

**DEPARTMENT OF LAND MANAGEMENT
ZONING CLEARANCE FORM**

(To be attached to the Department of Public Health and Social Services Clearance Sheet)

In accordance with Guam's Land Use Laws, more Specifically, *The Zoning Law of Guam*. The **CHILD CARE FACILITY** are now recognized by way of definitive and clear-cut states. The Territorial Land Use Commission through an April 22nd, 1993 resolution, stated that any applicant who would like to provide a **CHILD CARE FACILITY** must comply with the following provisions.

***Title 21, Guam Code annotated, Chapter 61, The Zoning Law;
Resolution No. 93-001R, by the Territorial Land Use Commission, Document No. 490187;
and Title 10, Chapter 2, Section 9120.7, Government Code of Guam.***

Should any question(s) arise pertaining to the above, please contact the Department of Land Management, Division of Land Planning, in Anigua at 475-5255.

Please answer and fill in all questions. (If not applicable please indicate N/A.)

I. APPLICANT:

- a. Applicant's Name: _____
- b. Mailing Address: _____

- c. Telephone: Home: _____ Work: _____

II. OFFICE LOCATION:

- a. Lot: _____ Block: _____ Tract: _____
- b. Municipality (Village): _____

III. I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

(Signature)

(Date)

IV. RECOMMENDATION REQUIRED BY LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT:

Case Planner (Land Planning Division):

(Print Name)

(Signature)

**BEFORE THE TERRITORIAL LAND USE COMMISSION
TERRITORY OF GUAM**

RESOLUTION NO. 93-001R

WHEREAS, the placement of child care facilities has been a matter of concern for the Commission for some time; and

WHEREAS, until now the proper placement of child care facilities has been determined on a case by case basis by reviewing the function of the individual facility (nursery, preschool, etc); and

WHEREAS, a more orderly way needs to be found to implement the placement of child care facilities in all zones as defined by Guam law, especially commercial zones; and

WHEREAS, the need for child care facilities appears to be rising along with the population of Guam; and

WHEREAS, the Zoning Law, specifically 21 GCA § 61307(a)(13) provides the Commission with the ability to determine some additional permitted uses within commercial zones; and

WHEREAS, in the view of the Commission the placement of a child care facility requires some review by the Commission because the welfare of children while in such facilities is of paramount concern.

NOW, THEREFORE, the Territorial Land Use Commission, by virtue of the authority vested in it and by the laws of Guam, including 21 GCA § 61307(a)(13), RESOLVES that:

1. For the purposes of this resolution the term "child care facility" is defined to mean:

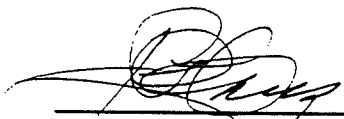
Any person or place which receives or arranges placement of one or more children who are not related to such person, whether for gain or otherwise, apart from the parents or guardian, with or without the transfer of the right of custody, for the purpose of providing regular care or training for such child or children during either the day or night, or both. Except as otherwise provided in Guam law, the term "child care facility" includes, but is not limited to, all facilities defined by the Department of Public Health and Social Services as family day care homes, foster family

homes, group care homes, residential treatment facilities, day care centers, day nursery, nursery school, kindergarten school, day care homes or similar institutions or units regardless of name.

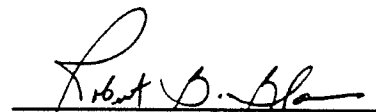
2. In the judgment of the Commission, child care facilities as defined in this resolution are similar uses to those listed 21 GCA § 61307(a) - permitted uses in commercial zones.

3. Child care facilities as defined by this resolution shall be permitted uses in commercial zones, provided, however, that no child care facilities shall be permitted uses in commercial zones when such child care facility shall be within five hundred (500) feet of a bar, tavern, lounge or similar establishment, a massage parlor, an establishment that sells, rents, displays or otherwise offers pornographic materials, or shooting galleries, ranges or clubs. All applications for child care facilities in commercial zones shall be provided to and reviewed by the Planning Division of the Department of Land Management pursuant to rules promulgated by this Commission, and further provided that such permitted use is contingent upon the review and approval of such applications by this Commission pursuant to such rules.

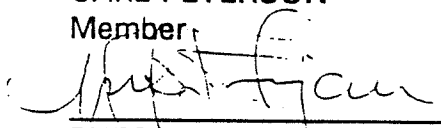
RESOLVED this 22 day of April, 1993.




JESUS P. CRUZ
Chairman




ROBERT B. BLAS
Vice Chairman

CARL PETERSON
Member


RUFO V. LUJAN
Member

PATRICIA LONG-DIEGO
Member


ROLAND R. FRANQUEZ
Member



BRIHIDA C. AGUIGUI
Member