CHAPTER 61
ZONING LAW OF GUAM

SOURCE: This Chapter was repealed and reenacted by P.L. 24-171:3 (Apr. 17, 1998) as part of the adoption of the I Tano'-ta Land Use Plan. P.L. 25-020:2 (May 26, 1999) repealed P.L. 24-171 and P.L. 25-011:3 expressly reenacted the version of Chapter 61 before the passage of P.L. 24-171.

2025 NOTE: Pursuant to 5 GCA § 1510, I Maga'håga/Maga'låhi means the "Governor." Pursuant to 2 GCA § 1101, I Liheslaturan Guåhan means the "Guam Legislature."

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
Article 2 Establishment of Zones and Boundaries
Article 2A Affordable Housing Streamline Zoning Act of 2025
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SOURCE: Pursuant to P.L. 24-171:1 (Apr. 17, 1998), this article was repealed in its entirety, and a new Zoning Code of Guam was reenacted by P.L. 24-171:3, as part of the adoption of the I Tano'-ta Land Use Plan. P.L. 25-020:2 (May 26, 1999) repealed P.L. 24-171, and P.L. 25-020:3 reenacted the version of Chapter 61 which existed before the passage of P.L. 24-171.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 [Repealed.]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.

Subarticle 1 Bed and Breakfasts
Subarticle 2 Short-Term Vacation Rental Unit
Subarticle 3 Accessory Dwelling Units

§ 61101. Title.

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

SOURCE: GC § 17000.

2025 NOTE: Reference to the "Territory" omitted pursuant to 1 GCA § 420.

§ 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 Guam, which regulations are deemed necessary in order to encourage the most appropriate use of land, to provide adequate open spaces

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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.

2025 NOTE: Reference to the "Territory" omitted pursuant to 1 GCA § 420.

§ 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.

(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 Guam Land Use Commission.

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

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(p) "Home occupation." 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.

(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.

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

(hh) "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.

(ii) "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.

(jj) "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.

(kk) "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.

(ll) "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.

(mm) "An Accessory Dwelling Unit (ADU)." A secondary studio or bedroom dwelling unit that includes a separate kitchen, and bathroom facilities, detached from or attached to the primary single-family home on the zoning lot.

SOURCE: GC § 17004; amended by P.L. 10-005:1 (Feb. 3, 1969). Codified to the GCA as § 61103 of Title 21 GCA. Sub-items (d)(1) and (2) added by P.L. 21-049:1 (Sept. 20, 1991) and amended by P.L. 22-123:2 (May 9, 1994). Subsection (p) repealed and reenacted by P.L. 28-068:IV:76 (Sept. 30, 2005). Subsection (q)(1) added by P.L. 32-045:1 (July 5, 2013) and renumbered to (kk) by the Compiler. Subsection (kk) amended by P.L. 33-165:3 (June 30, 2016). Subsection (kk) added by P.L. 33-165:4 (June 30, 2016), renumbered to (ll) by the Compiler. Subsection (mm) added by P.L. 38-007:2 (April 12, 2025).

2025 NOTE: Reference to "Territorial" omitted pursuant to 1 GCA § 420.

2020 NOTE: Past publications of the GCA erroneously designated subsection (ff) for the definitions of both "Use" and "Yard;" and the numbering error continued to subsequent provisions. The numbering error has been corrected in this publication, and corrections have been made to the Source annotation.

NOTE: The definition for standard-size automobile in subsection (d)(1) and the definition for compact automobile in subsection (g) are identical: "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 (July 28, 1992). Repealed by P.L. 33-219:3 (Dec. 17, 2016).

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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 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. Subarticle Not Applicable.

§ 61115. Purpose and Intent.

The purpose of this Subarticle 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.

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:

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(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 Subarticle, adopt, amend, or modify such license, as he may deem necessary to implement this Subarticle;

(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 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;

(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

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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 Subarticle.

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

§ 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. Subarticle Not Applicable.

This Subarticle 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.

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§ 61131. Purpose and Intent.
§ 61132. Definitions.
§ 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. Subarticle Not Applicable.
§ 61138. Imposition.
§ 61139. Exemption from Hotel Sanitation Law.

§ 61131. Purpose and Intent.

It is the purpose of this Subarticle 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 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 Subarticle. No certificate issued under this Subarticle 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

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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 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 Subarticle, 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 Subarticle 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 Subarticle.

(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:

(A) the occupant(s)' agreement to abide by all of the requirements of this Subarticle, 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 Subarticle 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;

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(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.

§ 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 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 Subarticle.

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(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 Subarticle, 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. Subarticle Not Applicable.

This Subarticle 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 § 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.

SUBARTICLE 3
ACCESSORY DWELLING UNITS

SOURCE: Entire Subarticle added by P.L. 38-007:1 (Apr. 12, 2025).

§ 61140. Purpose.
§ 61141. Accessory Dwelling Units.
§ 61142. Accessory Dwelling Units: Standards.
§ 61143. Common or Separate Utilities Options.
§ 61144. Rental of Accessory Dwelling Unit.
§ 61145. Reporting Requirements to the Municipality.

§ 61140. Purpose.

The purpose of this Subarticle is to allow homeowners to construct residential accessory dwelling units (ADUs) on the same lot as a single-family home located in residential (R1, R2) and A zones to encourage, accommodate and regulate the construction of accessory dwelling units, increase the number of affordable rental units and alleviate the housing shortage on Guam, and to establish land use standards for ADUs - also referred to as second units, in-law units, casitas, or ohana dwelling units. Allowing the construction of ADUs permits adult relatives to enjoy independent living separate from the occupants of the main home. It is intended to be an affordable alternative to assisted living and other senior home businesses that are not yet available on a scale to meet the demands of Guam's aging population.

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§ 61141. Accessory Dwelling Units.

(a) Accessory Dwelling Units (ADUs) are secondary studio or bedroom dwelling units that include a separate entrance, kitchen, and bathroom facilities, detached from or attached to the primary single-family home on the zoning lot. For attached ADUs, the entrance may be shared with the primary single-family home. Nothing in this Section shall be construed to exempt ADUs from compliance with existing regulations of the Section 8 program.

(b) Accessory dwelling units may be allowed as a permitted use in an R1, A, or R2 zone, subject to the following conditions:

(1) The maximum size of each accessory dwelling unit shall be four hundred square feet (400 sq. ft.) for lots between three thousand five hundred (3,500) and four thousand nine hundred ninety-nine square feet (4,999 sq. ft.), and up to eight hundred square feet (800 sq. ft.) for lots between five thousand (5,000) and nine thousand nine hundred ninety-nine square feet (9,999 sq. ft.) or more.

(2) Shall comply with the Yard and Area Regulations as provided in 21 GCA, Chapter 61, Article 5, except as otherwise provided in § 61142 of this Subarticle.

(3) Accessory dwelling units are not permitted:

(A) on lots with a lot area of less than three thousand five hundred square feet (3,500 sq. ft.); or

(B) on lots that have more than one (1) dwelling unit, including, but not necessarily limited to, more than one (1) single-family dwelling, bed and breakfasts, duplexes, short-term vacation rental units; and any other permitted or conditional use structure in an A, R1 or R2 zone; or

(C) on lots without access; or

(D) on lots where existing Type 2 septic tank and leaching field sewage disposal systems are not adequate for the additional occupancy or cannot be upgraded to adequately serve the occupancy increase because of an ADU.

(4) The property owner or owners or persons who are related by blood, marriage, or adoption to the property owners, or designated authorized representative, shall occupy the primary dwelling unit or the accessory dwelling unit; except in unforeseen hardship circumstances including, but not limited to, active military deployment or serious illness, which prevent the continued occupancy of the primary dwelling unit or the accessory dwelling unit. For purposes of this Section, "designated authorized representative(s)" means the person or persons designated by the property owner or owners to the Department of Land Management, who are responsible for managing the property;

(5) One (1) off-street parking space per accessory dwelling unit must be provided.

(6) The accessory dwelling unit may only be used for long-term rental or otherwise occupied for periods of at least six (6) months, and cannot be used as a bed and breakfast or short-term vacation rental.

(7) The owner or owners of the lot shall record deeds running with the land with the Department of Land Management stating that:

(A) neither the owner or owners, nor their heirs, successors or assigns of the owner or owners will submit the lot or any portion thereof to a condominium property regime to separate the ownership of its primary dwelling unit; and

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(B) the deed restrictions lapse upon removal of the accessory dwelling unit, and all of the foregoing covenants are binding upon any and all heirs, successors and assigns of the owner or owners. The covenant must be recorded on a form approved by or provided by the Director of the Department of Land Management and may contain such terms as the Director deems necessary to ensure its enforceability. The failure of an owner or of an owner's heir, successor or assign to abide by such deed will be deemed a violation and will be grounds for enforcement by the Director pursuant to law.

(8) All other provisions in Guam law applicable to the construction and occupancy of structures in A, R1, and R2 zones shall apply, including, but not limited to, setback requirements, water, wastewater and power requirements, except as otherwise explicitly provided in § 61142 of this Subarticle.

(9) All rentals of an accessory dwelling unit, or of the primary dwelling unit if the property owner or owners, or persons who are related by blood, marriage or adoption to the property owner or owners, or designated authorized representative(s) who choose to receive rent for the primary dwelling unit and occupy the accessory dwelling unit, must be evidenced by a written rental agreement signed by the owner and the tenant for a lease period of at least six (6) months, provided, that after the initial lease period is concluded, the owner may allow the same tenant to continue renting the accessory dwelling unit on a consecutive month-to-month basis. All provisions in Guam law relative to business licensing requirements for rentals of property shall still apply.

(10) At the time of application for a building permit, the applicant shall first obtain written confirmation from the responsible agencies, including the Guam Waterworks Authority, the Guam Environmental Protection Agency, and the Department of Public Works, that wastewater treatment and disposal, water supply, and access roadways are adequate to accommodate the accessory dwelling unit.

(11) An accessory dwelling unit may be created by building a new structure detached from the primary dwelling unit or through conversion of a legally established structure that is either attached to or detached from the primary dwelling unit subject to meeting all pertaining zoning requirements, except as otherwise explicitly provided in § 61142 of this Subarticle.

(12) The owner of a structure constructed without a building permit prior to the effective date of this Subarticle who wants to convert that structure to an accessory dwelling unit shall obtain an after-the-fact building permit. In addition to fulfilling the base requirements of the after-the-fact building permit, any adjustments to the structure must conform to the accessory dwelling unit regulations enumerated in this Section and any additional adopted policies and rules.

(13) The Department of Land Management and the Department of Public Works must be notified upon removal of an accessory dwelling unit and appropriate procedures and regulations for demolition permits shall still apply.

(14) If an accessory dwelling unit is advertised as a bed and breakfast or short-term vacation rental, the existence of such advertisement will be prima facie evidence of the following:

(A) that the owner of the advertised unit disseminated or directed the dissemination of the advertisement in that form and manner; and

(B) that a bed and breakfast or short-term vacation rental, as applicable, is being operated at the location advertised.

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(C) The burden of proof is on the owner to establish otherwise with respect to the advertisement and that the subject property either is not being used as a bed and breakfast or short-term vacation rental, or that it is being used legally for such purpose.

(15) A building permit and all approvals required for an ADU unit shall be considered and approved ministerially without discretionary review. The permitting or reviewing agency shall either approve or deny the application for an ADU within sixty (60) days from the date the agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application for an ADU is submitted with a permit application to create a new single-family dwelling on the lot, the permitting or reviewing agency may delay approving or denying the permit application for the ADU unit until the permitting agency approves or denies the permit application to create the new single-family dwelling, but the application for the ADU shall be considered without discretionary review. If the applicant requests a delay, the sixty (60)-day time period shall be tolled for the period of the delay. If the agency has not approved or denied the completed application within sixty (60) days, the application shall be deemed approved. The permitting agency may charge a fee to reimburse it for costs incurred to implement this Subsection, including the costs of adopting or amending any regulation that provides for the creation of an ADU. If the permitting or reviewing agency denies an application for an ADU pursuant to this Subsection, the permitting or reviewing agency shall, within the sixty (60) day time period described in this Subsection, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(16) The following public agencies are required to service lots with ADUs:

(A) Adequacy of sewage disposal system shall be secured in writing from the Guam Environmental Protection Agency (GEPA) and the Guam Waterworks Authority (GWA).

(B) Adequacy of fire protection for all lots served by private streets shall be secured in writing from the Guam Fire Department.

(C) The lot must have direct access to a street that meets fire code requirements for fire apparatus access roads.

(17) Lease agreements executed under this Subarticle are subject to 21 GCA, Chapter 48 (Guam Landlord and Tenant Rental Act of 2018), except as may conflict with this Subarticle.

(18) All provisions in Guam law relative to fair housing and taxes, including, but not limited to, income taxes, property taxes, business privilege taxes, insurance, and rentals shall apply, except as may conflict with this Subarticle.

(19) Lots zoned in an R1 zone shall be limited to one (1) detached or one (1) attached ADU. Lots zoned in an A or R2 zone shall be limited to one (1) detached ADU or one (1) attached ADU.

(20) Where an ADU is to be created as an attached or detached unit on a lot located within the Groundwater Protection Zone and within two hundred (200) feet of a sewer main, the ADU shall be permitted only if the primary residential unit and the ADU are both connected to sewer. Where an ADU is to be created on any other properties island wide within fifty (50) feet of a sewer main, the ADU will be permitted only if the primary residential unit and the ADU are both connected to sewer.

(21) Where a maximum of one (1) ADU is to be created as an attached or detached unit on a lot located within the Groundwater Protection Zone, the lot must be a minimum of nineteen thousand two hundred square feet (19,200 sq. ft.) in size, and both the primary and ADU unit shall be served by a Type 4 sewage treatment/disposal system.

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2026 NOTE: Reference to "gross receipts taxes" replaced with "business privilege taxes" pursuant to P.L. 29-002:VI:28 (May 18, 2007).

§ 61142. Accessory Dwelling Units: Standards.

An ADU shall:

(a) share utilities with the main house, or utilities may be billed separately, by separate meter; provided, that the ADU complies with the standards set by the agencies responsible for utilities;

(b) be covered under the same homeowner's insurance policy as the main home or separately, at the option of the homeowner;

(c) not be sold separate and apart from the primary single-family home;

(d) be subject to the following setback requirements:

(1) a minimum side and/or rear yard setback of four (4) feet;

(2) if an ADU involves conversion of an existing structure detached from the primary dwelling and which conforms to the requirements of § 61141(b)(1), the minimum side and rear yard setback shall be a minimum of four (4) feet;

(e) comply with any wastewater or environmental impact requirements in public laws, Guam Administrative Rules and Regulations, Guam law, and federal law; and

(f) maintain minimum front yard requirements required in 21 GCA, Chapter 61, § 61501 for an ADU located in a front yard or on the front one-half (½) acre of a lot.

§ 61143. Common or Separate Utilities Options.

An ADU may, at the option of the homeowner, share electrical, plumbing, and data networking and telecommunications assets with the main home. Such sharing is subject to The Building Code of Chapter 67, Title 21, Guam Code Annotated.

§ 61144. Rental of Accessory Dwelling Unit.

An ADU situated on an A, R1 or R2 zoned lot that complies with all applicable codes in Guam is deemed eligible for rental subject to the provisions of this Subarticle.

§ 61145. Reporting Requirements to the Municipality.

Upon completion of an ADU, the head of household shall inform the Mayor of the affected municipality. This is to facilitate better governance through safety, community planning through village population data tracking, zoning compliance, etc.

ARTICLE 2
ESTABLISHMENT OF ZONES AND BOUNDARIES

§ 61201. Zones.
§ 61202. Zoning Map of Hagåtña.
§ 61203. Zone Boundaries.
§ 61204. Church Zone in Dededo.
§ 61205. Assan-Ma'ina R2 Zone.
§ 61206. Assan-Ma'ina Commercial Zone.
§ 61207. Tumon Commercial Zone.
§ 61208. Yigo Commercial Zone.

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§ 61209. Nimitz Hill R2 Zone.
§ 61210. Tumon Bay H Resort-Hotel Zone.
§ 61211. Artero Urunao Property Zoned H.
§ 61212. Notification and Appeal of Zoning (Tumon Bay).
§ 61213. Interim Regulations to Enforce H Zone.
§ 61214. Split-Zoned Lots.
§ 61215. Paseo de Susana Planned Development District.
§ 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 Hagåtña 13 (Officers Housing Area) from Agricultural Zone (A) to Multiple Dwelling Zone (R2).
§ 61219. Rezoning of Lot Naval Air Station Hagåtña 17 (EDC Parcel 1) and Lot Naval Air Station Hagåtña 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 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 I Liheslatura and by I Maga'håga/Maga'låhi. The Zoning Map shall be submitted to the Committee on Rules prior to its submission to I Maga'håga/Maga'låhi and such map shall be deemed approved by said Committee unless within fifteen (15) days of its receipt thereof, said Committee shall adopt a resolution disapproving the same, in which case the map shall be returned to the Commission. No such map shall be adopted by the Commission except after public hearing, ten (10) days notice of time and place of which shall be given in a newspaper of general circulation.

(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.

2025 NOTE: Reference to the "Governor" replaced with I Maga'håga/Maga'låhi pursuant to 5 GCA § 1510. Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101. Reference to the "Territory" omitted pursuant to 1 GCA § 420.

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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 Hagåtña.

The zoning map of Hagåtña, 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 Hagåtña is further amended by extending the commercial zones north and south of Route 4, 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 4, 3rd Street South, 1st Street East and Cliff Drive Extension.

SOURCE: GC § 17050.1. Repealed and reenacted by P.L. 10-141 (Mar. 26, 1970) , amended by P.L. 12-160:5 (Aug. 26, 1974).

2025 NOTE: Reference to Agana replaced with Hagåtña pursuant to 1 GCA § 403(b).

§ 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.

(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 I Liheslaturan Guåhan 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. 10-106:1 (Feb. 6, 1970).

2025 NOTE: Reference to the "Guam Legislature" replaced with I Liheslatura Guåhan pursuant to 2 GCA § 1101.

§ 61205. Assan-Ma'ina R2 Zone.

Basic Lots Nos. 242, 243 and 269 REM, all in Assan-Ma'ina in the municipality of Assan-Ma'ina, are hereby rezoned to R2, multiple dwelling.

SOURCE: GC § 17053 enacted by P.L. 12-111:1 (Mar. 15, 1974).

2026 NOTE: Reference to Asan replaced with Assan-Ma'ina pursuant to 1 GCA § 403(n).

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§ 61206. Assan-Ma'ina Commercial Zone.

Lots Nos. 235-REM-3-1 and 235-REM-3-2 in Assan-Ma'ina in the municipality of Assan-Ma'ina are hereby rezoned to C, commercial.

SOURCE: GC § 17053.1 enacted by P.L. 12-111:1 (Mar. 15, 1974).

2026 NOTE: Reference to Asan replaced with Assan-Ma'ina pursuant to 1 GCA § 403(n).

§ 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 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.

SOURCE: GC § 17053.2 enacted by P.L. 12-160:1 (Aug. 26, 1974).

§ 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. 12-160:2 (Aug. 26, 1974). Amended by P.L. 34-161:2 (Dec. 28, 2018).

2019 NOTE: Pursuant to P.L. 34-161:3 (Dec. 28, 2018), the "legislative rezoning is voluntary and not mandatory; and affirmative action needs to be taken to complete the rezoning." P.L. 34-161 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 R2 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 two hundred (200) feet from the edge of the right of way along Route 6, is hereby established as R2 zone property. The Department of Land Management is hereby directed to amend its zoning maps accordingly.

SOURCE: GC § 17053.4 enacted by P.L. 12-160:3 (Aug. 26, 1974).

§ 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 zoned H Resort-Hotel Zone pursuant to the provisions of this Act.

SOURCE: GC § 17111 enacted by P.L. 14-041:2 (June 28, 1977), amended by P.L. 14-082:7 (Dec. 8, 1977).

§ 61211. Artero Urunao Property Zoned 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

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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 (Jan. 2, 1987).

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

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

(b) The Director of the Department of Land Management, as the Executive Secretary of the Guam Land Use Commission, shall, within forty-eight (48) hours of the effective date of this Act, send each landowner affected herein with a written notice concerning the provisions of this Section of this Act.

SOURCE: Added as uncodified law by P.L. 14-041:3 (June 28, 1977); codified and titled by the Compiler.

2025 NOTE: Past publications of the GCA contained references to "this Law" rather than the term "this Act" as enacted by P.L. 14-041; however, future publications will use the term originally enacted. References to "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

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

§ 61213. Interim Regulations to Enforce H Zone.

The Guam 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 Guam Land Use Commission.

SOURCE: Added as uncodified law by P.L. 14-082:8 (Dec. 8, 1977); codified and titled by the Compiler.

2025 NOTE: References to "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

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

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(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 (May 22, 2000). 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.

(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. 27-024:3 (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.

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SOURCE: Added as uncodified law by P.L. 27-062:2 (Feb. 6, 2004). Codified by Compiler.

§ 61217. Federal Excess Land Zoning.

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 Hagåtña 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 Hagåtña 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 Hagåtña 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).

(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.

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(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 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).

2025 NOTE: References to Agaña replaced with Hagåtña pursuant to 1 GCA § 403(b).

§ 61219. Rezoning of Lot Naval Air Station Hagåtña 17 (EDC Parcel 1) and Lot Naval Air Station Hagåtña 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	2160	2173	2180	5193
2157-1	2161	2174	2181	5193-3
2158	2162	2175	2181-A	5199
2159	2163	2176	2182	5199-1
	2164	2176A-1	2191-1	5200
	2165	2177	2276	5201-1
	2167	2178	2277	5202-1
	2169	2179	2278	

(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 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.

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(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 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.

2025 NOTE: Reference to Agaña replaced with Hagåtña pursuant to 1 GCA § 403(b).

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

ARTICLE 2A
AFFORDABLE HOUSING STREAMLINE ZONING ACT OF 2025

SOURCE: Entire Article added by P.L. 38-074:2 (Oct. 17, 2025).

§ 612A01. Short Title.
§ 612A02. Definitions.
§ 612A03. Streamlined Zoning Process.
§ 612A04. Zoning Conversion. Compliance and Enforcement.
§ 612A05. Application Requirements.
§ 612A06. Reporting and Oversight.
§ 612A07. Streamlined Public Hearing and Mayor's Planning Council (MPC) Review Process for Affordable Housing Projects.

§ 612A01. Short Title.

This Act may be cited as the "Affordable Housing Streamline Zoning Act of 2025."

§ 612A02. Definitions.

For the purposes of this Act:

(a) "Department" means the Department of Land Management (DLM) of Guam.

(b) "Affordable housing" means housing units designated for families earning between 30% and 150% of the Area Median Income of Guam.

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(c) "Land Use Restriction Agreement (LURA)" means a deed restriction that ensures that the property remains designated for affordable housing, and meets U.S. Department of Housing and Urban Development (HUD) 30% and 150% of the Area Median Income as per HUD Designated High-Cost Living Area. A LURA executed under this Act shall require the affordability designation to remain in effect for a period of thirty (30) years from the date of issuance of the certificate of occupancy, in compliance with Federal Housing Administration (FHA) lender underwriting requirements."

§ 612A03. Streamlined Zoning Process.

(a) For the purposes of this Act, only those developments planned for affordable housing and/or housing units with Land Use Restriction Agreements (LURA), as defined by this Act, shall avail of the Streamlined Zoning Process as provided in this Act.

(b) The Bureau of Statistics and Plans (BSP), as Guam's designated land use planning agency, shall issue planning guidelines and long-range zoning policies. BSP shall transmit any position statements for applications submitted under this Act to the Department of Land Management (DLM) within thirty (30) calendar days of receipt. If BSP determines that a specific rezoning application requires additional technical analysis or review time due to staffing limitations or the complexity of the proposed development, BSP may request a conditional extension of no more than thirty (30) additional calendar days. Such request shall be submitted in writing to DLM and copied to the applicant, stating the justification for the extension. To support the effective implementation of this Act and ensure timely processing of applications under the streamlined zoning process, appropriations may be made to BSP for the recruitment and hiring of qualified planning personnel or consultants, as well as for the acquisition, maintenance, and enhancement of Geographic Information System (GIS) resources and other technical infrastructure necessary to support land use analysis and zoning reviews. All other zoning applications outside this Act shall remain subject to BSP's standard review timelines.

(c) The Guam Land Use Commission (GLUC), composed of members appointed by I Maga'håga/Maga'låhi and confirmed by I Liheslaturan Guåhan, shall be the approving authority for zone designations under this Act. The GLUC shall consider recommendations and advisory input provided by the Application Review Committee (ARC) in its deliberations. DLM shall serve as the implementing agency.

(1) Upon submission of a complete rezoning application under this Act, DLM shall facilitate the review and forward the application, along with the Mayor's resolution, to GLUC for a preliminary zoning determination. This zoning decision shall serve as a conditional zoning approval, limited to rezoning purposes only.

(2) Final approval of the proposed development, including site plans, permits, and use compliance, shall occur separately via the Application Review Committee (ARC) and GLUC, in accordance with standard processes and procedures.

(3) GLUC shall have the authority to designate zones specifically for:

(A) Single Family Dwellings (R1).

(B) Multi Family Dwellings (R2) targeting low to moderate-income communities.

(C) Zoning Conversion to R2. Zones defined as "A" [Agricultural], "R1" [Single-Family Residential], "C" [Commercial], "H" (Hotel), or Planned Unit Development may be converted to "R2" [Multi-Family Residential] zoning, provided the conversion complies with all applicable regulations and standards set forth for R2 zones, including but not limited to - density, building height, setback requirements, and parking. Building height for R2 conversions shall be subject to the maximum height limitations provided in § 61401, Article 4, Chapter 61, Title 21, Guam Code

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Annotated. In areas outside the Hagåtña Central Business District, building height shall not exceed thirty (30) feet unless a variance is granted by the Guam Land Use Commission (GLUC).

(4) Zoning Conversion to R1. Zones defined as A (Agricultural) may be converted to R1 (Single-Family Residential) zoning, provided the conversion complies with all applicable regulations and standards set forth for R1 zones, including but not limited to - density, building height, setback requirements, and parking.

§ 612A04. Zoning Conversion. Compliance and Enforcement.

(a) Any development undergoing zoning conversion under § 612A03(b)(3) and § 612A03(b)(4) shall adhere to all current environmental regulations, building codes, and urban planning guidelines.

(b) The Department of Land Management (DLM) shall oversee the enforcement of zoning conversions to ensure compliance with all stipulated conditions and standards.

(c) Violations of zoning conversion regulations may result in penalties, including fines and revocation of conversion approvals.

(d) Applications for such zoning designations shall be expedited, and the Department must approve or deny an application within thirty (30) days of submission.

(e) A Land Use Restriction Agreement (LURA) executed pursuant to this Act shall require the property to remain restricted for affordable housing for a period of thirty (30) years from the date of certificate of occupancy. The agreement shall be recorded with the Department of Land Management (DLM) and shall include provisions for monitoring, enforcement, and penalties for early termination or non-compliance.

(f) Developments located over the Northern Guam Lens Aquifer (NGLA) or within designated water resource protection areas shall be required to connect to an existing municipal sewer system, if available.

(1) Where municipal sewer infrastructure is not available:

(A) Only single-family detached dwellings shall be permitted to install advanced nitrogen-reducing on-site wastewater disposal systems, provided such systems are approved by the Guam Environmental Protection Agency (GEPA), are located outside the Groundwater Protection Zone (GPZ), and meet all applicable siting, setback, and performance standards; and

(B) Multi-family housing projects, apartment buildings, and subdivisions shall be prohibited from using nitrogen-reducing on-site wastewater disposal systems within the NGLA or designated groundwater protection zones. These developments shall be required to connect to a public sewer system or otherwise demonstrate compliance with all GEPA requirements for wastewater infrastructure in sensitive recharge areas.

(2) The Department of Land Management (DLM), in coordination with GEPA, shall promulgate rules and enforcement schedules to ensure ongoing maintenance and compliance of said systems, including mandatory biennial inspections. Funding mechanisms may be identified by DLM for enforcement personnel to fulfill this mandate.

(3) All provisions of this subsection shall be subject to the land use management policy set forth in § 5101(c)(1)(B) of Chapter 5 GAR, the Guam Environmental Protection Agency Water Quality Standards, which states that high-density residential development - defined as more than one (1) dwelling per one-half (½) acre should not occur within the Groundwater Protection Zone unless adequate public sewer service is available.

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§ 612A05. Application Requirements.

(a) All proposed developments under this Act must comply with relevant permitting requirements administered by the Application Review Committee (ARC) and the Guam Land Use Commission (GLUC) prior to issuance of final development approvals.

(b) Developers must obtain a resolution from the Mayor of the impacted municipality confirming that community engagement has occurred. The Mayor may convene a single Municipal Planning Council (MPC) meeting, held on the same day as the Department of Land Management's municipal public hearing, for the purposes of soliciting community input and adopting a resolution of support.

(c) The Mayor's resolution, reflecting MPC participation, shall be transmitted to DLM and appended to the application file. The Mayor and MPC may submit additional comments to the GLUC during final ARC and GLUC review proceedings. This process shall not preclude additional community engagement during the subsequent GLUC approval stages.

§ 612A06. Reporting and Oversight.

(a) The Department shall report annually to I Liheslatura on the number of applications received, approved, and the status of developments under this Act.

(b) This report shall include an assessment of the effectiveness of the streamlined process in addressing the housing shortage.

2026 NOTE: Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

§ 612A07. Streamlined Public Hearing and Mayor's Planning Council (MPC) Review Process for Affordable Housing Projects.

(a) The Mayor of the impacted municipality may convene a single MPC public hearing held concurrently with or immediately following the Department of Land Management's (DLM) municipal public hearing for the rezoning application. This joint public hearing shall fulfill the statutory public notice and community input requirements set forth in § 61106 of Title 21 GCA.

(b) Following the hearing, the Mayor shall issue a resolution confirming the MPC's recommendation and certifying that community engagement has occurred. This resolution shall be submitted to DLM no later than seven (7) calendar days after the hearing.

(c) The resolution shall address zoning designation only. The Mayor and MPC shall retain the right to submit additional feedback during subsequent ARC and GLUC proceedings regarding the final development application.

(d) The provisions of this section shall apply exclusively to zoning conversion or conditional use applications submitted under this Act for affordable or mixed-income housing developments serving households earning between 30% and 150% of Guam's AMI.

(e) The Department of Land Management shall adopt procedural guidelines within forty-five (45) calendar days of enactment of this Act to ensure compliance with the expedited zoning process, and shall ensure that all zoning determinations are issued within ninety (90) calendar days of receipt of a complete application.

ARTICLE 3
USE REGULATIONS

§ 61301. Conformance of Uses to Zone Regulations.

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§ 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. "PF" Public Facility.

§ 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. Copies of the decision by the Commission shall be filed with the Department of Land Management's Office of the Registrar and in the records of the Department of Public Works. All terms and conditions imposed by the Commission upon approval of a conditional use permit shall be covenants that run with the land in perpetuity for that specific conditional use. Maintenance of terms and conditions imposed by the permit shall be the responsibility of the property owner. The Guam Land Use Commission is authorized to revoke approval of a conditional use permit for any failure to comply with the terms and conditions of the conditional use. The Director of Land Management shall withhold approval or endorsement of any building permit, certificate of occupancy, or license for use of said property for any failure to comply with the terms and conditions of the conditional use as set forth by the Commission in approving the conditional use permit.

(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) [No text]

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(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:

(A) a Statement of Public Notice that an application for conditional use has been filed with the Guam 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 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)

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(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: GC § 17102. Subsections a-c repealed and reenacted by P.L. 21-014:11(a) (Apr. 20, 1991). Subsection (d) added by P.L. 29-002:V:III:7 (May 18, 2007). Subsection (a) amended by P.L. 36-007:2 (Mar. 5, 2021).

2025 NOTE: The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered. Reference to "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

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.

(3) Cockpits.

(4) Uses customarily accessory to any of the above uses including accessory dwelling units, 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.

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(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 as repealed and reenacted by P.L. 21-072:23 (Nov. 27, 1991). Subsection (b) amended by P.L. 33-165:7 (June 30, 2016). Subsection (a)(4) amended by P.L. 38-007:3 (April 12, 2025).

§ 61305. "R1" One-Family Dwelling Zone.

(a) Use Permitted.

(1) One-family dwellings.

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

(3) Bed and breakfasts.

(4) Use customarily accessory to any of the above uses, including accessory dwelling units, 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. Renamed and subsection (a) amended by P.L. 32-045:2 (July 5, 2013). Subsection (b) amended by P.L. 33-165:8 (June 30, 2016). Subsection (a)(4) amended by P.L. 38-007:4 (April 12, 2025).

§ 61306. "R2" Multiple Dwelling Zone.

(a) Use Permitted.

(1) One-family dwellings.

(2) Duplexes.

(3) Multi-family dwellings.

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(4) Hotels, private groups, and institutions.

(5) Bed and breakfasts.

(6) Accessory uses and structures for the above.

(7) Accessory dwelling units.

(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); P.L. 38-007:5 (Apr. 12, 2025).

§ 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.

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(1) Hospital and clinics.

(2) Public utility and other public buildings.

(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.

SOURCE: GC § 17107.

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

§ 61309. "M1" Light Industrial Zone.

(a) Use Permitted.

(1) Any use permitted with or without condition in the commercial zone.

(2) The manufacturing, compounding, processing or treating of such products as drugs, cosmetics, and food products (not including fish and meat products nor the rendering of fats and oils).

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(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 Com missions, 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.

(13) Temporary Workforce Housing, subject to the following:

(A) Must conform to 10 GCA § 26A101(b).

(B) Must be served by an adequate sanitary sewer system.

(C) Must meet minimum fire flow standards (e.g., 6-inch water line).

(D) Must comply with all health and safety regulations, including OSHA.

(E) Must include a perimeter fence (minimum 6 feet, chain link quality) and landscaping plan.

(F) Must include a development plan detailing sleeping quarters, sanitation, food services, security, medical care, transportation, and recreation.

(b) Conditional Use.

(1) Other industrial uses not objectionable, obnoxious or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, flashing lights, or water-carried waste.

(2) Utilities and public facilities.

(3) Accessory uses and buildings for the above.

SOURCE: GC § 17108. Subsection (c) added by P.L. 31-072:2 (May 25, 2011). Subsection (c)(4)(C) added by P.L. 36-002:2 (Mar. 2, 2021). Subsection (a)(13) added, (c) implicitly repealed by P.L. 38-103:2 (Feb. 11, 2026).

2026 NOTE: P.L. 38-103:2 (Feb. 11, 2026) amended this provision by adding new language to subsection (a)(10) and renumbering the subsections to (a)(11)-(13). Pursuant to the authority of 1 GCA § 1606, the new language was renumbered as (a)(13). P.L. 38-103:2 also implicitly repealed subsection (c), "Policy for Workforce Housing Facilities for Temporary Workers."

2025 NOTE: The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered.

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:

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["(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.

(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 objection able, 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.

(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.

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(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. 14-041:1 (June 28, 1977).

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

§ 61312. "S-1" School Zone.

Use permitted:

(a) public schools and school related facilities.

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

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

§ 61313. "PF" Public Facility.

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), title modified for consistency.

2017 NOTE: Subsection designations deleted/altered 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 Hagåtña 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. 21-014:21 (April 20, 1991).

2025 NOTE: Reference to Agana replaced with Hagåtña pursuant to 1 GCA § 403(b).

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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
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.

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(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.

(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).

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.

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(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 I Liheslatura, 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. 10-005:2 (Feb. 3, 1969).

2025 NOTE: Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

§ 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 unreasonable or impractical to locate a building on the lot and provide a front yard.

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

(c) Cornices, eves, belt courses, sills, canopies or other similar architectural features, may project into a required side yard not more than two 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 four (4) feet, and such balconies may project into a required front yard not more than six (6) feet.

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

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

(g) In computing the lot area of a lot which abuts upon an alley one-half (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

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power, including for standby 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.

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); P.L. 17-025:III:4 (Oct. 6, 1983); P.L. 18-032:10 (Apr. 24, 1986); and 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) I Liheslatura finds that the indiscriminate building of structures on the beaches of Guam creates a menace to the well-being of the people of Guam by increasing the pollution of tidal waters, that such construction, in addition, deprives the people of Guam of their right to the untrammeled use of beach areas beyond the high water mark, and finally, that such construction destroys the natural beauty of Guam's beaches, one of Guam'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

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beaches of Guam to the maximum extent not incompatible with private ownership of the lands adjoining said beaches.

(b) Along any beach in Guam, no building may be constructed within thirty-five feet (35') of the mean high 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. 12-019:3 (April 24, 1973).

2025 NOTE: Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101. Reference to the "territory" omitted or replaced with "Guam" pursuant to 1 GCA § 420.

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 (½) 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

(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: Entire subarticle added by P.L. 28-068:IV:76:b (Sept. 30, 2005).

§ 61515. Title.
§ 61516. Purpose.
§ 61517. Family Home Occupation Requirements.
§ 61517.1. Exceptions Where Not Allowed.

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§ 61517.2. Community Property Regime Restrictions.
§ 61517.3. Community Regime May Establish Standards.
§ 61518. Saving Clause.

§ 61515. Title.

This subdivision of the "Zoning Law of Guam" shall be known and may be cited as the "Family Home Occupation Act."

2025 NOTE: Reference to the "Territory" omitted pursuant to 1 GCA § 420.

§ 61516. Purpose.

The purpose of this subdivision of the "Zoning Law 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.

2025 NOTE: Reference to the "Territory" omitted pursuant to 1 GCA § 420.

§ 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:

(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.

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.

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§ 61517.2. Community Property Regime Restrictions.

(a) A Community Property Regime (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

§ 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

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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 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 (Aug. 26, 1974).

§ 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: Added as uncodified law by P.L. 12-160:8 (Aug. 26, 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 nonconforming 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. 1-088: (Nov. 29, 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.

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.

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

(a) Any building or structure constructed on a Single Family (R1) 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 P.L. 24-051.

SOURCE: Added by P.L. 27-091:3 (May 6, 2004).

SUBARTICLE 4
AUTOMOBILE PARKING AND LOADING SPACE REGULATIONS

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

(o) Notwithstanding any other provision of law, the Department of Public Works shall on a case-by-case basis, in permitting the occupancy for structures to be used exclusively as homeless shelters, determine the minimum number of parking spaces for said homeless shelters, however, the minimum number of spaces for persons with disabilities as required by Public Law, shall not be diminished.

SOURCE: GC § 17350 as amended by P.L. 11-060:1, P.L. 12-142:1 (May 31, 1974); P.L. 12-163:2 (Sept. 6, 1974). Subsection (g) amended by P.L. 12-177:3 (Oct. 7, 1974). Subsections (m), (n) added by P.L. 30-186:2 (Aug. 28, 2010). Subsection (o) added by P.L. 38-138:1 (Sept. 1, 2026).

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.

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 (Sept. 20, 1991). Amended by P.L. 22-123:3 (May 9, 1994).

§ 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.

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

SOURCE: GC § 17351 as amended by P.L. 12-142:2 (May 31, 1974); subsection (d) of § 61532 is amended by P.L. 21-049:2 (Sept. 20, 1991). Subsection (d) amended by P.L. 22-123:4 (May 9, 1994).

§ 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. 12-142:3 (May 31, 1974).

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.
§ 61547. Regulation of Digital Signs.

§ 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,

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painted or wooden sign of any character placed for outdoor advertising or identification purposes, on or to the ground or any tree, wall, bush, rock, fence, building, structure or thing, either privately or publicly owned, shall be placed or maintained on property adjacent to any highway, road , street, boulevard, lane, court, place, summons, trail, way, or other right of way or easement used for or laid out and intended for 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

(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:

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(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

(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.

(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.

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(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

(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.

(f) In the Tumon Bay H Resort-Hotel Zone, signs shall comply with §§ 61541(b)(2)-(3), 61543, and 61544 of this Subarticle. No exterior signs shall be erected, displayed or maintained, except for signs indicating the name of a person, the type of business occupying the premises, or the name of the building, or signs displaying messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed, and for public service announcements; provided, that:

(1) Signs shall be placed along on the building wall or behind a window or clear covering on the building wall, shall not be higher than the roof line of the building, and shall protrude no farther than eighteen (18) inches from the wall to which they are attached.

(2) Except for electronic or other signs authorized by a Guam Land Use Commission variance prior to the enactment of this Act, individual signs shall not cover an area in excess of ten percent (10%) of the surface of the wall to which they are attached.

(3) Violations. Any person in violation of Subsections 61541(f)-(f)(2) of Chapter 61, Title 21, Guam Code Annotated, shall pay a civil penalty not to exceed One Thousand Dollars ($1,000) for each violation. If violation(s) are not corrected within ten (10) business days of receipt of a Notice of Violation from the Department of Public Works, such person shall be subject to an additional late action civil penalty not to exceed Three Hundred Dollars ($300) per day for each remaining violation. Failure to pay penalties and to rectify the violations may result in the termination or non-renewal of the digital sign permit. The Director of Public Works shall have the authority to waive parts or all of the late action penalty should the violator demonstrate a good faith effort to address the violation in a timely manner; provided, that such waiver is limited to no more than thirty (30) calendar days. All penalties recovered in any such action shall be paid into the General Fund.

SOURCE: GC § 17400. Subsection (b)(2) repealed and reenacted by P.L. 15-140:13 (Sept. 5, 1980); subsection (b)(1)(C) amended by P.L. 16-077:1 (Mar. 31, 1982); Subsections (a)(5), (b)(3), (c)(3) added by P.L. 32-199:2-4 (Oct. 13, 2014). Subsections (a)(5), (b)(3), and (c)(3) amended by P.L. 34-067:1-3 (Nov. 11, 2017); subsection (e) added by P.L. 34-067:5. Subsection (f) added by P.L. 35-052:2 (Nov. 27, 2019).

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.

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§ 61542. Regulation of Political Signs.

[Repealed.]

SOURCE: GC § 17400.1 added by P.L. 18-040:36 (Nov. 6, 1986). Repealed and reenacted by P.L. 24-055:2 (June 25, 1997). 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.
>
> (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 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.

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(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.

(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 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.

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§ 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).

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.

(a) Any person or business who violates any provision of § 61541 or § 61544 of this Chapter shall pay a civil penalty not to exceed One Thousand Dollars ($1,000) for each violation occurring in Residential and Agricultural zones; and a civil penalty of One Thousand Dollars ($1,000) for each violation occurring in Commercial and Industrial zones.

(1) If a violation is not rectified within ten (10) business days of receipt of a Notice of Violation from the Department of Public Works, any person or business in violation of §§ 61541 or 61544 of this Chapter shall be subject to a late action civil penalty not to exceed Three Hundred Dollars ($300) per day for each remaining violation.

(2) Failure to pay penalties and to rectify the violations may result in the termination or non-renewal of the sign permit. Multiple successive violations may be reported by the Department of Public Works to the Department of Revenue and Taxation to rescind or suspend the Department of Public Work's clearance for the sign-owner's business license.

(3) The Director of Public Works shall have the authority to waive parts or all of the late action penalty should the violator demonstrate a good faith effort to address the violation in a timely manner; provided, that such waiver is limited to no more than thirty (30) calendar days.

(4) Actions to recover the penalty provided for in this Section shall be brought by the Attorney General of Guam and may be at the request of any person in Guam. All penalties recovered in any such action shall be paid into the Public Signage Enforcement Fund.

(b) There is created the "Public Signage Enforcement Fund" (Fund). The Fund shall not be commingled with any other fund of the government of Guam or instrumentality of the government of Guam. Expenditures from the Fund are subject to appropriation by I Liheslaturan Guåhan and shall be used solely for the enforcement of this Subarticle.

(c) The Building Official shall implement a penalty schedule on a scale commensurate with the seriousness of the sign violation. Such penalty schedule shall be subject to the Administrative Adjudication Law (5 GCA Chapter 9).

(d) Any person or business, within ten (10) working days of receipt of a Notice of Violation, may file an appeal of the finding(s) of a violation. The Guam Land Use Commission shall hear and decide appeals relative to any penalty imposed pursuant to this Section. The payment of any penalty shall be stayed during appeals. The Guam Land Use Commission shall promulgate rules and regulations, in compliance with the

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Administrative Adjudication Law (5 GCA Chapter 9), to implement the appeals process relative to this Section within ninety (90) days of the enactment of this Act.

SOURCE: GC § 17402.1 enacted by P.L. 15-100:2 (Feb. 1, 1980). Amended by P.L. 35-070:1 (Feb. 13, 2020).

2020 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

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.

§ 61547. Regulation of Digital Signs.

(a) Definitions.

(1) "Animated sign" means a sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Section, include the following types:

(A) environmentally activated animated signs or devices are motivated by wind, thermal changes, or other natural environmental input, such as spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation;

(B) mechanically activated animated signs are characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means;

(C) electrically activated animated signs produce the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one (1) or both of the classifications noted below:

(i) flashing - animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. A cyclical period between on-off phases of illumination exceeding four (4) seconds shall not constitute flashing;

(ii) patterned illusionary movement - animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

(2) "Changeable sign" means a sign with the capability of content change by means of manual or remote input, including the following types:

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(A) manually activated - changeable sign whose message copy or content can be changed manually on a display surface;

(B) electrically activated - changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display.

(3) "Digital sign" means an on-premise electrically activated animated sign, changeable sign, illuminated sign, or Electronic Message Center sign located in the *Tumon Bay* H Resort-Hotel Zone. Digital signs are not environmentally or mechanically activated flashing animated signs or devices.

(4) "Electronic Message Center (EMC) sign" means an electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. EMCs typically use light emitting diodes (LEDs) as a lighting source. Terms principally associated with an EMC are:

(A) display time - the amount of time a message and/or graphic is displayed.

(B) dissolve - a mode of message transition accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

(C) fade - a mode of message transition accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(D) dynamic frame effect - a frame effect in which the illusion of motion and/or animation is used.

(E) frame - a complete, static display screen.

(F) frame Effect - a visual effect applied to a single frame.

(G) scroll - a mode of message transition in which the message appears to move vertically across the display surface.

(H) transition - a visual effect used to change from one message to another.

(I) travel - a mode of message transition in which the message appears to move horizontally across the display surface.

(5) "Illuminance" means the amount of light falling upon a real or imaginary surface, commonly "light level" or "illumination," measured in foot candles (lumens/square foot) in the English System, and lux (lumens/square meter) in the SI (metric) system.

(6) "Luminance" means the light that is emitted by or reflected from a surface, measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units).

(7) "Multiple-faced sign" means a sign containing two (2) or more faces.

(8) "Off-premise business information" means commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

(9) "On-premise sign" means a sign erected, maintained or used in the outdoor environment, or visible from the outside environment, for the purpose of the display of messages appurtenant to the

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use of, products sold on, or the sale or lease of, the property on which it is displayed, and for public service announcements. For purposes of this Subsection, public service announcements are limited to factual information about public health and public safety as determined by the Department of Public Health and Social Services, the Guam Police Department, or the Office of Civil Defense.

(10) "Sign" means a device visible from a public place, whose essential purpose and design are to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

(11) "Sign copy" means the physical sign message, including any words, letters, numbers, pictures, and symbols.

(12) "Sign face" means the surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

(A) In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

(B) In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

(C) In the case of sign copy enclosed within a painted or illuminated border or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

(b) Restrictions.

(1) Digital signs are authorized only in the Tumon Bay H Resort-Hotel Zone, and shall be subject to the provisions set forth in this Section.

(2) The Department of Public Works shall promulgate rules and regulations for digital sign permits in the Tumon Bay H Resort-Hotel Zone.

(3) Digital signs, as identified in this Section, shall be subject to the Department of Public Works digital sign permit process and may be erected and operated only after a building permit and an occupancy permit are issued.

(4) It shall be unlawful to display off-premise business information on a digital sign.

(5) It shall be unlawful to erect a flashing digital sign.

(6) Digital signs shall be properly maintained. The Building Official of the Department of Public Works shall issue a Notice of Violation to the permittee for any digital sign that is damaged or non-functional. The permittee shall make necessary repairs within ninety (90) days of notice.

(7) Digital signs shall be placed along on the building wall or behind a window or clear covering on the building wall, shall not be higher than the roof line of the building, and shall protrude no farther than eighteen (18) inches from the wall to which they are attached.

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(8) A digital sign authorized under this Section shall only be placed on any building wall along Pale San Vitores Road or Gun Beach Road that faces the road. Such digital sign shall not illuminate or shed light onto the beach or ocean.

(9) Any permitted digital sign under this Section may be illuminated at night.

(10) On-premise digital signs do not constitute a form of outdoor lighting at night and are exempt from any other outdoor lighting regulations that the Department of Public Works has adopted.

(11) Digital signs that are illuminated at night may not exceed a maximum luminance level of seventy (70) foot candles, regardless of the method of illumination.

(12) Digital signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaries that are fully shielded.

(13) All illuminated digital signs must comply with the maximum luminance level of sixty-five (65) foot candles at least one-half (½) hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce, for the specific geographic location and date. All illuminated digital signs must comply with this maximum luminance level throughout the night, if the digital sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the digital sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

(14) A digital sign shall not have a sign face exceeding twenty percent (20%) of the allowable signage area on the façade of the building, as prescribed by law or by a variance from the Guam Land Use Commission, except that in no case shall digital signage area exceed two (2) signs of one hundred sixty-five (165) square feet each.

(15) Digital sign emissions are prohibited. No digital sign which emits smoke, flames, visible vapors, particles, sound, or odor shall be permitted.

(16) Digital signs are prohibited from promoting obscene material, as defined in 9 GCA § 28.90.

(17) The Department of Public Works shall promulgate a fee schedule for digital sign permits based on its size.

(c) Statutory Interpretation. A digital sign shall be considered and deemed prohibited if it is not explicitly allowed in this Section.

(d) The Guam Land Use Commission shall not grant a variance for electronic signs that exceed the size limits and the lumens in this Act, and shall not allow for audible digital signs.

SOURCE: Added by P.L. 35-052:2 (Nov. 27, 2019). Subsection (d) added as uncodified law by P.L. 35-052:4 (Nov. 27, 2019), and codified by the Compiler.

SUBARTICLE 6
JUNK YARDS

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

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§ 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 Guam Land Use Commission. Junk yards which are established on the effective date of this Subarticle shall be governed by the provisions of § 61566.

2025 NOTE: Reference to "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

§ 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 Guam 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.

(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).

2025 NOTE: Reference to "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

§ 61564. Hearing Required.

Within one month of the first regularly scheduled Guam Land Use Commission meeting after receipt of an application, the Guam Land Use Commission shall hold a public hearing on the proposed junk yard. The Guam 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 Guam at least ten (10) days prior to the hearing.

2025 NOTE: References to the "territory" and "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

§ 61565. Permit Issued or Denied.

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

2025 NOTE: References to "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

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§ 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) 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 and Reviews
Subarticle 3 Changes of Zones
Subarticle 4 Recording - Submission to I Liheslatura
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.

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

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Official may delegate the authority to issue permits outside of the organized villages to the mayors referred to in Title 5, Chapter 40 of this Code.

SOURCE: GC § 17451

2025 NOTE: The former Compiler recognized an error in GC § 17451, the source of this provision, which referred to the commissioners "in Title XXVI of this Code" (Alcohol Beverage Control). The Compiler noted the that the correct reference was to "Title XVI" (Commissioners of Guam). Consequently, future publications will refer to "mayors" rather than "commissioners" pursuant to P.L. 20-033:1 (Sept. 6, 1989), and the current codification in Title 5, Chapter 40.

§ 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.

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 (Nov. 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).

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§ 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 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 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

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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 Guam Land Use Commission.
§ 61621. Decision Final - Appeal.
§ 61622. Jurisdiction.
§ 61623. Review by Municipal Planning Council.
§ 61624. No Use of Parks.

§ 61615. Appeals Involving Administration Enforcement.

The Guam 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) [No text]

(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 Guam 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) (Nov. 27, 1991).

2025 NOTE: The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered. Reference to "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

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 Guam 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:

(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;

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(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.

(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 parceling of the lot and that the parceled out lot be served by water and power and a public road.

(l) [No text]

(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.

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

(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. 10-173:1 (Aug. 15, 1970) as (j) and renumbered by the Ed., GC (1974 Supp.) Subsection (l) added by P.L. 27-091:2 (May 6, 2004).

2025 NOTE: The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered. Reference to "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

2017 NOTE: Subsection 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;

(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 I Liheslatura;

(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 untrammeled 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.

2025 NOTE: Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

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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 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) [No text]

(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 (Aug. 22, 1990). Amended by P.L. 30-173:1 (July 16, 2010).

2025 NOTE: The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered.

2017 NOTE: Subsection/subitem designations added/altered 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 Guam 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

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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 Land Management's Office of the Registrar and 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. The Director of Land Management shall withhold approval of or endorsement for the issuance of a building permit, certificate of occupancy, or license for any failure to conform to the terms and conditions of the variance as set by the Guam Land Use Commission in granting the variance.

SOURCE: GC § 17505. Amended and renamed by P.L. 36-007:3 (Mar. 5, 2021).

2021 NOTE: This provision was originally named "Decision by Territorial Land Use Commission."

§ 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.

§ 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. 12-085:55 (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.

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§ 61624. No Use of Parks.

The government of Guam shall not, in considering proposed variances, allow any part of the Guam 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.

2025 NOTE: Reference to "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

SUBARTICLE 3
CHANGES OF ZONES

§ 61630. Requirements for Changes.
§ 61631. Procedure.
§ 61632. Application - Form and Contents.
§ 61633. Hearing Date - Notice.
§ 61634. Decision by Guam Land Use 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 I Maga'håga/Maga'låhi, change the zones established under this Chapter whenever it finds that the public necessity, convenience and general welfare justify such action.

SOURCE: GC § 17600.

2025 NOTE: Reference to the "Governor" replaced with I Maga'håga/Maga'låhi pursuant to 5 GCA § 1510.

§ 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 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

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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) [No text]

(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.

SOURCE: GC § 17603 as amended by P.L. 10-158:1 (July 3, 1970). Amended by P.L. 30-173:2 (July 16, 2010).

2025 NOTE: The Compiler has added "no text" to indicate a change in formatting only; the content of the provision has not been altered.

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

§ 61634. Decision by Guam Land Use Commission.

(a) 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 I Maga'håga/Maga'låhi who may approve or disapprove the proposed change in whole or in part.

(b) Copies of the decision adopted by the Commission and approved by I Maga'håga/Maga'låhi shall be filed in the records of the Department of Land Management's Office of the Registrar and in the records of the Department of Public Works. Terms and conditions or covenants imposed by the Commission and I Maga'håga/Maga'låhi upon approval of a change of zone shall be covenants that run with the land in perpetuity, whereupon the maintenance of special conditions imposed and compliance with such covenants shall be the responsibility of the property owner. The Director of Land Management shall withhold approval of or endorsement for the issuance of any building permit, certificate of occupancy, or license for use of said property for any failure to conform to the terms and conditions of the change of zone as set by the Commission and I Maga'håga/Maga'låhi.

SOURCE: GC § 17604. Subsection (b) added by P.L. 36-007:4 (Mar. 5, 2021).

2025 NOTE: References to the "Governor" replaced with I Maga'håga/Maga'låhi pursuant to 5 GCA § 1510.

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2021 NOTE: This provision was originally named "Decision by Commission" and was renamed by P.L. 36-007:4 (Mar. 5, 2021).

§ 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 Guam Land Use Commission. The application shall be accompanied by the appropriate fee and the detailed plan, or revision thereof.

(b) The Guam 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 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 Guam.

(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 Guam 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 (July 18, 2003).

2025 NOTE: References to the "territory" and "Territorial" replaced with "Guam" pursuant to 1 GCA § 420.

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.

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§ 61637. Agricultural Impact Statement.

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. 12-208:3 (Jan. 23, 1975).

§ 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'håga/Maga'låhi for her/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 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 (R1) or Multi-Family Residential (R2); owners of single-family residentially-zoned property may apply to rezone their property to Multi-Family Residential (R2). 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 infrastructure 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 Guam Waterworks Authority, 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.

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(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 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 I Liheslatura 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 I Liheslatura 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 (R1) or Multi-Family Residential (R2) as the case may be, unless within forty-five (45) days of its submission to I Liheslatura, I Liheslatura, 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 I Liheslatura, I Liheslatura, 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).

2025 NOTE: Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101. Reference to "Public Utility Agency of Guam" was replaced with "Guam Waterworks Authority" pursuant to P.L. 23-119:3 (July 31, 1996).

§ 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 I LIHESLATURA

§ 61645. Recording.
§ 61646. Inspection.
§ 61647. Submission to I Liheslatura.
§ 61648. Failure to Submit.

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§ 61645. Recording.

Upon the approval of any zoning map or amendment thereto, a copy of the same together with any terms and conditions of said approval shall be recorded in the Department of Land Management's Office of the Registrar.

SOURCE: GC § 17625. Amended by P.L. 36-007:5 (Mar. 5, 2021).

§ 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 I Liheslatura.

The Zoning Map or any amendments thereto adopted by the Commission and approved by I Maga'håga/Maga'låhi shall be submitted to the next portion of the next regular session of I Liheslatura 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.

2025 NOTE: Reference to the "Governor" replaced with I Maga'håga/Maga'låhi pursuant to 5 GCA § 1510. Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

§ 61648. Failure to Submit.

The Zoning Map or any amendments thereto not submitted to I Liheslatura 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.

2025 NOTE: Reference to the "Legislature" replaced with I Liheslatura pursuant to 2 GCA § 1101.

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

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TYPE OF APPLICATION	AMOUNT
(6) Subdivision Variance	$50.00
(7) Tentative Development Plans	$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 Nonconforming	$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. 10-156:1 (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).

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. 13-187:125 (Sept. 2, 1976).

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