

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES | NOTES |
|---------------------|-----------------------|---|---------------------|---------------|---------------|---------------------|-----------------------------|--------------|-------|
| 329-36 (COR) | Tina Rose Muña Barnes | AN ACT TO ELIMINATE AN INADVERTENT SPLIT ZONING DESIGNATION OF "C" (COMMERCIAL) AND "R-2 (MULTI-FAMILY DWELLING) ZONE TO A FULL "C" (COMMERCIAL) ZONE ON LOT 5071#1-2-B2 IN THE MUNICIPALITY OF TAMUNING. | 8/5/22 3:57 p.m. | | | | | | |

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 329-36 (COR)

Introduced by:

Tina Rose Muña Barnes

AN ACT TO ELIMINATE AN INADVERTENT SPLIT ZONING DESIGNATION OF “C” (COMMERCIAL) AND “R-2 (MULTI-FAMILY DWELLING) ZONE TO A FULL “C” (COMMERCIAL) ZONE ON LOT 5071#1-2-R2, IN THE MUNICIPALITY OF TAMUNING.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. Wherein Public Law 35-82 found a benefit to the public through the approval of a land exchange of a government bull cart trail and private property for the purpose of providing safe access to residential homes. *I Liheslaturan Guåhan* found that access to such homes were restricted to said bull cart trail, wherein the full enjoyment by the public for access trail was compromised due to failure in memorializing its existence as surrounding properties were subdivided and developed in the past. Public Law 35-82 provides the land exchange of a 384± square meter variably-width bull cart trail owned by the government of Guam with 746 ± square meter of property owned by MOMO Corporation.

The land exchange caused the creation of Lot 5071#1-2-R2 as a safer and wider public access to an enclave of homes that were otherwise dependent on a former bull cart trail that ran between Lot 5071#1-2, Lot 5007-3, and Lot 5007-4. By virtue of exhibits provided in Public Law 35-82, its passage further affirmed a

1 consolidation of Lots 5007-3 and Lot 5071#-2-R2 into a single parcel, Lot 5007-
2 3NEW for the purpose of continuing a commercial enterprise and its associated land
3 uses. Thus, at the time of Law's passage, *I Liheslaturan Guåhan* recognized that
4 land use activities occurring prior to the consolidation of parcels into Lot 5007-
5 3NEW engaged in large-scale sale of groceries and general merchandise. To the rear
6 of the main sales facility or *Seven-Day Super Market*, accessory uses are located to
7 include employee and customer parking and merchandise storage.

8 However, the consolidation of such lots inadvertently caused new parcel Lot
9 5007-3NEW to become a single split-zoned property as defined in 21 GCA, §61214.
10 Due to the lot's split-zoned designation, MOMO Corporation now experiences
11 undue hardship since accessory uses as noted is not permitted in that portion of Lot
12 5007-3NEW that maintains an "R-2" (Multi-Family Residential) designation.

13 **Section 2.** The requirements of 21 GCA, §61214 are hereby waived to
14 recognize Lot 5007-3NEW as having a full zoning designation of "C" (Commercial).

15 **Section 3. Severability.** If any provision of this Act or its application to any
16 person or circumstance is found to be invalid or contrary to law, such invalidity shall
17 not affect other provisions or applications of this Act that can be given effect without
18 the invalid provision or application, and to this end the provisions of this Act are
19 severable.