

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2011 (FIRST) REGULAR SESSION

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Bill No. 174-31 COR

Introduced by:

Chris Duenas

AN ACT TO REPEAL AND RE-ENACT § 61214 OF TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING
“SPLIT-ZONE ELECTIONS”.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Intent.** The 25th Guam Legislature enacted § 61214 of Title 21,
3 Guam Code Annotated, to allow a property owner, whose lot was divided by the Zoning Boundary,
4 to select, without public notice or hearing, which zone to apply to the entire lot. This was done to
5 alleviate advice that a lot thus split by the Zoning Boundary had no effective zone designation. The
6 Legislature finds that, since passage, the split-zone election authorized by § 61214 has created
7 certain unanticipated anomalies with planning and development decisions, and amendments to the
8 law are necessary to retain consistency with the general zoning plan and local development
9 processes.

10 **Section 2. Repeal and Re-enact § 61214 of Title 21, Guam Code Annotated.** § 61214
11 of Title 21, Guam Code Annotated, is hereby repealed and re-enacted as follows:

12 **“§ 61214 (a) Split-Zone Election.** Whenever a lot is affected by a Zoning Boundary which
13 creates two (2) separate zoning designations within its boundaries, the property owner of such
14 affected lot shall have the right to select one (1) of the two (2) zones and to have it apply to the entire
15 lot. Upon receiving a written request by a property owner to elect a zoning designation for the
16 affected lot, the Director of the Department of Land Management shall approve the request, shall
17 process all necessary documents to reflect the approval, and shall update all official maps of the
18 Island to indicate the zone which the property owner has chosen.

19 **(b) Conditional Use.** All uses permitted on the affected lot by the zone chosen by the
20 property owner making a split-zone election shall be conditional and subject to approval in the
21 manner required to obtain a zone variance as provided in § 61303, Title 21, Guam Code Annotated.
22 No such use shall be permitted upon any part of the lot described in subsection (a) above which is
23 inconsistent or incompatible with the uses of property adjacent to such part, nor which would
24 otherwise be detrimental to the public.

25 **(c) Effective Date.** A split-zone election shall only be made in respect of a lot in existence at
26 the time the Zoning Boundary line is designated. Without limitation, a lot created by consolidation
27 of a lot affected by a Zoning Boundary with another lot or lots unaffected by the Zoning Boundary,
28 after the effective date of a Zoning Boundary, shall have the zone classification of a lot unaffected
29 by the Zoning Boundary.”