

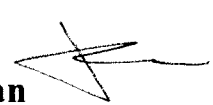
I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (Second) Regular Session

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Bill No. 432-31 (COR)

Introduced by:

v.c. pangelinan



AN ACT TO AMEND §61619 AND §61633, OF
ARTICLE 6, CHAPTER 61, TITLE 21, GUAM
CODE ANNOTATED, RELATIVE TO
HEARING DATE-NOTICE ON RE-ZONING
AND ZONE VARIANCE REQUESTS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*
2 finds that the Guam Land Use Commission (GLUC) was created and tasked
3 to accept and act on re-zone designation and zone variance requests from
4 individual property owners, developers as well as business corporations
5 seeking to make zoning changes to their respective properties for numerous
6 reasons.

7 *I Liheslaturan Guahan* further finds that to bypass the GLUC process,
8 *I Liheslaturan Guahan* will, through legislation entertain property owners
9 who wish to make re-zone designation changes. Once introduced, the
10 legislation will proceed like any other legislation with the requirement to
11 comply with 5GCA, Chapter 8, the Open Government Law. However, re-
12 zone designation requests that go through the GLUC must go through
13 additional requirements such as notification to surrounding interested parties
14 and the community in which the property is located by erecting signs on the
15 property stating pertinent information and intent of the zone change.

1 *I Liheslaturan Guahan* further finds that when legislation is
2 introduced to re-zone property notification of surrounding property owners
3 be provided by the erection of a zone change notification sign at the property
4 being requested to be re-zoned or to be allowed a zone variance.

5 Therefore, *I Liheslaturan Guahan* intends to amend §61619 and
6 §61633 of Article 6, Title 21 Guam Code Annotated relative to public notice
7 of re-zone designation or zone variance requests to ensure a higher degree of
8 public notification and scrutiny when requests are made through legislation
9 by mandating that signage is erected on the property.

10 **Section 2. Section 61619, Chapter 61, Title 21 Guam Code**
11 **Annotated, is hereby *amended* to read:**

12 **“§61619. Hearing Date-Notice.**

13 Upon the filing of a variance application, the Commission *shall* fix a
14 reasonable time for hearing the same and *shall* give notice thereof to the
15 applicant and may give notice to any other parties in interest. All hearings
16 *shall* be conducted in the affected municipality and *shall* be in accordance
17 with the rules established by the Commission, but any party in interest may
18 appear in person, or by designated attorney or agent. At least one (1) such
19 hearing shall be conducted after six o’clock (6:00) p.m.

20 In addition, the Commission *shall* require the applicant to erect a sign
21 on the subject location, *no* smaller than four feet (4') by eight feet (8') in
22 height and width, with the words “~~Notice to Rezone~~” “Zone Variance
23 Notice” in *no less than* twelve inch (12”) high red letters on a white
24 background occupying two feet (2') by eight feet (8') of the sign, and
25 displayed to make the following information available to the general public
26 in a reasonable manner.”

1 **Section 3. Section 61633, Chapter 61, Title 21 Guam Code**
2 **Annotated, is hereby *amended* to read:**

3 **“§61633. Hearing Date-Notice.**

4 (a) Upon the filing of an application for a change of zone, the
5 Commission *shall* hold *at least* one (1) hearing thereon in the municipal
6 district where the property to be rezoned is located, as such districts are
7 described in Chapter 40, 5 GCA Government Operations, and a notice of the
8 time and place of the hearing *shall* be published in *at least* one (1)
9 newspaper of general circulation *at least* ten (10) days before the date of said
10 hearing, and sent by mail to the Mayor of the municipal district concerned,
11 and to those landowners owning land within five hundred (500) feet of the
12 property for which the rezoning is requested, the mailing addresses for such
13 landowners to be in the Real Tax records.

14 In addition, the Commission *shall* require the applicant to erect a sign
15 on the subject location, *no* smaller than four feet (4') by eight feet (8') in
16 height and width, with the words “Notice to Rezone” in *no less than* twelve
17 inch (12") high red letters on a white background occupying two feet (2') by
18 eight feet (8') of the sign, and displayed to make the following information
19 available to the general public in a reasonable manner:

20 (1) a Statement of Public Notice that an application for a change of
21 zone has been filed with the Commission;

22 (2) the title of the application as filed, containing the name of the
23 owner, the name of the developer, the lot number, and the proposed change
24 of zone; and

25 (3) the date, time, and place of each public hearing and Commission
26 meeting where public comments can be presented.

1 The sign *shall* be erected and displayed in a visible and prominent
2 place on the subject site *no less than* five (5) days after an application is filed
3 with the Commission and *shall* be removed after the Commission renders a
4 final decision on the application *or* the applicant officially withdraws the
5 application.

6 The Commission *shall not* render a decision in favor of any applicant
7 that fails to comply with both this sign requirement and any other public
8 notice requirement that is prescribed by law, rule or regulation. Failure to
9 meet the notice requirements as provided herein renders any approval by the
10 Commission null and void.

11 (b) For re-zone designation requests made through legislation by I
12 Liheslaturan Guahan, the property owner, developer and/or business
13 corporation requesting such re-zone designation shall erect a sign on the
14 subject location, no smaller than four feet (4') by eight feet (8') in height and
15 width, with the words "Notice to Rezone" in no less than twelve inch (12")
16 high red letters on a white background occupying two feet (2') by eight feet
17 (8') of the sign, and displayed to make the following information available
18 to the general public in a reasonable manner:

19 (1) a Statement of Public Notice that legislation has been introduced
20 for a change of zone;

21 (2) the name of the property owner, the name of the developer and/or
22 business corporation, the lot number, and the proposed change of zone;

23 (3) the date, time, and place of the legislative public hearing where
24 public comments can be received.

25 The sign shall be erected and displayed in a visible and prominent
26 place on the subject site no less than five (5) days after the legislation has
27 been introduced and shall be removed after the legislation is voted on by the

1 Legislature, if passed by the Legislature it shall be removed after it has been
2 signed into law by the Governor or lapsed into law by his failure to act. If
3 vetoed, it shall be removed after the Legislature acted on a motion to
4 override the Governor's veto, or the author of the legislation officially
5 withdraws the re-zoning bill.

6 *I Liheslaturan Guahan shall not proceed with a public hearing on the*
7 *proposed re-zoning legislation until such time that the property owner,*
8 *developer and/or business corporation requesting such re-zone designation*
9 *complies with the sign requirement.*

10 **Section 4. Severability.** If any of the provisions of this Act or the
11 application thereof to any person or circumstance is held invalid, such
12 invalidity shall not affect any other provision or application of this Act
13 which can be given effect without the invalid provision or application, and to
14 this end the provisions of this Act are severable.