

**21 GCA REAL PROPERTY  
CH. 61 ZONING LAW**

**PART 3  
CHANGES OF ZONES**

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**§ 61630. Requirements For Changes.**

The Commission may, with the approval of the Governor, change the zones established under this Chapter whenever it finds that the public necessity, convenience and general welfare justify such action.

**SOURCE:** GC § 17600.

**§ 61631. Procedure.**

A proposed change may be initiated by the Commission or by an application directed to the Commission by any person owning or leasing real property within the area covered by the zone.

**SOURCE:** GC § 17601.

**§ 61632. Application-Form and Contents.**

An application for a change of zone shall be filed with the Commission upon a form and accompanied by such data and information as the Commission may prescribe.

**SOURCE:** GC § 17602.

**§ 61633. Hearing Date-Notice.**

Upon the filing of an application for change of zone, the Commission shall hold at least one hearing thereon in the municipal district where the property to be rezoned is located, as such districts are described in Chapter 40, 5 GCA Government Operations, notice of time and place of which shall be given at least one publication in a newspaper of general circulation, at least ten (10) days before the day of said hearing, and by mail to the Commissioner of the municipal district concerned, and to those landowners owning land within five hundred (500) feet of the property for which rezoning is requested, the mailing addresses for such landowners to be in the Real Estate Tax records.

**SOURCE:** GC § 17603 as amended by P.L. 10-158.

**§ 61634. Decision by Commission.**

The Commission shall consider the proposed change of zone and may approve or disapprove the same, in whole or in part. The Commission shall make its findings and determination within forty (40) days from the date of the hearing thereon and shall forward notice of such decision to the applicant, if any. If the application is approved in whole or in part by the Commission, the same shall be forwarded to the Governor who may approve or disapprove the proposed change in whole or in part.

**SOURCE:** GC § 17604.

**§ 61635. Planned Development Districts.**

A **PD** District enables the unified development of a substantial land area with such combination of uses as shall be appropriate to an integrated plan for the area. The procedure for establishing a PD District is the same as that for the rezoning of an area, providing that a detailed plan be submitted to and discussed with the Territorial Land Use Commission. The application shall be accompanied by the appropriate fee and the detailed plan, or revision thereof. The Territorial Land Use Commission may approve the detailed plan and rezoning, following the required hearing, upon findings that the plan, considering structures, uses, access, regulations and layout fixed in it, comprises:

- (a) An area of sufficient acreage to constitute a large planning unit having special attributes for integrated development;
- (b) An appropriate development of the area from the viewpoints of its natural features, location and suitability for particular uses;
- (c) A combination of structures and uses which are in reasonable association and proportion to make a harmonious unit and likely to continue compatibly with one another;
- (d) All structures, including accessory structures, shall not cover more than thirty percent (30%) of the area;
- (e) A project adequately serviced by the necessary public services, existing or proposed;
- (f) A project consistent with an appropriate development of adjacent areas and not unreasonably detrimental to the existing structures and uses in such areas; and
- (g) An appropriate evolution of the comprehensive plan for that portion of the territory.
- (h) All impermeable surfaces considered as a structure constituting gardens, sidewalks, fences, barrier walls, retaining walls, open air recreational facilities exposed to sunlight, swimming pools, and all subterranean structures located beneath grade and covered by earth shall be considered as an open area. In approving a detailed development plan, the Territorial Land Use Commission may impose such

regulations of yards, open space, lot coverage, density, and height as are reasonably required to permit the foregoing findings.

**SOURCE:** GC § 17605. Subsection (h) added by P.L. 27-24:9 (7/18/2003).

**§ 61636. Change of Zoning Map.**

Any changes of zones or approval of comprehensive community plan pursuant to this Chapter shall be endorsed and delineated upon the Zoning Map and shall constitute an amendment of said map.

**SOURCE:** GC § 17606.

**§ 61637. Agricultural Impact Statement.**

No additional land may be established as a rural zone and no land presently zoned A may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

- (a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.
- (b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.
- (c) The Director's opinion whether said rezoning should be approved and reasons therefor.

**SOURCE:** GC § 17607 enacted by P.L. 12-208.

**§ 61638. Review by Municipal Planning Council.**

The Municipal Planning Council of each municipal district to be affected by a proposed zone change shall within forty (40) days from the date of a public hearing held thereon by such council express its opinion thereon by resolution adopted by the majority of its members. Such resolution shall be forwarded to the Governor for his consideration thereof pursuant to § 61634 within twenty (20) days from the date of its adoption.

**SOURCE:** Added by P.L. 20-217:5.