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**CHAPTER 61
ZONING LAW**

SOURCE: This Chapter was repealed and reenacted by P.L. 24-171:3 (Apr. 17, 1998) as part of the adoption of the *I Tano 'ta* Land Use Plan. P.L. 25-011:2 (May 26, 1999) repealed P.L. 24-171 and and P.L. 25-011:3 expressly reenacted the version of Chapter 61 before the passage of P.L. 24-171.

2013 NOTE: To adhere to the Compiler's general codification scheme, the subcategory "Part" was replaced with "Subarticle" in this chapter, in accordance to the authority granted by 1 GCA § 1606.

- Article 1. General Provisions.
 - Subarticle 1. Bed and Breakfasts.
 - Subarticle 2. Short-Term Vacation Rental Unit.
- Article 2. Establishment of Zones and Boundaries.
- Article 3. Use Regulations.
- Article 4. Height Regulations.
- Article 5. Yard and Area Regulations.
- Article 6. Administration and Enforcement.

**ARTICLE 1
GENERAL PROVISIONS**

SOURCE: Pursuant to P.L. 24-171:1 (Apr. 17, 1998), this article was repealed in its entirety, and a new Zoning Code of Guam was reenacted by P.L. 24-171:3, as part of the adoption of the *I Tano 'ta* Land Use Plan. P.L. 25-20:2 (May 26, 1999) repealed P.L. 24-171, and P.L. 25-20:3 reenacted the version of Chapter 61 which existed before the passage of P.L. 24-171.

- § 61101. Title.
- § 61102. Purpose.
- § 61103. Definitions.
- § 61104. Interpretation.
- § 61105. Vote Requirements for the Commission. [Repealed]
- § 61106. Requirements Before Municipal Public Hearings.

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§ 61101. Title.

This Chapter shall be known as The Zoning Law of the Territory of Guam.

SOURCE: GC § 17000.

§ 61102. Purpose.

The purpose of this Chapter 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.

SOURCE: GC § 17001.

§ 61103. Definitions.

For the purpose of this Chapter, certain terms are defined as follows:

(a) 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.

(b) Apartment House. Same as dwelling, multiple.

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

(d) 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.

(1) Compact automobile. An automobile whose gross area for parking purposes is one hundred twenty (120) square feet or less.

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(2) Standard-sized automobile. An automobile whose gross area for parking purposes is one hundred sixty (160) square feet or less.

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

(f) 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.

(g) Compact Automobile. An automobile whose gross area for parking purposes is one hundred sixty (160) square feet or less.

(h) 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.

(i) Commission. Shall mean the Territorial Land Use Commission of Guam.

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

(k) 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.

(l) Dwelling, One-Family. A detached building containing only one dwelling unit.

(m) Dwelling, Two-Family. A detached building containing two dwelling units.

(n) Dwelling, Multiple. A building containing three or more dwelling units.

(o) Family. An individual, or two or more persons related by blood or marriage, or a group of not more than

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five persons who need not be related by blood or marriage living together as a single housekeeping unit.

(p) “Home occupation” means any activity operated for pecuniary gain conducted in, or directed from, a residential dwelling or unit restricted to family members residing within that dwelling as a secondary use of such dwelling unit.

(q) 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.

(r) 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 so stripped on the premises of the garage or automobile repair business.

(s) 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.

(t) 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.

(u) Lot Line, Rear. The lot line which is opposite and most distant from the front lot line.

(v) Lot Line, Side. Any lot line not a front lot line or a rear lot line.

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(w) Lot Depth. The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

(x) 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.

(y) Lot Area. The total horizontal area within the lot lines of a lot.

(z) Nonconforming Building. A building or structure which does not conform to the regulations of this Chapter and which lawfully existed at the time the regulations, with which it does not conform, became effective.

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

(bb) 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.

(cc) Standard-sized automobile. An automobile whose gross area for parking purposes is greater than one hundred sixty (160) square feet.

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

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

(ff) 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.

(ff) Yard. An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter.

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(gg) 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.

(hh) 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.

(ii) 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.

(jj) Bed and Breakfast. A private residence or building appurtenant or accessory to a private residence containing five (5) or fewer 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; provided, that the owner-proprietor occupies at least one (1) such room. No home may be licensed as a Bed and Breakfast whose physical address is the physical address of a registered sex offender.

(kk) Short-term Vacation Rental Unit. An accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for any term length not to exceed thirty (30) consecutive days. Such use may or may not include an on-site manager.

SOURCE: GC § 17004; amended by P.L. 10-5 and P.L. 21-49:1. Nos. 1 and 2 of subsection (d) added by P.L. 22-123. Subsection (p) repealed and reenacted by P.L. 28-068:IV:76 (Sept. 30, 2005). Subsection (jj) added by P.L. 32-045:1 (July 5, 2013) as (q)(1), and recodified by the Compiler. Subsection (jj) amended by P.L. 33-165:3 (June 30, 2016). Subsection (kk) added by P.L. 33-165:4 (June 30, 2016).

NOTE: The definition for standard-size automobile in subsection (d)(2) and the definition for compact automobile in subsection (g) are identical:

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“An automobile whose gross area for parking purposes is one hundred sixty (160) square feet or less.”

§ 61104. Interpretation.

In interpreting and applying the provisions of this Chapter, 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.

SOURCE: GC § 17003.

§ 61105. Vote Requirements for the Commission.

[Repealed.]

SOURCE: Added by P.L. 21-129:10. Repealed by P.L. 33-219:3 (Dec. 17, 2016).

2017 NOTE: P.L. 33-219:2 amended 21 GCA § 60401, which established the composition of the Guam Land Use Commission, and created in its place a Hybrid Commission.

§ 61106. Requirements Before Municipal Public Hearings.

(a) Upon receipt by the Department of Land Management of a land use application, a copy *shall* be transmitted to the Mayor of the affected municipality.

(b) In any land use action that requires the review and decision by the Guam Land Use Commission, no municipal public hearing shall be scheduled and conducted in the affected municipality until any and all available reports and position statements have been received from the Department of Land Management. To the maximum extent possible, said reports and position statements *shall* be provided by the Application Review Committee within thirty (30) days from the filing of the application. Upon receipt of any report or position statement submitted by the Application Review Committee, the Department of Land Management *shall* transmit said documents to the Mayor of the affected municipality.

(c) At the request of the Mayor, permanent voting members of the Application Review Committee, who have submitted position statements, *shall*, to the maximum extent

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possible, be present at the municipal public hearing to provide information relative to their findings.

SOURCE: Added by P.L. 33-209:1 (Dec. 15, 2016).

2017 NOTE: This section was originally added by P.L. 33-165:5 (June 30, 2016), entitled, "Purpose and Intent." Renumbered to § 61120 by the Compiler pursuant to 1 GCA § 1606.

**SUBARTICLE 1
BED AND BREAKFASTS**

SOURCE: Subarticle 1, §§ 61106-61112, added to Article 1 of this chapter by P.L. 33-165:5 (June 30, 2016).

2017 NOTE: To accommodate future enactments and amendments, Subarticle 1 was renumbered by the Compiler pursuant to the authority of 1 GCA § 1606. Internal references were altered to reflect the change.

- § 61115. Purpose and Intent.
- § 61116. Restrictions and Standards.
- § 61117. Reduced Tax Rates for Senior Citizens Eligibility Retained.
- § 61118. Rules and Regulations.
- § 61119. Imposition.
- § 61120. Exemption from Hotel Sanitation Law.
- § 61121. Sub-Article Not Applicable.

§ 61115. Purpose and Intent.

The purpose of this Sub-Article is to establish a licensing process and appropriate restrictions and standards for Bed and Breakfast homes; to allow small, local businesses an opportunity to participate and benefit from tourism; to provide a visitor experience and accommodation as an alternative to the resort and hotel accommodations currently existing on Guam; and to retain the character of the neighborhoods in which any Bed and Breakfast home is located.

SOURCE: Added as § 61106 by P.L. 33-165:5 (June 30, 2016), and renumbered by the Compiler.

§ 61116. Restrictions and Standards.

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Bed and Breakfast homes shall be subject to the following restrictions and standards, and any operator found in violation of these requirements may be subject to immediate closure and/or all such penalties or fines levied under Title 11, Guam Code Annotated:

(a) the owner-proprietor shall have a current business license as required by Division 3 of Title 11, Guam Code Annotated, and a Mayor's verification in the village of the Bed and Breakfast. The Director may, subject to § 61118 of this Sub-Article, adopt, amend, or modify such license, as he may deem necessary to implement this Sub-Article;

(b) a Bed and Breakfast shall be permitted in no more than one (1) single-family dwelling unit per lot;

(c) the owner- proprietor shall be a resident of Guam for at least one (1) year and shall reside, on a full-time basis, within the single-family dwelling being used as a Bed and Breakfast home;

(d) the Bed and Breakfast license shall be in the name of the owner-proprietor, who shall be a natural person and the owner of the real property where the Bed and Breakfast shall be licensed. No Bed and Breakfast license shall be held by a corporation or managed under a business structure that is guided by a board of directors or shareholders. The license shall not be transferable. No more than one (1) license shall be approved for any lot;

(e) the total number of guests at a Bed and Breakfast shall be according to the following:

(1) one (1) person per bed - the bed shall have a length of at most eighty (80) inches and width of at most thirty-nine (39) inches with at least a thirty (30) inch clearance around at least two (2) sides of the bed. There shall be at least a thirty (30) inch clearance between each bed, and no two (2) beds shall lay immediately adjacent to one another as this layout will constitute one (1) bed. There shall be no more than four (4) beds of these specifications per room, with the exception of bunkbeds; with two (2) persons per set of

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bunkbeds, and the beds of the bunkbeds shall have a length of at most eighty (80) inches and width of at most thirty-nine (39) inches. The bunkbed shall have at least a two (2) feet clearance from the ceiling, and there shall be no more than two (2) sets of bunkbeds in a room;

(2) two (2) persons per bed - the bed shall have a length of no less than seventy-five (75) inches and width of no less than fifty-four (54) inches with at least a thirty (30) inch clearance around at least two (2) sides of the bed. There shall be a thirty (30) inch clearance between each bed, and no two (2) beds shall lay immediately adjacent to one another as this layout will constitute one (1) bed. There shall be no more than two (2) beds of this specification per room;

(3) it is acceptable to have varying bed specifications in one (1) room as long as there are no more than four (4) persons per room;

(f) a Bed and Breakfast home shall make breakfast available to onsite guests, but shall not operate as a food service establishment unless a food service establishment is permitted;

(g) all advertising for any Bed and Breakfast home shall include the number of the license granted to the owner-proprietor;

(h) the act of advertising, marketing, and listing a property as a Bed and Breakfast, short-term vacation rental unit, or accommodation as part of a tour package through an advertisement, marketing, or booking platform or other intermediaries presumes participation in the Bed and Breakfast or short-term vacation rental industry and shall be subject to the enforcement and penalties pursuant to this Chapter;

(i) single-station smoke detectors shall be provided in all guest bedrooms;

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(j) the owner-proprietor shall create “house policies” and post them on all booking platforms or intermediaries used to market, advertise, list, find, and rent their property as a Bed and Breakfast. No booking shall occur without a posted house policy and an agreement between the owner-proprietor and the guest to abide by the house policies. The house policies shall be posted within each guest room and shall be identical to the house policies listed on the booking platform or intermediary used to market, advertise, list, find, and rent a room in the Bed and Breakfast. The owner-proprietor is responsible for enforcing such policies. The house policies shall include the following provisions:

(1) quiet hours shall be maintained from 9:00 p.m. to 5:00 a.m., during which any noise in the Bed and Breakfast home shall not disturb anyone on neighboring properties; and

(2) vehicles shall be parked in the designated onsite parking area.

SOURCE: Added as § 61107 by P.L. 33-165:5 (June 30, 2016), and renumbered by the Compiler.

§ 61117. Reduced Tax Rates for Senior Citizens Eligibility Retained.

A senior citizen whose residential property qualifies for reduced tax rates under the provisions of § 24110 of Chapter 24, Title 11, Guam Code Annotated, and operates a Bed and Breakfast on this property shall remain eligible for reduced tax rates and retain eligibility for reduced tax rates.

SOURCE: Added as § 61108 by 33-165:5 (June 30, 2016), and renumbered by the Compiler.

§ 61118. Rules and Regulations.

Subject to the Administrative Adjudication Act, the Department of Revenue and Taxation may adopt rules and regulations for the implementation of this Sub-Article.

SOURCE: Added as § 61109 by P.L. 33-165:5 (June 30, 2016), and renumbered by the Compiler.

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§ 61119. Imposition.

An excise tax is hereby levied and imposed which shall be assessed and collected monthly against transient occupants of a room or rooms in a Bed and Breakfast pursuant to Chapter 30 of Division 2, Title 11, Guam Code Annotated.

SOURCE: Added as § 61110 by P.L. 33-165:5 (June 30, 2016), and renumbered by the Compiler.

§ 61120. Exemption from Hotel Sanitation Law.

Bed and Breakfast owners are not subject to the hotel sanitation law in Chapter 26 of Division 2, Title 10, Guam Code Annotated.

SOURCE: Added as § 61111 by P.L. 33-165:5 (June 30, 2016), and renumbered by the Compiler.

§ 61121. Sub-Article Not Applicable.

This Sub-Article shall not apply to homes hosting a student for a student exchange program, in which the host family has received compensation for housing and feeding the exchange student; provided, that the exchange program is being hosted by a school within Guam that has been accredited by a United States recognized accreditation commission, and the head of household or host family agrees in writing to accept responsibility for any and all harm and damages resulting from interactions between the exchange student.

SOURCE: Added as § 61112 by P.L. 33-165:5 (June 30, 2016), and renumbered by the Compiler.

**SUBARTICLE 2
SHORT-TERM VACATION RENTAL UNIT**

SOURCE: Subarticle 2, §§ 61113-61121, added to Article 2 of this chapter by P.L. 33-165:6 (June 30, 2016).

2017 NOTE: To accommodate future enactments and amendments, Subarticle 2 was renumbered by the Compiler pursuant to the authority of 1 GCA § 1606. Internal references altered to reflect the change.

§ 61131. Purpose and Intent.

§ 61132. Definitions.

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- § 61133. Short-term Vacation Rental Unit Certificate.
- § 61134. Application for Short-term Vacation Rental Unit Certificate.
- § 61135. Short-term Vacation Rental Unit Emergency Contact.
- § 61136. Short-term Vacation Rental Unit Regulations.
- § 61137. Sub-Article Not Applicable.
- § 61138. Imposition.
- § 61139. Exemption from Hotel Sanitation Law.

§ 61131. Purpose and Intent.

It is the purpose of this Sub-Article to protect the public health, safety and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by the occupancy of short-term vacation rental units; and to implement rationally based, reasonably tailored regulations to protect the integrity of Guam's neighborhoods.

SOURCE: Added as § 61113 by P.L. 33-165:6 (June 30, 2016), and renumbered by the Compiler.

§ 61132. Definitions.

(a) Code compliance verification form is a document executed by a short-term vacation rental unit property owner certifying that the property is in compliance with applicable zoning, building, health and life safety code provisions, to include homeowners association or condominium covenants, rules and regulations, or restrictions. No person shall allow occupancy or possession of any short-term vacation rental unit if the premises are in violation of any applicable zoning, building, health or life safety code provisions.

(b) Short-term vacation rental unit occupants means guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupies a dwelling unit for lodging for any term length not to exceed thirty (30) consecutive days.

(c) Short-term vacation rental unit means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging

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for any term length not to exceed thirty (30) consecutive days. Such use may or may not include an on-site manager.

(d) Short-term vacation rental unit emergency contact means a natural person designated by the owner of a short-term vacation rental unit on the short-term vacation rental unit certificate application. Such person shall be available for and responsive to contact at all times, and is someone who is customarily present at a location within Guam for purposes of transacting business.

SOURCE: Added as § 61114 by P.L. 33-165:6 (June 30, 2016), and renumbered by the Compiler.

§ 61133. Short-term Vacation Rental Unit Certificate.

No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as a short-term vacation rental unit, as defined in § 61131, without first obtaining a business tax certificate from the Department of Revenue and Taxation, and complying with the regulations contained in this Sub-Article. No certificate issued under this Sub-Article may be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

SOURCE: Added as § 61115 by P.L. 33-165:6 (June 30, 2016), and renumbered by the Compiler.

§ 61134. Application for Short-term Vacation Rental Unit Certificate.

(a) Applicants for a short-term vacation rental unit certificate shall submit, on an annual basis, an application for a short-term vacation rental unit certificate to the Director of the Department of Revenue and Taxation. The application shall be furnished under oath on a form specified by Director, accompanied by a non-refundable application fee. Such application shall include:

(1) the name, address, telephone number and email address of the owner(s) of record of the dwelling unit for which a certificate is sought. If such owner is not a natural person, the application shall identify all partners, officers

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and/or directors of any such entity, including personal contact information;

(2) the address of the unit to be used as a short-term vacation rental unit;

(3) the name, address, telephone number and email address of the short-term vacation rental unit emergency contact, which shall constitute his or her twenty-four (24) hour contact information;

(4) the owner's sworn acknowledgement that he or she has received a copy of this Sub-Article, has reviewed it and understands its requirements;

(5) the number and location of parking spaces allotted to the premises;

(6) the owner's agreement to use his or her best efforts to assure that use of the premises by short-term vacation rental unit occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties; and

(7) any other information that this Sub-Article requires the owner to provide to the Department as part of an application for a short-term vacation rental unit certificate. The Director or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this Sub-Article.

(b) Attached to and concurrent with submission of the application described in this Section, the owner shall provide:

(1) the owner's sworn code compliance verification form;

(2) a written exemplar agreement, which shall consist of the form of document to be executed between the owner and occupant(s), and which shall contain the following provisions:

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(A) the occupant(s)' agreement to abide by all of the requirements of this Sub-Article, state and federal law, and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;

(B) the occupant(s)' acknowledgement that the total number of occupants shall be limited to up to two (2) adult guests and up to two (2) minor guests per bedroom;

(C) the occupant(s)' acknowledgement that it shall be unlawful to allow or make any noise which a reasonable person may deem excessive between the hours of 9:00 p.m. and 5:00 a.m.; and

(D) the occupant(s)' acknowledgement and agreement that violation of the agreement or this Sub-Article may result in immediate termination of the agreement and eviction from the short-term vacation rental unit by the owner or emergency contact, as well as the potential liability for the payment of fines levied by the Department;

(3) proof of the owner's current ownership of the short-term vacation rental unit or similar documentation showing possession or responsibility of property;

(4) proof of property owner's insurance of property, to include any policies for Bed and Breakfasts, short-term rental units, or similar activities;

(5) a written certification from the short-term vacation rental unit emergency contact that he or she agrees to perform the duties specified in § 61135; and

(6) the certificate holder shall publish the short-term vacation rental unit certificate number in every print, digital and/or internet advertisement, and in any property listing in which the short-term vacation rental unit is advertised.

SOURCE: Added as § 61116 by P.L. 33-165:6 (June 30, 2016), and renumbered by the Compiler.

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§ 61135. Short-term Vacation Rental Unit Emergency Contact.

The owner of a short-term vacation rental unit shall designate a short-term vacation rental unit emergency contact on its application for a short-term vacation rental unit certificate. A property owner may serve as the short-term vacation rental unit emergency contact; provided, that such owner is able to comply with the requirements of this Section. The duties of the short-term vacation rental unit emergency contact are to:

(a) be reasonably available to handle any problems arising from the short-term vacation rental unit or its occupants;

(b) appear on the premises of any short-term vacation rental unit within two (2) hours following notification from the Director, village Mayor, or emergency personnel of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short-term vacation rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the applicable law pertaining to noise, disorderly conduct, overcrowding, and consumption of alcohol or use of illegal drugs. Failure of the agent to timely appear to two (2) or more complaints regarding violations may be grounds for penalties as set forth in this Chapter. This is not intended to impose a duty to act as a peace officer or otherwise require the emergency contact to place himself or herself in a perilous situation;

(c) receive and accept service of any notice of violation related to the use or occupancy of the premises; and

(d) monitor the short-term vacation rental unit for compliance with this Chapter.

(e) An owner may change his or her designation of a short-term vacation rental unit emergency contact temporarily or permanently; however, there shall only be one (1) such emergency contact for a property at any given time. To change the designated emergency contact, the

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owner shall notify the Director in writing of the new emergency contact's identity, together with all information regarding such person as required by the applicable provisions of § 61134. Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this Chapter, or otherwise fails to demonstrate the ability to comply with the laws of Guam or the United States. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications.

SOURCE: Added as § 61117 by P.L. 33-165:6 (June 30, 2016), and renumbered by the Compiler.

§ 61136. Short-term Vacation Rental Unit Regulations.

(a) Notwithstanding Chapter 9 of Title 5, Guam Code Annotated, the Director of the Department of Revenue and Taxation *shall* issue or amend the necessary application, certificates, and reporting forms in accordance with this Sub-Article.

(b) The Director of the Department of Revenue and Taxation may adopt or amend additional rules and regulations as are necessary and proper to implement the provisions of this Sub-Article, subject to the Administrative Adjudication Act.

SOURCE: Added as § 61118 by P.L. 33-165:6 (June 30, 2016), and renumbered by the Compiler. Amended by P.L. 34-097:2 (May 14, 2018).

2018 NOTE: Subsection/subitem designations altered/added pursuant to the authority of 1 GCA § 1606.

§ 61137. Sub-Article Not Applicable.

This Sub-Article shall not apply to homes hosting a student for a student exchange program, in which the host family has received compensation for housing and feeding the exchange student; provided, that the exchange program is being hosted by a school within Guam that has been accredited by a United States recognized accreditation commission, and the head of household or host family agrees in writing to accept

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responsibility for any and all harm and damages resulting from interactions between the exchange student.

SOURCE: Added as § 61119 by P.L. 33-165:6 (June 30, 2016), and renumbered by the Compiler.

§ 61138. Imposition.

An excise tax is hereby levied and imposed which shall be assessed and collected monthly against transient occupants of a room or rooms in a short-term vacation rental unit pursuant to Chapter 30 of Division 2, Title 11, Guam Code Annotated.

SOURCE: Added as § 61120 by P.L. 33-165:6 (June 30, 2016), and renumbered by the Compiler.

§ 61139. Exemption from Hotel Sanitation Law.

Short-term vacation rental unit owners are not subject to the hotel sanitation law in Chapter 26 of Division 2, Title 10, Guam Code Annotated.

SOURCE: Added as § 61121 by P.L. 33-165:6 (June 30, 2016), and renumbered by the Compiler.

ARTICLE 2
ESTABLISHMENT OF ZONES AND BOUNDARIES

- § 61201. Zones.
- § 61202. Zoning Map: Agana: Adopted.
- § 61203. Zone Boundaries.
- § 61204. Church Zone in Dededo.
- § 61205. Maina R-2 Zone.
- § 61206. Maina Commercial Zone.
- § 61207. Tumon Commercial Zone.
- § 61208. Yigo Commercial Zone.
- § 61209. Nimitz Hill R-2 Zone.
- § 61210. Tumon Bay H Resort-Hotel Zone.
- § 61211. Artero Urunao Property Zoned H.
- § 61212. Notification & Appeal of Zoning (Tumon Bay).
- § 61213. Interim Regulations to Enforce H Zone.
- § 61214. Split-Zoned Lots.
- § 61215. Paseo de Susana Planned Development District.

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- § 61215.1. Compliance to United States Public Law 86-664.
- § 61216. Yigo Lot Rezoned.
- § 61217. Federal Excess Land Zoning.
- § 61218. Rezoning of Lot Naval Air Station *Agaña* 13 (Officers Housing Area) from Agricultural Zone (A) to Multiple Dwelling Zone (R2).
- § 61219. Rezoning of Lot Naval Air Station *Agaña* 17 (EDC Parcel 1) and Lot Naval Air Station *Agaña* 20 (EDC Parcel 2) from Agricultural Zone (A) to Light Industrial Zone (M1).

§ 61201. Zones.

(a) In order to carry out the purposes and provisions of this Chapter, areas within the Territory of Guam are hereby divided into eight zones, known as:

- (1) **A** Agricultural Zone.
- (2) **R1** One-Family Dwelling Zone.
- (3) **R2** Multiple Dwelling Zone.
- (4) **P** Automobile Parking Zone.
- (5) **C** Commercial Zone.
- (6) **M1** Light Industrial Zone.
- (7) **M2** Industrial Zone.
- (8) **LC** Limited Commercial Zone.

(b) The aforesaid zone symbols and the boundaries of such zones shall be shown upon a map or maps which shall be designated as the Zoning Map.

(c) 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

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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.

(d) The Zoning Map may be divided into separate parts and separately adopted and approved as the necessary planning and study therefor is completed.

SOURCE: GC § 17050.

2015 NOTE: Subsection designations were added to adhere to the Compiler's general codification scheme pursuant to authority granted by 1 GCA § 1606.

NOTE: Pursuant to P.L. 32-025:3 (May 10, 2013), which amended the name of the M1 zone, all references to M1 have been altered from Limited Industrial Zone to Light Industrial Zone.

§ 61202. 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 statute. The zoning map of Agana is further amended by extending the commercial zones north and south of Route Four, from Marine Drive to Lot 83 Sinajana 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 bordered by Route Four, 3rd Street South, First Street East and Cliff Drive Extension.

SOURCE: GC § 17050.1. Repealed and reenacted by P.L. 10-005, amended by P.L. 12-160.

§ 61203. Zone Boundaries.

(a) Where the zone boundaries indicated on the Zoning Map, said map, and all the notations, references and their extensions; such lines shall be construed to be the zone boundaries.

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(b) 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.

(c) 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.

SOURCE: GC § 17051.

2017 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 61204. 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 § 61201 of this Chapter, 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.

SOURCE: GC § 17052 enacted by P.L. 10-106.

§ 61205. Maina R-2 Zone.

Basic Lots Nos. 242, 243 and 269 REM, all in Maina in the municipality of Asan, are hereby rezoned to R-2, multiple dwelling.

SOURCE: GC § 17053 enacted by P.L. 12-111.

§ 61206. Maina Commercial Zone.

Lots Nos. 235-REM-3-1 and 235-REM-3-2 in Maina in the municipality of Asan are hereby rezoned to C, commercial.

SOURCE: GC § 17053.1 enacted by P.L. 12-111.

§ 61207. Tumon Commercial Zone.

All property lying on either side of Route 1 (Marine Drive) between the two intersections of Tumon Loop with Route 1, to a depth of 200 feet from the edge of the right of way along Route

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1, is hereby established as commercial zone property. The Department of Land Management is hereby directed to amend its zoning maps accordingly.

SOURCE: GC § 17053.2 enacted by P.L. 12-160.

§ 61208. Yigo Commercial Zone.

(a) All property lying on either side of Route 1 (Marine Corps 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. The Department of Land Management is hereby directed to amend its zoning maps accordingly.

(b) Yigo Commercial Zone Extension. Additionally, private landowners of all properties between the Yigo Catholic Church, Our Lady of Lourdes, (but not including the Church lot) to Tract 9210 (but not including any lot in Tract 9210), to a depth of two hundred (200) feet from the edge of Route 1 to the east may voluntarily opt-in to rezone their properties up to Commercial Zone (C).

SOURCE: GC § 17053.3 enacted by P.L. 12-160. Amended by P.L. 34-161:2 (Dec. 28, 2018).

2019 NOTE: Pursuant to P.L. 23-161:3 (Dec. 28, 2018), the “legislative rezoning is voluntary and not mandatory; and affirmative action needs to be taken to complete the rezoning.” P.L. 23-161 also sets forth other legislative requirements connected to the rezoning under this law.

Subsection designations have been added/altered to adhere to the Compiler’s general codification and alpha-numeric schemes pursuant to authority granted by 1 GCA § 1606.

§ 61209. Nimitz Hill R-2 Zone.

All property lying on either side of the road from Top O’ the Mar (Nimitz Hill -Spruance Drive) to the New Piti Elementary School, to a depth of 200 feet from the edge of the right of way along Route 6, is hereby established as R-2 zone property. The Department of Land Management is hereby directed to amend its zoning maps accordingly.

SOURCE: GC § 17053.4 enacted by P.L. 12-160.

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§ 61210. Tumon Bay H Resort-Hotel Zone.

All land in the area known as Tumon Bay as designated by the Bureau of Planning's Tamuning Community Design Map No. 10, at the effective date of this Act is zone H Resort-Hotel Zone pursuant to the provisions of this Act.

SOURCE: GC § 17111 enacted by P.L. 14-041, amended by P.L. 14-082:7.

§ 61211. Artero Urunao Property Zone H.

The following described real property is zoned H Resort-Hotel Zone:

The Artero Urunao property consisting of Lots 10080; PO 2.2; PO 2.3; PO 2.5; PO 3.1; PO 4.1; PO 5.30; and that lot starting at the shoreline of the Pacific Ocean at a point northeast of Double Reef, thence 360 meters due east, thence 900 meters north 7 degrees, thence 173 meters north 81 degrees; thence 69 meters north 27 degrees, thence 425 meters north 60 degrees to the Pacific Ocean thence generally south along the Pacific Ocean shoreline to the starting point northeast of Double Reef as shown on the map entitled Marianas Area, Real Estate Requirements, Northwest Guam Air Force Base, Y and D Drawing No. 597 - 464, Marianas Area Drawing No. 10995, as approved by the Base Development Officer for the Chief of Bureau on September 24, 1963.

SOURCE: GC § 17112 added by P.L. 18-048:9.

§ 61212. Notification and Appeal of Zoning [Tumon Bay].

(a) Any property owner affected by the rezoning in this Law may, notwithstanding the provisions of this Law and not more than ninety (90) days after the effective date of this Law, notify the Territorial Land Use Commission that he desires that his land remain zoned as it is on the effective date of this Law and his land shall then remain so zoned.

(b) The Director of the Department of Land Management, as the Executive Secretary of the Territorial Land Use Commission, shall, within forty-eight (48) hours of the effective

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date of this Law, send each landowner affected herein with a written notice concerning the provisions of this Section of this Law.

SOURCE: GC §§ 17110 and 17111, as added by P.L. 14-041:3, effective June 28, 1977. P.L. 14-82:7 amended GC § 1711. Codified by the Compiler as §§ 61311 and 61210.

2017 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 61213. Interim Regulations to Enforce H Zone.

The Territorial Land Use Commission shall adopt within thirty (30) days following enactment of this Act such interim regulations as required to enforce the intent and provisions of the H Resort-Hotel Zone. Such interim regulations shall be adopted pursuant to those procedures outlined in the Administrative Adjudication Law, 5 GCA Ch. 9. Such interim regulations shall be in effect until adoption of final regulations by the Territorial Land Use Commission.

SOURCE: P.L. 14-082:8 (Dec. 8, 1977). Codified by Compiler.

§ 61214. Split-Zoned Lots.

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

(b) Applicability of Lot Split-Zone Boundary. While the lots are still affected by the lot split, a permitted use on one (1) portion of the zone boundary cannot be extended to the other side of the lot split-zone boundary if it is not a permitted use on the portion of the same lot or on the abutting lot to be extended. In order to extend such permitted use from one (1) side of the lot split-zone boundary to the other side, a conditional use permit or

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a zone variance, as applicable, must be obtained pursuant to § 61303 or § 61617, Title 21, Guam Code Annotated.

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

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

SOURCE: Added by P.L. 25-131:2. Repealed and reenacted by P.L. 31-098:2 (Sept. 30, 2011).

§ 61215. Paseo de Susana Planned Development District.

(a) Real estate conveyed to the government of Guam pursuant to United States Public Law 86-664, recorded as Department of Land Management Document No. 44682, inclusive of Lot Number A-4, Municipality of Hagåtña, containing an area of 36.75 acres, rezoned Planned Development District by the Guam Land Use Commission on July 27, 1989, is, upon the adoption of the Master Plan, as authorized within this Section, known as the “Paseo de Susana Planned Development District”. The nomenclature of this zoning amendment shall be the “Paseo de Susana Planned Development District.”

(b) All existing uses and activities inclusive of the proposed Guam Fishermen’s Cooperative Association facility expansion shall be made a part of the Paseo de Susana Planned Development District Master Plan.

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(c) The Directors of Public Works, Land Management, Parks and Recreation, and the Administrator of the Guam Economic Development and Commerce Authority shall, within sixty (60) days, prepare a master plan following the drawing requirements outlined in 21 GCA § 62402(a)(1). The master plan shall reflect the as-built locations of all fixed structures including the combination of uses that constitutes a Planned Development District required by 21 GCA § 61635. The Guam Land Use Commission and the Guam Seashore Protection Commission shall review and act on, within ninety (90) days, the submitted Master Plan.

SOURCE: Added by P.L. 27-204:3 (July 18, 2003).

§ 61215.1. Compliance to United States Public Law 86-664.

The Paseo de Susana Planned Development District shall enable the unified development of the property conveyed by United States Public Law 86-664, to the government of Guam and recorded at the Department of Land Management as Document Number 44682, inclusive of any fraction of public land therein consolidated. The Planned Development District shall exhibit a combination of uses appropriate to an integrated plan solely for civic, park, and recreational purposes. All facilities, uses or activities not put to use for civic, park or recreational purposes but appurtenant, subsidiary, complimentary, supportive or secondary towards the unified Planned Development District shall be made to be an accessory use or accessory structure as provided within 21 GCA Chapter 61.

SOURCE: Added by P.L. 27-024:5 (July 18, 2003).

§ 61216. Yigo Lot Rezoned.

Notwithstanding any provision of law, Lot No. 7061-8, located in the municipality of Yigo, is hereby rezoned from Planned Unit Development District (“PUD”) to Agricultural (“A”) zone.

SOURCE: Added as uncodified law by P.L. 27-062:2. Codified by Compiler.

§ 61217. Federal Excess Land Zoning.

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Notwithstanding any provision of law, all federal excess land returned by the government of Guam to the original landowner shall be designated as Agricultural Zone (A). The original landowner and all subsequent landowners may apply for a higher zone designation by applying with the Department of Land Management Planning Division, and processing their zone change through the existing statutes, rules, regulations, procedures, and policies to obtain approval for their zone change request.

SOURCE: Added by P.L. 31-198:1 (Mar. 30, 2012), amended by P.L. 33-077:2 (Sept. 15, 2015).

§ 61218. Rezoning of Lot Naval Air Station Agaña 13 (Officers Housing Area) from Agricultural Zone (A) to Multiple Dwelling Zone (R2).

(a) Applicability. Rezoning considerations shall be applicable to the following original lots in Lot Naval Air Station Agaña 13 (Officers Housing Area): Lots 2053-A-1, 2053-1-1, 2053-2-1, 2054, 2055, 2056, 2057, 2057-1, 2058 western section, 2058 eastern section, 2066-REM, and subdivisions of these lots, or as determined by the Department of Land Management to be within the boundaries of Lot Naval Air Station Agaña 13 (Officers Housing Area).

(b) Notification to Landowners. Within fifteen (15) working days from the enactment of this Act, the Director of the Department of Land Management shall send, by certified mail, notices to the last known registered owners of the lots or subdivisions of the basic lots listed in Subsection (a) of this Section informing them of this Act. A copy of this Act and information related to use regulations under the R2 Multiple Dwelling Zone, pursuant to 21 GCA § 61306, shall be attached to the notice.

(c) Affirmation of Rezoning. Within one hundred eighty (180) working days from the enactment of this Act or from the date of conclusion of probate proceedings, owners of the lots listed in Subsection (a) of this Section, or their administrator or administratrix, must provide written affirmation to the Director of the Guam Department of Land Management of their concurrence to rezone their lots to Multiple Dwelling Zone (R2).

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(d) Failure to Affirm or Non-Concurrence. The current lot zone shall remain unchanged in the event the owner of the lot, or an authorized representative, does not submit a written affirmation per Subsection (c) of this Section or does not concur with the rezoning to Multiple Dwelling Zone (R2). Any subsequent change in zoning shall be processed pursuant to 21 GCA Chapter 61.

(e) Update of Master Zoning Map and Other References. The Department of Land Management and the Bureau of Statistics and Plans shall update the Master Zoning Map and any other such documents, maps, public notices, and websites within one (1) year of the enactment of this Act.

(f) Recordation.

(1) The Department of Land Management shall post on its Records Division journals, its Planning Division lists, and its Survey Division maps, against each relevant lot, its affirmed zone or its retention zone within two hundred seventy (270) days of the enactment of this Act.

(2) The Department of Land Management shall, through its existing procedures, notify the Department of Revenue and Taxation of the updated rezoning within two hundred seventy (270) days of the enactment of this Act.

(3) The Department of Revenue and Taxation shall assess applicable real property taxes on these parcels, to be effective in the following tax year.

(g) Rezoning Fee. Each lot owner agreeing to the rezoning of their lots to Multiple Dwelling Zone (R2) shall be assessed a fee of One Thousand Two Hundred Eighty Dollars (\$1280.00) to defray costs related, but not limited to, research, notification, processing, recordation, and posting. Said fees shall be deposited in the Department of Land Management Land Survey Revolving Fund (LSRF).

(h) The administrator/administratrix of any lot that is listed in Subsection (a) of this Section, and that is still going through probate, must present to the Department of Land Management a

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court order giving specific authority to effect a zoning change on behalf of the estate, as part of the written affirmation.

SOURCE: Added by P.L. 34-037:2 (Aug. 7, 2017).

§ 61219. Rezoning of Lot Naval Air Station Agaña 17 (EDC Parcel 1) and Lot Naval Air Station Agaña 20 (EDC Parcel 2) from Agricultural Zone (A) to Light Industrial Zone (M1).

(a) Applicability. Rezoning considerations *shall* be applicable to the following lots in Parcels 1 and 2:

Lots in Parcels 1 and 2 Eligible for Rezoning to M1

2157	2169	2182
2157-1	2173	2191-1
2158	2174	2276
2159	2175	2277
2160	2176	2278
2161	2176A-1	5193
2162	2177	5193-3
2163	2178	5199
2164	2179	5199-1
2165	2180	5200
2167	2181	5201-1
	2181-A	5202-1

(b) Notification to Landowners. Within fifteen (15) working days from the enactment of this Act, the Director of the Department of Land Management *shall* send, by certified mail, notices to the last known registered owners of the lots listed in Subsection (a) informing them of this Act. A copy of this Act and information related to use regulations pursuant to § 61309 of Article 3, Chapter 61, Title 21, Guam Code Annotated, *shall* be attached to the notice.

(c) Affirmation of Rezoning.

(1) Within one hundred eighty (180) working days from the enactment of this Act, owners of the lots listed in

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Subsection (a), or their duly authorized representatives, must provide written affirmation to the Director of the Department of Land Management of their concurrence to rezone their lots to Light Industrial Zone (M1).

(2) In the case of pending probate court distributions, within one hundred eighty (180) working days from the Department of Land Management recordation of the Final Decree of Distribution, owners of the lots listed in Subsection (a), or their duly authorized representatives, must provide written affirmation to the Director of the Guam Department of Land Management of their concurrence to rezone their lots to Light Industrial Zone (M1).

(d) Failure to Affirm or Non-Concurrence. The current lot zone *shall* remain unchanged in the event the owner of the lot, or an authorized representative, does not submit a written affirmation per Subsection (c) or does not concur with rezoning to M1. Any subsequent change in zoning *shall* be processed pursuant to 21 GCA Chapter 61.

(e) Update of Master Zoning Map and Other References. The Department of Land Management and the Bureau of Statistics and Plans *shall* update the Master Zoning Map and any other such documents, maps, public notices, and websites within one (1) year of the enactment of this Act.

(f) Recordation.

(1) The Department of Land Management *shall* post on its Records Division journals, its Planning Division lists, and its Survey Division maps, *against each relevant lot*, its affirmed zone or its retention zone within two hundred seventy (270) days of the enactment of this Act.

(2) The Department of Land Management *shall*, through its existing procedures, notify the Department of Revenue and Taxation of the updated rezoning within two hundred seventy (270) days of the enactment of this Act.

(3) The Department of Revenue and Taxation *shall* assess applicable real property taxes on these parcels, to be

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effective in the following tax year.

(g) Rezoning Fee. Each lot owner agreeing to the rezone of their lots to Light Industrial Zone (M1) *shall* be assessed a fee of Six Hundred Forty Dollars (\$640.00) to defray costs related, but not limited to, research, notification, processing, recordation, and posting. Said fees *shall* be deposited in the Department of Land Management Land Survey Revolving Fund (LSRF).

SOURCE: Added as § 61218 by P.L. 34-045:2 (Oct. 13, 2017), and renumbered by the Compiler.

2017 NOTE: Subitem designations added to subsection (c) pursuant to the authority granted by 1 GCA § 1606.

**ARTICLE 3
USE REGULATIONS**

- § 61301. Conformance of Uses to Zone Regulations.
- § 61302. Regulations Along District Boundaries.
- § 61303. Conditional Use.
- § 61303.1. Departmental Responsibilities: Costs Allocated.
- § 61304. A Rural Zone.
- § 61305. R1 One Family Dwelling Zone.
- § 61306. R2 Multiple Dwelling Zone.
- § 61307. C Commercial Zone.
- § 61308. P Automobile Parking Zone.
- § 61309. M1 Light Industrial Zone.
- § 61310. M2 Heavy Industrial Zone.
- § 61311. H Resort-Hotel Zone.
- § 61312. S-1 (School Zone).
- § 61313. Public Facility (PF).

§ 61301. 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.

SOURCE: GC § 17100.

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§ 61302. Regulations Along District Boundaries.

Where a commercial or industrial use occurs in zones permitted 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.

SOURCE: GC § 17101.

§ 61303. Conditional Use.

(a) In addition to permitted uses in each of the zones, specified uses are permitted upon approval by the Commission of the site plan including, but not limited to, disposal of sewage, access, parking, structure location and dimensions of buildings, impact of the proposed use on adjacent land uses, and accompanying covenants that may include performance standards. The Commission shall also consider such other elements as may be reasonably related to the health, safety and general welfare of the community.

(b) Notwithstanding any prior conditional use as provided in subsection (a) of this section, any amendment to a site plan which plan was previously approved by the Commission shall be approved by the Commission in accordance with the criteria set forth in subsections (a) and (c) of this section.

(c) (1) In any hearing or meeting on an application for conditional use whether based on an original or amended site plan, in each of the zones, the Commission shall require the applicant to give personal written notice at least ten (10) days prior to the hearing to property owners within a radius of five hundred feet (500') or if personal notice is not possible, then written notice to the last known address of such owner at least twenty-five (25) days prior to the hearing by certified mail, return receipt requested. In addition, the commission shall require the applicant to erect a sign on the subject location, no smaller than four feet (4') by eight feet (8') in height and width, displayed to make the following information available to the general public in a reasonable manner:

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(A) a Statement of Public Notice that an application for conditional use has been filed with the Territorial Land Use Commission;

(B) the title of the application as filed, containing the name of the owner, the name of the developer, the lot number, and the proposed conditional use; and

(C) the date, time and place of each public hearing and Commission meeting where public comments can be presented to the Commission. The sign shall be required to be erected and displayed with current information no less than ten (10) consecutive days prior to each scheduled public hearing or meeting.

(2) The Commission shall not render a decision in favor of any applicant that fails to comply with this sign requirement and any other public notice requirement that is prescribed or imposed. Failure to meet the notice requirements as provided herein renders any approval by the commission null and void.

(d) Charges for Notification of Surrounding Property Owners. These charges shall apply to all Guam Land Use Commission public hearings, to include Conditional Uses, Zone Change (Summary and Split Zone Changes), Zone Variances, Subdivision Variances, Wetlands, or Seashore Clearances. The Department shall charge the applicant with all costs incurred in carrying out the requirements of Subsections (b) and (c) of this Section, and all costs and fees so collected shall be deposited in the Department of Land Management Land Survey Revolving Fund (LSRF) to be expended for the Division of Planning as the Director of Land Management may determine. The following rates shall be charged, and the total charges are cumulative over the following categories, as applicable:

(1) CERTIFIED MAIL: Current U. S. Postal Rate as established.

(A) Maximum of 25 property owners x current U.S. postal rate

(B) Maximum of 50 property owners x current

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U.S. postal rate

(C) Maximum of 75 property owners x current
U.S. postal rate

(D) Maximum of 100 property owners x current
U.S. postal rate

(E) Maximum of 125 property owners x current
U.S. postal rate (plus 15% contingency fee)

(2) Paper. Number of reams used x \$25.00/ream:

(A) Up to 1 ream \$
25.00

(B) More than 1 but less than 2 reams \$
50.00

(C) More than 2 but less than 3 reams \$
75.00

(D) More than 3 but less than 4 reams
\$100.00

(E) More than 4 but less than 5 reams
\$125.00

(plus 15% contingency fee)

(3) Envelope. Number of envelopes x \$.32:

(A) Maximum of 25 property owners \$
8.00

(B) Maximum of 50 property owners \$
16.00

(C) Maximum of 75 property owners \$
24.00

(D) Maximum of 100 property owners \$
32.00

(E) Maximum of 125 property owners \$
40.00

(plus 15% contingency fee)

(4) Man-hours to complete research:

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8 hours x \$13.00
\$104.00

(5) Equipment Use \$
75.00

SOURCE: P.L. 21-014:11(a) (Apr. 20, 1991) repealed and reenacted subsections (a - c). Subsection (d) added by P.L. 29-002:V:III:7 (May 18, 2007).

2017 NOTE: Subitem designations added/altered in subsection (c) pursuant to the authority of 1 GCA § 1606.

§ 61303.1 Departmental Responsibilities: Costs Allocated.

(a) Pursuant to § 61303 of this Article, the Department of Land Management (the Department) shall determine the names and addresses and properly serve or mail all required notices to all persons within the five hundred foot (500') radius of the proposed project who will be affected thereby. As provided in § 61303 of this Article, the notices shall be served not less than ten (10) calendar days before any public hearing is to be conducted. The five hundred foot (500') radius shall be measured from the exterior boundary lines of the project, and not from the center.

(b) The Department shall charge the applicants with all costs incurred in carrying out the requirements of subsection (a) of this section, and all costs and fees so collected shall be deposited in the Department's operational funds to be expended for the Division of Planning as the Director of Land Management may determine.

SOURCE: Added by P.L. 21-014:11(b),(c) (Apr. 20, 1991) as uncodified law. Codified by the Compiler as § 61303.1.

§ 61304. A Rural Zone.

(a) Uses 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.

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(3) Cockpits.

(4) Uses customarily accessory to any of the above uses including home occupations, and private auto mobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals or other similar structures.

(b) Conditional Uses:

(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, 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) Bed and breakfasts and short-term vacation rental units.

(12) Accessory uses and structures for the above.

SOURCE: GC § 17103 is repealed and reenacted by P.L. 21-072:23. Subsection (b) amended by P.L. 33-165:7 (June 30, 2016).

§ 61305. R1 One-Family Dwelling Zone.

(a) Use Permitted.

(1) One-family dwellings.

(2) Gardening and the keeping of pets for noncommercial purposes.

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(3) Bed and breakfasts.

(4) 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.

(6) Short-term vacation rental units.

SOURCE: GC § 17104. Subsection (a) amended by P.L. 32-045:2 (July 5, 2013). Subsection (b) amended by P.L. 33-165:8 (June 30, 2016).

§ 61306. R2 Multiple Dwelling Zone.

(a) Use Permitted.

(1) One-family dwellings.

(2) Duplexes.

(3) Multi-family dwellings.

(4) Hotels, private groups, and institutions.

(5) Bed and breakfasts.

(6) 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.

SOURCE: GC § 17105. Subsection (b) as amended by P.L. 11-060. Subsection (a) amended by P.L. 32-045:3 (July 5, 2013).

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§ 61307. 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, inclusive of professional healing arts offices and clinics, and banks.
- (9) Personal service shops, including barber shops, beauty parlors, laundromats, and the like.
- (10) Repair shops and service shops, including shoe repairs, plumbing, dressmaking, 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.

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- (3) Shopping centers.
- (4) Recreation, including cockpits, marinas, amusement centers and drive-in theaters.
- (5) Multi-family.
- (6) Hotels, motels, bed and breakfasts, and tourist accommodations.
- (7) Air, bus, taxi and auto rental terminals.
- (8) Auto sales and car wash.
- (9) Parking garages and lots.
- (10) Service vehicle storage.
- (11) Mini-storage or mini-warehouse.
- (12) Laundries and cleaning and dyeing establishments.
- (13) Schools and churches.
- (14) Parks, playgrounds and community centers.
- (15) Utilities and public facilities.
- (16) Accessory uses and structures for the above.

SOURCE: GC § 17106. Repealed and reenacted by P.L. 21-040:20 (June 15, 1991), P.L. 22-072:44 (Jan. 19, 1994). Amended by P.L. 24-007:2 (Mar. 20, 1997). Subsection (b)(6) amended by P.L. 32-045:4 (July 5, 2013).

§ 61308. *P* Automobile Parking Zone.

Use Permitted.

- (a) Public or commercial parking area and garages.
- (b) Public access to adjoining parking areas.
- (c) Loading and unloading of automobiles or trucks, but not to use portions of required parking space.
- (d) Service vehicle storage after commercial hours.
- (e) Utilities and public facilities.
- (f) Accessory uses and structures for the above.

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SOURCE: GC § 17107.

2017 NOTE: Subsection/subitem designations deleted/altered pursuant to the authority of 1 GCA § 1606.

§ 61309. *MI* 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 evidence 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

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fumes, cinders, vibration, flashing lights, or water-carried waste.

(2) Utilities and public facilities.

(3) Accessory uses and buildings for the above.

(c) Policy For Workforce Housing Facilities For Temporary Workers. The policy for the development of temporary workforce housing shall be as follows:

(1) The term temporary workforce housing shall be consistent with § 26A101 (b) of Chapter 26A, Title 10, Guam Code Annotated.

(2) The Guam Land Use Commission (GLUC) shall liberally interpret the term temporary workforce housing in order to ensure the protection of the public's interests, safety and welfare.

(3) Temporary workforce housing is hereby established as an approved conditional use under the M1 Light Industrial Zone pursuant to § 61309, and the GLUC shall not approve any workforce housing development in any zoning area other than an M1 Zone.

(4) (A) Applications for the development of temporary workforce housing shall come before the GLUC as a "Conditional Use" subject to the review process of the Agency Review Committee, and shall be subject to specific conditions of approval as established by the GLUC.

(B) In addition to other conditions imposed by the GLUC, all temporary workforce housing conditions for approvals shall include the following minimum conditions:

(i) Unless specifically limited, approvals shall be for an initial term of twenty-four (24) months, and thereafter shall be renewed annually. Renewals shall be on forms issued by the Chief Planner, and subject to inspection by the Chief Planner and a public hearing before the GLUC.

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(ii) The project must be served by an adequate sanitary sewer system.

(iii) The project must have adequate fire flow indicated by a minimum six (6) inch diameter water line or other minimum water service conditions imposed by the Guam Waterworks Authority.

(iv) The project must comply with all health and safety regulations of the government of Guam and the OSHA regulations, as applicable.

(v) Each approved project shall include a substantial perimeter fence which shall be at least of “chain link” quality and a minimum six (6) feet in height, and be subject to a complete landscape plan.

(vi) The project must include a development plan indicating specific design parameters for sleeping, toilet and shower facilities, laundry services, food services, security, medical care, transportation services and recreation areas.

SOURCE: GC § 17108. Subsection (c) added by P.L. 31-072:2 (May 25, 2011).

2017 NOTE: Subitem designations added/altered in subsection (c)(4) pursuant to the authority of 1 GCA § 1606.

NOTE: As added by P.L. 31-072:2, subsection (c)(1) included the definition of “temporary workforce housing” in brackets as follows:

[“(b) Temporary workforce housing means any enclosures of living spaces, reasonably contiguous, together with the land appertaining thereto, established, operated or used as living quarters and, at a minimum, fifty-one percent (51%) of the residents are temporary workers, including, but not limited to, facilities known by varying nomenclatures or designations as dormitories, hotels, motels, travel lodges, or tourist homes.”].

As subsection (c)(1) already refers to the definition as found in 10 GCA § 26A101(b), the bracketed portion is redundant and has not been codified.

§ 61310. M2 Heavy Industrial Zone.

(a) Use Permitted.

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(1) Any uses permitted in the M1 zone, excepting residential use.

(2) Junk Yards. Under the special provisions set forth in Subarticle 6, Article 5 of this Chapter.

(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, vibration, 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.

SOURCE: GC § 17109.

§ 61311. *H* Resort-Hotel Zone.

Notwithstanding any other provision of law, rule or regulation to the contrary, there is hereby created a H Resort-Hotel Zone for the purpose of being applied to areas to accommodate the needs and desires of visitors, tourists and transient guests.

(a) Purpose.

(1) It applies to specific areas where public roads and public utilities are available or where suitable alternative private facilities are assured. It may apply to a single isolated hotel or resort with or without a commercial mall or shopping section.

(2) This Zone provides for high-intensity development in a compatible arrangement of structures and uses in a unique setting. It shall be designed to promote a superior level of convenience, comfort and amenity within the zone; to encourage safe and pleasant pedestrian circulation; to preserve existing attractions; and to assure beneficial visual relationships from principal viewpoints.

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(3) Development shall be designed to establish an open character, with higher portions of buildings well spaced and oriented with respect to principal views from within the zone. Pedestrian circulation systems shall form a convenient and coordinated network through buildings and landscaped open spaces, supplementing sidewalks along streets; and where extensive areas of the shoreline are in such configuration as to allow it conveniently, walkways and/or bikeways shall be provided along the waterfront on both public and private property.

(4) Since hotels complement other activities in this zone without creating excessive automotive traffic, it is intended to permit higher floor-area ratios for hotel uses than for other uses within the zone.

(5) Since the zone is separated from major parking facilities in adjoining areas, it is intended that off-street parking requirements shall apply within its boundaries. It is further intended in view of the unusual visual exposure that adverse visual influences such as excessive signs, inappropriate lighting and open-storage shall be prohibited.

(b) Permitted Uses.

(1) Cultural and recreational facilities, hotels, restaurants, tourism related shops and offices, dwellings, parks, marinas, zoos, amusement activities and supportive services.

(2) Permitted Accessory uses and Structures. Uses and structures which are customarily accessory and clearly complementary to permitted principal uses and structures shall be permitted. Service stations shall be permitted only within, and as accessory to, parking garages containing two hundred fifty (250) or more parking spaces.

SOURCE: GC § 17110 enacted by P.L. 14-041.

2017 NOTE: Subitem designations added in subsection (a) pursuant to the authority of 1 GCA § 1606.

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§ 61312. S-1 (School Zone).

Use permitted:

(a) public schools and school related facilities.

SOURCE: Added by P.L. 28-068:II:1:21 (Sept. 30, 2005).

2017 NOTE: Subsection designations deleted/alterd pursuant to the authority of 1 GCA § 1606.

§ 61313. Public Facility (PF).

Use permitted.

(a) Schools, police stations, fire stations, community centers, recreation centers, senior citizen centers, public health centers, libraries, government buildings and other related facilities.

SOURCE: Added by P.L. 28-134:2 (July 11, 2006).

2017 NOTE: Subsection designations deleted/alterd pursuant to the authority of 1 GCA § 1606.

**ARTICLE 4
HEIGHT REGULATIONS**

§ 61401. Height Limit Established.

§ 61402. Buildings and Structures Permitted Above Height Limit.

§ 61401. Height Limit Established.

In the A, R1, LC, R2, C, M1 and M2 Zones, no building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved, or maintained, to exceed a height limit of three stories (the three 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 stories shall not exceed a height of seventy-five (75) feet).

SOURCE: GC § 17150. Amended by P.L. 21-14:21.

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§ 61402. 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 stories or thirty (30) feet, if such building is located at least at a distance equal to two 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 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 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).

SOURCE: GC § 17151.

**ARTICLE 5
YARD AND AREA REGULATIONS**

- | | |
|----------------|---|
| Subarticle 1. | Yard and Area. |
| Subarticle 2. | Accessory Buildings. |
| Subarticle 2A. | Family Home Occupation Act Accessory Use. |
| Subarticle 3. | Nonconforming Buildings and Uses. |
| Subarticle 4. | Automobile Parking and Loading Space Regulations. |

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- Subarticle 5. Sign Regulations.
Subarticle 6. Junk Yards.

**SUBARTICLE 1
YARD AND AREA**

- § 61501. Minimum Yards and Lot Areas Established.
§ 61502. General Yard and Area Requirements.
§ 61503. Exceptions to Yard and Area Regulations.
§ 61504. Statement of Purpose: Building and Building Height
Restrictions in Beach Areas.

§ 61501. Minimum Yards and Lot Areas Established.

(a) 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.

(1) 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.

(2) Further, no lot width or lot area, nor any lot area per dwelling shall be less than that specified in “(b) Table.”

(3) A commercial building to occupy the whole width of a lot must be of four-hour fire resistive construction.

(4) 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.

(5) If the building to be erected is not of fireproof construction, the side yards of eight (8) feet must be provided.

(6) In the rural (A) Zone, all structures shall have a front yard of fifteen (15) feet, a rear yard of ten (10) feet, and side yards of eight (8) feet.

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(A) The width of each lot shall be no less than fifty (50) feet with an area equal to or greater than ten thousand (10,000) square feet, provided that no lot shall have a length to width relationship that exceeds a three-to-one (3:1) ratio.

(B) The lot area per dwelling unit in the Rural Zone (A) shall not be less than nineteen thousand two hundred (19,200) square feet without sewer connection only if located on top of the Northern Aquifer.

(C) The lot area per dwelling unit in the Rural Zone (A) shall not be less than nine thousand six hundred (9,600) square feet with sewer connection, if located on top of the Northern Aquifer.

(b) Table.

	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 Industrial	-----	20 ft.	8 ft.	50 ft.	5,000 sq. ft.	1,250 sq. ft.
Heavy Industrial	25 ft.	25 ft.	15 ft.	120 ft.	40,000 sq. ft.	-----

Unless facilities are otherwise provided for loading, the rear yard must be no less than twenty (20) feet in depth.

* For properties not located on top of the Northern Aquifer.

(c) Lots Over the Aquifer. Lot sizes and set-back on properties above the aquifer shall be established by the Guam Environmental Protection Agency.

SOURCE: Repealed and reenacted by P.L. 21-072:20(b) (Nov. 27, 1991). Amended by P.L. 22-161:5(c) (Dec. 30, 1994). Amended by P.L. 23-059:4 (Dec. 5, 1995). Amended by P.L. 24-051:2 (June 25, 1997).

NOTE: Prior to this latest repeal and reenactment, 21 GCA § 61501 contained a table of Yard and Lot Areas, which were a part of § 17200 of the Govt. Code (the source of this Section) as amended by P.L. 15-057:7 (Aug. 24, 1979). This section, as repealed and reenacted, contains no

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such table. Because this table still has potential use, the Compiler has included the Table as adopted by P.L. 15-057 below.

2017 NOTE: Subitem designation added pursuant to authority granted by 1 GCA § 1606.

§ 61502. General Yard and Area Requirements.

(a) No required yard or other open space provided about any building or structure 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 the 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 Yard 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 may be, 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.

SOURCE: GC § 17201 as amended by P.L. 10-005.

§ 61503. 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

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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, eaves, belt courses, sills, canopies or other similar architectural features, may project into a required side yard not more than two inches for each one 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 for (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 ($\frac{1}{2}$) the width of such alley may 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.

(1) Such buildings 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.

(2) Such buildings or structures may also be located and maintained in any front, side or rear yard when such buildings or structures are to be used for purposes relative to connections to island electric power, including for standby

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generators and for alternative power connections for net metering purposes, provided that such buildings or structures shall be located at or near the point that electric power is provided by the Guam Power Authority, and if located in a front, side or rear yard,

(A) the walls may be erected on the front and/or rear and/or side lot lines, and

(B) such buildings or structures shall not exceed three hundred twelve (312) square feet of floor space, and

(C) the roofs thereof shall not project beyond the lot lines and

(D) shall be sloped in such a manner as to prevent rain runoff from flowing to adjacent property.

(3) When such buildings or structures are to be used for standby generators, an exhaust or ventilation to the outside air must be provided. Such accessory building shall have an interior height of no less than seven (7) feet, and the overall exterior height of the structure shall be no greater than ten (10) feet, and shall meet building code standards.

(4) When such buildings or structures are intended as vehicle shelters, they must be fifteen (15) feet from the front lot line and may be zero (0) feet from the property line on one (1) side only.

(5) When such buildings or structures are intended as swimming pools and related accessory structures such as gazebos, they must be a minimum of five (5) feet from the front lot line and may be zero (0) feet from the rear or side lot line.

(6) When such buildings or structures are to be used exclusively for storage or as outdoor cooking facilities, they may be located in a side or rear yard with walls erected on the rear and/or side lot lines; provided that such buildings or structures shall not exceed two hundred (200) square feet of floor space.

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For all structures in this Subsection (h), 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 § 61501 of this Code.

(i) Any accessory building or structure, which on the effective date of this Act was already in existence, shall be considered to be “grandfathered,” provided, that the accessory building or structure is in compliance with the provisions of this § 61503. If such accessory building or structure is not in compliance with the provisions of this § 61503, the structure shall be either brought into compliance or removed.

SOURCE: GC § 17202. Subsection (h) amended by P.L. 15-061:1 (Sept. 12, 1979) and 17-025:III:4 (Oct. 6, 1983) and 18-032:10 (Apr. 24, 1986). Subsection (h) amended by P.L. 30-103:1 (Mar. 12, 2010). Subsection (i) added by P.L. 30-103:2 (Mar. 12, 2010).

2015 NOTE: Subsection designations were added to subsection (h) in accordance with the authority granted by 1 GCA § 1606.

§ 61504. 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 untrammelled use of beach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam’s beaches, one of the territory’s greatest natural resources. Accordingly, it is the purpose of the restrictions hereinafter contained to protect the beaches of Guam for future generations, to alleviate the health problems caused by construction near tidal areas, and to make certain that the people of Guam remain free to use the beaches of the territory 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

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watermark 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. For the purpose 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 term building included any structure except a retaining wall that cannot be seen.

SOURCE: GC § 17203. Subsection (b) amended by P.L. 12-019.

**SUBARTICLE 2
ACCESSORY BUILDINGS**

§ 61511. Location of Accessory Buildings.

§ 61511. 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 ($\frac{1}{2}$) 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 not be 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

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(d) No accessory building shall be located in a front yard or on the front one-half (½) of a lot, except on hillside lots where the topography makes it impractical to conform to the other regulations of this article.

SOURCE: GC § 17250.

SUBARTICLE 2A
FAMILY HOME OCCUPATION ACT
ACCESSORY USE

SOURCE: P.L. 28-068:IV:76:b (Sept. 30, 2005) added Subarticle 2A of Article 5.

- § 61515. Title.
- § 61516. Purpose.
- § 61517. Family Home Occupation Requirements.
- § 61517.1. Exceptions Where not Allowed.
- § 61517.2. Community Property Regime Restrictions.
- § 61517.3. Community Regime May Establish Standards.
- § 61518. Saving Clause.

§ 61515. Title.

This subdivision of the “The Zoning Law of the Territory of Guam” shall be known and may be cited as the “Family Home Occupation Act.”

§ 61516. Purpose.

The purpose of this subdivision of “The Zoning Law of the Territory of Guam” is to permit family home occupations in residential dwelling units as an accessory use without a use variance through the establishment of certain minimum regulations for the protection of the community.

§ 61517. Family Home Occupation Requirements.

Notwithstanding any zoning law to the contrary, a family home occupation shall be an accessory use to a residential dwelling or unit within any zone, and shall not require a use variance provided that:

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(a) the activity does not create a consternation with the residential use of the property and surrounding residential uses;

(b) the activity employs no employees other than family members residing in the dwelling or unit;

(c) there is no outside appearance of a family home occupation including, but not limited to, parking, signs or lights;

(d) the volume of deliveries and other vehicular traffic is not in excess of what is normally associated with residential use in the neighborhood;

(e) the activity uses no equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, that would create a consternation to adjacent neighbors;

(f) the activity does not generate solid waste or sewage discharge, in volume or type, which is not normally associated with a residential use in the neighborhood; and

(g) the activity does not involve any illegal activity.

§ 61517.1. Exceptions Where not Allowed.

(a) In the case of a dwelling that is a part of a horizontal and community property regime or a common interest ownership community in which at least some of the property is owned in common by all of the residents; or, in the case of a dwelling unit that is part of a planned unit development or subdivision to which a covenant or condition is attached upon the purchase of the property, this section shall not supersede any deed restriction, covenant, agreement, master deed, master lease, declaration, by-laws or other documents which prohibit a family home occupation within a dwelling unit.

(b) A community created through a property regime shall not be required to amend or modify an existing rule or regulation pertaining to family home occupations so long as no conflicts occur with the provisions of this Article.

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2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

§ 61517.2. Community Property Regime Restrictions.

(a) A Community Property Regime (herein after referred to as "Regime") may establish limitations for, or prohibit entirely, any family home occupation which it deems incompatible with the character of the residential community in which it is located.

(b) After the effective date of this Article, any Regime may ban any or all family home occupations by the lawful adoption of rules.

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

§ 61517.3. Community Regime May Establish Standards.

In accordance with the purpose of this Article, a Regime may establish, through rule, regulation, by-law, covenant, agreement, condition or other documents:

(a) standards for delivery or truck traffic;

(b) standards concerning the acceptable volume of invitees or guests to a family home occupation;

(c) Any standards established pursuant to this Section shall apply to all residences within the Regime.

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

§ 61518. Saving Clause.

This Article shall not limit the power of the government to protect the health, safety and welfare of its residents, including the investigation and elimination of nuisances.

**SUBARTICLE 3
NONCONFORMING BUILDINGS AND USES**

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- § 61521. Nonconforming Buildings.
- § 61522. Application of § 61521(c).
- § 61523. Nonconforming Use of Buildings.
- § 61524. Nonconforming Use of Land.
- § 61525. Nonconforming by Reclassification or Change.
- § 61526. Exception for Nonconforming Buildings and the Nonconforming Use of Land.

§ 61521. 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.

(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 § 61504 of this Chapter may be maintained and repaired but may

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not be enlarged, and in the case of its damage or partial destruction by fire, flood, wind, earth quake, 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.

SOURCE: GC § 17300. Subsection (c) amended by P.L. 12-160:7.

§ 61522. Application of § 61521(c).

The provisions of § 61521(c) shall be applied to alterations, additions, or improvements constructed prior to the effective date of this law.

SOURCE: P.L. 12-160:7 (Aug. 27, 1974); codified by the Compiler.

§ 61523. 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 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 nonconforming 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.

SOURCE: GC § 17301. Included in original Government Code of Guam enacted by P.L. 1-88, 1952..

§ 61524. 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 Chapter.

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SOURCE: GC § 17302.

§ 61525. Nonconforming By Reclassification or Change.

The foregoing provisions of this Chapter 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 Chapter.

SOURCE: GC § 17303.

§ 61526. Exception for Nonconforming Buildings and the Nonconforming Use of Land.

(a) Any building or structure constructed on a Single Family (R-1) Zone during the period of November 1991 through June 1997 and not meeting the Yard and Lot Area Table set forth in § 61501 of this Chapter shall be deemed as a legal nonconforming building and continue as a legal nonconforming use of the land under its designated zone.

(b) The property owners or authorized representative shall bear the burden of proof that the building or structure was constructed sometime during the period of November 1991 through June 1997. The Guam Chief Planner shall verify and ascertain the eligibility of the building or structure as a legal nonconforming building and submit his findings to the Director for action. The Director, within five (5) working days, shall record a Notice of Action document of his determination.

(c) The interpretation and application of § 61526(a) shall be held to be the minimum requirement subject to all other provisions within this Chapter prior to the enactment of Public Law 24-51.

SOURCE: Added by P.L. 27-091:3 (May 5, 2004).

**SUBARTICLE 4
AUTOMOBILE PARKING AND LOADING SPACE REGULATIONS**

- § 61531. Automobile Parking Space.
- § 61531.1. Option for Compact Automobiles.
- § 61532. General Requirements.

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§ 61533. Loading Space.

§ 61531. 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;

(b) For hotels, at least one (1) automobile parking space for each four (4) guest rooms;

(c) For places of assembly, such as churches, auditoriums or theaters with seating facilities, one (1) parking space for each four (4) seats;

(d) For places of assembly, such as restaurants or night clubs without fixed seating facilities, one (1) parking space for each one hundred (100) square feet of customer area in such use;

(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;

(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;

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

(h) For offices and clinics of healing arts, at least five (5) spaces for each practitioner;

(i) For hospitals and nursing homes, at least one (1) space for each two (2) beds;

(j) Three (3) spaces for every four (4) employees;

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(k) To the extent practicable, each of the Subsections (a) through (j) shall provide at least one (1) marked parking space for use by bicycles equipped with a motor and motorcycles;

(l) Total parking requirements will be a total of all applicable elements in Subsections (a) through (k);

(m) Appropriate parking space for open space activities, such as: swimming beaches, picnic areas, campgrounds, boating areas, shall be determined by the Guam Land Use Commission;

(n) A minimum of one (1) bicycle parking space shall be provided for each twenty (20) off-street automobile parking space. At a minimum, all bicycle parking spaces shall be provided in the form of bicycle racks with locking capability. Bicycle parking facilities shall be designed and installed to include:

(1) spaces that are a minimum of two (2) feet by six (6) feet per bicycle;

(2) the minimum number possible of potential conflict points between bicycle and motor vehicles;

(3) provision for the locking of bicycles to the rack or bicycle locker;

(4) adequate spacing for access to the bicycle and locking device when the spaces are occupied; and

(5) where possible, bicycle parking shall be located within view of building entrances/windows and/or security.

SOURCE: GC § 17350 as amended by P.L. 11-160, P.L. 12-142; P.L. 12-163. Subsection (g) amended by P.L. 12-177. Amended by P.L. 30-186:2 (Aug. 28, 2010).

COMMENT: Although subsection (f) was amended by P.L. 12-163, the amendment was erroneously omitted from the 1974 Government Code Supplement, and prior publications of this section. Subsection (a) also was amended by P.L. 12-163 but the amendment was not reported in either the Government Code Supplement or earlier editions of this Code.

61531.1 Option for Compact Automobiles.

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The off-street automobile parking space required under §§ 61531 and 61532 of this Chapter shall be laid out at the ratio of seventy-five percent (75%) for compact automobiles to twenty-five percent (25%) for standard-sized automobiles or at any greater percentage of compact automobiles.

SOURCE: Added by P.L. 21-049:3. Amended by P.L. 22-123:3.

§ 61532. General Requirements.

(a) Automobile parking space required by this Chapter 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.

(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.

(c) In the case of multi-residential buildings, churches, theaters, 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.

(d) Every automobile parking space shall be of the following sizes:

(1) Standard-sized automobile parking spaces shall be at least nineteen feet (19') in length and eight and one-half feet (8 ½') in width, with parallel spaces at least twenty-two feet (22') in length.

(2) Compact spaces shall be at least sixteen feet (16') in length and seven and one-half feet (7 ½') in width, with parallel spaces at least nineteen feet (19') in length.

(3) Minimum aisle widths for parking bays shall be provided in accordance with the following:

Parking angles:	Aisle widths in feet:
0° - 44°,	12,
45° - 59°,	13.5,

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60° - 69°,	18.5,
70° - 79°,	19.5,
80° - 89°,	21,
90°,	22.

SOURCE: GC § 17351 as amended by P.L. 12-142; subsection (d) of § 61532 is amended by P.L. 21-049:2. Subsection (d) amended by P.L. 22-123:4.

§ 61533. 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.

SOURCE: GC § 17352; repealed and reenacted by P.L. 12-142.

**SUBARTICLE 5
SIGN REGULATIONS**

- § 61541. Restriction of Use.
- § 61542. Regulation of Political Signs.[Repealed.]
- § 61543. Erection of Signs.
- § 61544. Signs in Other Than English or Chamorro Language.
- § 61545. Penalty.
- § 61546. Signs on School Bus Stop Shelters.

§ 61541. 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 identification purposes, and no card, cloth, paper, metal, painted or wooden sign of any character placed for outdoor advertising

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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 the 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 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 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 therein.

(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.

(5) Political signs that advocate voting for or against candidates, or other matters to be considered by the electorate; provided, that such signs *shall only* be posted on private property.

(A) If such private property is adjacent to any roadway, political signs *shall* be at least eight (8) feet from the paved portion of the roadway, and posted in such a manner that would *not* impede traffic or a driver's visibility.

(B) Political sign means

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- (i) all free-standing billboards, posters, banners, or
 - (ii) displays that advocate a candidate for political office or
 - (iii) any matter to be presented to the electorate for vote, and
 - (iv) all items put on property to erect or secure the billboard, poster, banner, or display in place, including rebars and wires.
- (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 ten percent (10%) of the surface of the wall to which they are attached.
 - (2) Free standing, doubled 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 signs 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 high way right-of-way; and

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(C) one such sign shall be permitted for each premises or building.

(3) Political signs that advocate voting for or against candidates, or other matters to be considered by the electorate; provided, that such signs *shall only* be posted on private property.

(A) If such private property is adjacent to any roadway, political signs *shall* be at least eight (8) feet from the paved portion of the roadway, and posted in such a manner that would *not* impede traffic or a driver's visibility.

(B) Political sign means

(i) all free-standing billboards, posters, banners, or

(ii) displays that advocate a candidate for political office or

(iii) any matter to be presented to the electorate for vote, and

(iv) all items put on property to erect or secure the billboard, poster, banner, or display in place, including rebars and wires.

(c) In Industrial 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 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.

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(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 high way 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 or structures housing a single industrial user.

(3) Political signs that advocate voting for or against candidates, or other matters to be considered by the electorate; provided, that such signs *shall only* be posted on private property.

(A) If such private property is adjacent to any roadway, political signs *shall* be at least eight (8) feet from the paved portion of the roadway, and posted in such a manner that would *not* impede traffic or a driver's visibility.

(B) Political sign means

(i) all free-standing billboards, posters, banners, or displays that advocate a candidate for political office or

(ii) any matter to be presented to the electorate for vote, and

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(iii) all items put on property to erect or secure the billboard, poster, banner, or display in place, including rebars and wires.

(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.

(e) The provisions of this Section *shall not* apply to any political sign used in connection with roadside waving on property by person(s) who actively attend said roadside waving.

SOURCE: GC § 17400. Subsection b(1)(c) amended by P.L. 16-077; subsection (b)(2) repealed and reenacted by P.L. 15-140:13. Subsection (a)(5) added by P.L. 32-199:2 (Oct. 13, 2014). Subsection (b)(3) added by P.L. 32-199:3 (Oct. 13, 2014). Subsection (c)(3) added by P.L. 32-199:4 (Oct. 13, 2014). Subsection (a)(5) amended by P.L. 34-067:1 (Nov. 11, 2017); subsection (b)(3) amended by P.L. 34-067:2; subsection (c)(3) amended by P.L. 34-067:3; subsection (e) added by P.L. 34-067:5.

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered in subsections (b) and (c) to adhere to the Compiler's alpha-numeric scheme.

§ 61542. Regulation of Political Signs.

[Repealed.]

SOURCE: GC § 17400.1 added by P.L. 18-040:36. Repealed and reenacted by P.L. 24-055:2. Amended by P.L. 31-148:2 (Nov. 21, 2011). P.L. 32-209:1 (Dec. 29, 2014) amended subsections (e) and (h), and added subsection (i). Repealed by P.L. 34-067:4 (Nov. 11, 2017).

2017 NOTE: Subitem designations added pursuant to the authority of 1 GCA § 1606.

Prior to its repeal by P.L. 34-067, this provision stated:

Candidates for public office or other persons having an interest in an election may place political signs which advocate voting for or against candidates, or other matters to be considered by the electorate, on government property in accordance with the following provisions:

(a) Definitions.

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(1) *Candidate* means a person seeking public office.

(2) *Government property* means any tangible or real property held by the government of Guam.

(3) *Organization* means any political organization or political action group advocating an issue in a special or general election.

(4) *Political sign* means all billboards, posters, banners or displays which advocate a candidate for political office or any matter to be presented to the electorate for vote, and all items put on public property to erect or secure the billboard, poster, banner, or display in place, including rebars and wires.

(5) *Utility pole* means any pole erected for street lighting, power lines, and cable television lines.

(b) Notice. Notice *shall* be posted on the campaign sign that the advertisement has been approved or authorized by the candidate or, if the advertisement has *not* been authorized by the candidate, the name and mailing address of the individual(s) or organization that paid for the advertisement.

(c) Permit: Fee; Deposit. Any candidate or organization may apply for a permit to post campaign signs with the Department of Public Works. The Director of Public Works is authorized to charge a non-refundable permit fee of One Hundred Dollars (\$100.00) and a deposit of Two Hundred Dollars (\$200.00), or as increased from time to time by rules and regulations promulgated by the Director of Public Works in accordance with the Administrative Adjudication Law. Such rules and regulations *shall* provide for procedures governing approval or rejection of permits, manner and location of posting, maintenance of sign and surrounding area, procedures for notification, removal of signs, forfeiture of deposit of any sign found in violation of this Section, and any other rules or regulations necessary to ensure the safety of the public.

(d) Restrictions on Posting of Political Signs.

(1) No political sign may be erected or posted upon the shoulder of any roadway unless

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it is eight (8) feet from the paved portion of the roadway, and in such a manner that would not impede traffic or a driver's visibility; or erected upon any traffic median strip, sidewalk, road, or driveway.

(2) No political sign may be erected upon, on or within any government building, or nailed to any tree or attached to any fence on government property.

(3) No political sign may be erected or posted within one hundred (100) feet of any entrance to a public school, or upon any public school property, including school fences and gates.

(4) No political sign or sticker may be posted upon any utility pole or guard rail.

(5) No political signs may be posted upon any public parks within the jurisdiction of the Department of Parks and Recreation, the Department of Public Works, or the village Mayors.

(6) No political sign may be erected or posted within one hundred (100) feet of any intersection.

(e) Period for Posting of Political Signs. Political signs *shall not* be erected any earlier than sixty (60) days before any special or primary election.

(f) Size Restriction. No political sign may exceed thirty-two (32) square feet in gross billboard, poster, banner or display surface area. Any sign which exceeds thirty-two (32) square feet *shall* be removed immediately by the Department of Public Works, and all sign materials and any deposit made *shall* be automatically forfeited to the government of Guam.

(g) Maintenance of Political Signs. It *shall* be the responsibility of every candidate or organization to maintain their sign in a manner which *does not* impede the safety of the public, and which complies with applicable rules and regulations as adopted by the Department of Public Works. Failure of a candidate or any organization to maintain campaign signs *shall* be grounds for forfeiture of any deposit and all sign materials.

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(h) Removal of Signs.

(1) Any sign in violation of any of the provisions of Subsections (b), (d), (e), (f) or (g) of this Section, or any of the sign regulations outlined in §§ 61541 - 61546 of this Subarticle 5, *shall* be removed within forty-eight (48) hours by the candidate or organization after notification by the Department of Public Works, or the Mayor of the village in which the sign is located. A sign not removed within forty-eight (48) hours of notification may be removed immediately by the Department of Public Works or the village Mayor. The candidate or organization *shall* be responsible for paying a fine of Twenty-Five Dollars (\$25.00) per day per sign for each day a sign, in violation of this Section, is not removed after forty-eight (48) hours. Failure to remove any political sign and all items used in the erection and securing of the political sign, including rebars and wires, in violation of this Section *shall* be grounds for forfeiture of any deposit.

(2) Every political sign *shall* be removed *no later than* fifteen (15) calendar days after the conclusion of any general or special election. Failure to remove any political sign within fifteen (15) days after the conclusion of any general, special, or primary election, as applicable, *shall* be grounds for forfeiture of any deposit, plus a fine of Twenty-Five Dollars (\$25.00) per day per sign for each day a sign, in violation of this Section, is not removed after the said fifteen (15) days, *supra*.

(i) All fees, deposits, and fines collected pursuant to the provisions of this Section *shall* be deposited into the Public Rights-Of-Way Account of the Territorial Highway Fund for the purpose of maintaining safe and clean public roadways. Sufficient funds *shall* be reserved for the refund of deposits, pursuant to this Section.

§ 61543. Erection of Signs.

(a) 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

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phenomenon. Engineering design shall be based on applicable sections of the Building Law of Guam (Chapter 66 of 21 GCA).

(b) 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.

(c) Electronic and other signage that have been granted variances by the Guam Land Use Commission or have been issued a Notice of Action by the Guam Land Use Commission on or before May 15, 2017, *shall* be legally authorized to operate; provided, that all business license requirements are met and are thereafter maintained in good standing; and the Guam Land Use Commission *shall* conduct periodic reviews of the variances authorized by this Subsection to enforce the conditions of said variances and may require similar or additional conditions.

SOURCE: GC § 17401. Subsection (c) added by P.L. 34-030:2 (July 13, 2017), amended by P.L. 35-018:2 (May 9, 2019).

2017 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 61544. Signs in Other Than English or Chamorro Language.

Any permitted sign erected, displayed or maintained pursuant to § 61541(b)(1) and (2) of this Chapter which contains a message in a language other than English or Chamorro in Roman alphabet characters shall contain a meaningful translation in the English or Chamorro language which shall be printed on the sign using Roman alphabet characters. The Chamorro Language Commission shall assist in translating and approve all Chamorro translations required by this Section for existing and new signs. The English or Chamorro translation must predominate the sign.

SOURCE: GC § 17402 enacted by P.L. 15-100:2 (Feb. 1, 1980), amended by P.L. 15-147:10 (Dec. 31, 1980).

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2015 NOTE: Prior publications of the GCA included an annotation to *Gov't of Guam v. Wang & Tung Hua Trading Co., Ltd.*, 2 Guam R. 102 (1980), where the Superior Court of Guam found GC § 17402, the source of this provision, “to be an unconstitutional infringement upon a citizen’s First Amendment right to freedom of speech.” This decision addressed § 17402 as enacted by P.L. 15-100:2 (Feb. 1, 1980). Four months after this decision, § 17402 was amended by P.L. 15-147:10 (Dec. 31, 1980).

§ 61545. Penalty.

Any person who violates the provision of § 61544 of this Chapter shall be subject to a civil penalty not to exceed One Thousand Dollars (\$1,000) for each such violation. Actions to recover the penalty provided for in this Section shall be brought by the Attorney General at the request of any person in the territory of Guam. All penal ties recovered in any such action shall be paid into the General Fund.

SOURCE: GC § 17402.1 enacted by P.L. 15-100:2 (Feb. 1, 1980).

2015 NOTE: The source of this provision, GC § 17402.1, was found to be unconstitutional in *Gov't of Guam v. Wang & Tung Hua Trading Co., Ltd.*, 2 Guam R. 102 (1980). However, the constitutional infirmity was addressed by the amendment to § 17402 by P.L. 15-147:10 (Dec. 31, 1980).

§ 61546. Signs on School Bus Stop Shelters.

Notwithstanding any law in this Chapter to the contrary, it shall not be illegal for the Department of Education to place a sign on any school bus stop shelter to identify and commemorate a public business or individual who contributed money to provide for the erection and maintenance of such shelters. Such signs shall be non-moving and non-flashing and not larger than the dimensions of the bus stop shelter.

SOURCE: GC § 17403 enacted by P.L. 15-144:5 (Dec. 27, 1980).

NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. The passage of P.L. 30-050:2 (July 14, 2009) reverted the name to the Department of Education.

SUBARTICLE 6
JUNK YARDS

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- § 61561. Permits Required.
- § 61562. Improvement Standards
- § 61563. Application Required.
- § 61564. Hearing Required.
- § 61565. Permit Issued or Denied.
- § 61566. Nonconforming Junk Yards.

§ 61561. Permits Required.

No person shall establish a junk yard or extend the boundaries of an existing junk yard without obtaining a permit from the Territorial Land Use Commission. Junk yards which are established on the effective date of this Subarticle shall be governed by the provisions of § 61566.

§ 61562. 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.

§ 61563. Application Required.

The owner shall make application for the issuance of a permit under Subarticle 6 of this Article to the Territorial Land Use 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.

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(d) The Commission shall charge and collect a filing fee of Seventy-Five Dollars (\$75.00) for a Junk Yard Permit application. All fees collected under this Section shall be deposited in the Department of Land Management Land Survey Revolving Fund (LSRF).

SOURCE: Subsection (d) added by P.L. 29-002:V:III:12 (May 18, 2007).

§ 61564. Hearing Required.

Within one month of the first regularly scheduled Territorial Land Use Commission meeting after receipt of an application, the Territorial Land Use Commission shall hold a public hearing on the proposed junk yard. The Territorial Land Use 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 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.

§ 61565. Permit Issued or Denied.

After such public hearing, if the Territorial Land Use Commission determines that the standards set forth in § 61602 are met, the Territorial Land Use Commission shall issue a permit. Any person aggrieved by a decision of the Territorial Land Use Commission under this section shall have the right to appeal to the Superior Court as provided in § 61621 of this Chapter.

§ 61566. 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)

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Zone may continue subject to the provisions of Article 5, Subarticle 3 of this Chapter, provided that it is made to conform to the provisions of § 61562 within the (1) year of the effective date of this Subarticle. If such action is not taken, the provisions of subparagraph (a) shall apply.

SOURCE: This Subarticle was sourced in GC §§ 17425-17430, effective March 29, 1968.

**ARTICLE 6
ADMINISTRATION AND ENFORCEMENT**

- Subarticle 1. Administrating and Enforcing.
- Subarticle 2. Appeals & Reviews.
- Subarticle 3. Changes of Zones.
- Subarticle 4. Recording - Submission to the Legislature.
- Subarticle 5. Fees.
- Subarticle 6. Penalty for Violation.

**SUBARTICLE 1
ADMINISTRATING AND ENFORCING**

- § 61601. Enforcement.
- § 61602. Building Permit Required.
- § 61603. Building Permit Not to be Issued.
- § 61604. License Approval Required.
- § 61605. Form and Filing. Who May File.
- § 61606. Standard of Review.
- § 61607. Findings and Notice.
- § 61608. Failure to Comply – Fines/Revocation of Certificate of Occupancy.
- § 61609. Department of Public Works Building and Design Fund.
- § 61610. Decision - Final.
- § 61611. Appeals.

§ 61601. Enforcement.

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The Building Official designated in Chapter 66 of this Title shall have the power and duty to enforce the provisions of this law. All authority granted to him by Chapter 66 of this Code may be used in furtherance of these enforcement activities, whenever such authority is necessary and applicable.

SOURCE: GC § 17450.

§ 61602. 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 Chapter 66 of this Code; 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 1, Chapter 40 of this Code.

SOURCE: GC § 17451

§ 61603. 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 Chapter, shall be null and void.

SOURCE: GC § 17452.

§ 61604. 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 Chapter. Any license issued in conflict with the provisions of this Chapter shall be null and void.

SOURCE: GC § 17453.

§ 61605. Form and Filing. Who May File.

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Any government official or person(s) may file a complaint with the Director of the Department of Public Works.

(a) Filing. Complaints of violations of zoning laws *shall* be made in writing to the Director of the Department of Public Works. A complaint for zoning violations, when received by the Department of Public Works, *shall* stamp and record the date and time upon receipt of each complaint.

(b) Form. A written complaint *shall* include the following:

(1) The name, contact number, electronic mail (if available), mailing and/or business address of the complainant;

(2) Detailed narrative of complaint;

(3) Supporting evidence or documents to substantiate grounds for complaint.

SOURCE: Added by P.L. 32-070:2 (Nov. 27, 2013).

2014 NOTE: Within 90 days of enactment of P.L. 32-070 (Dec. 27, 2013), the Department of Public Works and the Department of Land Management were mandated to promulgate rules and regulations pursuant to the Administrative Adjudication Law, Title 5 GCA, Chapter 9. P.L. 32-070:3. Within 30 days of enactment, the Department of Public Works and the Department of Land Management were mandated to provide notification of implementation of P.L. 32-070 to the general public by posting notices in the departments and using media outlets. P.L. 32-070:4.

§ 61606. Standard of Review.

The Director of the Department of Public Works *shall* investigate all violation complaints within ten (10) days of submission. Investigative findings *shall* be completed and issued within 30 working days from receipt of complaint.

SOURCE: Added by P.L. 32-070:2 (Nov. 27, 2013).

§ 61607. Findings and Notice.

(a) Such person(s) in receipt of the notice of violation; the owner, occupant, lessee, mortgagee, agent and other person(s) having control over the activities or use of said area, or all of the

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aforementioned, *shall* be notified in writing with a detailed description of the violation. The notice *shall* be issued via certified mail or by personal delivery and signed by the Director of the Department of Public Works, or his/her designee.

(b) Any person(s) that is found in violation *shall* have ten working (10) days to rectify said violations by the following:

(1) cease and desist all violative activity and remove all violative structures and/or violative items; or

(2) cease and desist all violative activity and immediately apply for appropriate zone designation. No violative activity *shall* be conducted on the said property during the pendency of the zoning application to cure a violation.

SOURCE: Added by P.L. 32-070:2 (Nov. 27, 2013).

§ 61608. Failure to Comply – Fines/Revocation of Certificate of Occupancy.

(a) Failure to rectify violations within ten (10) days of the receipt of the notice of violation *shall* be assessed a fine of One Hundred Dollars (\$100.00) per day until the violation has been rectified according to § 61607 of this Chapter.

(b) In the event the violator is a business, if the violation(s) is *not* rectified within ten (10) working days after a fine has been assessed, the Director *shall* revoke the certificate of occupancy until such time as the violation(s) has been rectified.

(c) If the violation involves a complaint regarding residential setback, the violator may seek a variance or summary zone change from the Department of Land Management to come into compliance.

(d) The fine imposed by this Section will *not* be applied until the variance or summary zone change application has been denied.

SOURCE: Added by P.L. 32-070:2 (Nov. 27, 2013).

2017 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

§ 61609. Department of Public Works Building and Design

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Fund.

All monies collected from fines according to § 61608 of this Chapter *shall* be deposited into the DPW Building and Design Fund for the administrative costs to the division for the enforcement of zoning laws.

SOURCE: Added by P.L. 32-070:2 (Nov. 27, 2013).

§ 61610. Decision - Final.

Any determination of finding(s) of the violation of zoning laws by the Director of the Department of Public Works or his/her designee *shall* be final.

SOURCE: Added by P.L. 32-070:2 (Nov. 27, 2013).

§ 61611. Appeals.

A complainant, or any person in receipt of a notice of violation who wishes to, may, within 10 working days, appeal the determination of finding(s), or lack of findings by the Director of the Department of Public Works, and may file such appeal and submit to the Guam Land Use Commission who *shall* exercise its powers pursuant to Article 6 of Chapter 61 of Title 21, Guam Code Annotated. The payment of fines and the revocation of occupancy certificate *shall be* stayed during appeals, but monetary fines *shall* continue to accrue.

SOURCE: Added by P.L. 32-070:2 (Nov. 27, 2013).

SUBARTICLE 2
APPEALS AND REVIEWS

- § 61615. Appeals Involving Administration Enforcement.
- § 61616. Variances.
- § 61617. Variance Requirements.
- § 61618. Variance Application-Form and Contents.
- § 61619. Hearing Date-Notice.
- § 61620. Decision by Territorial Land Use Commission.
- § 61621. Decision Final-Appeal.
- § 61622. Jurisdiction.
- § 61623. Review by Municipal Planning Council.

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§ 61624. No Use of Parks.

§ 61615. Appeals Involving Administration Enforcement.

The Territorial Land Use 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 administrative official in the administration of this Chapter; and

(b) (1) 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 Chapter.

(2) The procedure for filing such appeals as well as the procedure governing the actions of the Commission thereon, shall be similar to that set forth in §§ 31062 to 31071 inclusive of Chapter 66 of this Code.

(c) Four (4) affirmative votes of its members shall be required to approve any action by the Territorial Land Use Commission, and the chairperson thereof is required to vote on all matters.

SOURCE: GC § 17500. Subparagraph (c) is added to § 61615 by P.L. 21-072:25(c).

2017 NOTE: Subitem designations added pursuant to the authority of 1 GCA § 1606.

§ 61616. Variances.

Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Chapter would occur from its strict literal interpretation or enforcement, the Territorial Land Use 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:

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(a) Permit the extension of an existing or proposed conforming building or use into an 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 or 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 so 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 purposes of this Chapter;

(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 Chapter: governmental enterprises; public utilities and public service uses or structures; hospitals or institutions; or development of natural resources.

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(j) Permit the construction of buildings in violation of the restrictions of § 61504 of this Chapter;

(k) 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.

(l) (1) Notwithstanding other provisions within this Section, establish guidelines through resolution to permit the Director of the Department of Land Management, with advisement from the Guam Chief Planner, to utilize his discretion in approving minor yard setback variances specifically for single family residential dwellings or any assessory structure of a residential use which, at a minimum, satisfies the following requirements:

(A) The variance is for not more than three (3) feet beyond the setback requirement of only one (1) yard (side, front, or rear) to allow the suitable location of a structure where practical difficulties exist due to special circumstances applicable to the building or property, including size, shape, topography, location or surroundings, depriving such property of privileges enjoyed by other property in the vicinity and under identical zoning classification consistent with the general welfare of the adjacent neighbors.

(B) The granting of the variance does not authorize a use or activity which is not authorized by the zone regulations governing the parcel or property.

(C) Water runoff from the roof line of any structure shall not encroach beyond the property line of a parcel.

(D) No encroachment onto an area engrossed by a grant of easement shall occur.

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(E) Concurrence from the adjacent property owners located along the property line closest to the setback encroachment shall be obtained.

(F) Real property chattels or any transient residential accommodations including breakfast inns, motels or hotels are not considered as residential dwellings for the purpose of this Subsection.

(G) No other setback variance shall be granted by the Commission on the parcel affected by a grant of variance through this Subsection. The physical removal of any structure or a portion thereof approved through this Subsection shall void the restrictions imposed by this Subsection.

(2) The Department shall notify all contiguous property owners of the proposed minor yard setback variance. Upon notification by the Department, the property owners shall have thirty (30) days to submit written objections to the Director.

SOURCE: GC § 17501. Subsection (k) added by P.L. 10-173 as (j) and renumbered by the Ed., GC (1974 Supp.) Subsection (l) added by P.L. 27-091:2 (May 6, 2004).

2017 NOTE: Subitem designations added/altered in subsection (l) pursuant to the authority of 1 GCA § 1606.

§ 61617. Variance Requirements.

(a) No variance shall be granted by the Commission unless it finds:

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

(2) 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;

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

(4) That the grant of such variance will not be contrary to the objectives of any part of the Master Plan adopted by the Commission or Legislature;

(5) That, as to variances from the restrictions of § 61504 of this Chapter, 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 untrammelled use of the beach and its natural beauty.

(b) The above requirements need not apply to the types of uses specified in § 61616(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.

SOURCE: GC § 17502.

2017 NOTE: Subsection/subitem designations added/altered pursuant to the authority of 1 GCA § 1606.

§ 61618. 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.

SOURCE: GC § 17503.

§ 61619. Hearing Date-Notice.

(a) Upon the filing of a 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 in

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the affected municipality and shall be in accordance with the rules established by the Commission, but any party in interest may appear in person, or by designated attorney or agent. At least one (1) such hearing shall be conducted after six o'clock (6:00) p.m.

(b) (1) In addition, the Commission shall require the applicant to erect a sign on the subject location, no smaller than four feet (4') by eight feet (8') in height and width, with the words "Notice to Rezone" in no less than twelve inch (12") high red letters on a white background occupying two feet (2') by eight feet (8') of the sign, and displayed to make the following information available to the general public in a reasonable manner:

(A) a Statement of Public Notice that an application for a variance has been filed with the Commission;

(B) the title of the application as filed, containing the name of the owner, the name of the developer, the lot number, and the proposed variance; and

(C) the date, time, and place of each public hearing and Commission meeting where public comments can be presented.

(2) The sign shall be erected and displayed in a visible and prominent place on the subject site no less than five (5) days after an application is filed with the Commission, and shall be removed after the Commission renders a final decision on the application or the applicant officially withdraws the application.

(c) The Commission shall not render a decision in favor of any applicant that fails to comply with both this sign requirement and any other public notice requirement that is prescribed by law, rule or regulation. Failure to meet the notice requirements as provided herein renders any approval by the Commission null and void.

SOURCE: GC § 17504 as amended by P.L. 20-217:3. Amended by P.L. 30-173:1 (July 16, 2010).

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2017 NOTE: Subsection/subitem designations added/alterd pursuant to the authority of 1 GCA § 1606.

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

§ 61620. Decision by Territorial Land Use 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 § 61617, 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 § 61617, 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.

SOURCE: GC § 17505.

§ 61621. 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 Superior 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.

SOURCE: GC § 17506.

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§ 61622. Jurisdiction.

The Superior Court of Guam shall have jurisdiction over all actions arising from the provisions of this Title.

SOURCE: GC § 17507.

NOTE: Pursuant to P.L. 12-085 (Jan. 16, 1974), references to Island Court of Guam were altered to Superior Court of Guam.

§ 61623. Review by Municipal Planning Council.

(a) The Municipal Planning Council of each municipal district to be affected by a proposed variance shall review the request and express its support or opposition thereon by resolution adopted by a majority of its members, and submit such resolution to the Commission within twenty (20) days from the date of its public hearing thereon for the Commission's consideration thereof pursuant to § 61620.

(b) For each proposed variance involving land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall conduct a minimum of two (2) separate public meetings, pursuant to the requirements of Chapter 8, Division 1, Title 5, Guam Code Annotated.

SOURCE: Added by P.L. 20-217:4 (Aug. 22, 1990), and amended by P.L. 33-129:3 (Mar. 4, 2016).

2016 NOTE: Subsection designations added by the Compiler pursuant to authority granted by 1 GCA § 1606.

§ 61624. No Use of Parks.

The government of Guam shall not, in considering proposed variances, allow any part of the Guam Territorial Park System to be used by a private landowner to fulfill the parking or other requirements of the construction which is the subject of the proposed variance.

SOURCE: Added by P.L. 20-188:8 (June 11, 1990) as § 61623. Codified to this section by the Compiler.

SUBARTICLE 3
CHANGES OF ZONES

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- § 61630. Requirements for Changes.
- § 61631. Procedure.
- § 61632. Application-Form and Contents.
- § 61633. Hearing Date-Notice.
- § 61634. Decision by Commission.
- § 61635. Planned Development Districts.
- § 61636. Change of Zoning Map.
- § 61637. Agricultural Impact Statement.
- § 61638. Review by Municipal Planning Council.
- § 61639. Summary Procedure for Agricultural and Single Family Residential Rezoning.
- § 61640. [Untitled].

§ 61630. Requirements For Changes.

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

SOURCE: GC § 17600.

§ 61631. Procedure.

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

SOURCE: GC § 17601.

§ 61632. Application-Form and Contents.

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

SOURCE: GC § 17602.

§ 61633. Hearing Date-Notice.

(a) Upon the filing of an application for a 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 40, 5 GCA Government

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Operations, and a notice of the time and place of the hearing shall be published in at least one (1) newspaper of general circulation at least ten (10) days before the date of said hearing, and sent by mail to the Mayor of the municipal district concerned, and to those landowners owning land within five hundred (500) feet of the property for which the rezoning is requested, the mailing addresses for such landowners to be in the Real Tax records.

(b) (1) In addition, the Commission shall require the applicant to erect a sign on the subject location, no smaller than four feet (4') by eight feet (8') in height and width, with the words "Notice to Rezone" in no less than twelve inch (12") high red letters on a white background occupying two feet (2') by eight feet (8') of the sign, and displayed to make the following information available to the general public in a reasonable manner:

(A) a Statement of Public Notice that an application for a change of zone has been filed with the Commission;

(B) the title of the application as filed, containing the name of the owner, the name of the developer, the lot number, and the proposed change of zone; and

(C) the date, time, and place of each public hearing and Commission meeting where public comments can be presented.

(2) The sign shall be erected and displayed in a visible and prominent place on the subject site no less than five (5) days after an application is filed with the Commission and shall be removed after the Commission renders a final decision on the application or the applicant officially withdraws the application.

(c) The Commission shall not render a decision in favor of any applicant that fails to comply with both this sign requirement and any other public notice requirement that is prescribed by law, rule or regulation. Failure to meet the notice requirements as provided herein renders any approval by the Commission null and void.

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SOURCE: GC § 17603 as amended by P.L. 10-158 (July 3, 1970).
Amended by P.L. 30-173:2 (July 16, 2010).

2017 NOTE: Subsection/subitem designations added/alterd pursuant to the authority of 1 GCA § 1606.

§ 61634. Decision by Commission.

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

SOURCE: GC § 17604.

§ 61635. Planned Development Districts.

(a) A PD District enables the unified development of a substantial land area with such combination of uses as shall be appropriate to an integrated plan for the area. The procedure for establishing a PD District is the same as that for the rezoning of an area, providing that a detailed plan be submitted to and discussed with the Territorial Land Use Commission. The application shall be accompanied by the appropriate fee and the detailed plan, or revision thereof.

(b) The Territorial Land Use Commission may approve the detailed plan and rezoning, following the required hearing, upon findings that the plan, considering structures, uses, access, regulations and layout fixed in it, comprises:

- (1) An area of sufficient acreage to constitute a large planning unit having special attributes for integrated development;
- (2) An appropriate development of the area from the viewpoints of its natural features, location and suitability for particular uses;
- (3) A combination of structures and uses which are in reasonable association and proportion to make a

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harmonious unit and likely to continue compatibly with one another;

(4) All structures, including accessory structures, shall not cover more than thirty percent (30%) of the area;

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

(6) A project consistent with an appropriate development of adjacent areas and not unreasonably detrimental to the existing structures and uses in such areas; and

(7) An appropriate evolution of the comprehensive plan for that portion of the territory.

(8) All impermeable surfaces considered as a structure constituting gardens, sidewalks, fences, barrier walls, retaining walls, open air recreational facilities exposed to sunlight, swimming pools, and all subterranean structures located beneath grade and covered by earth shall be considered as an open area.

(c) In approving a detailed development plan, the Territorial Land Use Commission may impose such regulations of yards, open space, lot coverage, density, and height as are reasonably required to permit the foregoing findings.

SOURCE: GC § 17605. Subsection (h) added by P.L. 27-024:9 (7/18/2003).

2017 NOTE: Subsection/subitem designations added/altered pursuant to the authority of 1 GCA § 1606.

§ 61636. Change of Zoning Map.

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

SOURCE: GC § 17606.

§ 61637. Agricultural Impact Statement.

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

(a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.

(b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.

(c) The Director's opinion whether said rezoning should be approved and reasons therefor.

SOURCE: GC § 17607 enacted by P.L. 12-208 (Jan. 23, 1970).

§ 61638. Review by Municipal Planning Council.

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

(b) For each proposed zone change involving land in Guam, the relevant Municipal Planning Council of Guam's respective villages shall conduct a minimum of two (2) separate public meetings, pursuant to the requirements of Chapter 8, Division 1, Title 5, Guam Code Annotated.

SOURCE: Added by P.L. 20-217:5 (Aug. 22, 1990), and amended by P.L. 33-129:4 (Mar. 4, 2016).

2016 NOTE: Subsection designations added by the Compiler pursuant to authority granted by 1 GCA § 1606.

§ 61639. Summary Procedure for Agricultural and Single Family Residential Rezoning.

The Department of Land Management (the Department) is directed to set up a procedure whereby landowners of

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agriculturally- or single family residentially-zoned properties in Guam can expeditiously apply for rezoning of their parcels. Owners of agriculturally-zoned property may apply to rezone their property as either Single Family Residential (R-1) or Multi-Family Residential (R-2); owners of single-family residentially-zoned property may apply to rezone their property to Multi-Family Residential (R-2). Such procedure shall be incorporated into rules and regulations to be promulgated by the Director of Land Management pursuant to the Administrative Adjudication Law, which rules shall include provisions as to lot size and required infra structure and shall include the following steps:

(a) The submission of a completed application to the Director of Land Management who shall render a decision thereon within sixty (60) calendar days; provided, that:

(1) The Division of Planning, Department of Land Management, provides a written report whether there is adequate infrastructure to accommodate the zone change. The Public Utility Agency of Guam, the Guam Power Authority, the Guam Environmental Protection Agency and the Department of Public Works are directed to provide such information without delay as the Department of Land Management ("DLM") may require to complete the written report. Answers by such agencies to such requests must be provided to DLM not later than ten (10) working days from the date such request is made. If such requests are not answered within such period, DLM may proceed with its report with the assumption that the agency not answering the request has no objection to the rezoning.

(2) The applicant meets all other requirements established by DLM. This shall include the provision of a rough sketch of the development which the applicant intends to undertake on the land involved. The submission of a comprehensive development plan shall not be necessary until such time as the actual developer applies for the required permits.

(3) If, in the opinion of the Director of DLM, the rezoning requested is of such a nature that there is a

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need for a public hearing and/or notification to all landowners within a five hundred foot (500') radius of the parcel to be rezoned, DLM shall be responsible for determining the landowners to be notified, and shall bear all costs of public notification and the service of notification to the owners of all parcels within said five hundred foot (500') radius.

(4) The Director of DLM shall determine any additional funding or personnel required for the most efficient and economical accomplishment of the provisions contained herein and shall submit a request for such funding to the Legislature within thirty (30) days of the enactment hereof.

(b) Upon receipt of the completed application, the Director shall immediately transmit copies of the same to all the member departments and agencies constituting the Development Review Committee, which departments and agencies shall expeditiously make recommendations on the change request. Failure of any member department or agency to reply within forty-five (45) days of receipt of the application shall constitute concurrence with the requested change. The Director shall then approve or disapprove the application, and submit the same to the Legislature with his reasons for approval or disapproval, within sixty (60) days of its submission to him.

(c) If the application has been approved by the Director, the property the subject of the application shall be rezoned to either Single Family Residential (R-1) or Multi-Family Residential (R-2) as the case may be, unless within forty-five (45) days of its submission to the Legislature, the Legislature, by statute, amends or rejects the same. If the application has been disapproved by the Director, the property the subject of the application shall not be rezoned unless within forty-five (45) days of its submission to the Legislature, the Legislature, by statute, overrules the Director and approves the change of zone.

SOURCE: Added by P.L. 21-082:4 (Jan. 25, 1992). Subsection (a) amended by P.L. 21-144:8(b) (Dec. 29, 1992).

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§ 61640. [Untitled].

For any property rezoned to M1 within two (2) years of also applying for a conditional use for workforce housing, the property shall revert to the zone prior to the granting of the M1 zone when the approval for workforce housing expires, or a new application for continued M1 zone must be filed.

SOURCE: Added by P.L. 31-072:3 (May 25, 2011).

**SUBARTICLE 4
RECORDING--SUBMISSION TO THE LEGISLATURE**

- § 61645. Recording.
- § 61646. Inspection.
- § 61647. Submission to the Legislature.
- § 61648. Failure to Submit.

§ 61645. Recording.

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

SOURCE: GC § 17625.

§ 61646. Inspection.

Any Zoning Map or amendment thereto recorded pursuant to this Subarticle shall be open to public inspection during normal government business hours.

SOURCE: GC § 17626.

§ 61647. Submission to the Legislature.

The Zoning Map or any amendments 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.

SOURCE: GC § 17627.

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§ 61648 Failure to Submit.

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

SOURCE: GC § 17628.

**SUBARTICLE 5
FEES**

§ 61660. Filing Fees.

§ 61660. Filing Fees.

(a) Applications for services. Before accepting any application for the following, the Commission shall charge and collect the following filing fees for the first five (5) pages thereof and Twenty-five Cents (\$.25) for every additional page:

TYPE OF APPLICATION	AMOUNT
---------------------	--------

- | | |
|---|---------|
| (1) Appeals | \$50.00 |
| (2) Conditional Use Permit | \$50.00 |
| (3) Zone Change | \$50.00 |
| (4) Zone Variance (Use, Sign, Density, Height, Parking) | \$75.00 |
| (5) Zone Variance – Setback | \$75.00 |
| (6) Subdivision Variance | \$50.00 |
| (7) Tentative Development Plans | |

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\$50.00

SERVICES BY THE GUAM LAND USE COMMISSION:

- (8) Summary Zone Change
\$25.00
- (9) Split Zone Change
\$25.00
- (10) Zone Variance – Setback Non-Conforming
\$75.00
- (11) Certification of Zoning
\$10.00
- (12) Request for Documents \$
2.00

All money received pursuant to this Subsection (a) shall be deposited in the Department of Land Management Land Survey Revolving Fund (LSRF).

(b) Fees. The following fee schedule is established for advertisement of public hearings, GLUC hearings and hearings on HPR Final and Preliminary Public Reports.

- (1) Public Hearing (Ad size 2" x 2" = 4 (x): the current rate charged by a newspaper of general circulation.
- (2) GLUC Hearing (Ad size 2" x 2" = 4 (x): the current rate charged by a newspaper of general circulation.
- (3) HPR Final and Preliminary Public Report Hearing (Ad size 2" x 2" = 4 (x): the current rate charged by a newspaper of general circulation.

The Commission shall collect the fees established by this Section from the applicant and remit the same to the newspaper in question after publication.

SOURCE: GC § 17650 as amended by P.L. 10-156 (July 3, 1970). Repealed and reenacted by P.L. 27-091:4 (May 6, 2004) and P.L. 29-002:V:III:8 (May 18, 2007).

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**SUBARTICLE 6
PENALTY FOR VIOLATION**

§ 61670. Penalty.

§ 61670. Penalty.

Any person, firm, corporation or officer thereof, violating any of the provisions of this Chapter shall be guilty of a petty misdemeanor. 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.

SOURCE: GC § 17700 as amended by P.L. 13-187:25.
