

CHALLENGES IN THE IMPLEMENTATION OF ZONING ORDINANCE: THE CASE OF CATEEL, DAVAO ORIENTAL

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ABSTRACT

The study was conducted to identify the challenges in the implementation of zoning ordinance in Cateel, Davao Oriental. Desk review and key informant interviews (KIIs) provided the needed information, which aims to comprehend the challenges in the implementation of the ordinances. This study also emphasized the valuable insights that can guide future developments and enhancements for the benefit of both enforcement body and the community at large. The thematic analysis produced two "key" themes representing the challenges in the implementation: Challenges in Urban Growth and Collaborative Governance for Sustainable Urban Development were explored. Including detailed explanations of each subject and participant quotes to back them helped make decisions. These include enforcement challenges, conflicting interests and weak political will, resource constraints, public awareness and education, and regulatory measures.

Keywords: Zoning Ordinance, challenges, practices, land use plans, collaborative governance, urban growth

1. INTRODUCTION

Zoning regulations and legislations have a crucial role to play in the progress, expansion, and safeguarding of the municipality. These regulations provide a framework for local governments to exercise forms of authority over economic, real estate, public health, and cultural arenas of their communities. However, zoning regulations extend their influence beyond these areas. For instance, "Land use controls [such as zoning] can impact the environment's quality, the availability of public services, the distribution of income and wealth, the model of commuting, the natural resource development, and the national economy's growth" (Fischel, 1985, p.19).

Cateel is a municipality nestled in the eastern part of Mindanao, specifically within the northern coastal region of Davao Oriental, facing the Pacific Ocean. Its fertile lands span a defined geographical area established by Organic Act No. 21 in 1903.

Cateel, a municipality in Davao Oriental, Philippines, recognizes the potential of zoning ordinances to guide development and create a sustainable future. However, translating this vision into reality presents challenges. This research delves into the specific hurdles Cateel faces in implementing its zoning ordinance. By identifying and understanding these challenges, we can explore solutions that ensure the practical application of zoning regulations, ultimately shaping a more livable and prosperous Cateel. The town comprises sixteen barangays with a total land area of approximately 54.56 square kilometers. This represents roughly 10% of Davao Oriental's total land area, translating to 1.73% of the province's total size. Within Cateel, land area distribution varies significantly. Barangay Aliwagwag boasts the most significant area at 13.54 square kilometers, accounting for 24.8% of the Municipality. Conversely, Barangay Baybay is the smallest, with a land area of only 0.6 square kilometers and contributing just 1.10% of the total.

The Local Government Code empowers municipalities like Cateel to enact zoning ordinances. These ordinances, like the Integrated Zoning Ordinance (ZO) adopted by the Sangunian ng Bayan ng Cateel through Resolution No. 16-467-07-2020, are crucial tools for implementing a community's vision as outlined in the Comprehensive Land Use Plan.

The municipality's zoning ordinance serves as a blueprint, ensuring land is utilized effectively while maximizing benefits for all residents. The Ordinance reflects the Municipality's vision to be "Envisions Cateel to be socially progressive, economically stable, spiritually strong, safe and disaster resilient Municipality through the pursuit of upland and coastal resources management, agri-industrialization, tourism, and enterprise development within the context of ecological balance." Like zoning ordinances across the country, the Municipality of Cateel zoning ordinance meticulously divides the Municipality into designated zones, each tailored for commercial, residential, or industrial uses. This fosters a sense of order and directs development in a way that aligns with Cateel's Comprehensive Land Use Plan. The Ordinance lays the foundation for well-planned neighborhoods with detailed regulations for each zone. By dictating land use, building heights, and development density, the ZO aims to create harmonious and functional spaces within Cateel. However, translating this vision into reality can be a complex endeavor. This study delved into the challenges of implementing zoning ordinances, particularly within the integrated jurisdiction of the municipality. Understanding these challenges is crucial for creating livable, sustainable, and equitable communities. By addressing them, we can ensure zoning ordinances serve as practical tools for shaping the future of Cateel.

2. OBJECTIVES OF THE STUDY

This research aimed to comprehensively explore the challenges in implementing the zoning ordinance. The study attempted to answer the following questions:

- What are the challenges encountered in the implementation of the zoning Ordinance?
- What are the practices to ensure that the Comprehensive Land Use Plan (CLUP) is implemented?

This study explored the challenges faced by the implementing agency in Cateel, Philippines, regarding their zoning ordinance. It aims to identify and understand the specific roadblocks that hinder the effective enforcement of the Ordinance and its intended benefits. This study did not explore solutions to the identified challenges in detail. However, it will lay the groundwork for future research that can develop targeted strategies for smoother implementation. The focus on Cateel may limit the generalizability of the findings to other municipalities with different contexts. However, the identified challenges may have broader relevance and offer valuable insights for other communities facing similar zoning ordinance implementation issues. The study primarily relied on qualitative data collection, which may only capture part of the full scope of the challenges. Future research could incorporate quantitative data analysis to complement the qualitative findings.

3. METHODOLOGY

A qualitative method of inquiry was used to collect data. Data used in this were generated from the key informant interviews and desk review of related documents from the employees of the Municipal Planning and Development Office, Municipal Engineering Office, Board Member, Municipal Environment and Natural Resources Office, and a representative from Civil Society Organizations. The data collection was done through mobile phone interview. According to Torrentira (2020), another method to gather data from a qualitative research was to conduct interviews through mobile phone wherein researcher directly throws the question to the participant, and the participant directly in-depth answers to the question. Participants were asked using semi-structured questions, and all the answers were transcribed verbatim for thematic analysis.

4. RESULTS AND DISCUSSIONS

This section discusses the answers to the qualitative research questions that served as the foundation for the participant data. Extensive interviews were conducted, copious amounts of text were transcribed, and the official data analysis began. The first step was becoming acquainted with the transcripts of the collected and recorded responses. The transcripts were then meticulously translated into English while keeping the original transcript's ideas. Furthermore, several decisions had to be made on which data were relevant to the three research questions and, therefore, valid for the research and which data had to be eliminated since they were unrelated, as the entire approach was centered around the study's objective. The comparison is done using the three research topics as subheadings. The generated data is compiled into a theme at the first code level. Three topics emerged from the thematic analysis of the challenges in implementing zoning ordinances. The themes were (1) Challenges in Urban Growth, and (2) Collaborative Governance for Sustainable Urban Development.

Challenges in the Implementation of Zoning Ordinance

Table 1 showcases the themes and sub-themes of zoning ordinance implementation challenges and supporting statements from interviews. This study aimed to identify core ideas and themes through pattern recognition and thematic analysis. These patterns led to the generation of codes that emphasized the challenges of zoning ordinance implementation. All issues were manually coded, summarized, and categorized. The participants' responses were transcribed verbatim and used as the basis for thematic analysis.

The transcripts were used to extract the data gathered from the interview and extract significant themes. Themes were drawn from the interview: Challenges in Urban Growth with sub-themes emerging enforcement challenges, conflicting interests and weak political will and resource constraints.

Themes 1: Challenges in Urban Growth

This is one of the two themes that emerged regarding the challenges in implementing zoning ordinances during the interview. Based on the data gathered the results revealed the following sub-themes:

Enforcement Challenges. Based on the data gathered enforcement challenges are one of the emerging sub-themes found in the study. The participants The following are their responses:

“Mausab ang land use kay dili naga follow ang people bisag 5 meters set back”(respondent 1)

“Easement in waterways crossing roads not observed and Gaps in implementation and enforcement by the appropriate agency of the LGU (respondent 3)

“Enforcement issues - LGU’s zoning regulation are challenging since the government have limited resources for enforcement” (respondent 4)

In an interview, a participant acknowledged the validity of the aforementioned statements and highlighted their difficulties in executing them. These observations corroborate the research conducted by Schmidt and Paulsen 2009 on the balancing act that zoning boards and community leaders must perform. Their task involves preserving lands and landscapes while guaranteeing accessible and affordable housing options.

Conflicting Interests and Weak Political Will. This is another sub-theme that emerged challenge in the implementation of zoning ordinances. Respondents pointed out that they experienced conflicting interests and weak political will while implementing these regulations. Below are the statements pointed out by the following participants:

“Lack of political that lead to lack of resources, inadequate enforcement & weak zoning regulations, Political power na usahay lang an mo na dili pwede ansan pero magpalaban dayun” (respondent 1)

“The Municipal Engineering office did not regulate lot size, placement, density, and the height of some structures.” (respondent 2)

“Political Influence - influence by political considerations rather than strictly adhering to the regulations (respondent 4)

“Structures in easement owned by elected officials and other business owners in the municipality” (respondent 3)

Respondent 5, a member of the regulatory implementation team, confirmed this during an interview. This corroborates the findings of Shertzer et al. (2016), which suggest that political elements are at the core of zoning-related disputes. The misuse and manipulation of these political elements can undermine the foundations of zoning. However, the impact and reach of zoning remain significant.

Resource Constraints. One of the sub-themes that emerged on the breakdown of governance is resource constraints. Based on the respondents' statements during the interview, the result revealed that resource constraints are one of the challenges to reinforcing zoning ordinances in the municipality. Below are some of their statements:

“inadequate resources like no plantilla position for Zoning Officer/Zoning Administrator, equipment/technology” (respondent 1)

“Resources wala na utilized kay daghan conditions ug nagapaugat ang mga tao bisag giingnan na bawal like 5 meters setback” (respondent 3)

The statement above was affirmed by Respondent 4 during an interview, who mentioned that this is one of the reasons why reinforcement of the regulations is complex. According to Shah et al. (2017), some projects experience brief delays, while others are postponed for several years, resulting in decreased profitability, escalating costs, and technical and managerial issues among the project stakeholders. Therefore, delays, as a consequence of various constraints, represent a significant economic challenge that not only squanders financial resources but also slows down development activities.

According to Kim's (2010) research, there is a growing concern about the adverse effects of fast urbanization, resulting in an urban sprawl that has surpassed the growth of metropolitan areas in recent years. Conventional zoning regulations have proven insufficient in promoting community cohesion and social and economic inclusivity, resulting in negative impacts on urban and rural communities.

Table 1. Themes and Sub-themes of Challenges of Implementation of Zoning Ordinances

THEMES	SUB-THEMES	SUPPORTING STATEMENTS
1. Breakdown in governance	a. Enforcement Challenges	<p>“Mausab ang land use kay dili naga follow ang people bisag 5 meters set back”(respondent 1)</p> <p>“Easement in waterways crossing roads not observed and Gaps in implementation and enforcement by the appropriate agency of the LGU (respondent 3)</p> <p>“Enforcement issues - LGU’s zoning regulation are challenging since the government have limited resources for enforcement” (respondent 4)</p>

	Conflicting Interests and Weak Political Will	<p>“Lack of political that lead to lack of resources, inadequate enforcement & weak zoning regulations, Political power na usahay lang an mo na dili pwede ansan pero magpalaban dayun” (respondent 1)</p> <p>“The Municipal Engineering office did not regulate lot size, placement, density, and the height of some structures.” (respondent 2)</p> <p>“Political Influence - influence by political considerations rather than strictly adhering to the regulations” (respondent 4)</p> <p>“Structures in easement owned by elected officials and other business owners in the municipality” (respondent 3)</p>
	Resource Constraints	<p>“inadequate resources like no plantilla position for Zoning Officer/Zoning Administrator, equipment/technology” (respondent 1)</p> <p>“Resources wala na utilized kay daghan conditions ug nagapaugat ang mga tao bisag giingnan na bawal like 5 meters setback” (respondent 3)</p>

Themes 2: Collaborative Governance for Sustainable Urban Development

Another theme emerges regarding the practices to ensure the effective implementation of CLUP. Based on the respondents interviewed, Collaborative Governance for Sustainable Urban Development was pointed out. The result revealed two sub-themes: public awareness and education, and regulatory measures.

Public Awareness and Education. This is one of the sub-themes emerge in the practice to ensure effective implementation of CLUP during the interview. The following statement are:

“Allocation of funds for incidental expenses in implementing the CLUP. Public educational and informational programs. Conduct regular monitoring and evaluation “(respondent 1)

“IEC materials to raise awareness.Collaboration with other offices for monitoring and enforcement.” (respondent 4)

“Practices to ensure the zoning ordinances ang pag apil sa development plan regarding the zoning area nga mao ang matuman pag abot sa panahon” (respondent 3)

“Attending seminars/training relevant to land use planning conducted by National Government Agencies(respondent 5)

The statement was affirmed by Respondent 1 for his observation of the practices that CLUP was implemented effectively. This validates the findings of Kopáček's (2021) study, which states that the ideal level of civic engagement in land-use planning should be representative in nature. This means that it shouldn't just concern individuals, but also groups of several dozen people, each of whom should have a balanced range of attributes. An ideal degree of social engagement should also supply the greatest number of pertinent impulses. Attempting to avoid favoring purely voluntary participation; (2) simultaneously using various tools to engage residents; (3) regularly educating residents; and (4) consistently communicating and providing feedback, while also looking for informal means of communication and discussion, are some measures that may secure and foster an optimal degree of civic participation in land-use planning

Regulatory Measures Again, during interview the respondents share their practices in implementing the CLUP. Some of their statements saying:

“Conduct regular monitoring and evaluation” (respondent 1)

“Ensure that implementing body will reinforce regulations labi na sa mga tao na gahi kaayo pasabton dapat makabalo sila sa regulations.” (respondent 5)

“Each office maintain proper monitoring to ensure regulatory measures are implemented”(respondent 3)

Both Respondent 2 and Respondent 4 affirmed these practices are made but sometimes due to constraints and circumstances, those regulations are not followed by the community. Indeed, if cross-border collaboration is to become institutionalized within a reliable, inclusive, proximate, democratic land use decision process that takes into account local knowledge and institutions, managers must take part in both their own and civil society's capacity building during the upcoming and historically unique period of decentralization. Then and only then can we anticipate the consistent integration and application of a more comprehensive collection of best practices that have been encountered (Few, 2000; Borrini-Feyerabend & Buchan, 1997; Murfee, 1994; Mumme & Korzetz, 1997).

Table 2. Themes and Sub-themes of practices to ensure the implementation of Comprehensive Land Use Plan (CLUP)

THEMES	SUB-THEMES	SUPPORTING STATEMENTS
1. Collaborative Governance for Sustainable Urban Development	a. Public Awareness and Education	<p>“Allocation of funds for incidental expenses in implementing the CLUP. Public educational and informational programs. Conduct regular monitoring and evaluation “(respondent 1)</p> <p>“IEC materials to raise awareness.Collaboration with other offices for monitoring and enforcement.” (respondent 4)</p> <p>“Practices to ensure the zoning ordinances ang pag apil sa development plan regarding the zoning area nga mao ang matuman pag abot sa panahon” (respondent 3)</p> <p>“Attending seminars/training relevant to land use planning conducted by National Government Agencies” (respondent 5)</p>
	b. Regulatory Measures	<p>“Conduct regular monitoring and evaluation” (respondent 1)</p> <p>“Ensure that implementing body will reinforce regulations labi na sa mga tao na gahi kaayo pasabton dapat makabalo sila sa regulations.” (respondent 5)</p> <p>“Each office maintain proper monitoring to ensure regulatory measures are implemented”(respondent 3)</p>

5. CONCLUSION

Zoning ordinances are crucial in shaping land development, but challenges hinder their successful implementation. Researchers identified key themes through interviews: (1) Challenges in Urban Growth, and (3) The Need for Collaborative Governance for Sustainable Urban Development. These themes highlight the need to strengthen zoning ordinances, particularly to address urban sprawl. However, simply reinforcing regulations isn't enough. Public awareness and education must be intensified to ensure widespread public participation in the planning process. Citizen involvement is essential for several reasons. First, it allows for the incorporation of local knowledge, which can significantly improve planning. Second, public participation helps identify potential conflicts in future land-use decisions, leading to more informed and proactive planning. Addressing these concerns can achieve two key goals: boosting the effectiveness of zoning ordinances and ensuring optimal land use as the population grows.

This study offers valuable insights for future development and enhancements, benefiting both the implementing body and the broader community. Public awareness and education initiatives are crucial in this process.

6. RECOMMENDATIONS

This study identified several challenges hindering the implementation of the zoning ordinance in Cateel. To address these and ensure the ordinance effectively guides future development, the following recommendations are made:

Empower the Municipal Planning and Development Office (MPDO) for effective zoning enforcement, this study recommends a comprehensive review of current implementation strategies, the development of clear guidelines for stakeholders, and a robust monitoring and evaluation system to track compliance and identify potential violations.

Strengthen environmental protections within the zoning framework, MENRO should be supported by integrating environmental considerations into zoning ordinance reviews, establishing a collaborative enforcement framework with MPDO, especially for sensitive areas, and advocating for staff training programs on land-use planning and environmental impact assessment.

Ensure smooth integration of new construction with existing infrastructure and facilitate open communication and joint planning sessions between MPDO, MENRO, and the Engineering Office. This will allow the proactive identification of infrastructure challenges within designated zones and encourage the Engineering Office to develop long-term plans aligned with the zoning ordinances' future development needs.

Advise the Mayor's Office to produce frequent summaries of monitoring findings and showcase the positive impacts of the zoning law. These reports can assist in crafting a strategy to inform the public about the advantages of the ordinance, encouraging local involvement in its implementation.

To enhance transparency for the Sangguniang Bayan, the study's findings should be presented, highlighting inconsistencies and areas needing clarification in the ordinance. Collaboration is critical to developing clear enforcement protocols, and the Sangguniang Bayan should establish a transparent grievance redressal mechanism for addressing enforcement concerns.

Cateel can foster a collaborative environment among crucial stakeholders and overcome the challenges hindering effective zoning ordinance implementation. This will lead to a more sustainable, well-planned, and thriving community.

7. REFERENCES

- [1] Few, R. 2000. Conservation, participation and power: protected area planning in the coastal zone of Belize. *Journal of Planning Education and Research* 19: 401-408.
- [2] Fischel, W. A. (1987). *The economics of zoning laws: A property rights approach to American land use controls*. Baltimore: Johns Hopkins University Press.
- [3] Kim, K. (2010). *The Evaluation of the Impact of Form-Based Code and Conventional Zoning on Fort Mcpherson Redevelopment*. Thesis, Atlanta, GA: Georgia Institute of Technology.
- [4] Kopáček M. Land-Use Planning and the Public: Is There an Optimal Degree of Civic Participation? *Land*. 2021; 10(1):90. <https://doi.org/10.3390/land10010090>
- [5] Shah, et. al. (2017). An Investigation into the fundamentals of critical chain project scheduling. *International Journal of Project Management*, 19(6), pp. 363-369.
- [6] Schmidt, S., & Paulsen, K. (2009). Is open-space preservation a form of exclusionary zoning? *Urban Affairs Review*, 45(1), 92-118. doi:10.1177/1078087408331122
- [7] Shertzer, A., Twinam, T., & Walsh, R. P. (2017). *Zoning and the economic geography of cities*.
- [8] Retrieved October 26, 2018, from <https://ac-els-cdn-com. umiss.idm.oclc.org/S0094119018300056/1-s2.0-S0094119018300056-main.pdf?tid=8b23eed6-23d1-4780-b7da56db15389b8b&acdnat=1540600320889bd1203d635634ad41c9654636340e>.
- [9] Torrentira, M. (2020). Online data collection as adaptation in conducting quantitative and qualitative research during the COVID-19 pandemic. *European Journal of Education Studies*, 7(11). DOI: <http://dx.doi.org/10.46827/ejes.v7i11.3336>