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TRAINING AND REFERENCE GUIDE FOR BUILDING INSPECTORS ON ZONING AND LAND-USE LAWS AND REGULATIONS

COASTAL ZONE
INFORMATION CENTER

Prepared by

BUREAU OF PLANNING

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Coastal Management Program

TRAINING AND REFERENCE GUIDE FOR BUILDING INSPECTORS ON ZONING AND LAND-USE LAWS AND REGULATIONS

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PREPARED BY
GUAM COASTAL MANAGEMENT PROGRAM
BUREAU OF PLANNING
GOVERNMENT OF GUAM

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Introduction

The Purpose of this training booklet is to familiarize building inspectors with the various land use laws, rules and regulations and their role/responsibility in enforcing these laws, rules and regulations. The inspectors will be able to easily recognize land use violations and to take proper actions, including notification of appropriate department or agency to assist in bringing the violation into compliance.

This training booklet is in two parts: Part I consists of a series of narratives that deal with specific land use laws; types of permits required; development standards; agency clearances and procedures; and monitoring and enforcement. This includes discussions and questions and answer sessions.

Part II involves an inspector's manual that will provide an easy reference for inspectors in the field which will enable them to cite specific section(s) of the law or regulations being violated and identify what action(s) is/are necessary to secure compliance with these laws and or regulations.

THE ZONING LAW

Title XVIII, more commonly referred to as the Zoning Law, details the ways in which development will be allowed to occur on land. The requirements imposed on land owners in terms of allowable density of development, setback requirements, height restrictions, loading/unloading space requirements, use allowances, parking requirements, etc., are not merely demonstrations of governmental rights, but of community needs.

Department of Public Works, Building Permits, (DPW) checks to ensure that a development application is within the proper zone, during the initial application review. For other requirements of the Zoning Law, however, it is the obligation of Department of Land Management (DLM) to insure compliance with the various standards. If any required standard (including zone) is not being met in the application, it is the obligation of DLM to advise the applicant of the requirements for review and approval by the Territorial Planning Commission or Territorial Seashore Protection Commission, (TPC/TSPC). If such approval is needed, no building permit shall be issued until such approval is granted.

Requirements of the Zoning Laws: While it is imperative that inspection and enforcement personnel be thoroughly familiar with the various land-use laws, including the zoning law, the purpose of the following is to address those aspects of the zoning law

requirements which are basic, and those aspects which are specific to a project (conditions imposed or allowed beyond the normal requirements). Other information concerning inspection and enforcement of this Title can be found in the chapter: "Building Permits", (this document).

Yard and Area Regulations: Section 17200 of the Zoning Law sets forth the minimum yard and area requirements for the different, generalized uses, as follows:

USE	FRONT YARD DEPTH*	REAR YARD DEPTH	SIDE YARD DEPTH	LOT WIDTH
R-1	15 Ft.	10 Ft.	8 Ft.	50 Ft.
R-2	15 Ft.	10 Ft.	8 Ft.	50 Ft.
C	. . . . .	20 Ft.	. . . . .	20 Ft.
M-1	. . . . .	20 Ft.	8 Ft.	50 Ft.
M-2	25 Ft.	25 Ft.	15 Ft.	120 Ft.

* These figures represent minimum setbacks from property lines.

When conducting foundation inspection, these minimum setbacks must be checked. Prior to an on-site inspection, the building inspector must also be aware of any Territorial Planning Commission actions on the project, as the minimum set-backs of the zoning law may have

been either reduced or extended by the Commission. (exceptions to the rules are found in section 17202 of the zoning law).

Automobile Parking and Loading Space Regulations: Sections 17350 through 17352 to the Zoning Law specify the minimum requirements for parking and loading areas. Because this law requires that **parking spaces (required) shall be provided at the time of the erection of any main building or at the time any existing main building is enlarged or increased in capacity**, it is important for inspectors to be familiar with the requirements, as parking space assurances should be checked as early as lath/wallboard inspection as well as during occupancy permit inspection.

If fewer parking spaces than required are being provided, the inspector must verify that a variance to the requirements was granted by the Territorial Planning Commission. If the TPC did not grant such a variance, a stop work order should be issued, and maintained until such time as the developer complies with the law.

It is important to remember that, in checking for parking space requirements, that the parking layout conforms to the approved plans, as well as the number of spaces. Approval of layout insures that traffic flow throughout the parking area is adequate and safe. Changes made to development plans after approval should not be allowed by the on-site inspector.

Sign Regulations: Sections 17400 and 17401 of the Zoning Law address the requirements for commercial signage. The issue of sign violations is important, as this is probably the most abused portion of the Zoning Law. These are also the easiest violations to identify and enforce against. Signs advertising a business or service and not located on the same lot as that business or service are, more likely than not, in violation. This could include free standing signs or signs painted or placed on the wall of a building.

While enforcement of the sign regulations may appear a minor priority, there are several reasons why inspectors should take sign violations seriously.

First; Guam has determined that the community has the right to remain as sign-free as possible. Strict sign controls are not only preferable from a visual perspective, but can help to maintain community standards and values.

Second; signs are designed to be distractive, and are therefore potential safety hazards. A driver's attention is taken away from traffic by signs, and that problem is only compounded by oversized, ill-placed, overly gaudy and blinking signs.

Any time an inspector is in the field, he should take note of the signs he sees, particularly those which appear larger than normal,

or which are placed along the roadside or on lots which do not contain the business being advertized. Once back at the office, the inspector can easily check the legality of these signs (as per Section 17401), **all signs must be reviewed and approved by the Building Official.** Once a violation is noted, the Department of Public Works (Building Permit Section) should issue a notice of violation immediately. If the offending sign is not removed within ten days, the Department should notify the Attorney General for immediate action.

Restrictions in Beach Areas: Section 17203 of the Zoning Law clearly states the importance of the beach areas to the community of Guam as a whole. The limitations for construction found in part (b) of this section are iterated more definitely in the Territorial Seashore Protection Act, which is detailed elsewhere in this document.

Ensuring compliance to this section (and to the TSPA), is important not only because of planning or permitting considerations, but because **violations of the shoreline can increase erosion, siltation, pollution and storm damage, and can decrease public safety, public access and property values.**

Administration and Enforcement: The Zoning Law is perfectly clear as to the legal need to adhere to its provisions. Sections 17450 through 17453 should be read and understood thoroughly by all

building permit personnel, building inspection personnel, all government personnel who review and approve business licenses, and all government agency personnel who review for or monitor development.

In brief; the provisions of those sections are as follows:

Section 17450: **Enforcement. The Building Official designated in Title XXXII of the GCG shall have the power and duty to enforce the provisions of this law.**

Section 17451: **Building Permit Required. Before commencing the construction of a new building or structure, or the alteration, enlargement or moving of an existing building or structure, a building permit authorizing such work shall first be obtained from the Building Official.**

Section 17452: **Building Permit Shall Not Be Issued. No permit shall be issued unless the proposed structure or activity is in conformance with the provisions of this Title! All permits issued in violation of this provision are null and void.**

Section 17453: **License Approval Required. No license pertaining to the use of land or building shall be issued by any department, unless the application for such license has been approved by the Building Official as to the conformance of said use with the provisions of this Title.**

PLANNING AND IMPACTS

The process of zoning was meant to separate land uses so that each parcel might reach its highest and best use without interference from an adjacent use. Proper and adequate planning allows not only the fulfillment of the intent of the zoning codes but provides the vehicle in which government agencies/departments can review, analyze and properly prepare for and allow new development to occur throughout the territory.

In this respect, Residential zones are protected from the more harmful intrusions of commercial and industrial uses. Certain Industries are prohibited in commercial districts or zones whereas residential homes are allowed because their effects, for the most part, on commercial business are not considered negative. The same consideration applies in industrial zones, other than Heavy Industrial districts/zones, such as Commercial Port Area. Often a light industrial zone contains all three uses, since higher uses there normally do not negatively affect industry.

The rationale behind all these regulations is to insure and promote the public's health, safety, moral protection and welfare. Specifically, zoning for the most part, prevented overcrowding, helped to maintain or increase property values, encourage stable and homogenous neighborhoods and helped to control or restrict incompatible and or undesirable development from occurring, as well

as to help to control or regulate traffic flow the addition of and or widening of local streets and highways.

It is the responsibility of the Building Officials to insure that the appropriate agencies have signed off on all building permit applications prior to issuance of any and all building permits to be issued. The agencies/departments normally involved are the Department of Land Management; Guam Environmental Protection Agency; Guam Power Authority; Public Utility Agency of Guam; Guam Fire Department; and when applicable the Department of Parks and Recreation for development occurring on lands of Historical significance; and the Department of Agriculture if the development is occurring on Areas of Particular Concern (APC) such as Wetlands, Critical Habitats, Limestone Forest, or other areas of concern.

The impacts that have occurred as a result of the lack of or improper issuance of permits have varied from inappropriate uses to inadequate infrastructure, premature impact on projected time frame for reaching capacity level on existing and projected infrastructures such as the inadequacy of existing water supply and or public sewer; impact on traffic flow; and overcrowding of public schools. These are but a few examples of the types of impacts that have occurred and are occurring.

By insuring that the proper clearances and permits are obtained, the intent of the Zoning and Subdivision Laws, are not compromised

to the point of creating a condition that would be detrimental to the development of the community as well as the island as a whole. It allows for adequate planning of infrastructures and for insuring that the developments being proposed are in the best interest of all of our island's residents.

PAST AND CURRENT PROBLEMS

Based on the number of violations that have occurred in the past as well as current ones, violations have been the result of a number of factors, some of which were and are beyond the control of the Building Official to a degree. These are violations that involve individuals and contractors who build without permits or go through the process for securing said permits but change plans (building specs.) once the permit has been issued without informing the appropriate authorities; use of permits that were issued for other project sites of similar design; and, pleading ignorance on the part of the owner of contractor of having to undergo additional review every time a change in construction design and or use is made.

Problems that affect the Building Officials are: insufficient manpower in relation to the amount of development occurring; unaware of conditions imposed by the Territorial Planning Commission (TPC); oversight in not verifying conditions imposed by TPC when applicable; lack of enforcement once violations are identified and are forwarded to the Attorney General's Office; and, TPC continuing to approve after-the-fact projects with little or

no restitution required by TPC of violator. This can only encourage continued disregard for our land use laws and the permitting process.

Two examples of violations are listed below for informational purposes.

The first violation occurred on lot 1-3-1, Ukudu, Dededo, in which TPC imposed a condition of requiring the applicant to connect to public sewer. The applicant sold the land without informing the buyer of the condition imposed. A building permit was secured and the residence was constructed by the new owner. Although said structure is now completed, issuance of occupancy is being withheld until said condition is removed or amended by TPC. This will go before TPC as an after-the-fact request. This condition should have been made known to the applicant by the Building Official at the initial stage of the permit application. Additionally, a check to see if this application required TPC approval would have found the condition imposed thereby resulting in the avoidance of the current problem.

The second violation pertains to the construction of a residential building on lot# 1103-1-10, Mangilao, fronted by Route 10. This violation involved the construction of said residence to the point where the walls were erected without the issuance of a permit. The project also requires a setback variance from TPC based on the

zoning law.

This was a case where although no permits were applied for, periodic inspections by the Building Officials might have prevented the work from reaching the stage that it did. The violation was reported by an adjacent land owner. The application went through TPC as an after-the-fact, and again the project was approved with no restitution required on the part of the violator nor were any citations issued.

The following procedures are recommended to reduce if not eliminate problems of this nature.

1) Insure that all Building Officials are thoroughly familiar with Guam's Land Use Laws as well as the TPC procedures.

2) Establish a list within Building Permit Section of all TPC applications acted on by TPC. If it is a TPC case - that the Notice of Action be carefully screened with plans submitted when applying for permit.

3) Identify those proposed projects that were conditionally approved with a ready reference of these conditions. (i.e. TPC minutes, Notice of Action or verification with DLM of said conditions).

4) Maintain a separate list for all those projects that were approved without any conditions for easy reference. (a single list can be developed using color coded schemes to identify approval with conditions and those without.

5) Cross-out or eliminate those projects as they are completed or as the permits are issued.

6) The TPC agenda can be picked up from DLM and the results could be requested over the phone as is currently done by Bureau of Planning (BOP).

7) An update of this list will be necessary every two weeks. (TPC meets twice a month, on the second and fourth Thursday of every month).

QUESTIONS AND FIELD INSPECTIONS

The following questions will serve as a checklist of what the Building Official should look for or ask himself and the contractor/developer during inspections.

1) Has the proper permits(s) been issued for the project? (i.e., walls going up and only foundation permit has been issued.)

2) Does the name, lot description , designation and type of construction match the permit? (i.e., is the project on the correct lot and village? This problem has occurred in the past.)

3) Are the project, permit and building specs consistent? (i.e., a multi-story office building on plans yet an apartment building is being erected instead).

4) Does the project conform to the plan in as far as meeting setbacks, and other zoning requirements such as adequate parking, height, density, all as shown according to the approved plans? (This is a common problem. What is presented to DPW building

officials and what is actually done on site).

5) A copy of the Notice of Action should be a part of the building permit to verify that the on site construction is consistent with said Notice of Action. (i.e., any conditions imposed are adhered to, such as landscaping, type of project, etc.).

The above are not in any way the only questions that a Building Official should be aware of but is merely a list of ideas that will assist the Official during the course of his work.

Territorial Seashore Protection Act

Title XII of the Government Code of Guam also known as the Seashore Protection Act establishes a Seashore Reserve which is described as that land and water area of Guam extending seaward to the ten fathom contour, including all island within the Government jurisdiction, except Cabras Island including those villages wherein residences have been constructed along the shoreline prior to the effective date of the Act. The inland boundary extend to the nearest of the following points:

a. From the mean high water line for a distance on a horizontal plane of ten (10) meters, or

b. From the mean high water line to the inland edge of the nearest public right-of-way.

Section 13411 declares that the seashore reserve is a distinct and valuable natural resource belonging to all the people of Guam. The seashore reserve is rich in wildlife, marine organisms and other ocean resources that the protection of these resources is a paramount concern to the residents of Guam. Local residents depend on the reefs and lagoons for food gathering and recreation purposes. Thus, it is a declared policy of the Territory to preserve and protect the seashore reserve for the present and succeeding generations.

It must be remembered that the seashore reserve is a valuable resource that belongs to all the people of Guam. The seashore reserve is also a very delicate and balanced ecosystem rich in wildlife and marine organism that interact with each other. Because it is a dynamic system, any activity in the seashore reserve may have ripple effects that could result in serious or irreversible impacts on resources within the reserve.

Section 13413 of the Act created the Territorial Seashore Protection Commission (TSPC) whose responsibility is ensure the seashore reserve policy is implemented through established regulatory mechanism. The TSPC's responsibilities includes, but are not limited to:

Maintenance, restoration, and enhancement of the overall quality of the seashore reserve environment.

The continued existence of optimum population of all species of organisms.

The orderly, balanced utilization and preservation, consistent with sound conservation principles, of all living and non-living seashore reserve resources.

Avoidance of irreversible and irretrievable commitment of seashore reserve resources.

Ensure public access for maximum visual and physical use and enjoyment of the seashore reserve resources by the public.

Permit Control

Development permit control is clearly spelled out under Section 13417 of the Act. This section requires any person wishing to undertake any development project within the seashore reserve to, first, obtain a permit from the TSPC authorizing such a project. Once an authorization is granted, such person must also apply for a construction permit from the Department of Public Works (DPW) and any other agencies as may be required by law. In addition, if a project will take place in the "Waters of the United States" as defined by the Rivers and Harbor Act of 1899, a U. S. Army Corps (ACOE) permit is required before the project can commence.

When reviewing an application for construction within the seashore reserve and before issuing a permit, the Building Official must ensure that appropriate TSPC and the ACOE permits have been granted. Normally, a TSPC or ACOE permit contains certain provisions or requirements that the applicant agrees to accomplish in order for a permit to be granted. These permit conditions or requirements are very important as they serve to minimize or compensate for the negative social, cultural or environmental impacts. Therefore, it is important that building inspectors familiarize themselves with the Territorial Reserve Act, and every permit conditions and ensure through field inspections that the

permit conditions are being met.

No occupancy clearance or certificate of completion should be issued by the Building Official until these permit requirements have been met.

For the purpose of regulating development or activities within the seashore reserve, the Act defines "development" as placement, erection of any solid material, or structure on land or in water, removing, dredging, or mining any material from the seashore reserve. (Refer to Section 13412 of the Act for detail definition).

Exception: The following activities within the seashore reserve are excepted from the requirements of the Territorial Seashore Act:

a). Repairs and improvement not exceeding $7,000.00 to existing single-family residences.

b). Maintenance dredging of existing navigational channels or removal of dredged material from such channels to a disposal site outside of the channel reserve.

c). Cabras Island and those villages wherein residences have been constructed along the shoreline prior to the effective date of the Seashore Act.

It must be remembered that although the Territorial Seashore Act

exempt maintenance dredging and related activities of an existing navigational channels from obtaining a permit from the TSPC, a U. S. Army Corps of Engineers is still required.

Since development within the seashore reserve could have potential long term adverse impacts on the biological and physical quality of the seashore reserve as well as direct and indirect impacts on surrounding waters, building inspectors must rely on the technical expertise of other agencies, such the Department of Agriculture, Guam Environmental Protection Agency and the Department of Parks and Recreational, in reviewing a development application. These agencies input are normally provided through the Subdivision and Development Review Committee (SDRC) meetings of which DPW is a member. The TSPC should rely on SDRC's recommendations in its deliberation on a project. Therefore, it is important that Building Officials review TSPC's and the ACOE actions or permits to determine what permit conditions or stipulations have been imposed, and incorporate them in the DPW's construction permit.

Administration and Enforcement

Section 13417 of the Act requires that any person wishing to perform any development within the seashore reserve shall obtain a permit authorizing such development from the TSPC, and, if required by law, from any other government department or agency. Thus, development within the seashore reserve requiring construction or installation of a structure must obtain a

construction permit from DPW in addition to a permit from the TSPC.

As stated earlier, the Building Official is designated in Title XXXII of the Government Code of Guam to have the power and duty to enforce the provisions of the Zoning Law as well as the Territorial Seashore Act, where applicable. There are instances however, where a development activity may not require a permit from the DPW. For example, a dredging activity that does not involve a structure is exempted from obtaining a construction permit from DPW. However, such activities would substantially alter the environment and could have direct and potential long term effects on valuable marine resources. If the Building Official discover a dredging activity without the necessary permit(s) or in violation of an existing TSPC or ACOE permit, he must notify the appropriate authority immediately of the nature of the violation.

Fines: The Territorial Seashore Protection Act provides that any person who violates any provision of this Act shall be subject to a civil fine not to exceed ten thousand dollars ($10,000). In addition to any other penalty, any person who perform any development in violation of this Act shall be subject to a civil fine not to exceed five hundred dollars ($500) per day for each day in which the violation persists.

During field inspections when a violation of a permitted project or a project without a proper permit is discovered, the Building

Official must issue a stop-work order that must remain in effect until the violation is brought into compliance or a proper permit is obtained. It is important that the Building Official clearly document the nature of violation, the date of violation and notify the TSPC and the ACOE of the violation, as appropriate. This information is important in order for the proper authority to pursue legal action through the courts if no voluntary compliance could be obtained. If no compliance is made, the case must be referred to the Attorney General's Office for further legal action. In the case of a violation occurring in the "waters of the United States", the U. S. Army Corps of Engineers must also be notified of the nature of violation.

Planning and Impacts

Although a Guam Land Use Master Plan exists, water use planning has been non-existence or done in a piece meal approach. P.L. 17-86, Section 5, for example, only prohibits all motorized water crafts only in Tumon Bay except for a couple of existing sunset dinner cruises and the Guam Police Department's jet skis for search and rescue purposes. The recent popularity of thrill crafts e.g., jet skis, hover crafts, wind surfing and water skis have resulted in numerous requests for dredging activities to accommodate these water sports.

These activities are creating water use conflicts with fishermen and other recreational activities. In an effort to minimize

environmental damages and user conflicts, the Bureau of Planning and other GovGuam agencies has drafted a propose water use plan for the Agana Bay. The advantages of a water use plan includes protection of sensitive areas of the seashore reserve; allow compatible recreational activities in designated areas; afford opportunities for traditional fishing; and prevention of safety and health hazards to the public.

Past and Current Problems

In the past, development on beach-front properties have been low profile structures such as single-family residences, and did not have significant impacts on the seashore reserve or its resources. However, the recent tourism development on Guam has put a tremendous pressure to develop high density structures on beach-front properties and nearshore waters to support the industry. While Guam welcomes this economic growth, the industry is also bringing negative primary and secondary impacts. For example, high rise and high density development overtax existing infrastructure such as sewer systems, traffic systems, and water systems. Dredging of nearshore waters to accommodate the tourists is altering or destroying the reefs and its valuable marine resources. This trend is expected to continue into the 1990's and could have a profound impact on Guam's lifestyle and the environment if informed decisions on development projects and aggressive permits and enforcement programs are not taken seriously.

Questions and Field Inspections

When conducting a field inspection it is important that the building inspector determine whether the proper permit(s) (TSPC or the U. S. Army Corps) has been issued. The permit along with the approved plan must be available at the project site at all time for inspection. The following are some questions that could assist the inspectors to determine if a violation exists and to take corrective actions.

a) Does the project have the appropriate TSPC or the U. S. Army Corps permit?

b) Is the project being constructed in accordance with approve plans and engineering design?

c) Does the project (on fast land) meets seashore reserve setback and property line setbacks?

d) Are TSPC permit conditions e.g., adequate view, public access, and landscaping being provided?

e) Are the U. S. Army Corps permit conditions or mitigating measures being met?

f) Are drainage system and soil erosion control measures approved by DPW and GEPA being met?

g) Are dredge materials being disposed of properly at an approved disposal site?

h) Are silt screens or similar approved devises being employed around dredging site to prevent siltation and sedimentation of adjacent waters?

SUBDIVISION LAW

Title XIX, more commonly referred to as Guam's Subdivision Law, details the ways in which Subdivision developments and lot parcelling of any land shall occur as well as describing the general requirements for creating Subdivisions and or Lot Parcelling, inclusive of Agricultural Subdivisions, Decedent Estates, and Parental Subdivisions.

The controls, requirements, rules and regulations adopted as dictated by the Subdivision Law are necessary to insure the orderly growth and harmonious development of our territory. To assist in fulfilling the intent of the Subdivision Law, strict design standards, through the Subdivision Rules and Regulations, were created to work hand in hand with Title XIX to insure adequate traffic circulation through coordinated streets, roads, and highway systems; the achievement of maximum utility whenever possible of Subdivisions and property lots being parcelled; and, to insure the adequacy of the water supply, drainage, sanitary sewerage and other health requirements needed for the newly created lots/subdivisions.

The Department of Public Works (DPW) Building Permits Section, is responsible to insure that these guidelines and standards are strictly adhered to prior to the issuance of any permits during the initial application and presentation of the building plans to DPW, during and after completion of the project for said Subdivision or Lot parcelling.

An application to establish a subdivision must be reviewed and approved by the Territorial Planning Commission. This is done through the submission and review of Tentative plans which must comply with Section 18005. General Requirements for Subdivision, Chapter I, and Section 18400 Required Improvements, Chapter V, Title XIX.

If these general requirements and required improvements cannot be provided or adhered to, then the developer must file a petition for a Subdivision and Waiver of Improvement Variance, as per section 18500, Chapter VI, Title XIX. This variance can only be granted by TPC. The exceptions to the filing of a Tentative Subdivision fall under sections 18001.5 and 18002. More specifically decedents' estates; parental division of property and Agricultural Subdivisions. Although these three areas are exempted there are certain restrictions/conditions that must be met. These restrictions/conditions can be found in detail in the Subdivision Rules and Regulations, Chapter 3, for Agricultural Subdivisions and Chapter 5 for Parental Estates.

REQUIREMENTS FOR THE SUBDIVISION LAW: Although it is expected that the Building Officials be familiar with the various sections covered under the Subdivision law, the purpose of the following is to address those aspects of the Subdivision Law which are basic, and those areas which are basic to the design standards can be found in the Subdivision Rules and Regulations, which can be found

in appendix c of this handbook.

Compliance with the Master Plan: Section 18001.1 requires that all Development and/or Subdivisions of all lands and roads shall be in conformance to the land use or road location as delineated in the latest revision of the Territorial Master Plan initially approved in April, 1967.

a) "Construction on land designated for future road or public purposes, contrary to the use indicated in the Master Plan, shall not be authorized, irrespective of land ownership."

b) "Specifications for construction, repair and/or reconstruction of roads shall conform to Department of Public Works standards and shall follow requirements delineated for that zone in which the subdivision or construction is located. (Amended by P.L. 12-90)".

Exemptions: Decedents' Estates: Parental division of property.

a) As stated previously section 18001.5 exempts all decedents' estates and parental division of properties from Chapter V, of Title XIX. Provided that, TPC require street and utility easements on said lands and that the minimum size of each lot be no less than 10,000 square feet or 929 square meters, prior to the distribution of any such lands by the Court.

b) any land which has been owned in fee simple not less than five years by a person who divides said land among his living children or their descendants by way of Deed of Gift; provided that

the following conditions are met: 1) That the lands be deeded in fee simple; That said deed shall contain alienation clauses to the effect that the children or descendants shall not sell, lease or otherwise alienate such lots for a period of at least five years; That TPC or the Territorial Planner require street and utility easements within said lands to insure lot divisions consistent with the general plan; and, that the minimum size of each lot shall be no less than 10,000 square feet/ 929 square meters. (Amended by P.l. 13-153).

AGRICULTURAL SUBDIVISION: Section 18002. (a) covers Agricultural Subdivision which is a subdivision having no lots, parcels or sites smaller than 20,000 square feet/1858 square meters, and are used principally for agriculture, single family residence sites or as an agricultural subdivision homesite combination;**except** the term "agricultural subdivision" shall include a subdivision resulting from a court distribution pursuant to Section 18001.5 (a) or (b) stated above of which no lots, parcels or sites smaller than 10,000 square feet exists and in which all lots, parcels or sites are used principally for agriculture, single family sites or an agricultural homestead combination.

GENERAL REQUIREMENTS FOR SUBDIVISIONS: Listed below are the general requirements for all subdivisions, the subdivider shall:

a) Not subdivide or develop land for any purpose contrary to the provisions of the zoning law, Title XVIII, Govt Code.

b) Cause every lot to abut a roadway right of way having a minimum width of forty feet, except that when allowed by the Commission a 20 foot width road may suffice.

c) Provide for utilities, fire hydrants, roads and highways within the subdivision in accordance with any plan approved by the Commission.

d) Provide for the uniformity of street widths and their alignment with the streets of the subdivision, and for the continuation of existing streets names where an established framework of local streets exist.

e) That adequate light, air and privacy on all lots regardless of land use be provided, and design the location of streets to minimize scarring of the landscape as well as to prevent excessive grading.

f) Sufficient drainage be provided to reasonably protect the land from flooding.

g) Streets within the residential areas shall not be planned for through traffic to insure privacy and safety.

Building Permits: As per section 18107, the "Director of Public Works or his designated building official shall issue no building or construction permits for any development within the subdivision or lot parcelling until the tentative plans have been approved, nor issue individual building permits until the record map has been recorded. The Territorial Planner shall notify the Director of Public Works in writing of the record map immediately after such

approval is given and after such recording is completed.

Revocation of Tentative Plans: The Commission shall not consider or approve final plans for a subdivision which are submitted after one year, or after any extension of time granted by the Commission during such year, following approval of tentative plans.

Required Improvements: As per section 18400, Chapter V, Title XIX. The subdivider shall provide the following improvements and improvement areas within time limits specified by the Commission:

a) Street and Alleys - Planned areas. All street and alleys within the subdivision shall be graded and drained the full width of the right of way. The roadway centerline gradient and right of way cross section including drainage ditches, travelled roadway design and paving and shoulders shall be in conformity to criteria established by the Commission. Permanent sidewalks having a minimum width of four feet shall be laid out for all streets and shall be dedicated to the government of Guam. The Commission shall establish criteria relating to width and construction of such sidewalks, and all such sidewalks shall be in conformity thereto.

b) Street and Alleys - Unplanned Areas. When the general plan designates the area as agricultural or a general plan has not been adopted at time of a subdivision, the following street and alley improvements will be required. All streets and alleys within the subdivision shall be graded and drained the full width of the right of way. The roadbed portion of the right of way shall be

improved with a stabilized coral base. The roadway centerline gradient and right of way cross section including drainage ditches, travelled roadway and shoulders shall be in conformity to criteria established by the Commission.

c) Storm Water Drainage facilities shall be provided in all subdivisions in accordance with plans prepared by the subdivider conforming to criteria established by the Commission

d) Domestic Water (potable) shall be piped onto each lot within the subdivision. Water pipes shall be new and so sized to supply normal household pressures.

e) Sanitary Sewage Disposal shall be by public sewer, and in the absence of public sewer shall be by septic tank and leaching field with a minimum lot size to be determined by the applied zoning, but in no case less than 7,000 square feet in the absence of zoning.

f) Survey Monuments shall be permanent concrete monuments installed at all point of direction change in the subdivision perimeter and in the exterior lines of blocks.

Time allowed for completion of improvements shall be completed within one year by the subdivider upon approval of the tentative subdivision plan by the Commission. "All of the improvements required, except that the Commission, for good cause shown, may authorize an extension of time, not to exceed twelve months for such completion. Within such time, the subdivider must either:

a) Complete the required improvements and, upon acceptance

thereof by the government, file his final plans; or

b) Furnish bond acceptable to the Commission for the completion of improvements, the bond to be in penal sum of one hundred fifteen per cent (115%) of total work costs as verified by the Director of Public Works. On approval of the bond, the final plans may be filed."

PLANNING AND IMPACTS

Due to the rapid increase in development occurring on Guam, especially in housing developments, the problems related to construction have been apparent in the last few years. The problems associated with design and planning are less apparent but no less real. Non-conformance to approved design plans, both tentative and final, have led to many of these deficiencies, and in other cases, was the result of failure on the government's part to insure not only strict compliance with the Subdivision Law, Rules and Regulations but adherence to the Uniform Building Code (UBC). Examples of these are; the problems associated with the GHURA housing, known as Tract 505, Yigo, and Fern Terrace known as Tract 503, NCS, Dededo, in which shoddy workmanship, inferior materials, lack of timely inspection procedures and checks made during and after completion of construction, resulted in numerous deficiencies/problems and discrepancies such as electrical shorts, leaking pipes and cracked walls; the Windward Estates Subdivision, which because the developer ignored the standards as set forth by the UBC, resulted in flooding problems, low or no water pressure

and sewer problems occurring frequently throughout the subdivision; and two recent cases, the Machananao Subdivision which suffered from water to sewer problems resulting in the necessity for each home owner to sue for funds to alleviate said problems, and the recent issuance of a stop work order and notice of violation to the developer of the Miyama Hills Subdivision for not adhering to the plans presented and approved by TPC, as well as proceeding with development prior to the issuance of all necessary permit/clearances to proceed with the construction of the Planned Unit Development (PUD).

Part of the problem is a result of the different types of subdivisions that are occurring, which range from simple single family dwellings to the more complicated multi-family dwellings, Townhouses, Condominiums, Apartments, to PUD's and Resort type development such as the Miyama Hills project. All of these types result in a higher density, i.e., population of both residents and support staff for resort type developments, as an example, therefore compliance to conditions made by TPC or as mandated by the various agency requirements, become more important and sensitive as the impact resulting from the developments affect a greater amount of land and people.

Guam is limited in it resources both natural and manmade. These resources are further limited as they become affected or are affected by constraints either through ownership, such as federally

owned lands, or by constraints imposed by nature or man, such as wetlands, critical habitats, pristine limestone forest, seismic fault zones, slide and erosion zones, mountainous terrain, AICUZ, etc. As a result, the amount of developable land is extremely limited and therefore requires careful planning and strict adherence to Guam's land use laws and the UBC. Due to our limited resources and lands that are actually developable, we cannot afford to continue to disregard our land use laws or building codes, and we must insure that proper and adequate planning for the continued development of our island is in the best interest of the island residents as a whole, rather than just for the profit of a few. When improper planning and development occurs it places a burden on existing infrastructure, which affects the health and welfare of our island residents. We, the residents of Guam, have felt the impact of development that was improperly planned and or the effects of not adhering to a proposed plan to guide the type and amount of development to occur in any given area. An example of this is the Tumon Bay Master Plan, which was not followed and resulted in the reactive and costly changes to infrastructure requirements now being experienced. These problems range from poor traffic circulation, inadequate and none functional lighting, and insufficient parking for new establishments, to the overtaxing of the infrastructure resulting in surpassing design capacity prematurely. This area should serve as an example of what happens when improper planning, or deviation from Master plans occurs or when specific guidelines and criteria are not adhered to.

PAST AND CURRENT PROBLEMS

One area of concern, that has in the past been a major problem, was the creation of subdivisions which allowed for waiving the requirements to provide concrete curb, gutters, and sidewalks and were instead, allowed swales to be provided in its place. The result was, too often, inadequate drainage systems, unsafe, unsightly and impossible pedestrian patterns, and a degradation of property values and community pride. The cost to correct these problems, which never should have been allowed to happen, comes from the taxpayers of Guam and not just the residents of the subdivision. Fortunately, this problem has been eliminated by an opinion rendered by the Attorney General's Office, stating that TPC does not have the authority to waive or grant variances from the Subdivision Law or the Subdivision Rules and Regulations, and that TPC, in as far as the Subdivision requirements are concerned, only has the authority to grant variances to TPC's rules and regulations.

The current problems fall into several areas. They are: Design and Construction; Lack of, or inadequate infrastructure; Impacts on the Education system and other public facilities,resulting in overcrowding of schools; deviation from approved plans, aggravated by the lack of timely and strict adherence to inspection procedures;and impact on traffic flow and circulation due to insufficient number of lanes as a result of improper planning or checking of plans, resulting in traffic problems, etc.

These problems in many cases are the result of developers deviating from previously approved plans, lack of timely inspections, design problems, such as allowing for gates to open out onto the sidewalks which defeats the propose of providing sidewalks, poor or inadequate drainage systems for storm water run-off resulting in numerous flooding problems. Most, if not all of these problems, could be avoided if we all did our part to insure compliance with our current land use laws and building codes in addition to timely inspections and strict adherence to the UBC by the Building Officials.

Questions and Field Inspections

Underline the correct answers.

1. The minimum lot size of a parental subdivision is: a) 7,000 square feet; b) 10,000 square feet; c) 20,000 square feet.
2. The minimum lot size in an "A" (agricultural) zone is: a) 10,000 square feet; b) 20,000 square feet; c) 40,000 square feet.
3. Sidewalks in a subdivision are: a) optional because of unnecessary addition costs that will be passed on to the home buyers; b) not necessary if reliable bus services is available in the subdivision; c) necessary because they separate pedestrian from vehicular traffic.
4. If a subdivision development is adjacent to a river it is advisable to: a) divert surface runoff into the river to improve the river flow to support aquatic organisms;
   b) dispose the runoff into the ground through ponding basin, percolation trench, or similar devise; c) dispose the runoff into a public sewer if it is available.
5. In an agricultural subdivision: a) only one single residence may be built on each 10,000 square feet; b) only one single residence may be built on one agricultural lot; c) one single residence may be built on every 7,000 square feet if a public sewer is available.
6. The Department of Public Works may issue a construction permit within a subdivision if; a) the Building Official is sure the Territorial Protection Commission will approve the

tentative plan; b) the subdivision record map has been approved; c) the tentative plan has been approved by the Territorial Planning Commission.

Place an X on the correct answers.

7. Subdivision improvement requirements of the Subdivision Law do not apply to a parental subdivision only if the property has been owned for not less than 5 years. True ____. False ____.

8. Subdivision means the subdivision of a parcel of land into four (4) or more house lots. True ____. False ____.

9. A portion of a subdivision road right-of-way may be reduced to less than 15 feet if it serves only one house lot. True ____. False ____.

Answers to Questions

1. b) 10,000 square feet.
2. b) 20,000 square feet.
3. c) necessary because they separate pedestrian from vehicular traffic.
4. c) dispose the runoff into the ground through ponding basin, percolation trench or similar devise.
5. a) only one single residence may be built on each 10,000 square feet.
6. c) the tentative plan has been approved by the Territorial Planning Commission.
7. False, A parental subdivision is exempted from the subdivision improvement requirements regardless of the years of ownership.
8. False, Subdivision means the subdivision of a parcel of land into six (6) or more house lots.
9. False

HOTEL ZONE RULES AND REGULATIONS

Purpose and Intent

As prescribed under Section I(B) of the Interim "H" Resort Hotel Zone the purpose of these rules and regulations, is to establish procedural requirements for:

a) Zone changes to an "H" designation

b) Development within "H" Zones

c) Substantive standards for development within "H" Zones

The Interim "H" Resort Hotel Zone rules and regulations apply to that area rezoned "H" under the provisions of Public Law 14-41, as amended by Public Law 14-72 and 14-82 (Tumon), as well as all future proposals for development within or changes of zone designation to an "H" zone. As interim regulations, they shall remain in effect until such time as final "H" Zone regulations are adopted by the Territorial Planning Commission.

Some of the objectives that these rules and regulations intend to accomplish in terms of development within a resort image include; pleasant design, adequate open space, public access, aesthetics, and landscaping, to name a few.

Standards for Development

A. All development within an "H" Zone shall comply with all applicable pollution and erosion standards as

promulgated by the Guam Environmental Protection Agency.

B. The nature, size, shape, lighting, and style of an outdoor sign shall conform to those requirements as outlined in the Sign Regulations, Title XVIII, Chapter IX, of the Government Code for Commercial Zones.

C. The following parking regulations shall apply:

1. Title XVIII, Chapter VIII, Sections 17350 - 17352 of the Government Code of Guam.

2. Provisions noted under "footnotes" to the "H" Zone Yard and Height Regulations.

D. Development and activities within an "H" Resort-Hotel Zone shall:

1. Provide open access to public resources including, but not limited to, beaches or other parts of the ocean shore, parks, conservation areas, rivers, waterfalls, and other public resources.

2. To the maximum extent possible, assure that all clearances given for accessory uses enhance, compliment, and do not detract from or the surrounding area.

3. When associated with or encompassing such valuable resources as unique land, water, floral, fauna, cultural, historic, archaeologic, or other such areas:

a) Provide interpretive materials, displays, and information, as required, reviewed, and approved by the Department of Parks and Recreation. The Territorial Planner shall certify to the TPC and SDRC that the interpretive materials, displays, and information have been so approved.

b) Assure that such resources remain, to the maximum extent possible, in their natural or undisturbed state.

E. Dwellings permitted in an "H" Zone shall be designed:

1. To accommodate primarily the needs and desires of visitors, tourists, and transient guests.

2. In a compatible arrangement so as to compliment and enhance the adjacent structures and environment.

F. Such recreational or amusement activities as bowling alleys, movie theaters, or sports facilities which normally and necessary create temporary or occasional substantial adverse impacts, such as excessive noise, light, or traffic, shall be permitted in an "H" Zone only upon a determination by the Commission that such a activity is normally to be found in a tourism-related development area, and that the activity is reasonably compatible with the existing or reasonably foreseeable development of the surrounding area.

G. Prior to issuance of occupancy permits for any development within an "H" Zone, the developer shall certify to the Territorial Planner, to be evidence by the Territorial Planner's signature that no less than two percent of the total construction cost for development of land oriented facility or structure was expended on landscaping for that particular development. Allowable costs under such a requirement include the costs for purchase of landscaping vegetation and labor involved in its planting.

H. Variance to these regulations may be granted by the Commission only upon issuance of such findings or under such conditions as prescribed under Sections 17501 - 17502 of the Government Code.

I. Yard, Area, and Height regulations for the "H" Zone are as outlined in the attached chart.

Planning and Impacts

Planning for any type of development within the Hotel Resort zoned area should be worked out carefully and development must occur in accordance with the current Zoning Laws for Hotel Resort. Development should establish a resort image through the design of site improvements, structures and relationships to neighboring structures and open space. They shall also be planned and developed to respect natural features and maintenance of views as well as maintain and improve quality

of open space areas and access to them for recreational purposes. The planning and design of a development should take into consideration the shape of the building/structure proposed, landscaping, scenic and natural features of the area, and insuring that the primary views and vistas are satisfied aesthetically and that no obstruction of sightlines and view planes occur. Development shall be located in a manner to ensure that important vistas and view corridors are available to all properties. Proposals for resort area development must be evaluated in light of the impacts on and the benefits to the natural and manmade environment. Occupancy permit shall not be granted by the building official until the work has been completed in accordance with the approved application, its plans and designs, and conforms to the building code. If an applicant does not comply with the Zoning Laws or as per their approved plans, then a Stop Work Order should be issued and shall take effect immediately and remain in effect until the conflict is resolved. If planning is not applied in accordance to the law, then negative impacts on infrastructure (i.e., water, power, sewer and road); inconsistency with the surrounding land use, inadequate parking, setbacks, and overdevelopment in terms of height and density may occur. Therefore, planning is important in a development to minimize adverse impacts which may occur. Additionally, it is important for a successful development that early consultation with the Subdivision and Development

Review Committee (SDRC) members i.e., Department of Public Works (Building Permit and Engineering), Public Utility Agency of Guam (PUAG), Guam Environmental Protection Agency (GEPA), Department of Parks and Recreation (DP&R), Bureau of Planning (BOP) and Department of Land Management (DLM) are made to address their specific concerns to mitigate or avoid the negative impact(s) of the development.

Past and Current Problems

There have been numerous hotels and other associated tourism developments which have gone through the Territorial Planning Commission (TPC) requesting for variances for density, height, setback and/or parking. Though it is evident, by the number of variances requested, that the developer is overdeveloping the subject lot or does not meet the variance requirements established by law, TPC too often grants approval on such applications. Because of this, problems in the past have and continue to occur as a result of poor and/or inadequate planning and decision-making, i.e.; density (overdevelopment), height (obstruction of view within the surrounding neighborhood), setback and parking (inadequate/not enough parking). Such development include the Pacific Star and the Pacific Islands Club, the Dai-Ichi, Reef Hotel and the Okura to name a few. While the bulk of bad decision-making and short-sighted development has occurred in the Tamuning and Agana area, it is progressively moving toward the southern

area. More resort developments are presently approved or proposed for the southern area, such as Miyama Hills Development, Taotao Resort, and Dandan Estates, with others sure to follow.

Questions for Field Inspections

1. All development within the Hotel-Resort Zone is considered as a _____ _____ and must comply with regulations promulgated specially for those zoned areas.

2. How does a Building Inspector determine the density, height, setback and parking requirements of a proposed development within the H-Zone?

3. In an H-Zone, how would the maximum building height be determined?

4. A setback variance is required and a building permit should not be issued if an applicant is proposing to construct an apartment building on a lot 65,000 square feet in area and setbacks of 23 ft. for the front and side yards and 33 ft. for the rear yard. (True or False)

5. A density variance is not required if an applicant is proposing to construct a 20 unit condominium on a lot 50,000 sq. ft. in area within an H-Zone? (True or False)

6. Assuming density, height and parking have been met, does an applicant qualify for a building permit if setbacks for multi-dwelling structure are 10' for front and side yards, and 15' for the rear yard? (yes or no)

7. How many parking spaces are required for hotels?

   a) at least three (3) parking spaces for every four (4) guest rooms
   b) two (2) parking spaces for each six (6) guest rooms
   c) at least one (1) parking space for every four (4) guest rooms

8. Every automobile parking space shall contain a minimum of _____ and shall have adequate access to a public right-of-way.

9. For employees, how many parking spaces are required?

   a) three (3) spaces for every four (4) employees
   b) one (1) space for every employee
   c) two (2) spaces for every four (4) employees

10. In addition to setbacks, what other type of variance is required for a proposed 4 story, 35 unit apartment, with a lot area of 26,595 sq. ft., setbacks of 10 ft. for the front and side yards and rear yard of 10 ft., and total number of parking stalls of 40?

11. A proposed commercial facility exclusive of warehouse activity with a lot area of 1,400 sq. ft. would require how many parking stalls? Explain?

12. A hotel or _____ , while considered a multi-family use, requires a minimum of _____ square feet of lot area per living unit in a _____ Zone.

13. Does this barricade on private land require Territorial Seashore Protection Commission (TSPC) clearance?

14. If an applicant's plans indicate a certain number of parking stalls for a proposed hotel and have been <u>identified</u> for employees, hotel guests and tenants (i.e., restaurants and commercial facilities within the hotel) what is likely to occur as a result of signs such as this one which was probably placed in pre-allocated parking stalls?

15. Identify what is wrong with this picture taken in Tumon area:

Answers to Questions

1. conditional use

2. By using the Yard, Area and Height Regulations table for the "H"-Zone

3. By dividing the sum of the lot length plus lot width by 10. * Maximum Building Height = $\frac{(LL + LW)}{10}$

4. False, all setbacks and lot area requirements have been met based on the H-Zone's Yard, Area and Height Regulations

5. False, based on the Yard, Area and Height Regulations of the H-Zone, a maximum of 23 units may be permitted on a 50,000 sq. ft. lot without a density variance.

6. yes

7. C

8. one hundred and eighty (180) square feet

9. A

10. density and height

11. Based on section 17350(f), 14 parking stalls are required

12. motel, four hundred (400), Commercial

13. Yes, any development regardless of private or public land within the 35' mean high water mark requires TSPC clearance.

14. Because additional "hotel car parking <u>only</u> stalls" were not taken into consideration when planning for adequate parking, hotel guests and other visitors may not have sufficient parking when patronizing the hotel.

15. Based on the number of commercial spaces within this building and the type of uses involved, it is evident that there is not enough parking to accommodate employees and customers, including tourists who utilize rental cars. In addition, any signs posted in a foreign language, should be accompanied by an English translation as required by law.

BUILDING PERMITS

Applicant Requirements: The Department of Public Works is, normally, the first point of contact for every development permit application on Guam. The term "development" is employed here in its broadest sense, encompassing all categories of construction, earth moving, and agriculture, as well as other types of land use and water oriented activities. It is at this point where an applicant is advised of the types of information and clearances necessary from other government of Guam agencies before DPW could initiate a development application review and permit process.

A building permit is required for government agencies and the general public for all construction. This may include:

1) Constructing, installing, erecting, replacing or demolishing a building.
2) Adding, repairing, or replacing plumbing, electrical, and ventilation systems or structural foundations.
3) Construction utility systems.
4) Demolishing any part of a building.
5) Any other development activity that may affect the structure on a property.
6) The erection of signs, either free-standing, monumental or attached to a structure.

The requirements on the part of the applicant vary, based on the project to be undertaken, however, the minimum, basic requirements are as follows:

a) Complete building plans
b) Plot Plan showing lot designation
c) Vicinity Map
d) Certificate of Title or Proof of ownership or interest

REVIEW AND ISSUANCE: Normally, the Department of Public Works is the first point of contact for persons requesting development permission. After an initial review by DPW, the building permit request is routed through several other GovGuam agencies, including; Land Management (Planning Division), Guam E.P.A., P.U.A.G., Guam Power Authority, and Guam Fire Department. If the development involves any need for variance to the zoning

law, is listed as a conditional use in the zoning law, is within an H (Hotel) zone, or requires a zone change, the Department of Land Management will assist the applicant in applying for development review from the Territorial Planning Commission. [This process is described in more detail in another section].

After all reviews have been conducted, and approvals granted through agency sign-off on the Application for Building Permit & Plan Review form, a building permit may be issued. In the case where an agency (or TPC) has included conditions to approval, those conditions should be made an official part of the building permit.

ACTIVITIES REQUIRING A BUILDING PERMIT: In essence, a building permit is required for all construction activities undertaken by either the private sector or the public sector (GovGuam and the U.S. government). This may include:

1. Constructing, installing, erecting or replacing a building or part of a building, such as a patio, porch, garage, outdoor kitchen, fence, wall, floor, or roof.
2. Adding, repairing, or replacing plumbing, electrical, ventilation systems or structural foundations.
3. Constructing utility systems.
4. Demolition.
5. The erection of signs, either free standing or attached.

As stated in the Standard Operating Procedures (SOP) for DPW Building Permits & Inspection, "It shall be unlawful to construct,

enlarge, alter, remove or demolish, or change the occupancy of a building from one use group to another requiring greater strength, exit or sanitary provisions, or to change to a prohibited use, or to install or alter any equipment for which provision is made or the installation of which is regulated by the Title XXXII, and Uniform Building Code without first filing an application with the Building Official in writing, and obtaining the required permit therefore except that ordinary repairs as defined in Title XXXII, Government Code of Guam which do not involve any violation of this Title shall be exempt from this provision."

Obvious other exceptions to the requirement for a building permit are those public uses which are minor and necessarily do not meet the standards for normal development, such as the erection of traffic signs, electric traffic lights, and similar uses. Less obvious are the exceptions as iterated in Public Law 19-51, which allow for self construction or self repair without a building permit, under certain circumstances. GCG Section 31003, was amended to reflect the changes mandated under this public law.

INSPECTIONS: Throughout the period of construction, a series of inspections by DPW, as well as other agencies, are required. While the major areas of concern for these inspections will center around building and engineering standards, (construction materials and techniques, electrical, plumbing), **these inspections must also include review of compliance to zoning standards and/or TPC**

conditions or allowances, (Title XVIII, Appendix A)

For inspection purposes, as well as for public notice, a copy of the building permit must be displayed on the development site throughout the period of development. This permit should include any conditions or variances granted to the development by any of the agencies or TPC.

For instance, during **foundation inspection**, the inspector is required to ensure that minimum setback requirements are met. In the case where TPC approved a variance to that requirement, such should be noted on the building permit. The inspector should also check to ensure that the foundation being inspected conforms to the building layout which has been approved.

These two issues should be rechecked during **floor slab inspection and wall inspection** visits. In making roof slab inspection, assurances should be made that height restrictions are not being exceeded. During frame inspection and lath and/or wallboard inspection, conformance of building construction to approved plans and approved usage should be checked.

These inspections are primarily the responsibility of DPW and, in some cases, the utility agencies. **Final inspection** (for **occupancy** permit) involves all those agencies that initially reviewed for building permit. It is in this phase that the government can

guarantee that all zoning (or other land-use) requirements have been met.

As per the DPW Standard Operating Procedures, "After final inspection of the project indicates that the work performed was done in accordance with approved plans and specifications and has met **all** Government Code of Guam requirements, the Building Official shall issue a Certificate of Occupancy."

For obvious reasons, the earlier assurances of compliance are made in the inspection process, the better. It should also be remembered that, while strict conformance to building code standards will be in the best interest of the developer in protecting the investment, it is very often the case that violation of the zoning requirements is perceived as being beneficial by the developer. While the majority of developers make every attempt to comply with zoning requirements, it is only through the inspection process that the government can ensure compliance in all permitted development.

ENFORCEMENT: In addition to the UBC, and Title XXXII of the GCG, "The Building Official designated in Title XXXII of the Government Code of Guam shall have the power and duty to enforce the provisions of (the Zoning) law. All authority granted to him by Title XXXII of this Code may be used in furtherance of these enforcement activities, whenever such authority is necessary and

applicable." (Title XVIII, chapter XI, Section 17450)

When any violation of the building code, or of any land-use law is identified, the building inspectors of the Department of Public Works are authorized and responsible for initiating corrective or enforcement action. Inspectors are also responsible for identifying and taking action against non-permitted activity.

Enforcement of Violations Noted During Construction Inspections: If, during any inspection of a permitted activity, a violation is noted, including lack of adequate or approved setback or unauthorized redesign of development layout or function, the inspector shall notify the Building Official or his authorized representative, who will issue a STOP WORK ORDER. Such order shall take effect immediately and remain in effect until the conflict is resolved.

Enforcement of Violations Noted Involving Non-Permitted Activity: If, during the course of routine field inspections, an inspector identifies a development for which no building permit has been issued, whether completed or under construction, the inspector shall cause to be issued a STOP WORK ORDER, which shall remain in effect until the violation is resolved, (either through proper issuance of a building permit, or until the completion of court action against the developer).

Fines:

Title XXXII allows that, "Any person violating the provisions of Uniform Building Code and Title XXXII shall be deemed guilty of a petty misdemeanor, punishable by a fine of not less than five ($5.00) dollars nor more than five hundred ($500.00) dollars or imprisonment for not more than one (1) year, or by both such fine and imprisonment."

This Title continues, "Such person shall be deemed guilty of a separate offense for each day during which any violation of the provisions of Title XXXII, and Uniform building Code, Government Code of Guam occurs."

In addition to these provisions, the several other land-use laws of Guam provide for penalties, as follows:

Title XVIII: (Chapter XVI, Section 17700) "Any person, firm, corporation or officer thereof, violating any of the provisions of this Title shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one hundred dollars ($100.00) or by imprisonment in jail for a period of not more than one (1) month, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty for each day during any portion of which any violation is committed, continued, or permitted and shall be punishable as herein provided.

Title XIX: (Chapter VII, Section 18600) (a) "Any individual agent, partnership, firm, association, corporation or any other legal entity violating any of the provisions of this Title shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars ($500.00) for each offense. Such individual agent, partnership, firm association, corporation or other legal entity shall be deemed guilty of an offense for each day or portion thereof in which any violation is committed, continued, or permitted, and shall be punishable as herein provided for each such day or portion thereof. (b) "The imposition of any sentence made under this section shall not exempt the offender from compliance with the requirements of this Title."

Title XIV: (Section 13418) (a) "Any person who violated any provisions of this chapter shall be subject to a civil fine not to exceed Ten Thousand Dollars ($10,000)." (b) "In addition to any other penalties, any person who performs any development in violation of this Chapter shall be subject to a civil fine not to exceed five hundred dollars ($500.00) per day for each day in which such violation persists."

These three Titles quoted above, (Zoning Law, Subdivision Law, Territorial Seashore Protection Act) provide for the land-use standards of Guam. The impact of violating these standards can be as hazardous as violating building code standards, and can have the

further impact of degrading communities, lowering land values, discouraging new investment, and impairing community well being.

The building permit process is, perhaps, the single most important part of development control on Guam. Through this process, all development is reviewed by a series of agencies to ensure not only construction techniques and materials are proper, but the land-use itself is proper. Through this process, violations can be detected before they occur, or resolved after a violation has been noted.

The building permit is not, however, the only permit which is reviewed, issued and enforced. A brief description of other permit requirements follows in the proceeding sections.

QUIZ QUESTIONS FOR BUILDING PERMITS SECTION

1. Minimum setback requirements of a structure should be inspected during intermediate inspections to ensure that they are met.

   T or F

2. The Building Permit Official shall review plans and specifications to assure that all minimum requirements are met with the exception of the requirements of the Zoning Laws or Subdivision Laws.

   T or F

3. Building permits are valid only up to three (3) months after issuance if the work authorized by it is not commenced.

   T or F

4. The issuance of a building permit after approval of plans and specifications shall not prevent the Building Official from requiring correction of any errors in said plans or specifications, nor from prohibiting building operations to be carried on until said corrections are made.

   T or F

5. If an inspector discovers that work being performed on a project which is not in accordance with approved plans and specifications, he should _____.

6. Once a STOP WORK ORDER has been issued, and the individual continues to construct, there is nothing the building inspector can do to penalize the individual.

   T or F

7. After final inspection of a project indicates that work performed is in accordance with approved plans and specifications and all other applicable GCG requirements, the Building Official may issue a _____.

8. If an applicant's plans indicate a three story apartment building in an R-1 zone, and density and setback requirements have been met, should the applicant be issued a building permit? Why?

9. An applicant can be issued a building permit without a conditional use permit is he is proposing to construct a duplex in an R-1 zone.

   T or F

10. Can an applicant who is proposing to construct 46 apartment units on a lot 45,000 sq. feet in area, in an R-2 zone be issued a building permit? Why?

11. If an applicant is proposing to construct a single family dwelling in an A zone, and his plans indicate a lot area of 25,000 sq. feet, and setbacks of 25' for the front and rear yards and 15' for the side yards, does the applicant qualify for a building permit?

12. State which section of the GCG is being violated in this picture.

13. What is wrong with this picture?

14. Identify the violations in this picture, if any.

Answers to Quiz Questions for Building Permits Section

1. F (foundation inspections)

2. F (both laws are included)

3. T

4. T

5. issue a STOP WORK ORDER which shall take effect immediately and remain in effect until the conflict is resolved

6. F (the next step to be taken by the building official is to notify the Attorney General's Office of the alleged violation for their immediate action)

7. Certificate of Occupancy

8. No, because 1) apartments or multiple family dwellings are not permitted in R-1 zones and 2) the applicant needs a height variance for the third floor of the proposed structure.

9. F (duplexes are permitted in R-1 zones, however, applicants must obtain conditional use permits from the TPC)

10. No, because based on the Yard and Area Regulations of the Zoning Law, only 36 units may be permitted on a 45,000 sq. ft. lot without a density variance. (45,000 sq. ft./1250 sq. ft. lot area/dwelling unit = 36 units)

11. Yes, all setback and lot area requirements have been met.

12. Title XVIII, Chapter IX, Section 17400 b. (1) (c)

13. "No Parking" sign and rope are within a public utility easement and/or right of way, therefore, the person that put the sign and rope up (probably the owner of the adjacent property) is illegally encroaching on said easement and does not have the authority to restrict anyone from parking in this area.

14. Sign on <u>top</u> of building (as per Title XVIII, Chapter IX, Section 17400, "...Individual signs shall be placed flat on the building wall, shall not be higher than the roof line of the building...")

CLEARING AND GRADING PERMITS

APPLICANT REQUIREMENTS:

Clearing and grading permits are required to ensure the prevention or control of accelerated soil erosion, transportation of sediment to and along waterways, siltation of rivers, estuaries and marine waters.

Permits are required by both the private and public sector (GovGuam and the U.S. government) for earth-moving operations such as clearing (removal of vegetation or structures), grading (establishing topographical profiles involving cuts and fills), filling (raising the existing ground elevation), and excavating (lowering the existing ground elevation).

As with building permit requests, applications for clearing and grading permits are filed with the Department of Public Works, Building Permit Section. After being reviewed for completeness, these applications are routed to the Guam Environmental Protection Agency (GEPA), Department of Parks and Recreation, Guam Power Authority, and Department of Land Management for clearance.

A clearing permit application must be accompanied by a vicinity map to show where the property to be cleared is located and a property map to indicate which property is to be cleared. Grading permit applications must also be accompanied by vicinity and

property maps as well as section details and drainage plans. Additionally, erosion control plans are required by the GEPA for all clearing and grading permit applications and will be approved by the agency. As per the Soil Erosion and Sedimentation Control Regulations for GEPA, "These regulations apply to all clearing, grading, filling, excavating, or other earth-moving operations on Guam which required a permit as provided for in Title XXXII, (as amended) Government Code of Guam. Such applicable clearing or earth-moving operations include those performed by the Govt. of Guam and by federal agencies on Guam. The Administrator shall review every application for a permit for earth-moving operations in order to determine applicability or exemption, as provided for in Section I, Subsection E."

A few exemptions to these regulations (unless the Administrator, in his discretion, determines that the regulations apply) include: grading in an isolated, self contained area, provided there is no apparent danger of erosion; cemetery graves; refuse disposal sites which are controlled by other regulations; excavations for wells, tunnels or utilities; and exploratory excavations for wells or for the purpose of soils testing.

REVIEW AND ISSUANCE:

The various agencies have different responsibilities when reviewing permit applications for clearing and grading. For example, GEPA looks for potential erosion problems, Parks & Recreation reviews

for historical or archaeological sites, GPA for underground powerlines, and DLM checks for property ownership and zoning. There are, however, **other** issues that should be considered prior to clearance by the agencies. It should be ensured by the agencies that prior to any clearing or grading permit being issued, measures are taken to insure the protection, prevention, or proper development of areas such as critical habitats, wetlands, areas of particular concern (APC's), and flood hazard areas.

After all reviews have been completed, and clearances granted by the agencies, the permit applications are routed back to the Department of Public Works for final review and approval. If the Building Official finds everything to be in order, a permit is then issued.

INSPECTIONS:

Although there are no required inspections for clearing or grading activities once a permit has been issued, a building inspector will make site inspections upon request. Also, during their routine fieldwork, if any type of earth-moving operation is seen taking place which is not familiar to them, building inspectors should verify if a clearing and/or grading permit has been issued.

ENFORCEMENT:

If a permit has not been issued or a permit condition has been violated, a **notice of violation or stop work order** should be issued

and all earth-moving operations shall cease until such time that the violator applies for and obtains a clearing or grading permit. If non-compliance continues, the building official then notifies the Attorney General's office and the Guam Contractors Licensing Board for corrective action.

QUIZ QUESTIONS FOR CLEARING AND GRADING PERMIT SECTION

1. Clearing or grading permits are required for private individuals only.

   T or F

2. What are four types of earth-moving operations that require permits?
3. Why is the clearing and grading permit process important?
4. There are two required inspections for clearing or grading sites: one <u>before</u> and <u>after</u> the earth-moving operation has taken place.

   T or F

5. What agencies must sign off a clearing and/or grading permit application prior to permit issuance by the Building Official of the Dept. of Public Works?
6. List some concerns that the above mentioned agencies as well as other agencies may have when reviewing a clearing and grading permit application.
7. Should surface water runoff, which often results from someone clearing or grading his property, be allowed to discharge into the ocean or the ground? Explain.
8. Why should we be concerned with soil erosion and sedimentation?

Answers to Quiz Questions for Clearing and Grading Permit Section

1. F - Such permits are required for both the private and public sector.
2. clearing, grading, filling, and excavating
3. It ensures the prevention or control of accelerated soil erosion, transportation of sediment to and along waterways, and the siltation of rivers, estuaries and marine waters.
4. F - site inspections are not required but will be conducted upon request or during routine field checks.
5. GEPA, GPA, Dept. of Parks & Recreation, and Dept. of Land Management
6. adequate drainage systems, erosion control, water pollution, sedimentation, damage to marine life, protection of wetlands, flood hazard areas, protection of critical habitats, archeological or historic sites, underground powerlines
7. Surface water runoff should be discharged into the ground in order to replenish the ground water source. When allowed to discharge into the ocean or lagoons, surface runoff causes damage to reefs and other marine life.
8. Because they can affect the purity of streams and marine waters on Guam thereby causing unreasonable damage to fish and marine life in general.

OTHER PERMITS

Permit Types: The following is a list of the most common, other development related permits reviewed by the Government of Guam and/or issued by the Department of Public Works:

a) Army Corps of Engineer Permit

b) Encroachment Permit

c) Flood Hazard Permit

d) Roadside Stand Permit (temporary)

e) Sign Permit

f) Wetland Permit

In addition to the above permits, TPC clearance must also be obtained before encroachment permits, or wetland permits can be issued and TPC approval is required for sign permits if the proposed sign does not conform to the sign regulations as per Title XIX of the Zoning Law.

Review and Issuance: A brief description of the above permits are provided for easy reference.

Army Corps of Engineers (ACOE) is responsible for, among other things, protecting the nation's navigable waters from obstruction and for maintaining the environmental quality of water resources. An Army Corps permit is required, in addition to local TSPC permit, to perform work in, on, over or under all tidal waters. Permits are required for dredging in tidal waters in some wetlands. Also,

the permanent or temporary placement or discharge of dredged or fill materials into all tidal and or nontidal waters requires a permit.

Activities which require permits include, but not limited to, the following:

a) Construction of boat ramps, seawalls or other similar structures and artificial reefs;

b) Placement of floats, piers or mooring buoys in tidal waters;

c) Discharging sand, gravel or other fill materials into all waters and wetlands;

d) Filling of wetlands, rivers or other tidal and nontidal waters; and,

e) Laying of underwater cables, tunnels outfall pipes in tidal waters.

A simple environmental impact assessment that describes the project proposal, alternatives considered, impacts of each alternative, and mitigating measures to minimize the impacts must accompany the application package for small projects. A more detailed environmental impact statement may be required for project having large, potential impacts.

The Corps' permit review process requires review and approval from the Guam Coastal Management Program of the Bureau of Planning and review by other, interested local agencies and organizations, and

may involve a public hearing.

Encroachment permits are required when ever a project is being proposed that encroaches government land and in most cases when the activity encroaches into local rights of way, such as for vegetable stands. No encroachment permit will be issued on any primary and secondary highway without the written authorization of the Highway Manager and the Chief Engineer. This process basically entails obtaining clearances by virtue of their signature on the building permit application, which signifies that the agencies involved, such as GPA, GTA, PUAG, and DPW's Rights of Way Division have no objection. Once these signatures are obtained the remaining process is similar to, if not identical to, the process for other permits depending on the activity and whether or not it meets the current land use laws, etc. Encroachment means any tower, pole, POL line, pipe, pipeline, fence, billboard, stand or building, or any structure or object of any kind or character not particularly mentioned, which is placed in, under or over any portion of all or any part of the entire width of a right of way, whether or not such entire area is actually used for highway purposes. Permit applicants are required to pay a nonrefundable filing fee of Ten Dollars for each application an a satisfactory bond, payable to the Treasurer of Guam. A performance bond is required for projects exceeding $20,000.

Written permits may be issued by DPW as provided in Chapter 4 of

P.L. 10-40, authorizing the permittee to do any of the following:

1) Make an opening or excavation for any purpose in a highway.
2) Place, change or renew an encroachment.
3) Place or display in, under or over any highway, any kind of advertising sign or device. DPW may immediately remove any sign or device placed or displayed contrary to the provisions of this chapter.
4) Plant, remove, cut, injure or destroy any tree, shrub, plant or flower growing within any highway.
5) Any person who does any of the above acts without a valid permit is guilty of a misdemeanor, punishable by law.

The permit shall be made available by the contractor on the job site at all times and shall be presented to the Highway Maintenance and Construction Inspectors when requested. Failure to show the permit may result in the issuance of a STOP WORK ORDER.

Flood Hazard Area Permit

Before a building permit is issued for development in a flood hazard area, which is an Area of Particular Concern, a tentative plan must be approved by a Building Official. An Area of Particular Concern (APC) is a specifically designated geographic area where the presence of unique or significant natural resources, geologic constraints, hazards or other exceptional geographic characteristics warrants and requires the application of

extraordinary regulatory or management measures in order to insure the retention of such exceptional qualities or to insure the health, safety and welfare of the general public.

Adopted APCs include both wetlands, and flood hazard areas.

Flood hazard areas are defined as any land subject to flooding conditions or susceptible to inundation and areas subject to a one percent greater chance of flooding in any given year. These areas are designated on official Flood Hazard Area Maps at the Bureau of Planning, Department of Land Management and the Office of Civil Defense.

Temporary Roadside Stand Permits are permits that are issued for Roadside Stands for the sole purpose of selling locally grown vegetables in its natural state by the applicant of the roadside stand permit. These roadside stands are not permitted to sell any other items that would constitute a retail type operation such as the selling of cigarettes, candy, gum, soft drinks and the like. Such other sales would constitute a violation of the provisions which allow for the operation of a roadside stand.

These (temporary) stands do not require clearance other than through DPW, which has sole jurisdiction over these stands. Public Law 10-40 authorizes the Department of Public Works (DPW) to issue written permits to individuals to place, change or renew a highway

encroachment. In accordance, therewith, DPW promulgated policies and procedures setting forth the requirements and conditions for the temporary roadside stands:

> Before a permit is issued, the applicant is required to file a refundable cash bond of $250 to the Treasurer of Guam. It may be refunded upon expiration and non-renewal of a valid permit. Failure to require either the inspection or bond release within the specified period of time will result in the forfeiture of the bond.

The permit is only valid for three months from the effective date shown on the permits and is renewable in three-month increments. **Renewal of the permit may not be granted if the applicant has not utilized the stand during the previous three-month period.** An applicant may be issued a permit for six months if a good record of stand occupancy and active selling for at least six months has been established. **Permits are revocable upon five days notice by the Department for violations of any provision of the policies and procedures by the applicant or his authorized representatives.**

The roadside stand shall not be placed directly fronting any major business establishment and shall be located at least 200 feet from an intersection. It must be placed at a minimum clear distance of 12 feet from the outside edge of roadway shoulder in areas where the shoulder width is eight feet or more and correspondingly, 20 feet minimum clear distance from outside edge of pavement. The

structure shall be 10 feet by 10 feet maximum size of temporary construction and can be dismantled or removed easily. It must not have any permanent foundation of any kind, and must be removed whenever Typhoon Condition II is declared by the Government of Guam. A clearance from Department of Land Management, Public Works, and Revenue and Taxation must be obtained for any proposed structure outside or partially outside the highway right-of-way. **The permit is not transferable.**

Inspectors from the Department of Revenue and Taxation shall inspect periodically for compliance with the business license exemption conditions and the Department of Public Works Highway Encroachment inspectors shall inspect the stands for compliance with permit conditions affecting the highway rights-of-way

Sign Permits are issued for the placement of advertising, identifying or directional signs. All permitted signs shall be erected in such a manner as not to create a hazard to public safety or property, and shall be resistant to winds, typhoon, earthquake or other natural phenomenon. Engineering design shall be based on applicable sections of the Building Law of Guam (Title XXXII Government Code of Guam). Applications for a sign permit with detailed drawings and specifications must be submitted to the Department of Public Works Official for review and grant permit for the erection of said sign, free-standing or attached. All signs for outdoor advertising and identification purposes are regulated

as to their number, size, lighting and location. Some applications may also be referred to the Department of Land Management to insure conformity to the provisions of the zoning law.

These signs may be portable, temporary or permanent signs. Portable signs may also be temporary, detached, and free standing. Any sign that can be moved from place to place that is not permanently affixed to the ground or to a building including signs that are permanently attached to something such as:

1) A and T Frame - signs
2) Vehicular signs
3) Menu and sandwich boards
4) Hot-air or gas-filled balloons or umbrellas used for advertising purposes
5) Temporary signs

Temporary signs - are distinguishable from portable signs by their construction materials, such as wood, metal, and plastic. Temporary signs are often defined as being composed of less permanent materials as:

> any sign fabricated of paper, plywood, fabric window whitewash, or other light, impermanent material, and intended to be displayed for a maximum number of days, such as political signs, including posters, banners advocating voting for or against candidates, or other matters to be considered by the electorate, subject to restrictions as stated in Public

Law 18-40, such as:

a) No posting of wooden or metal freestanding signs within eight feet of the paved traveled portion of the roadway or in such a manner that they impeded driver's visibility of traffic.

b) No signs shall be nailed to trees on government property.

c) Signs may not block any sidewalk, road, or driveway.

d) No wooden or metal freestanding signs may be placed in parks adjacent to Marine Drive in a area less than eight feet nor more than twenty-five feet from the paved traveled portion of the roadway.

e) No posting of campaign material of any kind on or in any government building.

f) No sign may be posted in any traffic median strip.

g) DPW may require each candidate or person or group posting freestanding signs to provide a list of the approximate location of all sign on government property.

Candidates for public office or other persons having interest in an election may place political signs on certain government property upon payment of a single One Hundred ($100.00) Dollars deposit to the Department of Public Works to insure that the signs are removed within two (2) weeks after the election. If signs are not removed two weeks after the day of any general or special

election, the one hundred dollars deposit shall be forfeited as liquidated damages for removal of the signs. Political signs which are advocating voting for or against candidates, or other matters may be placed and removed on Guam Power Authority power poles or Guam Telephone Authority poles, and all other private or public property subject to restrictions and conditions as iterated in Public Law 18-40.

Wetland Permits are issued for development in a wetland area. Prior to the issuance of a wetland permit a tentative plan must be approved by TPC. Upon approval by the TPC the applicant should apply for the applicable U.S. Army Corps of Engineer permit for wetlands development and, thereafter, for the applicable building permit from DPW.

Wetlands are one type of Area of Particular Concern. Wetlands are defined as those areas inundated by surface or groundwater with a frequency sufficient to support, and under normal condition do support, prevalence of vegetative or aquatic life that requires saturated or seasonally saturated conditions for growth and reproduction. Wetlands generally include swamps, marshes, mangroves, natural ponds, estuaries and similar such areas. Wetlands are one of the most biologically productive areas on the island. They primarily provide a nursery ground for many juvenile species of animals until the organism reach a stage of growth when it can venture habitats. Mangroves fringes are not only important

ecological habitats, but also function as a shoreline stabilization mechanism which prevent erosion during stormwave inundation. Additionally, wetlands provide for ponding and percolation, less recharge, siltation trapping and other geologic purposes.

Wetlands are designated on official Wetland Areas Maps at the Bureau of Planning, Department of Land Management and the Department of agriculture.

Questions

1. TPC clearance must be obtained before encroachment permits, can be issued.

   T or F

2. TPC clearance must be obtained before a permit for development within a wetland can be issued.

   T or F

3. An ACOE permit is required, in addition to local TSPC permit, to perform work in, on, over or under all tidal waters.

   T or F

4. Activities which required an ACOE permit include, but are not limited to the following:

   a.)_____ of boat ramps; _____ or other similar _____ and _____ reefs

   b.)_____ of floats, _____ or mooring _____ in _____ waters.

   c.) Discharging _____, _____ or other_____ materials into all _____ and wetlands.

5. Encroachment Permits are required whenever a project is being proposed that encroaches government land.

   T or F

6. List four agencies whose signatures are required before encroachment permits can be issued _____,_____,_____ and _____.

7. No encroachment permit can be issued without the written authorization of the Highway Manager and the Chief of Engineer on all primary and secondary highways.

8. Before a building permit can be issued for development in a flood hazard area, a _____ _____ must be approved by a _____ _____.

9. List some examples of Areas of Particular Concern (APC's)_____,_____, _____, _____ and _____.

10. A flood hazard area is another type of APC.

    T or F

11. Temporary Roadside Stand Permits are issued annually.

    T or F

12. Items other than vegetables can be sold at a Roadside Stand.

    T or F

13. Before a permit is issued for a Roadside Stand the applicant is required to file a $250.00 refundable cash bond.

    T or F

14. Sign permits are not required for the placement of advertising and or directional signs.

    T or F

15. Temporary signs are distinguishable from permanent or portable signs by their _____, such as _____, _____, and _____.

Answers to Questions on Other Permits

1. T
2. T
3. T
4. a. Construction, seawalls, structures, artificial
   b. Placement, piers, buoys, tidal
   c. sand, gravel, fill waters, wetlands
5. T
6. GPA, GTA, PUAG, Rights of Way Division-DPW
7. T
8. Tentative Plan, Building Official
9. Wetland, Pristine Limestone Forest, Critical Habitats, Groundwater Aquifers, Slide Erosions Zones
10. T
11. F
12. F
13. T
14. F
15. construction materials, wood, metal, plastic

APPENDIX A

ZONING LAW

TITLE XVIII

TITLE XVIII

Zoning Law

Chapter I. General Provisions.
II. Establishment of Zones and Boundaries.
III. Use Regulations.
IV. Height Regulations.
V. Yard and Area Regulations.
VI. Accessory Buildings.
VII. Nonconforming Buildings and Uses.
VIII. Automobile Parking and Loading Space Regulations
IX. Sign Regulations.
X. Junk Yards.
XI. Administration and Enforcement.
XII. Appeals and Reviews.
XIII. Changes of Zones.
XIV. Recording: Submission to the Legislature.
XV. Fees.
XVI. Penalty for Violation.

CHAPTER I
General Provisions

§ 17000. Title.
§ 17001. Purpose.
§ 17002. Definitions.
§ 17003. Interpretation.

§ 17000. Title. This Title shall be known as "The Zoning Law of the Territory of Guam." [Included in Original Government Code of Guam enacted P.L. 1-88, 1952.]

§ 17001. Purpose. The purpose of this Title is to establish certain minimum regulations for the protection and promotion of the public health, safety and general welfare of the people of the Territory of Guam, which regulations are deemed necessary in order to encourage the most appropriate use of land, to provide adequate open spaces about buildings for light and air, to prevent undue concentration of population, and to assure adequate provisions for community utilities and facilities such as water, schools, parks and other public requirements. [Included in Original Government Code of Guam enacted by P.L. 1-88,1952.]

§ 17002. Definitions. For the purpose of this Title, certain terms are defined as follows:

"Accessory Building." A detached subordinate building located on the same lot with a main building, the use of which is customarily secondary to that of the main building or to the use of the land.

"Apartment House." Same as "dwelling, multiple."

"Automobile Parking Area. Private." An open area, located on the same lot with a dwelling or hotel, for parking automobiles of the occupants of such buildings.

"Automobile Parking Area, Public." An open area, other than a street

or private automobile parking area, designed to be used for the parking of two or more automobiles.

"Building." Any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

"Building Height." The vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to a point midway between the highest and lowest point of the roof.

"Cluster Development." Placement of residential units in close association to each other in order to consolidate required lot area into usable open space for the benefit of those living in such residential units. [Amended by P.L. 10-5, effective February 3, 1969.]

"Commission." Shall mean the "Territorial Planning Commission of Guam."

"Dwelling." A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels.

"Dwelling Unit." One or more rooms and a single kitchen in a dwelling, designed as a unit for occupancy by one family for living and sleeping purposes.

"Dwelling, One-Family." A detached building containing only one dwelling unit.

"Dwelling, Two-Family." A detached building containing two dwelling units.

"Dwelling,Multiple." A building containing three or more dwelling units.

"Family." An individual, or two or more persons related by blood or marriage, or a group of not more than five persons who need not be related by blood or marriage living together as a single housekeeping unit.

"Home Occupation." An occupation, carried on by occupants of a dwelling as a secondary use of such dwelling, in connection with which there is no display, no stock in trade nor commodity sold on the premises, and no other person employed.

"Hotel." A building containing six or more rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes.

"Junk Yard." An open area where waste, scrap metal, paper, rags, or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including the dismantling or storing of wrecked automobiles or other vehicles, and buildings. The terms "dismantling" or "storing" do not include the action of a licensed automobile repairer or garage owner in stripping an automobile or other vehicle of its usable parts as long as such action is accomplished within ten (10) days of the arrival of the motor vehicle being stripped on the premises of the garage or automobile repair business.[Added by P.L. 9-126, effective January 29, 1968.]

"Lot" A parcel of land occupied or to be occupied by a use or building, and accessory buildings and uses, together with such yards, open spaces and lot area as are required by this Title, and having frontage on a street.

"Lot Line, front." The line separating the lot from the street. For the purposes of yard requirements, a corner lot has two front yards and no rear yard. Within a panhandle lot, the front lot line begins at the interior end of the panhandle. [Amended by P.L. 9-252, effective August 29, 1968.]

"Lot Line, rear." The lot line which is opposite and most distant from the front lot line.

"Lot Line, side." Any lot line not a front lot line or a rear lot line.

"Lot Depth." The horizontal distance between the front and rear lot lines, measured in the mean direction of the sie lot lines.

"Lot Width." The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

"Lot Area." The total horizontal area within the lot lines of a lot.

"Noncomforming Building." A building or structure which does not conform to the regulations of this Title and which lawfully existed at the time the regulations, with which it does not conform, became effective.

"Nonconforming Use." A use of a building or land which does not conform to the regulations of this Title and which lawfully existed at the time the regulations, with which it does not conform, became effective.

"Planned unit development district." A substantial area in which development follows an approved plan integrating a combination of uses in an appropriate and unified manner. [Added by P.L. 9-232, effective August 10, 1968.]

"Story." That portion of a building between the surface of any floor and the surface of the floor or ceiling next above it.

"Structure." Anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

"Use." The purpose of which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

"Yard." An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Title.

"Yard, front." A yard adjoining the front lot line and extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

"Yard, rear." A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

"Yard, side." A yard between a main building and the side lot line, extending from the front yard or front lot line where no front yard is required to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952: amended where indicated herein.]

§ 17003. Interpretation. In interpreting and applying the provisions of this Title, they shall be held to be the minimum requirements for the protection and promotion of the public health, safety and general welfare, and shall be liberally construed in furtherance of these objectives. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

CHAPTER II

Establishment of Zones and Boundaries

§ 17050. Zones.
§ 17050.1 Zoning map: Agana: adopted.
§ 17051. Zone boundaries.
§ 17052. Church Zone in Dededo.
§ 17053. Zone boundaries Maina.
§ 17053.1 Zone boundaries Maina.
§ 17053.2 Tumon Commercial.
§ 17053.3 Yigo Commercial.
§ 17053.4 Nimitz Hill R-2.

§ 17050. Zones. In order to carry out the purposes and provisions of this Title, areas within the Territory of Guam are hereby divided into nine zones, known as:

"A" Agricultural Zone
"R1" One-Family Dwelling Zone
"R2" Multiple Dwelling Zone
"P" Automobile Parking Zone
"C" Commercial Zone
"M1" Light Industrial Zone
"M2" Heavy Industrial Zone
"LC" Limited Commercial Zone
"H" Hotel Resort Zone

The aforesaid zone symbols and the boundries of such zones shall be shown upon a map or maps which shall be designated as the "Zoning Map."

The "Zoning Map" shall be adopted by the Commission and shall be effective upon its approval by the Committee on Rules of the Legislature and by the Governor. The "Zoning Map" shall be submitted to the Committee on Rules prior to its submission to the Governor and such map shall be deemed approved by said Committee, unless within fifteen (15) days of its receipt thereof, said Committee shall adopt a resolution disapproving the same, in which case the map shall be returned to the Commission. No such map shall be adopted by the Commission except after public hearing, ten (10) days notice of time and place of which shall be given in a newspaper of general circulation.

The "Zoning Map" may be divided into separate parts and separately adopted and approved as the necessary planning and study therefor is completed. [Enacted 1952: repealed and added by P.L. 6-136, effective December 18, 1962.]

§ 17050.1 Zoning map of Agana. The zoning map of Agana identified as Drawing No. GI-54517 and heretofore adopted as part of the "zoning map", is hereby amended by extending the commercial zones appearing on said map, north of Route 8 and south of the Mongmong Maite road, two hundred (200) feet in depth on each such area. Notwithstanding any other provision of law, these two commercial zones may not hereafter be altered or changed except by statue. [Repealed and added by P.L. 10-141, effective March 26, 1970.]

§ 17051. Zone boundaries. Where the zone boundaries indicated on the "Zoning Map," said map, and all notations, references and their extensions; such lines shall be construed to be the zone boundaries.

Where the zone boundaries indicated on said map are not street, alley or lot lines, or extensions thereof, the zone boundaries shall be determined by the use of the scale appearing on the "Zoning Map," unless otherwise specifically shown by dimension.

In any case where there is uncertainty as to the intended location of a zone boundary, the Commission shall have the power and duty to determine its intended location. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

§ 17051.1 Zoning Map of Agana. The zoning map of Agana identified as Drawing No. GI-54517 and heretofore adopted as part of the "Zoning map",is hereby amended by extending the commercial zone appearing on said map, north of Route 8 and south of the Mongmong Maite road, two hundred (200) feet in depth on each such area. P.L. 12-160 dated August 29, 1974, further amend the zoning map of agana by extending the commercial zones north and south of Route 4 from Marine Drive to Lot 83, Sinajana once on the north side and to Lot 3202, Sinajana on the south side, to a depth of two hundred (200) feet where the zones are not already of that depth and by further extending the commercial zone on said map to include the entire area broadened by Route 4, 3rd street south, 1st street east and Cliff Drive. Notwithstanding any other provision of law, these said mentioned commercial zones may not hereafter be altered or change except by statue. (Repealed and added by P.L. 10-141, effective March 26, 1970)

§ 17052. Church Zone in Dededo. As an amendment to the Dededo Zoning Map (Land Management Drawing No. E3-67S39), adopted by the Committee on Rules of the Guam Legislature pursuant to the provisions of § 17050 of this Title, the area in the municipality of Dededo, bounded by West Santa Monica Avenue to the north, Dolores Street to the east, and West San Antonio Avenue to the south and west, is hereby declared to be zoned for church and church-related activities. [Added by P.L. 10-106, effective February 6, 1970.]

§ 17053. Basic Lot Nos. 242, 243 and 269 REM, all in Maina in the Municipality of Asan, are hereby rezoned to R-2, multiple dwelling. (Added by P. L. 12-111.)

§ 17053.1 "Lot Nos. 235-REM-3-1 and 235-REM-3-2 in Maina in the Municipality of Asan are hereby rezoned to C, Commercial." (Added by P.L. 12-111.)

§ 17053.2 Tumon Commercial Zone. All property lying on either side of Route 1 (Marine Drive) between the two intersection of Tumon Loop with Route 1, to a depth of two hundred (200) feet from the edge of the right-of-way along Route 1, is hereby established as Commercial Zone Property. (Added by P.L. 12-160.)

§ 17053.3 Yigo Commercial Zone. All property lying on either side of Route 1 (Marine Drive) between the Old Marbo PX and the Yigo Catholic Church, to a depth of two hundred (200) feet from the edge of the right-of-way along Route 1, is hereby established as Commercial Zone Property. (Added by P.L. 12-160.)

§ 17053.4 Nimitz Hill R-2 Zone. All property lying on either side of the road from Top O' The Mar (Nimity Hill - Spruance Drive) to the New Piti Elementary School, to a depth of two hundred (200) feet from the edge of the right-of-way along Route 6, is hereby established as R-2 Zone Property. (Added by P.L. 12-160.)

Agat R-1 Zone. Tract 132, Lots 1 through 9, inclusive; Lots 194-2-1 through 194-2-3, inclusive; Lots 195-1-1 through 195-1-3, inclusive; Lot 195-2 and Lot 209-R1-NEW. (Added by P. L. 14-123.)

Tamuning Commercial Zone. All property to a depth of 200 feet from the center of the main thoroughfare beginning at the Good Samaritan Medical Clinic to the nearest boundary of Tamuning Elementary School, and beginning at the Saehan Finishing Studio extending to the nearest boundary of Farenholt Road. (Added by P. L. 15-61.)

Barrigada Commercial Zone. All property to a depth of 200 feet from the center of the main thoroughfare beginning at the Junction of Routes 8 and 16 extending west to the Barrigada Toto Road. (Added by P. L. 15-61.)

CHAPTER III

Use Regulations

§ 17100. Conformance of uses to zone regulations.
§ 17101. Regulations along district boundaries.
§ 17102. Conditional use.
§ 17103. "A" rural zone.
§ 17104. "R1" single family dwelling zone.
§ 17105. "R2" multiple dwelling zone.
§ 17106. "C" commercial zone.
§ 17107. "P" automobile parking zone.
§ 17108. "M1" light industrial zone.
§ 17109. "M2" heavy industrial zone.
§ 17110 "H" hotel-resort zone.

§ 17100. Conformance of uses to zone regulations. No building or structure shall be altered, enlarged, moved or maintained, and no building or land shall be used for any purpose, except for a use permitted in the zone in which such building or land is located, as hereafter provided in this article.

§ 17101. Regulations along district boundaries. Where a commercial or industrial use occurs in zones permitting such uses, but in areas which are located adjacent to rural or residential zones, the yard requirement shall be twice that required of such use or twenty (20) feet, whichever is the greater.

§ 17102. Conditional use. In addition to permitted uses in each of the zones, specified uses will be permitted upon approval by the Commission of the site plan, including, but not limited to, disposal of sewage, access, parking, structure location and accompanying convenants that may include performance standards.

§ 17103. "A" rural zone.

(a) Use Permitted

1. One-family dwellings and duplexes.
2. Farming and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of crops and fruits, poultry and livestock, grazing and dairying, tree and other vegetative production, whether for commercial or personal uses.
3. Uses customarily accessory to any of the above uses including home occupations, and private automobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals, or other similar structures.

(b) Conditional Use

1. Parks, playgrounds and community centers.
2. Biological gardens.
3. Schools and churches.
4. Hospitals, sanitariums, and institutional uses.
5. Cemeteries.
6. Recreational use including golf courses, cockpits, marinas, beaches, swimming pools, and accessory residential and commercial use.
7. Extractive industry.
8. Utilities and public facilities.
9. Wholesale and retail stores, shops and businesses.
10. Automobile service stations, including service shops.
11. Accessory uses and structures for the above.

§ 17104. "R1" one-family dwelling zone.

(a) Use Permitted

1. One-family dwellings.
2. Gardening and the keeping of pets for noncommercial purposes.
3. Use customarily accessory to any of the above uses including home occupations and private parking areas with accessory buildings and structures.

(b) Conditional Use

1. Duplexes.
2. Schools and churches.
3. Parks, playgrounds and community centers.
4. Health service office, outpatient with laboratory.
5. Utilities and public facilities.

§ 17105. "R2" multiple dwelling zone.

(a) Use Permitted

1. One-family dwellings.
2. Duplexes.
3. Multi-family dwellings.
4. Hotels, private groups and institutions.
5. Accessory uses and structures for the above.

(b) Conditional Uses

1. Any conditional uses permitted in the "R1" zone.
2. Health clinics.
3. Utilities and public facilities
4. Air, bus, taxi, auto, rental terminals.
5. Accessory uses and structures for the above.

(Amended by P. L. 11-60)

§ 17106. "C" commercial zone.

(a) Use Permitted

1. One-family dwellings.
2. Duplexes.
3. Wholesale and retail stores, shops and businesses.
4. Amusement enterprises.
5. Automobile service station, including minor repairs.
6. Bakeries.
7. Mortuaries.

8. Offices, business or professional, and banks.
9. Personal service shops, including barber shops, beauty parlors, laundromats, and the like.
10. Repair shops and service shops, including shoe repair shops, plumbing shops, dressmaking shops, and the like, but not including, automobile repair shops for major work.
11. Restaurants and cafes.
12. Studios.
13. Other uses which in the judgment of the Commission, as evidenced by resolution in writing, are similar to those listed herein.
14. Uses customarily accessory to any of the above listed uses, including only those accessory to manufacturing, storage, compounding, or processing activities which are necessary for the ordinary conduct of said listed uses and which are an integral part thereof.
15. Accessory structures for the above.

(b) Conditional Use
1. Hospital and clinics.
2. Public utility and other public buildings.
3. Shopping center
4. Recreation, including cockpits, marinas, amusement centers, drive-in theatres.
5. Multi-family.
6. Hotels, motels, tourist accommodations.
7. Air, bus, taxi, auto rental terminals.
8. Auto sales and car wash.
9. Parking garages and lots.
10. Service vehicle storage.
11. Laundries and cleaning and dyeing establishments.
12. Schools and churches.
13. Parks, playgrounds, community centers.
14. Utilities and public facilities.
15. Accessory uses and structures for the above.

§ 17107. "P" automobile parking zone.

(a) Use Permitted
1. Public or commercial parking area and garages.
2. Public access to adjoining parking areas.
3. Loading and unloading of automobiles or trucks, but not to use portions of required parking space.
4. Service vehicle storage after commercial hours.
5. Utilities and public facilities.
6. Accessory uses and structures for the above.

§ 17108. "M1" light industrial zone.

(a) Use Permitted
1. Any use permitted with or without condition in the commercial zone.
2. The manufacturing, compounding, processing or treating of such products as drugs, cosmetics, and food products (not including fish and meat products nor the rendering of fats and oils).
3. The manufacturing, compounding, assembling or treating of articles or merchandise from previously prepared materials.
4. Automobile repair shops including painting, body and fender work and rebuilding; truck and tractor repairing; and tire retreading.
5. Bottling and packaging plants.
6. Ceramic products manufacturing.
7. Laundries and cleaning and dyeing establishments.
8. Machine shops and sheet metal shops.
9. Warehouses and cold storage plants.
10. Lumber yards, building material salesyards, contractor's equipment storage yards, and the like.

11. Other uses which in the judgment of the Commissions, as evidenced by a resolution in writing, are similar to those listed herein.
12. Uses customarily accessory to any of the above listed uses, and accessory buildings.

(b) Conditional Use
1. Other industrial uses not objectionable, obnoxious or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, flashing lights, or water-carried waste.
2. Utilities and public facilities.
3. Accessory uses and buildings for the above.

§ 17109. "M2" heavy industrial zone.

(a) Use Permitted
1. Any uses permitted in the "M1" zone, excepting residential use.
2. Junk Yards. Under the special provisions set forth in Chapter X of this Title.
3. Any other uses not specifically prohibited by law, including those which are or may be objectionable, obnoxious, or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibrations, or water-carried waste.
4. Uses customarily accessory to any of the uses herein permitted, and accessory buildings and structures.

(b) Conditional Use
1. All residential uses.
2. Accessory uses and structures for the above.

§ 17110. "H" hotel-resort zone.

(a) Conditional Use
1. All tourist related activities.

[Original Chapter III, consisting of §§ 17100-17107, enacted 1952; original § 17108 added by P.L. 5-64, effective February 29, 1960; Chapter III was repealed and a new Chapter III added (§§ 17100-17109) by P. L. 9-252, effective August 29, 1968. Original § 17107 had been amended by P.L. 9-126, effective January 29, 1968.]

CHAPTER IV
Height Regulations

§ 17150. Height limit established.
§ 17151. Buildings and structures permitted above height limit.

§ 17150. Height limit established. In the "A," "R1," "LC," "R2," "C," "M1," and "M2" Zones, no building or structures shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved, or maintained, to exceed a height limit or two (2) stories (the two (2) stories shall not exceed a height of thirty (30) feet, except that in the "C" Zone within the "New Agana" lot and block system the building height limit shall be six (6) stories (the six (6) stories shall not exceed a height of seventy-five (75) feet).[Enacted 1952; amended by P.L. 7-19, effective May 9, 1963.]

§ 17151. Buildings and structures permitted above height limit. The following buildings, structures and equipment may be erected and maintained above the permitted height limit:

(a) In the "A" Zone, any building may exceed the height limit of two (2) stories or thirty (30) feet, if such building is located at least a distance equal to two (2) times the height of the building from any lot line;

(b) Shelters accessory to roof gardens or decks, providing such shelters are open on two (2) or more sides, occupy less than half the roof area, do not exceed the height limit by more than ten (10) feet, and are set back at least eight (8) feet from each lot line;

(c) Roof structures for the housing of stairways, tanks, ventilating fans, or similar structures and equipment for the maintenance of the building; and

(d) Aerials, flagpoles, skylights, steeples, towers, fire or parapet walls, or other similar structures.

(e) Hotels, provided, that for every foot in elevation exceeding the standard limitation, two (2) feet shall be added to each of the required yard depths and widths; and provided, further, that the height limit for any such hotel shall be six (6) stories (the six (6) stories shall not exceed a height of seventy-five (75) feet). [Enacted 1952; subsection (e) added by P.L. 9-197, effective July 1, 1968.]

CHAPTER V

Yard and Area Regulations

§ 17200. Minimum yards and lot areas established.
§ 17201. General Yard and area requirements.
§ 17202. Exceptions to yard and area regulations.
§ 17203. Statements of purpose: building and building height restrictions in beach areas.

§ 17200. **Minimum yards and lot areas established.** No building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved or maintained; on any lot, unless a front yard, a rear yard, and two (2) side yards are provided and maintained on such lot. The depth of such front and rear yards and the width of such side yards shall not be less than the depth and width specified in the following "Yards and Lot Area" table. Further, no lot width or lot area, nor any lot area per dwelling shall be less than that specified in said table. A commercial building to occupy the whole width of a lot must be of four-hour fire-resistive construction. If party walls are to be erected, the written consent of the owners of adjacent lots must be obtained as a prerequisite for the issuance of a building permit to start construction. If the building to be erected is not of fireproof construction, side yards of eight (8) feet wide must be provided. In the Rural (A) Zone all structures shall have front and rear yards of twenty-five (25) feet and side yards of fifteen (15) feet; the width of each lot shall be one hundred (100) feet with an area of not less than twenty thousand (20,000) square feet. The lot area per dwelling unit in the Rural Zone (A) shall be not less than ten thousand (10,000) square feet. (Amended by P. L. 15-57.)

YARD AND LOT AREA

Use	Front Yard Depth	Rear Yard Depth	Side Yard Depth	Lot Width	Lot Area	Lot Area per Dwelling Unit
Single Family	15 ft.	10 ft.	8 ft.	50 ft.	5,000 sq. ft.	5,000 sq. ft.
Multi-Family	15 ft.	10 ft.	8 ft.	50 ft.	5,000 sq. ft.	1,250 sq. ft.
Commercial	. . .	20 ft.	. . .	20 ft.	2,000 sq. ft.	400 sq. ft.
Light Indus.	. . .	20 ft.	8 ft.	50 ft.	5,000 sq. ft.	1,250 sq. ft.
Heavy Indus.	25 ft.	25 ft.	15 ft.	120 ft.	40,000 sq. ft.	. . . .

Unless facilities are otherwise provided for loading, the rear yard must be not less than twenty (20) feet in depth. [Enacted1952; amended by P.L. 9-103, effective August 23, 1967; further amended by P.L. 9-252, effective August 29, 1968.]

§ 17201. **General yard and area requirements.**

(a) No required yard of other open space provided about any building or structures for the purpose of complying with the provisions of this Title, shall be considered as providing a yard or open space for any other building or structure

(b) No lot or parcel of land under separate ownership at the time this law became effective shall be separated in ownership or reduced in size below minimum lot width or lot area set forth in the "Yards and Lot Area" table.

(c) Where a lot in the "R1" zone has an area of ten thousand (10,000) square feet or more, a one family dwelling may be erected and maintained

on each five thousand (5,000) square feet thereof, if front, side and rear yards of the depth and width specified in the "Yards and Lot Area" table are provided and maintained for each such dwelling.

(d) In the "C" and "M1" zones, every building hereafter erected on a lot which abuts a primary or secondary highway, as shown on a highway plan adopted by the Commission or Legislature, shall provide and maintain a front or side yard having a depth or width, as the case maybe, of not less than that required to conform to the line of such highway.

(e) A hotel or motel, while considered a multi-family use, requires a minimum of four hundred (400) square feet of lot area per living unit in a commercial zone.

(f) A cluster development may have a reduction of yards and lot width upon approval by the Commission. [Amended by P.L. 10-5, effective February 3, 1969.]

(g) Every building hereafter created on a lot which abuts a primary or secondary highway as shown on a highway plan adopted by the Commission or Legislature, shall provide and maintain a front yard having a depth of not less than that required to conform to the line of such highway. [Enacted 1952; amended by P.L. 9-252, effective August 29, 1968.]

§ 17202. Exceptions to yard and area regulations.

(a) No front yard need be provided on a lot in a hillside area where the topography of the lot is such as to make it unreasonable or impractical to locate a building on the lot and provide a front yard.

(b) No side yard need be provided for a dwelling or hotel erected above the ground floor of a building, where the ground floor is designed for commercial or industrial purposes.

(c) Cornices, eves, belt courses, sills, canopies or other similar architectural features, may project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may project into any other required yard space not more than thirty (30) inches.

(d) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may project into a required rear yard not more than four (4) feet, and such balconies may project into a required front yard not more than six (6) feet.

(e) Open, unenclosed porches, platforms, places, not covered by a roof or canopy, or landings, which do not extend above the level of the first floor of the building, may project into any required front, side or rear yard, not more than six (6) feet.

(f) A fence, lattice work screen, wall, or hedge, not more than six (6) feet in height, may be located in any required front, side or rear yard.

(g) In computing the lot area of a lot which abuts upon an alley one-half (1/2) the width of such alley may be assumed to be assumed to be a portion of the lot.

(h) Accessory buildings or structures may be located and maintained in a rear yard, except in the required ten (10) foot rear yard which is that portion adjoining the rearmost main building on the lot. Such building or structures may also be located and maintained in any side yard, except in the required eight (8) foot side yards adjoining each of the side lot lines. When such buildings or structures are to be used exclusively for storage or as outdoor cooking facilities, they may be located in a rear yard walls erected on the rear and/or side lot lines; provided that such buildings or structure shall not exceed sixty (60) square feet of floor space and the roofs thereof shall not project beyond the rear or side lot lines and shall be sloped in such a manner as to prevent rain run-off from flowing to adjacent property. A storage or cooking facility may only be constructed on residential lots which meet the yard requirements provided by Section 17200 of this Code. (Included in original Government Code of Guam, enacted by P. L. 1-88, and amended by P. L. 15-61.)

§ 17203. Statement of purpose: building and building height restrictions in beach areas.

(a) The legislature finds that the indiscriminate building of structures on the beaches of the Territory of Guam creates a menace to the well-

being of the people of the territory by increasing the pollution of tidal waters, that such construction, in addition, deprives the people of Guam of their right to the untrammeled use of beach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam's beaches, one of the territory's greatest natural resources. Accordingly, it is the purpose of the restrictions hereinafter contained to protect the beaches of Guam for future generations, to alleviate the health problems caused by construction near tidal areas, and to make certain that the people of Guam remain free to use the beaches of the terretory to the maximum extent not incompatible with private ownership of the lands adjoining said beaches.

(b) Along any beach in the Territory of Guam, no building may be constructed within thirty-five feet (35') of the mean high water mark bounding said beach, nor may any building higher than twenty feet (20') be constructed within seventy-five feet (75') of the said mean high water mark; provided, however, that if thirty percent (30%) or more of the land area of any lot bounded by a beach is affected by the provisions hereof, then as to such lot, the building restriction is reduced from thirty-five feet (35') to twenty feet (20'). For purposes of this section the term "beach" does not include those areas where the shoreline is a cliff or bluff higher than twenty-five feet (25'), nor shall it include those areas where the shoreline is bounded by village lots containing no more than a thousand (1000) square meters in those villages wherein residences have been constructed along the shoreline since prior to the Second World War, and the term "building" includes any structure except a retaining wall that cannot be seen. (Added by P.L. 12-19, effective April 12, 1973.)

CHAPTER VI

Accessory Buildings

§ 17250. Location of accessory buildings.

§ 17250. Location of accessory buildings. In the "A," "R1," and "R2" zones, no accessory building shall be erected or maintained and no existing building shall be enlarged, moved or maintained, unless such accessory building is located on the lot in conformance with following regulations:

(a) Every accessory building shall be located on the rear one-half (1/2) of the lot and shall be not less than eight (8) feet from the side street lot line of a corner lot;

(b) Every accessory building located in a rear yard (between the rear lot line and the rearmost main building on the lot) shall be not less than ten (10) feet from said main building and not less than five (5) feet from any lot line which is not a street line;

(c) Every accessory building located in a side yard (between the side lot line and side of a main building) shall be not less than five (5) feet from such main building and not less than eight (8) feet from the side lot line; and

(d) No accessory building shall be located in a front yard or on the front one-half (1/2) of a lot, except on hillside lots where the topography makes it impractical to conform to the other regulations of this article. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

CHAPTER VII

Nonconforming Buildings and Uses

§ 17300. Nonconforming buildings.
§ 17301. Nonconforming use of buildings.
§ 17302. Nonconforming use of land.
§ 17303. Nonconforming by reclassification or change.

§ 17300. Nonconforming buildings.

(a) A nonconforming building may be maintained and repaired, except as otherwise provided in this section.

(b) A building nonconforming as to use regulations shall not be added to or enlarged in any manner, unless said building, including such additions and enlargements, is made to conform to all the regulations of the zone in which it is located.

(c) A building nonconforming as to height or yard regulations may be added to or enlarged if such addition or enlargement conforms to all the regulations of the zone in which it is located; provided, that a residential building nonconforming as to height regulations may be added to or enlarged notwithstanding the fact that such addition or enlargement may violate yard regulations, and a building nonconforming as to yard regulations may be added to or enlarged notwithstanding the fact that such addition or enlargement violates height regulations. (Added by P.L. 12-160 dated March 29, 1974. The aforementioned provision shall be applied to alterations, addition, or improvements constructed prior to the effective date of this act.)

(d) A nonconforming building which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity, to the extent of not more than fifty percent (50%) of its value at the time of such damage or destruction, may be restored if the total cost of such restoration does not exceed fifty percent (50%) of the value of the building at the time of such damage or destruction. Where the damage or destruction exceeds said value, the building shall not be repaired or reconstructed unless the entire building is made to conform to all regulations for a new building in the zone in which it is located.

(e) A building nonconforming as to restrictions set forth in § 17203 of this Title may be maintained and repaired but may not be enlarged, and in the case of its damage or partial destruction by fire, flood, wind, earthquake, or other calamity, to the extent of not more than fifty percent (50%) of its replacement cost at the time of such damage or destruction, then it may be restored if the total cost of such restoration does not exceed fifty percent (50%) of the replacement cost of the building at the time of such damage or destruction. Where the damage or destruction exceeds said cost, the building shall not be repaired or reconstructed. [Enacted 1952; subsection (e) added by P.L. 9-163, effective March 7, 1968.]

§ 17301. Nonconforming use of buildings.

(a) The nonconforming use of a building, existing at the time this law became effective, may be continued.

(b) The use of a nonconforming building may be changed to any other use which is permitted in the same zone as the use for which the building or structure is designed or intended. The use of a non-conforming building may also be changed to any use permitted in a more restricted zone classification. Where the use of a non-conforming building is hereafter changed to a use of a more restricted zone classification, it shall not thereafter be changed to a use of a less restricted zone classification. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

§ 17302. Nonconforming use of land. The nonconforming use of land, existing at the time this law became effective, may be continued except that such use shall not be extended either on the same or on to adjoining property. Where a nonconforming use of land is discontinued or

changed, any future use of such land shall be in conformity with the provisions of this Title. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

§ 17303. **Nonconforming by reclassification or change.** The foregoing provisions of this Title shall also apply to buildings, land and uses which hereafter become nonconforming due to any classification or reclassification of zone or to any change in the provisions of this Title. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

CHAPTER VIII

Automobile Parking and Loading Space Regulations

§ 17350. **Automobile parking space.**
§ 17351. **General requirements.**
§ 17352. **Loading space**

§ 17350. **Automobile parking space.** Off-street automobile parking space shall be provided as follows:

(a) For dwellings, at least one (1) automobile parking space for each dwelling unit. (P.L. 12-163);

(b) For hotels, at least one (1) automobile parking space for each four (4) guest rooms (P.L. 12-163);

(c) For places of assembly, such as churches, auditorium or theatres with seating facilities, one parking space for each four (4) seats (P.L. 12-163);

(d) For places of assembly such as restaurants or night clubs without fixed seating facilites (P.L. 12-163); one (1) parking space for each one hundred (100) square feet of customers area in such use (P.L. 12-163);

(e) For retail sales of building materials, and goods requiring extensive display areas, industrial buildings and warehouses, one (1) parking space for each eight hundred (800) square feet of area in such use, exclusive of loading requirements (P.L. 12-163);

(f) For retail and wholesale sales and services, exclusive of warehouse activity, at least one (1) space for each one hundred (100) square feet or portion thereof of usable commercial floor area (P.L. 12-163);

(g) For professional and business offices, public administration offices, one (1) parking space for each four hundred (400) square feet or portion thereof of floor area (P.L. 12-177);

(h) For offices and clinics, of healing arts, at least five (5) spaces for each practioners (P.L. 12-163);

(i) For hospitals and nursing homes, at least one (1) space for each two (2) beds (P.L. 12-163);

(j) Three (3) spaces for every four (4) employees (P.L. 12-163);

(k) Total parking requirements will be a total of all applicable elements in paragraphs (a) through (k) (P.L. 12-163);

(l) Appropriate parking space for open space activities such as swimming, beaches, picnic area, campgrounds, boating areas, shall be determined by the Territorial Planning Commission (P.L. 12-163).

§ 17351. **General requirements.**

(a) Automobile parking space required by this Title shall be provided at the time of the erection of any main building or at the time any existing main building is enlarged or increased in capacity by adding dwelling units, guest rooms or floor area, and such parking space shall thereafter be maintained (P. L. 12-142);

(b) In the case of a dwelling, the automobile parking space shall be on the same lot and may be provided either in a private garage or in a private automobile parking area (P. L. 12-142);

(c) In the case of multi-residential buildings, churches, theatres, clinics, commercial or industrial buildings, the automobile parking space shall be on the same lot or may be provided in a parking garage available to the public or a private parking area adjacent thereto (P. L. 12-142).

(d) Every automobile parking space shall contain a minimum of one hundred and eighty (180) square feet and shall have adequate access to a public right-of-way (P. L. 12-142).

§ 17352. **Loading space.** Off-street loading spaces for every commercial or industrial building shall be provided, located and scaled to meet the anticipated needs of all establishments and activities likely to require such space. In general, off-street loading space shall be located in service areas at the rear or sides of establishments in such a way that there will be minimum interference with off-street parking or vehicular movement in off-street parking areas (P. L. 12-142).

CHAPTER IX
Sign Regulations

§ 17400. Restriction of use.
§ 17401. Erection of signs.

§ 17400. **Restriction of use.** No structure of any kind or character erected or maintained for outdoor advertising or identification purposes upon which any poster, bill, printing, painting, or other advertisement of any kind whatsoever is placed, including statuary for advertising or indentification purposes, and no card, cloth, paper, metal, painted or wooden sign of any character placed for outdoor advertising or identification purposes, on or to the ground or any tree, wall, bush, rock, fence, building, structure or thing, either privately or publicly owned, shall be placed or maintained on property adjacent to any highway, road, street, boulevard, lane, court, place, summons, trail, way, or other right of way or easement used for or laid out and intended for public passage of vehicles or of vehicles and persons except as provided below:

a. In Residential and Agricultural zones no exterior name plate or sign shall be erected, displayed, or maintained, except the following:

(1) One (1) non-moving, non-flashing sign for each family residing on the premises indicating the name of the resident or pertaining to a permitted occupation provided that each such sign does not exceed three (3) square feet in area.

(2) One (1) on-moving, non-flashing sign, not exceeding twelve (12) square feet in area, pertaining to permitted buildings, structures, and uses of the premises other than dwellings and occupations permitted therin.

(3) Temporary unlighted signs aggregating not over twenty-four (24) square feet in area pertaining to the sale or lease of the premises.

(4) Unlighted directional signs not exceeding three (3) square feet in area pertaining to churches, schools, institutions and other public or nonprofit uses.

b. In commercial zones, no exterior signs shall be erected, displayed or maintained except the following:

(1) Signs indicating the name of a person or the type of business occupying the premises or the name of the building, provided that:

(a) Individual signs shall be non-flashing and non-moving.

(b) Individual signs shall be placed flat on the building wall, shall not be higher than the roof line of the building, and shall project no further than eighteen (18) inches from the wall to which they are attached.

(c) Individual signs shall not cover an area in excess of five percent (05%) of the surface of the wall to which they are attached.

(2) Free Standing, double-faced signs indicating the name of a person or the type of business occupying the premises or the name of the

building, provided that:

(a) Such sign shall not exceed forty (40) square feet in area on each face nor twelve (12) feet in height.

(b) Such structure shall not be placed closer than ten (10) feet to any street or highway right of way; and

(c) One such sign shall be permitted for each premises or building. Amended by [P. L. 15-140, September 5, 1980.]

c. In Industrial zones no exterior signs shall be erected, displayed or maintained except the following:

(1) Signs indicating the name of the person, or the type of industry occupying the premises or the name of the building, provided that:

(a) Individual signs shall be non-flashing and non-moving.

(b) Individual signs shall be placed flat on the building wall, shall not be higher than the roof line of the building, and shall project no further than eighteen (18) inches from the wall to which they are attached.

(c) Individual signs shall not cover an area in excess of ten percent (10%) of the surface of the wall to which they are attached.

(2) Free standing signs identifying the name of the owner or occupant of the premises, or advertising goods manufactured or produced, or services rendered, on the premises, provided that:

(a) Such sign shall not exceed sixty (60) square feet in area nor twelve feet (12) in height.

(b) Such structure shall not be placed closer than ten (10) feet to any street or highway right of way.

(c) Such signs shall be non-moving and non-flashing.

(d) One (1) such sign shall be allowed for each industrial structure, or complex of structures housing a single industrial user.

d. The provisions of this section shall not apply to any sign placed by or for purposes of any charitable, religious and civic organization, individual or entity, if the same remains posted or erected for a period of not more than sixty (60) days.

§ 17401. Erection of Signs. All permitted signs shall be erected in such a manner as not to create a hazard to public safety or property, and shall be resistant to winds, typhoon, earthquake or other natural phenomenon. Engineering design shall be based on applicable sections of the Building Law of Guam (Title XXXII Government Code of Guam).

The Building Official shall set specific engineering design standards. Application, accompanied by detailed drawings and specifications shall be submitted to the Building Official, who will review said plans and grant permit for the erection of said sign, free-standing or attached. The Building Official shall refer said plans to the zoning inspector to assure conformity to the provisions of this Chapter. [Original Chapter IX, consisting of §§ 17400-17403 as enacted in 1952 and added by P.L. 2-12, effective February 17, 1953, was repealed and New Chapter IX (§§ 17400-17401) added by P.L. 8-176, effective August 19, 1966.]

CHAPTER X
Junk Yards

§ 17425. Permits required.
§ 17426. Improvement standards.
§ 17427. Application required.
§ 17428. Hearing required.
§ 17429. Permit issued or denied.
§ 17420. Nonconforming junk yards.

§ 17425. **Permits required.** No person shall establish a junk yard or extend the boundries of an existing junk yard without obtaining a permit from the Territorial Planning Commission. Junk yards which are established on the effective date of this Chapter shall be governed by the provisions of § 17430.

§ 17426. **Improvement standards.**
(a) The minimum enclosed area for a junk yard shall be forty thousand (40,000) square feet.
(b) The junk yard shall be enclosed by a fence not less than eight (8) feet in height.
(c) The junk yard enclosure shall be set back forty (40) feet from any public road, and twenty (20) feet from all abutting property lines.
(d) The exterior yards established by subparagraph (c) above shall be maintained in a sanitary and not unsightly manner.

§ 17427. **Application required.** The owner shall make application for the issuance of a permit under this Chapter to the Territorial Planning Commission. Such application shall include:
(a) A statement of intent.
(b) A map of the general area showing the subject lot and all abutting properties, with names and addresses of owners; and
(c) A proposed site plan, showing proposed enclosure, access and egress.

§ 17428. **Hearing required.** Within one (1) month of the first regularly scheduled Territorial Planning Commission meeting after receipt of an application, the Territorial Planning Commission shall hold a public hearing on the proposed junk yard. The Territorial Planning Commission shall cause notice of such application and hearing to be sent to abutting property owners by registered mail, and advertisement of such hearing to appear in a newspaper of general circulation throughout the territory at least ten (10) days prior to the hearing.

§ 17429. **Permit issued or denied.** After such public hearing, if the Territorial Planning Commission determines that the standards set forth in § 17451 are met, the Territorial Planning Commission shall issue a permit. Any person aggrieved by a decision of the Territorial Planning Commission under this section shall have the right to appeal to the Island Court as provided in § 17506 of this Title.

§ 17430. **Nonconforming junk yards.**
(a) The nonconforming use of a building or premises for the purpose of operating a junk yard within any Agricultural (A), Residential (R1 and R2), or Commercial Zone (C and LC) shall, within five (5) years after the effective date of this Chapter, be discontinued and the building or premises thereafter devoted to a use permitted in the zone in which such building or premises are located.
(b) The nonconforming use of a building or premises for the purpose of operating a junk yard within a Light Industrial (M1) Zone may continue subject to the provisions of Chapter VII of this Title, provided that it is made to conform to the provisions of § 17426 within the (1) year of the effective date of this Chapter. If such action is not taken, the provisions of subparagraph (a) shall apply. [Original Chapter X, consisting of §§ 17450-17453 renumbered to Chapter XI by P.L. 9-126, approved January 29, 1968, effective March 29, 1968. New Chapter X, consisting of §§ 17425-17430, added by P.L. 9-126, approved January 29, 1968, effective March 29, 1968.]

CHAPTER XI
Administration and Enforcement

§ 17450. Enforcement.
§ 17451. Building permit required.
§ 17452. Building permit not to be issued.
§ 17453. License approval required.

§ 17450. **Enforcement.** The Building Official designated in Title XXXII of the Government Code of Guam shall have the power and duty to enforce the provisions of this law. All authority granted to him by Title XXXII of this Code may be used in furtherance of these enforcement activities, whenever such authority is necessary and applicable. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

§ 17451. **Building permit required.** Before commencing the construction of a new building or structure, or the alteration, enlargement or moving of an existing building or structure, a building permit authorizing such work shall first be obtained from the Building Official as provided for in Title XXXII of the Government Code of Guam; provided, however, that the Building Official may delegate the authority to issue permits outside of the organized villages to the commissioners referred to in Title XXVI of this Code. [Amended by P.L. 2-21, effective June 23, 1953; included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

§ 17452. **Building permit not to be issued.** No building permit or certificate of occupancy shall be issued by the Building Official for the erection, alteration, enlargement, or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this law. Any building permit or certificate of occupancy issued in conflict with the provisions of this Title, shall be null and void. [included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

§ 17453. **License approval required.** No license pertaining to the use of land or building shall be issued by any department, officer or employee of the government of Guam, vested with such duty, unless the application for such license has been approved by the Building Official as to the conformance of said use with the provisions of this Title. Any license issued in conflict with the provisions of this Title shall be null and void. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.] [Renumbered to Chapter XI from original Chapter X by P.L. 9-126, approved January 29, 1968, effective March 29, 1968.]

CHAPTER XII
Appeals and Reviews

§ 17500. Appeals involving administration enforcement.
§ 17501. Variances.
§ 17502. Variance requirements.
§ 17503. Variance application - form and contents.
§ 17504. Hearing date - notice.

§ 17505. Decision by Territorial Planning Commission.
§ 17506. Decision final - appeal.
§ 17507. Jurisdiction.

§ 17500. **Appeals involving administration enforcement.** The Territorial Planning Commission shall also have and exercise the following powers:

(a) To hear and decide appeals where it is alleged by the appellant that there is an error in any refusal of a building permit or certificate of occupancy, or other order, requirement, or decision made by the Building Official or other administration official in the administration of this Title; and

(b) To hear and decide appeals from any order, requirement, decision or determination made by the Building Official in the enforcement of the provisions of this Title.

The procedure for filing such appeals as well as the procedure governing the actions of the Commission theron, shall be similar as that set forth in §§ 31062-31071 inclusive of Title XXXII of the Government Code of Guam. [Enacted 1952; amended by P.L. 7-91, effective February 13,1964.]

§ 17501. **Variances.** Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Title would occur from its strict literal interpretation or enforcement, the Territorial Planning Commission shall have authority to grant such variances therefrom as may be in harmony with its general purpose and intent, so that the spirit of the law shall be observed, public safety secured, and substantial justice done, including the following:

(a) Permit the extension of an existing or proposed conforming building or use into and adjoining more restricted zone for a distance not exceeding fifty (50) feet;

(b) Permit a building or use (including automobile parking) on a lot immediately adjoining or across an alley from a less restricted zone, upon such conditions and safeguards as will tend to cause an effective transition from the less restricted to the more restricted zone;

(c) Permit the addition, enlargement or moving of a nonconforming building or structure;

(d) Permit such modification of the height regulations as may be necessary to secure an appropriate building or structure on a lot which has such physical characteristics or is so located with relation to surrounding development that it cannot be properly improved without such modification;

(e) Permit such modification of the yard, lot width or lot area regulations or requirements as may be necessary to secure an appropriate building or structure on a lot which is of such size, shape or topography, or is located in relation to adjacent property or improvements that it cannot be appropriately improved without such modification;

(f) Permit such modifications on the lot area per dwelling unit (density) requirements as may be necessary to secure an appropriate development of a lot in keeping with its size and location;

(g) Permit the modification or waiver of the automobile parking space or loading space requirements where such modification would not be inconsistent with the purpose of this Title;

(h) Permit temporary buildings or uses for a period not to exceed two (2) years in undeveloped areas;

(i) Permit the following uses in zones from which theyare prohibited by this Title: Governmental enterprises; public utilities and public

service uses or structures; hospitals or institutions; or development of natural resources.

(j) Permit the construction of buildings in violation of the restrictions of § 17203 of this Title. [Enacted 1952; Subsection (j) added by P.L. 9-163, effective March 7, 1968.]

§ 17501 (k). [§ 17501 (j)]. "Permit the owner of a lot in a rural zone to parcel therefrom one lot not less than ten thousand (10,000) square feet in area to be used for a single family residence, such variance to be conditioned upon a prohibition on any subsequent parcelling of the lot and that the parcelled out lot be served by water and power and a public road." [Subparagraph (k) added as (j) by P.L. 10-173, effective August 15, 1970; relettered to (k) by Editor.]

§ 17502. **Variance requirements.** No variance shall be granted by the Commission unless it finds:

(a) That the strict application of the provisions of this Title would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the law;

(b) That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone.

(c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in th zone or neighborhood in which the property is located; and

(d) That the granting of such variance will not be contrary to the objectives of any part of the "Master Plan" adopted by the Commission or Legislature.

(e) That, as to variances from the restrictions of § 17203 of this Title, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed and that such building will not interfere with or adversely affect the surrounding property owners' or the public's right to an untrammeled use of the beach and its natural beauty. [Subsection (e) added by P.L. 9-163, effective March 7, 1968.]

The above requirements need not apply to the types of uses specified in § 17501 (i), and variances for such uses shall only be granted by the Commission where it finds that they are deemed essential or desirable to the public convenience or welfare, are in harmony with the various elements or objectives of the "Master Plan," and will not be materially detrimental or injurious to the property or improvements in the immediate neighborhood. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

§ 17503. **Variance application - form and contents.** An application for variance shall be filed with the Executive Secretary of the Commission upon a form and accompanied by such data and information as the Commission may prescribe. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

§ 17504. **Hearing date - notice.** Upon the filing of variance application the Commission shall fix a reasonable time for hearing the same and shall give notice thereof to the applicant and may give notice to any other parties in interest. All hearings shall be conducted according to rules established by the Commission, but any party in interest may appear in person, or by designated attorney or agent.[Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

§ 17505. **Decision by Territorial Planning Commission.** If, from the facts presented with the application at the hearing, or by investigation by or at the instance of the Commission, the Commission makes the findings set forth in § 17502, it may grant the variance in whole or in part, upon such terms and conditions as it deems necessary to conform to the general intent and purpose of this law. If the Commission fails to make said findings, it shall deny the application. Each decision by the Commission authorizing a variance from the regulations herein established must be by resolution adopted by a majority of its membership, setting forth in writing the findings required by § 17502, except that no written findings shall be required in granting minor variances from the height, yard, lot width, lot area or lot area per dwelling unit requirements. The Commission shall make its decision on each variance application within a reasonable time and shall forthwith furnish a copy thereof to the applicant and to other parties in interest who have requested to be notified. Additional copies of the decision shall be filed in the records of the Department of Public Works. If the decision filed involves a variance granted by the Commission, said variance shall be the authority for the Director of Land Management to endorse and to issue any building permit or certificate of occupancy in conformance thereto and for the approval of any application for the approval of a required license. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

§ 17506. **Decision final - appeal.** The decision by the Commission on any variance shall be final, except that any party aggrieved by such decision shall be entitled to a judicial review thereof by application to the Island Court within fifteen (15) days after the filing of the Commission's decision in the Department of Land Management and the Department of Public Works. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952.]

§ 17507. **Jurisdiction.** The Island Court of Guam shall have jurisdiction over all actions arising from the provisions of this Title. [added by P.L. 7-91, effective February 13, 1964.] [Chapter XII renumbered from original Chapter XI by P.L. 9-126, approved January 29, 1968, effective March 29, 1968.]

CHAPTER XIII
Changes of Zones

§ 17600. **Requirements for changes.**
§ 17601. **Procedure.**
§ 17602. **Application - form and contents.**
§ 17603. **Hearing date - notice.**
§ 17604. **Decision by Commission.**
§ 17605. **Planned development districts.**
§ 17606. **Change of "Zoning Map."**
§ 17607. Zone Restricts

§ 17600. **Requirements for changes.** The Commission may, with the approval of the Governor, change the zones established under this Title whenever it finds that the public necessity, convenience and general welfare justify such action. [Enacted 1952; repealed and added by P.L. 6-136, effective December 18, 1962.]

§ 17601. **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. [Enacted 1952; repealed and added by P.L. 6-136, effective December 18, 1962.]

§ 17602. **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. [enacted 1952; repealed and added by P.L. 6-136, effective December 18, 1962.]

§ 17603. **Hearing date - notice.** Upon the filing of an application for change of zone, the Commission shall hold at least one (1) hearing thereon in the municipal district where the property to be rezoned is located, as such districts are described in Chapter I of Title XVI of this Code, notice of time and place of which shall be given by at least one (1) 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. [Amended by P.L. 10-158, effective July 3, 1970.]

§ 17604. **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 determinations 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. [Enacted 1952; repealed and added by P.L. 6-136, effective December 18, 1962.]

§ 17605. **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 Planning Commission. The application shall be accompanied by the appropriate fee and the detailed plan, or revision thereof. The Territorial Planning 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 that thirty percent (30%) of the area;

(e) A project adequately serviced by the necessary public services, existing or proposed;

(f) A project consisten 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.

In approving a detailed development plan, the Territorial Planning Commission may impose such regulations of yards, open space, lot coverage, density, and height as are reasonably required to permit the foregoing findings. [Enacted 1952; repealed and added by P.L. 6-136, effective December 18, 1962; repealed and added by P.L. 9-232, effective August 10, 1968.]

§ 17606. **Change of "Zoning Map."** Any change of zones or approval of comprehensive community plan pursuant to this Chapter shall be endorsed and delineated upon the "Zoning Map" and shall constiture an amendment of said map. [Added by P.L. 6-136, effective December 18, 1962.] [Chapter XIII renumber from original Chapter XII by P.L. 9-126, approved January 29, 1968, effective March 29, 1968.]

§ 17607. No additional land may be established as "Rural Zone" and no land presently zoned "A" may be rezoned without the Commission first having considered 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 therefore. (Added by P. L. 12-208)

CHAPTER XIV

Recording - Submission to the Legislature

§ 17625. **Recording.**
§ 17626. **Inspection.**
§ 17627. **Submission to the Legislature.**
§ 17628. **Failure to submit.**

§ 17625. **Recording.** Upon the approval of any "Zoning Map" or amendment thereto, a copy of same shall be recorded in the Department of Land Management.

§ 17626. **Inspection.** Any "Zoning Map" or amendment thereto recorded pursuant to this Chapter shall be open to public inspection during normal government business hours.

§ 17627. **Submission to the Legislature.** The "Zoning Map" or amendment thereto adopted by the Commission and approved by the Governor shall be submitted to the next portion of the next regular session of the Legislature convening after the said approval. The "Zoning Map" or any amendments thereto shall remain in effect unless amended or repealed by statute.

§ 17628. **Failure to submit.** The "Zoning Map" or any amendments thereto not submitted to the Legislature in accordance with this Chapter shall become automatically inoperative and void at midnight of the last day of the session to which it should have been submitted.

[Editor's Note: Chapter XIV was added as new Chapter XIII by P.L. 6-136, effective December 18, 1962. Original Chapter XIII, as enacted in 1952, was renumbered to Chapter XIV by P.L. 6-136, effective December 18, 1962. New Chapter XIII and old Chapter XIV were renumbered to present Chapters XIV and XV respectively by P.L. 9-126, approved January 29, 1968, and effective March 29, 1968.]

CHAPTER XV
Fees

§ 17650. Filing fees for appeals - variances - changes of zones.

§ 17650. **Filing fees for appeals - variances - changes of zones.** Before accepting for filing any application hereafter mentioned, the Commission shall charge and collect the following filing fees:

(a) For Appeals	$ 10.00
(b) For variances	$ 15.00
(c) For changes of zones	$ 10.00

[Amended by P.L. 10-156, effective July 3, 1970.]

CHAPTER XVI
Penalty for Violation

§ 17700. Penalty

§ 17700. **Penalty.** Any person, firm, corporation or officer thereof, violating any of the provisions of this Title shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one hundred dollars ($100.00) or by imprisonment in jail for a period of not more than one (1) month, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty for each day during any portion of which any violation is committed, continued, or permitted and shall be punishable as herein provided. [Included in Original Government Code of Guam enacted by P.L. 1-88, 1952, as Chapter XIV; renumbered to Chapter XV by P.L. 6-136, effective December 18, 1962; further renumbered to Chapter XVI by P.L. 9-126, approved January 29, 1968, effective March 29, 1968.]

APPENDIX B

TERRITORIAL SEASHORE PROTECTION ACT

TITLE XIV

GOVERNMENT CODE

TITLE XIV

SEASHORE PROTECTION ACT

CHAPTER V-A

Section 13410 Guam Territorial Seashore Protection Act
13411 General Provisions
13412 Definitions
13413 Commissions
13414 Conflict of Interest and Prohibitions
13415 Power and Duties of the Commission
13416 Commission's Responsibilities
13417 Permit Control
13418 Penalties
13419 Severability
13420 Authorization and Appropriation

Section 13410. This Chapter may be cited as the Guam Territorial Seashore Protection Act of 1974 enacted P.L. 12-108, 1974.

Section 13411. The people of the territory of Guam hereby find and declare that the Guam Territorial Seashore Reserve is a distinct and valuable natural resource belonging to all the people of Guam and existing as a delicately balanced ecosystem; that the permanent protection of the natural, scenic, and historical resources of the seashore reserve is a paramount concern to the present and future residents of this island; that in order to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marinelife, and other ocean resources, and the natural environment, it is necessary to preserve the the ecological balance of the seashore reserve and prevent its deterioration and destruction; that it is the policy of this territory to preserve and protect the resources of the seashore reserve for the enjoyment of the current and succeeding generations, and that to protect the seashore reserve, it is necessary:

(a) To study the seashore reserve to determine the ecological planning principles and assumptions needed to ensure conservation of its resources;

(b) To prepare, based upon such study and in full consultation with all affected governmental agencies and departments, private interests and the general public, a comprehensive, coordinated, enforceable plan for the orderly, long-range conservation, management and development of the seashore reserve;

(c) To ensure that any development which occurs in the seashore reserve during the study and planning period will be consistent with the objectives of this Chapter;

(d) That the Board of Directors, Territorial Seashore Protection Commission is hereby charged with the responsibility of implementing the provisions of this Chapter.

Section 13412. Definitions. (a) 'Commission' means Guam Territorial Seashore Protection Commission.

(b) 'Board' means the Board of Directors of the Commission.

(c) 'Seashore reserve' means that land and water area of Guam extending seaward to the ten fathom contour, including all islands within the Government's jurisdiction except Cabras and these villages wherein residences have been constructed along the shoreline prior to the effective date of the Seashore Act, and extended inland to the nearest of the following points:

(1) From the mean high water one for a distance on a horizontal plane of ten (10) meters.

(2) From the mean high water line to the inland edge of the nearest public right-of-way, P.L. 13-154, 1976.

(d) 'Development' means, on land, in or under water, the placement or erection of any solid material or structure; discharge of disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivison of land and any other division of land including lot splits; change in the intensity of use of water, ecology related thereto, or of access thereto; construction or reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility, and the removal of major vegetation.

(e) 'Improved residential property' means a detached, noncommercial residential dwelling, the construction of which was begun before September 1, 1972, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Commission shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(f) 'Person' includes any individual, organization, partnership, and corporation, including any utility and any agency of federal, territorial, and local government.

(g) 'Plan' means the Guam Seashore Reserve Plan.

(h) 'Sea' means the Pacific Ocean or the Philippine Sea.

Section 13413. Commission Creation, Membership and Compensation. (a) There is hereby created a Guam Territorial Seashore Protection Commission (heareinafter referred to as the 'Commission'), consisting of the seven members of the Territorial Planning Cômmission and the members shall hold office so long as they remain members of the Territorial Planning Commission. P.L. 13-52, 1975

(b) Commission members shall serve without compensation except that each member shall be paid a per diem of Twenty-Five Dollars ($25.00) for each days' attendance at a meeting of the Commission. Each member shall also be allowed actual expenses incurred in the discharge of his duties." P.L. 13-52.

Section 13414. Conflict of interest. (a) No member of the Commission or employee of the Commission shall participate, in any official capacity whatsoever, in any proceeding, hearing, application, request for ruling or other official determination, judicial or otherwise, in which any of the following has a finanacial interest: the member or employee himself; his spouse; his child; his partner; any organization in which he is then serving or has, within two (2) years prior to his selection or appointment to or employment by the Commission, served in the capacity of officer, director, trustee, partner, employer or employee; any organization within which he is negotiating for or has any arrangement or understanding concerning prospective partnership or employment.

(b) In any case within the coverage of this section, the prohibitions herein contained shall not apply if the person concerned advises the Board in advance of the nature and circumstances thereof, including full public disclosure of the facts which may potentially give rise to a violation of this article, and obtains from the Board a written determination that the contemplated action will not adversely affect the integrity of the Commission. Any such determination shall require the affirmative vote of two-thirds of the members of the Board.

(c) Any person who violates any provision of this section shall, upon conviction, and for each such offense, by subject to a fine of not more than Ten Thousand Dollars ($10,000) or imprisonment for not more than two (2) years, or both.

Section 13415. Powers and Duties. The Board may:

(a) Accept grants, contributions, and appropriations;

(b) Employ and fix the compensation, in accordance with law, of such professional clerical and other assistants as may be necessary;

(c) (1) Through coordination and assistance with other government departments and agencies, acquired lands, waters, and interests therein with the boundaries of the seashore reserve, by donation, purchase with donated or appropriated funds, by exchange for government land, or transfer. All property owned by the territory of Guam within the seashore reserve is hereby dedicated for the purpose of this Chapter.

(2) With respect to improved residential property acquired for the purposes of this Chapter, which is beneficially owned by a natural person and which the Board determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the coastal reserve, the owner thereof may on the date of its acquisition by the Commission retain a right of use and occupancy of the property for noncommercial residential purposes for a term, as the owner may elect, ending either (a) at the death of the owner or his spouse, whichever occurs later, or (b) not more than twenty-five (25) years from the date of acquisition. Any right so retained may during its existence be transferred or assigned. The Commission shall have paid to such owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(3) The Board may terminate a right of use and occupancy retained pursuant to this subsection upon a determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Chapter, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination;

(d) Contract for any professional services if such work or services cannot satisfactorily be performed by its employees;

(e) Be sued and sue to obtain any remedy to restrain violations of this Chapter. Upon the request of the Commission, the Attorney General shall provide necessary legal representation;

(f) Adopt any regulations or take any action it deems reasonable and necessary to carry out the provisions of this Chapter, but no regulations shall be adopted without a prior public hearing.

Section 13416. Commission responsibilities. The Commission shall:

(a) Elect a chairman.

(b) Appoint an Administrator who shall not be a member of the Commission and who shall have the responsibility for the administration of this Act under the supervision of the Commission.

(c) Prepare, adopt and submit to the Legislature for implementation the Guam Seashore Reserve Plan.

(1) The plan shall be based on detailed studies of all the factors that significantly affect the seashore reserve.

(2) The plan shall be consistent with all of the following objectives:

(a) The maintenance, restoration, and enhancement of the overall quality of the seashore reserve environment, including, but not limited to, its amenities and aesthetic values.

(b) The continued existence of optimum populations of all species of living organism.

(c) The orderly, balance utilization and preservation, consistent with sound conservation principles, of all living and nonliving seahsore reserve resources.

(d) Avoidance of irreversible and irretrievable commitments of seashore reserve resources.

(e) Public access for maximum visual and physical use and enjoyment of the seashore reserve by the public.

(3) The plan shall consist of such maps, text and statements of policies and objectives as the Commission determines are necessary.

(4) The plan shall contain at least the following specific components:

(a) A precise, comprehensive definition of the public interest in the seashore reserve.

(b) Ecological planning principles and assumptions to be used in determining the suitability and extent of allowable development.

(c) A component which includes the following elements:

(1) A land-use element.

(2) A conservation for the preservation and management of the scenic and other natural resources of the seashore reserve.

(3) A public access for maximum visual and physical use and enjoyment of the coastal reserve by the public.

(4) A recreation element.

(5) A populatin element for the establishment of maximum desirable populations densities.

(6) An educational or scientific use element.

(d) Reservations of land or water in the seashore reserve for certain uses, or the prohibition of certain uses, in specific areas.

(ê) Recommendations for the governmental policies and powers required to implement the planning including the organization and authority of the governmental agency or agencies which should assume permanent responsibility for its implementation.

(d) Publish objectives, guidelines, and criteria for the collection of data, the conduct of studies, and the preparation of recommendations for the plan within six (6) months after its first meeting.

(e) Prepare its definitive conclusions and recommendations, including recommendations for areas that should be reserved for specific uses or within which specific uses should be prohibited, which it shall, after public hearing, adopt and submit to the Legislature no later than January 1976, P.L. 12-210.

(f) On or before December 1 1975, adopt the coastal reserve plan and submit it to the Legislature for its adoption and implementation.

Section 13417. Interim permit control.

(a) General provisions.

(1) On or after June 1, 1974 any person wishing to perform any development within the seashore reserve shall obtain a permit authorizing such development from the Commission, and, if required by law, from any other governmental department or agency. No permit shall be issued without the affirmative voteof a majority of the Board members, P.L. 12-210.

(2) No permit shall be issued unless the Board has first found:

(a) That the development will not have any substantial adverse environmental or ecological effect, and

(b) That the development is consistent with the purpose and objectives of this Chapter. The applicant shall have the burden of proof on all issues.

(3) All permits shall be subject or reasonable terms and conditions in order to ensure that:

(a) Access to beaches, recreation and historical areas, and natural reserves is increased to the maximum extent possible by appropriate dedication.

(b) There is no substantial interference with or detraction from the line of sight toward the sea from the territorial highway nearest the coast.

(c) Adequate and properly located public recreation areas and wildlife preserves are reserved.

(d) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon coastal reserve resources.

(e) Alterations to existing land forms and vegetation, and construction of structures shall cause minimum danger of floods, landslides, erosion or siltation.

(4) If prior to the effective date of this Chapter, a building permit has been issued, no person who has obtained a vested right thereunder shall be required to secure a permit under this section, provided that no substantial changes may be made in any such development, except inaccordance with the provisions of this Chapter. Any such person shall be deemed to have such vested rights if, prior to April 1, 1973 he has in good faith and in reliance upon the building permit diligently commenced construction and performed substantial work and materials necessary thereof.

(5) Notwithstanding any provision in this section to the contrary, no permit shall be required for the following types of development:

(a) Repairs and improvements not in excess of Seven Thousand Five Hundred Dollars ($7,500) to existing single-family residences; provided that the Agency shall specify by regulations those classes of development which involve a risk of adverse environmental effect and may require that a permit be obtained.

(b) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal reserve, pursuant to a permit from the United States Army Corps of Engineers.

(b) Permit procedure.

(1) The Board shall prescribe the procedures for permit applications and may require a reasonable filing fee and the reimbursement of expenses.

(2) The Board shall give written public hearing. Such hearing shall be set no less than twenty-one (21) nor more than ninety (90) days after the date on which the application is filed.

(3) The Board shall act upon as application for permit within sixty (60) days after the conclusion of the hearing.

(4) Any person including an applicant for a permit, aggrieved by the decision or action of the Board shall have a right to judicial review of such decision or action by filing a petition for a writ of mandamus, pursuant to Section 1084 et. sec. of Civil Procedure Code of Guam within sixty (60) days after such decision or action is made.

(5) Any person may maintain an action for declaratory and equitable relief to restrain violation of this Chapter. No bond shall be require for an action under this subsection.

(6) Any person may maintain an action for the recover of civil penalties provided in Section 13418.

(7) The provisions of this section shall be in addition to any other remedies available at law.

(8) Any person who prevails in a civil action brought to enjoin a violation of this Chapter or to recover civil penalties shall be awarded his costs, including reasonable attorneys fees.

Section 13418. Penalties. (a) Any person who violates any provisions of this Chapter shall be subject to a civil fine not to exceed Ten Thousand Dollars ($10,000).

(b) In addition to any other penalties, any person who performs any development in violation of this Chapter shall be subject to a civil fine not to exceed Five Hundred Dollars ($500) per day for each day in which such violation persists.

Section 13419. Severability. If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of the Act are severable.

Section 13420. Authorization for appropriation. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Chapter."

APPENDIX C

SUBDIVISION LAW

TITLE XIX

TITLE XIX
Subdivision Law

Chapter I. General Provisions.
II. Procedure for Subdividing Land.
III. Lot Parcelling and Agricultural Subdivisions.
IV. Requirements for Plans and Maps.
V. Improvements.
VI. Variances and Appeals.
VII. Penalties, Amendments, Interpretation and Separability.

CHAPTER I
General Provisions

§ 18000. Title.
§ 18001. Purpose and intent.
§ 18001.1 Compliance with Master Plan.
§ 18001.5 Decedents' estates.
§ 18002. Definitions.
§ 18003. Authority of the Commission.
§ 18004. Commission approval.
§ 18005. General requirements for subdivisions.

§ 18000. **Title.** This Title shall be known as "The Subdivision Law." [Enacted 1952; repealed and added by P. L. 6-134, effective December 18, 1962.]

§ 18001. **Purpose and Intent.** The purpose of this Title and of any rules, regulations, specifications and standards adopted pursuant and/or subdivision of any land for any purpose whatsoever. Such control and regulation is determined to be necessary to provide for the orderly growth and harmonious development of the territory; to insure adequate traffic circulation through coordinated street, road and highway systems; to achieve property lots of maximum utility, and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements; to permit the conveyance of land by accurate legal description; and to provide logical procedures for the achievement of this purpose. (Amended by P. L. 12-90)

§ 18001.1 **Compliance with Master Plan.** Development and/or subdivison of all lands and roads shall conform to that land use or road location delineated in the latest revision of the Territorial Master Plan initially approved in April, 1967.

(a) Construction on land designated for future road or public purposes, contary to the use indicated in the Master Plan, shall not be authorized, irrespective of land ownership.
(b) Specifications for construction, repair and/or reconstruction of roads shall conform to Department of Public Works standards and shall follow requirements delineated for that zone in which the subdivision or construction is located. (Amended by P.L. 12-90)

§ 18001.5. **Exemtions: decedents' estates:** parental division of property.

(a) Chapter V of this Title shall not apply to land which is an asset of the estate of a decendent, provided however, that before the distribution of any such land by the Court, the Territorial Planner or the Commission shall require street and utility easements on said land to insured lot division consistent with the general plan; further provided however, that the minimum size of each lot shall be no less than 10,000 square feet.

(b) Chapter V of this Title shall also not apply to land which has been owned in fee simple for a period of not less than five (5) years by a person who divides said land among his living children or their descendants by way of inter vivos gift; provided, however, that such land shall be deeded to said children or descendents in fee simple and said deeds shall contain alienation clauses to the effect that the children or descendants shall not sell, lease or otherwise alienate such lots for a period of at least five (5) years, the Territorial Planner or the Commission shall require street and utility easements on said land to insure lot divisions consistent with the general plan and that the minimum size of each lot shall be no less than 10,000 square fee." (Amended by P.L. 13-153)

§ **18002. Definitions.** The following words and phrases, when used herein, shall have the meaning respectively hereto ascribed to them, except where a different meaning may be clearly indicated by the context:

(a) **"Agricultural Subdivision"** shall mean a subdivision having no lots, parcels or sites smaller than forty thousand (40,000) square feet and in which all lots, parcels or sites are used principally for agriculture, single family residence sites or as an agriculture-homesite combination; except that the term "agricultural subdivision" shall include a subdivision resulting from a distribution by the Court pursuant to Section 18001.5(a) or Section 18001.5(b) of this Title with no lots, parcels or sites smaller than ten thousand (10,000) square feet and in which all lots, parcels or sites are used principally for agriculture, single family sites or as an agricultural homestead combination."

(b) **"Commission"** shall mean the Territorial Planning Commission.

(c) **"Easement"** shall mean a grant by the owner of land for a specified use or uses of said land to a person or persons, to the public generally, or to the government of Guam.

(d) **"Engineer"** shall mean a person who is registered pursuant to Title XLIII, Government Code of Guam, as an Engineer, and holds a current certificate of registration issued by the Board of Engineering and Architectural Examiners or a person exempted under the provisions of said Title XLIII.

(e) **"Improvements"** shall mean any beneficial or valuable site additions or alterations to a subdivision property including street grading and surfacing, water service, sanitary sewers, facilities provided for drainage and site grading.

(f) **"Non-Access Reservation"** shall mean the limiting of access between a right of way and the adjacent land. (A non-access reservation shall be provided only when required by the Commission and the right of access to and from such land across the right-of-way boundary shall be dedicated to the government of Guam)

(g) **"Plan, General"** shall mean the general plan or plans for guiding the physical development of the Territory of Guam as adopted by the Commission and approved by the Governor.

(h) **"Plan, Precise"** shall mean the detailed plan or plans for guiding and controlling the physical development of specific projects as adopted by the Commission and approved by the Governor.

(i) **"Planning Division"** shall mean the Planning Division of the Department of Land Management.

(j) **"Record Map"** shall mean the final subdivison map designed to be placed on record in the Land Records of the Department of Land Management.

(k) **"Reservation"** shall mean an area of land which the subdivider reserves free and clear of all structures for future specified purpose.

(l) **"Resubdivision"** shall mean the resubdividing of land in a subdivision or lot parcelling subdivision or portions thereof so as to create a new or different subdivision of such land other than is presently of record, and shall include modifications to lot lines, the creation of one or more additional lots or any other

action of land division which is not consistent with the recorded subdivision or lot parcelling subdivision map.

(m) **"Reversion to Acreage"** shall mean the voiding of a previous subdivision in order to revert the platted lots contained therein back to the original parcel or parcels which existed prior to the subdivision.

(n) **"Right of Way"** shall include the entire width between property lines of a highway, street or alley.

(o) **"Sanitation Division"** shall mean the Sanitation Division of the Department of Public Health and Social Services.

(p) **"Subdivide"** shall mean the act of creating a subdivision.

(q) **"Subdivider"** shall mean any individual, firm, association, syndicate, corporation, trust or any other legal entity proceeding to effect a subdivision of land for himself or another.

(r) **"Subdivision"** shall mean the division of any parcel of land into six (6) or more lots. Subdivision shall include resubdivision and reversion to acreage and, where appropriate to context, relates to the process of subdividing or to the land subdivided regardless of the method used to accomplish such action, whether by sale, design, rent, lease, ded of gift, grant in gift or any other method of transferring title whether for remuneration or not and whether immediate or future.

(s) **"Subdivision, Lot Parcelling"** shall mean the division of a lot legally existing on the effective date of this Title into no more than five (5) parcels. Lot parcelling of a lot shall include all methods of such action whether by sale, desigh, rent, lease, deed of gift, grant in gift or any other method of transferring title whether for remuneration or not and whether immediate or future.

(t) **"Surveyor"** shall mean a person who is registered pursuant to Title XLIII, Government Code of Guam, as a land surveyor, and holds a current certificate of registration issued by the Board of Engineering and Architectural Examiners or a person exempted under the provisions of said Title XLIII.

(u) **"Tentative Map"** shall mean a preliminary subdivision map for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it.

(v) **"Territorial Planner"** shall mean the Chief of Planning Division, Department of Land Management, government of Guam.

(w) **"Territorial Surveyor"** shall mean the person designated as the Territorial Surveyor by the Director of Land Management. [Enacted 1952; repealed and added by P.L. 6-134,effective December 18, 1962; (o) amended by editor pursuant to P.L. 7-101, effective July 11, 1964, and P.L. 9-147, effective February 16, 1968.]

§ 18003. **Authority of the Commission.** The Commission shall have jurisdiction and cognizance of all matters relating to subdividing and subsequent development of land within the territory. The Commission shall prescribe and adopt such rules and regulations, which shall include, but not be limited to, specifications and standards for development of subdivisions, as are, in its judgment, necessary to effectuate the purposes and intent of this Title. Such rules and regulations may provide for delegation of functions of review and inspection of proposed, tentative and final plans and maps, and of subdivisions, to other agencies and departments of the government. Such rules and regulations shall become effective upon approval by

the Governor. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18004. Commission approval. No subdivision map presented for filing as a record in the Department of Land Management shall be recorded without the prior approval of the Commission. The Commission shall not approve the record map of a subdivision unless such map conforms to all the requirements of this Title and any applicable rules, regulations, specifications or standards adopted by the Commission. No subdivider shall subdivide any land except in accordance with this Title, or sell, lease or assign, or offer for sale, any subdivision or a proposed subdivision or any part thereof, or any lot, parcel or site therein until the record map has been officially recorded. [Enacted 1952; repealed and added by P. L. 6-134, effective December 18, 1962.]

§ 18005. General requirements for subdivisions. In all subdivisions presented for recording under this Title, the subdivider shall:

(a) Not subdivide or develop land for any purpose contrary to the provisions of the Zoning Law, Title XVIII, Government Code of Guam.

(b) Cause every lot to abut a roadway right of way having a minimum width of forty (40) feet, except that the Commission may, where circumstances warrant, permit the subdivider to utilize roadway rights-of-way less than forty (40) feet but in no case less than twenty (20) feet in width. [Subparagraph (b) amended by P.L. 10-157, effective July 3, 1970.]

(c) Except as may be provided for pursuant to § 21208.3, Title XXII, Government Code of Guam, provide for the installation of power, water and telephone lines, fire hydrants, roads and highways within the subdivision in accord with any general or precise plan approved by the Commission.

(d) Where an established framework of local streets exists, provide for the uniformity of street widths and alignment thereto with the streets of the subdivision, and for the continuation of existing street names.

(e) Provide for adequate light, air and privacy on all lots regardless of land use, and design the location of streets to prevent excessive grading and scarring of the landscape.

(f) Provide sufficient drainage of the land to provide reasonable protection against flooding.

(g) Provide that streets within residential areas shall not be planned for through traffic in order to insure privacy and safety. [Added by P.L. 6-134, effective December 18, 1962.]

CHAPTER II
Procedure for Subdividing Land

§ 18100. Application to establish subdivision.
§ 18101. Fees.
§ 18102. Review of tentative plans.
§ 18103. Action by Commission.
§ 18104. Submission of final plans.
§ 18105. Final plans approval and recordation.

§ 18106. Reversion to acreage, maps and plats.
§ 18107. Building permits.
§ 18108. Revocation of tentative plans.

§ 18100. Application to establish subdivision. A subdivider desiring to subdivide or develop land pursuant to this Title shall make a written application therefor on a form prescribed by the Commission. The application shall be filed with the Territorial Planner and shall be accompanied by tentative subdivision plans prepared in accordance with § 18300 of this Title. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18101. Fees. The subdivider shall at the time of filing tentative subdivision plans pay a uniform check fee of ten dollars ($10.00) plus one dollar ($1.00) for each final lot shown on the subdivision. Such fees shall not be returned in the event the application is not approved. [Enacted 1952; repealed and added by P. L. 6-134, effective December 18, 1962.]

§ 18102. Review of tentative plans. The Territorial Planner shall within three (3) days after receipt of such application transmit copies of the tentative plans to departments and agencies of the government to which have been delegated responsibility for technical review. Such agencies and departments shall review the plans and transmit their written findings and recommendations to the Territorial Planner within fifteen (15) days after receipt of such plans. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18103. Action by Commission. After review, the tentative subdivision plans shall be transmitted to the Commission at its next regularly scheduled meeting by the Territorial Planner, together with all findings and recommendations. The Commission shall thereafter approve, conditionally approve, or disapprove the plans. When a tentative plan is disapproved, it may not thereafter be reconsidered unless modified and a new application filed. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18104. Submission of final plans. Within one (1) year after approval of tentative subdivison plans, the subdivider shall file with the Territorial Planner the final plans prepared in accordance with § 18301 of this Title. The final plans shall be accompanied by a written application for approval thereof in a form prescribed by the Commission [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18105. Final plans approval and recordation. The Territorial Planner shall review final plan documents as submitted for conformity to the approved tentative plans. At the next regularly scheduled Commission meeting no less than two (2) days following receipt of final plans, the Territorial Planner shall present the plans to the Commission for action. Final plans submitted in strict compliance with approved tentative plans shall be approved. Final plans which are not in strict compliance with approved tentative plans shall, within fifteen (15) days, be approved or a written determination made specifying work necessary for subdivision completion prior

to final Commission approval. After approval by the Commission of the final plan map, the subdivider shall record said map in accordance with Article IV, Chapter II, Title XIV, Government Code of Guam. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18106. **Reversion to acreage, maps and plats.** When a reversion to acreage is made, no tentative plans shall be required. The subdivider shall prepare a final map showing the existing subdivision and the original parcel or parcels which shall result from the reversion. No engineering plans shall be required. Upon approval of the final map the map may be completed and submitted as a record plat. No as-built surveys shall be required. The plat shall be clearly marked "reversion to acreage" and any variance from the requirements of a subdivision record plat shall be as determined by the Commission. The fee or other interest in any subdivision improvements, easements or road rights of way within the perimeter of the subdivision which has been dedicated to the government may be quitclaimed to the subdivider at the discretion of the government. [Enacted 1952;repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18107. **Building permits.** The Director of Public Works or his designated building official shall issue no building or construction permits for any development within the subdivision or lot parcelling until the tentative plans have been approved, nor issue individual building permits until the record map has been recorded. The Territorial Planner shall notify the Director of Public Works in writing of the approval of the final plans and of the recordation of the record map immediately after such approval is given and after such recording is completed. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18108. **Revocation of tentative plans.** The Commission shall not consider or approve final plans for a subdivision which are submitted after one (1) year, or after any extension of time granted by the Commission during such year, following approval of tentative plans. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

CHAPTER III

Lot Parcelling and Agricultural Subdivisions

§ 18200. General.
§ 18201. Application to establish lot parcelling or agricultural subdivisions.
§ 18202. Lot parcelling approval.
§ 18203. Parcelling map recordation.
§ 18204. Survey required for parcelling map.
§ 18205. Resubdivisions.
§ 18206. Certificate of ownership required (Repealed).
§ 18207. Action on final map (Repealed).
§ 18208. Effective recordation of final map (Repealed).

§ 18200. **General.** The requirements of Chapter II and Chapter V of this Title shall not apply to lot parcelling subdivisions and

agricultural subdivisions. [enacted 1952; repealed and added by P. L. 6-134, effective December 18, 1962.]

§ 18201. **Application to establish lot parcelling or agricultural subdivisions.** A subdivider desiring to parcel lots or subdivide land for agricultural purposes shall make a written application therefor on a form prescribed by the Commission. The application shall be filed with the Territorial Planner and shall be accompanied by the original and two (2) copies of a survey map prepared in accordance with § 18204 of this Title. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18202. **Lot parcelling approval.** Within fifteen (15) days following receipt of an application to establish a lot parcelling or agricultural dubdivision, the Territorial Planner shall approve, conditionally approve, or disapprove the application, or shall submit the application to the Commission for its action. The Territorial Planner or Commission may as conditions of approval require street and utility easement reservations and require modifications to the map to insure lot divisions consistent with the general plan and with provisions of § 18400 of this Title. The Territorial Planner or Commission shall disapprove the subdivision if adopted standards of subdivision cannot be maintained. The applicant may appeal any decision of the Territorial Planner to the next regularly scheduled meeting of the Commission. There shall be no fees required for lot parcelling or agricultural subdivisions for the checking of plans or maps. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18203. **Parcelling map recordation.** Upon final approval of a lot parcelling or agricultural subdivision map by the Territorial Planner or Commission, the subdivider shall record the map in conformity to Article IV, Chapter II, Title XIV, Government Code of Guam, which map shall not be effective until recorded. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18204. **Survey required for parcelling map.** The lot parcelling map shall be prepared by a surveyor and shall show all survey and mathematical data necessary to locate and retrace all lines thereon, including bearings and distances of straight lines and radii, arc and tangent lengths for all curves. Any area reserved for utility easements, access easements, and future street areas, and other public improvements, shall be clearly delimited and designated. The survey map shall be endorsed as to its accuracy and for its conformity to standard surveying practice by the Territorial Surveyor. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18205. **Resubdivisions.** Resubdivisions of regular or lot parcelling subdivision shall be initiated and acted upon subject to the procedures of the Chapter, provided, however, that resubdivisions involving six (6) or more lots or resubdivisions requiring subdivision improvements shall be initiated and acted upon as a new subdivision in accordance with the provisions of Chapter II of this Title. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.[[Repeealed by P.L. 6-134, effective December 18, 1962.]

CHAPTER IV

Requirements for Plans and Maps

§ 18300. Form of tentative plans.
§ 18301. Form of final plans.

§ 18300. Form of tentative plans. Tentative plans will include six (6) copies of a subdivision map, two (2) copies of a statement of intent by subdivider, and two (2) copies of subdivision emprovement plans.

(a) The subdivider shall cause the tentative subdivision map to be prepared by and engineer or surveyor. The map shall be clearly and legibly drawn on one or more sheets having dimensions of twenty-two inches (22") by twenty-nine inches (29"). The scale of the map shall be as prescribed by the Commission and the map shall generally include:

(1) The tract number as issued by the Territorial Planner.
(2) The name and address of the owner or owners of record, of the subdivider and of the person preparing the map.
(3) Date, north arrow and scale.
(4) A key map locating the subdivision in relation to surrounding areas.
(5) The exact length and bearing of the exterior boundries of the subdivision which data shall be referenced to the "Guam Geodetic Triangulation Control Net" or such alternative system of triangulation control as the Territorial Surveyor may direct.
(6) The accurate placement and outline of structures existing on the site.
(7) The location, names, and existing widths of adjacent street rights of way.
(8) The location and dimensions of all known existing easements and reservations.
(9) The location of existing utilities, sewers, drainage ditches and other drainage facilities located in, or adjacent to, the proposed subdivision.
(10) The lot numbers and lines of all adjacent parcels of land.
(11) The location, width and direction of flow of all water courses within the subdivision area.
(12) Topography with contour intervals of two feet (2') where the ground slope is five percent (5%) or less or contour intervals of five feet (5') where the ground slope is more than five per cent (5%).
(13) The location and widths of all existing or proposed streets in the subdivision.
(14) The approximate lot layout and approximate lot dimensions of each lot.
(15) Areas intended to be reserved for public use.

(b) The statement of the subdivider shall include a resume of the improvements proposed to be made in the subdivision, the existing zone district or districts applicable to the property, proposed use or uses of the subdivision lots and, in the absence of zoning, the proposed setback requirements for individual property development.

(c) Subdivision improvement plans shall include:

(1) Street construction plans including, but not limited to, planned grading, street centerline gradients and typical road

cross-sections specifying material and depths.

(2) Water and sewer line plans showing pipe sizes, routing, gradients, pressure regulation and point of origin.

(3) A drainage plan showing methods and facilities for collection and disposal of storm waters. The storm drainage disposal area or channel must have a demonstrated ability to accept additional water in view of capacity of area or channel and of capacity of existing improvements confining the channel.

The tentative plan shall be prepared in sufficient detail for analysis by the Commission as to sufficiency and most suitable location. The Commission may require the submission of detailed construction drawings as subdivision work is initiated to permit detailed analysis of construction conformity to law and the rules and regulations of the Commission, and to facilitate improvement inspections. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18301. **Form of final plans.** The final plan submitted for approval shall include a map of the subdivision and a final survey of improvements as installed.

(a) The map of the subdivision shall be prepared by and engineer or surveyor in accordance with the following:

(1) The final map shall be clearly and legibly drawn in opaque black ink on good quality tracing paper or cloth acceptable to the Territorial Planner. Signatures shall be in opaque black ink. The size of each sheet shall be twenty-two by twenty-nine inches (22" x 29"). A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch (1"). The scale of the map shall be as prescribed by the Commission and shall show all details clearly, with enough sheets used to accomplish this purpose. The map shall be so makde and shall be in such condition when filed tha good, legible prints can be made therefrom.

(2) The map shall contain the tract number in letters no less than one-half (½") in height, north directional point, map scale and date of final survey.

(3) The map shall show all survey and mathematical information and data necessary to locate all monuments, and to locate and retrace any and all interior and exterior boundary lines appearing thereon including bearings and distances of straight lines, radii, arc and tangent lengths of all curves. The final map shall particularly define, designate and delineate all road and alley rights of way and easements and other parcels offered for dedication for public use.

(4) The following certificates shall be placed on the first sheet of the map in a form prescribed by the Commission:

(a) Dedication of street, easements and other parcels of land intended for public use by the owner.

(b) Acknowledgment of dedication for certification by a Notary Public.

(c) Acceptance of dedication to be signed by the Governor.

(d) Certification by the surveyor making the map (record plat) that the map is correct and accurate and that the monuments described thereon have been so located.

(e) Limited access dedication where a nonaccess reservation is

used to restrict access. The map shall be lettered "Vehicular access rights dedicated to the government of Guam" along the thoroughfare adjacent to the lots affected.

(f) Endorsement of Territorial Surveyor.

(g) Approval by the Commission.

(h) Certificate of recordation.

In addition, the map shall be accompanied by statements concerning any proposed deed restrictions or covenants.

(b) As part of the final plan, the subdivider shall submit a copy of an as-built drawing of all subdivision improvements. The details of the as-built drawing shall show, but not be limited to a showing of, the precise placement, sizing and characteristics of water lines, drainage measures, streets, street curbs and similar constructed utilities. The as-built drawing shall be to specifications satisfactory to the Commission. [Added by P.L. 6-134, effective December 18, 1962.]

CHAPTER V

Improvements

§ 18400. Required improvements.
§ 18401. Utilities extensions - planned areas.
§ 18402 Utilities extensions - unplanned areas.
§ 18403 Time allowed for completion of improvements.

§ 18400. Required improvements. The subdivider shall provide the following improvements and improvement areas within time limits specified by the Commission:

(a) Street and Alleys - Planned areas. Where general plans have been or are hereafter duly adopted and show an area as planned for development into urban uses, the following street and alley improvements shall be required:

All street and alleys within the subdivision shall be graded and drained the full width of the right of way. The roadbed portion of the right of way shall be improved with a stabilized coral base and surfaced with a light bituminous surface treatment having a minimum width of twenty-two feet (22'). The roadway centerline gradient and right-of-way cross-section including drainage ditches, travelled roadway design and paving and shoulders shall be in conformity to criteria established by the Commission.

Permanent sidewalks having a minimum width of four feet (4') shall be laid out for all streets and shall be dedicated to the government of Guam. The Commission shall establish criteria relating to width and construction of such sidewalks, and all such sidewalks shall be in conformity thereto. [Added by P.L. 11-134, effective April 26, 1972.]

(b) Street and Alleys - Unplanned Areas. Where at the time of a subdivision a general plan has not been adopted or where the general plan designates the area as agricultural, the following street and alley improvements will be required.

All streets and alleys within the subdivision shall be graded and drained the full width of the right of way. The roadbed portion of the right of way shall be improved with a stabilized coral base. The roadway centerline gradient and right-of-way cross-section including drainage ditches, travelled roadway and shoulders shall be

in conformity to criteria established by the Commission.

(c) Storm Water Drainage. Storm drainage facilities shall be provided in all subdivisions in accordance with plans prepared by the subdivider conforming to criteria established by the Commission. These facilities shall be designed to dispose of normal storm waters falling on the subdivision without hazard of flooding, inconvenience of ponding, and the erosion of public or private land.

(d) Domestic Water. Potable domestic water shall be piped onto each lot within the subdivision. Water pipes shall be new and so sized to supply normal household pressures.

(e) Sanitary Sewage Disposal. When sanitary sewers are provided in a subdivision, they shall be in conformity to plans prepared by the subdivider satisfactory to the Commission. When sewers are placed within a subdivision, the minimum permissible lot size shall be as determined by the applied zoning district, or in the absence of zoning, shall be not less than seven thousand (7,000) square feet. In subdivisions where sanitary sewers are not provided, the minimum permissible lot size shall be determined by the slope and characteristics of the subdivision soil and subsoil but in no event shall be less than is established by the applied zoning district, or in the absence of zoning, seven thousand (7,000) square feet. Determination of lot size shall be made on the basis of soil percolation tests made in conformity to standards adopted by the Commission. Lot sizes, including area and minimum widths and depts shall be related to the ability of the subdivision lands to accept the anticipated septic tank effluent whereby no sanitary problem will be created. The Commission shall establish criteria relating lot sizes and shapes to tested rates of seepage, and all lots created after the enactment of this Title shall conform thereto.

(f) Survey Monuments. Permanent concrete monuments shall be installed at all point of direction change in the subdivision perimeter and in the exterior lines of blocks. [enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18401. Utilities extensions - planned areas. Where general plans have been duly adopted and show an area as planned for development into urban uses, the following development criteria will apply for subdivisions within the area so delineated:

(a) Road extensions. Where roads must be extended from existing roads in order to gain suitable access to a subdivision, the subdivider shall negotiate with the property owners involved and acquire rights of way to width and alignment approved by the Commission. The subdivider shall improve such access road or roads the same as he improves the interior subdivision roads.

(b) Power, water mains, and fire hydrants may be installed by the Public Utility Agency in accordance with § 21208.3, Government Code of Guam.

(c) The subdivider shall provide easements for all utility extensions to the satisfaction of the Commission, and acceptable to the Public Utility Agency. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18402. Utilities extensions - unplanned areas. In areas where general plans have not been adopted but where water, electrical facilities and roads exist within or adjacent to a planned subdivision area, the criteria of § 18401 will be applicable. In unplanned areas where water service, electric service or public roads

are not immediately available, the government shall not supply any utility or road extension to make the site suitable for development. [Enacted 1952; repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18403. Time allowed for completion of improvements. Upon approval of the tentative subdivision plan by the Commission, the subdivider shall complete within one (1) year all of the improvements required, except that the Commission, for good cause shown, may authorize an extension of time, not to exceed twelve (12) months. for such completion. Within such time, the subdivider must either:

(a) Complete the required improvements and, upon acceptance thereof by the government, file his final plans; or

(b) Furnish bond acceptable to the Commission for the completion of improvements, the bond to be in penal sum of one hundred fifteen per cent (115%) of total work costs as verified by the Director of Public Works. On approval of the bond, the final plans may be filed. [Added by P.L. 6-134, effective December 18, 1962.]

CHAPTER VI
Variances and Appeals

§ 18500. Petition for variances.
§ 18501. Variance subdivisions.
§ 18502. Unit development.
§ 18503. Judicial review.

§ 18500. Petition for variances. The Commission, on its own initiative, or upon the petition of any subdivider stating fully the grounds of the application and all the facts relied upon by the subdivider, may grant variances to the regulations of the Commission. Such petition shall be filed with the tentative plan of the subdivision. In the event the Commission shall find the following facts with respect to the petition for a variance, it may grant a variance under such terms and conditions as it may prescribe:

(a) That there are special circumstances or conditions affecting said property.

(b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the subdivider.

(c) That the granting of the variance will not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated.

(d) That the variance, if granted, will conform with the intent and purpose of the general or precise plan for the territory, and of this Title. [Enacted 1952, repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18501. Variance subdivisions. The Commission shall have the authority to review any prior division of parcels of land, whether for the purpose of lot parcelling or the establishment of a subdivision, presented to the Department of Land Management for recording as a subdivision under the provisions of this Title. The Commission may require the subdivider or owner to modify the arrangement, to improve access rights of way and easements, or to modify

the size and shapes of lots and other improvements as a condition precedent to record the presentation as a subdivision. The decision of the Commission shall be final. [Added by P.L. 6-134, effective December 18, 1962.]

§ 18502. **Unit development.** The standards and requirements of this Title may be modified by the Commission in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which in the judgment of the Commission provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provide such deed restrictions or other legal provisions as will assure conformity to and achievement of the plan. [Added by P.L. 6-134, effective December 18, 1962.]

§ 18503. **Judicial review.**
(a) Any order of the Commission shall become effective when notice thereof is delivered to the party or parties affected and, unless proceedings for judicial review are instituted as provided for in Subsection (b) of this section, shall become final at the expiration of thirty (30) days thereafter.
(b) If the decision of the Commission is not in accordance with law or is not supported by substantial evidence, the same may be set aside through an action instituted in the Island Court brought by the party affected thereby. The subdivider shall not subdivide any land, or sell, lease, or offer for sale, any subdivision or proposed subdivision or any part thereof, or any lot, parcel or site therein, or commence or continue construction or any improvement relating thereto during the pendency of such action.
(c) Review by the court shall be limited to the record procured before the Commission and, if the decision of the Commission is not according to law or supported by substantial evidence, the court shall return the matter to the Commission for further action in accordance with the evidence. [Added by P.L. 6-134, effective December 18, 1962.]

CHAPTER VII

Penalties, Amendments, Interpretation and Separability

§ 18600. **Violation penalties.**
§ 18601. **Separability.**
§ 18602. **Repeal.**

§ 18600. **Violation penalties.**
(a) Any individual agent, partnership, firm, association, corporation or any other legal entity violating any of the provisions of this Title shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more that five hundred dollars ($500.00) for each offense. Such individual agent, partnership, firm, association, corporation or other legal entity shall be deemed guilty of an offense for each day or portion thereof in which any violation is committed, continued or permitted, and shall be punishable as herein provided for each such day or portion thereof.
(b) The imposition of any sentence made under this section shall not exempt the offender from compliance with the requirements of this Title. [Repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18601. **Separability.** If any section, subsection, sentence, clause, phrase or portion of this Title is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The Legislature hereby declares that it would have passed and does hereby pass this Title and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, phrases, or portions therof, be declared invalid. [Repealed and added by P.L. 6-134, effective December 18, 1962.]

§ 18602. **Repeal.** All Acts or parts of Acts which are inconsistent with the provisions of this Title are hereby repealed to the extent of such inconsistency. [Original Chapter 7, consisting of §§ 18600-18606, as added by P.L. 5-142, effective September 8, 1960, repealed by P.L. 6-134, effective December 18, 1962.]

APPENDIX D

INTERIM HOTEL - RESORT ZONE

RULES AND REGULATIONS

TERRITORIAL PLANNING COMMISSION

INTERIM "H" RESORT-HOTEL ZONE

RULES AND REGULATIONS

Contents:

Section I. Authority, Purpose, and Intent

Section II. Definitions

Section III. Procedures for Zone Changes to "H"

Section IV. Procedures for development within an "H" Zone

Section V. Standards for development within an "H" Zone

Section I. AUTHORITY, PURPOSE, INTENT

A. Authority

These rules and regulations are promulgated by the Territorial Planning Commission under authority of Titles XIV and XVII of the Government Code of Guam and Public Law 14-41, as amended by Public Law 14-72 and Public Law 14-82.

B. Purpose

The purpose of these rules and regulations is to establish procedural requirements for:

a. Zone changes to an "H" designation.

b. Development within "H" Zones.

c. Substantive standards for development within "H" Zones.

C. Intent

These rules and regulations apply to that area rezoned "H" under the provisions of Public Law 14-41, as amended by Public Law 14-72 and 14-82 (Tumon), as well as all future proposals for development within or changes of zone designation to an "H" zone. As interim regulations, they shall remain in effect until such time as final "H" Zone regulations are adopted by the Territorial Planning Commission.

Section II. DEFINITIONS

For the purpose of defining those uses permitted in the "H" Zone under Public Law 14-41, but not defined elsewhere in the Government Code, the following definitions shall apply:

1. Amusement Activity: An indoor or outdoor facility operated for the amusement or entertainment to the public.

Cultural Facility

An indoor or outdoor facility operated for the purpose of portraying or promoting aspects of the Island's culture through use of plays, theaters, museums, arts and crafts galleries and displays, and similar facilities.

3. Landscaped Area or Landscaping

An area planted and covered with soft live flora such as lawn, ground cover, trees, shrubs, or any other materials which would aesthetically enhance the area.

4. Park Recreational Facility

An area or facility established and operated for the purpose of accommodating or promoting active or passive recreational activities including sports, interpretive parks, botanical and zoological gardens, playgrounds, and such related facilities.

5. Tourism Related Shops, Offices, and Supportive Services (Resort Commercial)

Commercial facilities and offices directly dependent on sales or services and immediate proximity to the public and, including but not limited to bicycle or moped rental facilities, but not such commercial or industrial activities as auto, motorcycle, bicycle, and appliance sales or repair; assembly line, hardware, building, electrical, or plumbing supply enterprises and related uses.

6. Transient Guest

Those persons who occupy a hotel, lodging house, or similar facility in a specific location for less than 90 consecutive days.

Section III. Procedures for Zone Change to "H"

A. A proposed zone change to "H" 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 proposed "H" zone.

B. Application. An application for a change of zone to "H" shall be filed with the Planning Division, Department of Land Management, on a zone change form, which, in addition to that information normally required for zone changes shall include:

1. A legal description of the area proposed for rezoning, copies of certificates of title for property within the proposed zone and the name of the developer and/or development company, if appropriate.

2. A statement outlining the reasons for requesting such a zone change including:

   a. A discussion of how the public necessity, convenience, and general welfare justifies such a zone change.

   b. A description of the general geographical character of the area to be rezoned.

   c. Types of future uses or development proposed within the area, if any.

   d. Alternatives considered (PUD, Variance, C Zone, etc.).

   e. A general summary of the anticipated effect of the proposed rezoning on the surrounding environment including its impact on water quality (through drainage, leaching, run-off); any unique historical or ecological sites or other valuable natural or cultural resources; accessibility to beaches, caves, waterfalls, or other recreational sites; and surrounding land-use patterns. General narrative discussion acceptable--no requirement to follow specific guidelines for preparation of Environmental Impact Statements, or Assessments as established by Council on Environmental Quality; unless otherwise required by law.

   f. If proposed in conjunction with plans for substantial development of the subject area:

      (1) A summary economic statement to include discussions of the operating and economic role and function of the development's major features, of the primary and secondary markets to be served, of the demand for support services to be generated and the manner in which each will be secured, and of the ways in which the development furthers the expansion in breadth or depth of the Island's economy; but to specifically exclude confidential or sensitive financial data such as forecasted operating cost breakdowns, revenues, cash-flows, breakeven points, and profitability.

      (2) A <u>development schedule</u> indicating the approximate date when construction or stages (by unit or increment basis) of any planned development are planned to begin and be completed.

(3) A statement of the applicant's tentative plans regarding the future selling or leasing of all or portions of the development, including specific land areas, condominium units, or cottage or cluster developments by increment method.

(4) Where no public sewer, water, or such public facilities exist, the proposed methods and facilities to provide such services.

(5) A plot plan of any proposed development within the "H" Zone area. The plot plan shall show the location of proposed major structures and facilities within the rezoned area, including sources of water and power, required sewage disposal systems and proposed landscaping. The plot plan shall indicate existing topography as defined in Chapter IV, Section 18300(a)(12) of Title XIX of the Government Code of Guam.

C. Upon certification by the Territorial Planner that complete information has been provided by the applicant, the Commission shall hold at least one (1) public hearing thereon in the municipal district where the property to be rezoned is located, as such districts are described in Chapter I of Title XVI of the Government Code, notice of time and place of which shall be given by at least one (1) 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.

D. Prior to the public hearing, the Territorial Planner shall submit the application and other supporting documents including a summary report of the public hearing for the proposed zone change to the Subdivision and Development Review Committee for their review and recommendation. The Subdivision and Development Review Committee (SDRC) findings shall be presented at the public hearing.

E. 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 determinations 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.

F. Pursuant to Chapter XIV, Title XVIII of the Government Code, upon approval of the zone change by the Governor, it shall be submitted to the next portion of the next regular session of the Legislature convening after the said approval. Such amendment to the zoning map shall remain in effect unless amended or repealed by statute.

G. Zone changes to "H" shall not be permitted for any area less than two and one half (2-1/2) acres in size.

IV. Procedures for Development Within an "H" Zone

A. Before issuance of any building permit for development proposed either in 1) in conjunction with submittal of a requested zone change to "H" or 2) in a prior approved "H" Zone, a tentative plan for such development shall be submitted to the Territorial Planner containing the following information as deemed appropriate by the Territorial Planner:

1. The name and address of the owner or owners of record, of the developer and of the person preparing the map.
2. Date, north arrow and scale.
3. A kep map locating the development relation to surrounding areas.
4. The exact length and bearing of the exterior boundaries of the development which data shall be referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.
5. The accurate placement and outline of structures existing on the site.

6. The location, names, and existing widths of adjacent street rights of way.
7. The location and dimensions of all known existing easements and reservations.
8. The location of existing utilities, sewers, drainage ditches, and other drainage facilities located in, or adjacent to, the proposed development.
9. The location, width and direction of flow of all water courses within the subdivision area.
10. Topography with contour intervals of two feet (2') where the ground slope is five percent (5%) or less or contour intervals of five feet (5') where the ground slope is more than five percent (5%).
11. The location and widths of all existing or proposed streets in the development.
12. The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development.
13. Areas intended to be reserved for public use.
14. A drainage plan showing methods and facilities for collection and disposal of storm waters. The storm drainage disposal area or channel must have a demonstrated ability to accept additional water in view of capacity of area or channel and of capacity of existing improvements confining the channel.

The tentative plan shall be prepared in sufficient detail for analysis by the Commission as to sufficiency and most suitable location. The Commission may require the submission of detailed construction drawings as work is initiated to permit detailed analysis of construction conformity to law and the rules and regulations of the Commission, and to facilitate inspections.

B. Upon certification by the Territorial Planner that such complete and accurate information as requested has been provided, such tentative plan shall be submitted to the Subdivision and Development Review Committee for review and recommendations.

C. The Territorial Planning Commission shall either approve, including approval with conditions, or disapprove in whole or in part the proposed tentative development plan. Upon approval, appropriate permits for initial construction may be issued.

D. Any proposed use or structure which has not been included in an approved tentative plan must be approved by the Commission or at its discretion, the Territorial Planner, before issuance of any building permits

E. A performance bond or undertaking shall be required for any development undertaken pursuant to an approved tentative plan within an "H" Zone as otherwise provided in the regulations. The amount of the bond shall be One Hundred and Ten Percent (110%) of the infrastructure costs of the project, and not less than Two Thousand Dollars ($2,000). The entire bond or any undertaking of any portion thereof shall be forfeited as determined by the Commission for failure to comply with any applicable land use, water quality, or zoning regulation except as allowed for under prior granting of a variance or other legal exception from such requirement: including, but not limited to, erosion and grading standards, landscaping, height and setback requirements, the tentative development plan as approved by the Commission and any applicable zone regulations. The entire bond or any portion thereof shall be forfeited as is required to complete the site preparation and infrastructure features of the project should these not be completed by the developer.

F. The Commission shall approve a maximum time period within which all of the improvements authorized in the tentative development plan shall be completed. The time period shall be no less than six months, and no more than four years. The time period shall be based on the size, character, and complexity of the authorized improvements. The Commission may, for good cause shown, grant any extension of time.

G. Upon completion or any portion of the project in accordance with the tentative plan, the Department of Public Works shall certify to the Commission that the project has been completed in accordance with the tentative plan.

H. Requirements or preparation of tentative development plans and posting of performance bonds as outlined in this section shall not apply to construction of single-family dwellings in that area in Tumon zoned "H" under Public Law 14-41, as amended.

Section V. Standards for Development Within an "H" Zone

A. All development within an "H" Zone shall comply with all applicable pollution and erosion standards as promulgated by the Guam Environmental Protection Agency.

B. The nature, size, shape, lighting, and style of an outdoor sign shall conform to those requirements as outlined in the Sign Regulations, Title XVIII, Chapter IX, of the Government Code for Commercial Zones.

C. The following parking regulations shall apply:

1. Title XVIII, Chapter VIII, Sections 17350 - 17352 of the Government Code of Guam.

2. Provisions noted under "footnotes" to the "H" Zone Yard and Height Regulations.

D. Development and activities within an "H" Resort-Hotel Zone shall:

1. Provide open access to public resources including but not limited to beaches or other parts of the ocean shore, parks, conservation areas, rivers, waterfalls, and other public resources.

2. To the maximum extent possible, assure that all permissible and accessory uses enhance, compliment, and do not detract from or surrounding area.

3. When associated with or encompassing such valuable resources as unique land, water, floral, faunal, cultural, historic, archaeologic, or other such areas:

a. Provide interpretive materials, displays, and information, as required, reviewed, and approved by the Department of Parks and Recreation. The Territorial Planner shall certify to the TPC and SDRC that the interpretive materials, displays, and information have been so approved.

b. Assure that such resources remain, to the maximum extent possible, in their natural or undisturbed state.

E. Dwellings permitted in an "H" Zone shall be designed:

1. To accommodate primarily the needs and desires of visitors, tourists, and transient guests.

2. In a compatible arrangement so as to compliment and enhance the adjacent structures and environment.

F. Such recreational or amusement activities as bowling alleys, movie theaters, or sports facilities which normally and necessarily create temporary or occasional substantial adverse impacts, such as excessive noise, light, or traffic, shall be permitted in an "H" Zone only upon a determination by the Commission that such an activity is normally to be found in a tourism-related development area, and that the activity is reasonably compatible with the existing or reasonably forseeable development of the surrounding area.

G. Prior to issuance of occupancy permits for any development within an "H" Zone, the developer shall certify to the Territorial Planner that no less than two percent of the total construction cost for development of land oriented facility or structure was expended on landscaping that particular development. Allowable costs under such a requirement include the costs for purchase of landscaping vegetation and labor involved in its planting.

H. Variance to these regulations may be granted by the Commission only upon issuance of such findings or under such conditions as prescribed under Sections 17501 - 17502 of the Government Code.

I. Yard, Area, and Height regulations for the "H" Zone are as outlined in the attached chart.

YARD AREA AND HEIGHT REGULATIONS

Use	Gross Density	Minimum Lot Size	YARD (3)			Lot Area per Dwelling	(5) Maximum Building Height
			Front	Side	Rear		
Single	4 d.u./acre	5,000 W/Sewer 10,000 W/O Sewer (929 M²)	(4) 15 ft. (5m)	(4) 8 ft. (3m)	10 ft. (3m)	5,000 W/Sewer 10,000 W/O Sewer (929 M²)	2 Stories
Zero Lot Line	5 d.u./acre	4000 sq.ft. (371.8 m²)	(4) 15 ft. (5m)	(4) 16 ft. (5m)	10 ft. (5m)	4,000 W/Sewer 8,000 W/O Sewer 8,005 (744 m²)	3 Stories
Zero Lot Line Semi Attached	6 d.u./acre	3000 sq.ft. (279 m²)	(4) 5 ft. (5m)	(4) 16 ft. (5m)	10 ft. (5m)	3,000 W/Sewer 6,000 W/O Sewer 6,666 (620 m²)	3 Stories
Row Four to eight	10 d.u./acre	2,500 sq.ft. (232.5 m²)	(4) 20 ft. (5m)	(4) 16 ft. (5m)	16 ft. (5m)	2,000 W/Sewer 4,000 W/O Sewer (372 m²)	2 Stories
Multi-Family	15 d.u./acre	10,890 sq.ft. (1012 m²)	10 ft. (3m)	10 ft. (3m)	13 ft. (4m)	1012 W/Sewer 2722 W/O Sewer (253 m²)	3 Stories
Multi-Family	20 d.u./acre	29,999 sq.ft. (2,788 m²)	13 ft. (4m)	10 ft. (3m)	20 ft. (6m)	2217 sq.ft. (206 m²)	(Lot Length + Lot Width) ÷ 10 m.
Multi-Family	22 d.u./acre	50,002 sq.ft. (4,647 m²)	23 ft. (7m)	23 ft. (7m)	33 ft. (10m)	2001 sq.ft. (185 m²)	"
Multi-Family	26 d.u./acre	70,006 sq.ft. (6,506 m²)	33 ft. (10m)	Total Combined Side Yards equals (30%) Lot width, or 33ft (10m)	49 ft. (15m)	1,688 sq.ft. (155m²)	"
Hotel Small	32 d.u./acre	90,000 sq.ft. (8369 m²)	33 ft. (10m)	Total combined side yards equals 40% lot width, or 33ft. (10m)	75 ft. (23m)	1,361 sq.ft. (126.5m²)	"
Hotel Large	38 d.u./acre	200,00 sq.ft. (18,588 m²)	33 ft. (10m)	Total combined side yards equals 50% lot width, one side min. 53 ft. (16m)	75 ft. (25m)	1141 sq.ft. (106m²)	"
Resort Commercial	NA	9,996 sq.ft. (929 m²)	10 ft. (3m)	(5) 10 ft. (3m)	10 ft. (3m)	NA	3 Stories

FOOTNOTES:

(1) Landspace/Areas include all setbacks, no parking permitted.

(2) Two (2) parking spaces permitted on paved driveway within the sixteen foot (16') setback.

(3) When yard abuts shoreline, building setbacks are increased by thirty-five feet (35') for one story and seventy-five feet (75') for two STORY and ETC.

(4) Zero lot line may be permitted with adjacent owner approval and provision of additional open, space.

(5) Maximum Building Height (MBH) is calculated by dividing the sum of lot length plus lot width by 10.

$$MBH = \frac{(LL + LW)}{10}$$

Section VI. Amendments

These Rules and Regulations may be amended by the Commission at any regular or special meeting by a majority vote, provided that a ten (10) day public notice is provided.

Adopted on March 10, 1978.

Chairman, Territorial Planning Commission

I certify that the foregoing is a true copy of the Rules and Regulations of the "H" Resort-Hotel Zone promulgated, effective March 10, 1978. These rules and regulations were in effect March 10, 1978 and continue in effect as of the date of this certification.

JOHN P. AGUON, EXECUTIVE SECRETARY
Territorial Planning Commission

APPENDIX E

DPW BUILDING PERMITS AND STANDARD OPERATING PROCEDURES

BUILDING PERMITS & INSPECTION SECTION

N O T I C E

TO: The Public

SUBJECT: Updated Implementation of Rules, Regulations and Forms; Policies, Standard Operating Procedures (SOP) and Forms

For the guidance and compliance of concerned, the following Rules and Regulations; Policies, Standard Operating Procedures (SOP) and Forms are hereby promulgated in initial implementation of the provisions of the Director of Public Works Authority Section 31014 and 31015(a), (b), & (c), Section 31042(b) as amended by Public Law 14-112 otherwise known as the Building Law Title XXXII, Government Code of Guam.

1 There shall be an organized "Division of Engineering Personnel" to serve as the Technical Staff of the Director of Public Works in the Administration and Enforcement of the provisions of the Building Law.

2. All Public Works Engineering Division/Section Managers shall serve as Coordinators' support between the Chief of Engineering, CIP(COE) and the office of the Director of Public Works. In behalf of the Chief of Engineering, they shall supervise and monitor the work operations of the Director in the respective areas of jurisdiction.

3. Subject to the approval of the Chief of Engineering, all duly designated Division/Section Manager shall organize their respective officies in such a manner as to be able to attain the goals and objectives and perform their functions and duties under the code.

3.1 For purposes of organizing the office of the Building Permits and Inspection Section and determining the staffing pattern thereof, (Districts) Villages and Municipalities shall be classified and directed by the Building Official (Administrator).

3.2 All positions in the office of the Builidng Official shall be occupied by qualified available personnel from within the Department of Public Works, Engineering Division. Whenever needed, highly

qualified professional and/or technical personnel shall be done through the Department of Public Works personnel rules and regulations and Operational Procedures Manual, Government of Guam.

4. The processing of Building Permits including the use of the prescribed forms, therefore shall be in accordance with the corresponding rule initially promulgated hereunder pursuant to Section I, Part Two.

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PART ONE

RULES, REGULATIONS AND FORMS

P A R T O N E

REGULATIONS AND PROCEDURES FOR THE CLEARING AND GRADING OF LAND AND CONSTRUCTION OF BUILDINGS AND OTHER STRUCTURES ON GUAM (PURSUANT TO SECTION 24200 AS AMENDED, 31014 and 31015 OF THE GOVERNMENT CODE OF GUAM)

I. CODES - GENERAL CONSTRUCTION:

All construction work within the Territory of Guam and under the preview of the Department of Public Works shall be governed by the *Latest Edition of the Uniform Building Code and supplements thereto.

II. GENERAL INFORMATION: (National Electrical Code, Uniform Plumbing Code, Uniform Building Code, & Zoning Law)

Before applications are made for a building permit, the following information should be read carefully and thoroughly understood. All questions should be directed to the Building Official.

III. ZONE DESIGNATION: (Zoning Law)

The Territory of Guam is divided into nine zones known as:

"A"	Rural Zone
"R1"	One-Family Dwelling Zone
"R2"	Multiple Dwelling Zone
"P"	Automobile Parking Zone
"C"	Commercial Zone
"M1"	Limited Industrial Zone
"M2"	Industrial Zone
"LC"	Limited Commercial Zone
"H"	Resort Hotel Zone

IV. SETBACKS AND LOT AREA REQUIREMENTS

V. PROHIBITIONS AND PENALTY: (SECTION 31054, TITLE XXXII)

SECTION 31018 PROHIBITIONS:

1. It shall be unlawful to construct, enlarge, alter, remove or demolish, or change the occupancy of a building from one use group to another requiring greater strength, exit or sanitary provisions, or to change to a prohibited use, or to install or alter any equipment for which provision is made or the installation of which is regulated by this Title XXXII, and Uniform Building Code without first filing an application with the Building Official in writing, and obtaining the required permit therefore except that ordinary repairs as defined in Title XXXII, Government Code of Guam which do not involve any violation of this Title shall be exempt from this provision.

2. Any person violating the provisions of Uniform Building Code and Title XXXII shall be deemed guilty of a patty misdemeanor, punishable by a fine of not less than five ($5.00) dollars nor more than five hundred ($500.00) dollars or imprisonment for not more than one (1) year, or by both such fine and imprisonment.

3. Such person shall be deemed guilty of a separate offer for each day during which any violation of the provisions of Title XXXII, and Uniform Building Code, Government Code of Guam occurs.

VI. SCHEDULE OF BUILDING PERMIT FEES

Before a building permit is issued a permit fee shall be paid to the Building Official in accordance with the following schedule based upon the value of the proposed work.

1. A fee for each building permit issued by the Building Official in connection with any work shall be paid to the Treasurer of Guam as set forth in Table 3A of the 1976 Edition of the Uniform Building Code except that the building permit fee for a single family residence shall be one-half (1/2) the applicable fee in Table 3A.

PART TWO

PROCEDURES AND REQUIREMENTS FOR OBTAINING A CONSTRUCTION PERMIT

PART TWO

PROCEDURES AND REQUIREMENTS FOR OBTAINING A CONSTRUCTION PERMIT

I. BUILDING PERMIT APPLICATION PROCESS, PROCEDURES AND REQUIREMENTS:

A permit application, completely filled out on forms furnished by the Department of Public Works, shall be submitted by the builder/owner.

The permit application must be accompanied by at least three (3) complete sets of plans and specifications for the proposed work.

Before specific plans and specifications are reviewed for compliance with the Building Code and other requirements, the plans and specifications shall contain the following as a minimum.

II. PLANS AND SPECIFICATIONS - DRAWING STANDARDS:

A. PLAN SHEET SIZES, DRAWINGS AND SPECIFICATIONS REQUIREMENTS

1. Plan Sheet Size - All plan sheets must have a minimum size of 18"x24" and a maximum size of 30"x42". A set of plans must have a uniform sheet size. Variations of sheet size will not be accepted. Exceptions to these size requirements will be permitted only upon sufficient justification and written approval by the Building Official.

2. Drawings shall be provided with a border lines leaving a one-half inch margin at the top, bottom and right side and a one and one-half inch margin at the left for binding. Drawings shall also contain a title block in the lower right hand corner identifying the project and the names of the owner and the person or firm responsible for the preparation of the plans. All plans, specifications and calculations shall bear the stamp and signature of professional engineer or architect licensed to practice in the Territory of Guam.

3. Specifications - (If not on plan sheets) must be on standard 8 1/2" x 11" size sheets, typed and bound, indicating the exact description of the project.

B. CIVIL REQUIREMENTS

1. Plot Plan - Plans must include a plot plan drawn to scale, completely dimensioned, and must contain the following:

   a). Delineation of property boundaries lot number and zone designation
   b). Delineation of public rights-of-ways, easements access roads(if applicable).

c). Lot diagram indicating the size and location of the proposed construction and all existing structures on the side and their distances from lot and street lines, the established grade and existing elevations, and final grade elevations of the site shown by contours or spot grades at reasonable intervals.

d). Sewage Disposal Requirements - (Connection to public sewer) If sewage disposal is to accomplished by connection to public sewer, the project plan must show the following:

(1). Lowest floor elevation
(2). Sewer construction profile to include tapping connection and sizes.
(3). Location, depth and type of on-site existing sewage disposal facility.
(4). Connection details.

e). Individual Sewage Disposal System - (Connection to septic tank and leaching field) If sewage disposal is to be accomplished by an individual sewage disposal system, the plan must indicate the following:

(1). Soil test data.
(2). Disposal system construction detail (as per Guam Environmental Protection Agency, and PUAG Requirements)

NOTE: Location of all property lines must be verified by the Department of Land Management.

2. Grading Plan - Plans must include a grading plan, which may be a part of, or separate from the Plot Plan and must contain the following:

(a). Hydraulic analysis must be submitted in a separate bound report showing computations bearing seal and signature of professional engineer licensed to practice in the Territory of Guam.
(b). All necessary drainage plan and profiles, drainage structures and details shall be included in civic drawings.
(c). Drainage plan and profile may be required by Hydraulic Engineer.
(d). Location of existing and proposed utilities, roads, paved areas on the site.
(e). Location of all existing and proposed drainage channels.
(f). Grade lines of existing and proposed ground surface.
(g). Soil test data must be shown on the plans or in a separate bound soils report. Data must include a log of test holes showing all soil formations encountered and the depth of any ground water

found. Soil erosion control plan when required by Guam EPA regulations or the Building Official.

NOTE: Soil test requirements may be waived for one or two family dwellings, or building extensions, if in the opinion of the Building Official such tests are not required for a safe design.

Soil test data must be submitted for projects involving individual sewage disposal systems.

Sewage Treatment Plant - If sewage disposal is to be accomplished by the utilization of a treatment plant, the plans shall contain the following:

1. Site plan
2. Component details
3. Flow diagram of the plant
4. Design criteria
5. Design data indicating organic loading air supply requirements and detention time
6. Sludge disposal scheme
7. Discharge scheme
8. Design analysis

All sewage disposal schemes and plans and specifications must be approved by Guam EPA.

3. Landscape Plans - Shall contain at least the following data and information:

a). Parking areas and driveways in accordance with zoning requirements.
b). Patios, terrace and hardstand existing or proposed.
c). Plant listing - symbols, quantity and sizes; description local and botanical names.
d). Lighting outdoor, etc.

C. ARCHITECTURAL PLANS - Shall contain at least the following data and information.

1). Floor Plan - All spaces must be designated according to use.
2). Exterior elevations
3). Interior elevations
4). Building sections
5). Wall sections
6). Roof plan
7). Detailed drawings necessary to show adequately all architectural elements of the building, including doors, windows, & interior finish schedules, and other details necessary to substantiate all required fire-protection characteristics.

D. STRUCTURAL PLANS - Shall contain at least the following data and information.

1). Foundation plan
2). Roof framing plan
3). Floor framing plan (If two-story or more)
4). Detailed drawings showing sizes, sections, and locations of members and such other information as may be required to indicate clearly all structural elements and structural engineering features
5). Design calculations and analysis

E. MECHANICAL AND PLUMBING PLANS - Shall contain at least the following data and information.

1). Complete mechanical and plumbing plan (floors, isometric, elevations and details)
2). Legend of symbols
3). General notes specifying design criteria for all mechanical and plumbing systems (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
4). Fixture schedule specifying materials to be used (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
5). Buildings with air-conditioning:

a) Provide energy conservation with calculations according to UBC, Chapter 53. Reflect the insulation required on the drawings.

6). Specifications
(Required only for multi-family dwelling, commercial, industrial and institutional buildings)
7). Design Calculations
(Required only for multi-family dwelling, commercial, industrial and institutional buildings)
8). Food service equipment (if applicable)(must be approved by the Department of Public Health & Social Services)

F. ELECTRICAL PLANS - Shall contain at least the following data and information.

1). Electrical plan - to include

a). Lighting plan
b). Power plan
c). Communication plan (if commercial or industrial) including fire alarm system
(Required only for multi-family dwelling, commercial, industrial and institutional buildings)
2). Service one line diagram
3). Panel schedules
4). General notes specifying design criteria

5). Legend of symbols
6). Design calculations (Required only for multi-family dwelling, commercial, industrial and institutional buildings)

NOTE: Mechanical and Electrical Plans must be separated and must not be superimposed on other plan categories.

III. REVIEW PROCEDURE: (See Figure I, II & III)

A. The building permit application accompanied by at least three (3) complete sets of plans and specifications must be submitted to the Building Permits Section, Department of Public Works by the owner or his licensed contractor.

B. The Building Permit Official shall review the plans and specifications to assure that all minimum requirements are met.

C. The review and approval of the following government agencies shall be required:

1). Department of Land Management
2). Guam Power Authority
3). Guam Telephone Authority
4). Public Utility Agency of Guam
5). Guam Environmental Protection Agency
6). Public Safety-Fire Prevention Bureau (Required only for multi-family dwellings, commercial, industrial and institutional buildings)
7). Public Health and Social Services (If applicable - for food service equipment & systems only)
8). Dept. of Parks & Recreation

D. If plans and specifications meet the requirements, they shall be submitted to the Division of Design Analysis for review.

E. If plans and specifications are found to be adequate and conform to all building code and other applicable requirements, the Building Permit Official shall stamp and sign three (3) complete sets of plans and specifications.

Two(2) sets will be retained by the Building Permit Section
One(1) set for the owner's records
One(1) set returned to the owner for his/her licensed contractor which must be available for inspection at the job site any time work is in progress

IV. ISSUANCE OF PERMITS:

The Building Official or his authorized representative shall then issue a building permit which must be posted on a conspicuous location at all times.

V. VALIDITY

Section 31030, Building Law, Title XXXII, Government Code of Guam.

a). The issuance of a building permit or approval of plans and specifications shall not be construed to be a permit for, or approval of any violation of the provisions of this law. Any building permit presuming to cancel such provisions or condone such violations shall be entirely invalid and void.

b). The issuance of a building permit after approval of plans, specifications and attached data submitted therewith, shall not prevent the Building Official from thereafter requiring correction of any errors in said plans, specifications and data, nor from prohibiting building operations to be carried on thereunder until said correction is made.

VI. EXPIRATION OF BUILDING PERMIT

Section 31030 (c), Building Law, Title XXXII, Government Code of Guam.

Any building permit shall lapse and be void if the work authorized by it is not commenced within three (3) months after its issuance; or is suspended or abandoned for a period of three (3) months at any time after the work has been commenced; provided, that, for cause, the Building Official may allow up to a maximum of three (3) months each. All such extensions shall be in writing and noted on the building permit and in the building records of the Department of Public Works.

VII. APPROVED PLANS & SPECIFICATIONS

Section 31028, Building Law, Title XXXII, Government Code of Guam. "Approved plans and specifications shall not be changed, modified or altered in any manner affected by the provisions of this or other applicable laws, without express written authorization from the Building Official, and all work shall be done in accordance with the approved plans and specifications.

VIII. INSPECTIONS

The project shall be inspected on regular basis by the inspectors from the Department of Public Works to assure compliance with approved plans and specifications and in accordance with all Public Works building and safety regulations.

Section 31042, Building Law, Title XXXII, Government Code of Guam. "The Building Official shall inspect or cause to be inspected from time to time during the progress of the work thereon, all building structures for work on which a building permit has been issued and is outstanding. A record shall be made of every such inspection and of all violation of the provisions of this Title as discovered by such inspection, and other applicable laws, rules and regulations.

NOTE: In accordance with Public Works regulations:

1). Schedule of inspection must be made 24 hours in advance and all work must be completely finished.

2). All major construction work such as electrical, plumbing and reinforcement rebars shall not be covered or concealed without first obtaining the approval of the Building Official.

IX. STOP WORK ORDERS:

In the event a project is commenced without a building prmit on work performed is not in accordance with the approved plans and specifications on any disapproved changes or revision thereto, or unsafe construction practices are continued after sufficient warning by the Building Official or his authorized representatives, a STOP WORK ORDER shall be issued and takes effect until the conflict is resolved.

X. CERTIFICATE OF OCCUPANCY

A. Final Inspection:

After final inspection of the project indicates that the work performed was done in accordance with approved plans and specifications and has met all Government Code of Guam requirements, the Building Official shall issue a Certificate of Occupancy.

B. Section 31033, Building Law, Title XXXII, Government Code of Guam

"No building or structure hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Official and posted on the premises certifying that such building conforms to the provisions of this Law."

C. Change in Use:

Changes in the character or use of a building shall not be made except as specified in Section 502 of the Uniform Building Code, 1976.

D. Certificate Issued:

1. After final inspection when it is found that the building or structure complies with the provisions of Uniform Building Code 1976, the Building Official shall issue a Certificate of Occupancy which shall contain the following:

a). The building permit number
b). The address of the building
c). The name and address of the owner
d). A description of that portion of the building for which the certificate is issued.

e). A statement that the described portion of the building complies with the requirements of this Code for group and division of occupancy and the use for which the proposed occupancy is classified.

f). The name of the Building Official.

E. TEMPORARY CERTIFICATE:

A temporary Certificate of Occupancy may be issued by the Building Official for the use of a portion(s) of a building or structures prior to the completion of the entire building or structure.

F. POSTING:

The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

public works

TO: GRADING PERMIT APPLICANT

Before Grading Application can be reviewed by the Department of Land Management, Guam Environmental Protection Agency and the Department of Public Works, specific plans shall contain at least the following data and information.

I. Drawing Standard:

Sheet size shall not be less than 18" x 24" and not bigger than 30" x 42". Sheet size in plan set must not vary.

II. Civil Requirements:

A. Location Plan

B. Grading Plan

C. Drainage Plan

The subject lot shall be drawn in accordance with an accurate survey map.

Building Official
Building Permits & Inspection
Government of Guam

APPENDIX F

LAND USE PERMITS FLOW CHARTS

RULES AND REGULATIONS

MANUAL OF PROCEDURES

GOVERNMENT OF GUAM PERMITS

Coastal Zone Management Program
Bureau of Planning
Government of Guam

April 1986

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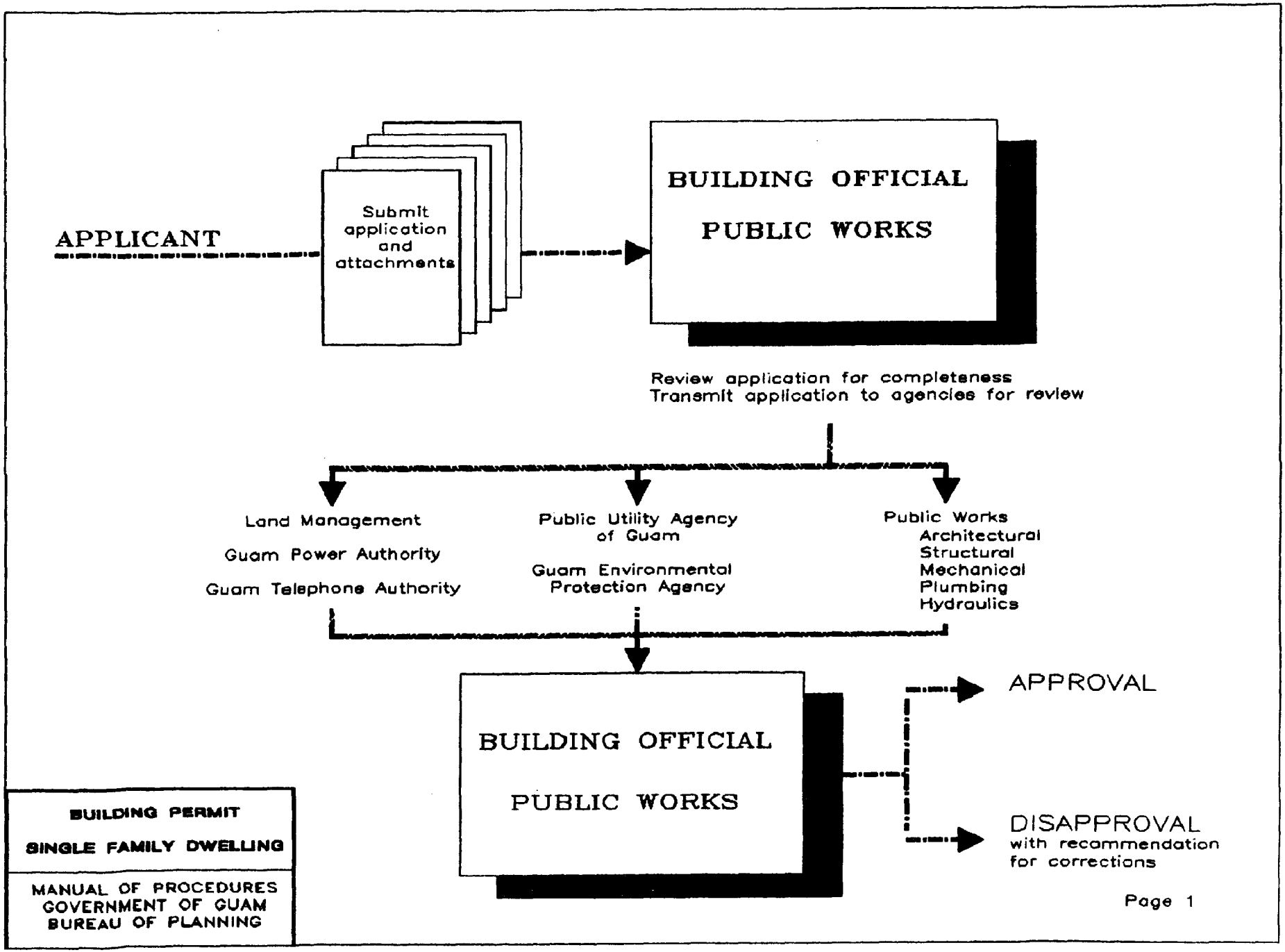
This Manual of Procedures for Government of Guam Permits is intended for Government of Guam personnel who are responsible for processing and coordinating permit applications. Users of this Manual are encouraged to supplement these procedures with other references and data which are helpful in permit processing.

The Manual will be periodically updated as procedures are revised or as new permits are required by the Government of Guam.


APPLICANT
Submit application and attachments
BUILDING OFFICIAL
PUBLIC WORKS
Review application for completeness
Transmit application to agencies for review
Land Management
Guam Power Authority
Guam Telephone Authority
Public Utility Agency of Guam
Guam Environmental Protection Agency
Public Works
Architectural
Structural
Mechanical
Plumbing
Hydraulics
BUILDING OFFICIAL
PUBLIC WORKS
APPROVAL
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with recommendation for corrections
BUILDING PERMIT
SINGLE FAMILY DWELLING
MANUAL OF PROCEDURES
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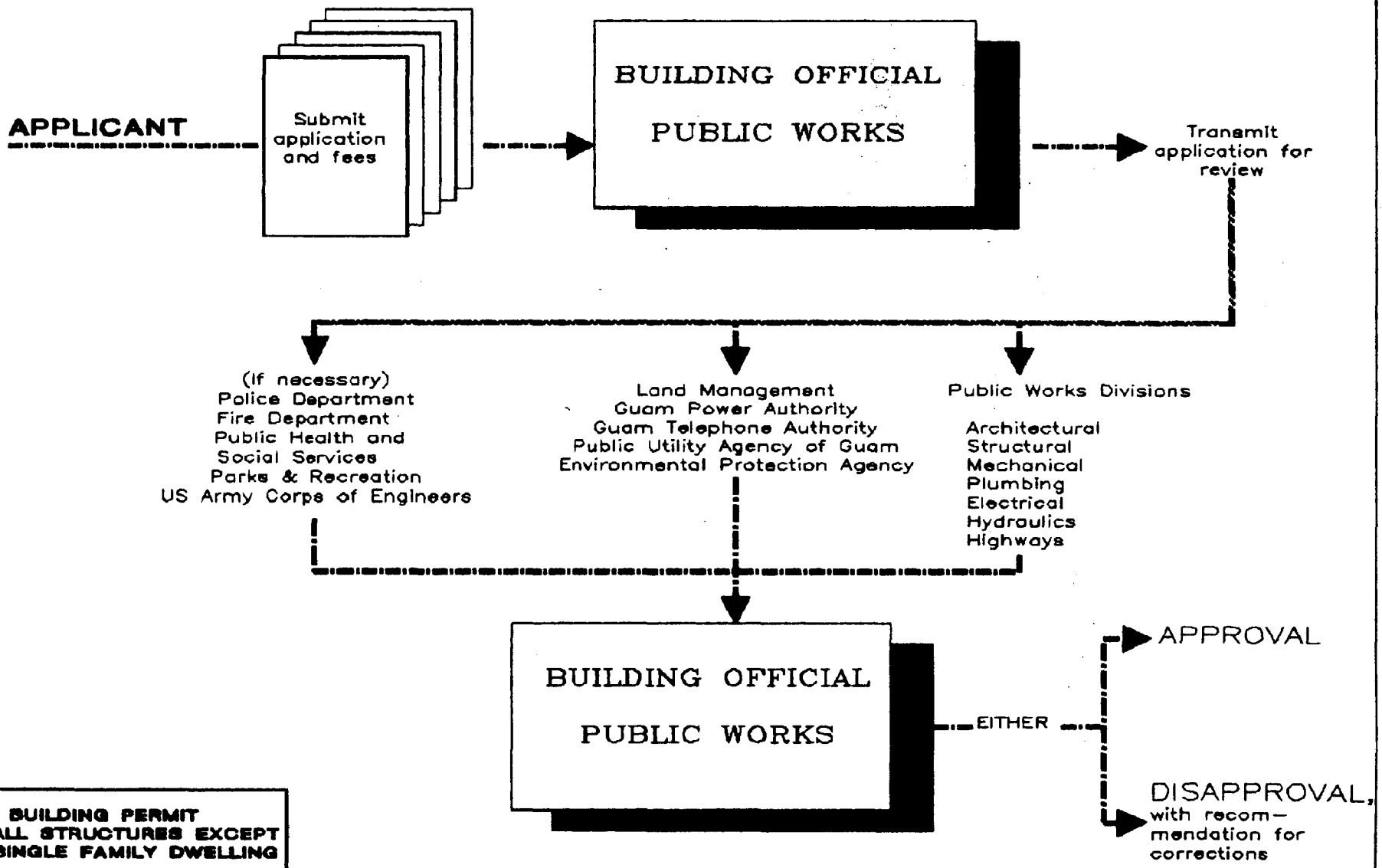

BUILDING PERMIT
ALL STRUCTURES EXCEPT SINGLE FAMILY DWELLING

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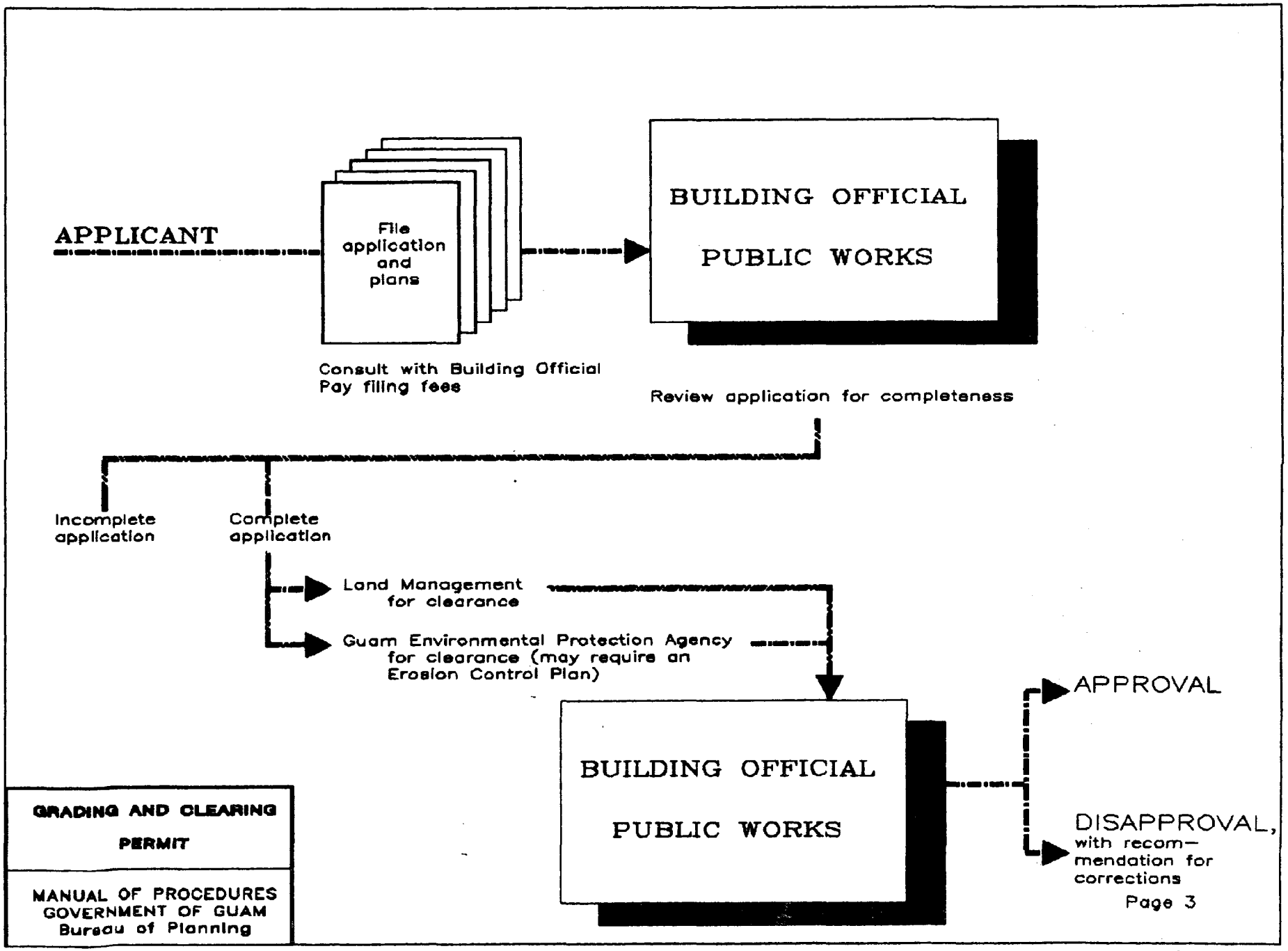

GRADING AND CLEARING PERMIT

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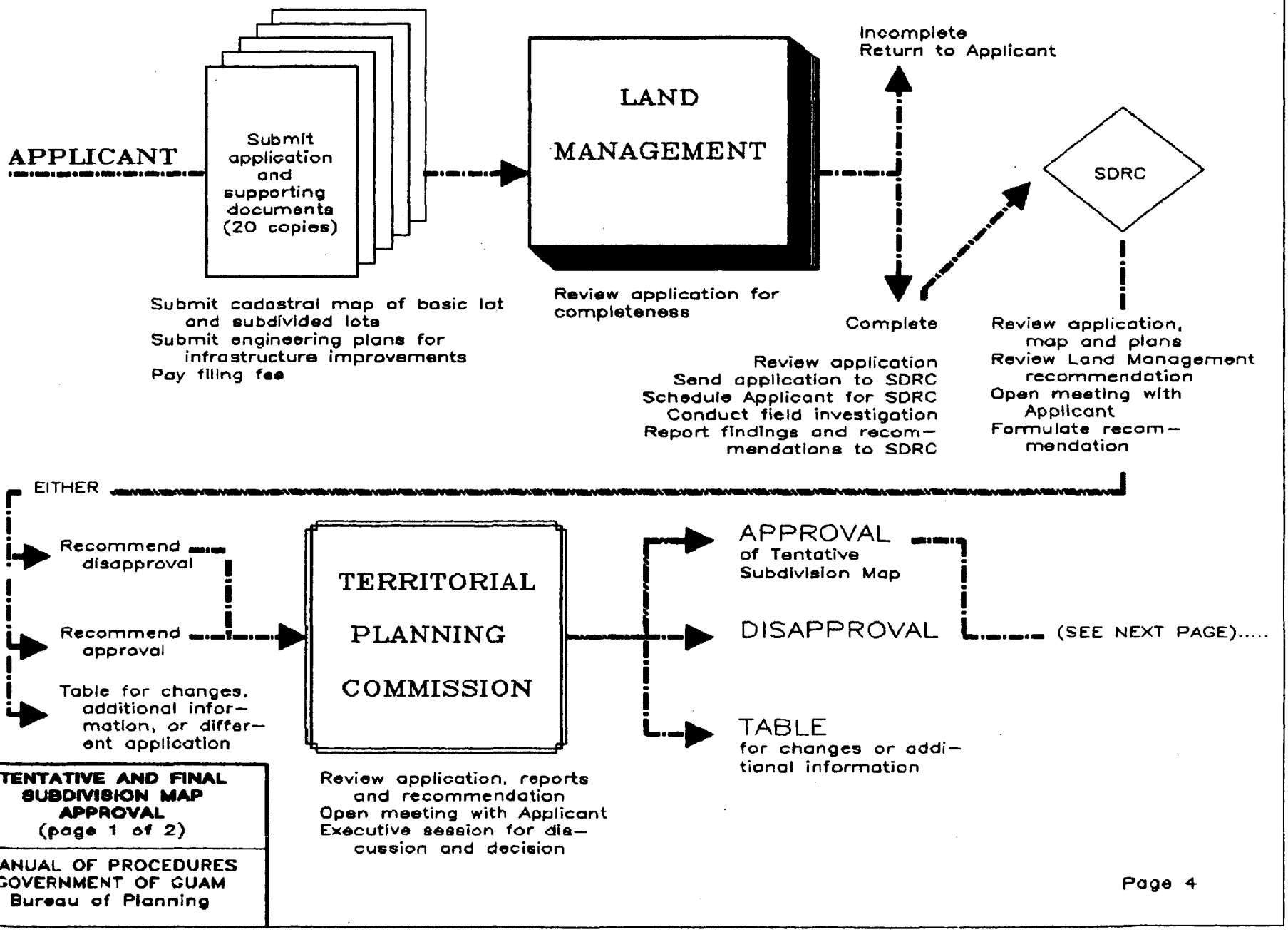

TENTATIVE AND FINAL SUBDIVISION MAP APPROVAL
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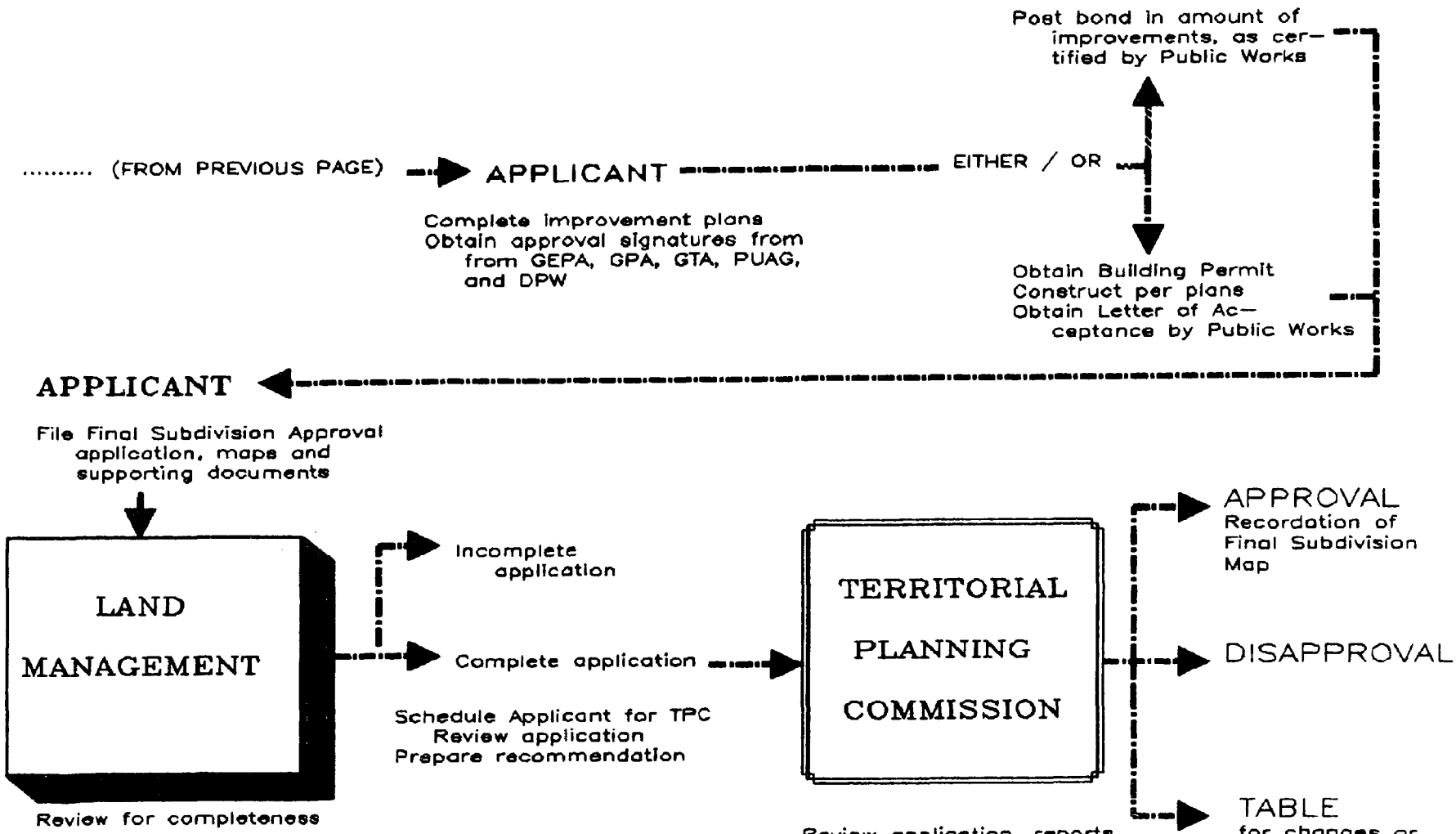

TENTATIVE AND FINAL SUBDIVISION MAP APPROVAL
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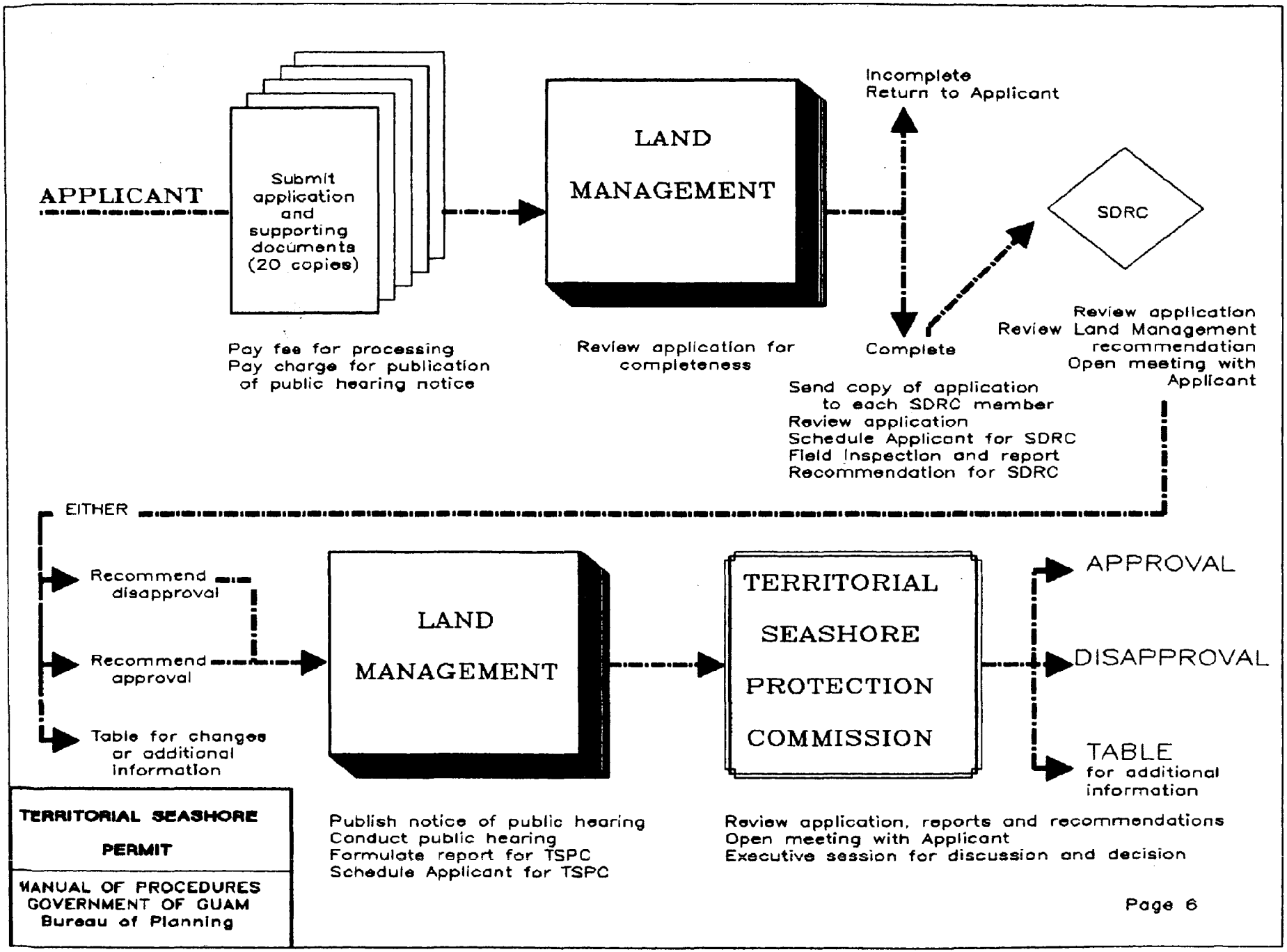

TERRITORIAL SEASHORE PERMIT

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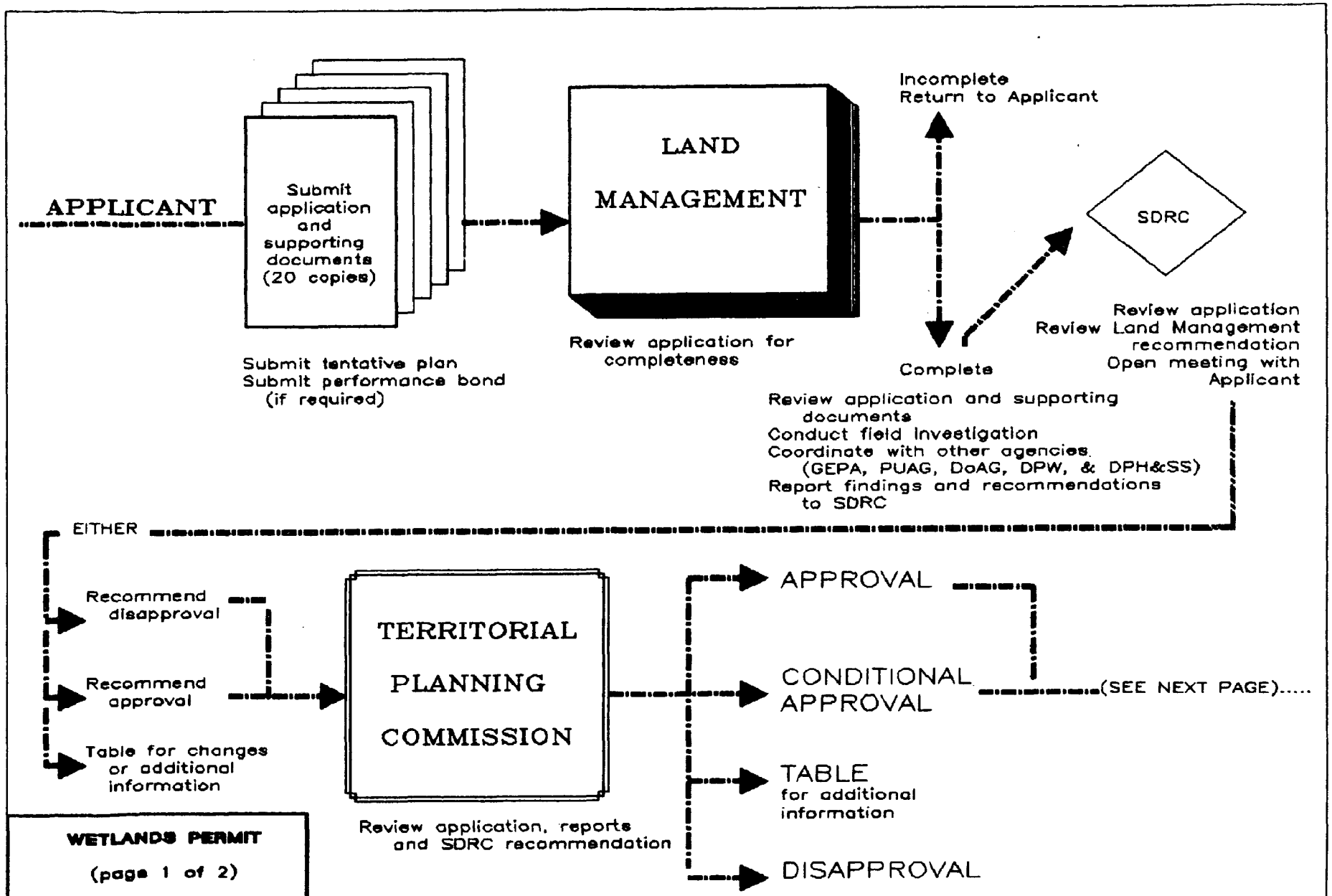

WETLANDS PERMIT

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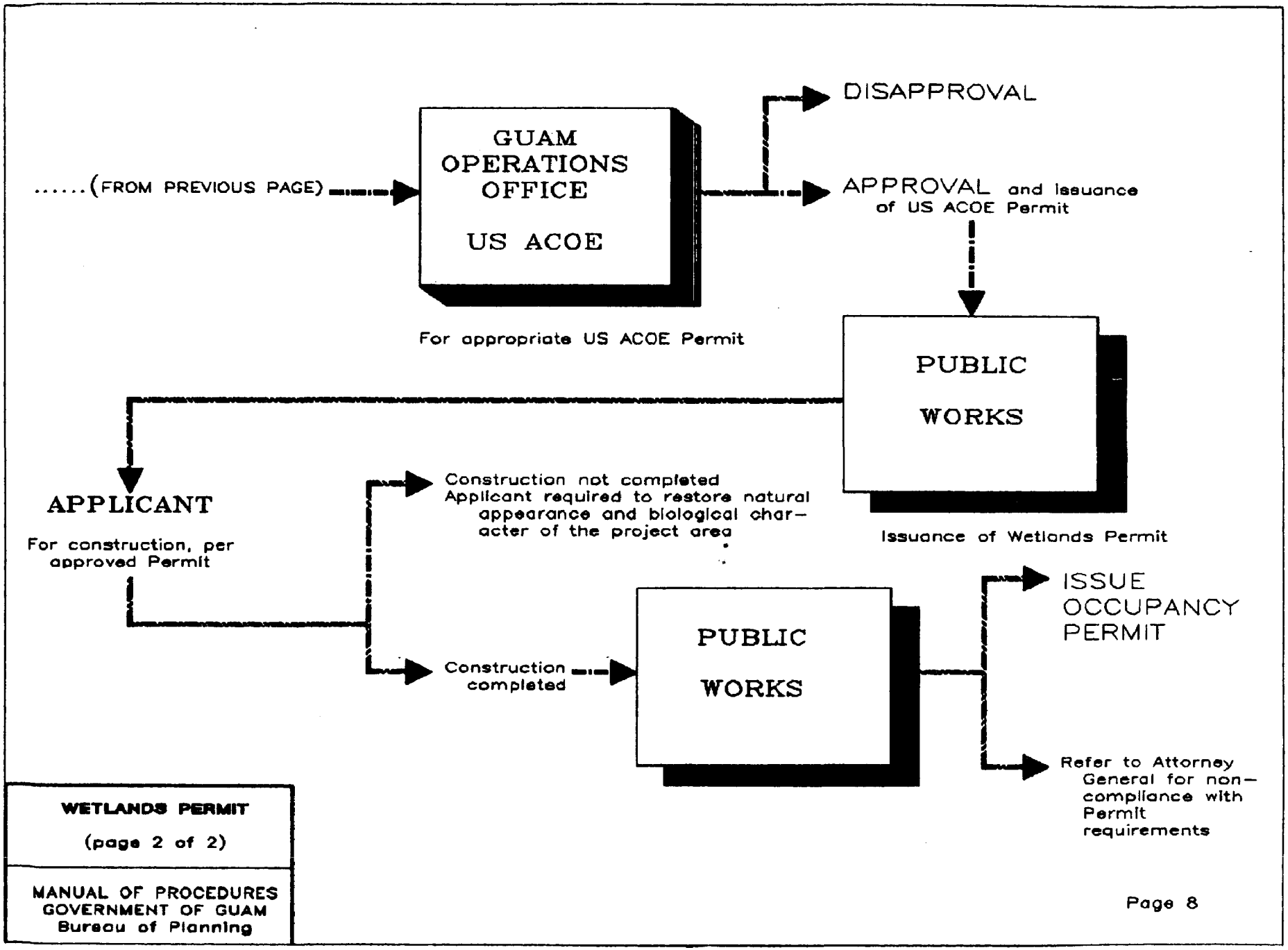

WETLANDS PERMIT

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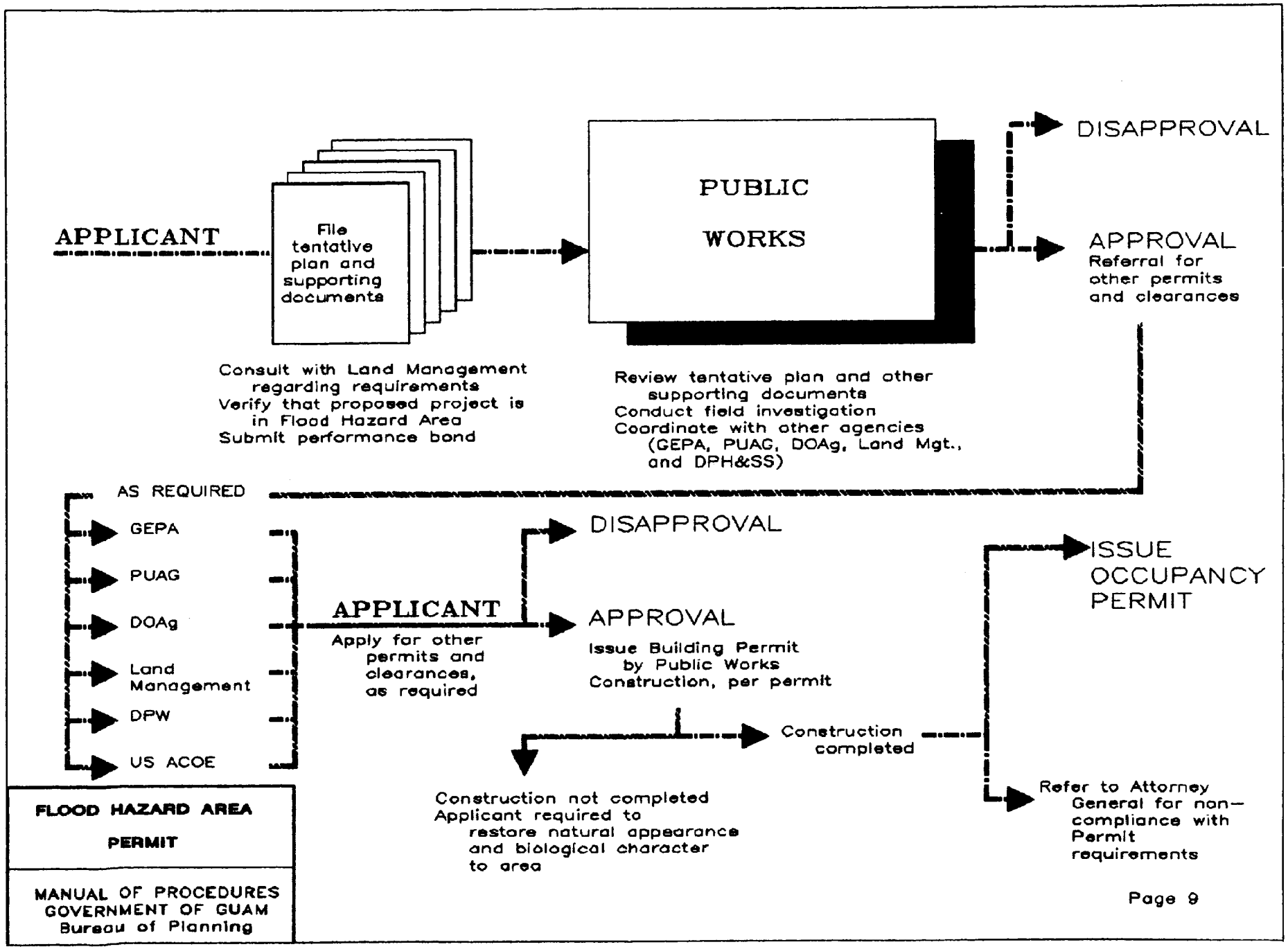

FLOOD HAZARD AREA PERMIT

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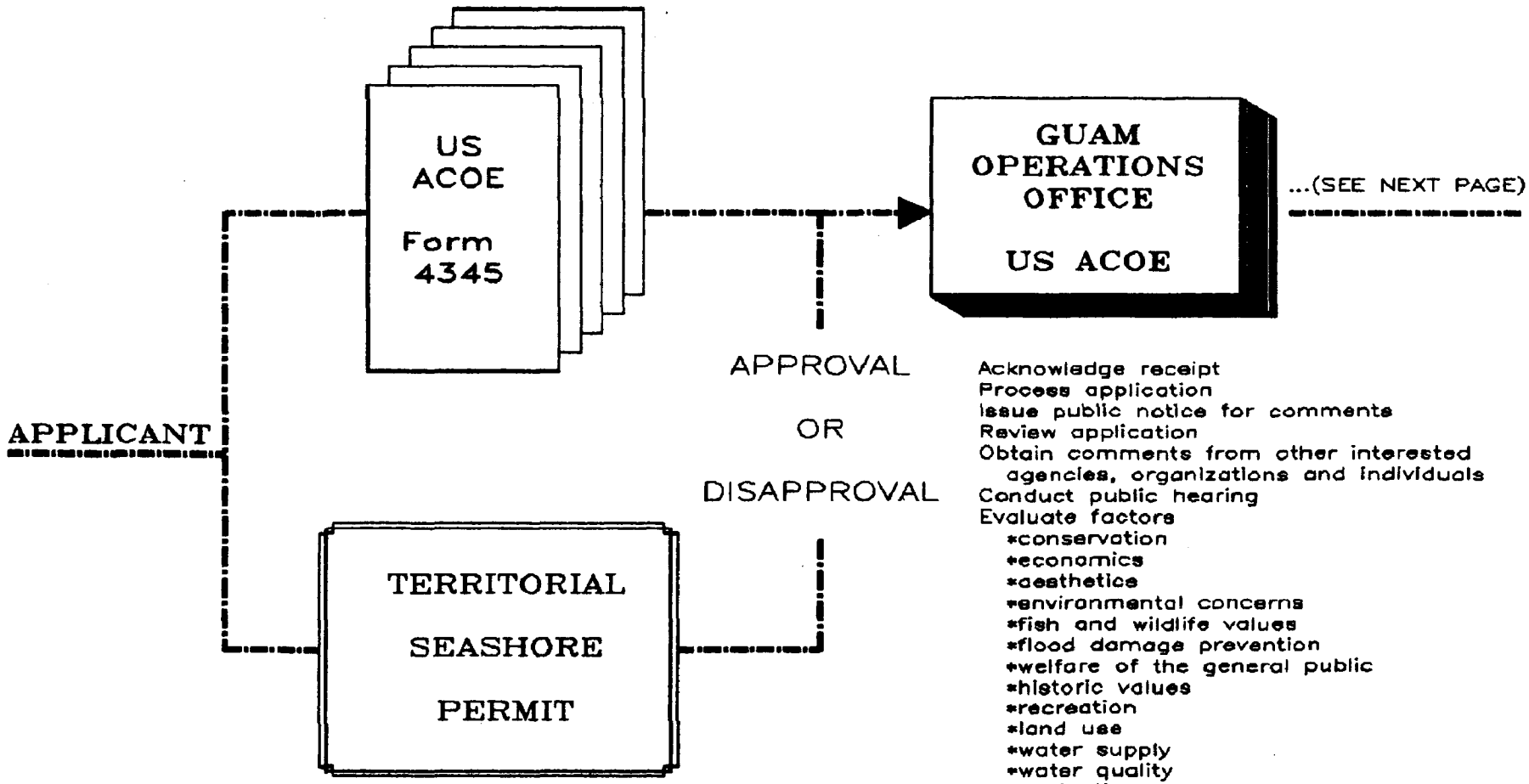

See Territorial Seashore Permit Procedure

Acknowledge receipt
Process application
Issue public notice for comments
Review application
Obtain comments from other interested agencies, organizations and individuals
Conduct public hearing
Evaluate factors
- *conservation
- *economics
- *aesthetics
- *environmental concerns
- *fish and wildlife values
- *flood damage prevention
- *welfare of the general public
- *historic values
- *recreation
- *land use
- *water supply
- *water quality
- *navigation
- *energy needs
- *safety
- *food protection

US ARMY CORPS OF ENGINEERS PERMIT (page 1 of 2)

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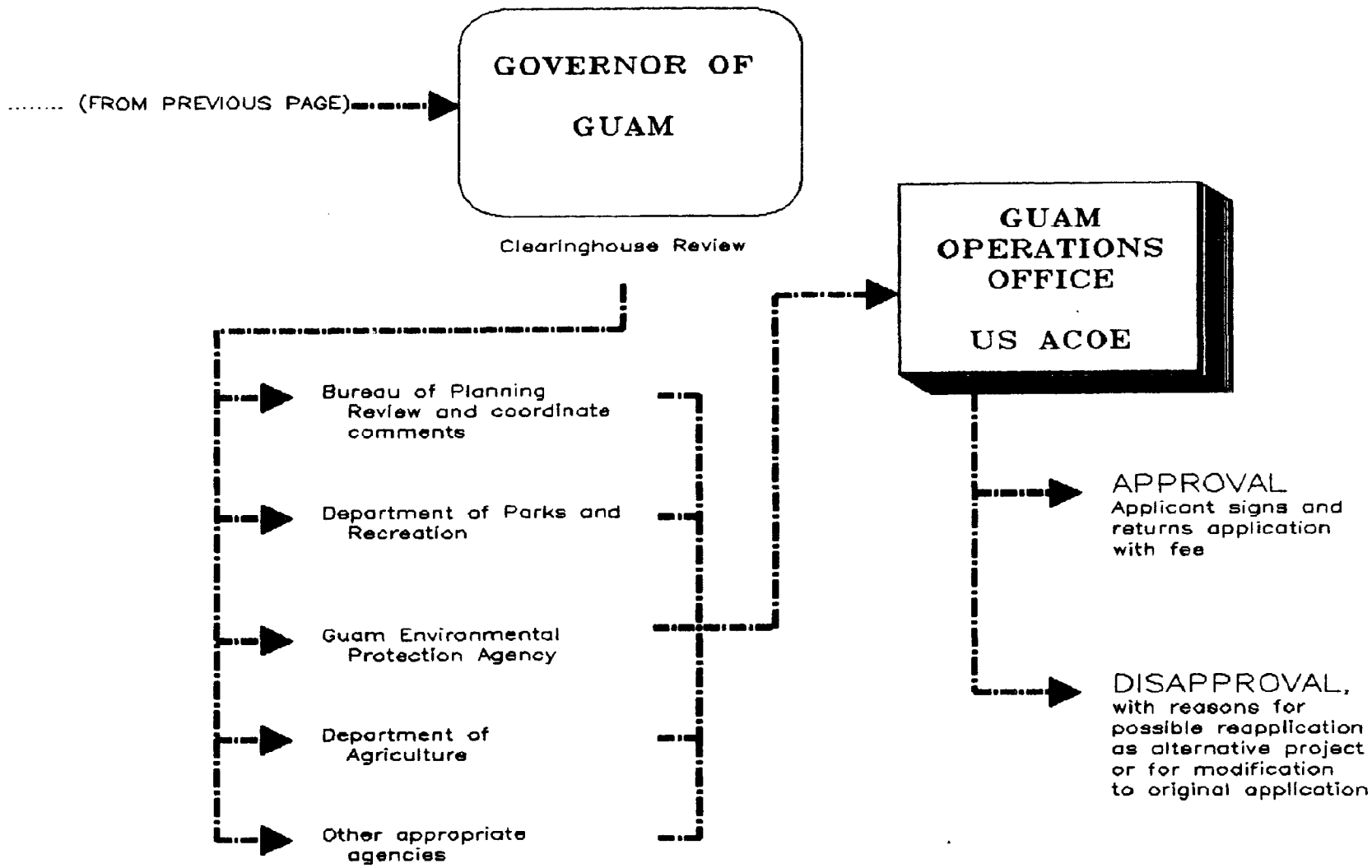

US ARMY CORPS OF ENGINEERS PERMIT
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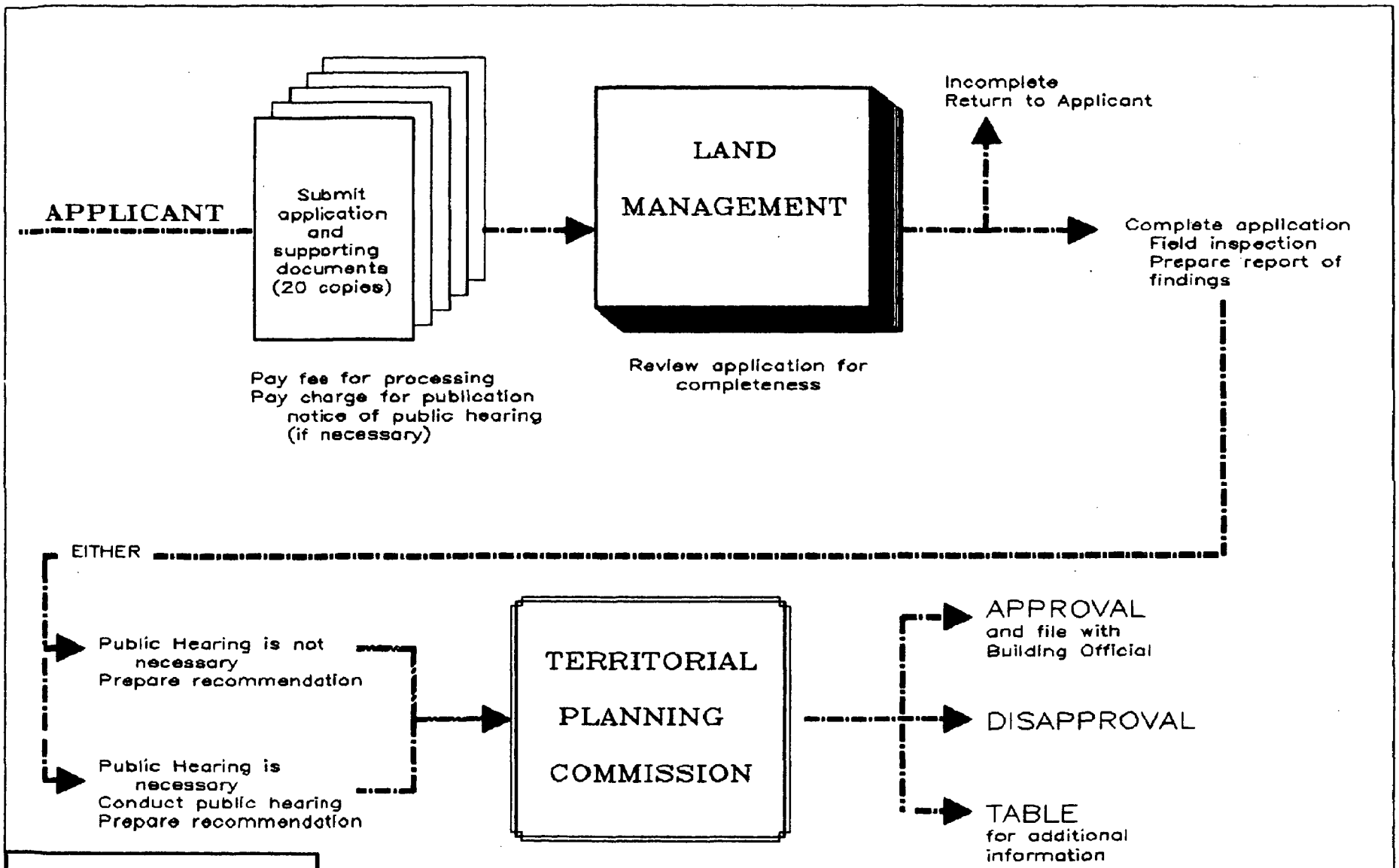

CONDITIONAL USE

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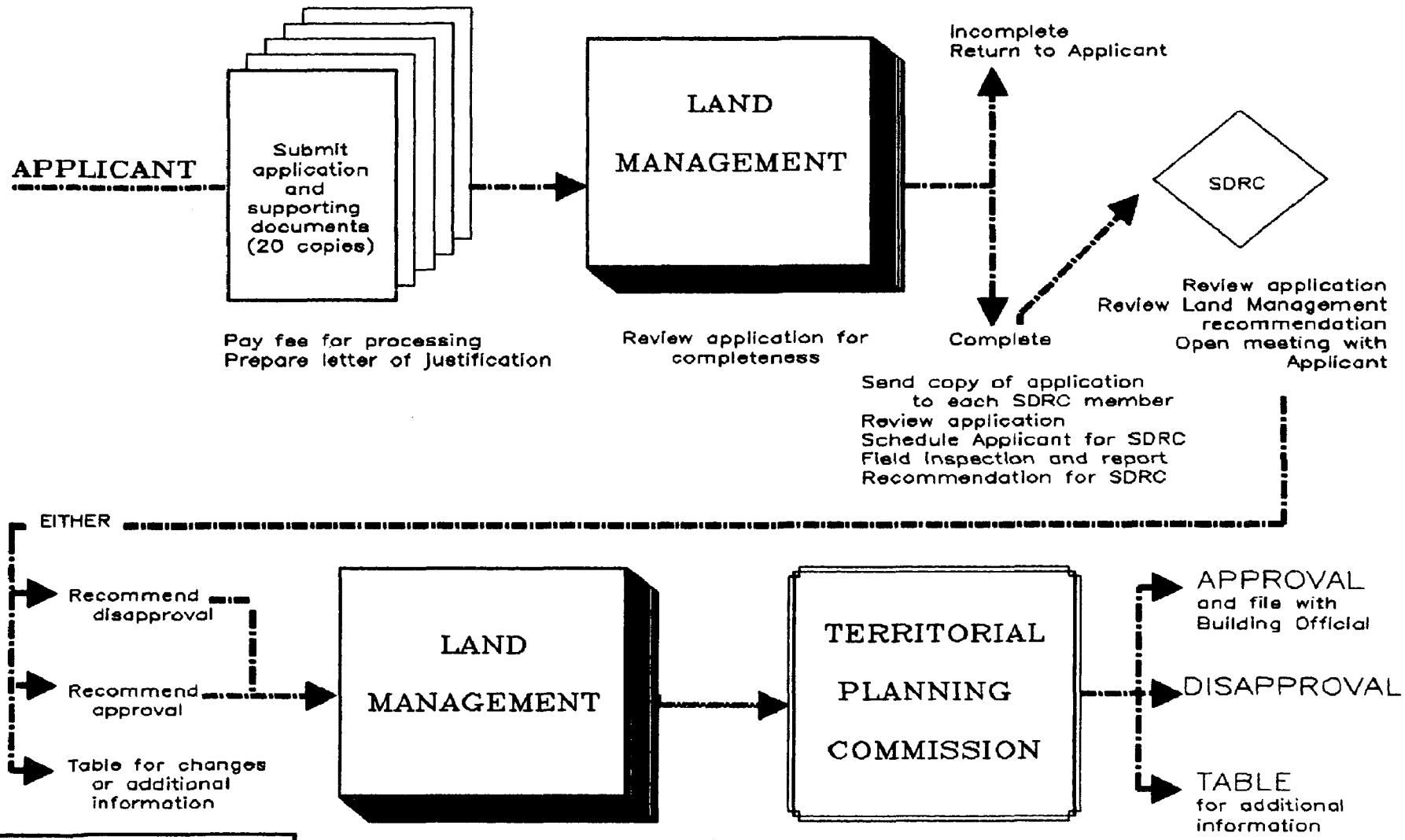

ZONE VARIANCE & SUBDIVISION IMPROVEMENT VARIANCE

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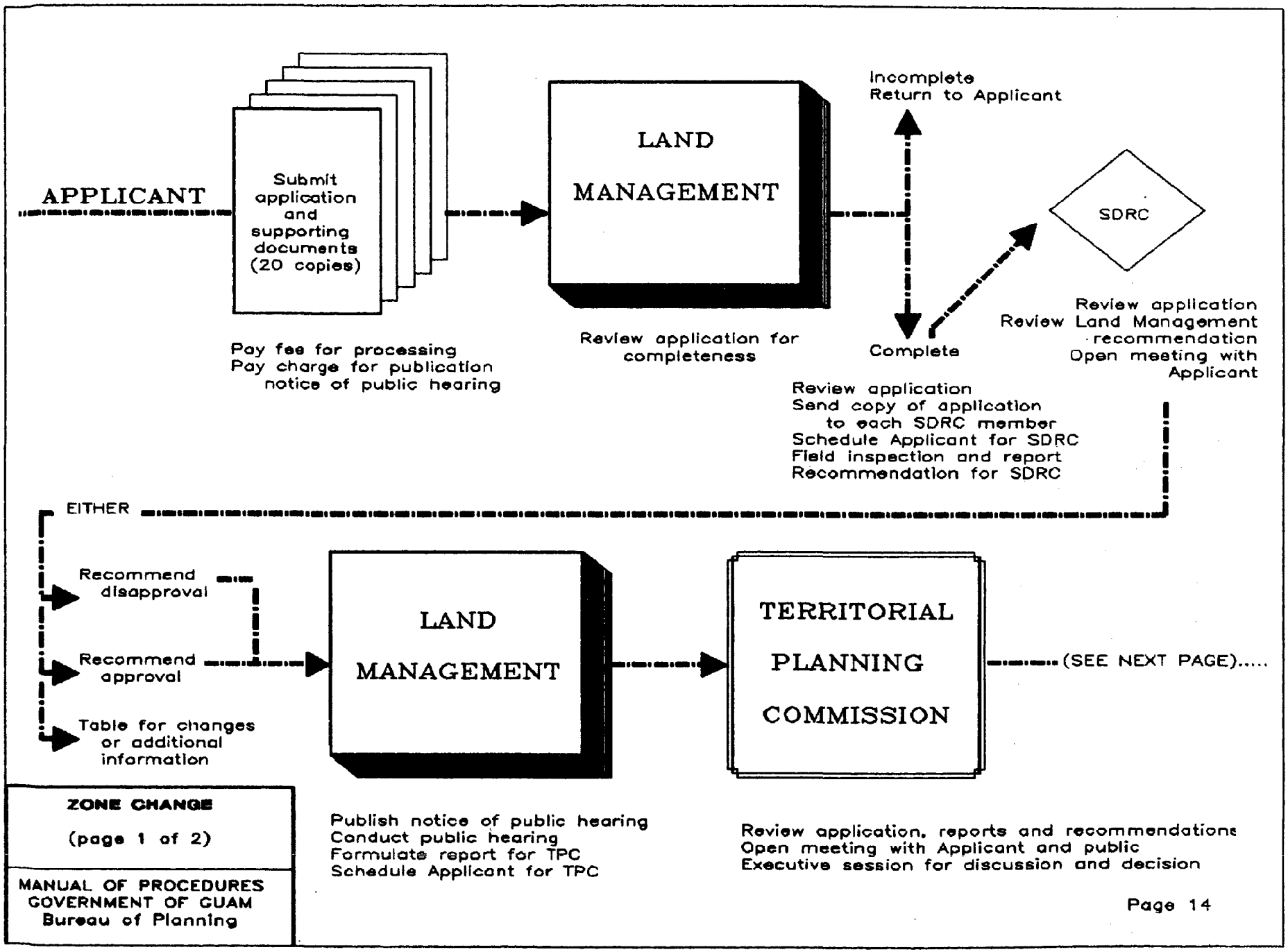

ZONE CHANGE

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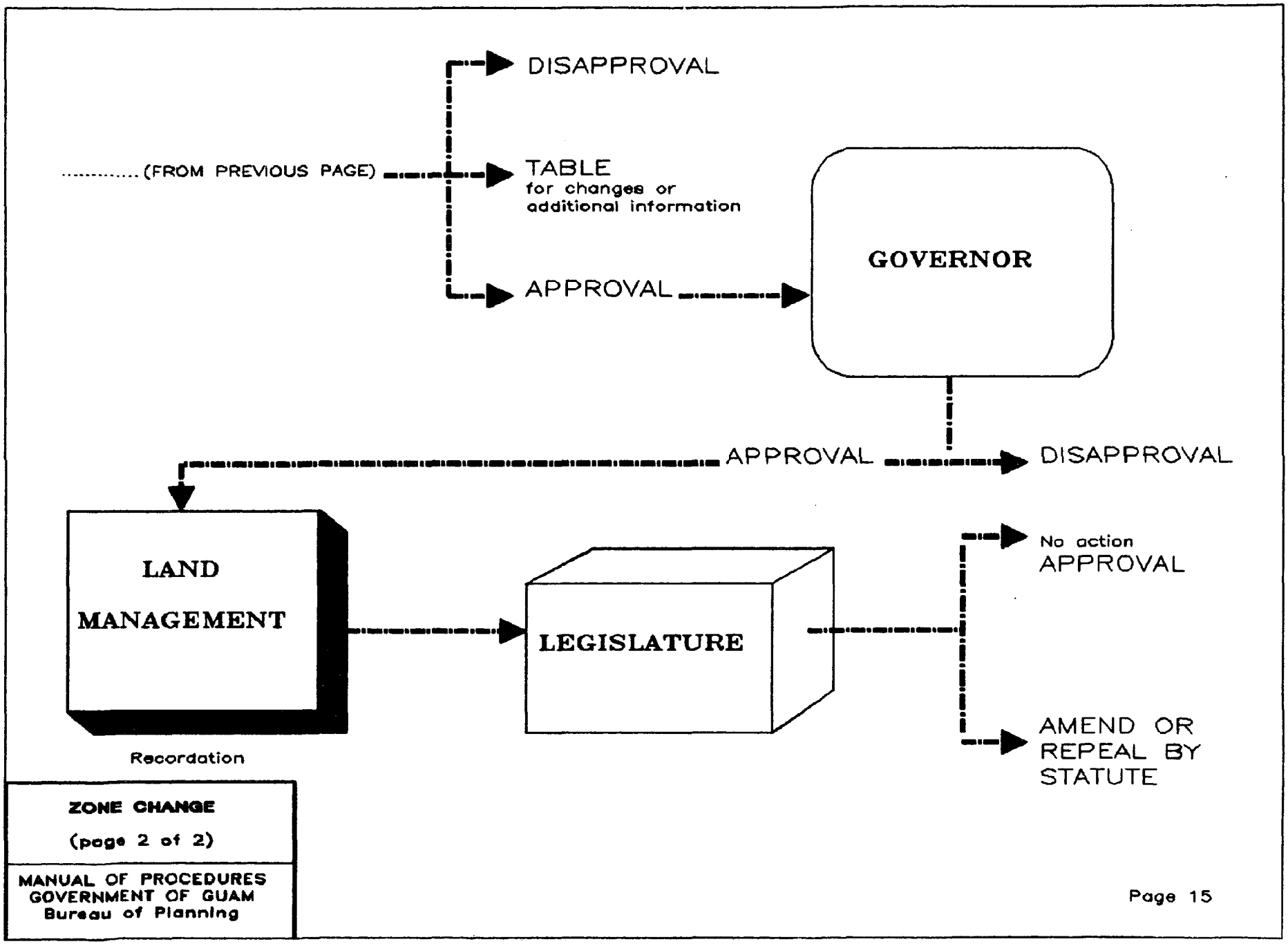

ZONE CHANGE

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MANUAL OF PROCEDURES
GOVERNMENT OF GUAM
Bureau of Planning

APPENDIX G

PERMIT, INSPECTION AND ENFORCEMENT FORMS

public works

TO: BUILDING PERMIT APPLICANT

The issuance of a building permit shall not relieve any person(s) from fully complying with the requirement of the provisions of the Building Law. Upon notification from the Permit Holder or his Agent, the Building Official shall inspect or cause to be inspected from time to time during progress of the work thereon, all building structures for work on which a building permit has been issued and is outstanding.

A. REQUIRED INSPECTIONS

Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.

1. FOUNDATION INSPECTION:

   To be made after trenches are excavated, forms erected and reinforcing steel are in place.

2. FLOOR SLAB INSPECTION:

   To be made after compaction of slab, plumbing and electrical rough-in are in place and placement of polythelene sheet and mesh wire are complete.

3. WALL INSPECTION:

   To be made after 4'-0" high of cmu wall and ties are in place.

4. ROOF SLAB INSPECTION:

   To be made after shorings and forms erected, reinforcing steel, plumbing and electrical rough-in are in place.

5. **FRAME INSPECTION:**

To be made after the roof, all framing, fire-blocking, and bracing are in place and all pipe vents are complete.

6. **LATH AND/OR WALLBOARD INSPECTION:**

To be made after all lathing and/or wallboard, interior and exterior, are in place, but before any plastering is applied or before wallboard joints and fasteners are taped and finished.

7. **FINAL INSPECTION:**

To be made after building is completed and ready for occupancy.

It shall be the responsibility of the permit holder or his agent to notify the Division of Building Permits & Inspection and request for inspection at least twenty-four (24) hours in advance.

JESUS Q. NINETE, SR.
BUILDING OFFICIAL

APPROVED BY:

WILLIAM B.S.M. FLORES, P.E.
Chief of Engineering - CIP's

CONCURRED BY:

CARL J.C. AGUON
Director

public works
Government of Guam

BUILDING SAFETY IS NO ACCIDENT

DIVISION OF BUILDING PERMITS & INSPECTION
APPLICATION AND PERMIT FOR CLEARING & GRADING

Permit Number

Location			Eng. Soils Report	Est. Quantity	Permit Fee	Fee Received
District	Block	Lot	Date Filed:	Excav. Cu. Y.D.	$	$
				Fill Cu. Y.D.	$	By: Date:

Located at _____

Lot Area _____ Sq. Ft. _____ Acres Overall Dimensions _____

Description of Soil
Fill Material _____
Existing Ground _____

Estimated Starting Date _____ 19 ____ Estimated Completion Date _____ 19 ____

Remarks: _____

Owner _____ Address _____ Phone _____

Engineer _____ Address _____ Phone _____

Contractor _____ Address _____ Phone _____

Date of Application _____ 19 ____ Applicant _____

Application Revised By _____ Date _____ 19 ____

To the Applicant:

Permission is hereby given to do the above work according to the conditions hereon and according to the approval plans and specifications pertaining thereto, subject to compliance with Chapter 70 of the U.B.C. No burning allowed on site unless a burning permit has been issued by the Fire Department.

Remarks: _____

Issued by:

JESUS Q. NINETE, SR.
Building Official Dept. of Public Works

Department of Land Management | Guam Power Authority | Guam Environmental Protection Agency

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Goverment of Guam

DIVISION OF BUILDING PERMITS AND INSPECTIONS
BUILDING INSPECTION SCHEDULE

Owner: _____ Building Permit No. _____

Contractor _____ Group /Type _____

Location & Lot No. _____

Schedule Date _____ Time _____ Date In _____ Received by _____

BUILDING		ELECTRICAL		PLUMBING	
Pouring Footing	☐	Rough-in	☐	Rough-in	☐
Floor Slab	☐	Finished	☐	Finished	☐
Roof Slab	☐	Facilities	☐	Facilities	☐
Walls	☐	Service	☐	Service	☐
Frame	☐	Other	☐	Other	☐
Relocation	☐		☐		☐
Other	☐				

Remarks: Explain clearly, the work requiring inspection.

_____

_____

Inspector _____ Inspector _____ Inspector _____

Date & Time: _____ Date & Time: _____ Date & Time: _____

_____
R.M.E. of Contractor/Owner

ENDORSEMENT BY GOVERNMENT INSPECTOR

I, certify that all work ☐ has been carried / ☐ has not been out in complaince with the Building Law, Government of Guam Standards and Projects plans and Specifications.

Building Inspector	Date	☐ Approved	☐ Disapproved
Electrical Inspector	Date	☐ Approved	☐ Disapproved
Plumbing Inspector	Date	☐ Approved	☐ Disapproved

INSTRUCTIONS

This form is to be prepared in three (3) copies, at the building permit reception counter, at least 24 hours in advance.

1. OFFICE COPY - WHITE
2. OWNERS COPY RETURN TO OFFICE - YELLOW
3. OWNER'S COPY - PINK

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BUILDING SAFETY IS NO ACCIDENT

APPLICATION FOR PERMIT & PLAN REVIEW
DIVISION OF BUILDING PERMITS

Application Number: _____

Permit Number: _____

IMPORTANT: Applicant must complete all items in sections I, II, III, IV

I. LOCATION OF BUILDING

Location _____ (No.) _____ (Street) _____ Zoning District _____

Between _____ (Cross Street) _____ and _____ (Cross Street)

Subdivision _____ Block _____ Lot Size _____

II. TYPE AND COST OF BUILDING

Group Occupancy _____ Type of Construction _____ Foundation _____

A. Type of Building

- ☐ New Building
- ☐ Foundation Only
- ☐ Shell Only
- ☐ Fence Wall
- ☐ Retaining Wall
- ☐ Other _____
- ☐ Add
- ☐ Alter
- ☐ Repair
- ☐ Demolished
- ☐ Reconstructed
- ☐ Relocated

Dimension of Building _____

B. Ownership

- ☐ Private (individual, corporation, non-profit institution, etc.)
- ☐ Public (Federal, State, or Local Government)

C. COST

Cost of Improvements ..... _____

electrical ..... _____

plumbing ..... _____

heating, air conditioning ..... _____

other (elevator, etc.) ..... _____

TOTAL COST OF IMPROVEMENT $ _____

Nonresidential - Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building at hospital, elementary school, secondary school, college, parochial school, parking garage for department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use.

_____

D. PROPOSED USE - (For "Wrecking" most recent use)

Residential

- ☐ One family
- ☐ Two or more families
  - Enter No. of Units _____
- ☐ Transient hotel, motel, or dormitory -
  - Enter No. of Units _____
- ☐ Garage
- ☐ Carport
- ☐ Other (specify) _____

Non-Residential

- ☐ Amusement, Recreational
- ☐ Church, other religious
- ☐ Industrial
- ☐ Parking garage
- ☐ Service station, repair garage
- ☐ Hospital, institutional
- ☐ Office, bank, professional
- ☐ Public utility
- ☐ School, library, other educational
- ☐ Stores, mercantile
- ☐ Tanks, towers
- ☐ Other (specify) _____

III. SELECTED CHARACTERISTICS OF BUILDING

for new buildings and additons, complete Parts E - K, for wrecking, complete only Part I, for all others skip to IV.

E. Principal Type of Frame

- ☐ Masonry (wall bearing)
- ☐ Wood frame
- ☐ Structural steel
- ☐ Reinforced concrete
- ☐ Other (specify) _____

F. Type of Sewage Disposal

- ☐ Public Sewer
- ☐ Private (septic tank, etc.)

G. Type of Mechanical

☐ Yes ☐ No Central Air Conditioning

☐ Yes ☐ No Will there be an elevator?

H. Type of Water Supply

- ☐ Public Supply
- ☐ Private (well, cistern)

I. Dimensions

- ☐ Number of stories _____

Total square feet of floor area, all floors, based on exterior dimensions _____

Total land area, sq. ft. _____

J. Number of Off-street Parking Spaces

Enclosed _____

Outdoors _____

K. Residential Buildings Only

Number of bedrooms _____

Number of Bathrs: Full _____ Partial _____

IV. IDENTIFICATION

	Name	Mailing Address - Number, street, city, and state	ZIP Code	Telephone
1. Owner or Lessee				
2. Contractor				
3. Architect or Engineer				

The owner of this building and the undersigned agree to conform to all applicable laws of this jurisdiction.

Applicants signature _____ Address _____ Application date _____

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BUILDING SAFETY IS NO ACCIDENT

APPLICATION FOR BUILDING PERMIT & PLAN REVIEW
DIVISION OF BUILDING PERMITS, SUBDIVISION & INSPECTION

Application Number: _____

Permit Number: _____

TO BE FILLED OUT BY BUILDING PERMIT STAFF ONLY

V. PLAN REVIEW RECORD

Plans Review Required	Date Plans Started	Date Plans Approved	Comments
Architectural			
Structural			
Mechanical/Plumbing			
Electrical			
Hydraulics/Civil			
Highway Encroachment			
Rights of Way			
Traffic Engineering			

VI. ZONING PLAN EXAMINATION RECORD

District

Use

Front Yard

Side Yard Side Yard

Rear Yard

Notes

VII. APPROVAL BY OTHER AGENCIES (Route as Indicated)

Agency	Date	Signature	Comments
Land Management, Zone			
Contractor's License Board			
Public Health			
E.P.A.			
Public Utilities			
Guam Power Authority			
Fire Prevention Bureau			
Guam Telephone Authority			
GHURA			

Permission is hereby given to the above work according to conditions hereon and according to approved plans and specifications pertaining thereto, subject to compliance with the Uniform Building Code and Government Code of Guam.

VIII. VALIDATION

Building Permit Number _____

Building Permit Issued _____, 19 ____

Approved By: _____

Title: _____ Date: _____

Approved Valuation: _____

Plan Checking fee _____ Rec'd _____

Building Permit fee _____

Total _____

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BUILDING PERMITS & INSPECTION

CERTIFICATION OF PERMIT CONDITION COMPLIANCE

OWNER _____ ADDRESS _____

USE OF BUILDING _____ PERMIT NUMBER _____

CONTRACTOR _____ LICENSE NUMBER _____

Agencies indicated (checked ☐) below must certify that the finished construction complies with that agency's prestated permit conditions. Certifications by all agencies indicated must be acquired before an occupancy permit can be issued by Department of Public Works or before resumption of occupancy can be allowed.

AGENCY	DATE	AUTHORIZED SIGNATURE
☐ Department of Land Management		
☐ Public Health & Social Services		
☐ Guam Environmental Protection Agency		
☐ Public Utility Agency of Guam		
☐ Guam Power Authority		
☐ Department of Public Safety		
☐ Fire Prevention Bureau		
☐ Guam Telephone Authority		
☐		

public works

OFFICE OF BUILDING PERMITS & INSPECTION

BUILDING SAFETY IS NO ACCIDENT

TERRITORY OF GUAM

BUILDING PERMIT
CERTIFICATE OF OCCUPANCY

THIS CERTIFICATE ISSUED PURSUANT TO THE REQUIREMENTS OF SECTION 31033, BUILDING LAW, TITLE XXXII, GEVERNMENT CODE OF GUAM CERTIFYING THAT AT THE TIME OF ISSUANCE THIS STRUCTURE WAS IN COMPLIANCE WITH THE VARIOUS CODES REGULATING BUILDING CONSTRUCTION OR USE.

DATE _____ 19 _____ PERMIT NO. _____

Applicant _____ (Contractor) Address _____ (No.) (street) _____ (Contr's License)

Permit To _____ (Type of Improvement) (__) No. Story _____ (Proposed Use) Number of Dwelling Units _____

At (Location) _____ (No.) Zoning District _____

Between _____ (Cross Street) And _____ (Cross Street)

Tract No. _____ Lot _____ Block _____

Building is to be _____ Ft. Wide By _____ Ft. Long By _____ Ft. In Height And Shall Conform In Construction

To Type _____ Use Group _____ Basement Walls Or Foundation _____

Remarks: _____

Area or Volume _____

Owner _____ (Signature)

_____ (Address)

Building Official _____

JESUS Q. NINETE, SR.

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