I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 174-31 (COR), "AN ACT TO *REPEAL* AND *RE-ENACT* §61214 OF ARTICLE 2, CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING "SPLIT-ZONE ELECTIONS",** was on the 19th day of September, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 20th day of Sept., 2011, at 4:10 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 174-31 (COR)
As amended by the Committee on Appropriations,
Taxation, Public Debt, Banking, Insurance, Retirement and Land.

Introduced by: Chris M. Dueñas
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *REPEAL* AND *RE-ENACT* §61214 OF ARTICLE 2, CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING "SPLIT-ZONE ELECTIONS".

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. *I Mina'Bente Singko Na Liheslaturan Guåhan* (the 25th Guam Legislature) enacted §61214 of Title 21, Guam Code Annotated, to allow a property owner, whose lot was divided by the zoning boundary, to select, without public notice or hearing, which zone to apply to the entire lot. This was done to alleviate advice that a use permitted on one (1) side of

the lot thus split by the zoning boundary may be inadvertently extended into the other side of the lot with a different zone designation that does *not* allow for the intended use. *I Liheslaturan Guåhan* finds that, since its passage, the split-zone election authorized by §61214 has created certain unanticipated anomalies with planning and development decisions, and amendments to the law are necessary to retain consistency with the general zoning plan and local development processes.

Section 2. Repeal and Reenact §61214 of Article 2, Chapter 61 of Title 21, Guam Code Annotated. §61214 of Article 2, Chapter 61 of Title 21, Guam Code Annotated, is hereby *repealed* and *reenacted* as follows:

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

(b) Applicability of Lot Split-Zone Boundary. While the lots are still affected by the lot split, a permitted use on one (1) portion of the zone boundary *cannot* be extended to the other side of the lot split-zone boundary if it is *not* a permitted use on the portion of the same lot *or* on the abutting lot to be extended. In order to extend such permitted use from one (1) side of the lot split-zone boundary to the other side, a conditional use permit *or* a zone variance, as applicable, must be obtained pursuant to §61303 or §61617, Title 21, Guam Code Annotated.

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

(d) Lot Consolidation. A split-zone election *shall only* be made on lots that are encumbered by such split-zone designation, as delineated in the official zone map series for the applicable municipality. No extension of a zone boundary shall be allowed under a lot consolidation with another lot unaffected by the split-zone boundary. Any split-zone extension being pursued through lot consolidation on an unaffected parcel must undergo the regular zone change process through the Guam Land Use Commission for such extension on the unaffected lot."