

public of the Philippines
PROVINCE OF LEYTE
PROVINCIAL LAND USE COMMITTEE

Item No.: 38

Date: 08 2026 SEP



September 01, 2026

Sangguniang Panlalawigan
Province of Leyte

RECEIVED

Date: SEP 01 2026
By: [Signature]

THE HONORABLE MEMBERS
The Sangguniang Panlalawigan
Province of Leyte
Palo West Bypass Road, Palo, Leyte

Thru: Hon. LEONARDO M. JAVIER, JR.
Vice Governor and Presiding Officer

Dear Ladies and Gentlemen:

Greetings! This pertains to **Municipal Ordinance No. 08, Series of 2026** of the Municipality of MacArthur, Leyte, entitled: **An Ordinance amending Article II, Section 9 (Zone Boundaries) of Municipal Ordinance No. 01-2019, otherwise known as the "Integrated Zoning Ordinance (ZO) of the Municipality of MacArthur, Leyte", specifically rezoning portion of Pob. Dist. I from agricultural to commercial and institutional, Pob. Dist. III from agricultural to commercial and tourism, and Brgy. Palale II from agricultural to special institutional, which was endorsed to the Provincial Land Use Committee (PLUC) for review and recommendations.**

Relative thereto, **attached herewith are the comments and recommendations of the Department of Human Settlements and Urban Development (DHSUD) Regional Office VIII following a thorough review and evaluation of the aforementioned Municipal Ordinance.** These comments and recommendations are being furnished for your reference and appropriate consideration.

Very truly yours,


AGNES C. RAFON
PLUC Chairperson and
OIC-PPDC

encl./ as stated



06 August 2026

AGNES C. RAFON

Chairperson, PLUC Leyte
PPDC, Province of Leyte

Dear **Ma'am Rafon**:

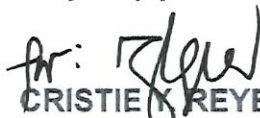
This refers to your *Request for Comments and Recommendations on the Proposed Amendment of the Zoning Ordinance of MacArthur, Leyte (2018-2027)*.

Following a thorough review of the revised attached draft amendment of the Zoning Ordinance, our office has identified several comments that require further attention. These remarks are detailed in the attached document for your reference.

Should you have any queries or require further clarification, contact Ms. Rose Angeli Medrina at +639353908651 or via email of elupdd.r8@gmail.com.

Thank you.

Very truly yours,

for: 
CRISTIE X REYES, EnP.
Regional Director

8/7/26



DHSUD Regional Office 8

Sam P. Tiu Real Estate Leasing Bldg., Brgy. 91, Abucay, Tacloban City
Tel. No.: (053) 888-9078 | E-mail: region8@dhsud.gov.ph | Facebook: [@dhsudregion8](https://www.facebook.com/dhsudregion8)



LGU Name: LGU MacArthur Province: Leyte Region: VIII

LGU Contact Person: Jodel Villacorte Position: MPDC Contact Details: 09268314676

Planning Period of Submitted Plan: 2026 - 2036

RESPONSIBLE AGENCY (DHSUD)	VOLUME AND PAGE #	COMMENTS/FINDINGS	RECOMMENDATIONS
<i>Parameters</i> a. Checks whether LGU clearly identified its functional role and whether the proposed land use plan and development strategies are consistent with its vision. b. Evaluates if the plan is in harmony with the land use plans of adjacent cities and municipalities, and takes into account existing and potential conflicting land uses, and shared climate and disaster risks, with other municipalities. c. Evaluates the CLUP if it is in accordance with the development policies of the Region and Province. d. Evaluates if the land/space requirements for basic services and facilities are identified, quantified and properly delineated. e. Evaluates if the locations of different land uses are suitable, properly allocated, and delineated, such as forest and coastal/marine ecosystems, including required easements along inland water, coastal and marine bodies; and buffer areas to reduce land use conflicts and risks. f. Evaluates if proposed socio-cultural and other infrastructure support facilities are adequate and supportive of the city's/municipality's functional role and development thrust. g. Checks if sites for socialized housing are identified and properly delineated pursuant to	General Comments <u>Volume 1: Comprehensive Land Use Plan</u> <u>Volume II: The Zoning Ordinance</u>	- Only Zoning Ordinance document was provided. - No discussion on changes in land uses aligned with the presented rezoning in the proposed amendment of the ZO. - No updated comparative data on land use areas based on the reclassified areas. Reclassification limit compliance cannot be ascertained. - In the Definition of Terms, Base Zones, and Regulations, there were zones mentioned when it was not	- Please provide the changes and studies in the Comprehensive Land Use Plan (CLUP) to support the amendment of the Zoning Ordinance (ZO). Note that the Comprehensive Land Use Plan serves as the basis of the Zoning Ordinance thus, amendment of the Ordinance should align with the changes in the CLUP. - Please present the justification as to the increase in rezoning of Commercial and Special Institutional Zones in the Land Use Plan (Volume 1). - Considering that reclassification is a requisite to rezoning especially involving change of use from agricultural to non-agricultural, please present Tabulation of Increase/Decrease in land uses so we can check on compliance to reclassification limit of the LGU. - Remove/omit terminologies, Base Zones, and Regulations that were not applied in the ordinance (ie. Active



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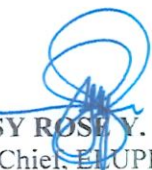


RESPONSIBLE AGENCY (DHSUD)	VOLUME AND PAGE #	COMMENTS/FINDINGS	RECOMMENDATIONS
R.A. 7279 (Urban Development and Housing Act of 1992). h. Checks if inventory of potential lands for housing (housing sub-sector table) are identified and properly delineated pursuant to R.A. 7279 (Urban Development and Housing Act of 1992). i. Checks if the locality has other programs and projects to address the squatting problems. j. Checks consistency with and compliance to MC 54 (...Reclassification of Agricultural Lands to Non-agricultural Uses). k. Checks whether the land use plan is translated into the requisite Zoning Ordinance with clear zone boundaries. l. Checks integration/mainstreaming of biodiversity, heritage conservation, ancestral domain and green growth in the CLUP and ZO.	Volume III: Sectoral Studies	utilized in the maps or in the ordinance. 2. No Zone Regulations and maps for some Zones (e.g. Urban Corridor, Transit-oriented Overlay Zones, among others) 3. Symbolologies for overlay zones not consistent (ie. Zoning Map of Poblacion I & II). 4. A huge portion of Palale II has been rezoned to Special Institutional Zone and compliance to Reclassification cannot be determined. 1. No sectoral studies provided.	Fault, Urban Corridor Overlay Zones, R1-R5, among others). 2. Provide regulations for the same. If not applicable, omit. Refer to the Model Zoning Ordinance. 3. Provide consistent symbolologies of overlay zones to avoid confusion. 4. Please comply with the area tabulation of land uses to for verification on compliance to reclassification limit. 1. Please provide analyses done to arrive at the proposed reclassification and rezoning.

Prepared by:


ROSE ANGELI M. MEDRINA
HHRO IV

Reviewed by:


ENGR. BETSY ROSE Y. ESTORNINOS, EnP
OIC Division Chief, ELUPDD

Noted by:


CRISTIEY REYES, EnP
Regional Director 8/7/26



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HHRO IV

Reviewed by:

ENGR. BETSY ROSE Y. ESTORNINOS, EnP
OIC Division Chief, ELUPDD

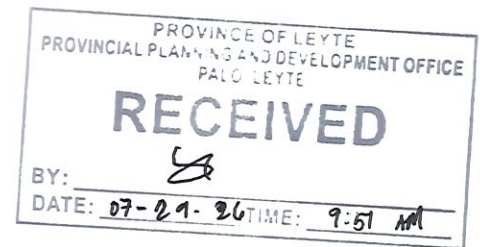
Noted by:

CRISTIE E. REYES, EnP
Regional Director 8/7/24



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Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-o0o-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
28 July 2026

The **Provincial Land Use Committee (PLUC)** is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 08, series of 2026 of the Municipality of MacArthur, Leyte, entitled: An Ordinance amending Article II, Section 9 (Zone Boundaries) of Municipal Ordinance No. 01-2019, otherwise known as the "Integrated Zoning Ordinance (ZO) of the Municipality of MacArthur, Leyte", specifically rezoning portion of Pob. Dist. I from agricultural to commercial and institutional, Pob. Dist. III from agricultural to commercial and tourism, and Brgy. Palale II from agricultural to special institutional.**

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR

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Office of the Sangguniang Bayan

ENDORSEMENT
July 28, 2026

Sangguniang Panlalawigan
Province of Leyte
RECEIVED

Date: JUL 28 2026
By: [Signature]

Respectfully submitting to the Honorable Provincial Board for consideration and approval the herein Municipal Ordinance No. 08, Series of 2026 entitled AN ORDINANCE AMENDING ARTICLE II. SECTION 9 (ZONE BOUNDARIES) OF MUNICIPAL ORDINANCE NO. 01-2019, OTHERWISE KNOWN AS THE "INTEGRATED ZONING ORDINANCE (ZO) OF THE MUNICIPALITY OF MACARTHUR, LEYTE" SPECIFICALLY REZONING PORTION OF POB. DIST. I FROM AGRICULTURAL TO COMMERCIAL AND INSTITUTIONAL, POB. DIST. III FROM AGRICULTURAL TO COMMERCIAL AND TOURISM, AND BRGY. PALALE II FROM AGRICULTURAL TO SPECIAL INSTITUTIONAL with its supporting documents, to wit:

1. Excerpt from the Municipal Ordinance No. 01 Series of 2019 and Municipal Ordinance No. 08, Series of 2026 as Portion of the Zoning Ordinance being amended.
2. Certificate of Posting
3. Minutes of the Public Hearing
4. Pictures taken during the Public Hearing
5. Duly Accomplished Attendance Sheets


MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian

Public Service Above Self



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MACARTHUR

-----oOo-----

Office of the Sangguniang Bayan

Sangguniang Panlalawigan
Province of Leyte

RECEIVED

JUL 31 2026
Date: _____
By: _____

EXCERPT FROM THE MINUTES OF THE 48TH REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE HELD ON 15 JUNE 2026 AT THE MUNICIPAL SESSION HALL.

PRESENT:

Honorable Jesus A. Baranda	Vice Mayor, Presiding
Honorable Raul E. Mundala	SB Member
Honorable Ireneo G. Remanes Jr.	SB Member
Honorable Ronald Dominic B. Babante	SB Member
Honorable Trina C. Burawis	SB Member
Honorable Jonathan T. Barquin	SB Member
Honorable Victoriano T. Lazar	SB Member
Honorable Xandrix P. Pantin	SB Member
Honorable Gwendolyn M. Beriso	SB Member
Honorable Jose A. Baranda	Ex-Officio Member
Honorable Ralph Martin P. Egos	Ex-Officio Member
	SKF President
	President, Liga ng mga Barangay

ABSENT:

Honorable Trina C. Burawis	SB Member
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MUNICIPAL ORDINANCE NO. 08, SERIES OF 2026

Sponsored by: Honorable Ronald Dominic B. Babante

AN ORDINANCE AMENDING ARTICLE II. SECTION 9 (ZONE BOUNDARIES) OF MUNICIPAL ORDINANCE NO. 01-2019, OTHERWISE KNOWN AS THE "INTEGRATED ZONING ORDINANCE (ZO) OF THE MUNICIPALITY OF MACARTHUR, LEYTE" SPECIFICALLY REZONING PORTION OF POB. DIST. I FROM AGRICULTURAL TO COMMERCIAL AND INSTITUTIONAL, POB. DIST. III FROM AGRICULTURAL TO COMMERCIAL AND TOURISM, AND BRGY. PALALE II FROM AGRICULTURAL TO SPECIAL INSTITUTIONAL.

WHEREAS, the Municipality of MacArthur, Leyte is vested with the authority to adopt Zoning Ordinance under Section 447 of the Local Government Code of 1991 (R.A. 7160) and in accordance with Executive Order No. 72, Series of 1993;

WHEREAS, the Sangguniang Bayan has deemed it necessary to update or change specific provisions of the existing zoning ordinance to reflect the current development needs and land use such as the establishment of the Colegio de Tarragona and the expansion of commercial and institutional areas as proposed by the executive and legislative department of the Local Government Unit discussed during the formulation of the Executive-Legislative Action (ELA) Plan for fiscal year 2025-2028;

WHEREAS, Focus Group Discussion and public hearing were conducted regarding the proposed amendments to the existing Zoning Ordinance;

WHEREAS, this amendment is intended to promote the orderly, sustainable, and productive use of land within the municipality, in line with the Comprehensive Land Use Plan (CLUP).

WHEREAS, this Ordinance provides the rezoning specifically a portion of Poblacion District. I from Agricultural Zone to Commercial Zone (GCZ-1, GCZ-4) and Institutional Zone (GIZ-5), Poblacion. District III from Agricultural Zone to Commercial Zone (GCZ-2, GCZ-4) and Tourism Zone (T-Z), and Barangay. Palale II from Agricultural Zone to Special Institutional Zone (SIZ-1, SIZ-2, SIZ-3, SIZ-4, SIZ-5).

WHEREFORE, on motion of Honorable Ronald Dominic B. Babante duly seconded by Honorable Ralph Martin P. Egos, Honorable Xandrix P. Pantin, Honorable Jonathan T. Barquin, Honorable Raul E. Mundala, Honorable Gwendolyn M. Beriso and Honorable Jose A. Baranda, be it

ORDAINED BY THE SANGGUNIANG BAYAN OF MACARTHUR, LEYTE IN REGULAR SESSION ASSEMBLED:

Section 1. Title of the Ordinance

This Zoning Ordinance shall be known as the integrated Zoning Ordinance (ZO) of the Municipality of MacArthur, Leyte and shall hereinafter be referred to as the Ordinance or ZO.

Article I

Authority and Purpose

Section 2. Authority

This Ordinance is enacted pursuant to the provisions of the Local Government Code of 1991, R.A. 7160 Sections 447, 448 and 458 a.2 (7- 9) dated 10 October 1991, "Authorizing the Municipality, through the Sangguniang Bayan, to adopt a Zoning Ordinance subject to the provisions of existing laws" and in accordance with related laws such as but not limited to Commonwealth Act 141, RA 8550 Fisheries Code, PD 705 Forestry Code, PD 1067 Water Code, PD 1096 National Building Code, and Executive Order No. 72.

Section 3. Purposes

The ZO is enacted for the following purposes:

1. Promote and protect the health, safety, peace, comfort, convenience and general welfare of the inhabitants in the Municipality;

2. Guide, control and regulate the growth and development of public and private lands in LGU MacArthur, Leyte in accordance with its Comprehensive Land Use Plan (CLUP);
3. Provide the proper regulatory environment to maximize opportunities for creativity, innovation and make ample room for development within the framework of good governance and community participation; and
4. Enhance the character and stability of residential, commercial, industrial, institutional, forestry, agricultural, open space and other functional areas within the LGU MacArthur, Leyte and promote the orderly and beneficial development of the same.

Section 4. General Zoning Principles

These Zoning Regulations are based on the principles provided for in the approved Comprehensive Land Use Plan as per SB Resolution No. 2019-029-a dated, February 15, 2019, as follows:

1. The Ordinance reflects the Municipality's vision to be, "MacArthur is a prime agricultural town in Leyte with a God-loving, healthy, empowered and resilient citizenry living in an economically competitive, protected and sustained eco-tourism and natural environment governed by a socially responsible leadership."
2. The local government unit recognizes that any land use is a use by right but provides however that the exercise of such right shall be subject to the review standards of this Ordinance;
3. The Ordinance gives the free market the maximum opportunity to spur the Municipality's development within a framework of environmental integrity and social responsibility;
4. The Ordinance has been designed to encourage the evolution of high-quality developments rather than regulating against the worst type of projects;
5. The Ordinance has been crafted in a manner that is fully responsive to the ever-changing conditions that the Municipality continually face;
6. The Ordinance functions as a tool for informed decision-making on the part of land use administrators by way of providing specific criteria to judge the acceptability of developments;
7. The Ordinance provides a direct venue for community empowerment where the stakeholders become involved especially in critical development decisions; and
8. The regulations in the Zoning Ordinance are considered as land use management tools that are necessary to provide a clear guidance to land development in order to ensure the community's common good.

Article II

Definition of Terms

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

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

Active Fault Overlay Zone (FLT-OZ) – an area in the municipality defined by five (5)-meter wide strips on both sides of and running along identified earthquake faults. The objective of this overlay zone is to minimize the possible harmful effects of fault movements to properties.

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

AFMA – shall refer to the Agriculture and Fisheries Modernization Act of 1997 or RA 8435.

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

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

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

Agricultural Zone (AGZ) – an area within the municipality intended for the cultivation of the soil, planting of crops, growing of trees, raising of livestock, poultry, fish or aquaculture production, including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations... (AFMA) **Agri-Industrial Zone (AgIndZ)** – an area within the municipality intended primarily for integrated farm operations and related product processing activities such as plantation for bananas, pineapple, sugar, etc.

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

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

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

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

Ancestral Lands – refer to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs (IPRA).

Ancestral Domain Overlay Zone (AD-OZ) – an area in the municipality intended for the preservation of the traditional way of life of indigenous people.

Aquaculture Sub-Zone (Aq-SZ) – an area within the Municipal Waters Zone of the municipality designated for “fishery operations involving all forms of raising and culturing fish and other fishery species in fresh, brackish and marine water areas” (Fisheries Code).

Base Flood Elevation – the elevation to which floodwater is expected to reach during flood events as calculated by the regional office of the DPWH.

Base Zones – refers to the primary zoning classification of areas within the Municipality and that are provided with a list of allowable uses and regulations on building density and bulk, among others.

Buffer/Greenbelt Zone (B/GZ) – an area within the municipality that are yards, parks or open spaces intended to separate incompatible elements or uses to control pollution/ nuisance and for identifying and defining development areas or zones where no permanent structures are allowed.

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

Cemetery/Memorial Park Zone (C/MP-Z) – an area in the municipality intended for the interment of the dead.

Certificate of Ancestral Domain Title (CAD/T) – a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains that have been identified and delineated in accordance with Indigenous Peoples Rights Act (RA 8371)

Certificate of Ancestral Lands Title (CAL/T) – refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands (RA 8371)

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

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

Civil Reservation Sub-Zone (CR-SZ) – an area within the Forest Zone of the municipality that “refers to lands of public domain which have been proclaimed by the President of the Philippines for specific purpose such as town sites, resettlement areas, ancestral lands, etc.” (NSCB)

Class “AAA” Slaughterhouse/Abattoir – those with facilities and operational procedures appropriate to slaughter livestock and fowls for sale in any market, domestic or international.

Class “AA” Slaughterhouse/Abattoir – those with facilities and operational procedures sufficiently adequate that the livestock and fowls slaughtered therein is suitable for sale in any market within the country.

Class “A” Slaughterhouse/Abattoir – those with facilities and procedures of minimum adequacy that the livestock and the fowls slaughtered therein are suitable for distribution and sale only within the Municipality of MacArthur, Leyte where the slaughterhouse is located.

Commercial -1 Zone (C1-Z) – a low density commercial area within the municipality intended for neighborhood or community scale trade, service and business activities.

Commercial-2 Zone (C2-Z) – a medium to high density commercial area within the municipality intended for trade, service and business activities performing complementary/supplementary functions to the CBD.

Commercial -3 Zone (C3-Z) – a high density commercial area within the municipality intended for regional shopping centers such as large malls and other commercial and business activities which are regional in scope or where market activities generate traffic and require utilities and services that extend beyond local boundaries and requires metropolitan level development planning and implementation. High rise hotels, sports stadium or sports complexes area also allowed in this zone. This zone may also be called as the Central Business District (CBD).

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

Comprehensive Land Use Plan (CLUP) – is a technical document embodying specific proposals and strategies for guiding, regulating growth and/or development that is implemented through the Zoning Ordinance. The main components of the Comprehensive Land Use Plan in this usage are the land use plan and Sectoral studies including Demography, Ecosystems Analysis (Terrestrial and Coastal) and Special Area Studies such as Climate Change Adaptation, Disaster Risk Reduction and Management, Ancestral Domain, Biodiversity, Heritage Conservation and Green Urbanism.

Comprehensive Development Master Plan (CDMP) – a unitary development plan/ site plan that permits flexibility in planning/urban design, building/structure siting, complementary of building types and land uses, usable open spaces for general public uses services and business activities and the preservation of significant land features (NBC) and may also be referred to as a Master Development Plan.

Commercial Fishing Sub-Zone (CF-SZ) – an area within the Municipal Waters Zone of the municipality where commercial fishing, subject to the provisions of the Fisheries Code, is allowed.

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

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

Critical Habitat Overlay Zone (CH-OZ) – an area in the municipality determined to be essential to the conservation of a listed species, though the area need not actually be occupied by the species at the time it is designated.

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

Delta/Estuary Sub-Zone (D/E-SZ) – an area within the Municipal Waters Zone of the municipality characterized by a landform at the mouth of a river where it flows into an ocean, sea, estuary, lake or reservoir that is formed by deposition of sediments carried by the river.

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

Ecotourism – a form of sustainable tourism within a natural and cultural heritage area where community participation, protection and management of natural resources, culture and indigenous knowledge and practices, environmental education and ethics, as well as economic benefits are fostered and pursued for the enrichment of host communities and the satisfaction of visitors." (Tourism Act and DENR AO2013-19 Guidelines on Ecotourism Planning and Management in Protected Areas)

Ecotourism Overlay Zone (ETM-OZ) – an area in the municipality intended for ecotourism uses.

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

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

- a. All areas declared by law as national parks, watershed reserves, wildlife preserves and sanctuaries;
- b. Areas set aside as aesthetic potential tourist spots;

- c. Areas which constitute the habitat for any endangered or threatened species of indigenous Philippine wildlife (flora and fauna);
- d. Areas of unique historic, archaeological, or scientific interests;
- e. Areas which are traditionally occupied by cultural communities or tribes;
- f. Areas frequently visited and/or hard-hit by natural calamities (geologic hazards, floods, typhoons, volcanic activity, etc.);
- g. Areas with critical slopes;
- h. Areas classified as prime agricultural lands;
- i. Recharge areas of aquifers;
- j. Water bodies characterized by one or any combination of the following conditions: tapped for domestic purposes; within the controlled and/or protected declared by appropriate authorities; and which support wildlife and fishery activities.
- k. Mangrove areas characterized by one or any combination of the following conditions: with primary pristine and dense young growth; adjoining the mouth of major river systems; near or adjacent to traditional productive fry or fishing grounds; which act as natural buffers against shore erosion, strong winds and storm floods; and on which people are dependent on their livelihood.
- l. Coral reef characterized by one or any combination of the following conditions: with 50% and above live coralline cover; spawning and nursery grounds of fish; and which acts as natural breakwater of coastlines.

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

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

- 1. heavy industries
- 2. non-ferrous metal industries
- 3. iron and steel mills
- 4. petroleum and petro-chemical industries including oil and gas
- 5. smelting plants
- 6. Resource extractive industries
- 7. major mining and quarrying projects; and
- 8. fishery projects (dikes for/and fishpond development projects)
- 9. Infrastructure projects
- 10. major dams
- 11. major power plants (fossil-fueled, nuclear-fueled, hydroelectric or geothermal)
- 12. major reclamation projects
- 13. major roads and bridges
- 14. golf course projects

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

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

- a. Environmentally Critical Projects
- b. Projects located in Environmentally Critical Areas

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

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

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

Fishery Refuge and Sanctuary Sub-Zone (FRS-SZ) – an area within the Municipal Waters Zone of the municipality "where fishing or other forms of activities which may damage the ecosystem of the area is prohibited and human access may be restricted." (Fisheries Code)

Fishery Reserve Sub-Zone (FyR-SZ) – an area within the Municipal Waters Zone of the municipality "where activities are regulated and set aside for educational and research purposes." (Fisheries Code).

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

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

Flood Protection Elevation – the minimum elevation to which developments are required by this Ordinance to be elevated, with reference to the Base Flood Elevation, in order to be flood proofed.

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

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

Forest – refers to either natural vegetation or plantation of crops mainly of trees, or both, occupying a definable, uninterrupted or contiguous area exceeding but not less than one hectare with tree crown covering at least ten percent (10%) of the areas, exclusive of the associated seedlings, saplings, palms, bamboos and other undercover vegetation. A natural forest is a stand dominated by trees whose structure, functions and dynamics have been largely the result of natural succession process. A natural forest is classified as either 1) primary or virgin forest which has not never been subjected to significant human disturbance, or has not been significantly affected by the gathering of forest products such that its natural structure, functions and dynamics have not undergone any major ecological change; or 2) secondary or residual forest that maybe classified into either degraded or productive type (DENR DAO No. 99-53).

Forest Buffer Sub-Zone (FB-SZ) – an area within the Forest Zone of the municipality which are "outside the boundaries and immediately adjacent to designated protected areas that need special development control in order to prevent or minimize harm to the protected area (NIPAS Act)."

Forestlands – "include the public forest, permanent forest or forest reserves, and forest reservations" (PD 1559. Further Amending PD 705, otherwise known as the Revised Forestry Code of the Philippines. 1978).

Forest Reservation – refers to forestlands which have been reserved by the President of the Philippines for any specific purpose or purposes (Forestry Code)."

Forest Reserve Sub -Zone (FR-SZ) – an area within the Forest Zone of the municipality, which "refers to those lands of the public domain which have been the subject of the present system of classification and

determined to be needed for forest purposes. Also called "Permanent Forest" (Revised Forestry Code, PD 1559)

Forest Zone (FZ) – an area within the municipality which are intended primarily for forest purposes. This includes Forestlands and areas outside of Forestlands that are declared for forest purposes by this Ordinance.

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

General Commercial Zone (GC-Z) – an area within the municipality intended for trading/services/ business purposes.

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

General Residential Zone (GR-Z) – an area within the municipality intended principally for dwelling/ housing purposes.

Grazing Land Sub-Zone (GZ-SZ) – "refers to that portion of the public domain which has been set aside, in view of the suitability of its topography and vegetation, for raising of livestock." (Revised Forestry Code, DENR DAO No. 99-36)

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

1. Office areas
2. Residential areas
3. Corridors
4. Lobbies
5. Mezzanine
6. Vertical penetrations, which shall mean stairs, fire escapes, elevator shafts, flues, pipe shafts, vertical ducts, and the like, and their enclosing walls
7. Rest rooms or toilets
8. Machine rooms and closets
9. Storage rooms and closets
10. Covered balconies and terraces
11. Interior walls and columns, and other interior features

But excluding:

1. Covered areas used for parking and driveways, including vertical penetrations in parking floors where no residential or office units are present
2. Uncovered areas for AC cooling towers, overhead water tanks, roof decks, laundry areas and cages, wading or swimming pools, whirlpools or Jacuzzis, gardens, courts or plazas.

Heritage Act – shall mean the National Cultural Heritage Act of 2009 or RA 10066.

Heritage Overlay Zone (HTG-OZ) – an area in a Municipality of MacArthur, Leyte that refers "to historical, anthropological, archaeological, artistic geographic areas and settings that are culturally significant to the country, as declared by the National Museum and/ or the National Historic Institute." (Heritage Act)

Heritage Overlay Zone – 1) historic zone, district, core, precinct, town, legacy zone, heritage area, zone or town; 2) a designated area with historical and other special significance, consisting of buildings or group of buildings and their environs that collectively contribute to the area's importance and character; 3) a place where a

significant event in history occurred; 4) any town, district, or ancient settlement site with specific history and/or cultural significance. Historic centers are sometimes called living museums, outdoor museums, or museum preserves. Whether inhabited or un-inhabited, historic centers are preservation areas. (Heritage Act)

Industrial-1 Zone (I1-Z) – an area within the municipality intended for light manufacturing or production industries that are:

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

Industrial-2 Zone (I2-Z) – an area within the municipality intended for medium intensity manufacturing or production industries that are:

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

Industrial-3 Zone (I3-Z) – an area within the municipality intended for heavy manufacturing or production industries that are:

- a. highly pollutive/non-hazardous
- b. highly pollutive/hazardous
- c. highly pollutive/extremely hazardous
- d. pollutive/extremely hazardous
- e. non-pollutive/extremely hazardous

Industrial Forest Plantation Sub-Zone (IFP-SZ) – an area within the Forest Zone of the municipality that "refers to any tract of land planted mainly to timber producing tree species, including rubber, and/or non-timber species such as rattan and bamboo, primarily to supply the raw material requirements of forest-based industries, among others" (DENR DAO No. 99-53).

Inland Fishery – the freshwater fishery and brackish water fishponds ((Fisheries Code)

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

IPRA – shall mean the Indigenous Peoples Rights Act of 1997 (Republic Act 8371).

Key Biodiversity Area Overlay Zone (KBA-OZ) –an area in the municipality which are determined to be "globally significant sites for biodiversity conservation" (DENR) Conservation International Philippines & Haribon Foundation for the Conservation of Nature).

Lake Sub-Zone (La-SZ) – an area in the Municipal Waters Zone of the municipality defined as "an inland body of water, an expanded part of a river, a reservoir formed by a dam, or a lake basin intermittently or formerly covered by water." (Fisheries Code)

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

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

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

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

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

Mangrove Sub-Zone (Mn-SZ) – an area in the Municipal Waters Zone of the municipality defined as “a community of intertidal plants including all species of trees, shrubs, vines and herbs found on coasts, swamps, or border of swamps” (Fisheries Code).

Mariculture – a specialized branch of aquaculture involving the cultivation of marine organisms for food and other products in the open ocean, an enclosed section of the ocean, or in tanks, ponds or raceways which are filled with seawater.

Mariculture Zone and Park (MZP) – an area “designed to produce fishes thru sea cage culture such as bangus, siganids, groupers, red snappers, seaweeds farming, aquasilviculture, mussel culture, oyster culture, sea ranching of lobsters and seahorses in coral reefs and sea grass areas, and others that may be developed through the continuing research and development program of the Bureau of Fisheries and Aquatic Resources (BFAR) and other institutions” (BFAR).

Maximum R-2 Sub-Zone (MR2-SZ) – an area within the R-2 Zone of the municipality where the number of allowable storeys/floors above established grade is five (5) and the BHL is 15.00 meters above highest grade (NBC).

Maximum R-3 Sub-Zone (MR3-SZ) – an area within the R-3 Zone of the municipality where the number of allowable storeys/floors above established grade is twelve (12) and the BHL is 36.00 meters above established grade (NBC).

Mineral Land Zone (ML-Z) – an area in the municipality “where mineral resources are found” and declared by the government as having mineral resources in accordance with the Mining Act.

Mineral Reservation Sub-Zone (MNR-SZ) – an area in the municipality that are “mineral reservations established by the President of the Philippines in order “to preserve strategic raw materials for industries critical to national development, or certain minerals for scientific, cultural or ecological value.” Per the same Act, these also include “all submerged lands within the contiguous zone and in the exclusive economic zone of the Philippines.” (Mining Act)

Mining Act – shall refer to the Philippine Mining Act of 1995 or RA 7942.

Military Reservation Sub-Zone (MR-SZ) – an area within the Forest Zone of a Municipality of MacArthur, Leyte which “refers to land of the public domain which has been proclaimed by the President of the Philippines for military purposes such as Airbase, Campsite, Docks and Harbors, Firing Ranges, Naval Base, Target Range, Wharves, etc.” (NSCB).

Mitigating Device – a means to grant relief in complying with certain provisions of the Ordinance such as, but not limited to, those pertaining to use, building bulk and density, and performance standards.

Municipal Fishing Sub-Zone (MF-SZ) – an area within the Municipal Waters Zone of the municipality where only municipal fishing, as defined in the Fisheries Code, is allowed.

Municipal Waters Zone (WZ) – per Republic Act No. 8550 or the Philippines Fisheries Code of 1998, this zone covers the Municipal Waters which “include not only streams, lakes, inland bodies of water and tidal waters within the municipality which are not included within the protected areas as defined under Republic Act No. 7586 (The NIPAS Law), public forest, timber lands, forest reserves or fishery reserves, but also marine waters (boundary delineation defined in the Fisheries Code).”

National Park Sub-Zone (NP-SZ) – an area within the Forest Zone of the municipality that “refers to a forest land reservation essentially of primitive or wilderness character which has been withdrawn from settlement or occupancy and set aside as such exclusively to preserve the scenery, the natural and historic objects and the wild animals or plants therein, and to provide enjoyment of these features in such a manner as will leave them unimpaired for future generations.” (NIPAS Act):

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

NIPAS Act – shall refer to the National Integrated Protected Areas System Act of 1992 or RA 7586.

NIPAS: Multiple Use Sub-Zone (NMU-SZ) – an area within the Forest Zone of the municipality “where settlement, traditional and/or sustainable land use, including agriculture, agroforestry and other income generating or livelihood activities may be allowed consistent with the Management Plan.” (5.10 of DENR Administrative Order No. 2008-26)

NIPAS: Strict Protection Sub-Zone (NSP-SZ) – an area within the Forest Zone of the municipality that have “...high bio- diversity value which shall be closed to all human activity except for scientific studies and/ or ceremonial or religious use by indigenous communities.” (NIPAS Act)

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

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

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

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

Network of Protected Areas for Agriculture and Agro-Industrial Development (NPAAAD)

– per AFMA, refers to agricultural areas identified by the Department of Agriculture in coordination with the National Mapping and Resource Information Authority in order to ensure the efficient utilization of land for agriculture and agro-industrial development and promote sustainable growth. The NPAAAD covers the following:

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

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

Open Space (OS) – as used in this Ordinance, an area where permanent buildings shall not be allowed and which may only be used as forest, buffer/greenbelts, parks and playgrounds.

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

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

Planned Unit Development (PUD) – a land development scheme wherein the project site is comprehensively planned as an entity via unitary site plan which permits flexibility in planning/design, building siting, complementarity of building types and land uses, usable open spaces and the preservation of significant natural land features.

Port – an area with facilities for loading and unloading of ships and may include, among others, harbor, docks, wharves, and piers.

Production Agricultural Sub-Zone (PDA-SZ) – an area within the Agricultural Zone of cities/ municipalities that are outside of NPAAAD and declared by the Municipality for agricultural use.

Production Forest – an area within the municipality which are “forestlands tended primarily for the production of timber. These are areas below 50% in slope and less than 1,000 meters in elevation. This includes natural and man-made forests.” (DENR DAO 95-15). Forestlands available for timber and agro-forestry production, range lands for grazing and other forestlands special uses. (FM Technical Bulletin No.5 as cited in ITTD PD 222/03 Rev.1)

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

- 
- a. Strict nature reserves;
 - b. Natural parks;
 - c. National monuments;
 - d. Wildlife sanctuary;
 - e. Protected landscapes and seascapes;
 - f. Resource reserves;
 - g. Natural biotic areas; and

Other categories established by law, conventions or international agreements which the Philippine Government is a signatory

Protected Area Management Board (PAMB) – per the NIPAS Act's IRR, a board established for NIPAS areas that shall, among others:

- a. Decide matters relating to planning, resource protection and general administration of the area in accordance with the General Management Planning Strategy (GMPS);
- b. Approve proposals, work plans, action plans, guidelines, for management of the protected area in accordance with the approved Management Plan;
- c. Delineate and demarcate protected area boundaries, buffer zones, ancestral domains...
- d. Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development...

- e. Control and regulate the construction, operation and maintenance of roads, trails, water works, sewerage, fire protection and sanitation systems and other utilities within the protected area

Protected Area Management Plan (PAMP) – a document required for NIPAS areas that “shall, as a minimum, promote the adoption and implementation of innovative management techniques including if necessary, the concept of zoning, buffer zone management for multiple use and protection, habitat conservation and rehabilitation, site-specific policy development, pest management, and fire control...” (NIPAS Act)

Protection Agricultural Sub-Zone (PTA-SZ) – an area within the Agricultural Zone the municipality that include the NPAAAD which are “agricultural areas identified by the Department (Agriculture) through the Bureau of Soils and Water Management (BSWM) in coordination with the National Mapping and Resource Information Authority (NAMRIA) in order to ensure the efficient utilization of land for agriculture and agro-industrial development and promote sustainable growth.”

Protection Forest – an area within the municipality that are “forestlands outside NIPAS obtained essentially for their beneficial influence on soil and water in particular and the environment in general. (DENR DAO 95-15). Areas wholly or partially covered with woody vegetation managed primarily for its beneficial effects on water, climate, soil, aesthetic value and preservation of genetic diversity. (FMB Technical Bulletin No.5 as cited in ITTD PD 220/O3 Rev.1)

Quarry Sub-Zone (Q-SZ) – an area within the Mineral Land Zone of the municipality that are “declared by the Director of Mines and Geosciences Bureau as having “quarry resources such as, but not limited to, andesite, basalt, conglomerate, coral sand, diatomaceous earth, diorite, decorative stones, gabbro, granite, limestone, marble, marl, red burning clays for potteries and bricks, rhyolite, rock phosphate, sandstone, serpentine, shale, tuff, volcanic cinders, and volcanic glass.” (Mining Act)

Quarrying – shall mean “the process of extracting, removing and disposing quarry resources found on or near the surface of private or public land” (Mining Act).

Reclassification of Agricultural Lands – “the act of specifying how agricultural lands shall be utilized for non-agricultural uses such as residential, industrial, and commercial as embodied in the CLUP” (LGC and MC 54)

Residential-1 Zone (R1-Z) – an area within the municipality intended for low density residential use. Per the National Building Code, R-1 Zone is characterized mainly by low-rise single-detached and duplex residential buildings for exclusive use as single (nuclear) family dwellings.

Residential-2 Zone (R2-Z) – an area within the municipality intended for medium density residential use. Per the National Building Code, R-2 Zone is characterized mainly by low-rise single-attached, duplex or multi-level structures residential buildings for exclusive use as multi-family dwellings.

Residential-3 Zone (R3-Z) – an area within the municipality intended for medium to high density residential use. Per the National Building Code, R3 Zone is characterized mainly by low-rise or medium-rise residential buildings for exclusive use as multi-family dwellings with mixed housing types.

Residential-4 Zone (R4-Z) – an area within the municipality intended for medium to high density residential use. Per the National Building Code, R4 Zone is characterized mainly by low-rise townhouse buildings/structures for exclusive use as multiple family dwellings.

Residential-5 Zone (R5-Z) – an area within the municipality intended for very high-density residential use. Per the National Building Code, R4 Zone is characterized mainly by medium-rise or high-rise condominium buildings/structures for exclusive use as multiple family dwellings.

Rezoning – a process of introducing amendments to or change in the existing zoning of a particular area and reflected in the text and maps of the Ordinance.

Sealane Sub-Zone (SL-SZ) – an area within the Municipal Waters Zone of a Municipality of MacArthur, Leyte that is designated as an established route for water vessels traversing the municipal waters. Also referred to as Navigational Lane.

Scenic Corridor Overlay Zone (SCD-OZ) – an area in the municipality that have high scenic vistas and where specific regulations are provided in order to ensure that these vistas are preserved for the enjoyment of the general public.

Small-Scale Mining Sub-Zone (SsM-SZ) – an area within the Mineral Land Zone of the municipality that are "identified, segregated and reserved by the DENR from certain mineral lands as people's small-scale mining areas." (People's Small-Scale Mining Act)

Socialized Housing – refers to housing [programs and] projects covering houses and lots or home lots only undertaken by the Government or the private sector for the underprivileged and homeless citizens (UDHA)

Socialized Housing Zone (SH-Z) – an area in the municipality designated for socialized housing projects.

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

Special Use Sub-Zone (SU-SZ) – an area within the Forest Zone of the municipality where "all types of legal uses of the forestlands other than the production of timber and non-timber resources which are covered by other agreements, such as, but not limited to Integrated Forest Management Agreement (IFMA), Socialized Industrial Forest Management Agreement, etc." may be allowed" (DENR DAO 2004-59)

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

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

Tourism Act – shall mean the Tourism Act of 2009 or RA 9593.

Tourism Zone – are sites within cities and municipalities endowed with natural or manmade physical attributes and resources that are conducive to recreation, leisure and other wholesome activities.

Transit-Oriented Development Overlay Zone (TOD-OZ) – an area around transit centers in the municipality where commercial and residential growth are encouraged in order to maximize access to public transit.

Tree Farm – "refers to any tract of forest land purposely and extensively planted to trees of economic value for their fruits, flowers, leaves, barks or extractives, but not for the wood thereof" (Forestry Code).

UDHA – shall mean the Urban Development and Housing Act of 1992 or RA 7279.

Urban Corridor Overlay Zone (UCD-OZ) – an area in the municipality which are along major transport routes and where specific regulations are provided that is intended to minimize roadside friction, maintain pedestrian walkways, etc.

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

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

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

Water Code – shall mean the Water Code of the Philippines (Presidential Decree 1067)

Wharf – an area within the municipality intended as a landing place where ships may be tied-up or unloaded.

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

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

Zoning Administrator/Zoning Officer – a municipal government employee responsible for the implementation/enforcement of the Zoning Ordinance.

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

Article II

Zone Classifications

Section 5. Division into Zones or Sub-Zones

To effectively carry out the provisions of this Ordinance, the municipality is hereby divided into the following zones or districts as shown in the Official Zoning Maps:

Section 6. Base Zone

The following are designated as Base Zones:

1. Forest Zone (FZ)
2. Protection Forest Sub-Zones
3. Forest Reserve Sub-Zone (FR-SZ)
4. Mangrove Sub-Zone (Mn-SZ)
5. NIPAS: Strict Protection Sub-Zone (NSP-SZ)
6. Production Forest Sub-Zones
7. NIPAS: Multiple Use Sub-Zone (NMU-SZ)
8. Forest Buffer Sub-Zone (FB-SZ)
9. Special Use Sub-Zone (SU-SZ)
10. Grazing Land Sub-Zone (GZ-SZ)
11. Agricultural Zone (AGZ)
12. Protection Agricultural Sub-Zone (PTA-SZ)

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13. Production Agricultural Sub-Zone (PDA-SZ)
 14. Agri-industrial Zone (AgIndZ)
 15. Municipal Waters Zone (WZ) Protection Water Sub-Zones
 16. Fishery Refuge and Sanctuary Sub-Zone (FRS-SZ)
 17. Foreshore Land Sub-Zone (FL-SZ)
 18. Mangrove Sub-Zone (Mn-SZ)
 19. Fishery Reserve Sub-Zone (FR-SZ)
 20. Delta/Estuary Sub-Zone (D/E-SZ)
 21. Lake Sub-Zone (L-SZ)
 22. Production Water Sub-Zones
 23. Aquaculture Sub-Zone (Aq-SZ)
 24. Mariculture Zone and Park Sub-Zone (MZP-SZ)
 25. Municipal Fishing Sub-Zone (MF-SZ)
 26. Mineral Land Zone (MLZ)
 27. Mineral Reservations Sub-Zone (MNR-SZ)
 28. Small-scale Mining Sub-Zone (SsM-SZ)
 29. General Residential Zone (GR-Z)
 30. Residential-1 Zone (R1-Z)
 31. Residential-2 Zone (R2-Z)
 32. Residential-3 Zone (R3-Z)
 33. Residential-4 Zone (R4-Z)
 34. Residential-5 Zone (R5-Z)
 35. Socialized Housing Zone (SH-Z)
 36. General Commercial Zone (GC-Z)
 37. Commercial-1 Zone (C1-Z)
 38. Commercial-2 Zone (C2-Z)
 39. Commercial-3 Zone (C3-Z)
 40. Industrial-1 Zone (I1-Z)
 41. Industrial-2 Zone (I2-Z)
 42. Industrial-3 Zone (I3-Z)
 43. General Institutional Zone (GI-Z)
 44. Special Institutional Zone (SI-Z)
 45. Parks and Recreation Zone (PR-Z)
 46. Cemetery/Memorial Park Zone (C/MP-Z)
 47. Buffer/Greenbelt Zone (B/G-Z)
 48. Utilities, Transportation, and Services Zone (UTS-SZ)
 49. Tourism Zone (T-Z)

Section 7. Overlay Zones

The following are designated as Overlay Zones:

1. Landslide Overlay Zone (LSD-OZ)
2. Flood Overlay Zone (FLD-OZ)
3. Scenic Corridor Overlay Zone (SCD-OZ)
4. Active Fault Overlay Zone (FLT-OZ)
5. Heritage Overlay Zone (HTG-OZ)
6. Ecotourism Overlay Zone (ETM-OZ)
7. Transit-Oriented Development Overlay Zone (TOD-OZ)
8. Key Biodiversity Area Overlay Zone (KBA-OZ)
9. Critical Habitat Overlay Zone (CH-OZ)
10. Ancestral Domain Overlay Zone (AD-OZ)

Section 8. Zoning Maps

It is hereby adopted as an integral part of this Ordinance, the duly authenticated and Official Zoning Maps of the municipality showing location and boundaries of the Base Zones, Sub-zones and Overlay Zones herein established.

Section 9. Zone Boundaries

The locations and boundaries of the above-mentioned various zones into which the Municipality has been subdivided are identified and specified as follows:

BARANGAY BATUG Zone Boundary Delineations

Base Zone	Location
GRZ-1	Bounded on the north by PF-SZ-2 Bounded on the south by an existing barangay road with 3 meters buffer Bounded on the east by an existing barangay road with 3 meters buffer Bounded on the west by PF-SZ-2
GRZ-2	Bounded on the north by an existing barangay road with 3 meters buffer Bounded on the south by an existing barangay road with 3 meters buffer Bounded on the east by an existing barangay road with 3 meters buffer Bounded on the west by an existing barangay road with 3 meters buffer
GRZ-3	Bounded on the north by GAZ-2 Bounded on the south by an existing barangay road with 3 meters buffer Bounded on the east by GCZ-1 Bounded on the west by an existing barangay road with 3 meters buffer
GRZ-4	Bounded on the north by an existing barangay road with 3 meters buffer Bounded on the south by an existing barangay road with 3 meters buffer Bounded on the east by an existing barangay road with 3 meters buffer Bounded on the west by an existing barangay road with 3 meters buffer
GRZ-5	Bounded on the north by an existing barangay road with 3 meters buffer Bounded on the south by an existing barangay road with 3 meters buffer Bounded on the east by an existing barangay road with 3 meters buffer Bounded on the west by an existing barangay road with 3 meters buffer
GRZ-6	Bounded on the north by an existing barangay road with 3 meters buffer Bounded on the south by an existing barangay road with 3 meters buffer Bounded on the east by an existing barangay road with 3 meters buffer Bounded on the west by an existing barangay road with 3 meters buffer
GRZ-7	Bounded on the north by an existing barangay road with 3 meters buffer Bounded on the south by an existing barangay road with 3 meters buffer Bounded on the east by an existing barangay road with 3 meters buffer Bounded on the west by an existing barangay road with 3 meters buffer
GRZ-8	Bounded on the north by GIZ-1 & an existing barangay road with 3 meters buffer Bounded on the south by an existing barangay road with 3 meters buffer Bounded on the east by GIZ-2 Bounded on the west by an existing barangay road with 3 meters buffer
GRZ-9	Bounded on the north by GIZ-1 & an existing brgy. road with 3m buffer Bounded on the south by GAZ-3 Bounded on the east by GAZ-3 Bounded on the west by an existing barangay road with 3 meters buffer
GRZ-10	Bounded on the north by GAZ-2 Bounded on the south by an existing barangay road with 3 meters buffer Bounded on the east by GAZ-2 Bounded on the west by GCZ-1

Section 10. Interpretation of Zone Boundaries

The following rules shall apply in the interpretation of the boundaries indicated on the Official Zoning Map:

1. Where zone boundaries are so indicated that they approximately follow the center of streets or highway, the streets or highways 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 therefrom as indicated in the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown in said zoning map.
4. Where the boundary of 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 should 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 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 boundaries are indicated by Lot Parcels or said to be one-lot deep, this should mean that the said zone boundaries are defined by the parcellary subdivision existing at the time of the passage of this Ordinance.
8. The textual description of the zone boundaries shall prevail over that of the Official Zoning Maps.

Article III

Zone Regulations

Section 11. General Provisions

BN Zone regulations refer to Use and Building Regulations as described below:

1. Allowable Uses

The uses enumerated in the succeeding sections are not exhaustive nor all inclusive. The Local Zoning Board of Appeals (LZBA) may allow other uses subject to the requirements of the Mitigating Devices provision of this Ordinance.

2. Building Regulations

a. Building regulations specify whether buildings/structures may be allowed in specific zones/sub-zones. When allowed, buildings/structures shall be designed, constructed and operated in accordance with the requirements of each zone's/sub-zone's governing authority as well as with the relevant provisions of the National Building Code (NBC) and this Ordinance.

b. In certain zones, the design of buildings/structures may also be regulated by this Ordinance according to Building Height Limit in consonance with the NBC and to architectural design to ensure harmony with the desired character of the zone in consideration.

Section 12. Regulations in Base Zones

Base Zones refer to the primary zoning classification of areas within the Municipality and that are provided with a list of allowable uses and regulations on building density and bulk, among others

Section 12.1 Regulations in Forest Zone

The Forest Zone includes the Protection Forest and Production Forest. The following regulations shall be applied in accordance with the relevant provisions of the Revised Forestry Code, Revised Public Land Act of 1937, NIPAS Act of 1992, and specific proclamations of Forest Reservations, and related issuances as well as with approved Municipality of MacArthur, Leyte Forest Land Use Plan (FLUP).

Section 12.1.1 Forest Reserve Sub-Zone

Per the Revised Forestry Code, these are "lands of the public domain which have been the subject of the present system of classification and determined to be needed for forest purposes. Also called Permanent Forest"

1. Allowable Uses/Activities

- a. Reforestation
- b. Religious ceremonies of Indigenous Peoples (IPs)
- c. Burial sites of IPs
- d. Scientific studies that do not involve gathering of species or any alteration in the area

2. Building Regulations

- a. No permanent buildings or structures are allowed.

- a) Raising the lowest floor line at or above the Flood Protection Elevation (FPE) as determined by the DPWH either through fill or by using stilts;
 - b) Providing roof decks that can be used for evacuation purposes;
- 2) Building utility connections such as those for electricity, potable water and sewage shall be located at elevations higher than the FPE;
 - 3) Natural drainage patterns should not be altered; and
 - 4) Use sustainable urban drainage systems (SUDS) to include rainwater storage tanks, green roofs, etc. that can decrease the flow and make productive use of storm water run-off.

Section 13.3. Scenic Corridor Overlay Zone (SCD-OZ)

1. Objective

SCD-OZ regulations are applied in areas identified in the CLUP as having significant scenic values. The objective of these regulations is to preserve view access to said natural landscape for the enjoyment of the general public.

2. Allowable Uses

Allowable uses shall be as provided in the applicable Base Zone subject to the following additional regulations

3. Building Density and Bulk Regulations

- 1) The height of buildings shall be no higher than (xx) meters measured from the said street crown to its topmost part (such as roof apex or parapet wall line);
- 2) The lateral distance between adjacent buildings shall not be less than (xx) meters.

4. Building/Structure Design Regulations

- 1) Building facades, roofs and other exterior elements shall be either be painted with earth-tone colors or made of natural stone;
- 2) Perimeter fences along the front, rear and sides of properties shall have a maximum height of (xx) meters reckoned from the crown of (name of road). The base may be made of opaque materials, such as concrete hollow blocks or rock, with a maximum height of 400mm reckoned from the said street crown and the upper portion shall be made of see-through materials; and
- 3) Landscape materials, particularly continuous hedge planting, should not obstruct views from the road. These shall have maximum heights of 600mm reckoned from the said street crown.

Section 13.4 Active Fault Overlay Zone (FLT-OZ)

1. Objective

FLT-OZs are applied in areas defined by five (5)-meter wide strips on both sides of and running along identified earthquake faults. The objective of these regulations is to minimize the possible harmful effects of fault movements to properties.

2. Allowable Uses

Only the following uses shall be allowed within identified FOZs:

- 1) Parks, playgrounds, pocket parks, parkways, promenades and play lots
- 2) Legal easements
- 3) The above uses supersede the list of Allowed Uses in the Base Zones affected by FOZs.

3. Building Density and Bulk Regulations

No permanent buildings/structures shall be built within FLT-OZs.

Section 13.5 Heritage Overlay Zone (HTG-OZ)

1. Objective

1. The HTG-OZ is applied in areas with historic centers/heritage zones, including heritage houses.
2. The objectives are: 1) to preserve existing historic structures/sites; and 2) to harmonize the design and construction of new ones with the design of these historic structures/sites.

2. Allowable Uses

Uses allowed under Rule II. Land Use Policies and Regulations of the *Guidelines, Policies and Standards for the Conservation and Development of Historic Centers/ Heritage Zones* by the National Historical Commission of the Philippines (NHCP) shall apply to sites that the NHCP or National Museum (NM) has declared Historic Centers or Heritage Zones, by virtue of RA 10066 (Heritage Act).

For declared heritage houses, allowable uses shall be limited to:

- 1) Single-detached residential
- 2) Museum
- 3) Shops, offices, restaurants, craftsmen's workshops and retail outlets (only at the ground floor)
- 4) or new construction, allowable uses shall be as provided in the base R-1 Zones.

3. Building Density and Bulk Regulations

- 1) The following regulations supersede those provided in the base R-1 zone:
 - a) For declared heritage houses:
 - b) The height and floor area of the existing building shall not be altered.
- 2) For new construction:
 - a) BHL: Building height limit for buildings within the buffer zone shall not be more than the roof apex of the declared heritage structure (*Guidelines, Policies and Standards for the Conservation and Development of Historic Centers/Heritage Zones*, NHCP 2012)

4. Building/Structure Design Regulations

Rule III. Building Requirements of the *Guidelines, Policies and Standards for the Conservation and Development of Historic Centers/Heritage Zones* by the National Historical Commission of the Philippines (NHCP) shall apply to sites that the NHCP or National Museum (NM) has declared Historic Centers or Heritage Zones, by virtue of RA 10066 (Heritage Act).

1) For declared heritage houses:

a) Repair and renovation works, to include building and landscape, shall ensure that the original architectural design at the interior and exterior are maintained. The size and appearance of business and other signs shall be made to blend with the period design of the house.

2) For new construction:

a) Designs, to include building and landscape, shall be made similar to the period designs of the declared houses of ancestry.

5. Other Regulations

1) Other regulations, policies and standards may be promulgated by the Heritage Cultural Conservation Council/Committee (or its equivalent body) to suit local needs and conditions.

Section 13.6. Eco-tourism Overlay Zone (ETM-OZ)

1. Objective

1) The objective for this Overlay Zone is to ensure that the dual goals of environmental conservation and tourism economic development are attained.

2. Allowable Uses

In addition to those uses that may be allowed in the Base Zone, the following are uses and activities that may be allowed in the Ecotourism Overlay Zone:

- 1) Accommodation facilities
- 2) Boardwalks
- 3) Dining facilities
- 4) Dive shops/Diving lesson establishments
- 5) Water-oriented recreation/sports rental equipment shops
- 6) Tourism-oriented retail shops (e.g. souvenirs, clothes, etc.)
- 7) Foreign exchange shops/establishments

3. Building Density and Bulk Regulations

- 1) Ecotourism facilities such as resorts should have heights of no greater than (xx) meters from highest grade to roof apex line.
- 2) The minimum setback of buildings from the inland foreshore line is (xx) meters.
- 3) The maximum building footprint shall be (xx)% of the total lot area.

4. Building/Structure Design Regulations

- 1) Ecotourism facilities such as hotels, resorts, should be made of light indigenous materials.
- 2) Designs should conform to the applicable standards of the Department of Tourism.

- 3) Only single-detached or duplex structures shall be allowed.
- 4) The freeboard elevation of buildings shall be 600mm measured from the outermost building line facing the foreshore to the building's finish floor line.
- 5) Buildings on stilts are encouraged.
- 6) Electrical appliances should be raised with a minimum height of 600mm from each building's finish floor line.
- 7) The use of impermeable paving materials outside of building envelopes shall not be allowed.
- 8) Only picket fences made of wood or bamboo and with heights no greater than 600mm shall be allowed.
- 9) The use of firewalls along property lines shall not be allowed.

Section 13.7. Urban Corridor Overlay Zone (UCD-OZ)

1. Objectives

UCD-OZ regulations are applied to properties fronting both sides of (name of road) from (name of junction) to (name of junction). These overlay regulations are intended to:

- 1) Minimize roadside friction by reducing contact between vehicular through traffic and vehicle movement to and from individual properties
- 2) Ensure that pedestrian walks are free from encroachments of parked vehicles
- 3) Ensure a friendly and vibrant urban environment by reducing the rigidity of streetscapes

2. Allowable Uses

Allowable uses shall be as provided in the applicable Base Zone subject to the following additional regulations.

3. Parking Layouts

- 1) Under no circumstances shall vehicular parking be made to occupy road rights-of-way;
- 2) The minimum setback of buildings from the right-of-way line of (name of road) shall be 10 meters;
- 3) Parking layouts that cause the backing of vehicles onto (name of road) shall not be allowed;
- 4) Parking spaces shall be provided with distinct entry and exit points, i.e., through driveways; and
- 5) Parking spaces may be laid out along the building frontage within the property line.

4. Fencing

- 1) Fences along (name of road) shall have a maximum height of (1.80) meters;

- 2) The base may be made of opaque materials, such as concrete hollow blocks, with a height no greater than (xx) meters from the street sidewalk elevation; the top portion of the fence shall be made of see-through materials such as steel grills;
- 3) Fences made of plants shall have a height of (xx) meters.

Section 13.8. Transit-Oriented Overlay Zone (TOD-OZ)

1. Objectives

- 1) The Transit-Oriented Overlay Zone covers all properties having a radial distance of one kilometer (or as declared by the LGU) from the (Municipal) Multi-Modal Terminal. The objectives of these regulations are:
- 2) To facilitate the development of a walkable and compact urban center thereby reducing opportunities for urban sprawl
- 3) To encourage the use of public vehicles thereby reducing vehicular traffic volumes

2. Allowable Uses

- 1) Allowable uses shall be as provided in the applicable Base Zone subject to the following additional regulations.

3. Building Density and Bulk Regulations

- 1) Buildings that provide ground level commercial spaces shall be provided with a density bonus equivalent to additional (xx) storeys from the Building Height Limit provided in the Base Zone; and
- 2) Buildings that provide ground level commercial spaces and (xx) percent ground level landscaped open space accessible to pedestrians shall be provided with a density bonus equivalent to additional (xx) storeys from the Building Height Limit provided in the Base Zone.

Section 13.9. Billboards Overlay Zone (BB-OZ)

1. Objectives

- 1) The Billboards Overlay Zone includes all lots fronting the National Road. The objectives of these regulations are:
 - a) To rationalize the location of billboards to minimize their potentials to create hazards to lives and properties;
 - b) To ensure that billboards do not obstruct the view of any scenic spot;
 - c) To ensure that billboards would not constitute nuisance to adjoining property owners, distract motorists or constitute as hazard to public safety;
 - d) To ensure that billboards are in harmony with the intended urban character of the Base Zone.

2. Design Regulations

Following are some examples of regulations as provided in MMDA Memorandum Circular No. 10 Series of 2011:

- 1) Setback Requirements. Regulated Signs shall be subject to the following front, side and rear Setback Requirements:
 - a) Minimum Distance Between Signs. No billboard or billboard structure shall be located within the distance of one hundred (100.00) meter radius from another; Provided: That in determining

compliance with this Section 4.2, Regulated Signs that were earlier granted a permit by the relevant local government unit shall enjoy preference over Regulated Signs whose local government unit permits were issued thereafter.

- b) Non-obstruction of Traffic Signs. No Regulated Sign shall be erected in such a manner as to confuse or obstruct the view or interpretation of any official Traffic Sign, signal, or device.
- c) Non-obstruction of Landscape. No Regulated Sign shall be constructed as to unduly obstruct the natural view of the landscape, distract or obstruct the view of the public as to constitute a traffic hazard, or otherwise defile, debase or offend aesthetic and cultural values and traditions.
- d) Restrictions on Combustible Materials. All Regulated Signs erected in highly restrictive Fire Zones as defined in the NBC and its IRRs shall have structural members of incombustible materials. Ground Signs may be constructed of any material meeting the requirements of the NBC. Combination signs, Roof Signs, Wall Signs, Projecting Signs, and Signs on marquees shall be constructed of incombustible materials. No combustible material other than approved plastics shall be used in the construction of electric signs.
- e) Display Surfaces. Display surfaces in Regulated Signs may be made of metal, glass or approved plastics.
- f) Clearances from Fire Escapes, Exits or Standpipes. No Regulated Sign shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe.
- g) Obstruction of Openings. No Regulated Sign shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by the NBC. Regulated Signs erected within 1.50 meters of an exterior wall in which there are openings within the area of the Regulated Sign shall be constructed of incombustible material or approved plastics.
- h) Roof Signs. Roof Signs shall not be allowed.
- i) Material Requirements. Sign Structures carrying Signs and signboards made of banners, pennants, tarpaulins and other similar non-rigid materials shall not be installed near power lines, and shall maintain a horizontal clearance from such power lines in accordance with Rule XIII, Table XIII.1 of the NBC IRRs.
- j) Clearances from High Voltage Power Lines. Clearances of Regulated Signs from high voltage power lines shall be in accordance with the Philippine Electrical Code. In areas near electric distribution facilities including that of any power substations, the minimum horizontal distance measured from the property line abutting the RROW and all the adjoining properties to the nearest base of the sign structure shall be the height of the structure plus one (1.00) meter.
- k) Regulated Signs, Temporary Signs and LED Signs, installed over or across and along Public Thoroughfares, center islands and Road Rights-Of-Way, whether it be National Road or Secondary Road are strictly prohibited. MMDA Regulation No. 96-009 (Anti-Littering Regulation) must be strictly observed specifically, Sec. h, which states that: "It is unlawful for any person/s private and public corporations, advertising and promotion companies, movie producers, professionals and service contractors to post, install display any kind or form of Billboards, Signs, posters and other visual clutters in any part of the roads, sidewalk, center island, posts, trees and open spaces."
- l) Regulated Signs shall not be allowed within sidewalks, flyovers, interchanges, traffic signages, communications posts, LRT, and MRT structures (such as terminal stations, carriageways, columns and beams), Road Rights-Of-Way, posts, waiting sheds or any part thereof.
- m) Markers of historical sites and tourist destinations including directional signs shall not be combined with Advertisement signs even if these Signs are sponsored by private businesses. Sponsors may put their

Advertisement in the periphery of the historical sites upon acceptance and permission of the sites' administrators and upon signing of a Memorandum of Understanding or Agreement (MOU/MOA) witnessed by the LGU concerned and the MMDA.

- n) No signs shall be installed in trees, electric or lighting posts, center islands, side strips and fences that will destroy, alter or deface the natural landscape or seascape of historical sites and tourist destinations.
- o) No Sign shall be allowed to cross or straddle along Carriageways
- p) All Regulated Signs, Temporary Signs and LED Signs along Covered Areas shall automatically be put down or turned off by the owners and advertisers upon the announcement by the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA) that there would be a low pressure area or other weather disturbance in Metropolitan Manila. In case of failure of the owners and advertisers to comply with this Section, the MMDA shall put down the aforesaid at the expense of the owners.
- q) Notwithstanding the foregoing provisions, any local Government Unit in Metropolitan Manila may provide for stricter billboards regulations and may prohibit certain kinds of billboard signs and structures as may be provided in their respective local ordinances.

Section 13.10. Key Biodiversity Area Overlay Zone (KBA-OZ)

1. Objectives

- 1) The objective for this Overlay Zone is to ensure that areas having high biodiversity are protected.

2. Allowable Uses

- 1) Only scientific studies which do not involve gathering of species or any alteration in the area is allowed.

3. Building Density and Bulk Regulations

- 1) No buildings/structures shall be allowed.

4. Other Regulations

- 1) The gathering of natural and historical artifacts shall not be allowed.

Section 13.11. Critical Habitat Overlay Zone (CH-OZ)

1. Objectives

- 1) A portion or portions of the (XXX) Sub-Zone is hereby overlain with a Critical Habitat Overlay Zone. The objective for this Overlay Zone is to preserve the habitats of the endangered species of (i.e. birds, bats, flowers, etc.).

2. Allowable Uses

- 1) Only scientific studies which do not involve gathering of species or any alteration in the area is allowed.

3. Building Density and Bulk Regulations

- 1) No buildings/structures shall be allowed.

4. Other Regulations

- 1) The gathering of natural and historical artifacts shall not be allowed.

Section 13.12. Ancestral Domain Overlay Zone (AD-OT)

1. Objectives

- 1) A portion or portions of the (XXX) Zone is hereby overlain with an Ancestral Domain Overlay Zone. The objective for this Overlay Zone is to preserve the traditional way of life of IPs.

2. Allowable Uses

- 1) *Allowable uses shall be limited to:*
 - a) Traditional dwellings of IPs
 - b) Traditional livelihood activities of IPs
 - c) Traditional/customary religious ceremonies or rituals of IPs

3. Building Density and Bulk Regulations

- 1) Buildings/structures shall be according to traditional/customary designs of dwellings.

Section 14. Zoning Incentives

1. Density bonuses, such as through allowable building height increases, may be provided as incentives for projects that use CCA/DRRM technology or innovations, i.e. use of solar panels, rainwater harvesting, smart urban drainage systems, green architecture/ building systems.
2. Similar incentives may also be given to projects that provide wider setbacks, increased ground level open spaces, provides public infrastructure or conserve heritage sites.

Article IV

General Regulations

Section 15. Height Regulations

1. Notwithstanding the Building Height provisions of this ordinance, building heights should also conform to the height restrictions and requirements of the Civil Aviation Authority of the Philippines (CAAP).
2. Exempted from the imposition of height regulations in residential zones are the following: towers, church, steeples, water tanks and other utilities and such other structures not covered by the height regulations of the National Building Code and/or the CAAP.

Section 16. Area Regulations

1. Area regulations in all zones shall conform to the applicable minimum requirements of existing laws, codes and regulations such as:
 - 1) PD 957, "Subdivision and Condominium Buyers' Protective Law" and its revised implementing rules and regulations;

- 2) Batas Pambansa 220, "Promulgation of Different Levels of Standards and Technical Requirements for Economic and Socialized Housing Projects" and its revised implementing rules and regulations;
- 3) RA 7279 – Urban Development and Housing Act;
- 4) PD 1096 – National Building Code;
- 5) PD 1185 – Fire Code;
- 6) PD 856 – Sanitation Code;
- 7) RA 6541 – Structural Code;
- 8) Batas Pambansa 344 – Accessibility Law;
- 9) Rules and Regulations – HLURB Locational Guidelines and CLUP Guidebook 2013-2014;
- 10) CA 141 or Public Land Act – public lands, including foreshore and reclaimed lands;
- 11) PD 705 or Revised Forestry Code – forestlands;
- 12) PD 1076 or Water Code of the Philippines – inland and coastal waters, shorelines and riverbank easements;
- 13) RA 6657 or Comprehensive Agrarian Reform Law – agrarian reform lands;
- 14) RA 8749 – Clean Air Act;
- 15) RA 9003 – Ecological Solid Waste Management Act;
- 16) RA 7586 or National Integrated Protected Areas Act – protected areas in both land and seas;
- 17) RA 7942 or Philippine Mining Act – mining areas;
- 18) RA 8371 or Indigenous People's Rights Act (IPRA) – ancestral lands;
- 19) RA 8435 or Agriculture and Fisheries Modernization Act (AFMA) – SAFDZs and prime agricultural lands;
- 20) RA 8550 or Revised Fisheries Code – municipal waters and coastal zones;
- 21) RA 9593 or Philippine Tourism Act – tourism zones and estates;
- 22) RA 9729 or Philippine Climate Change Act, as amended;
- 23) RA 10066 or Philippine Cultural Heritage Act – cultural and heritage zones/areas; and,
- 24) RA 10121 or Disaster Risk Reduction and Management Act – disaster-prone and geo-hazard areas;
- 25) Other relevant guidelines promulgated by the national agencies concerned.

Section 17. Easements

1. Pursuant to the provisions of the Water Code: 1) the banks of rivers and streams and the shores of the seas and lakes throughout their entire length within a zone of three (3) meters in urban areas, twenty (20) meters in agricultural areas and forty (40) meters in forest areas, along their margins, are subject to easements of public use in the interest of recreation, navigation, floatage, fishing and salvage.
2. No person shall be allowed to stay in this zone longer than what is necessary for space or recreation, navigation, floatage, fishing or salvage or to build structures of any kind.
3. Mandatory five-meter easement on both sides of earthquake fault traces on the ground identified by PHIVOLCS.
4. As required by the Municipal Government, road widening and road construction program shall have a 5-meter road way with 2-meters easement from both sides for Barangay Roads, Municipal Roads and Provincial Roads.

Section 18. Buffer Regulations

A buffer of four (4) meters (or as declared by the LGU) shall be provided along entire boundary length between two or more conflicting zones/sub-zones allocating two (2) meters from each side of the zone/sub-zone boundary. Such buffer strip should be open and not encroached upon by any building or structure and should be a part of the yard or open space.

Section 19. Specific Provisions in the National Building Code

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

Section 20. Advertising, Billboards and Business Signs

1. No advertising, billboards or business signs whether on or off premises of an establishment shall be displayed or put up for public view without locational clearance from the Zoning Administrator/Zoning Officer. Locational clearance for such signs or billboards may be granted only when the same is appropriate for the permitted use for a zone and the size thereof is not excessive, taking into account the bulk or size of the building or structure and the business practices or usages of the locality and the same shall in no case obstruct the view of any scenic spot.
2. Obnoxious signs that would constitute nuisance to adjoining property owners, distract motorists or constitute as hazards to public safety shall not be allowed in any area. No sign should project to public property unless expressly allowed by the Zoning Administrator/ Zoning Officer. Temporary signs and billboards for not more than two months may be allowed by the Zoning Officer/Administrator upon payment of corresponding fees to the Municipality. The permit for such sign shall indicate the location, size, slope, contents and type of construction.
3. It shall be unlawful to maintain an obsolete sign by reason of discontinuance of business, service or activity for more than 60 days there from.

Article V

Performance Standards

Section 21. Application of Performance Standards

1. The following performance standards are intended to ensure land use and neighborhood compatibility. Proposed developments shall comply with the applicable performance standards which shall form part of the requirements for Locational Clearance. These standards are by no means exhaustive or all inclusive. The Local Zoning Board of Appeals (LZBA) may require other standards, when deemed necessary, to ensure land use and neighborhood compatibility.
2. These shall be enforced through the Implementing Guidelines that is made part of this ZO.

Section 22. Environmental Conservation and Protection Standards

1. It is the intent of the ZO to protect the natural resources of the Municipality. In order to achieve this objective, all developments shall comply with the following regulations:
2. Views shall be preserved for public enjoyment especially in sites with high scenic quality by closely considering building orientation, height, bulk, fencing and landscaping.
3. Deep wells shall not be allowed unless a Water Permit is obtained from the National Water Resources Board.
4. Land use activities shall not cause the alteration of natural drainage patterns or change the velocities, volumes, and physical, chemical, and biological characteristics of storm water. Streams, watercourses, wetlands, lakes or ponds shall not be altered, re-graded, developed, piped, diverted or built upon.

5. All developments shall ensure that storm water runoff shall be controlled through appropriate storm water drainage system design.
6. All developments shall undertake the protection of rivers, streams, lakes and ponds from sedimentation and erosion damage;
7. The internal drainage systems of developments shall be so designed as not to increase turbidity, sediment yield, or cause the discharge of any harmful substances that will degrade the quality of water. Water quality shall be maintained according to DENR's latest Revised Water Usage and Classification/Ambient Water Quality Criteria;
8. Municipal and industrial wastewater effluents shall not discharge into surface and groundwater unless it is scientifically proven that such discharges will not cause the deterioration of the water quality. Effluents shall be maintained according to DENR's latest Effluent Quality Standards for Class "C" Inland Waters;
9. Developments that generate toxic and hazardous waste shall provide appropriate handling and treatment facilities which should be in accordance with the requirements of and approved by the DENR;
10. Floodplains shall not be altered, filled and/or built upon without proper drainage design and without proper consideration of possible inundation effects on nearby properties;
11. All developments, particularly those in sloping areas, shall undertake adequate and appropriate slope and erosion protection as well as soil conservation measures;
12. Facilities and operations that cause the emission of dust, dirt, fly ash, smoke, gas or any other air polluting material that may have harmful effects on health or cause the impairment of visibility are not permitted. Air quality at the point of emission shall be maintained at specified levels according to DENR's latest Air Quality Standards.
13. Developments that generate a significant volume of solid waste shall provide appropriate solid waste collection and disposal systems and facilities.
14. Industrial processes/activities should not cause negative impacts to the environment. The Zoning Administrator/Zoning Officer may request for descriptions of these as part of the requirements for Locational Clearance.

Section 23. Agricultural Land

Conservation and Preservation Criteria

1. Agricultural lands are recognized as valuable resources that provide employment, amenity and biodiversity. All agricultural lands in the Municipality of MacArthur, Leyte shall not be prematurely re-classified. Requests for re-classification shall be evaluated on the merits of conditions prevailing at the time of application, compatibility with the CLUP, and subject to the provisions of Memorandum Circular No. 54 Prescribing the Guidelines Governing Section 20 of RA 7160... Authorizing Cities and Municipalities to Reclassify Agricultural Lands into Non-Agricultural Uses.
2. Applications for agricultural land re-classification approved by the Municipality shall be submitted to the HLURB/Sangguniang Panlalawigan for review and final approval.

Section 24. Network of Green and Open Spaces

1. The Municipality intends to develop a network of green and open spaces as a way to minimize the occurrence of urban heat islands. Developments shall conform to the following provisions, as applicable:

- a. All residential, commercial, industrial and mixed-use subdivisions, in compliance with the rules and regulations of PD 1216, PD 953, PD 957 and BP 220, are respectively required to provide tree-planted strips along their internal roads.
- b. Similar developments shall also be required to provide landscaped tree parks that may be made part of the open space requirements mandated by PD 957, BP 220 and related laws. These mandated open spaces shall be classified as non-alienable public lands, and non-buildable.
- c. Roof decks of all buildings shall be landscaped, as applicable.
- d. Parking lots having at least 20 car parking slots shall be:
- e. Landscaped with suitable trees. The minimum height of trees at the time of securing an Occupancy Permit shall be 1.80 meters from the base to the crown.
- f. 50% paved with permeable or semi-permeable materials such as grass, gravel, grass pavers and the like.

Section 25. Site Development Standards

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

Further, designs should consider the following:

1. The height and bulk of buildings and structures shall be so designed that it does not impair the entry of light and ventilation, cause the loss of privacy and/or create nuisances, hazards or inconveniences to adjacent developments.
2. Abutments to adjacent properties shall not be allowed without the neighbor's prior written consent which shall be required by the Zoning Administrator/Zoning Officer prior to the granting of a Locational Clearance;
3. The capacity of parking areas/lots shall be per the minimum requirements of the National Building Code. These shall be located, developed and landscaped in order to enhance the aesthetic quality of the facility. In no case shall parking areas/lots encroach into street rights-of-way.
4. Developments, such as shopping malls, schools, places of worship, markets, sports stadia and the like, which attract a significant volume of transportation, such as PUVs and, private vehicles shall provide adequate on-site parking for the same. These should also provide vehicular loading and unloading bays so as through street traffic flow will not be impeded.
5. Buffers, silencers, mufflers, enclosures and other noise-absorbing materials shall be provided to all noise and vibration-producing operations. Noise levels shall be maintained according to levels specified in DENR's latest guidelines on the Abatement of Noise and Other Forms of Nuisance.
6. Glare and heat from any operation or activity shall not be radiated, seen or felt from any point beyond the limits of the property.
7. Fencing along roads shall be see-through. Side and rear fencing between adjacent lots (not facing a road) may be of opaque construction materials.

Section 26. Infrastructure Capacities

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

The Zoning Administrator shall require the following:

1. Drainage Impact Assessment Study

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

2. Traffic Impact Statement

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

Article VI

Mitigating Devices

Section 27. Deviation

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

1. Variances (deviation from applicable Building Bulk and Density Regulations, Building Design Regulations and Performance Standards)
2. Variance may be allowed provided that proposals satisfy all of the following provisions:
 - a. Conforming to the provisions of the Ordinance will cause unique hardship on the part of the owner of the property due to physical conditions of the property (topography, shape, etc.), which is not self-created.
 - b. The proposed variance is the minimum deviation necessary to permit reasonable use of the property.
 - c. The variance will not alter the intended physical character of the zone and adversely affect the use of the other properties in the same zone such as blocking-off natural light, causing loss of natural ventilation or encroaching in public easements and the like.
 - d. That the variance will not weaken the general purpose of the Ordinance and will not adversely affect the public health, safety or welfare.

- e. The variance will be in harmony with the spirit of this Ordinance.

Exceptions (deviations from Allowable Use provisions)

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

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

Section 28. Procedures for Evaluating

Variances and/or Exceptions

1. The procedure for evaluating applications for Variances and/or Exceptions is as follows:
 - 1) The project proponent shall file a written application for Variance and/or Exception with the LZBA citing the section(s) of this Ordinance under which the same is sought and stating the ground/s thereof.
 - 2) Upon filing of application, a visible project sign, (indicating the name and nature of the proposed project) shall be posted at the project site. This sign shall be maintained until the LZBA has rendered a decision on the application.
 - 3) The LZBA shall conduct preliminary studies on the application. These application papers shall be made accessible to the public.
 - 4) A written affidavit of no objection to the project by the owners of the properties immediately in front of and abutting the project site shall be filed by the applicant with the LZBA within fifteen (15) days upon filing of application.
 - 5) The LZBA shall hold public hearing(s) to be held in the concerned barangay.
 - 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.
 - 7) The LZBA shall render a decision within thirty (30) days from the filing of the application, exclusive of the time spent for the preparation of written affidavit of non-objection and the public hearing(s).
 - 8) All expenses to be incurred in evaluating proposals for Variances and/ or Exceptions shall be shouldered by the project proponent.

Section 28. Procedures for Evaluating Administration and Enforcement

Section 29. Approved Zoning Maps

The Approved Municipal Zoning Maps, printed in standard color codes and with minimum dimensions of 1.20m x 1.20m, shall be posted at the following offices:

1. Office of the Mayor
2. Office of the Zoning Administrator
3. Municipal Planning and Development Office
4. Municipal Assessor's Office
5. Municipal Engineer's Office
6. Municipal Agrarian Reform Office
7. Municipal Agriculture Office
8. Municipal Environment Office

Zoning maps for each barangay shall be posted at respective barangay halls for public information and guidance of barangay officials. These should similarly be printed in standard color codes and minimum dimensions of 1.20m x 1.20m.

Section 30. Locational Clearance

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

Section 31. Projects of National Significance

Based on established national standards and priorities, the HLURB shall continue to issue locational clearances for projects considered to be of vital and national or regional economic or environmental significance. Unless otherwise declared by the NEDA Board, all projects shall be presumed locally-significant. (Para. 2 Section 3a, of EO 72)

Section 32. Major and/or Innovative Projects

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

Section 33. Subdivision Projects

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

2. Proposed subdivision projects shall prepare their respective Deed Restrictions (to include, among others, regulations pertaining to allowable uses within their project sites. The list of allowable uses within subdivisions shall be within the list of allowable uses within the Zone. Proof of compliance of future projects with the provisions of the Deed Restrictions for the said subdivision shall form part of the requirements for Locational Clearance.

Section 34. Planned Unit Development Projects

1. Proposed Planned Unit Developments (PUD) projects shall be accompanied by Comprehensive Development Master Plans (CDMPs) showing, at the minimum, proposed land uses, building density and bulk, road network layout, road and sidewalk section details, and master layouts of all utilities such as those for potable water, storm drainage, sewerage, power supply, telecommunication and solid waste management.

CDMPs shall also be provided with Deed Restrictions where, upon approval of the Zoning Administrator/Zoning Officer or LZBA, as the case may be, proof of compliance of future projects on the said PUD site shall form part of the requirements for Locational Clearance.

Section 35. Environmental Compliance Certificate

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

Section 36. Building Permit

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

Section 37. Business Permit

1. The Business and Licensing Division shall require a Locational Clearance for new developments.
2. Should there be any change in the activity or expansion of the area subject of the Locational Clearance, the owner/developer shall apply for a new Locational Clearance.

Section 38. Occupancy Permit

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

Section 39. Validity of Locational Clearance

1. Upon issuance of an LC, 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 LC within said period shall result in its automatic expiration, cancellation and the grantee shall not proceed with his project without applying for a new clearance.
2. Should there be any change in the activity or expansion of the area subject of the Locational Clearance, the owner/developer shall apply for a new Locational Clearance.

Section 40. Notice of Non-Conformance

1. Upon approval of this Ordinance, the Zoning Administrator/Zoning Officer shall immediately issue Notices of Non-Conformance to existing non-conforming uses, buildings or structures. The said Notice of Non-Conformance shall cite provisions of this Ordinance to which the existing use, building or structure does not conform to. The same Notice shall also inform the owner of said non-conforming use, building or structure of the conditions for the continued use of the same as provided in the following section.
2. It may also provide conditions by which the non-conforming use can reduce its non-conformity.

Section 41. Existing Non-Conforming Uses, Buildings and Structures

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

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

Section 42. Responsibility for Administration and Enforcement

This Ordinance shall be enforced and administered by the Local Chief Executive through the Zoning Administrator/Zoning Officer who shall be appointed by the former in accordance with existing rules and regulations on the subject.

Section 43. Qualifications of the Zoning

Administrator/Zoning Officer

The Zoning Administrator/Zoning Officer must comply with the requirements of RA No. 10587, also known as the Environmental Planning Act of 2013.

Section 44. Powers and Functions of a Zoning Administrator/Zoning Officer

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

1. Enforcement
2. Act on all applications for Locational Clearance

3. Issuance of Notice of Non-Conformance to owners/ operators of uses, buildings or structures that are non-conforming to the applicable provisions of this Ordinance.
4. Monitor non-going/ existing projects and issue Notices of Violation and Show Cause Order to owners, developers, or managers of projects that are in violation of the provisions of the integrated ZO.
5. Coordinate with the Philippine National Police (PNP) for enforcement of all orders and processes issued in the implementation of this Ordinance.
6. Coordinate with the Municipal Fiscal and/or Municipal Legal Officer for other legal actions/remedies relative to the foregoing.
7. Planning
8. Coordinate with the Regional Office of the HLURB regarding proposed amendments to the integrated ZO prior to adoption by the Sangguniang Bayan.

Section 45. Complaints and Oppositions

1. A complaint for violation of any provision of the integrated ZO or any clearance or permit issued pursuant thereto shall be filed with the LZBA.
2. Oppositions to applications for Locational Clearance, Variance or Exception shall be treated as a complaint and shall likewise be filed with the LZBA.

Section 46. Functions and Responsibilities of the Local Zoning Board of Appeals

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

1. Act on applications of the following nature:
 - a. Variances
 - b. Exceptions
 - c. Non - Conforming Uses
 - d. Complaints and Oppositions to Application/s
2. Act on appeals on Grant or Denial of Locational Clearance by the Zoning Administrator/ Zoning Officer.
3. Act on appeals regarding the non-conformity of existing uses, buildings or structures to the applicable provisions of this Ordinance.
4. Decisions of the LZBA shall be carried by an absolute majority vote (50% + 1) of its members.

Section 47. Appeals to LZBA Decisions

Decisions of the LZBA shall be appealable to the HLURB.

Section 48. Composition of the Local Zoning Board of Appeals (LZBA)

The LZBA shall be composed of the following members:

1. Municipal Mayor as Chairman
2. SB Committee Chairperson on Land Use/Zoning (If said committee is non-existent, the SP/SB may elect a representative)
3. Municipal Legal Officer
4. Municipal Assessor
5. Municipal Engineer
6. Municipal Planning and Development Coordinator (if other than the Zoning Administrator/Zoning Officer)
7. Municipal Community Environment and Natural Resources Officer/Disaster Risk Reduction and Management Officer
8. Two (2) representatives of the private sector nominated by their respective organizations
9. Two (2) representatives from non-government and civil society organizations nominated by their respective organizations.

10. The Municipal Planning and Development Office shall serve as the Secretariat to the LZBA.
11. The LZBA may invite resource persons in support of the performance of its functions.

Section 49. Review of the Zoning Ordinance

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

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

Section 50. Composition of the Local Zoning Review Committee (LZRC)

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

1. Sangguniang Bayan Chairperson or Local Zoning Coordinator
2. Municipal Planning and Development Coordinator
3. Municipal Zoning Administrator/Zoning Officer
4. Municipal Assessor
5. Municipal Legal Officer
6. Municipal Engineer
7. Municipal Community Environment and Natural Resources Officer/Disaster Risk Reduction and Management Officer
8. Municipal Agriculturist
9. Municipal Agrarian Reform Office
10. President, Association of Barangay Captains
11. Three (3) Private Sector Representatives such as from Local Chamber of Commerce, local housing industry, federation of homeowner's associations, and academe.
12. Two (2) non-government and civil society organization representatives
13. The Municipal Planning and Development Office shall serve as the Secretariat to the LZRC.
14. The LZRC may invite resource persons in support of the performance of its functions.

Section 51. Functions of the Local Zoning Review Committee

The Local Zoning Review Committee shall have the following functions:

1. Review the Zoning Ordinance for the following purposes:
2. Determine amendments or revisions necessary in the Zoning Ordinance because of changes that might have been introduced in the Comprehensive Land Use Plan.
3. Recommend changes to be introduced in the Comprehensive Land Use Plan and the Zoning Ordinance in the light of permits granted such as variances and exceptions, and increasing applications for rezoning and reclassification.
4. Recommend to the Sangguniang Bayan necessary legislative amendments on the needed changes in the integrated ZO as a result of the review conducted.
5. Coordinate with HLURB of the recommended changes to the integrated ZO as a result of its review.

Section 52. Amendments to the integrated ZO

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

Section 53. Violation and Penalty

Any person who violates any of the provisions of this Ordinance, shall, upon conviction, be punished by a fine or imprisonment as provided under the Local Government Code or both at the discretion of the Court. In case of violation by a corporation, partnership or association the penalty shall be imposed upon the erring officers thereof.

Section 54. Suppletory Effect of Other Laws and Decrees

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

Section 55. Non-Diminution of National Standards

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

Section 56. Consistency between National and Local Plans, Programs and Projects

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

Section 57. Separability Clause

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

Section 58. Repealing Clause

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

Section 59. Effectivity Clause

This Zoning Ordinance takes effect upon approval by the Sangguniang Panlalawigan (SP)/Department of Human Settlements and Urban Development (DSHVD) and after compliance with the publication requirements of the Local Government Code.

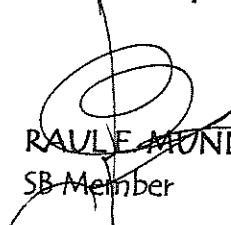
Approved unanimously.

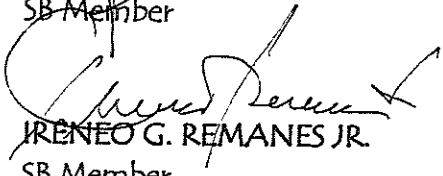
ENACTED by the Sangguniang Bayan in session assembled on June 15, 2026, at the Municipal Session Hall, Legislative Building, MacArthur, Leyte, Philippines.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

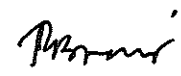

MARIE STEPHANIE DE LA CRUZ- PULGA
Secretary to the Sanggunian

Concurred by:

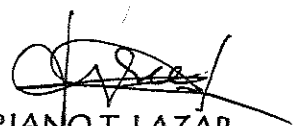

RAUL E. MONDALA
SB Member


IRENEO G. REMANES JR.
SB Member


RONALD DOMINIC B. BABANTE
SB Member

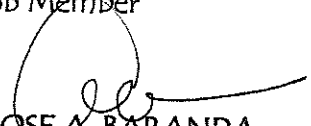

TRINA C. BURAWIS
SB Member

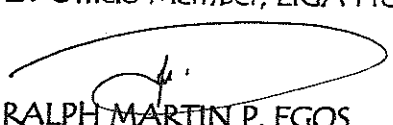

JONATHAN T. BARQUIN
SB Member


VICTORIANO T. LAZAR
SB Member


XANDRIX P. PANTIN
SB Member


GWENDOLYN M. BERISO
SB Member

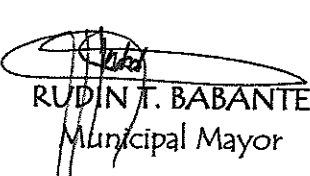

JOSE A. BARANDA
Ex-Officio Member, LIGA President


RALPH MARTIN P. EGOS
Ex-Officio Member SKF President

Attested by:


JESUS A. BARANDA
Municipal Vice Mayor
Presiding Officer

Approved by:


RUDIN T. BABANTE
Municipal Mayor

Date Approved: JULY 24, 2026