

21 GCA REAL PROPERTY CH. 61 ZONING LAW

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§ 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.

§ 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) 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:

- (1) a Statement of Public Notice that an application for conditional use has been filed with the Territorial Land Use Commission;
 - (2) 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
 - (3) 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. 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 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: 8 hours x \$13.00 \$104.00

(5) Equipment Use \$ 75.00

SOURCE: Repealed and reenacted by P.L. 21-14:11. Subsection (d) added by P.L. 29-002:V:III:7 (May 18, 2007).

§ 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.

COMMENT: P.L. 21-14:11(a) repeals and reenacts § 61303. Subsections (b) and (c) of P.L. 21-14:11 are **not** part of the amendment to § 61303, but, though uncodified, form an integral part of the implementation of § 61303. Therefore, the Compiler has codified P.L. 21-14:11, subsections (b) and (c) as § 61303.1 in order to provide a complete understanding of § 61303. P.L. 21-14:11(d) is an appropriation and, therefore, will remain uncodified.