INSPECTOR'S FIELDBOOK

COASTAL ZONE
INFORMATION CENTER

Prepared by
BUREAU OF PLANNING

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1990

INSPECTOR'S FIELDBOOK

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

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INTRODUCTION

The development boom on Guam has endured throughout nearly all of the 1980's, and is expected to continue for the first few years of the 1990's at a minimum. This development has done much to increase the standard of living on our island, and has provided opportunities which translate into a retention of our youth on Guam. With a booming economy, the resultant quality of development has increased with the quantity. Hotel developers are utilizing larger lots, which allows for greater setback and increased parking. But the boom has also meant an increased workload for inspectors and building permit personnel, and the problems of land-use violations continue to exist.

Historically, inspectors have had training and expertise in the complexities of the Uniform Building Code, and have not concentrated on development aspects of the Zoning Law or other land-use laws. This field book, and a "Training for Inspectors" workbook which is being produced simultaneously, are meant to reacquaint inspectors with their responsibilities in the areas of zoning law criteria, etc.

This field book is designed to be carried with inspectors and enforcement personnel at all times. Enforceable aspects of the land-use laws are listed for easy reference.

ZONING LAW

TITLE XVIII

YARD AND AREA REQUIREMENTS: The following setback minimums, and lot widths should be checked during foundation inspection, both against actual on-site conditions and against the approved plans from which the Building Permit was issued. (Section 17200)

USE	FRONT YARD	REAR YARD	SIDE YARD	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.
A	25 ft.	25 ft.	15 ft.	100 ft.

If these minimum setbacks are not being maintained, the inspector must ascertain if a setback variance was granted by the Territorial Planning Commission, (or Territorial Seashore Protection Commission) (TPC/TSPC), through a "notice of action" processed by Department of Land Management.

If, in fact, the inspected development was granted a variance by the TPC or TSPC, the inspector must insure that the "approved

setbacks" are being met by the developer.

If the inspector ascertains that the required setback minimum is not being met, **a "stop work order"** should be issued immediately, and should remain in effect until the violation has been corrected.

PARKING AND LOADING ZONE REQUIREMENTS: Section 17350 of the Zoning Law iterates specific parking requirements by use. These requirements should already be checked and approved prior to any building permit issuance. You, as an inspector, must guarantee that:

1. The number of parking stalls on-site corresponds exactly to the number shown on the approved plans.
2. That for uses that require such, a 20 foot loading/unloading space is furnished in addition to the required parking.
3. That the area of the parking spaces equals 180 square feet per space.

If number three is not met, **a variance approval granted by the TPC must accompany the plans.**

SIGN REQUIREMENTS: Sign violations are usually noted after an occupancy permit has been granted to a structure. It is important to be aware of the signs you see during your daily inspections, as new signs are very often not in compliance.

The most obvious violations to look for are:

1. Signs **must advertise only the business or person occupying the premises.** In other words, if a sign is advertising for a product, or for a business occupying another location, then that sign is probably in violation.

2. Individual signs **must not cover more than 10% of the surface of the wall to which they are attached.** While this may become a judgement call in many cases, billboard type signs are clearly a violation.

3. Signs shall **not be higher than the roof line of the building to which they are attached.**

4. Free standing signs **shall not exceed forty square feet in size, or extend more than twelve feet above the ground.**

In order for signs which do not conform to not be in violation, there must be an approval on record from the TPC. (Section 17400)

CHANGES IN USE: If any change in use of a building is noted, the inspector should verify (in office) that the new use is essentially the same as the previous use. If not, the inspector should notify the Department of Land Management in order that that agency can verify the requirements of the use and zone can still be met, and

that no further action is necessary.

JUNK YARD REQUIREMENTS: Automobile junk yards create not only a visual nuisance, but a public danger as well. Section 17425 of the Zoning Law quite clearly states the conditions that must exist. Most important for the inspector are:

1. Junk Yard shall be enclosed by a fence not less than 8 feet high.
2. Junk Yard enclosure shall be set back **a minimum** of forty feet from any public road.
3. Minimum enclosed area is 40,000 square feet.

If, in the course of daily field work, you notice a junk yard which does not meet these criteria, a notice of violation should be issued by the Building Official immediately.

BUILDING IN BEACH AREAS: The most important thing to remember in the beach areas is, **all development, including excavation and fill, all signs and all uses within 35 feet of mean high water, must be approved by the Territorial Seashore Protection Commission.** If an activity is occuring in the seashore reserve area, the inspector should immediately verify that it has been approved by the TSPC. If not, an immediate stop work order should be issued and the contractor involved should be reported to the Contractor's Licensing Board.

SUBDIVISION LAW

TITLE XIX

REQUIREMENTS: The Subdivision Rules and Regulations are, in some ways, the easiest land-use laws to inspect for. Remember: **All subdivisions must be reviewed and approved by the Territorial Planning Commission. Prior to undertaking any inspection in a subdivision, the inspector must ensure that a copy of the TPC notice of action, with any and all conditions to approval, is attached with the inspection forms.**

HOTEL ZONE REGULATIONS

REQUIREMENTS: Because by definition, all activities within the "H" zone (almost all of Tumon Bay) are considered conditional uses, all activities require review and approval by the Territorial Planning Commission. **Prior to undertaking any inspection on "H" zoned property, the inspector must ensure that a copy of the TPC notice of action, along with any conditions to approval, is attached with the inspection form.**

SETBACKS: Unless otherwise stated in the TPC approval, setbacks in the "H" zone are as follows:

USE	FRONT YARD	SIDE YARD	REAR YARD
SING. FAM.	15 ft.	8 ft.	10 ft.
ZERO LOT LINE	15 ft.	16 ft.	10 ft.
ZERO LOT LINE SEMI-DETACHED	5 ft.	16 ft.	10 ft.
ROW FOUR TO EIGHT	20 ft.	16 ft.	16 ft.
MULTI FAMILY *	10 ft.	10 ft.	13 ft.
MULTI FAMILY **	13 ft.	10 ft.	20 ft.
MULTI FAMILY ***	23 ft.	23 ft.	33 ft.
MULTI FAMILY ****	33 ft.	total combined side yards=30% lot width or 33 ft.	49 ft.
HOTEL (SMALL)#	33 ft.	total combined side yards=40% lot width or 33 ft.	75 ft.
HOTEL (LARGE)+	33 ft.	total combined side yards=50% lot width, one side minimum 53 ft.	75 ft.
RESORT/COMMERCIAL	10 ft.	10 ft.	10 ft.

*	10,880	square	feet	minimum	lot	size
**	29,999	"	"	"	"	"
***	50,002	"	"	"	"	"
****	70,005	"	"	"	"	"
#	90,000	"	"	"	"	"
+	200,000	"	"	"	"	"

TERRITORIAL SEASHORE PROTECTION ACT

TITLE XIV

SEASHORE RESERVE: Because the shoreline was viewed as distinct and important to the people of Guam, the Legislature declared a (current) ten meter strip of land along the shore line, extending seaward to the six fathom contour, to be The Seashore Reserve. **All development in the Seashore Reserve MUST BE REVIEWED AND APPROVED BY THE TERRITORIAL SEASHORE PROTECTION COMMISSION. The following are excepted.**

1. Repairs and improvements not in excess of $7,500 to existing single-family residences.
2. Maintenance dredging of existing navigation channels.

All other development (including piers, docks, bouys, as well as any structural development) is required to obtain TSPC approval. If the inspector identifies any new development, repair, fill or

extraction activity for which no permit has been issued, an immediate stop work order should be issued and the Attorney General notified of the violation.

If an inspection is being conducted on a permitted project within the Seashore Reserve area, notice of action from the TSPC must be attached with the inspection forms and approved plans.

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 nereinafter 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) non-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 they are 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 Commission 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 vote of 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 relatingthereto 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 violatingany 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

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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.

2. 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 development schedule 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	9,000 W/Sewer 10,000 W/O Sewer (929 M²)	(4) 15 ft. (5m)	(4) 6 ft. (3m)	10 ft. (3m)	9,000 W/ Sewer 10,000 W/O Sewer (929 M²)	2 Stories
Zero Lot Line	5 d.u./acre	4000 sq.ft. (371.5 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. (278 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	16 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	29,995 sq.ft. (2,788 m²)	15 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	50,902 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)	40 ft. (15m)	1,688 sq.ft. (155m²)	"
Hotel Small	32 d.u./acre	90,000 sq.ft. (8365 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	36 d.u./acre	200,00 sq.ft. (18,588 m²)	33 ft. (10m)	Total combined side yards equals 30% lot width, one side min. 55 ft. (16m)	75 ft. (23m)	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) Landscape/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

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