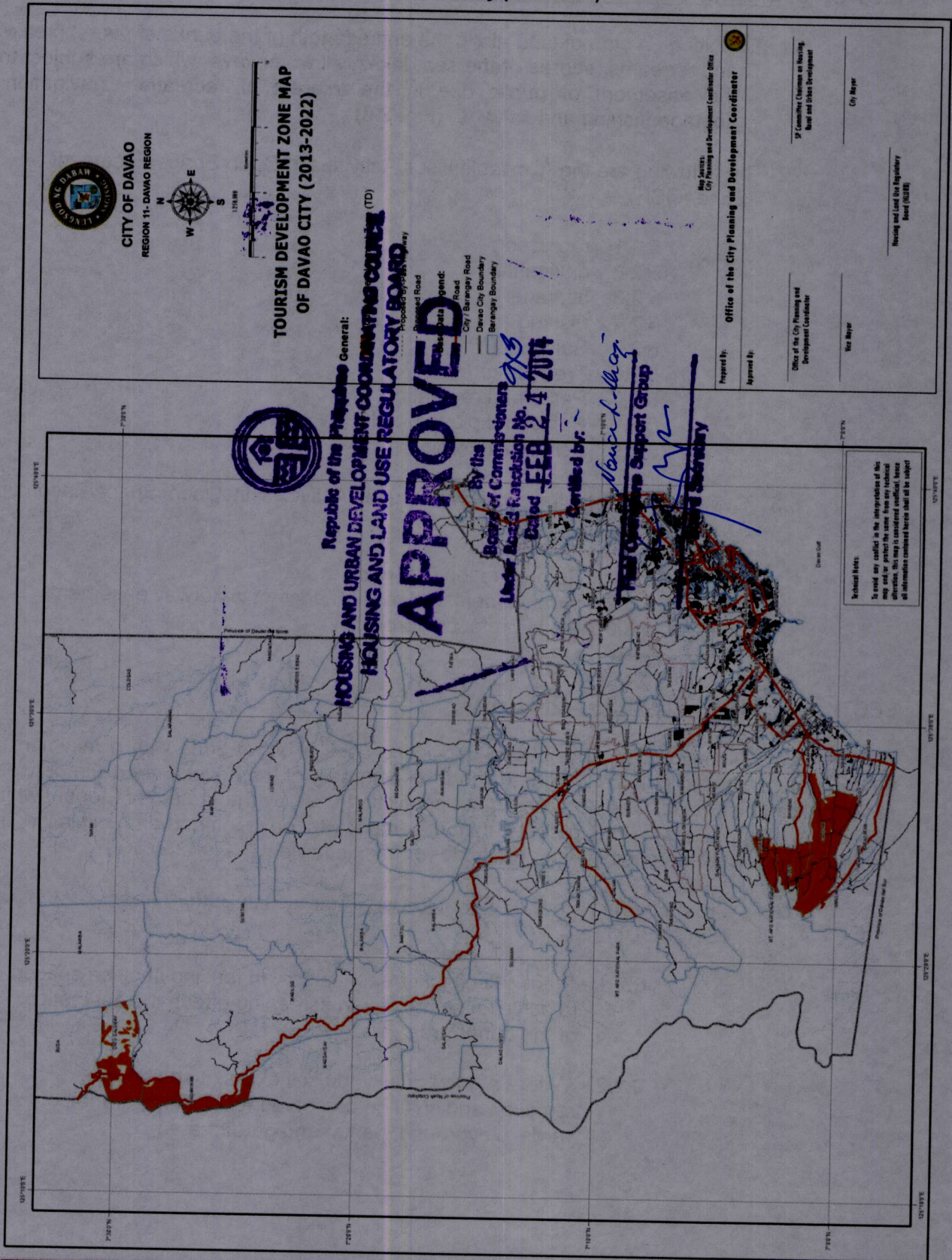


Fig. 2.7 Tourism Development Zone Map of Davao City (2013-2022)



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SECTION 5: OPEN SPACE/EASEMENT ZONE (OSE)

5.1. Definition : a strip of land along the entire length of the banks of rivers, creeks and streams, shores of the sea, lakes, all waterways which are subject to the easement of public use in the interest of recreation, navigation, floatage, fishing and salvage. (Fig. 2.8)

5.2 The following are the Allowable Uses/Activities in Open Space Easement Zone (OSE):

- 5.2.1 recreation
- 5.2.2 navigation
- 5.2.3 floatage
- 5.2.4 Fishing
- 5.2.5 Salvage
- 5.2.6 Tree parks
- 5.2.7 Parks and recreation
- 5.2.8 Parks and playground
- 5.2.9 Ecotourism project

5.3 The following are the Compatible uses/Activities in Open Space/Easement Zone (OSE):

- 5.3.1 Reforestration Projects
- 5.3.2 Improvement and maintenance of waterway easements
- 5.3.3 Slope protection projects

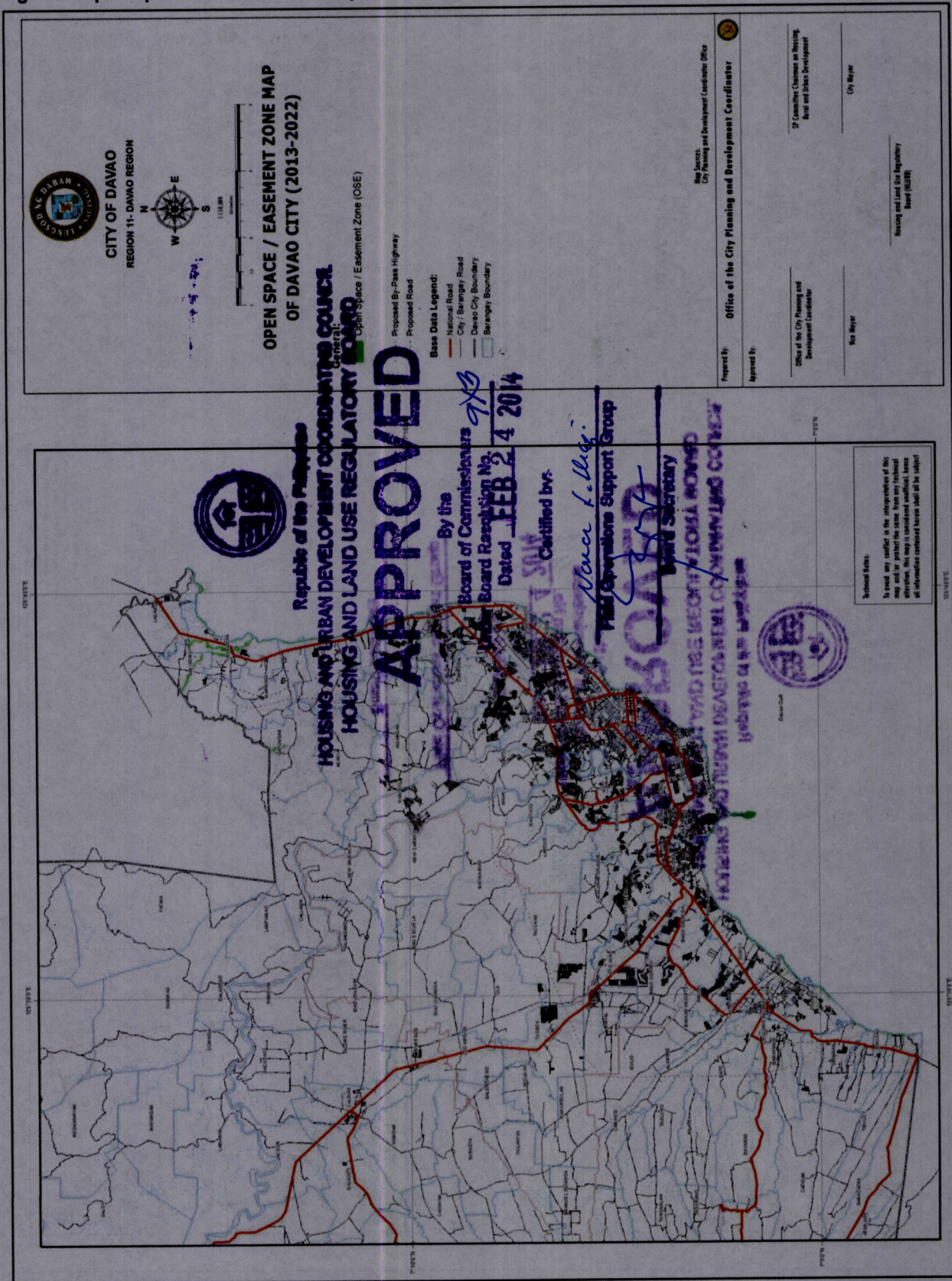
SECTION 6: BUFFER/GREEN ZONE (BU)

6.1. Definition : In case of two conflicting uses a buffer zone with a minimum of 20.00 meters wide should be provided along the periphery of the development site between residential and industrial land uses and other conflicting uses by the project proponent which has more intense use in the area to mitigate impact to environment and minimize the potential nuisances such as dirt, litter, foul odor or unsightly views. (Fig. 2.9)

6.2. The following are the Allowable Uses/Activities in Buffer/Green Zone (BU):

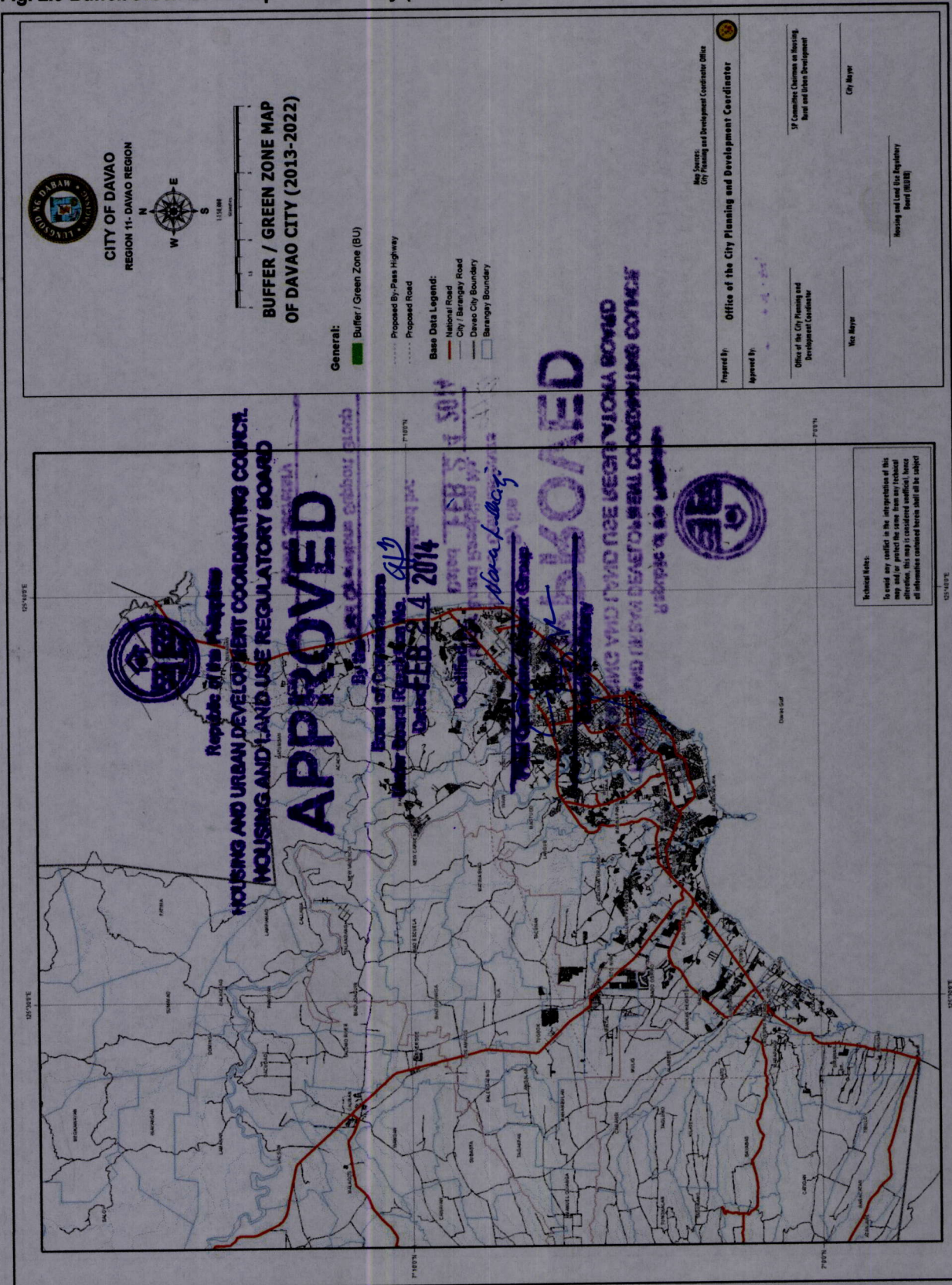
- 6.2.1 Planting suitable trees as screen fencing shall be spaced to achieve the maximum screening effect and aesthetics of the buffer area;
- 6.2.2 Where a good quality top soil exists, it shall not be removed and shall be preserved for finishing grades of yards, playground, parks and garden area;

Fig. 2.8 Open Space/Easement Zone Map of Davao City (2013-2022)



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Fig. 2.9 Buffer/Green Zone Map of Davao City (2013-2022)



6.2.3 Grass, shrubs, plants and other landscaping materials use for ground cover shall be planted as to allow complete and permanent cover of the area.

6.3 The following are the Compatible Uses/Activities in Buffer/Green Zone:

6.3.1 tree parks, Ecotourism projects and uses in parks and recreational zone

SECTION 7: WATER RESOURCE ZONE (WRZ)

7.1. Definition: Those areas on top of identified location of principal source of drinking water of Davao City containing huge volume of water available for appropriation where Davao City Water District has existing planned/proposed production wells with 350 meter buffer areas provision (Fig. 2.10)

7.2. Delineation. The identification and delineation of the Water Resource Zone (WRZ) in the Water Code of Davao City is hereby amended in accordance with the new Water Resource zone map appended herein.

7.3. Recall of Special Use permit. Special Use permits granted for cemeteries and memorial parks in areas within the Water Resource Zone (WRZ) as provided herein maybe recalled or revoked by the Sangguniang Panlungsod through a resolution upon majority vote of all its members, observing due process of law when public interests so require

7.4. The existing allowable uses/activities in the areas within these Water Resource Zone shall prevail as in indicated in the Water Resource Zone Map (Figure 2.10) Subject to the provision of Article IV Section 7.7 hereof.

7.5. The following are the Compatible Uses/Activities in Water Resource Zone (WRZ):

7.5.1. tree parks and uses in Urban Ecological Enhancement Sub-zone

7.6. The following acts are prohibited in Water Resource Zone (WRZ):

7.6.1. No person shall drill a free-flowing or artesian well within the water resource area;

7.6.2. No water well dug for domestic purposes shall have a casing in excess of two (2) inches in diameter or a capacity of more than ten (10) gallons per minute (GPM) whichever is greater;

7.6.3. No person shall maintain a solid waste disposal system or garbage dump site within this zone;

7.6.4. No underground oil storage tanks shall be constructed within these areas;

7.6.5. No sanitary landfill or incinerator shall be located within water resource areas;

- 7.6.6. The application of agricultural fertilizers and pesticides or other chemicals may be prohibited that may cause pollution of surface or ground water or endanger the health and safety of the residents nearby;
- 7.6.7. Dumping, depositing or throwing of tailings or sediments from mining operations or chemical wastes from industries is strictly prohibited;
- 7.6.8. No cemetery or memorial park shall be located within these areas. Cemeteries and memorial parks existing in water resource zone before the enactment of this ordinance shall institute immediate corrective measures to prevent leakage and seepage of noxious substance and chemicals into the aquifers.
- 7.6.9. Activities or industries that deal with chemical and industrial products will not be allowed to prevent possible contamination
- 7.6.10. Filling/services station will not be issued locational clearance until the project proponents submit a safety measure plan to the zoning administrator to ensure that there will be contamination of the ground water.
- 7.6.11. Introduction of additional allowable use in accordance with Article XII Section 1 is not allowed in this zone.

7.7. Mitigating Measures: Areas within the Water Resource Zone are hereby Declared as Protected Areas. Consequently, all developments in this area will require a complete centralized sanitary sewerage system with primary and secondary wastewater treatment facilities. Disposal of such effluents is subject to the rules and regulations of the governing government agencies.

7.8. The following are Special Requirements for development in Water Resource Zone (WRZ):

7.8.1. Special Permits : No Preliminary Approval and Locational Clearance (PALC), Development Permit (DP) and Building Permit (BP) shall be issued without clearances from Water Resource Management Council (Task Force), Davao City Water District (DCWD), DENR-Mines and Geo-Science Bureau (MGB) and City Planning Development Office (CPDO), and from DENR-Environmental Management Bureau.

SECTION 8: RURAL SETTLEMENT ZONE

8.1. Definition : Areas in the barangays within 500-meter radius from an existing elementary school sites wherein a mixture of land uses i.e. residential and commercial are established to provide convenience goods and services that are compatible with the overall characteristics of the area, is allowed excluding areas in landslide mitigation sub-zone wherein settlement zone is not allowed. For areas within the ancestral domain claim or title, the settlement zone shall be subject to the provisions of the Indigenous People Rights Act (IPRA) and to the respective Ancestral Domain Sustainable Development Protection Plan (ADSDPP) of a particular ancestral domain area (Fig. 2.11)

8.2. The following are the Allowable Uses/Activities in Rural Settlement Zone (RSZ):

- 8.2.1. Uses in R-1,R-2 for residential development shall be allowed depending on utilities and soil characteristics , road conditions and other essential public services;
- 8.2.2. Uses in I-1 which are non-pollutive/non-hazardous and non-pollutive/hazardous manufacturing/processing establishments as resource-related industrial uses shall be of a type and scale that are compatible with the overall character of the community, and shall not result in excessive noise, smoke, odor or other nuisances;
- 8.2.3. Uses in Minor Commercial Sub-zone (C-1)
- 8.2.4. Uses in General Institutional Sub-zone (G-1)

8.3. The following are the Compatible Uses/Activities in Rural Settlement Zone (RSZ):

8.3.1. Uses in Agricultural Land Zone (Ag) .

8.3.2. Home occupation for the practice of one's profession or engaging home business such as dressmaking, tailoring, baking, running a sari-sari store and the like, provided that:

- 8.3.2.1. the number of persons engaged in such business/industry shall not exceed five(5), inclusive of the owner;
- 8.3.2.2. there shall be no change in the outside appearance of the building premises;
- 8.3.2.3. no home occupation shall be conducted in any customary accessory uses cited above;
- 8.3.2.4. 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 in a place other than the required front yard;
- 8.3.2.5 no equipment or process shall be used in such 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 fluctuation in line voltage in the premises.

8.3.3. Home industry classified as cottage industry e.g. mat weaving, pottery making, food preservation, etc. provided that:

8.3.3.1. such home industry shall not occupy more than thirty (30%) percent of 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;

8.3.3.2. allotted capitalization shall not exceed more than one hundred thousand pesos (P 100,000.00) during its entire operation;

8.3.3.3. The following uses in Agro-industrial zone only:
a. Drying, cleaning, curing and preserving of meat and its by products and derivatives;
b. Drying smoking and airing of tobacco;
c. Manufacture of coffee;
d. Manufacture of wines from juices of local fruits;
e. Other commercial handicrafts from plant or animal parts.

8.3.3.4. Agricultural trading center ("Bagsakan")

8.3.3.5. Village level coconut oil processing (pre-processing)

8.3.3.6. Ancillary dwelling units/farmhouses for tillers and laborers

8.4. The following acts are prohibited in Rural Settlement Zone (RSZ) :

8.4.1. No industries shall be allowed to be established within the area except those specified above.



8.5 Rural Barangays – For the purpose of this Ordinance, the following are the Rural Barangays in Davao City :

Paquibato District

1. Colosas
2. Fatima
3. Lumiad
4. Mabuhay
5. Malabog
6. Mapula
7. Pandaitan
8. Pañalum
9. Paquibato Proper
10. Paradise Embac
11. Sumimao
12. Tapak

Baguio District

1. Baguio Proper
2. Cadalian
3. Carmen
4. Gumalang
5. Malagos
6. Tambobong
7. Tawan-tawan
8. Wines

Calinan District

1. Biao Joaquin
2. Cawayan
3. Dalagdag
4. Inayangan
5. Lacson
6. Lamanag
7. Lampianao
8. Megkawayan
9. Pangyan
10. Saloy
11. Sirib
12. Subasta
13. Talomo River
14. Tamayong
15. Wangan

Marilog District

1. Baganihan
2. Bantol
3. Buda
4. Magsaysay
5. Malamba
6. Marilog Proper
7. Salaysay
8. Suawan
9. Tamugan

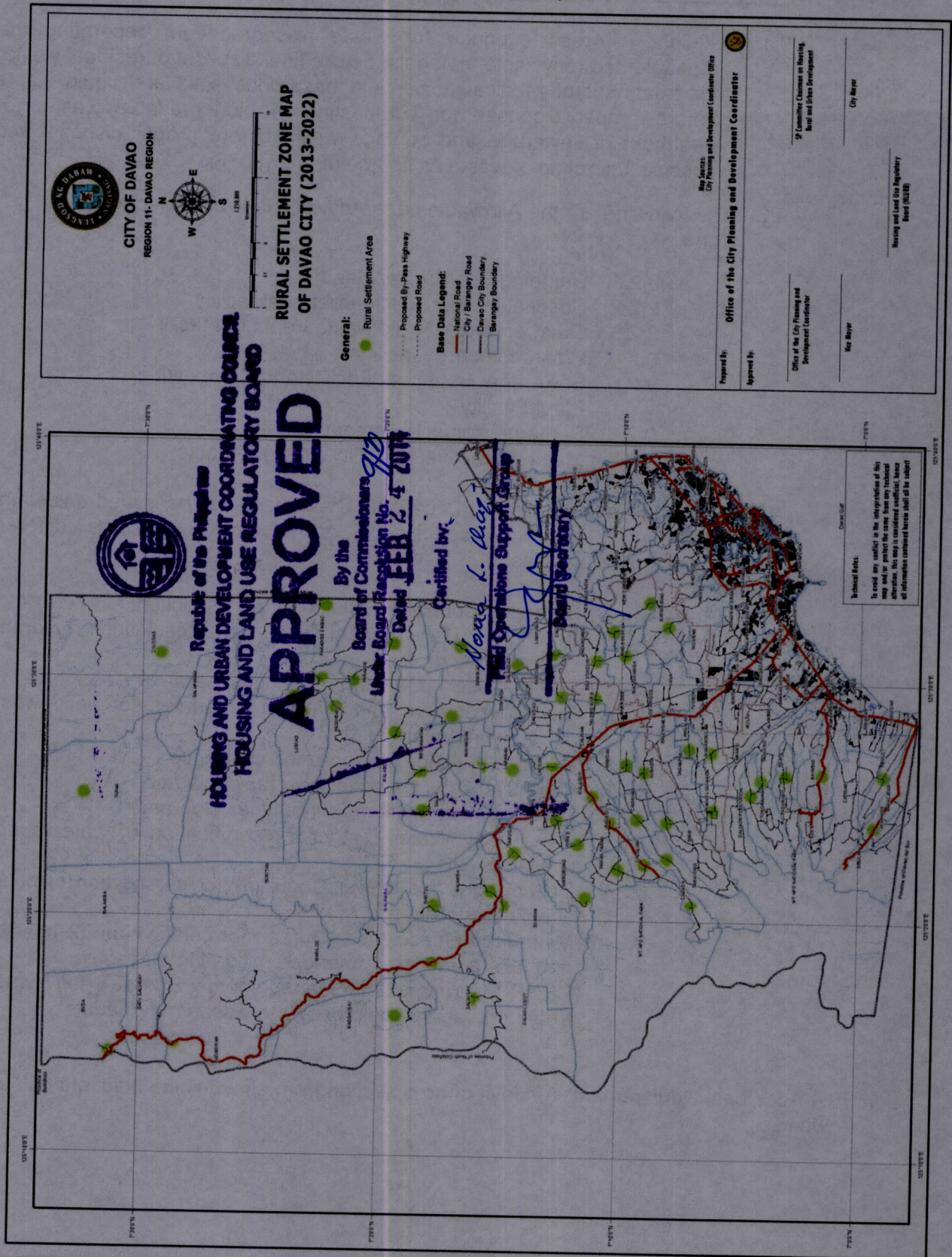
Toril District

1. Baracatan
2. Bayabas
3. Kilate
4. Tagluno
5. Tibuloy
6. Tungkalan

Tugbok District

1. Angalan
2. Biao Escuela
3. Manambulan
4. Matina Biao
5. Manuel Guianga
6. New Carmen
7. New Valencia
8. Talandang

Fig. 2.11 Rural Settlement Zone Map of Davao City (2013-2022)



SECTION 9: WASTE MANAGEMENT ZONE:

9.1. Definition: Areas intended for waste re-segregation, separating the reusable and recyclable materials, before final disposal of residual waste; for treatment of medical, toxic, and hazardous solid and liquid waste before proper disposal; for composting of biodegradable waste; for treatment of sewerage and septage waste before proper disposal and possible utilization of waste as source of energy. (Fig. 2.12)

9.2. The following are the Allowable Uses/Activities in Waste Management Zone

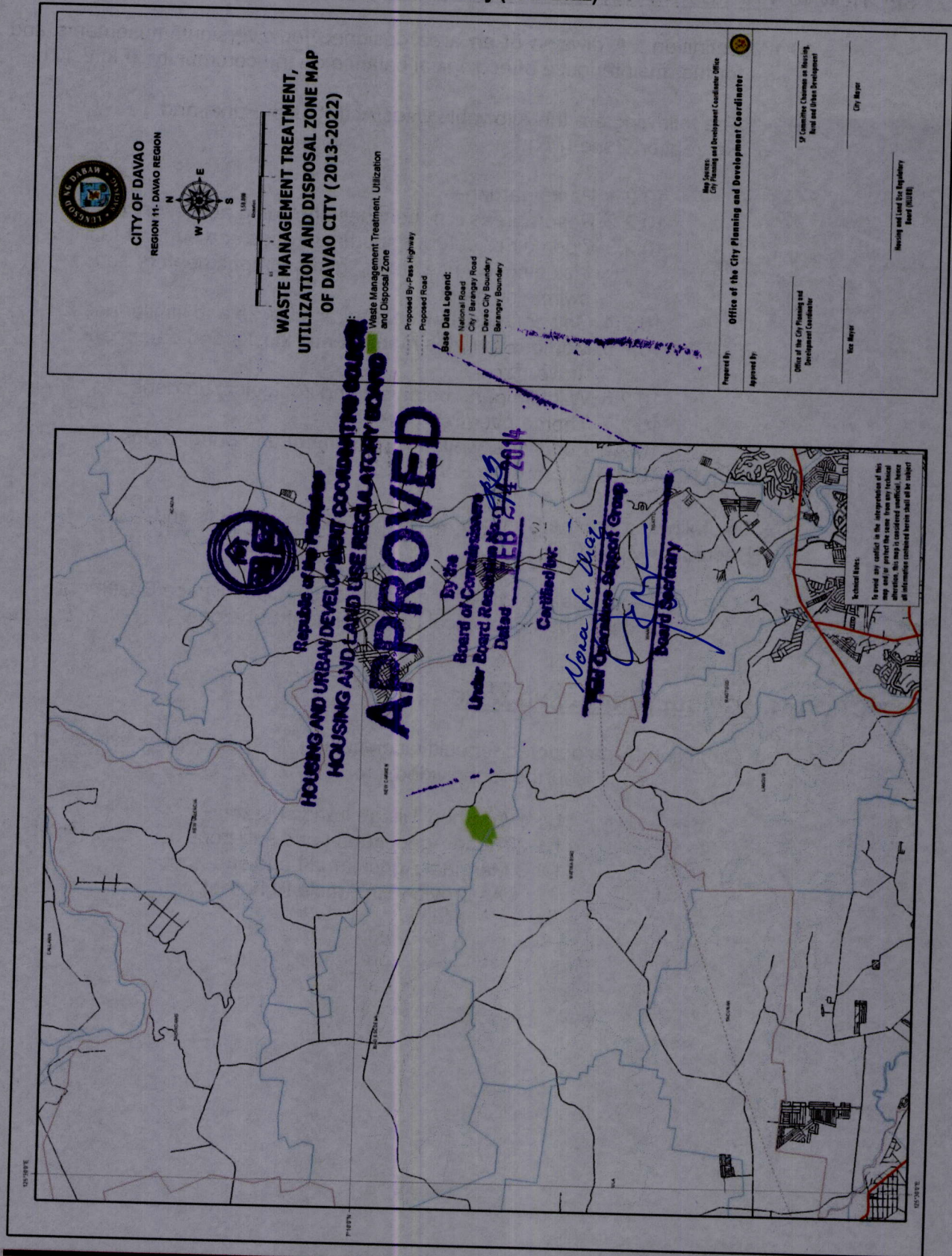
- 9.2.1. Dumping Site/Sanitary landfill
- 9.2.2. Hospital/Medical waste treatment facility
- 9.2.3. Other solid and liquid waste treatment facility
- 9.2.4. Waste to energy facility
- 9.2.5. Sewerage Treatment Facility and Composting Plant/Facility
- 9.2.6. Septage Waste Treatment Facility
- 9.2.7. Material Recovery Facility (MRF) Projects

9.3. Special Requirements: No Locational Clearance shall be issued unless the following clearances/certification are obtained from the different concerned agencies:

- 9.3.1. Barangay Council Resolution of No Objection
- 9.3.2. Barangay Development Council Resolution favorably indorsing the project
- 9.3.3. City Engineer's Office for drainage clearance
- 9.3.4. City Environment and Natural Resources for solid waste management plan
- 9.3.5. City Health Office for sanitation clearance
- 9.3.6. City Assessor's Office for new tax declaration
- 9.3.7. City Treasurer's Office for realty tax clearance
- 9.3.8. Davao City Water District for certification of water supply availability
- 9.3.9. Davao Light and Power Company for certification of power supply availability
- 9.3.10. Mines and Geosciences Bureau for certification for possible geohazard and recommended mitigating measures
- 9.3.11. DENR-Environmental Management Bureau for waste treatment facilities and permit to discharge effluents

9.4 Additional Requirement: Affidavit of no objection from all adjoining adjacent lot/land owner.

Fig. 2.12 Waste Management Zone Map of Davao City (2013-2022)



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SECTION 10: PARKS AND RECREATION ZONE (PR)

- 10.1. Definition : A division of an area designed for diversion/amusements and for the maintenance of ecological balance of the community. (Fig.2.13)
- 10.2 The following are the Allowable Uses/Activities in Parks and Recreation Zone (PR):
- 10.2.1 Parks/gardens
 - 10.2.2 Resort areas e.g. beaches, including accessory uses
 - 10.2.3 Open air or outdoor sports activities and support facilities, including low rise stadia, gyms, amphi theaters and swimming pool
 - 10.2.4. Golf courses, ball courts, race tracks and similar uses
 - 10.2.5. Memorial/shrines monuments, kiosks and other park structure
 - 10.2.6. Wild life park/ botanical and zoological gardens
 - 10.2.7 Theme park/tree park
 - 10.2.8 Functional wetlands, easement and buffer areas
 - 10.2.9 Ecotourism Park

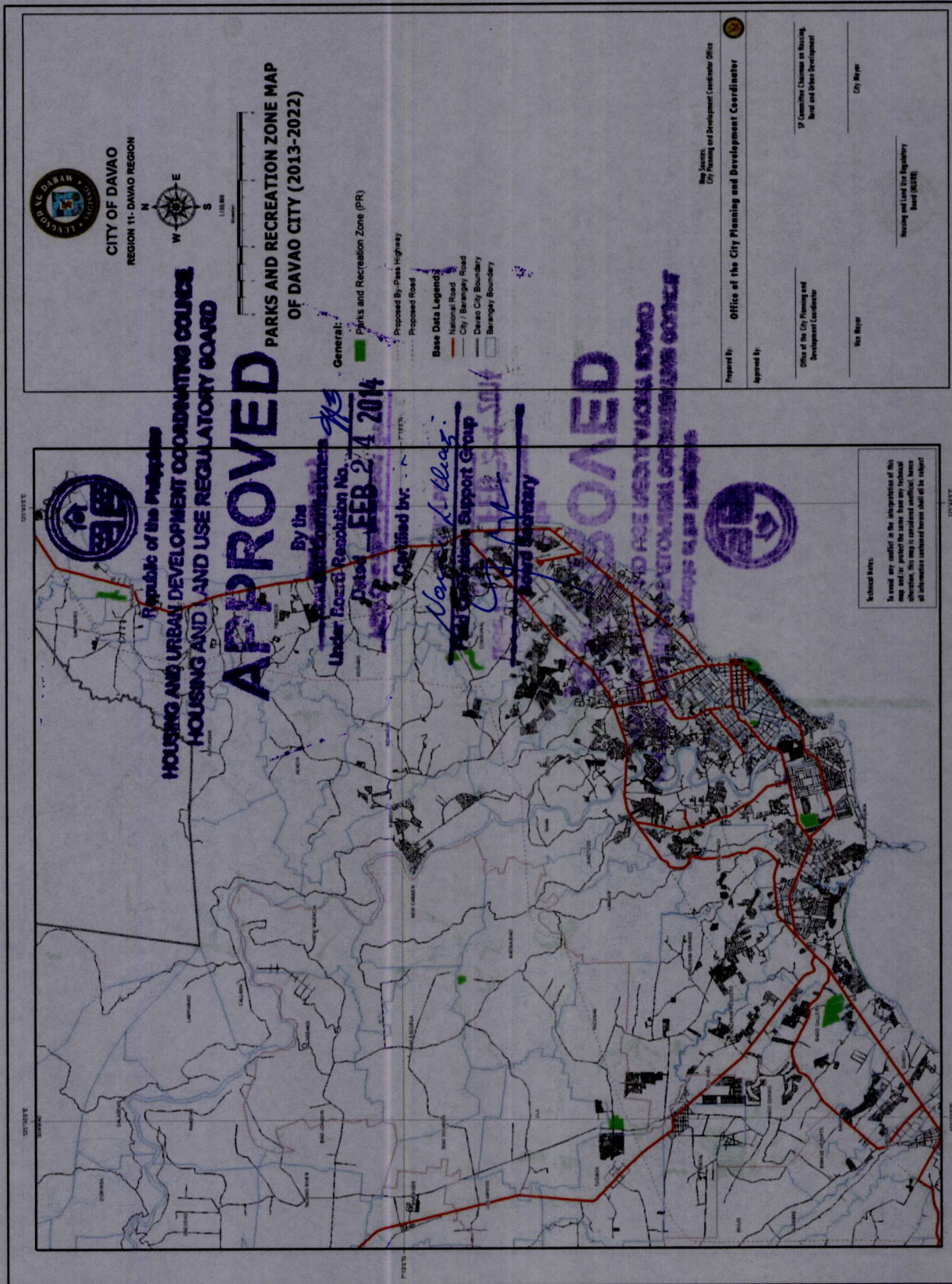
10.3 The following are the Compatible Uses/Activities in Parks and Recreation Zone (PR):

All uses/activities in Buffer/Green Zone (BU), Open Space/Easement (OSE) and in Urban Ecological Enhancement Sub-zone

SECTION 11: AGRICULTURAL LAND ZONE

- 11.1. Definition :Area devoted for cultivation/fishing and pasteural activities. This zone is further subdivided into: (Fig. 2.14)
- 11.1.1 Agri-non Tillage Land sub-zone
 - 11.1.2 Prime Agricultural Land sub-zone
 - 11.1.3 Marginal Agricultural Land sub-zone
- As provided in Article IV hereof

Fig. 2.13 Parks and Recreation Zone Map of Davao City (2013-2022)



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SECTION 12. **MAJOR URBAN ZONE**

- 12.1. Definition : refers to the Poblacion area comprising the central business districts and the built-up area including urbanizable land adjacent to the central business district. which is further subdivided into different urban districts as provided in Article IV and Article VII of this Ordinance. (Fig. 2.15-2.25)



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Fig. 2.15 Zoning Map of Poblacion District (2013-2022)

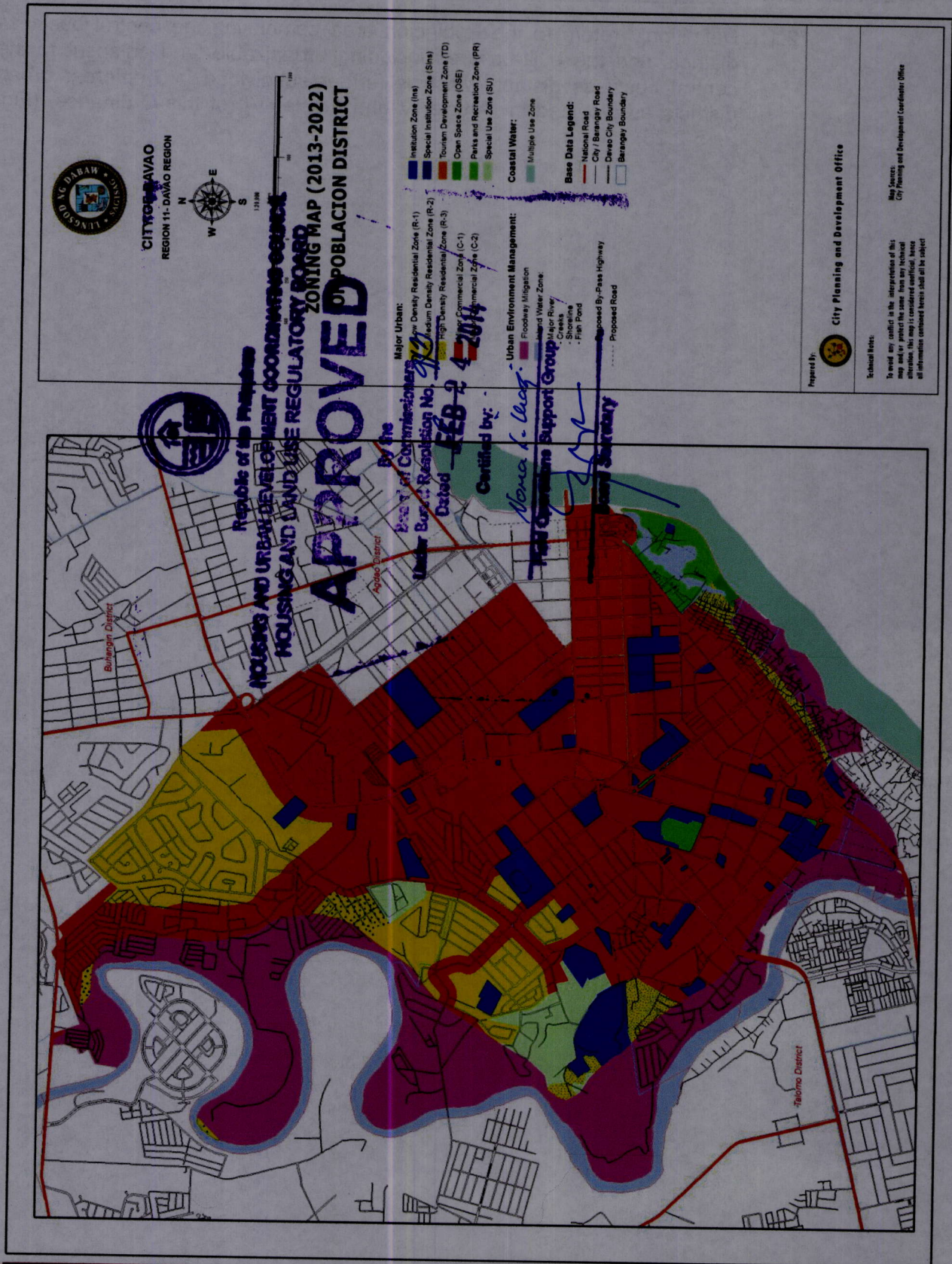


Fig. 2.16 Zoning Map of Talomo District (2013-2022)

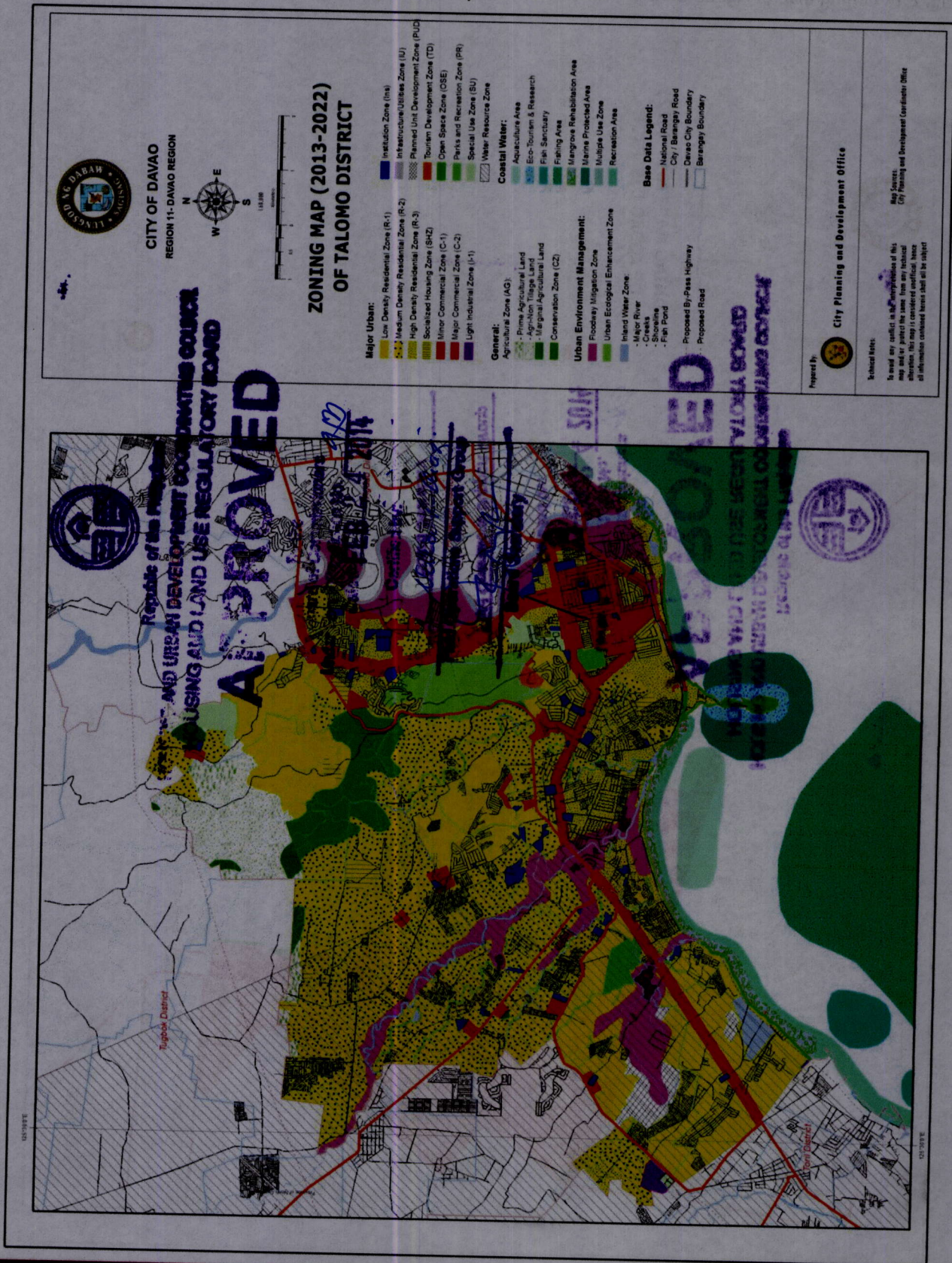


Fig. 2.17 Zoning Map of Agdao District (2013-2022)

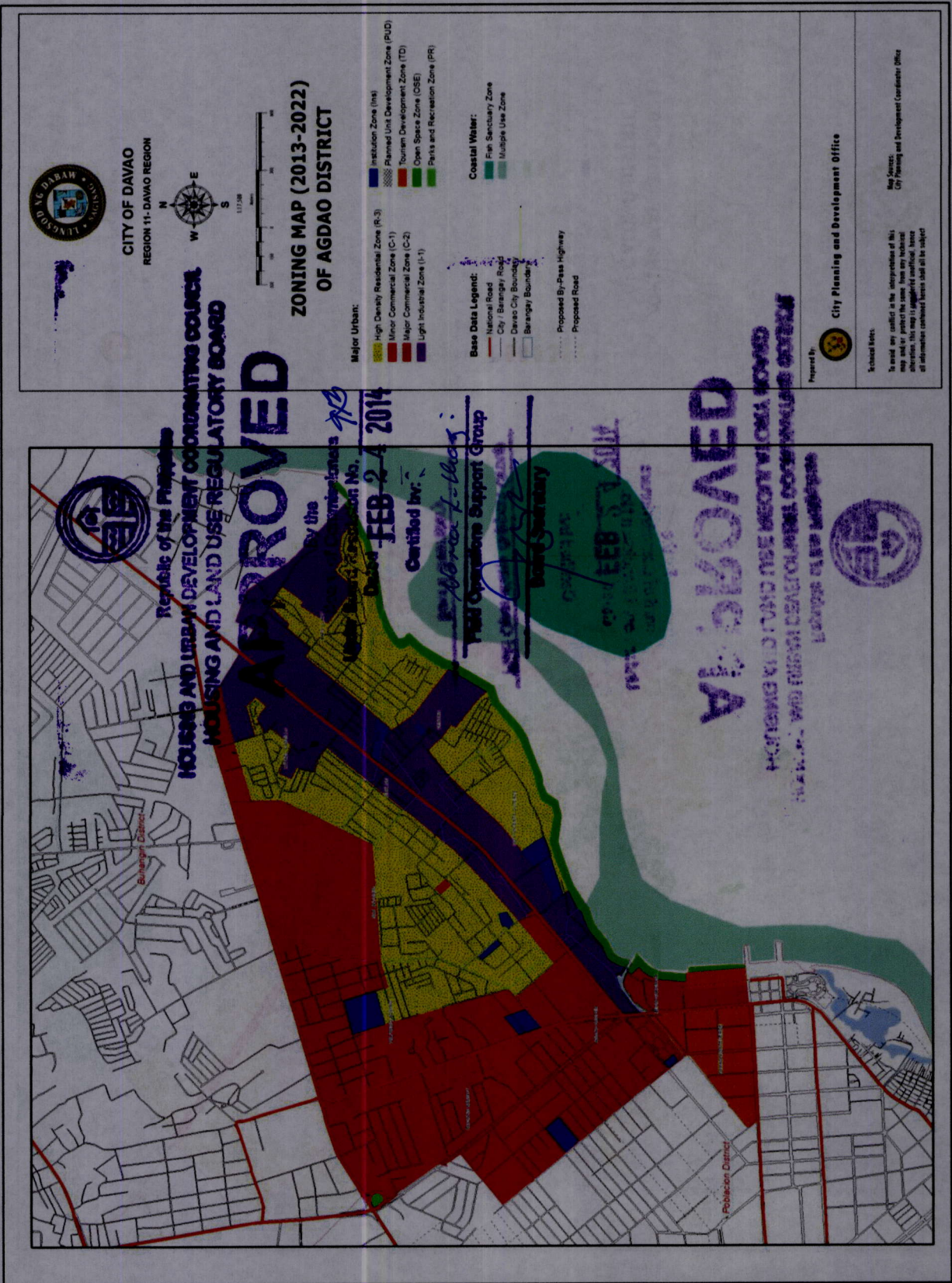
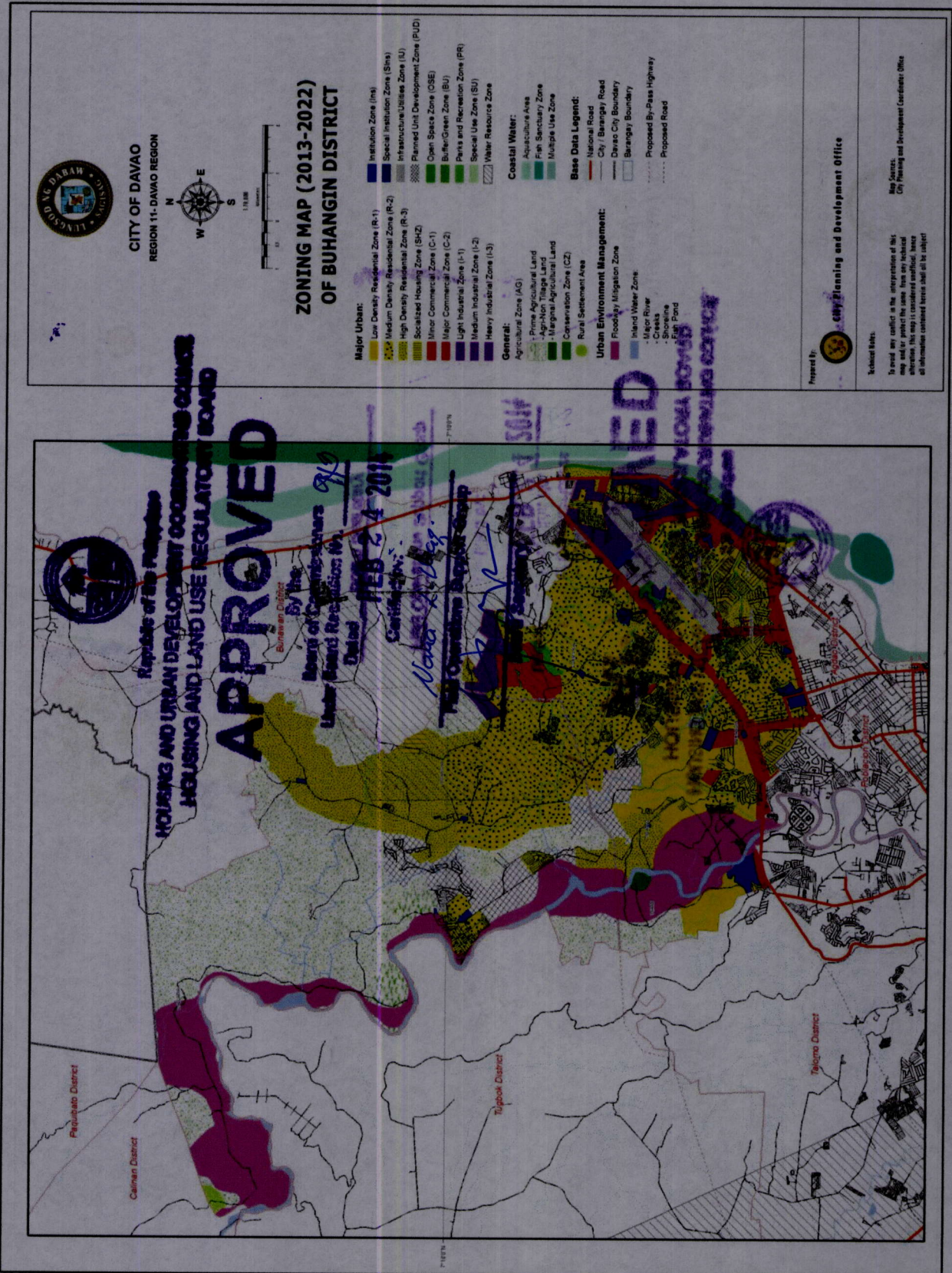


Fig. 2.18 Zoning Map of Buhangin District (2013-2022)



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Fig. 2.19 Zoning Map of Bunawan District (2013-2022)

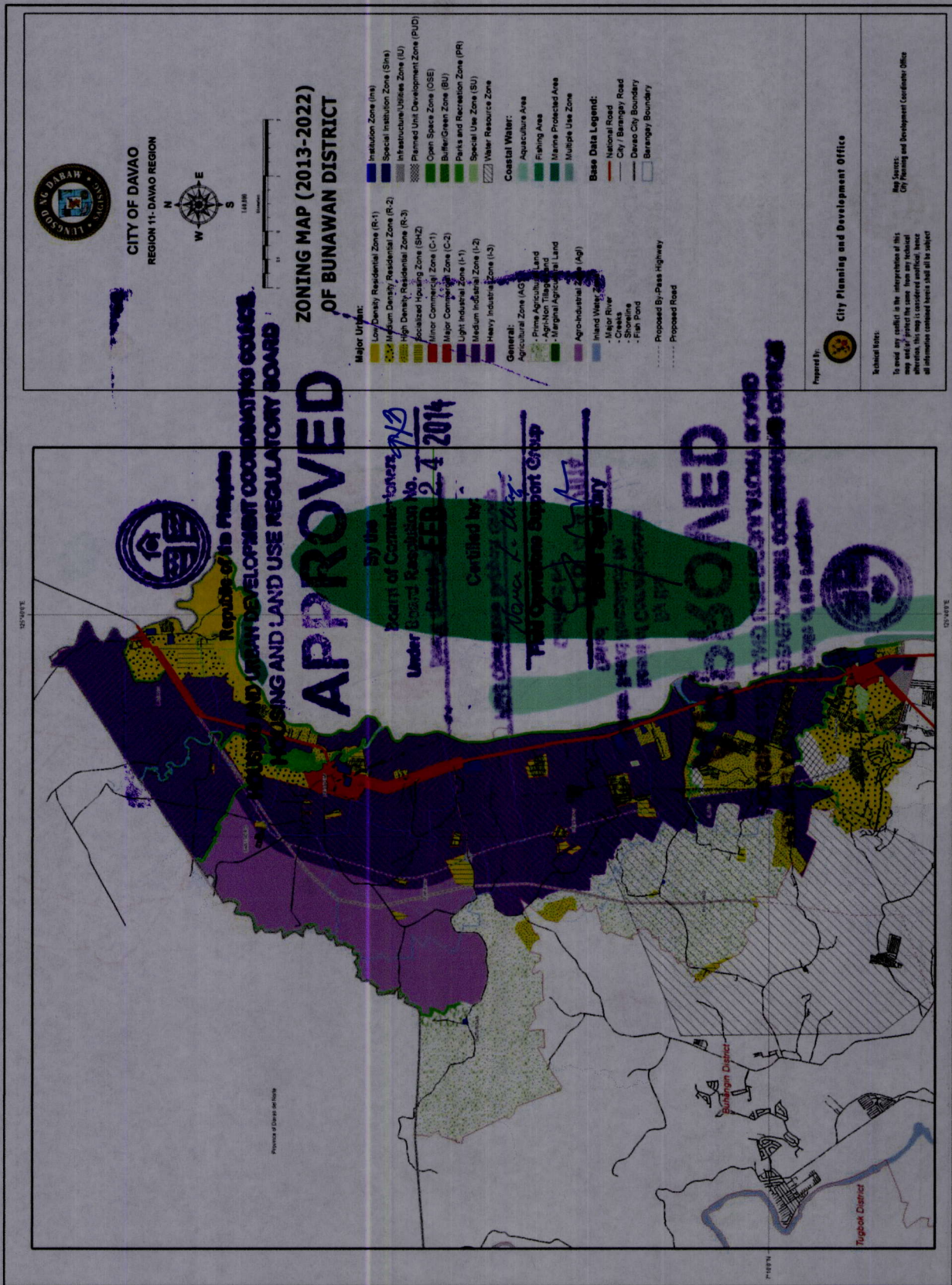


Fig. 2.21 Zoning Map of Tugbok District (2013-2022)

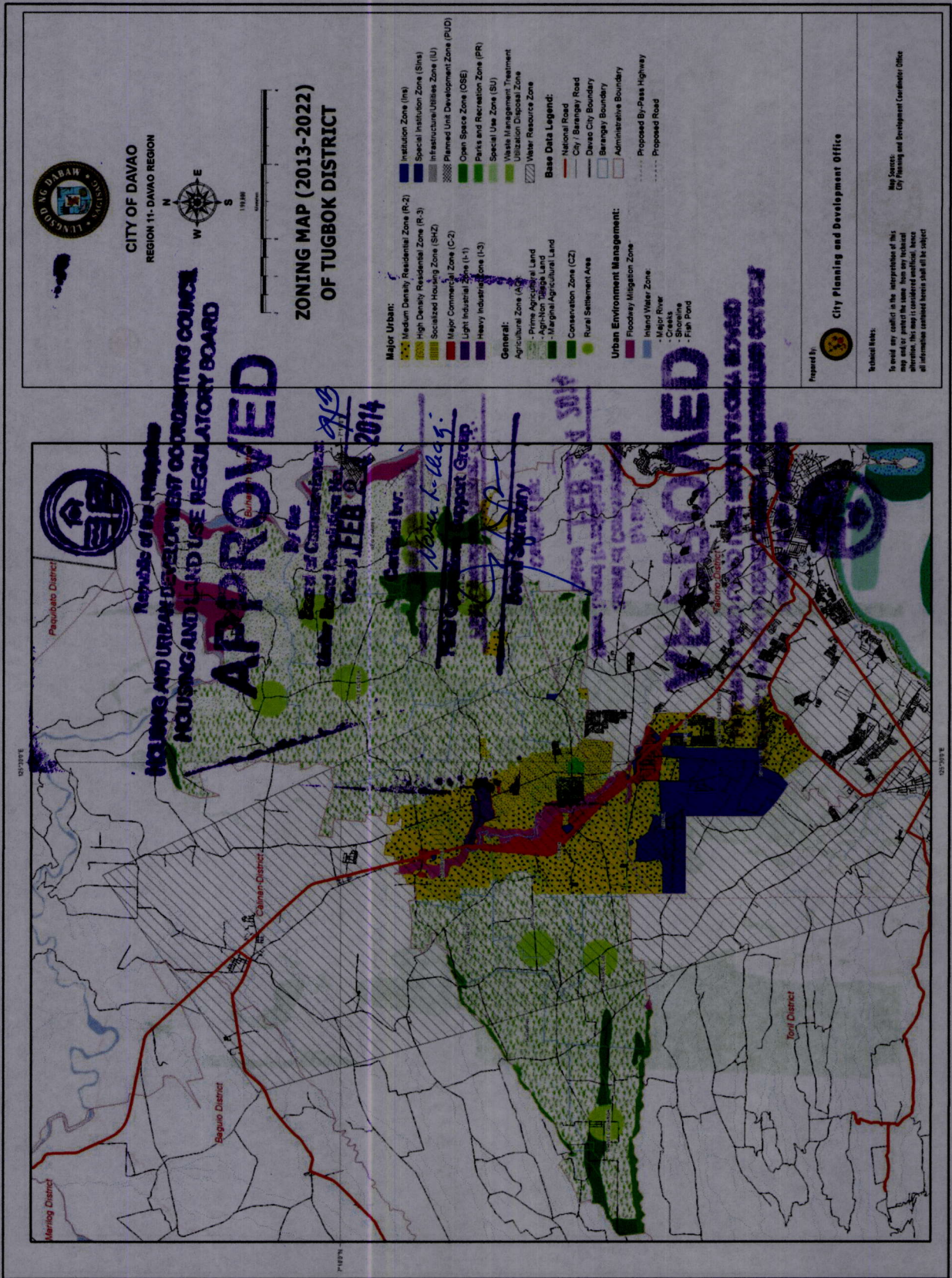


Fig. 2.22 Zoning Map of Calinan District (2013-2022)

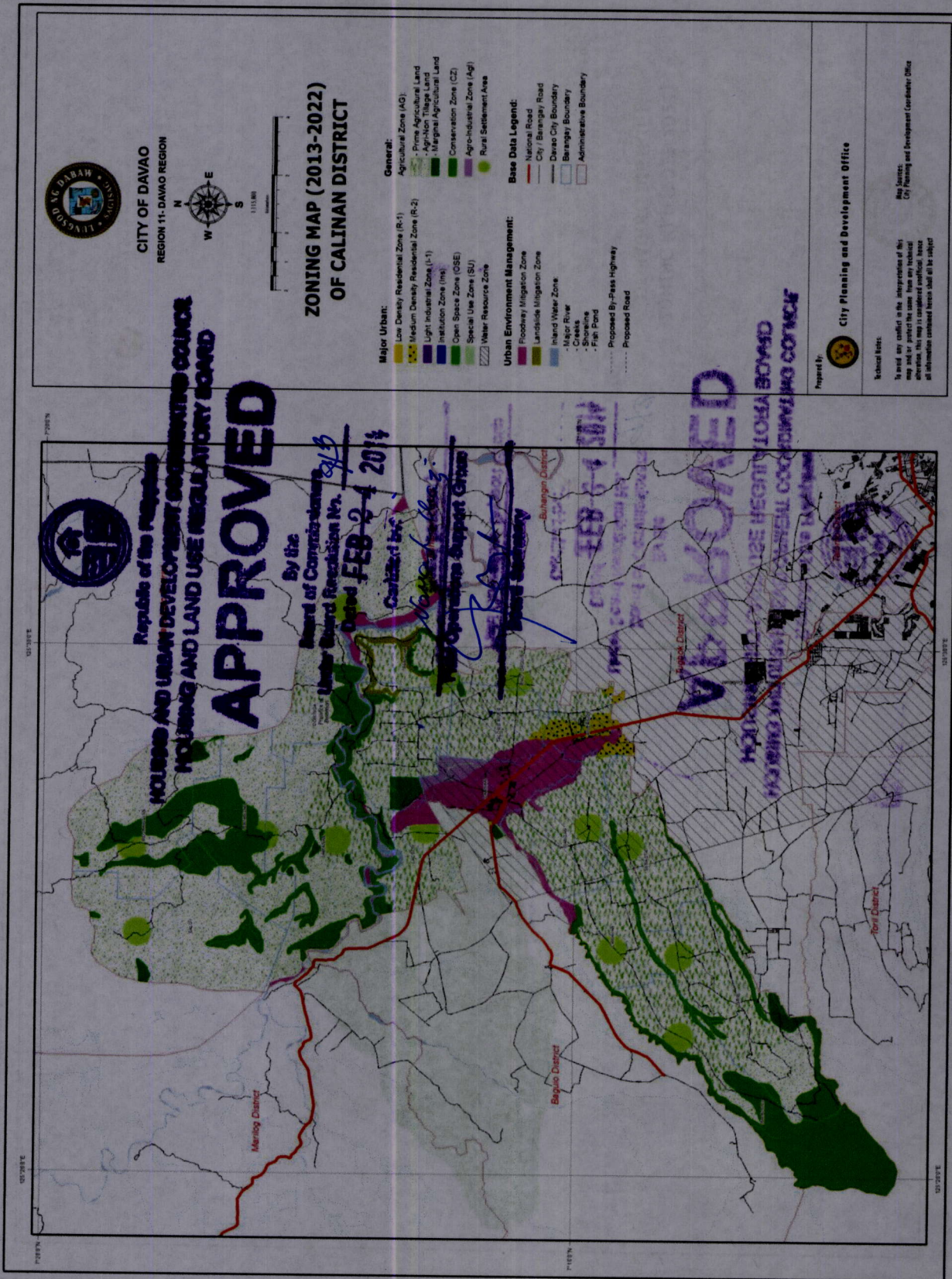


Figure 1.2

Fig. 2.23 Zoning Map of Baguio District (2013-2022)

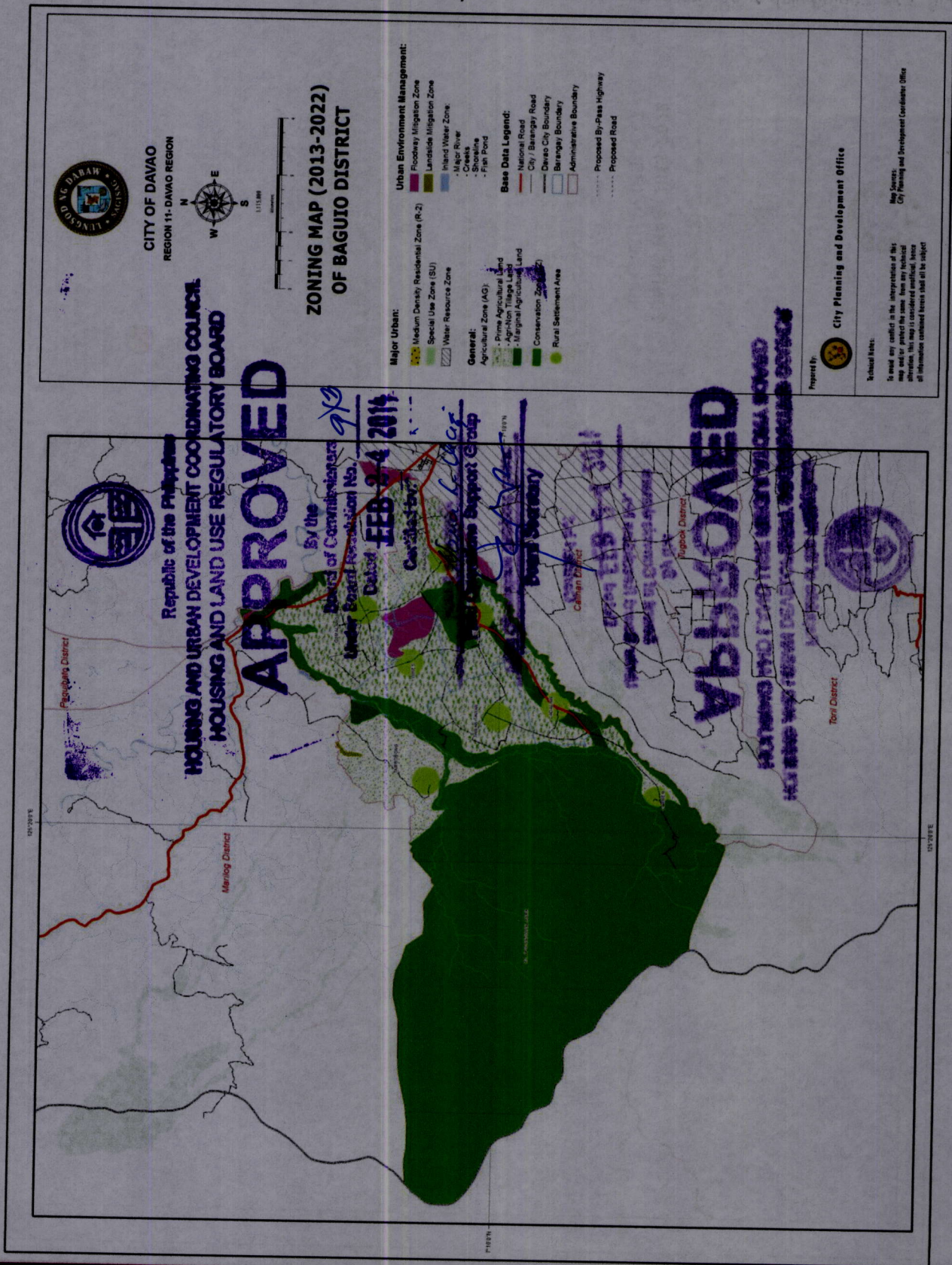


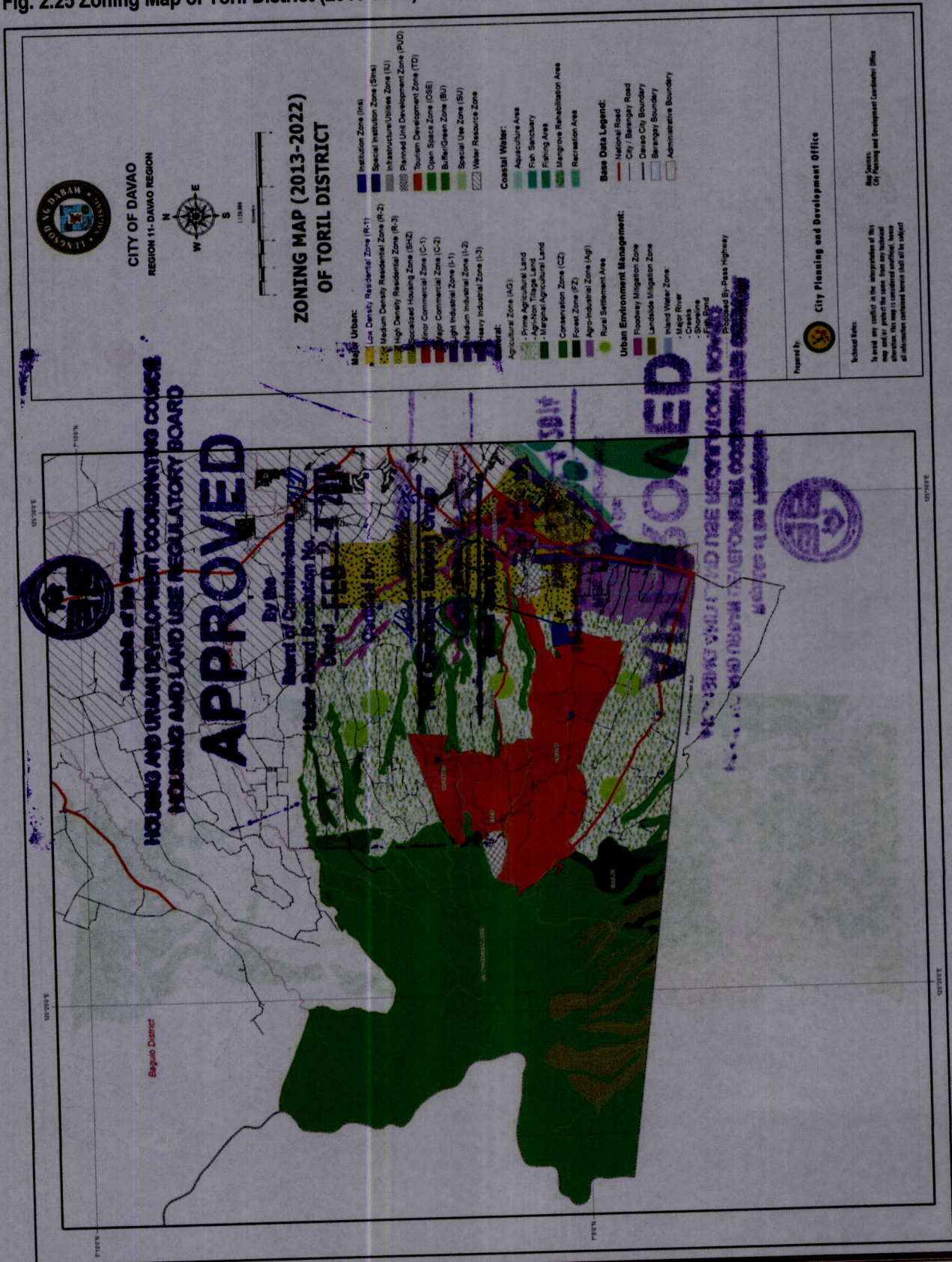
Fig. 2.24 Zoning Map of Marilog District (2013-2022)



Figure 1.3



Fig. 2.25 Zoning Map of Toril District (2013-2022)



SECTION 13: ENVIRONMENT MANAGEMENT ZONE

Areas considered necessary for ecological balance and enhancement in the whole city as the land natural feature and terrain are highly susceptible to landslide and/or identified as flood ways needing proper planning and management. This zone is further subdivided into:

- a. Landslide mitigation sub-zone (Fig. 2.26)
- b. Flood way mitigation sub-zone (Fig. 2.27)
- c. Urban Ecological Enhancement Sub-zone (Fig. 2.28)

As provided in Article IV and Article IX of this Ordinance.

Figure 1.4

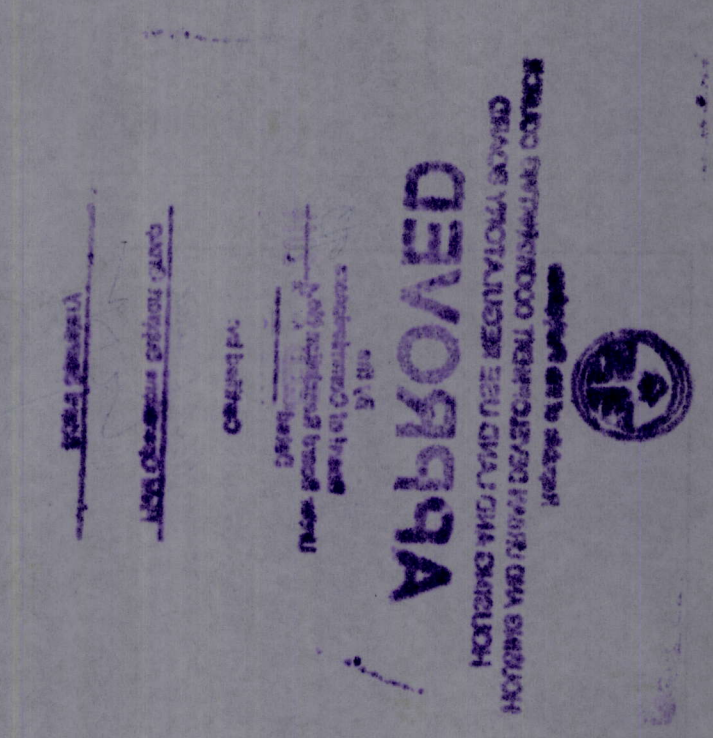


Fig. 2.26 Landslide Mitigation Sub-zone Map of Davao City (2013-2022)

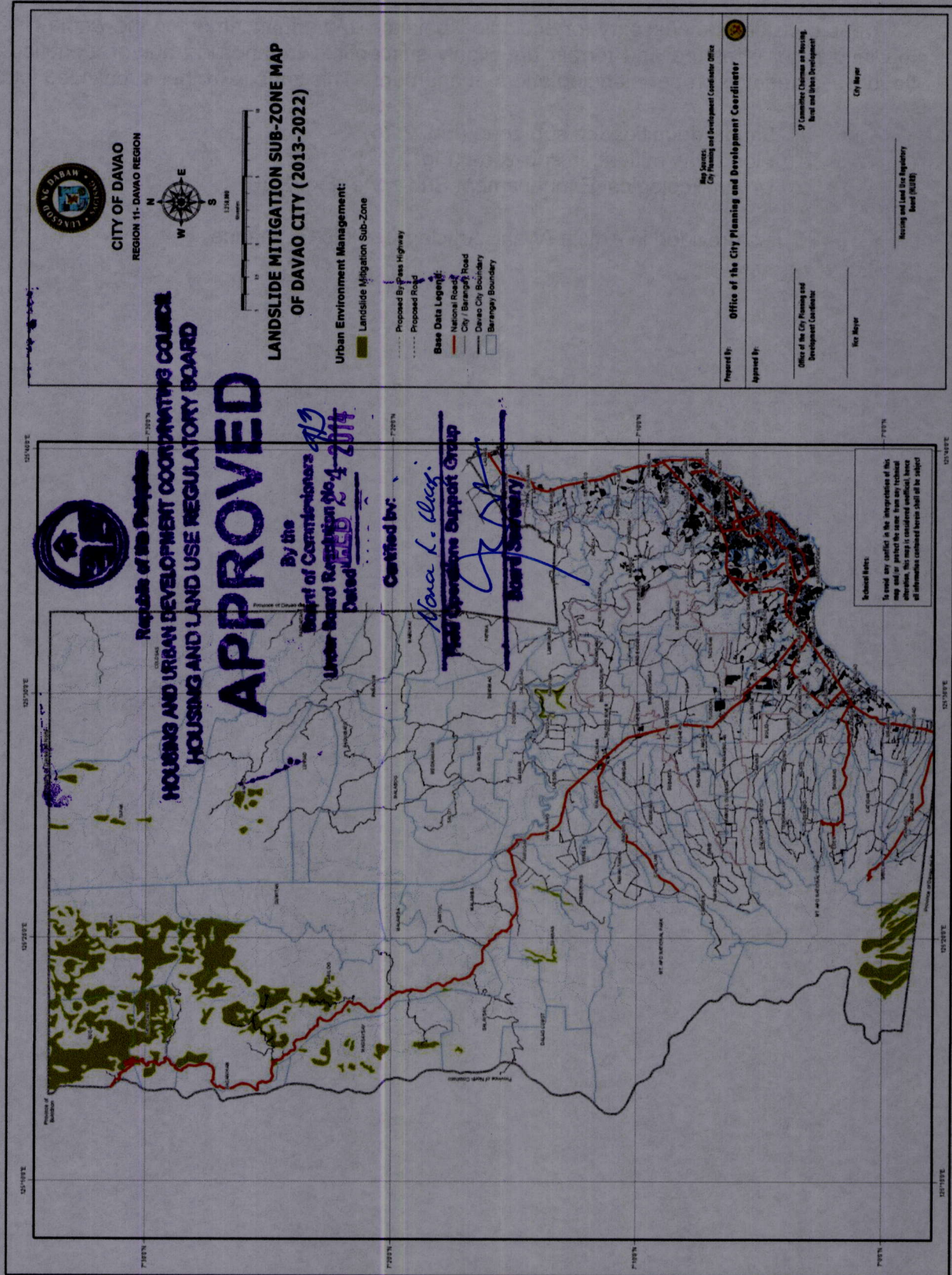


Fig. 2.27 Floodway Mitigation Sub-zone Map of Davao City (2013-2022)

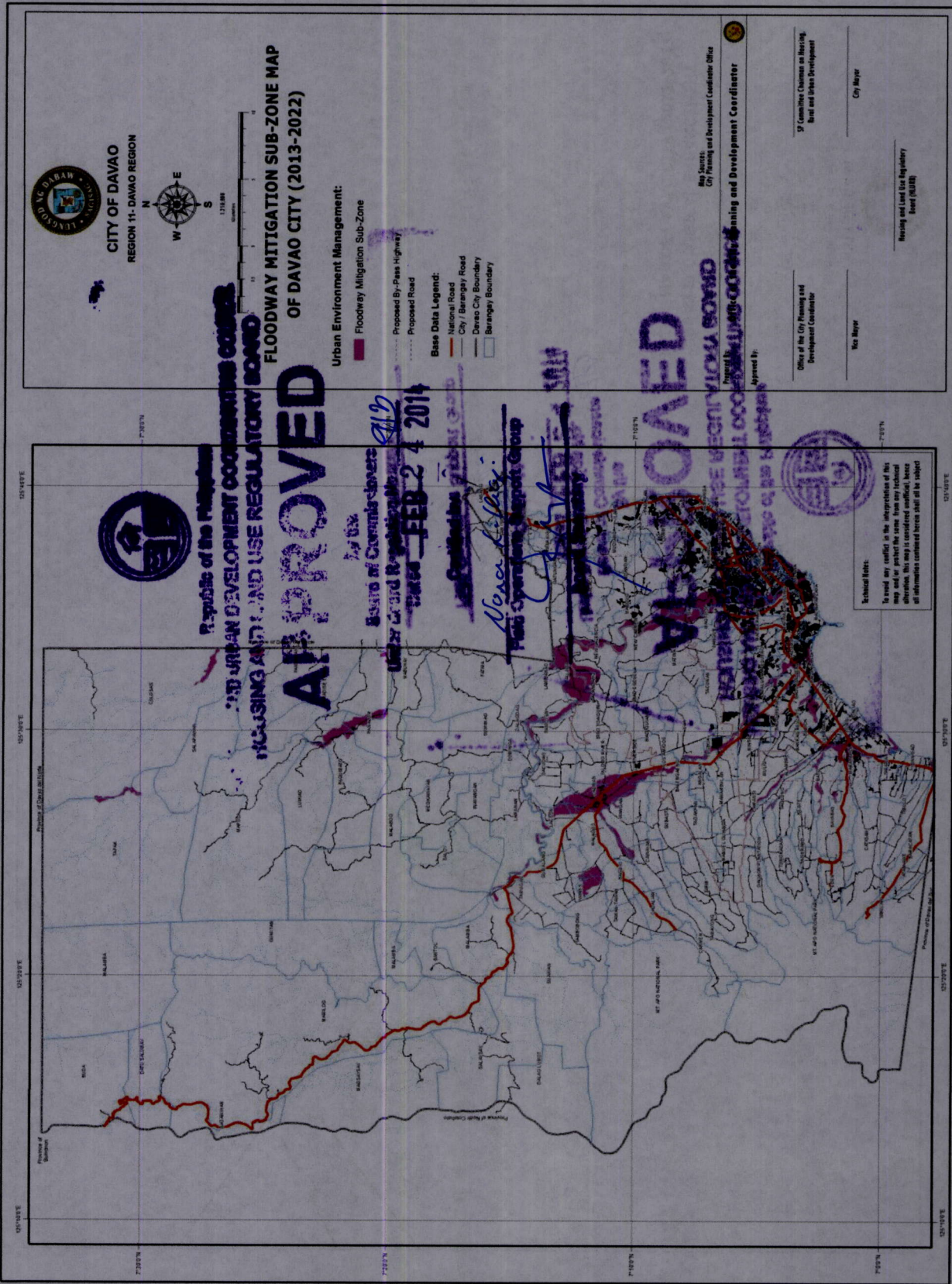


Figure 1.5

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Fig. 2.28 Urban Ecological Enhancement Sub-zone Map of Davao City (2013-2022)



SECTION 14. COASTAL WATER ZONE

14.1 Definition : a band of dry land and adjacent ocean space (water and submerged land) in which terrestrial processes and uses directly affect oceanic processes and uses and vice versa, its geographic extent may include areas within the land mark limit of one (1) kilometer from the shoreline at high tide to include mangrove swamps, brackish waterponds, nipa swamps, estuarine rivers, sandy beaches and other areas within a seaward limit of 200 meters isobaths to include coral reefs, algae flats, seagrass beds and other soft bottom areas (RA 8550, Philippine Fisheries Code), which is further subdivided into different sub zones as provided in Article IV and Article X of this Ordinance. (Fig. 2.29)

SECTION 15. INLAND WATER ZONE

15.1 Definition : Refers to areas which are aquatic-influenced environments located within land boundaries. Inland water systems can be fresh, saline or a mix of the two (brackishwater). (Fig. 2.30)

15.2. Regulations: Ownership, appropriation, utilization, development, conservation and protection of inland water resources shall be governed by Article 502 to 518 of the New Civil Code, Presidential Decree 1067, otherwise known as Water Code of the Philippines; and pertinent laws on National Irrigation.

Figure 1.6

Fig. 2.30 Inland Water Zone Map of Davao City (2013-2022)

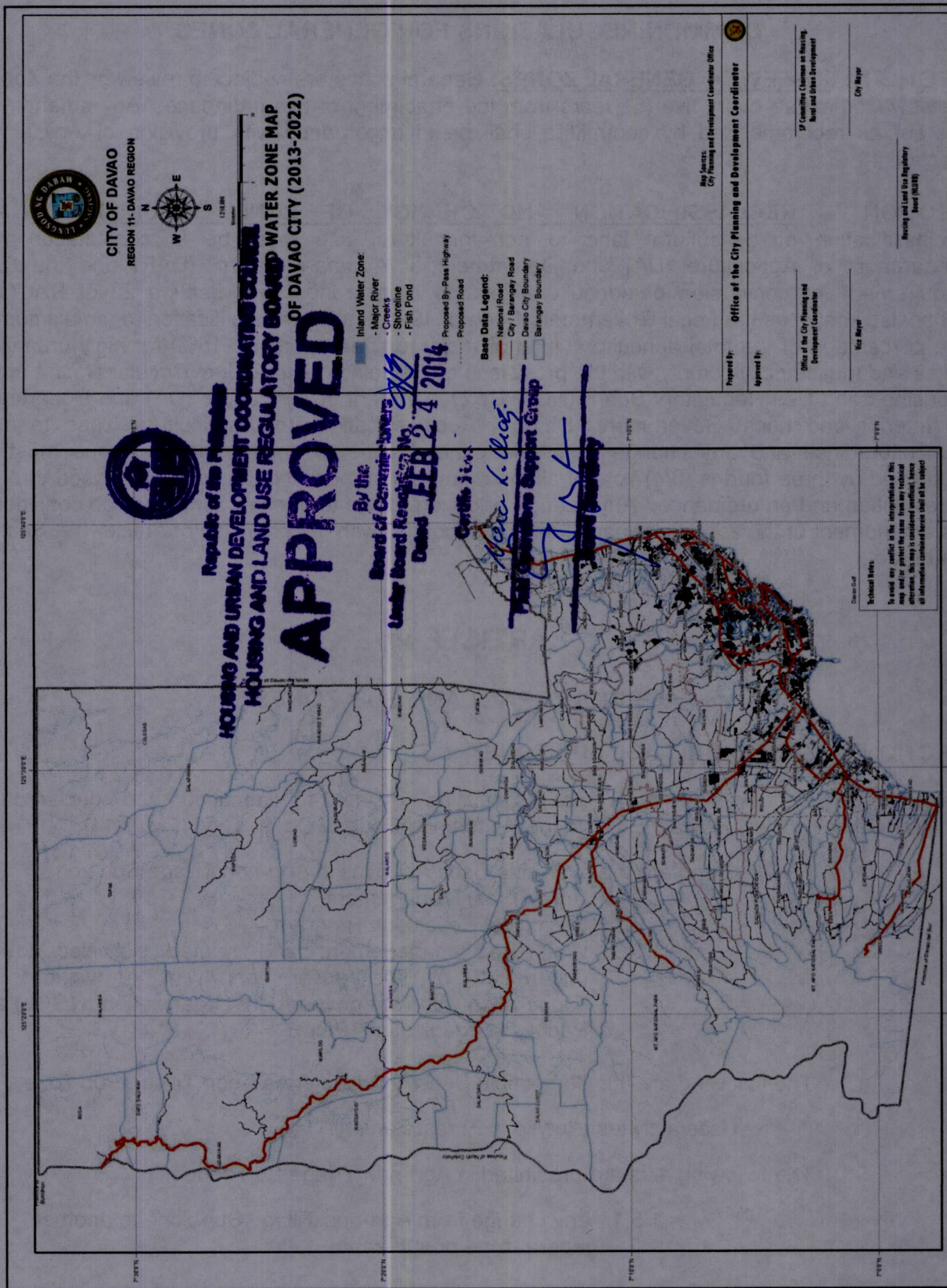


Figure 1.7

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ARTICLE V

COMMON REGULATIONS FOR GENERAL ZONES

SECTION 1. **REVIEW OF GENERAL ZONES:** General zones are subject to review by the Zoning Review Committee every five (5) years from the enactment of this ordinance. Any amendment thereof as recommended by committee shall be in accordance with provision of Article XIV Section 14.

SECTION 2. **RECLASSIFICATION AND CHANGE OF ZONE REQUIREMENT.** Any reclassification of agricultural land to non-agricultural use must be in consultation with Department of Agriculture (DA) and Department of Agrarian Reform (DAR) and the DAR requirement for conversion of agricultural land to other zones, and Section 20 of RA 7160 otherwise known as the Local Government Code of 1991 limiting reclassification to a maximum of the percentage of the total agricultural land of a city to fifteen percent (15%) for highly urbanized cities and must strictly comply with the provisions of the Joint Memorandum Circular No. 54 of the Housing Land Use Regulatory Board (HLURB), Department of Agriculture (DA) and Department of Interior and Local Government (DILG). Reclassification from agricultural zone to non-agricultural use and any change from one general zone to another general zone must be approved by three-fourths (3/4) vote of all the members of the Sangguniang Panlungsod through a resolution and an ordinance. Any change of general zone to another zone shall be considered as amendment of the zoning ordinance and must comply with the provision of Article XIV, Section 14 hereof.

ARTICLE VI

AGRICULTURAL LAND SUB-ZONES

SECTION 1. **AGRI-NON TILLAGE SUB-ZONE**

1.2. Definition: Those areas consisting of 12,240 identified and declared as Environmentally Critical Areas (ECA) in the Watershed Code of Davao City. (Fig. 2.14)

1.3. The following are the Allowable Uses/Activities in Agri-non Tillage Sub-zone:

1.3.1. Agro Forest Management

1.3.2. Ecological Revolution Program

1.3.3. Watershed management and related activities to be undertaken by the government with or without the cooperation with Non-government Organization (NGOs) and People's Organization (POs).

1.4. The following are the Compatible Uses/Activities in Agri-non Tillage Sub-zone:

Uses/activities allowed in Forest Zone.

1.5. The following acts are prohibited in Agri-non Tillage Sub-zone :

1.5.1. Any change from Agri-non Tillage Sub-zone to another general zone or sub-zone

- 1.5.2 Agri-business and other industrial undertaking without Environmental Compliance Certificate (ECC) as provided in Presidential Decree No. 1586 establishing the Environmental Impact Statement and Proclamation No. 2146;
- 1.5.3 Water drilling for industrial use except those issued with an ECC pursuant to Presidential Decree No. 1586 and Proclamation No. 2146 and the Davao City Water Resource Management Ordinance;
- 1.5.4 Construction of any vertical structures for commercial, industrial, institutional, religious purposes without ECC except for research and scientific studies, educational purposes and community chapels, churches and mosque;
- 1.5.5 Exploitation of quarry resources and commercial sand and sand gravel resources;
- 1.5.6 Monocrop agriculture activities including, but not limited to banana and pineapple plantations, provided that :
 - 1.5.6.1 A Phase-Out Plan shall be granted to existing large scale monocrop agriculture in accordance with the watershed code;
 - 1.5.6.2 No permit shall be issued to new applications for monocrop agricultural ventures;
 - 1.5.6.3 Existing monocrop agriculture covered by the Phase-Out Plan shall not be allowed to expand upon effectivity of the Watershed Code;
- 1.5.7 Aerial spray application of all kinds of farm production inputs and crop agents;
- 1.5.8 Use of any kind of inorganic fertilizer, pesticide, herbicide and other farm production inputs and crop protection agents;

Figure 1.8

SECTION 2. PRIME AGRICULTURAL LAND SUB-ZONE

2.1. Definition : the area for all types of agricultural activities identified and delineated in the Watershed Code and areas declared as Strategic Agriculture and Fisheries Development Zone (SAFDZ) per Republic Act No. 8435, otherwise known as Agriculture and Fisheries Modernization Act (AFMA). (Fig. 2.14)

2.2. The following are the Allowable Uses/Activities in Prime Agricultural Land Sub-zone

- 2.2.1 Rational land utilization for economic development of the Prime Agricultural Areas in consonance with the City Land Use Plan and Zoning Ordinance;
- 2.2.2 Promotion of sustainable and organic upland agriculture;
- 2.2.3 Crop diversification for crop suitability and profitability for large scale agriculture and subsistence farmers.

2.3. The following are the Compatible Uses/Activities in Prime Agricultural Land Sub-zone:

2.3.1. Uses/activities in Forest Zone and Agri-non Tillage Sub-zone

2.4. Restrictions: The following are the restrictions in Prime Agricultural Land Sub-zone

MONOCROP AGRICULTURE shall be designated in specific areas of the Prime Agricultural Areas by the Crop Zoning Plan in consonance with the City Land Use and Zoning Plan, subject to the regulations of the Department of Environment and Natural Resources (DENR) and pertinent laws, provided that:

- 2.4.1. A 40-meter buffer zone shall be established between the plantations and critical areas such as recharge zones critical slopes, riverbanks, rivers, springs, wells and other sources of water;
- 2.4.2. Monocrop agriculture including, but not limited to, banana and pineapple plantations shall maintain a buffer zone of 30 meters between the plantation and residential houses, schools, chapels, clinics and other institutions; provided further that existing plantations, shall provide for the relocation of those inside the plantation and within the buffer zone to a suitable site at its own expense ;
- 2.4.3. Monocrop agriculture shall now adopt a plan shifting to low chemical farm production inputs and crop protection agents and organic farming practices to replace reliance on inorganic fertilizer and other synthetic farm production inputs. No Locational Clearance and Business Permit shall be issued without the submission of this plan.
- 2.4.4. Operator of mono-crop plantations shall be responsible for violations of this Code by firms or persons with which they have growership agreement or contracts;
- 2.4.5 No change from Prime Agricultural Land sub-zone to any general zone and sub-zone is allowed.

SECTION 3. MARGINAL AGRICULTURAL LAND SUB-ZONE

3.1 Definition : A division of an area designed for cultivation/fishing and pastural activities which are without environmental constraints and therefore could be devoted for agricultural development that require intensive soil preparation. However, development in such areas requires strict soil conservation and management program and best industry practices should be applied. (Fig. 2.14)

3.2. The following are the Allowable Uses/Activities in Marginal Agricultural Land Sub-zone:

- 3.2.1. Transmission line/ towers
- 3.2.2. Irrigation, flood control and their related facilities
- 3.2.3. Agricultural trading center (" Bagsakan")
- 3.2.4 . Village level coconut oil processing (pre-processing)
- 3.2.5. Ancillary dwelling units/farmhouses for tillers and laborers
- 3.2.6. Cultivation, raising and growing of staple crops such as rice, corn, camote, cassava and the like
- 3.2.7. Growing of diversified plants and trees, such as fruit and flower bearing trees, coffee, tobacco, etc.
- 3.2.8. Silviculture, mushroom culture, fishing and fish culture, snake culture, crocodile farm, monkey raising and the like
- 3.2.9. Customary support facilities such as palay dryers and rice threshers and storage barns and warehouses
- 3.2.10. Agricultural research and experimentation facilities such as breeding stations, fishfarms, nurseries, demonstration farms, etc,
- 3.2.11. Pastural activities such as goat raising and cattle fattening
- 3.2.12. Home industry classified as cottage industry e.g. mat weaving, pottery making, food preservation, etc. provided that:
 - a) such home industry shall not occupy more than thirty (30%) percent of 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;
 - b) allotted capitalization shall not exceed more than one hundred thousand pesos (₱100,000.00) during its entire operation;
 - c) such shall consider same provisions as enumerated in letters c, d and e of Home Occupation, this section
- 3.2.13. Backyard raising of livestock and fowl, provided that:
 - A. for livestock a maximum of 1 sow and 10 heads
 - B. for fowl a maximum of 500 birds
- 3.2.14. Other accessory uses incidental to agricultural activities
- 3.2.14. Fishing, fish culture and other similar aquatic activities
- 3.2.15. Agri-tourism and related activities

Figure 1.9

3.3. The following are the Compatible Uses/Activities in Marginal Agricultural Land Sub-zone:

Uses/activities allowed in Prime Agricultural Land Sub-zone.

3.4. **Change of sub-zone:** Areas within this sub-zone maybe rezoned to Major Urban sub-zone after three (3) years from the effectivity of this ordinance strictly complying with the provisions of Article XIV, Section 14 of this Ordinance and is subject to review upon recommendation of the Local Zoning Review Committee every three (3) years thereafter. Any change in the sub-zone shall be considered as an amendment of the zoning ordinance requiring $\frac{3}{4}$ majority vote of all the members of the Sangguniang Panlungsod for its approval through a resolution and an ordinance, strictly complying with the provision of Article XIV, Section 14 hereof.

ARTICLE VII

MAJOR URBAN SUB-ZONES

SECTION 1. **USE REGULATIONS IN LOW DENSITY RESIDENTIAL SUB-ZONE (R-1).** An R-1 shall be used principally for housing/dwelling purposes so as to maintain the peace and quiet environment of the area within the district with a density of not more than 20 dwelling units per hectare. (Fig. 2.31). The following are the allowable uses :

1. Detached family dwelling
2. Semi-detached family dwellings e.g. duplex, townhouses
3. Customary accessory uses like :
 - a. servants quarter
 - b. private garage
 - c. guardhouse
4. Apartment of not more than five (5) doors
5. Boarding houses accommodating not more than five (5) boarders
6. Home occupation for the practice of one's profession or for engaging in an in-house personal services such as dressmaking, tailoring, baking, running a sarisari store, beauty parlors, barber shops and the like , provided that :
 - a. The number of persons engaged in such business/industry shall not exceed five (5), inclusive of the owner;
 - b. There shall be no change in the outside appearance of the building or premises;
 - c. No home occupation shall be conducted in any customary accessory uses cited above;
 - d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met, off the street and in a place other than in a required front yard;
 - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference that is adversely detectable to the normal senses and visual or audible interference in any radio or television receivers or causes fluctuations in line voltage of the premises.

7. Home industry classified as cottage industry provided that :
 - a. such home industry shall not occupy more than thirty percent (30%) of the actual 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/nuisance;
 - b. shall consider same provisions as enumerated in letters c, d and e of number 4, Home Occupation, this section
8. Recreational facilities for the exclusive use of the members of the family residing within the premises, such as:
 - a. swimming pool
 - b. tennis/pelota court
 - c. others
9. Community facilities such as :
 - a. Chapels and other similar place of worship
 - b. Pre-school, Elementary and High School
 - c. Police/Fire Sub-station
 - d. Clinic, nursing and convalescing health center
 - e. Community parks and playground
 - f. Radio, TV and other communication facilities provided that their sound maintenance shall be the exclusive responsibility of the applicant and/ or person running them.
10. Clubhouse and its incidental facilities
11. Filling/services stations located along major thoroughfares
12. Mini-marts or convenience stores of not more than 200 sq. meters with a minimum distance of 500 meters interval along thoroughfares in a residential area
13. Neighborhood laundry shops and dry-cleaning services subject to the conditions stipulated under Item No. 6 of this section, and rainwater catchment should be provided in addition to DCWD water supply.

SECTION 2. USE REGULATIONS IN MEDIUM DENSITY RESIDENTIAL SUB-ZONE (R-2). R-2 sub-zone shall be for housing/dwelling i.e. 21 to 65 dwelling unit per hectare. (Fig. 2.31). The following are the allowable uses: (Additional neighborhood services in numbers 11-15 needs to be controlled.)

1. All uses allowed in R-1
2. Apartments of more than five (5) doors
3. Boarding houses of more than five (5) boarders
4. Dormitory houses
5. Hometels
6. Medium rise apartel buildings of not more than four (4) storeys located along major thoroughfares
7. Vocational school

8. Backyard raising of livestock and fowl provided that :

- a. For livestock, a maximum of two (2) heads in urban and ten (10) heads in rural areas. And for fowl , a maximum of 100 birds in urban and 500 birds in rural areas;
- b. A written consent of the affected adjacent lot owner & homeowners if any, shall be secured & submitted to the Zoning Administrator
- c. No undue noise is created by those pets and fowls;
- d. No foul smell is emitted;
- e. Other sanitary requirements enforced in the city are complied with;
- f. In case of residential subdivision, the provisions stipulated in the contract between the lot buyer and the subdivision developer/owner shall prevail over that of the Zoning Ordinance, provided that the limitations herein are observed.

9. Shuttle bus terminal without incidental repair and maintenance facilities

10. Tricycle/Tri-sikad terminals

11. Food shops /outlets such as :

- a. food mart
- b. bakery and bake shop
- c. restaurants/eateries
- d. fast food center
- e. grilled/ roasted food outlets
- f. ice cream parlor
- g. fruit stand
- h. candy shop

12. Personal services shops like :

- a. beauty parlor
- b. barber shop
- c. sauna bath and massage clinic
- d. dressmaking and tailoring shop/embroidery
- e. medical clinic
- f. aerobics/body bar
- g. reflexology, acupuncture services and the like
- h. portrait shops

13. Sports and Recreational Centers

Playcourt e.g., tennis, billiard maximum of 2 tables

14. Short term special education like :

- a. dancing schools
- b. school for self-defense
- c. driving schools
- d. speech clinics
- e. music studios /schools

15. Other trade, services and business activities such as :

- a. hardware/ auto supply and spare parts with storerooms incidental to the principal use
- b. pawnshops and goldsmith services
- c. watch, locksmith and other light electrical and mechanical repair shops
- d. laundry shops and dry cleaning services
- e. typing, photocopying and engraving services
- f. bag/shoe repair shop
- g. clubhouse
- h. booking office
- i. small vulcanizing shop along major thoroughfares
- j. booking office
- k. bookstore

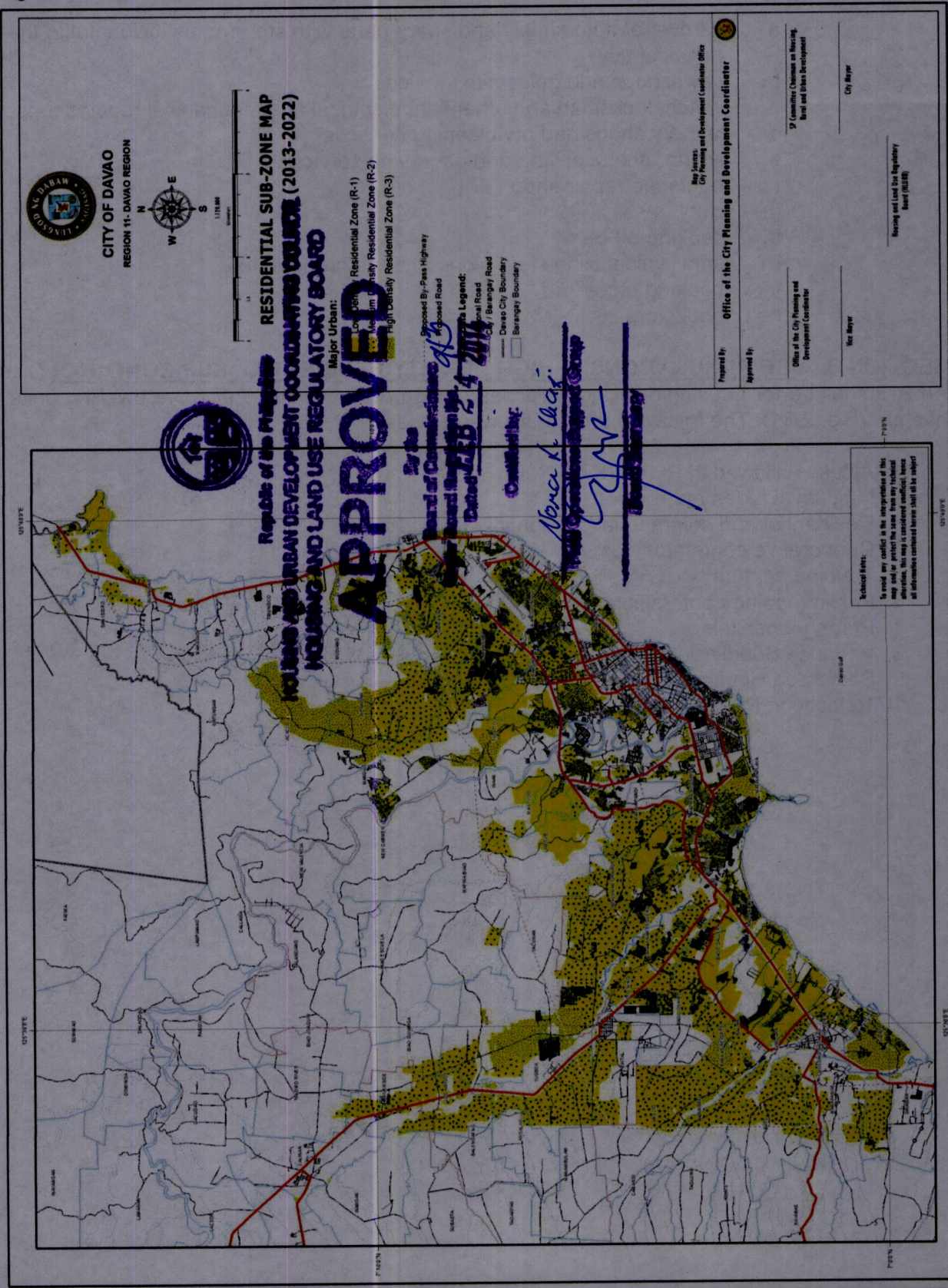
SECTION 3. USE REGULATIONS IN HIGH DENSITY RESIDENTIAL SUB-ZONE (R-3) District.

An R-3 shall be for housing/dwelling purposes of high density with 66 or more dwelling units per hectare.(Fig. 2.31) The following are the allowable uses :

- 1. All uses allowed in R-1 and R-2 Sub-zone
- 2. Multi-level tenement houses
- 3. Residential and commercial condominium Building
- 4. Cooperative centers/offices
- 5. Training centers
- 6. Public reading centers/libraries
- 7. Primary hospitals
- 8. Variance Subdivisions such as upgrading and sites & services projects
- 9. Socialized Housing
- 10. Relocation Projects

Figure 1.11

Fig. 2.31 Residential Sub-zone Map of Davao City (2013-2022)



SECTION 4. **USE REGULATIONS IN MINOR COMMERCIAL SUB-ZONE (C-1).** Referred to as the Central Business sub-zone (CBD), a C-1 district shall be principally for trade, services and business activities. (Fig. 2.32). Enumerated below are the allowable uses :

1. Office buildings like
 - a. office condominium building
 - b. office/ residential condominium building
2. General retail stores and shops like:
 - a. department store/shopping center
 - b. bookstore and office supply shop
 - c. grocery /mini marts
 - d. supermarket
 - e. wine, cigar and cigarette shop
 - f. car accessory shop
 - g. home appliances store
 - h. record and musical instrument shop
 - i. medical equipment store
 - j. photo shop
 - k. flower shop
 - l. pet shop
 - m. duty free shop
 - n. sports supplies and accessory shop
 - o. gifts and souvenir shop
 - p. RTW shops and/or boutiques
 - q. shoe shops
 - r. second hand retail shops such as : books, used clothing, furniture, appliances and the like
 - s. art gallery shops
3. Food shops /outlets such as:
 - a. food mart
 - b. bakery and bake shop
 - c. restaurants/eateries
 - d. fast food center
 - e. grilled/ roasted food outlets
 - f. ice cream parlor
 - g. fruit stand
 - h. candy shop
 - i. public and privately operated wet market with cold storage facilities
4. Personal services shops like :
 - a. beauty parlor
 - b. barber shop
 - c. sauna bath and massage clinic
 - d. dressmaking and tailoring shop/embroidery
 - e. medical clinic
 - f. aerobics/body bar
 - g. reflexology, acupuncture services and the like
 - h. portrait shops

Figure 1.12

5. Sports and Recreational Centers :

- a. moviehouse/theater
- b. playcourt e.g. tennis, bowling, billiard
- c. indoor shooting range
- d. mini-golf course/driving range
- e. swimming pool
- f. day and night clubs, disco pub, videoke/ karaoke/KTV bars, beer/pubhouses, bars and the like subject to existing local ordinances/ regulations as to its distance from the nearest institutional structures such as schools, churches, hospital and the like.
- g. stadium, coliseum, gymnasium
- h. skating rinks
- i. carnivals & recreational shows
- j. other sports and recreational and amusement establishments except casinos, cockpits or other forms of gambling activities

6. Short term special education like:

- a. dancing schools
- b. school for self-defense
- c. driving schools
- d. speech clinics
- e. music studios /schools

7. Commercial housing like:

- a. residential condominium
- b. hotel
- c. apartel
- d. pension/lodging house/inn
- e. apartments
- f. boarding houses
- g. dormitory
- h. storerooms and similar storage facilities necessary for the effective conduct of the business

8. Institutional activities such as :

- a. colleges/universities
- b. embassy/consulate
- c. library/museum
- d. convention center and related facilities
- e. government offices
- f. hospitals
- g. scientific, cultural and academic centers and research facilities except nuclear, radioactive, chemical and biological warfare facilities
- h. public parks and playground including public zoo

9. Other trade, services and business activities such as :
 - a. banks and other similar financial institutions
 - b. hardware / auto supply and spare parts with storerooms incidental to the principal use
 - c. filling/service station
 - d. vocational/technical school
 - e. off-street and multi-level parking area
 - f. radio and television station
 - g. printing shops and publishing houses
 - h. pawnshops and goldsmith services
 - i. watch, locksmith and other light electrical and mechanical repair shops
 - j. laundry shops and dry cleaning services
 - k. typing, photocopying and engraving services
 - l. messengerial services
 - m. janitorial services
 - n. security agency
 - o. recruitment agency
 - p. rent-a -car services
 - q. bag/shoe repair shop
 - r. clubhouse
 - s. booking office
 - t. small vulcanizing shop
 - u. advertising office
 - v. radio, TV and other communication facilities
 - w. tire and vulcanizing shops
 - x. other similar commercial activities not elsewhere classified

SECTION 5. **USE REGULATIONS IN MAJOR COMMERCIAL SUB-ZONE (C-2).** A C-2 sub-zone shall be quasi-trade, business activities and service industries performing complimentary/ supplementary functions to principally Commercial District (CBD).(Fig. 2.32) Within the C-2 sub-zone the following uses are allowed :

1. All uses allowed in C-1 sub-zone
2. Repair shops like :
 - a. house appliances
 - b. motor vehicle and accessory shops (Note: all shops shall be provided with adequate working space and no vehicle repair or no storage shall be allowed on the road right-of-way.)
 - c. home furnishing shops
 - d. electrical and mechanical equipment repair shop
3. Satellite PUJ terminal provided it is located outside Central Business District (CBD) and upon the recommendation of the Office of the City Planning & Dev't Coordinator
4. Billboards /signboards making/ advertising shops
5. Small and medium scale junk store of not more than 50.00 sq.m. floor area
6. Machinery sales and incidental services
7. Carwash services provided with proper drainage, rain water catchment and water treatment facility.

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8. Automobile sales and services (provided with adequate working space and no vehicle repair or no storage shall be allowed on the road right-of-way).
9. Heavy equipment sales and services (provided with adequate working space and no vehicle repair or no storage shall be allowed on the road right-of-way)
10. Machine shop service operation for engine repair rebuilding or custom job orders
11. Lumber yard without machinery (with storage incidental to the principal use, no stock files shall be allowed on the road right-of-way)
12. Tire recapping (cold process)
13. Blacksmith/tinsmithry
14. Woodworks /furniture shop
15. Steel works such as :
 - a. window grills fabrication
 - b. window casement/steel doors
 - c. steel gate/fence
 - d. garden/home furniture
 - e. cutflowers plant accessories
 - f. and other similar steel fabrication activities
16. Lechon or whole pig roasting
17. Doughnut and hopia factory
18. Other bakery products not elsewhere classified
19. Repacking of food products e.g. fruits, vegetables, sugar and other related products
20. Wholesale establishments/stores or offices with storage facilities and display of commodities/items for sale
21. Warehouse and open storages
22. Public wet market and wet markets privately operated with cold storage facilities
23. Motel
24. Other commercial activities not elsewhere classified

Fig. 2.32 Commercial Sub-zone Map of Davao City (2013-2022)

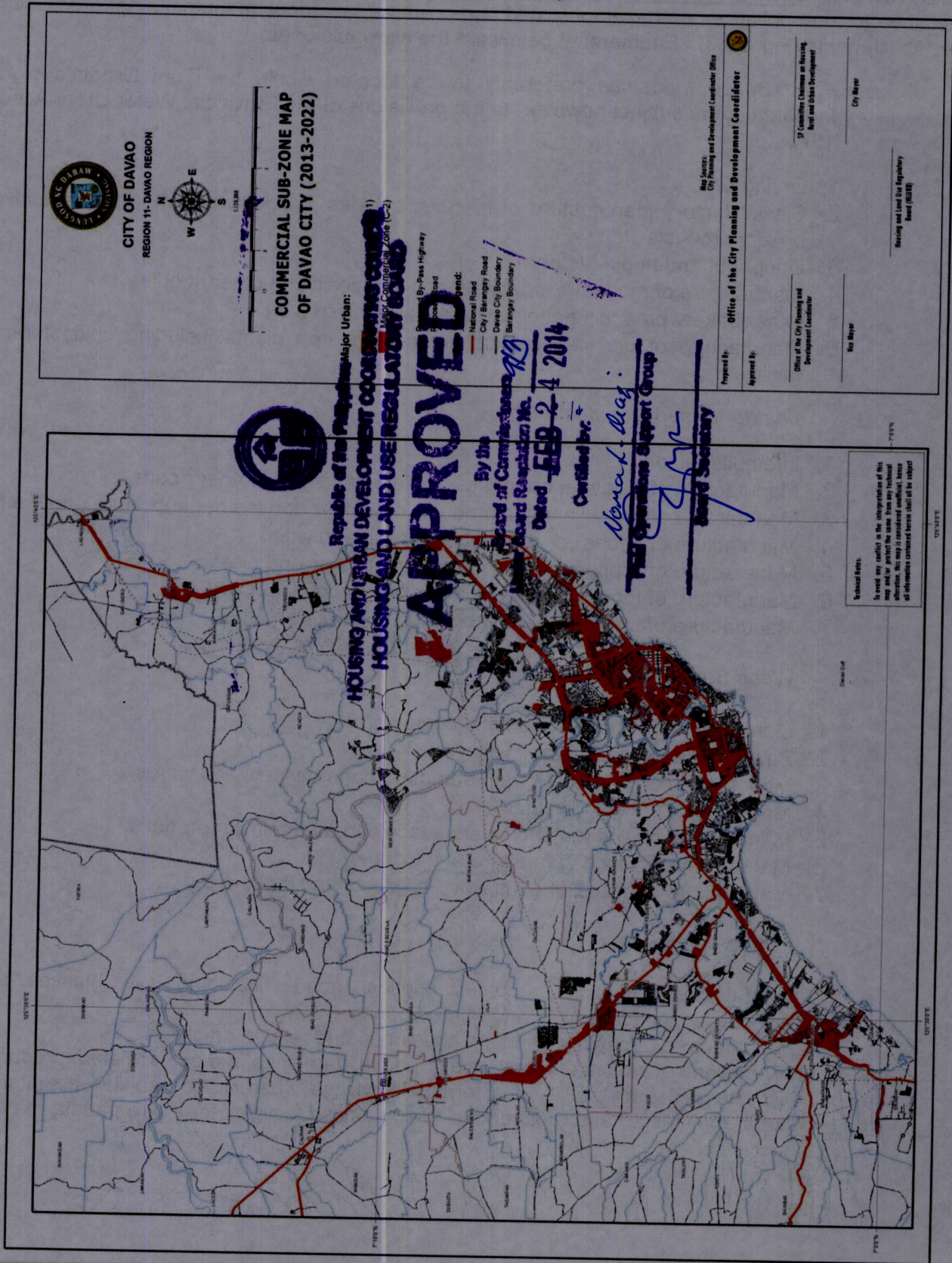


Figure 1.14

SECTION 6. **USE REGULATION IN LIGHT INDUSTRIAL SUB-ZONE (I-1).** An I-1 sub-zone shall be for non-pollutive/non-hazardous and non-pollutive/hazardous manufacturing/ processing establishments.(Fig. 2.33). Enumerated below are the allowable uses:

- A. *Food Based Industries* preferably to be located within the Toril District's Light Industrial Zone subject however to the provisions of the Provincial Water Utility Act of 1973.
1. Drying fish
 2. Biscuit factory manufacture of biscuits, cookies, crackers and other similar dried bakery products
 3. Doughnut and hopia factory
 4. Manufacture of macaroni, spaghetti and vermicelli and other noodles
 5. Other bakery products not elsewhere classified (n.e.c.)
 6. Manufacture of dry ice, ice, ice cream, ice drop plants including cold storage facilities
- B. *Leather Based Manufacturing*
1. Life belts factory
 2. Manufacture of luggage, handbags, wallets and small leather goods
 3. Manufacture of miscellaneous products of leather and leather substitute and n.e.c.
 4. Manufacture of shoes except rubber, plastic and wood
 5. Manufacture of slippers and sandal except rubber and plastic
 6. Manufacture of footwear parts except rubber and plastic
 7. Manufacture of miscellaneous fabricated mill work and those n.e.c.
- C. *Wood Based Industries*
1. Manufacture of wooden and cane containers
 2. Sawali, nipa and split cane factory
 3. Manufacture of bamboo, rattan and other cane baskets and wares
 4. Manufacture of cork products
 5. Manufacture of wooden shoes, shoe lace and other similar products
 6. Manufacture of wooden furniture and fixtures
 7. Manufacture of miscellaneous wood products and those n.e.c.
- D. *Other Industries*
1. Manufacture of photographic & optical goods including eye glasses and spectacles, optical lenses and related goods
 2. Manufacture of paper stationery, envelopes and related articles
 3. Repacking of industrial products e.g. paints, varnishes and other related products
 4. Private and public utility bus terminals garage where such vehicles are stored, kept, maintained and repaired including storage facilities for spare parts and other accessories.

5. Warehouse and open storages
 - a. Open storage like container yard shall be provided with a 3 meters buffer planted with tall trees along yard/property boundaries, and ample waiting area for cargo trucks.
6. Manufacture of musical instruments including organs, piano, wind-end percussion and the like
7. Manufacture of watches and clock and other signal and detection equipments.
8. Manufacture of commercial handicrafts and industrial activities utilizing plant or animal parts and/or products as raw materials n.e.c.

SECTION 7. USE REGULATIONS IN MEDIUM INDUSTRIAL SUB-ZONE (I-2). An I-2 sub-zone shall be for pollutive/ non-hazardous and pollutive/ hazardous manufacturing and processing establishments. (Fig. 2.33). Enumerated below are the allowable uses:

- A. All uses allowed in I-1 sub-zone
- B. *Food Based Industries* preferably to be located within the Toril District's Medium Industrial District subject however to the provisions of the Provincial Water Utility Act of 1973.
 1. Processing and canning of ham, bacon and native sausag
 2. Poultry processing and canning
 3. Corn mill/ ricemill
 4. Chocolate and cocoa factory
 5. Candy factory
 6. Chewing gum factory
 7. Peanuts and other nuts factory
 8. Other chocolate and confectionery products
 9. Manufacture of flavoring extracts
 10. Manufacture of food products n.e.c. (vinegar, vetsin, soy sauce etc.)
 11. Manufacture of fish meat
 12. Oyster shell grading
 13. Flour mill
 14. Cassava flour mill
 15. Manufacturing of coffee, pineapple and banana products
 16. Drying, cleaning, curing and preserving of meat and its by products and derivatives.
 17. Other similar food base industries n.e.c.
- C. *Wood-Based Industries*
 1. Manufacture of rough lumber, unworked
 2. Manufacture of worked lumber
 3. Resawmills
 4. Manufacture of veneer , plywood and woodtile products
 5. Manufacture of worked lumber
 6. Treating and preserving of wood
 7. Manufacture of charcoal base products
 8. Manufacture of wood and cane blinds, screen and shades
 9. Manufacture of containers and boxes of paper and paper boards

Figure 1.15

10. Manufacture of miscellaneous pulp and paper products n.e.c.
11. Manufacture of wood furniture including upholstered
12. Manufacture of rattan furniture including upholstered
13. Manufacture of box beds and mattresses

D. *Agricultural -Based Industries*

1. Manufacture of unprepared animal feeds, other grain milling n.e.c.
2. Production of prepared feeds for animals
3. Cigar and cigarette factory
4. Curing and redrying tobacco leaves
5. Drying, smoking and airing of tobacco
6. Miscellaneous processing of tobacco leaves n.e.c.
7. Other agricultural based products n.e.c.

E. *Non-Metallic-Based Industries*

1. Manufacture of statuary, art goods, cut stone and marble products
2. Manufacture of abrasive products
3. Manufacture of miscellaneous nonmetallic mineral products n.e.c.

F. *Metallic- Based Industries*

1. Manufacture of household metal furniture
2. Manufacture of office, store and restaurant metal furniture
3. Manufacture of metal blinds, screens and shades
4. Manufacture of miscellaneous furniture and fixture primarily of metal n.e.c.
5. Manufacture of fabricated structural iron and steel
6. Manufacture of architectural and ornamental metal works
7. Manufacture of boilers, tanks and other structural sheet metal works
8. Manufacture of other structural products n.e.c.
9. Manufacture of metal cans, boxes and containers
10. Manufacture of stamped coated and engraved metal products
11. Manufacture of fabricated wire and cable products
12. Manufacture of heating, cooking and lighting equipment except electrical
13. Sheet metal works generally manual operation
14. Manufacture of other fabricated metal products except machinery and equipment n.e.c.

G. *Chemical -Based Industries*

1. Manufacture of perfumes cosmetics and other toilet preparations
2. Manufacture of waxes and polishing preparations
3. Manufacture of candles
4. Manufacture of inks
5. Manufacture of miscellaneous chemical products, n.e.c.

H. *Plastic and Rubber- Based Products*

1. Manufacture of plastic footwear
2. Manufacture of plastic furniture
3. Manufacture of other fabricated plastic products n.e.c.

4. Tire retreating and rebuilding
5. Manufacture of rubber shoes and slippers
6. Manufacture of industrial and molded rubber products

I. *Other Industries*

1. Manufacture of medicinal and pharmaceutical preparations
2. Manufacture of cutlery, except table flatware
3. Manufacture of hand tools
4. Manufacture of general hardware
5. Manufacture of miscellaneous cutlery hand tools and general hardware n.e.c.
6. Manufacture or assembly of agricultural machinery and other heavy equipment machinery
7. Native plow and harrow factory
8. Repair of agricultural machinery
9. Manufacture of assembly of service industry machines
10. Manufacture of assembly of elevators and escalators
11. Manufacture or assembly of sewing machines
12. Manufacture or assembly of cooking range
13. Manufacture or assembly of water pumps
14. Refrigeration industry
15. Manufacture or assembly of other machinery and equipment except electrical n.e.c.
16. Manufacture and repair of electrical apparatus
17. Manufacture and repair of electrical cables and wires
18. Manufacture of electrical cables and wire
19. Manufacture of other electrical industrial machinery and apparatus n.e.c.
20. Manufacture or assembly of electric equipment radio and television, tape recorders, stereo
21. Manufacture or assembly of radio and television transmitting, signaling and detection equipment
22. Manufacture or assembly of telephone and telegraphic equipment
23. Manufacture of other electronic equipment and apparatus n.e.c.
24. Manufacture of industrial and commercial electrical equipment
25. Manufacture of household cooking, heating and laundry appliances
26. Manufacture of other electrical appliances n.e.c.
27. Manufacture of electric lamp fixtures
28. Weaving hemp textile
29. Jute spinning and weaving
30. Miscellaneous spinning and weaving mills, n.e.c.
31. Hosiery mill
32. Underwear and outwear knitting mills
33. Fabric knitting mills
34. Miscellaneous knitting mills n.e.c.
35. Manufacture of mats and matting
36. Manufacture of carpets and rugs
37. Manufacture of cordage, rope and twine
38. Manufacture of related products from abaca, sisal, henequen, hemp, cotton, paper, etc.
39. Manufacture of linoleum and other surfaced coverings
40. Manufacture of artificial leather, oil cloth and other fabrics except rubberized

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41. Manufacture of coil
42. Manufacture of miscellaneous textile, n.e.c.
43. Manufacture of table and kitchen articles
44. Manufacture of pottery, china and earthen ware, n.e.c.
45. Manufacture of flat glass
46. Manufacture of glass containers
47. Manufacture of miscellaneous glass and glass products, n.e.c.
48. Manufacture of clay bricks, clay tiles and hollow clay tiles
49. Manufacture of miscellaneous structural clay products, n.e.c.
50. Manufacture of structural concrete products
51. Manufacture of asbestos products
52. Manufacture of engines and turbines except motor vehicles, marine and aircraft
53. Manufacture of metal cutting, shaving and finishing machinery
54. Manufacture of wood working machinery
55. Manufacture, assembly, rebuilding, repairing of food and beverage making machinery
56. Manufacture, assembly, rebuilding, repairing of textile machinery and equipment
57. Manufacture, assembly, rebuilding, repainting of paper industry machinery
58. Manufacture, assembly, rebuilding, repairing of printing, trade machinery and equipment
59. Manufacture of rice mills
60. Manufacture of machines for leather and leather product
61. Manufacture of construction machinery
62. Manufacture of machines for clay, stove and glass industries
63. Manufacture, assembly, repair, rebuilding of miscellaneous special industrial machinery and equipment, n.e.c.
64. Manufacture of dry cells, storage battery and other batteries
65. Boat building and repairing
66. Ship repairing industry, dock yards, dry dock, shipways
67. Miscellaneous shipbuilding and repairing, n.e.c.
68. Manufacture of locomotives and parts
69. Manufacture of railroad or automobiles, cars, buses, trucks and trailers
70. Manufacture or assembly of automobiles, cars, buses, trucks and trailers
71. Assembly of motorcycle, cars, trucks and the like
72. Plant for computer and other electronic device

SECTION 8. USE REGULATIONS IN HEAVY INDUSTRIAL SUB-ZONE (I-3). An I-3 sub-zone shall be for large scale highly pollutive/non-hazardous; highly pollutive/ hazardous; highly pollutive/extremely hazardous; non-pollutive/extremely hazardous; and pollutive/ extremely hazardous manufacturing and processing establishments. Enumerated below are the allowable uses:

- A. All uses allowed in I-2 sub-zone
- B. *Food-Based Industries* preferably located within the Toril District's Heavy Industrial sub-zone subject however to the provisions of the Provincial Water Utility Act of 1973.
 1. Meat processing, curing, preserving except processing of ham, bacon, sausage and chicharon
 2. Ice cream factory
 3. Milk processing plants (manufacturing filled, reconstituted or recombines milk, condensed or evaporated)

4. Butter and cheese processing plants
5. Natural fluid milk processing (pasteurizing, homogenizing, vitaminizing, bottling of natural animal milk and cream related products)
6. Other dairy products, n.e.c.
7. Canning and preserving of fruits and fruit juices
8. Canning and preserving of vegetable and vegetable sauces
9. Canning and preserving of vegetable sauces
10. Miscellaneous canning and preserving of fruits and vegetables, n.e.c.
11. Fish canning
12. Patis factory
13. Bagoong factory
14. Processing, preserving and canning of fish and other seafoods, n.e.c.
15. Manufacture of desiccated coconut
16. Manufacture of starch and its products
17. Manufacture of wines from juices of local fruits
18. Manufacture of malt and malt liquors
19. Manufacture of soft drinks carbonated water
20. Manufacture of instant beverages and syrups
21. Other non-alcoholic beverages, n.e.c.
22. Other slaughtering, preparing and preserving meat products, n.e.c.
23. Vegetable oil mills, including coconut oil refineries
24. Manufacture of refined cooking oil and margarine
25. Manufacture of fish, marine and other animal oils
26. Manufacture of vegetable and animal oils and fats, n.e.c.
27. Sugar cane milling (centrifugal and refined)
28. Sugar refining
29. Muscovado sugar mill
30. Distilled, rectified and blended liquors, n.e.c.

C. *Other Industries*

1. Batching Plant for cement and asphalt
2. Cement factories
3. Cotton textile mill
4. Ramie textile mill
5. Rayon and other man made fiber textile mill
6. Bleaching and drying mills
7. Manufacture of narrow fabrics
8. Tanneries and leather finishing plants
9. Pulp mill
10. Paper and paperboard mills
11. Manufacture of fiberboard
12. Manufacture of inorganic salts and compounds
13. Manufacture of soap and cleaning preparations
14. Manufacture of hydraulic cement
15. Manufacture of lime and lime kilns
16. Manufacture of plaster
17. Product of blast furnaces, steel works and rolling mills
18. Products of iron and steel foundries
19. Manufacture of smelted and refined nonferrous metals

Figure 1.20



20. Manufacture of rolled, drawn or astruded nonferrous metals
21. Manufacture of nonferrous foundry products
22. Manufacture of industrial alcohol
23. Other basic industrial chemicals, n.e.c.
24. Manufacture of fertilizers
25. Manufacture of pesticides
26. Manufacture of synthetic resins, plastic materials and man made fibers except glass
27. Petroleum refineries
28. Manufacture of reclaimed, blended and compound petroleum products
29. Manufacture of miscellaneous products of petroleum and coals, n.e.c.
30. Manufacture of paints
31. Manufacture of varnishes, shellac and stains
32. Manufacture of paint remover
33. Manufacture of other paint products
34. Manufacture of matches
35. Manufacture of tires and inner tubes
36. Manufacture of processed rubber not in rubber plantation
37. Manufacture of miscellaneous rubber products, n.e.c.
38. Manufacture of compressed and liquified gases

SECTION 9. **OTHER USE REGULATIONS FOR INDUSTRIAL SUB-ZONE.** For land uses following under the use regulations for I-1, I-2, and I-3 sub-zones which are not listed in Sections 7, 8 and 9, the corresponding certification as to non-pollutive, pollutive or highly pollutive and further classified as non-hazardous, hazardous and extremely hazardous, shall first be secured from the Regional Office of the Department of Environment and Natural Resources.

No industry listed under use regulation for I-1 and I-2 sub-zones shall be allowed inside areas allowed to purely residential subdivisions existing prior to the approval of this Zoning Ordinance even if such residential subdivisions are within the Industrial sub-zone as described in this Ordinance.

Fig. 2.33 Industrial Sub-zone Map of Davao City (2013-2022)

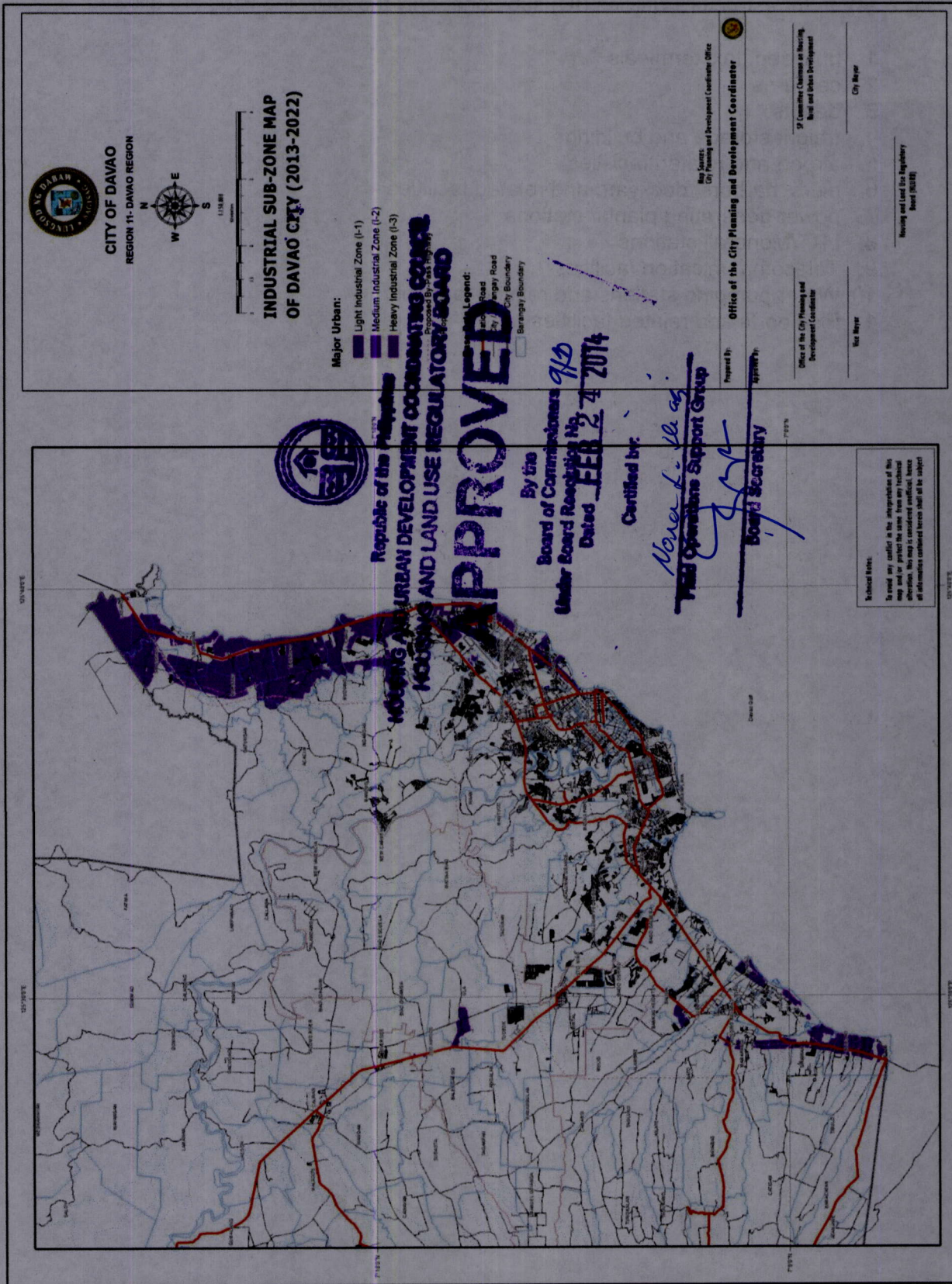


Figure 1.21

SECTION 10. USE REGULATION IN INFRASTRUCTURE/UTILITIES SUB-ZONE (IU).
(Fig. 2.34). In Infrastructure Utilities (IU) sub-zone, only the following uses are allowed :

1. bus/jeep, taxi terminals
2. carbarns
3. depots
4. freight storage and buildings
5. airport and related facilities
6. piers, harbors, dockyard and related facilities
7. power generating plants/ stations
8. LRT/Monorail stations
9. Telecommunication facilities
10. Water pumping stations and related facilities
11. Fish ports and related facilities

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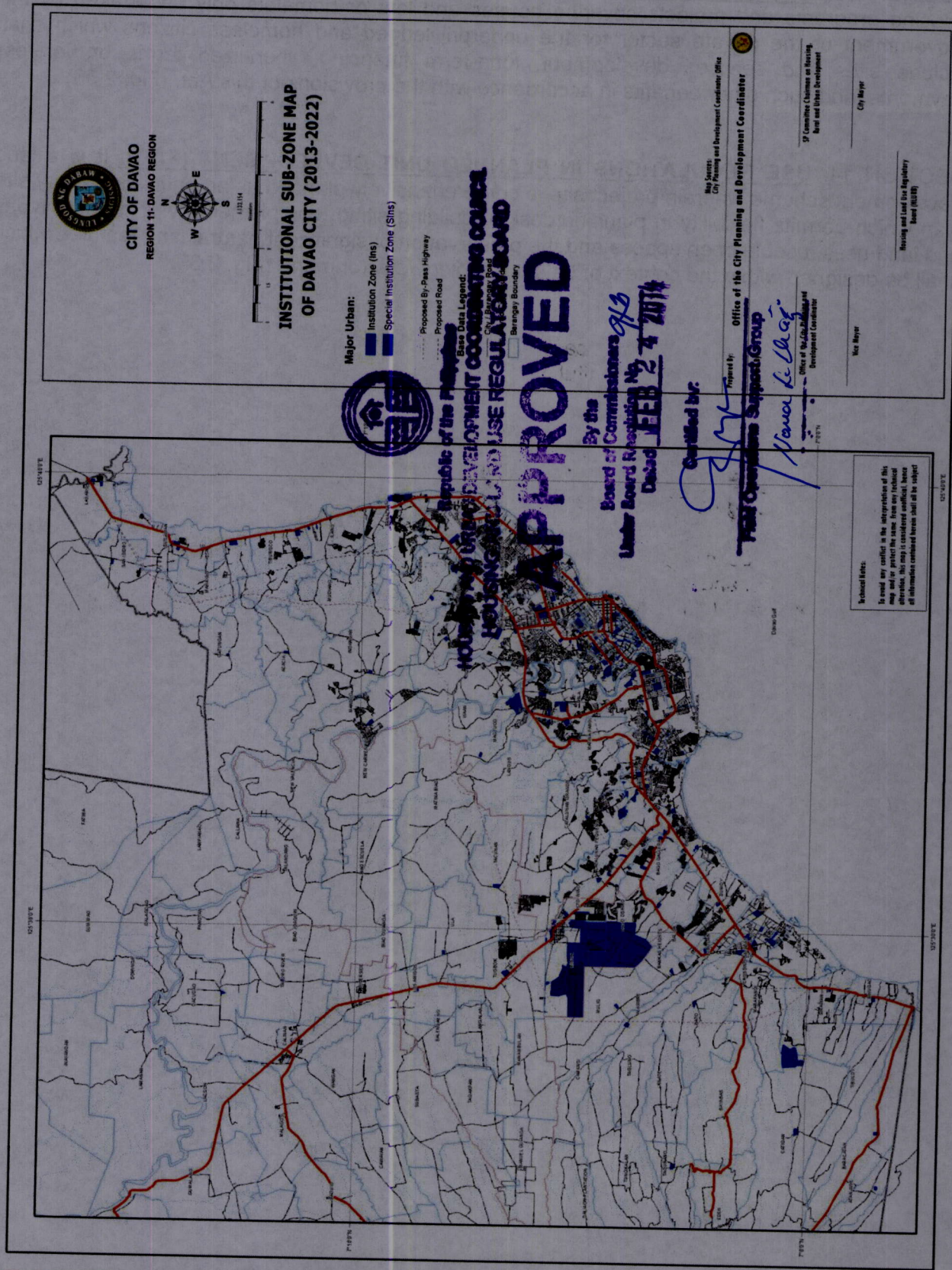
SECTION 11. USE REGULATIONS IN GENERAL INSTITUTIONAL SUB-ZONE (Gins). Refers to areas with an established organization or foundation, especially one dedicated to education, public service or culture.(Fig. 2.35). In Gins sub-zone, the following uses shall be allowed:

1. Government Center to house national, regional or local offices in the area
2. Colleges, universities, professional business schools, vocational and trade schools, technical schools and other institutions of higher learning
3. General hospitals, medical centers, multipurpose clinics
4. Convention centers and related facilities
5. Convention structures e.g. church, seminary, convents
6. Religious structure e.g. church, mosque, seminary, convents
7. Museums/ Public libraries
8. Embassies/ consulate
9. Civic Center
10. All kinds of cultural and historical landmarks and structures
11. Special public and private institutional buildings and other land uses of similar nature.

SECTION 12. USE REGULATIONS IN SPECIAL INSTITUTIONAL SUB-ZONE (Sins). In Sins sub-zone, the following uses shall be allowed :

1. Welfare homes, orphanages, boys and girls home, home for the aged and the like.
2. Rehabilitation and vocational training center for ex-convicts, drug addicts, unwed mothers, physically, mentally and emotionally handicapped, ex-sanitaria inmates and similar establishments.
3. Military camps/ reservations/ bases and training grounds
4. Penitentiary and correctional institution
5. Nuclear, radioactive , chemical and biological warfare facilities

Fig. 2.35 Institutional Sub-zone Map of Davao City (2013-2022)



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SECTION 13. **USE REGULATIONS IN SOCIALIZED HOUSING SUB-ZONE (SHZ)** . refers to housing programs and projects covering houses and lots or homelots only undertaken by the Government or the private sector for the underprivileged and homeless citizens which shall include sites and services development, long-term financing, liberalized terms on interest payments, and such other benefits in accordance with the provisions of this Act. (Fig. 2.36)

SECTION 14. **USE REGULATIONS IN PLANNED UNIT DEVELOPMENT (PUD)**. It is a land development scheme wherein project site is comprehensively planned as an entity via unitary site plan which permits flexibility in planning/design, building siting, complementary of building types and land uses, usable open spaces and the preservation of significant natural land features which shall be designed within the context of balance ecology/environment. (Fig. 2.37)

LEONARDO S. SORIANO
City Engineer

City Engineer

DR. FRED S. SORIANO
City Engineer

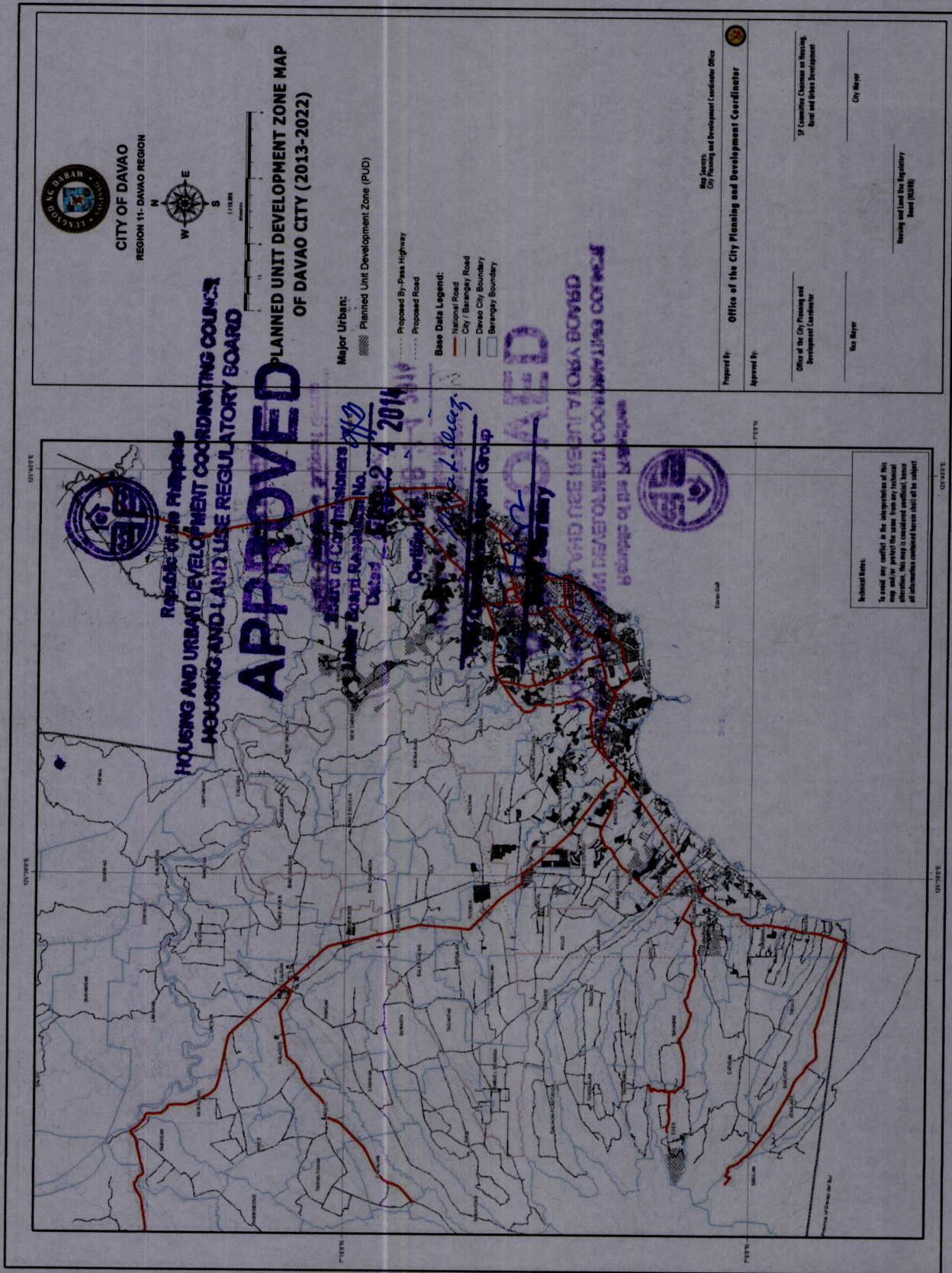
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Fig. 2.37 Planned Unit Development Map of Davao City (2013-2022)



ARTICLE VIII

COMMON REGULATIONS FOR MAJOR URBAN SUB-ZONES

SECTION 1. **EFFECT OF ZONING**. Specific uses/activities of lesser density or intensity within a particular sub-zone (R-1/PR-1) may be allowed within sub-zone of higher density (R-2/PR-2, R-3/PR-3) but not vice versa, or not in another sub-zone of different nature and its subdivisions (e.g. C-1, C-2), except for uses expressly allowed in said sub-zone, such that the cumulative effect of zoning shall be intra-zone and not inter-zone.

SECTION 2. **REVIEW OF MAJOR URBAN SUB-ZONES**. The Major Urban Sub-zones are only subject to review by the Local Zoning Review Committee (LZRC) every three(3) years from enactment of this ordinance. Any recommendation for change in sub-zone shall be subject for approval by three-fourths (3/4) votes by the members of the Sangguning Panlungsod, through a resolution and an ordinance. Any change in the major urban sub-zone shall be considered as amendment in the zoning ordinance and must comply with the provision of Article XIV, Section 14 hereof.

SECTION 3. **HEIGHT REGULATIONS**. Building height must conform to the height restrictions and requirements of the Civil Aviation Authority of the Philippines (CAAP) as well as the requirements of the National Building Code, the Structural Code as well as all laws, ordinances, design standards, rules and regulations related to land development and building construction and the various safety codes.

SECTION 4. **HEIGHT REGULATIONS IN LOW DENSITY RESIDENTIAL SUB-ZONE (R-1)**. In R-1 sub-zone, no building or structure for human occupancy whether public or private shall exceed nine (9) meters in height.

SECTION 5. **HEIGHT REGULATIONS IN MEDIUM DENSITY RESIDENTIAL SUB-ZONE (R-2)**. In R-2 sub-zone, no building or structure for human occupancy whether public or private shall exceed twelve (12) meters in height.

SECTION 6. **ALL OTHER SUB-ZONE**. There is no fixed building height limits except those prescribed by the Civil Aviation Authority of the Philippines (CAAP) and other government regulations. Within these district, building heights shall be based on the prescribed floor area ratio (FAR).

SECTION 7. **EXEMPTIONS FROM HEIGHT REGULATIONS IN R-1 AND R-2**. Exempted from the imposition of height regulations in residential district are the following: towers, church steeples, mosque water tanks and other utilities and such other structures not covered by the height regulations of the National Building Code and/or the Civil Aviation Authority of the Philippines (CAAP).

SECTION 8. **SPECIFIC PROVISIONS IN THE NATIONAL BUILDING CODE**. Specific provisions stipulated in the National Building Code (P.D. 1096) relevant to traffic generators, advertising and business signs, erection of more than one principal structure, dwelling or rear lots, access yard requirements and dwelling on rear lots, access yard requirements and dwelling groups, which are not in conflict with the provision of the Zoning Ordinance, shall be observed.

SECTION 9. AREA REGULATIONS. Area regulations in all districts shall conform with the minimum requirement of the existing laws and codes such as:

- a) P.D. 957 - The "Subdivision and Condominium Buyers' Protective Law", and its revised implementing rules and regulations.
- b) B.P. 220 - "Promulgation of Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Projects" and its revised implementing rules and regulations.
- c) P.D. 1096 - National Building Code
- d) Fire Code
- e) Sanitation Code
- f) Plumbing Code
- g) Structural Code
- h) Executive Order No. 648
- i) other relevant guidelines promulgated by the national agencies concerned

SECTION 10. ROAD SETBACK REGULATIONS. The following road setback regulations shall be applied:

ROAD SETBACK

Zoning Classification	Major Thoroughfare 30m & above	Secondary Road	Tertiary Road
	Diversion/Railway	City	Barangay
Residential	10	10	3
Commercial	20	20	7
Industrial	30	25	10
Agricultural	20	20	7
Agro-Industrial	30	25	10
Institutional	20	20	10
Parks & Recreation	10	10	3
Forest	30	25	10
Proj. of National Significant	Refers to specific guidelines		

SECTION 11. BUFFER REGULATIONS. A minimum buffer of 20 meters shall be provided along entire boundary length between two or more conflicting zones allocating 10 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 yard or open space and maybe utilized only for Greening Program purposes only.

SECTION 12. ENVIRONMENTAL COMPLIANCE CERTIFICATE (ECC). Notwithstanding the issuance of Locational Clearance under Section 1, Article X of this Ordinance, no environmentally critical projects nor projects located in environmentally critical areas shall be commenced, developed or operated unless the requirements of ECC have been complied with.

SECTION 13. **RESIDENTIAL SUBDIVISION PROJECTS.** All owners and/or developers of subdivision projects in securing Preliminary Approval and Locational Clearance (PALC) and Development Permit (DP) shall comply with all the requirements of PD 957 and its implementing rules and regulations (IRR) (in case of high end projects) or BP 220 and its IRR (for Economic and Socialized Housing Projects) .

SECTION 14. **TWENTY PERCENT (20%) HOUSING BALANCE FOR REQUIREMENTS.** No Development Permit shall be granted for residential subdivision projects and no building permits shall be issued for residential condominium projects unless compliance for the 20% housing balance requirement is complied with, within the City of Davao in accordance with the provisions of the Shelter Code of Davao and its Implementing Rules and Regulations.

SECTION 15. **AFFECTED RESIDENTIAL SUBDIVISION.** No locational clearance and building permit shall be issued for project in commercial and/or residential subdivisions altered and affected by the revision of this zoning ordinance unless an alteration plan (in accordance with the new zoning ordinance) and a written conformity of the community association, or in the absence thereof by the majority of the lot buyers therein are submitted to the zoning officers by the project proponent. In the absence of lot buyers, an affidavit to this effect shall be submitted by the project proponent. However, if they are changes in configuration of the subdivision plan, the project proponent is required to apply the alteration of the subdivision project in accordance with the procedure provided by law.

ARTICLE IX

ENVIRONMENT MANAGEMENT SUB-ZONES

SECTION 1. LANDSLIDE MITIGATION SUB-ZONE - These are areas with very high and high susceptibility to geohazards as identified in the Terrain Analysis Study of Davao City and declared as such by the Watershed Code of Davao City. (Fig. 2.26)

1.1. The following are the Allowable Uses/Activities in Landslide Mitigation Sub-zone:

1.1.1 All uses/activities in Forest Zone (FZ), Conservation Zone (CZ) and Agri-non Tillage Zone.

1.1.2 Improvement and maintenance of all waterway easement

1.1.3 Reforestration Development Projects

1.6 The following are the Compatible Uses in Landslide Mitigation Sub-zone

1.2.1. Uses in Agricultural Non-tillage Sub-zone

1.3. The following are the Special Requirements for the development in Landslide Mitigation Sub-zone:

1.3.1 For new development, clearance from the DENR - Mines and Geosciences Bureau must be secured first , subject for further geological studies;

1.3.2. Provide applicable/approved mitigating measures for slope protection in areas with moderate to steep slopes and shall form part of the requirement for the approval of the Locational Clearance;



1.3.3. Detailed geohazards and structural study by a licensed Geologist and a licensed structural engineer

1.4. Mitigating Device - Areas within Landslide Mitigation sub-zone maybe granted variance, a legal device which grants property owner relief from certain provisions of the Zoning Ordinance, if the property owner could sufficiently establish that the property is unique and different from the other adjacent property in the locality and because of its peculiarity, development may be allowed for other specific use upon the recommendation of the Local Zoning Board of Adjustment and Appeals (LZBAA) and approval by Sangguniang Panlungsod by three-fourths ($\frac{3}{4}$) majority votes of all its members, through a resolution and an ordinance provided that the following conditions are obtained:

1.4.1. Conforming to the provisions of the Ordinance will cause undue hardship on the part of the owner and adjacent properties specially those situated on a lower ground and the physical conditions of the property could still be capable of development and the potential geohazard is not self created.

1.4.2. The proposed variance is a minimum deviation necessary to permit a reasonable use of the property.

1.4.3. The variance will not alter the physical character of the sub-zone where the property for which the variance is sought is located, and will not injure the use of other property in same sub-zone.

1.4.4. That variance will not weaken the general purpose of the Ordinance and will not adversely affect the public health, safety or welfare.

1.4.5. The variance, if granted, will still be in harmony with the spirit of this Ordinance.

1.5. Procedure :

The following procedures shall be followed in applying for Variance:

1.5.1. A written application for variance is filed citing the section of this Ordinance under which the same is sought and stating the ground/s or justifications thereof.

1.5.2. Upon filing the application, a visible project sign, (indicating the name and nature of the proposed project) shall be posted at the project site and the application must be published in a newspaper of general circulation for three (3) consecutive weeks at the expense of the project proponent

1.5.3. The Zoning Administrator shall conduct preliminary studies on the application.

- 1.5.4 A written affidavit of non-objection to the project by the owner of the properties adjoining adjacent to the project shall be filed by the applicant with the ZA at least fifteen (15) days prior to the decision for variance.
- 1.5.5 In case of objection, the ZA shall hold public hearing.
- 1.5.6 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.
- 1.5.7 The Zoning Administrator 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/or the public hearing in case of any objection to the granting of variance.
- 1.5.8 If the decision is favorable, the application shall be considered in the Local Zoning Board Assessment and Appeals (LZBAA) and the City Development Council (CDC) Executive Committee in a joint meeting which shall come up with either favorable or unfavorable indorsement.
- 1.5.9 If the decision is unfavorable, the application is denied by the Zoning Administrator, acting as the secretariat and action officer of the LZBAA.
- 1.5.10. If the decision is favorable, the matters shall be indorse to Sangguniang Panglungsod for consideration in accordance with the foregoing provisions

SECTION 2: FLOOD WAY MITIGATION SUB-ZONE

2.1. Definition : are fluvial landform areas which refer only to those areas with very high and high susceptibility to geohazards as identified in the Terrain Analysis Study of Davao City. (Fig. 2.27)

2.2. The following are the Allowable Uses/Activities in Flood Way Mitigation Sub-zone:

- 2.2.1. Parks/gardens
- 2.2.2. Resort areas including accessory uses
- 2.2.3. Open air or outdoor sports activities and support facilities, including low rise stadia, gyms, amphi theaters and swimming pool
- 2.2.4. Golf courses, ball courts, race tracks and similar uses
- 2.2.5. Memorial/shrines monuments, kiosks and other park structure
- 2.2.6. Wild life park/ botanical and zoological gardens
- 2.2.7. Functional wetlands, easement and buffer areas



- 2.2.8. Other nonstructural recreational uses, such as: tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, nature preserves, game farms, fish hatcheries, shooting, hunting and fishing areas and hiking horseback riding trails.
- 2.2.9 Nonstructural industrial and commercial uses, such as loading areas, parking areas, and private landing strips.
- 2.2.10 Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting
- 2.2.11 Functionally water-dependent uses, such as docks, piers, wharves, dams, flowage areas, culverts, navigational aids and river crossing of transmission lines and pipelines.

2.3. The following are the Compatible Uses/Activities in Flood Way Mitigation Sub-zone:

- 2.3.1. Uses in Agri non-tillage zone
- 2.3.2 Improvement and maintenance of all waterway easement
- 2.3.3 Reforestration Development Projects

2.4. The following are the Special Requirements for the development in Flood Way Mitigation Sub-zone:

- 2.4.1 For new development, clearance from the DENR - Mines and Geosciences Bureau must be secured first, subject for further geological and structural studies;
- 2.4.2. Provide applicable/approved mitigating measures for flood protection in areas with moderate to high susceptible to flooding and shall form part of the requirement for the approval of the Locational Clearance
- 2.4.3 Detailed geohazards and structural study by a licensed Geologist and a licensed structural engineer.

2.5. The following are the restrictions in Flood Way Mitigation Sub-zone:

- 2.5.1 No new development will be allowed for structures/establishments related to housing and/or dwelling purposes on a more or less short and long term basis;
- 2.5.2 No new development for community facilities such as schools, police/fire sub-stations, clinics, nursing and convalescing health centers, and the like;
- 2.5.3 New buildings or structures whether public or private should be at least two (2) storeys and should provide mitigating measures for flood protection;
- 2.5.4 Activities or industries that deal with chemical and industrial products will not be allowed to prevent contamination;
- 2.5.5 Filling/services station will not be allowed;

- 2.5.6 New structures shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
- 2.5.7 New structures must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional city flood.

2.6. Mitigating Device: An exception maybe granted for a specific project which is a legal device that grants a property owner relief from certain provisions of the Zoning Ordinance where because the specific use if not allowed would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money upon the recommendation of the Local Zoning Board of Adjustment and Appeals (LZBAA) and approval by Sangguniang Panlungsod by three-fourths (¾) majority votes of all its members, through a resolution and an ordinance provided that the following conditions are obtained :

- 2.6.1. The exceptions will not adversely affect the environment, public health, safety and welfare and is keeping with the general pattern of development in the community.
- 2.6.2. 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 sub-zone/community.
- 2.6.3. The exception will not adversely affect the appropriate use adjoining property in the same sub-zone.
- 2.6.4. The exception will not alter the essential delineation of the sub-zone where the exception sought is located and will be in harmony with the general purpose of the ordinance.

2.7. Procedure :The same procedure provided in Article IX Section 1.5 shall be followed in applying for Exception.

SECTION 3. URBAN ECOLOGICAL ENHANCEMENT SUB-ZONE

3.1 Definition: refers to areas intended for massive greening program for ecological enhancement in major urban zone as precautionary and pro-active approach to climate change adaptation and part of risk reduction management program against flooding, landslide and inundation as the edges and slopes of the ridge or hill are found to be highly susceptible to landslide and therefore the same is hereby declared protected at all times and any development in the area must strictly comply with the requirements in Article IV, Section 7.7.

The following are the Allowable Uses/Activities in Landslide Mitigation Sub- zone:

- 3.1.1 All uses/activities in Forest Zone (FZ)
- 3.1.2 Improvement and maintenance of all waterway easement
- 3.1.3 Reforestration Development Projects
- 3.1.4 Other greening program with includes enhancement of bio-diversity projects

3.2 The following are the Compatible Uses in Landslide Mitigation Sub-zone

3.2.1. Uses in Agricultural Non-tillage Zone

3.2.2. Ecotourism projects

3.3 Recall of Preliminary Approval and Locational Clearance (PALC) - When public interests so require, PALC granted for subdivision projects in urban ecological enhancement zone as provided herein maybe recalled or revoked by the Sangguniang Panlungsod through a resolution upon majority vote of all its members, after observance of due process of law.

3.4 The City Planning and Development Coordinator and City Engineer's Office are hereby jointly mandated to come up with the Implementing Rules and Regulations (IRR) on the enforcement of this Article IX Section 3 with respect to residential subdivision granted with development permit and on utilization of vacant lots inside approved subdivisions; repair, rehabilitation and construction of completely or partially damaged structures as a result of landslide, inundation and flooding; on status of existing non-conforming establishments and structures; and guidelines on precautionary measures, disaster preparedness and risk reduction program in times of calamity within 60 days from the enactment of this ordinance subject to the approval of the Sangguniang Panlungsod through a resolution and an ordinance upon majority vote of all its members.

ARTICLE X

COASTAL WATER SUB-ZONES

THE USES AND REGULATIONS OF ACTIVITIES IN COASTAL/WATER ZONE SHALL BE IN ACCORDANCE WITH THE FISHERIES CODE OF DAVAO CITY AND THE MARINE PROTECTED AREA ORDINANCE. THE SUBDIVISION OF THE COASTAL WATER ZONE INTO THE FOLLOWING SUB-ZONES IN THE FISHERIES CODE IS HEREBY ADOPTED TO FORM PART HEREOF: (Fig. 2.35).

SECTION 1. **AQUACULTURE /MARICULTURE SUB-ZONE**. This refers to fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas;

SECTION 2. **MARINE PROTECTED SUB-ZONE**. The total area is 415 hectares situated at Barangays Bunawan, Agdao Centro and Matina Aplaya. It is a combination of mangrove habitat management and fish sanctuary. The following sub-zones are hereby established, to wit:

2.1. **MANGROVE PROTECTION AND REHABILITATION AREA**. This includes the existing mangrove area consisting of 21 hectares which could be expanded by rehabilitating the adjacent areas suitable for mangrove plantation. Expansion depends on site suitability assessment to be included in the protected area development and management plan.

2.2. **SPECIES CONSERVATION AREA.** This shall refer to designated mangrove areas and seagrass beds that will be conserved to sustain their biological importance for foraging, spawning, mating and growth of rare, threatened, endangered, and ecologically –and economically-signifacant species such as whale sharks (butanding), dolphins, turtles, whales, evian species, among others.

2.3. **FISH SANCTUARY AREA.** This encompasses the sizeable portions of the seagrass beds and coral reef areas which is 26 hectares. It is subdivided into :

2.3.1. Core Division - the “no take area “ covers an area of approximately 16 hectares.

The following are prohibited in Core Area:

- a. SCUBA diving for recreational purposes
- b. All types of fishing activities
- c. Passage of all types of boats
- d. Boat anchorage

2.3.2. Buffer Division – covers an area of approximately 10 hectares starting from the boundary of the core area up to a distance of 50 meters outward on all sides.

The following are prohibited in Buffer Division:

- a. All types of fishing activities except hook & line and gleaning
- b. Passage of motorized boats
- c. Boat anchorage

SECTION 3. **FISHING SUB-ZONE.** An area designated for taking of fishery species from their wild state or habitat, with or without the use of fishing vessels.

SECTION 4. **RECREATION SUB-ZONE .** A fishing area for pleasure by means of hook and line or similar device, hand spear or spear gun, etc. in which quantity of fish caught is only for personal pleasure and /or consumption and not for the purpose of sale or barter.

SECTION 5. **INDUSTRIAL SUB-ZONE.** Are areas which shall be for non-pollutive/non-hazardous and non-pollutive/hazardous; pollutive/non-hazardous and pollutive/hazardous; and highly pollutive/non-hazardous; highly pollutive/hazardous; highly pollutive/extremely hazardous; non-pollutive/extremely hazardous; and pollutive/extremely hazardous manufacturing and processing establishments.

SECTION 6. **MULTIPLE USE SUB- ZONE.** A development scheme wherein project site is comprehensively planned as an entity via unitary site plan which permits flexibility in planning/design, building siting, complementary building types and uses, usable open spaces and the preservation of significant natural features which shall be designed within the context of balance ecology/environment.



SECTION 7. **PORT-WHARF SUB-ZONE.** A landing stage for loading and unloading ships.

SECTION 8. **ECO-TOURISM & RESEARCH SUB-ZONE.** refers to areas where major tourism projects or tourist related activities shall be allowed provided that the same shall be in accordance with the Department of Tourism (DOT) guidelines and standards and shall have secured special local government requirements subject to an environmental impact and vulnerability assessment and for marine biology and coastal ecology research and studies purposes.

ARTICLE XI

COMMON REGULATIONS FOR GENERAL ZONES AND ALL SUB-ZONES

SECTION 1. **PROJECTS REQUIRED TO SECURE PRELIMINARY APPROVAL AND LOCATIONAL CLEARANCE (PALC) AND DEVELOPMENT PERMITS (DP).** The following projects are required to secure Preliminary Approval and Locational Clearance (PALC) and Development Permit (DP) from the Sangguniang Panlungsod which shall be granted through a resolution by a majority votes of all its members.

- 1.1. Commercial, residential and industrial subdivisions
- 1.2. Malls, commercial centers and shopping centers
- 1.3. Memorial Parks/Cemeteries
- 1.4. Town houses and Apartments
- 1.5. Hotels and Motels
- 1.6. Warehouses
- 1.7. Residential and Commercial Condominiums (PALC only as DP shall be from the HLURB)

Additional Requirements for PALC and DP:

As requirement for PALC and DP projects enumerated in Section 1 hereof must obtain clearance/certifications provided in Article XII, Section 1.3. Additionally, project proponents are required to submit Traffic Impact Assessment and Utilities Impact Assessment.

SECTION 2. **PERFORMANCE STANDARDS.** All land uses, development or constructions shall conform to the following standards :

2.1. Noise and Vibrations

All noise and vibration-producing machinery shall be enclosed by a building and shall be provided with effective noise absorbing materials, noise silencers and mufflers, an open yard of a distance of not less than twenty (20) meters from the street or adjoining property lines and property planted to dense trees as buffers. To minimize vibration, a machinery should be mounted on shock-absorbing mountings, such as cork set on reinforced concrete foundations or a floating isolated foundation set on piles, as needed by the machinery, minimum noise which is objectionable due to intermittence, lease frequently or high pitch roof building as tested and approved by the City Officials concerned.

2.2. Smoke

Any smoke emitted from any source for period aggregating seven (7) minutes in any thirty minutes partly when starting a new fire shall have a density not greater than No. 2 of the Reinglemann Chart.

2.3. Dust, Dirt and Fly Ash

The emission of dust, dirt, or fly ash from any source of activity which shall pollute the air and render it unclean, destructive unhealthful or hazardous, or cause visibility to be impaired, shall not be permitted. In no case whatever shall dust, dirt, or fly ash be allowed to exceed 9.68 grams per cubic meter of fuel gas at stack temperature of 60 centigrade not to create a haze with opaqueness equivalent to or greater than No. 1 of the Ringlemann Chart.

2.4. Odors and Gases

The emission of foul odors and gases deleterious to public health, safety and general welfare shall not be permitted. Buildings and activity emitting foul odors obnoxious gases shall be enclosed by air tight building provided with air conditioning system, filters, deodorizing and other air cleansing equipment.

2.5. Glare and Heat

Glare and heat from any operation or activity shall not be allowed to be radiated, seen or felt any point beyond the limits or the property.

2.6. Industrial Waste

Industrial plant wastes shall be disposed of only in a manner which will not create any nuisance or danger to adjoining properties or to the community in general.

2.7. Sewerage Disposal

No sewerage dangerous to the public health, safety and general welfare shall be discharged into any public sewer system, natural waterway or drainage channel. In addition to the following requirements, all sewerage shall comply with pertinent requirements of the Department of Environment and Natural Resources-Environmental Management Board (DENR-EMB).

Acidity or alkalinity shall be neutralized to a PH of between 6.5 and 8.5 as a daily average on a volumetric basis with a temporary variation of 5.0 to PH 10.0.

Waste water shall not contain oil and grease in excess of 300 PPM or exceed a daily average of 10 PPM.



SECTION 3. ENVIRONMENTAL IMPACT ASSESSMENT/STATEMENT. All projects/ construction/development/activities may be required by the Zoning Administrator to submit an Initial Environment Examination (IEE) and/ or Environmental Impact Statement (EIS). If so required, the following shall be submitted by the applicant:

- 3.1. Detailed description of the proposed development or action, construction.
- 3.2. Detailed description of the physical, biological, social environment within which the development construction will occur.
- 3.3. Detailed description of existing plans which will be affected by the proposed development action.
- 3.4. Detailed description of other actions planned, or in the course of realization, which will interact with the proposed action, so as to increase or reduce the environmental impact.
- 3.5. Detailed description of probable direct, and induced, impact of the proposed action, on the physical biological, and social environment.
- 3.4 Comparison of impact of alternative actions.
- 3.5 Special emphasis on adverse effects, long term effects, resource commitments, cost of benefit analysis.

SECTION 4. POLLUTION CONTROL. For effective pollution control, all manufacturing industries classified as pollutive by the Department of Environment and Natural Resources and pollutive agricultural building of structures shall provide proper anti-pollutive devices and acquire clearance and certificates of anti-pollutive compliance from the DENR-EMB.

SECTION 5. BUFFER STRIP/EASEMENT. In the utilization, exploitation, development, conservation and protection of water resource the following setbacks and / or easements along the entire length of the banks of rivers, creeks and streams, shores of the sea, lakes, all waterways shall be observed:

- 5.1. Five (5) meters setback along banks of waterways in urban areas except for the portion from the mouth of the Davao River up to the Maa-Marfori Bridge Area which should have a thirty (30) meters wide river easement for road and promenade purposes.
- 5.2. Twenty (20) meters easement for the same in all agricultural.
- 5.3. Forty (40) meters for forestal and conservation areas.
- 5.4. Forty (40) meters for shores of the seas, lakes and similar bodies of water.

The above setback/ easements shall be subject for public use such as for recreation, navigation, floatage, fishing salvage and other activities. The easement shall be measured in accordance with the procedure set forth in the National Building Code of the Philippines (P.D. No. 1096) and shall be increased or enlarged subject to the climate change and disaster risk reduction management studies.

SECTION 6. CULTIVATION/UTILIZATION OF RIVER BEDS AND SANDBARS. No river bed or sandbars shall be subject to cultivation or utilization except upon prior recommendation of the City Environment and the Natural Resources Office and the City Engineers Office, Provided, further, that no permission shall be granted if it obstructs the flow of water, or if it shall increase the flood levels so as to cause damage to other areas.

SECTION 7. **BUILDING PERMIT REGULATION** . No building, structure or land shall be used, or occupied, and no building or structure or part of thereof shall here after be erected, constructed, moved or structurally altered except in conformity with the provisions of this Ordinance and the National Building Code of the Philippines (P.D. No. 1096) and all the implementing rules and regulations issued thereof. If there are in any district more than one structure that be permitted to be erected on a single lot, the yard and other requirements of this Ordinance shall be met for each structure.

SECTION 8. **FLOOR AREA RATIO (FAR)**. All projects must comply with the FAR of each general and sub-zone. The FAR will be determined by the City Planning and Development Coordinator and City Engineer's Office jointly subject to the approval of the majority votes of all the members of Sangguniang Panlungsod (SP) through a resolution and an ordinance. No building structure shall be allowed to be constructed above the FAR. For the purpose of this Ordinance the floor area ratio of a building is the total floor space within the perimeter of the permanent external building walls, occupied by

- office areas;
- residential areas;
- corridors;
- lobbies;
- mezzanine;
- vertical penetrations, which shall mean stairs, fire escapes, elevator shafts; flues pipe shafts, vertical ducts, and the like, and their enclosing walls;
- rest rooms or toilets;
- machine rooms and closets;
- storage rooms and closets;
- covered balconies and terraces;
- interior walls and columns, and other interior features;
- covered areas used for parking and driveways, including vertical penetrations in parking floors where no residential or office units are present;

But excluding:

- uncovered areas for AC cooling towers, overhead water tanks, roof decks, laundry areas and cages; wading or swimming pools, whirlpools or Jacuzzis, garden, courts or plazas.

SECTION 9. **TRAFFIC GENERATOR AND TRAFFIC IMPACT ASSESSMENT**. All traffic generating buildings and structure allowed in any of the GENERAL zone and major urban sub-zones must provide parking spaces for their employees, clients and visitors in accordance with the standards set forth by the National Building Code of the Philippines (P.D. 1096). Furthermore, all developers of residential subdivisions, commercial, institutional, and industrial establishments are required to conduct and submit a Traffic Impact Assessment (TIA) Study. Submitted TIA's will be reviewed by an inter-agency committee to be led by the CPDO. Other agencies involved are as follows: Land Transportation Franchising Regulatory Board (LTFRB), Land Transportation Office (LTO), Traffic Management Center (TMC), Representative of Traffic Management Control Board (TMCB) (Transport group in the affected area), City Engineer's Office (CEO) and Department Public Works and Highways (DPWH), the results of which shall form part of the recommendations to the City Council.

The City Planning and Development Office shall formulate the TIA guidelines subject to the approval of the City Council.

SECTION 10. ADVERTISING AND BUSINESS SIGNS. The City Planning and Development Coordinator and the City Engineer jointly are mandated to come up with Rules and Regulations on non-obstruction of views that need to be preserved, such as the view of Mt. Apo and all other natural or man-made landscapes for the enjoyment of the viewing public in general subject to the approval of the City Council by majority votes of all its members, through a resolution and an ordinance.

SECTION 11. ARCADED SIDEWALKS/THOROUGHFARES. Except for the existing arcaded national highways in the Central Business District (CBD) and its immediate environs, the Chinatown Area and the major city streets in the CBD that should be arcaded, sidewalks shall have a minimum width of two (2) meters.

SECTION 12. ROAD RIGHT-OF-WAY. No building structure shall be allowed to be constructed within the Road Right-of-Way (RROW). The following width of the RROW shall be strictly observed from the center line of the road.

National Road	30m
City Road	20m
Barangay Road	10m

The National Roads, City Roads and Barangay Roads within the City limits shall be made part of this Ordinance.

SECTION 13. MORE GREEN SPACE. For projects which are of socio-economic and environmental significance and/or of national interest with project area of one (1) hectare and above, the project proponent shall allocate ten (10%) percent of the total area for more green spaces to be planted with trees and ornamental plants and/or to be developed for water pond purposes; in addition to open space already required by law.

SECTION 14. GREEN ARCHITECTURE COMPONENT. No building permit should be issued for residential, commercial, industrial and institutional projects unless a green architecture component is integrated in the development plan incorporating natural light, air ventilation and rainwater harvesting in the design of building.

SECTION 15. TAX DECLARATION AND REALTY TAX CLEARANCE. No Preliminary Approval and Locational Clearance (PALC) shall be issued unless tax declaration of the property is change to the use for which the project is applied for or is intended and the realty tax up to the current year correspondingly paid and tax clearance is consequently issued.

SECTION 16. UTILITIES IMPACT ASSESSMENT. The City Planning and Development Coordinator and City Engineer's Office jointly, are hereby mandated to come up with regulations on **Utilities Impact Assessment** to be approved by majority votes of all the members of the Sangguniang Panlungsod, through a resolution and an ordinance.

ARTICLE XII

INNOVATIVE MODES FOR DEVELOPMENT

SECTION 1. **REQUEST FOR ADDITIONAL ALLOWABLE USE.** The uses enumerated in the preceding articles on general zone and all sub-zones are not exhaustive nor all-inclusive. The Sangguniang Panlungsod; upon application of project proponent and upon favorable recommendation by Local Zoning Board of Adjustment and Appeals (LZBAA); may allow other uses not enumerated thereunder as it may deem fit and proper including but not limited to the following projects which are socio-economic and environmental significance and/or national interest by a $\frac{3}{4}$ majority vote of all the members of Sangguniang Panlungsod through resolutions and ordinance :

- a. Memorial Parks/Cemeteries
- b. Funeral Parlor/Memorial Chapel/Mortuaries
- c. Power Generation Plant/Station
- d. Colombarium
- e. Crematorium
- f. Ossuary
- g. Slaughterhouse
- h. Golf Course
- i. Reclamation Site
- j. Private and Landing Strip, Airports, and Heliports and Helipads
- k. Ports and Harbors
- l. Quarrying
- m. Cockpit
- n. Race Track, Casino and other gambling activities
- o. Cellsites/Telecommunication Towers
- p. Power Lines
- q. Broadcast Towers

provided that :

- a. The additional use will not adversely affect the environment, public health, safety and welfare; will be keeping with the general pattern of development in the community and will not alter the physical character of the zone or sub-zone.
- 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 or sub-zone.
- c. The proposed project will not adversely affect the appropriate use adjoining properties in the same zone or sub-zone.
- d. The proposed project will not alter the essential delineation of the zone or sub-zone where the project sought is located and will be in harmony with the general purpose of this ordinance.
- e. The proposed additional use is a minimum deviation from allowable uses in the zone or sub-zone.

1.2 PROCEDURES FOR GRANTING REQUEST FOR ADDITIONAL ALLOWABLE USE.

The procedures in granting variance and exceptions in Article IX, Sections 1.5 shall be the same procedure to be followed in granting allowance for other use.

1.3 REQUIREMENTS. The Following requirements must be submitted in a request for additional allowable use :

- a. Barangay Council Resolution of No Objection
- b. Barangay Development Council Resolution favorably indorsing the project
- c. City Engineer's Office for drainage clearance
- d. City Environment and Natural Resources for solid waste management plan
- e. City Health Office for sanitation clearance
- f. City Assessor's Office for new tax declaration
- g. City Treasurer's Office for realty tax clearance
- h. Davao City Water District for certification of water supply availability
- i. Davao Light and Power Company for certification of power supply availability
- j. Mines and Geosciences Bureau for certification for possible geohazard and recommended mitigating measures
- k. DENR-Environmental Management Bureau for waste treatment facilities and permit to discharge effluents
- l. Water Resource Management Council/Task Force for projects within water resource zone
- m. Barangay Watershed Management Council and City Watershed Management Council for areas in Conservation Zone
- n. Golf Construction and Development Committee (for golf course)
- o. Civil Aviation Authority of the Philippines and Philippine Air Force Command Davao City(for Private landing strip, airports, and heliports and helipads)
- p. Philippine Ports Authority (for ports and harbors)
- q. National Power Corporation Davao City (for power generation plant/station

1.4 Request for additional allowable use in accordance with this Article is not permitted in Water Resource Zone (Article IV Section 7).

SECTION 2. EXISTING NON-CONFORMING USES AND BUILDING. The lawful uses of any building , structure or land at the time of adoption or amendment of this Ordinance may still be allowed to continue, although such uses do not conform with the provision of this Ordinance, provided :

- a. That no such non-conforming use shall be enlarged or increased to occupy a greater area of land than that already occupied by such use at the time of the adoption of this Ordinance or moved in whole or in part, to any other portion of the lot or parcel of land where such non-conforming use exists at the time of the adoption of this Ordinance.
- b. That no such non-conforming use, that has ceased operation for more than one (1) year be again revived as a non-conforming use.
- c. An idle/vacant structure may not be used for a non-conforming activity.
- d. That any non-conforming structure, or structures under one ownership, which has been damaged, may be 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 a structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

- e. That no such non-conforming use may be changed to another non-conforming use.
- f. That no such non-conforming use may be moved to displace any conforming use.
- g. That no such non-conforming structure may be enlarged or altered in any ways which increase its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- h. That should such structure be moved for any reason to whatever distance, it shall thereafter conform to the regulation of the district in which it is moved or relocated.

2.1 CERTIFICATE OF NON-CONFORMANCE. A Certificate of Non-Conformance shall be applied for by the owner of the structure or operator of the activity involved within one (1) year from the date of enactment of this Ordinance. Failure on the part of the owner to register/apply for a Certificate of Non-Conformance shall be considered in violation of the Zoning Ordinance and is subject to fine/penalties as provided for under Sections 16 and 17, Article XIV. No business permit will be issued unless the entity obtains a Cert. of non-conformance from the ZA.

For the purpose of this Ordinance, a certificate of non-conformance is issued to owners of all uses existing prior to the approval of this Zoning Ordinance which does not conform to allowable uses in a particular district as per provision of the said Ordinance.

The Zoning Administrator shall immediately notify owners of known existing non-conforming use to apply for a Certificate of Non-Conformance.

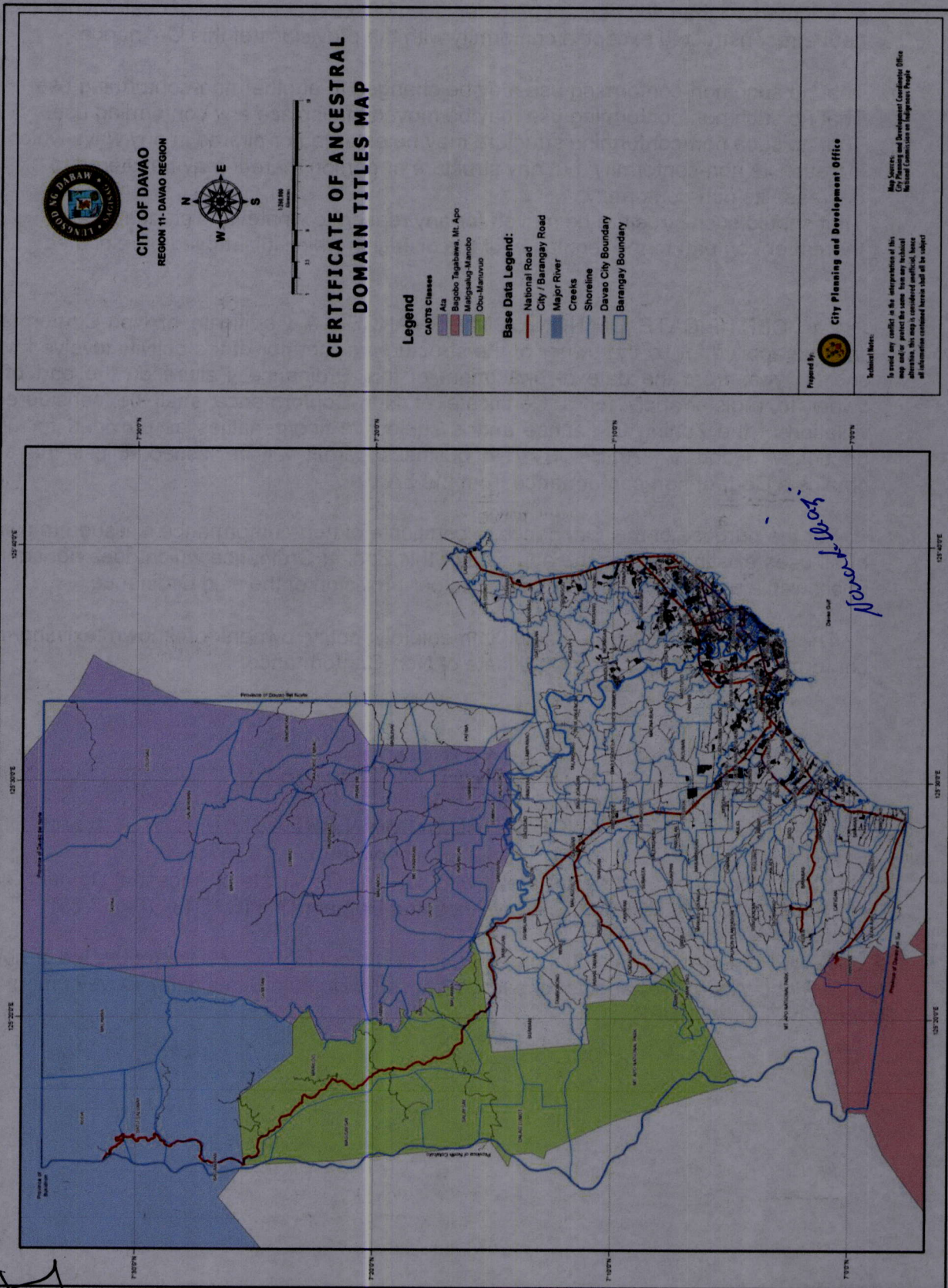
ARTICLE XIII

ANCESTRAL DOMAIN AREAS

SECTION 1. Definition: These are areas with pending Certificate of Ancestral Domain Claim (CADC) and/or with issued Certificate of Ancestral Domain Title (CADT). (Fig. 2.38)

SECTION 2. Uses/Activities in this areas are also subject to the provision of the Indigenous People Rights Act (IPRA) and its respective Ancestral Domain Sustainable Development Protection Plan (ADSDPP).

Fig. 2.38 CADT Areas Map of Davao City (2013-2022)



ARTICLE XIV

ADMINISTRATION AND ENFORCEMENT

SECTION 1. **LOCATIONAL CLEARANCE**. All owners/developers shall secure LOCATIONAL CLEARANCE from the Office of the Zoning Administrator prior to conducting any activity or construction on their property/land. Applicant shall submit Barangay Council Resolution of No Objection as part of the requirement in securing Locational Clearance. In cases of Variances, Exceptions, and request for additional allowable use (Article XII) from the Sangguniang Panlungsod, upon recommendation of the Local Zoning Board of Adjustment and Appeals (LZBAA).

SECTION 2. **BUILDING PERMIT**. No BUILDING PERMIT shall be issued by the Building Official without a valid LOCATIONAL CLEARANCE in accordance with this Ordinance.

SECTION 3. **BUILDING OCCUPANCY PERMIT**. No BUILDING OCCUPANCY PERMIT shall be issued by the Building Official without official validation/verification from the Office of the Zoning Administrator.

SECTION 4. **NON-USER OF LOCATIONAL CLEARANCE**. Upon issuance of a LOCATIONAL CLEARANCE, the grantee thereof shall have one year within which to commence or undertake the use, activity or development covered by such clearance on his property. Non-use of said clearance within said period shall result in its automatic expiration, cancellation and the grantee shall not proceed with his project without re-applying for a new clearance.

SECTION 5. **RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT**. This Ordinance shall be enforced and administered by the City Planning and Development Coordinator thru the Zoning Officer who shall be appointed by the City Mayor, pursuant to the provision of the Local Government Code.

SECTION 6. **QUALIFICATION OF THE ZONING ADMINISTRATOR**. The Zoning Administrator shall be a reputable person of good moral character and shall possess specialized knowledge, training and/or experience in the field of physical planning and zoning for at least 5 years, provided, however, that no elective official shall be appointed to such capacity.

SECTION 7. **POWERS AND FUNCTIONS OF THE ZONING ADMINISTRATOR**.

I. Enforcement

A. Act on all applications by:

1. Issuance of the corresponding Certificate of Zoning Compliance for projects conforming with the zoning regulations;
2. Recommend to the submission of recommendation to the Local Zoning Board of Adjustment and Appeals (LZBAA) on variances and exceptions and request for additional allowable use.
3. Issuance of Certificate of Non-Conformance for non-conforming projects lawfully existing at the time of the adoption of the zoning ordinance, including clearances for repairs/renovations of non-conforming uses consistent with the guidelines therefore.

4. Imposition of appropriate condition(s) on all permits/clearances/certificates consistent with laws, rules and policies laid down under this ordinance

B. Monitor on-going existing projects within jurisdiction of Davao City and issue notices of violation and show cause orders to owners, developers, or managers of projects that are violative of zoning ordinance and refer the same to the Sangguniang Panlungsod for appropriate action.

SECTION 8. ACTION ON COMPLAINTS AND OPPOSITIONS. A complaint for violations of any provisions of the Zoning Ordinance or of any clearance or permits issued pursuant thereto shall be filed with the LZBAA.

However, oppositions to application for clearance, variance, exception or request for additional allowable use shall be treated as a complaint and dealt with in accordance with the provision of this section.

SECTION 9. FUNCTIONS AND RESPONSIBILITIES OF THE LOCAL ZONING BOARD OF ADJUSTMENT AND APPEALS (LZBAA). There is hereby created a LZBAA which shall perform the following functions and responsibilities:

A. Act and recommend to the Sangguniang Panlungsod on applications of the following nature:

1. Variances under Article IX Section 1
2. Exceptions Article IX Section 2
3. Request for additional allowable use under Article XII Section I
4. Complaints and opposition to application pertaining to Land Use and Zoning

B. Act on Appeals on grant or denial of locational clearance by the Zoning Administrator.

SECTION 10. COMPOSITION OF THE LOCAL ZONING BOARD OF ADJUSTMENT AND APPEALS (LZBAA). The City Development Council shall create a Sub-Committee which shall act as the LZBAA composed of the following members:

1. City Mayor as Chairman
2. City Legal Officer
3. City Assessor
4. City Engineer
5. City Planning and Development Coordinator (if other than the Zoning Administrator)
6. City Environment and Natural Resources Officer
7. Two (2) representatives from the private sector, nominated by their respective organizations and confirmed by the City Mayor. In the event of non-availability of any of the officials enumerated above, the Sangguniang Panlungsod shall elect the number of its members as may be necessary to meet the total number above set forth, as representatives.
8. Two (2) representatives from non-government organizations, nominated by their respective organization and confirmed by the City Mayor. In the event of non-availability of any of the officials enumerated above, the Sangguniang Panlungsod shall elect the number of its members as may be necessary to meet the total number above set forth, as representatives.

The ZA shall act as the secretariat and action officer of the board

SECTION 11. REVIEW OF THE ZONING ORDINANCE. The City Development Council shall create a sub-committee, the Local Zoning Review Committee (LZRC) that shall review the Zoning Ordinance considering the Comprehensive Land Use Plan, every five (5) years from the enactment of this ordinance to consider amendments in general zones and every three (3) years from the enactment of this ordinance to consider amendments in major urban sub-zones including the marginal agricultural sub-zone.

SECTION 12. COMPOSITION OF LOCAL ZONING REVIEW COMMITTEE (LZRC). The Local Zoning Review Committee shall be composed of sectoral experts.

These are the Local Officials/Civic Leaders responsible for the operation, development and progress of all sectoral undertakings in the locality.

- a. City Planning and Development Coordinator
- b. City Health Officer
- c. City Agriculturist
- d. President, Association of Barangay Captains
- e. City Engineer
- f. City Environment and Natural Resources Officer
- g. Davao City School Superintendent
- h. Three (3) Private Sector Representatives (City Chamber of Commerce; Housing Industry and Homeowner's Associations/Urban Poor Community Associations)
- i. Two (2) Non-government Organization (NGO) Representatives

The ZA shall act as the secretariat and action officer of the board

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

A. Review the Zoning Ordinance for the following purposes:

1. Determine amendments or revisions necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan.
2. Determine changes to be introduced in the Comprehensive Land Use Plan in the light of permits given, and exceptions (Article IX, Section 2), variances (Article IX, Section 1) and allowance for additional allowable use (Article XII) granted.
3. Identify provisions of the ordinance difficult to enforce or are unworkable.
4. Recommend to the Sangguniang Panlungsod necessary legislative amendments and to the local planning and development staff the needed changes in the plan as a result of the review conducted.

SECTION 14. AMENDMENTS TO THE ZONING ORDINANCE. Changes in the Zoning Ordinance as a result of the review by the Local Zoning Review Committee shall be treated as amendment, provided that any amendment to the Zoning Ordinance or provision thereof shall be subject to public hearing and sectoral consultation to be conducted by the Local Zoning Review Committee and review evaluation of the said Local Zoning Review Committee and shall be carried out through a resolution/ordinance upon three fourth majority votes of all the members of the Sangguniang Panlungsod.

SECTION 15. **PROCESSING FEE.** All processing fees shall be in accordance with the schedule prescribed under the existing Amended Tax Code of Davao City and shall be paid directly to the Office of the City Treasurer;

SECTION 16. **ADMINISTRATIVE PENALTY.** An administrative penalty of 500.00 pesos per day shall be imposed against any person who undertakes pre development or pre-construction of a project in any area or land without locational clearance or Preliminary Approval and Locational Clearance (PALC), and/or Development Permit (DP) reckoned from start of the conduct of any activity of the construction on the land or property to be determined by the Zoning Administrator;

SECTION 17. **VIOLATION AND PENALTY.** In addition to the administrative penalty, any person who violates any of the provisions of this Ordinance shall be criminally charged and upon conviction, be punished by a fine of not less than ten percent (10%) but not more than fifty per cent (50%) of the project cost or by imprisonment of not less than six (6) months but 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 officer-in-charge of the construction and the president thereof;

SECTION 18. **SUPPLETORY EFFECT OF OTHER LAW AND DECREES.** The provisions of this ordinance shall be without prejudice to the application of the existing laws;

SECTION 19. **BUSINESS PERMITS AND/OR LICENSES.** As a suppletory provision to the existing Amended Tax Code of Davao City, no Business/Mayor's permits and/or licenses of any kind shall be granted or issued in favor of any establishment if such establishment is situated/located in non-conforming area or areas where such business or establishment is not allowed unless the provisions of Article XIII Section 2 are complied with;

SECTION 20. **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 this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid;

SECTION 21. **REPEALING CLAUSE.** All ordinances, rules and 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 22. **EFFECTIVITY CLAUSE.** This Ordinance shall take effect upon approval by the Sangguniang Panlungsod and after publication in a local newspaper of general circulation in accordance with the provisions of the Local Government Code;

ENACTED, June 24, 2013 by twenty-three (23) affirmative votes of all the Members of the Sanggunian present.

CERTIFIED CORRECT:

Charito N. Santos
CHARITO N. SANTOS

Secretary to the Sangguniang Panlungsod
(City Government Department Head II)

ATTESTED:

J. Melchor V. Quitain
J. MELCHOR V. QUITAIN
President Pro Tempore
Temporary Presiding Officer

APPROVED: OCT 14 2013 2013

Rodrigo R. Duterte
RODRIGO R. DUTERTE
City Mayor

ATTESTED:

Jhorgee Avancena-Agustin
ATTY. JHORPEE AVANCEÑA-AGUSTIN
Acting City Administrator

Jo 2013